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THE CIVIL SERVICE DEPARTMENT IN JORDAN

1955 - 1965

By

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Isa Hanania

PREFACE

The purpose of this work is to give a clear idea of the history of the central personnel agency in Jordan, the Civil Service Department,¹ from its inception until the present time. It is an attempt to present a discussion of the Civil Service Department in operation, its contribution to, and effects on the Jordanian Administration.

The scope of this paper covers a description as well as an examination of the Civil Service Department, and a study of the nature and consequences of its administrative practices, revealing the political and socio-economic atmosphere within which these practices occur.

Chapter one is an introduction of the general background of Jordan. It is intended to provide sufficient background to facilitate the understanding of later material.

Chapter two is a discussion of why and how the Civil Service Department has been established. This will cover the process of growth of the role of the State and the consequential administrative problems.

Chapter three deals with the organizational structure and functions of the Civil Service Department. It covers a description of the objectives of the Department, its duties and

¹The shorter name, "CSD" is used in the footnotes.

responsibilities within the general organization for personnel administration in the Government

The fourth chapter is a discussion of the programs undertaken by the Civil Service Department. The reader will note the actual achievements of this organization, with emphasis on the general work areas it was supposed to perform.

The fifth chapter is devoted to a consideration of the Civil Service Department in operation and the difficulties encountered by it in fulfilling its role in the arena of administrative reform. The reader will obtain from this chapter and the chapters before the extent to which law and practice diverge and why.

Chapter six is a conclusion; it includes findings, remarks and suggestions.

In developing the material in the body of this paper, heavy reliance has been laid on the formal sources of the laws and regulations under which the Civil Service Department has been functioning.¹ An attempt was made to obtain all other available information on the subject matter. The annual reports of the Department, reports of U.N. advisors to the Government of Jordan, minutes of the meetings of the Parliament and other relative information in books and articles, all were consulted.

These formal sources had to be supplemented by interviews and actual observations. These latter sources have been very

¹Laws and regulations, annual reports of the CSD and minutes of the Parliamentary meetings are Arabic sources.

useful in gathering the facts about the Civil Service Department and in interpreting them.

There were some obstacles that hindered the fact-finding work. First was the sheer lack of pertinent data concerning the operation of the Civil Service Department. Second was the reluctance on the part of the officials to cooperate in providing confidential data and information. The officials of the Civil Service Department feel inconvenient to reveal what is really taking place in their Department. Add to this, the ill feeling on the part of the top management in the Civil Service Department to disclose the weaknesses of their Department in relation to the political authorities in the country.

Justification for the choice of this particular topic lies in the fact that it deals with currently live problems. Being a citizen of Jordan, I am, naturally, profoundly interested in the government of which I am a part.

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CHAPTER I

INTRODUCTION

1. General Background

Jordan became a unified Kingdom in 1948, when the Arab part of Palestine, over which the British mandate expired in 1948, was annexed to the former Kingdom of Transjordan, which was independent since 1946. For convenience, these two territories that comprise the Kingdom today are referred to as the West Bank and the East Bank subsequently. Prior to that period the whole area was under the Ottoman rule for four hundred years.

On April 25, 1920 the Principal Allied Powers allocated mandate over Palestine to Great Britain; and on July 22, 1922, the latter was formally confirmed as mandatory power by the Council of the League of Nations.

Transjordan was part of the British Palestine mandate under control of the High Commissioner for Palestine represented in Amman by a permanent Resident. The British were satisfied with keeping the area under their nominal control. That was due to the remoteness and under-development of the area, and the difficulty in imposing a direct rule on bedouins whom the Ottoman Authorities could not completely conquer during her long years of rule.¹

¹Munib al-Madi and Suleiman Musa, History of Jordan in the 20th Century (Amman, 1959), p. 263 (in Arabic).

The Resident supervised the Arab Administration there and assisted it through a body of British and Arab Palestinian advisors who were attached to the various Government departments.¹

In February 1928, an Anglo-Transjordanian agreement was signed in Jerusalem. It confirmed Britain's supreme authority in the area by virtue of the mandate and gave her special prerogatives in regard to Transjordan's legislation, foreign relations, financial and administrative matters, military affairs and the protection of foreigners and minorities.²

Thus, the administrative system found in Jordan today is a result of a multiple of factors. The Ottomans left their impact on administration where their legislations were applicable to the area. The mentality and attitude of the public servant survived.

The more recent influences included the British rule. In the year 1926, a civil service law was promulgated. This law was nothing more than an Arabic translation of the Draft Personnel Bill forwarded in that year by the British Resident to the Transjordan Government. It was similar to those laws in force in most British colonies.³

¹Ibid., pp. 266, 273-74. See also Benjamin Shwadran, Jordan: A State of Tension (New York: Council for Middle Eastern Affairs Press, 1959), pp. 165-186.

²Sir Reader Bullard (ed.), The Middle East: A Political and Economic Survey (3rd. ed., London: Oxford Univ. Press, 1961), p. 326. See also al-Madi, op. cit., p. 280.

³Interview with Mr. Kazim Al-Tamimi, Head of the Legislation and Research Division, CSD, April 7, 1964.

A central personnel function was known to Jordan. In the East Bank, there was established in 1926 a Central Officials' Selection Board. The Board was responsible to the Chief Minister for recommending appointments to all positions of Class II in the civil service. The heads of departments were responsible for forwarding recommendations to the Chief Minister for filling positions of Class I with the assent of H.H. the Amir.¹

In the West Bank, the Secretary General Department included a special personnel division. This division was responsible for appointing and promoting all Class II officials through a Central Selection Board in the General Secretariat. Promotions of all Class I officials were made by special central boards in the General Secretariat. Officials of Class I were appointed in a special way determined by the Mandatory Government then.² In 1947, the Government of Palestine established out of that personnel division a separate department under the administration of an independent Civil Service Director.³

But as the social, economic, political and educational conditions in the new emerging country were in a state of flux,

¹Government Personnel Regulations, Art 23, Transjordan Official Gazette, No. 146, December 30, 1926. (The classified positions were of two classes, Class I and Class II).

²CSD, The Annual Report (1955-56), p. 9.

³Ibid.

the Government became conscious of the need for changing the previous civil service regulations. The method of appointments adopted in the new regulation of 1949 was as follows:

1. Class I officials were appointed by a decision taken in the Council of Ministers based on the recommendation of the appropriate minister, and confirmed by a Royal Decree.
2. Class II officials were appointed by the appropriate Minister upon the recommendation of the Officials' Selection Board.
3. Unclassified employees were appointed by the appropriate minister upon the recommendation of the head of the department concerned.¹

The same regulation provided for the establishment of an Officials' Selection Board in each ministry, consisting of the head of the department and two senior officials of the Ministry appointed by the minister. Decisions of the Board had to be confirmed by the appropriate minister.² In other words, personnel administration was handled on an intraministerial basis.

¹Personnel Regulation No. 1 of 1949, Art. 13, Jordan Official Gazette, No. 994, August 27, 1949.

²Ibid., Art. 27.

2. Modern History of Jordan

During the last fifteen years, events have moved rapidly in Jordan. A war was fought with Israel. In 1949, Transjordan and Israel signed the armistice agreement. The remaining part of Palestine was annexed by King Abdullah to Transjordan. King Abdullah was assassinated on July 20, 1951; and consequently, his son, Talal, was proclaimed King of Jordan. King Talal was dethroned on August 11, 1952 after a nervous breakdown, and his son Hussein became the King.

A major problem that has faced King Hussein was the suspicion and distrust between the Palestinian Jordanians and the Transjordanians. Annexation of Palestine "condemned Jordan at once to political instability and economic stagnation."¹ The annexation has introduced profound changes in both the social structure and political life of Jordan. Palestinians were economically well-off and educationally, politically and administratively more experienced and sophisticated than the population of the East Bank. What primarily set the people of the West Bank apart from those of the East Bank were the different cultural and social experiences they underwent in the course of the three decades of British Mandate.²

¹Shwadran, op. cit., p. 200.

²Ibid. See also Bullard, op. cit., p. 336.

Under these circumstances, rivalries began to emerge. The Palestinians resented the power held in the government by the bedouin supporters of the Hashemite family. The feeling of resentment was nourished in the Transjordanians when they had to suffer competition from the Palestinians in posts and positions in all walks of life.¹

In a merit system of civil service based on open competitive examinations, the Palestinians were apt to win most of the vacancies. A United Nations public administration advisor, Mr. Pankhust, warned in 1953 against the application of competitive examination system in the special circumstances prevailing then in Jordan. He advocated that in applying a competitive examination system, vacancies should be filled from each Bank proportionally.² In this way, Mr. Pankhust thought that the competitive principle could still be maintained, though slightly restricted by geographical factors, and that the cause for bad feeling would be avoided.

¹Shwadran, op. cit., pp. 283-84.

²A.S. Pankhust, Problems of Administrative Organization in Jordan, A final report prepared by the UN. Technical Assistance Public Administration Expert for the Government of Jordan (New York: August 28, 1956), p. 16 (Typescript).

Therefore, the King's first task was to weld together more firmly the two Banks of his Kingdom. H.M. the King wrote: "We had, before anything else, to fuse the best brand of old and new Jordan, of East and West Banks."¹

Since 1953, King Hussein has to overcome many political hazards. The major political events during the last decade represented a struggle for control of power by conflicting interests sympathising with the Western bloc, President Nasser, the communist movement and other opposition political parties.

The year 1955 was an explosive year for H.M. the King. The Baghdad Pact was the cause of major political unrest. On February 26, 1956, H.M. the King dismissed without notice the Commander-in-Chief of the Arab Legion, Lt. Gen. John Bagot Glubb, and two other foreign colonels. The dismissal cheered anti-Western forces throughout the country.² On March 13, 1956, the treaty between Britain and Jordan was abrogated.

The relatively free elections of October 1956, in the sense that there was no alleged Government interference, resulted in an anti-Western Parliament and Cabinet. On December 16, 1957, Premier Suleiman Nabulsi advocated the establishment of military, economic and political relations between Jordan and one or more of the Arab states since the former cannot live by itself.³ On

¹King Hussein Ibn Talal, Uneasy Lies the Head (New York: Bernard Gies Associates, 1962), p. 276.

²Middle Eastern Affairs, Vol. 7, No. 4 (April, 1956), p. 164.

³Middle Eastern Affairs, Vol. 8, No. 2 (February 1957), p. 86.

April 4, 1957, he also declared in a radio broadcast that Jordan would accept Soviet aid, if offered, and that the Government rejected U.S. aid offers because they were aimed at cutting Jordan's ties with Egypt.¹

King Hussein became dissatisfied with the pro-Egyptian and pro-Soviet tendencies of his Premier. On April 10, 1957, the King requested the resignation of Nabulsi's Government. On April 14, 1957, clashes were reported between army units loyal to the King and pro-Egyptian units at the military base at Zarqa. Thereafter, martial law was imposed throughout the country, the Parliament was dissolved, the constitution was suspended, trade unions and employee associations were banned, political parties were dissolved and many, including civil servants and parliamentary deputies, were arrested.²

The Arab Federation between Iraq and Jordan, which was formed in 1958, collapsed in the same year. On May 23, 1959, Major General Sadek ash-Shara, Deputy Commander of the armed forces, was arrested on suspicion of having been involved in a plot against the safety of the State.³

¹Ibid., pp. 263-64.

²Ibid.

³Middle Eastern Affairs, Vol. 10, No. 6-7 (June-July 1959), p. 263.

In August 1960, the Jordanian Prime Minister Hazza' al-Majali and eleven other persons were killed by a bomb secreted in his office.¹ From time to time Jordan has been under cross-fire and campaigns of abuse directed at the King and his Government by neighboring Arab countries. The internal complications of the Jordanian political scene were aggravated by regional and international politics.²

King Hussein believed that "slowly but surely we are overcoming these difficulties, which have been due to a variety of reasons."³ The King has met with success to weld together the two limbs of his country so that they would truly be one people. He has also won notable diplomatic victories after surviving the internal violent political unrest during the last decade. The King has wide powers over the executive, legislative and judiciary branches of the government. He appoints the Prime Minister, and may dismiss individual ministers or the entire cabinet.⁴ He appoints the members of the House of Notables of the Legislature; the members of the House of Representatives are

¹Middle Eastern Affairs, Vol. 11, No. 9 (October 1960), p. 294.

²G.L. Harris, Jordan: Its People, Its Society, Its Culture (N.H. Harf Press, 1958), p. 71.

³H.M. King Hussein, op. cit., p. 93.

⁴Jordan, Constitution, Art. 35.

elected, but the King may dissolve it.¹ This privilege of dissolving the House of Representatives and the Cabinet has been exercised by the King on several occasions since 1955.

Jordan persisted in the face of the political difficulties. Now that those political difficulties have been largely overcome, H.M. the King had to face the major problem of an immature economy. Jordan is a poor country; its natural resources are scanty. Economically Jordan is not viable. Jordan lives therefore, and has always lived, largely on outside aid from foreign countries.

Accompanied with this is the difficulty of obtaining untied aid. In addition, it is hard to give priority to agricultural and industrial development over the military programs.

3. Administrative Implications

Since the highest authorities in a country deal with an increasing number of problems as the country grows, they must, therefore, budget their time and effort so as to give more attention to the most important problems. During the last decade the Jordanian Government has been giving highest priority to the political problems, which were most of the time issues at hand. The high authorities were concerned with winning the struggle for the control of power, and did not have the time, energy and resources

¹Ibid., Art. 34, sec. ii, iii.

necessary for establishing a sound public service and a developed economy. For example, because of the tension arisen in 1957, no new ICA (now AID) program for fiscal year 1956-57 existed for Jordan. Funds were available and would have been allotted pending a satisfactory agreement to be worked out then between the Mission Chief and the Cabinet which was strongly anti-Western.¹ In the year 1956, Mr. Foster, a United Nations public administration expert, was recruited as advisor to the Civil Service Department. At that time the Suez crisis broke out and many foreigners, including Mr. Foster, were evacuated from the country in September 1956.²

In many instances the processes of appointment, dismissal, transfer and disciplinary action were directly affected by the prevailing political situation. Premier Nabulsi recommended to institute a "purge" of officials known to have pro-Western bearings and to clean the government staff of "undesirable" elements.³ In the years 1957, 1958 and 1959, the Government conducted selective purges for political reasons. In many cases the civil service

¹Hamilton Armstrong (ed.), Report on the U.S. Foreign Assistance Programs, Report prepared at the request of the Special Committee of the Senate to study the Foreign Aid Program (Washington: Government Printing Office, 1957), pp. 19-20.

²Interview with Mr. Mikhael Jmea'n, Asst. Deputy Head, CSD, March 25, 1964.

³Shwadran, op. cit., pp. 343, 347-48.

legislations were abused to get rid of some employees under the claim of national security.¹ The employee was not able to appeal any adverse action taken against him. Therefore, anxiety was being felt amongst civil servants about their continuation in the civil service.

Constant overturn in governments has been the principal headline news of Jordan ever since its establishment.² Since 1953, the average life of a cabinet has been less than one year and a half, and only one cabinet has fallen through the usual parliamentary procedure of passing a vote of non-confidence whereupon the House of Representatives was dissolved and some of the deputies were arrested.³ The frequent changes of cabinets in a short period of time made it difficult and lengthy process to gain acceptance and implementation of measures of administrative reform.⁴

Due to the immaturity of the country's economy, the Jordanian Government cannot undertake even relatively modest projects by itself. The Government could not adopt the pay structure

¹CSD, Annual Reports (1957), pp. 38, 41, 53, 59; (1958), p. 34; (1959), pp. 38, 39, 48; (1961-64), pp. 16-17. See also Jordan, Parliamentary Hearings (House of Representatives), January 3, 1963.

²For example, from May 1955-63, there have been 17 cabinets.

³This instance happened with the cabinet of Samir Rifa'i in 1963.

⁴CSD, Annual Reports (1955-56), pp. 7-8; (1956), pp. 56-57; (1957), pp. 71-72.

for the Civil Service recommended in 1962 by Sir Eric Franklin, a United Nations Public Administration advisor, to maintain an honest, efficient and contented civil service. The reason for refusal was the financial incapacity of the country.¹ The increased cost of that proposal was justifiable to make the scale adequate to hire and keep all of the employees needed. The Government could not even secure the required consulting services in the field of administrative reform. The services of Sir Franklin were not renewed for shortage of funds.²

On the other hand, since the government is the biggest employer in the country, there is pressure on it to create jobs for the increasing number of school and other educational institutes graduates.

Indeed, economic progress may frequently be a prerequisite for the establishment of genuine sound civil service. Lack of economic incentives may have an adverse effect on the morale of the government employee and may hinder the process of attracting the best qualified persons into the public service. The consequence is the loss of many able people from this country to other countries. All this leads in turn to the general weakness of the administrative machinery of the government.

¹ Interview with Jmea 'n, March 25, 1964.

² Ibid.

CHAPTER II

THE ESTABLISHMENT OF THE CIVIL SERVICE DEPARTMENT

1. Administrative Environment

Governments came to be after World War II big employers that had to carry on very important functions. Government activities are no longer confined to internal security, defence and administration of justice. Today, governments are concerned with social, economic, educational and health affairs. Government's involvement in the life of the individuals has so increased that the citizen can no longer dispense with the vital public services. Government operations continued to expand and became more complicated as the need for specialized services was felt.

Such changes and involvement require an increase in the number of public personnel. The need arises for more administrative units with diversified branches, requiring a larger number of employees. The quality and the cost of government services are dependent on the caliber of the public servants. Governments, thus, start to feel the necessity of selecting and maintaining competent employees.

This increase in the number, variety and complexity of the functions of modern governments and the effect thereof can be very well noticed in a developing country like Jordan. Since the days of the mandate, Jordanian Administration, as a whole, has expanded from a small and simple machinery with limited functions to a more complex

one. In Jordan, independence, the great tragedy of Palestine, the union of Arab Palestine and Transjordan and the efforts of the new country to develop its economic resources and social services have complicated the problems of its government machinery. The national and public interest urging the state to give more attention on a large scale to mostly every phase of citizens' affairs, big or small, has extended the duties shouldered by the Administration in Jordan.

The structure of Jordan's Government became more complex in the years immediately after the termination of the British Mandate. During this time, new ministries were established, the bureaucracy increased in size and with the elaboration of governmental functions, intra-governmental relationships became more complicated. Before the formation of the unified Kingdom, there were only five ministries in the country.¹ The great increase in government activities since 1950 resulted inevitably in the creation of additional ministries and departments to deal with the increased responsibilities.

The scarcity of job opportunities elsewhere made the public agencies the biggest employers in Jordan. The Government has been looked at as the agency to meet the urgent demands of the people and to devise new forms of public administration to overcome social and

¹Pankhurst, op. cit., p. 31.

economic deficiencies. The demand for the Government services increased at a pace faster than that at which agencies could be created. The existing government machinery was not equipped to cope with the new problems. It was evident thereafter, that "system and practice which had evolved and sufficed in a tribal patriarchy no longer met the need and would not be able to provide the efficient administration for development of a modern Arab state with nationalist ideals."¹ The bureaucracy which was supposed to serve the country during the mandate had to be reoriented, in structure and function, to serve the new social, economic and political needs.

The machinery of government on which success or failure ultimately hinges had its own problems. There was a substantial agreement^{on} what was wrong. The processes of appointment, promotion and transfer were influenced by nepotism and favoritism. Political and private influences played a much greater role than merit. Therefore, there was the problem of over-staffing and inadequate control of numbers. On the other hand, the government civil service was short of qualified and trained personnel.

The situation was aggravated by the lack of proper grading of positions, the inadequate salary scales and the absence of sound organization and modern procedures. The civil service laws and regulations were outdated and lacked unification and consolidation.

¹Ibid., p. 9.

Supervision over the application of these laws and regulations was inadequate. There was insecurity of tenure, no feeling of responsibility and low morale on the part of the civil servants.¹

2. Attempts at Reform

For several years there has been a growing need in Jordan for some general improvement of the administrative machinery. A widespread public demand for public administration reform has been oftenly voiced in political assemblies. Since 1949, the parliaments were asking for reform of the whole administrative machinery and the successive cabinets promised in their statements of policy to introduce such reform.²

To deal with these defects that affected its Administration directly and satisfactorily, the Government of Jordan developed remedial measures to take care of the urgent need for reform in its administrative system. A number of ministerial committees were, thereupon, formed to study the prevailing situation and to recommend reform measures. But in the meantime, the Government had to develop long-run preventive programs after thorough study of the prevailing conditions and after benefiting of its consequent experiences. Quite often a matter calling for remedial action provides

¹Ibid., pp. 1-3, 9, 14-26. See also CSD, The Annual Report (1955-56), p. 11-13 and 59-62. See also Jordan, Parliamentary Hearings (House of Representatives), November 11, 1954.

²Ibid. See also Pankhurst, op. cit., p. 9.

the spark that touches off preventive planning for the future. To develop a long-run reform measure, a United Nations advisor in the field of public administration was called to the country and a central personnel government agency was created.

Attempts by the Government of Jordan at administrative reform took place in July 1950. A ministerial committee to develop a new general cadre for civil service was established.¹ In December 1950, the Prime Minister issued a directive to the ministers requesting them to spell out their personal opinions, after consulting their deputies and heads of departments, on ways and means to reform the administrative machinery and to develop general personnel regulations.² The Minister of Construction submitted, in cooperation with his legal advisor, the two following suggestions:

1. Salaries should be determined on the basis of the duties and responsibilities of the job rather than the educational qualifications;
2. authorities of the deputy ministers and heads of departments should be reconsidered.³

There was a substantial agreement on the necessity for developing new classification and compensation systems, and for more delegation of authority to the deputy ministers and heads of departments.⁴

¹Jordan, Council of Ministers Resolution, July 14, 1950 (in the files of the CSD).

²Jordan, Prime Minister Directive, December 18, 1950 (in the files of the CSD).

³CSD, The Annual Report (1955-56), p. 7.

⁴Ibid.

In April 1952, a ministerial committee was established to study the personnel regulations and to develop a general cadre for the Jordan Civil Service.¹ In 1953, a law provided for the establishment of committees for one year period to study government employees' affairs.² These committees were authorized to make transfers, put on pension and recommend dismissals of government employees. All other disciplinary proceedings were suspended, and the employees had no right of appeal. The Cabinet then resigned and no action was taken in this respect.

The attempts by the above mentioned committees were unsuccessful. These earlier attempts at reform reflected only the ideas and experiences of a few persons and were not based on a proper systematic investigation in the administrative problems. They lacked specialized personnel, understanding in the administrative process and coordination of efforts. The many changes in cabinets retarded such attempts which were not carried out and followed up on by a permanent specialized body.

The Government continued to suffer from maladministration, incompetence, inefficiency and corruption. The Government felt that like any other piece of machinery, a governmental structure must be periodically overhauled and readjusted in order to assure proper functioning and to achieve greater economy, simplification

¹Jordan, Council of Ministers Resolution, No. 361, April 1, 1952 (in the files of the OSD).

²Organization of the Government Machinery Law No. 57 of 1953, Jordan Official Gazette, No. 1136, March 16, 1953.

and unified direction of governmental activities. The government recognized this administrative inadequacy and admitted it.

In recognition of the need for a general public administration reform and for the installation of a new system based on merit, the high authorities have requested, in the early fifties, the advisory services of a United Nations Technical Assistance Administration expert. The wide terms of reference given to the expert, Mr. Pankhurst, by the Government were:

To make a survey of the existing governmental organization and administrative practices in the Kingdom of Jordan. To advise the Government of Jordan on the administrative organization of the departments and other agencies of the central executive, on the distribution of functions and responsibilities and on the methods of co-ordination. To advise the Government of Jordan and the appropriate authorities on civil service regulations and personnel management, including recruitment, classification, salaries, pensions and social security provisions. To advise the Government of Jordan and the appropriate authorities on administrative practices. To assist the Government of Jordan and the appropriate authorities in the implementation of the accepted recommendations.¹

Mr. Pankhurst made, by the beginning of 1953, a comprehensive study of the current administrative system in Jordan, and presented a report enumerating the general problems of the governmental structure and the solutions therefor. As a result of his study and investigations there had grown a realization that the revision of the structural aspects of the Jordan Government

¹Pankhurst, op. cit., p. 1.

was imperative. His analysis of the fundamental problems of the civil service led him to the "inescapable" conclusion that the first prerequisite was the establishment of an independent specialized organization to be known as the Civil Service Department.¹ This Department would be responsible to the Government for all personnel matters which would tend to increase the morale and efficiency of the government machinery. For purposes of reform, Mr. Pankhurst advised that "it was necessary to create an adequate machinery to look after civil service matters, to act as a powerhouse of energy for inaugurating the reforms which were required and for keeping the machinery under constant review to ensure and increase its efficiency."²

The subsequent efforts toward administrative reform led to a preoccupation with the establishment of a central personnel department. Mr. Mikhael Jmea'n, in a report which he prepared in Arabic upon his return from his training in the field of public administration under a United Nations fellowship in New Zealand in the year 1953, recommended strongly the setting up of a central personnel agency in Jordan.³ During his stay in New Zealand, which was extended at his request from three weeks to two months,

¹Ibid., p. 2.

²Ibid.

³Interview with Jmea'n, March 24, 1964.

he became more interested and started collecting all information on the personnel department there. He included in his final report to the Bureau of Training Assistance Operations a suggestion of establishing in Jordan a central personnel agency similar to that of New Zealand. A translated copy of the report in English, forwarded to the Technical Assistance Bureau early in the year 1954, substantiated Mr. Pankhurst's report. Sufficient copies of the report were prepared and distributed upon the request of the Minister of Trade, under whom Mr. Jmea'n was working at that time, to all government departments. The full text of the report was also published in one of the localpapers in a series of publications.

3. The Civil Service Department Bill

The Council of Ministers announced in January 1954 the acceptance of Mr. Pankhurst's recommendations in full.¹ Separate legislation was necessary for establishing the proposed Civil Service Department. At the request of the Government, Mr. Pankhurst drafted a bill for this purpose.

Before the bill was submitted to Parliament, a new Government took office in May 1954. A redraft, containing all the essentials of the original proposals of Mr. Pankhurst, was afterwards circulated to the members of the House of Representatives. The

¹Pankhurst, op. cit., p. 3.

Parliament was dissolved on June 22, 1954, and the whole matter had to be postponed. A general election took place in October 1954, and a new Government was formed.

Naturally the new Cabinet wanted time to consider the proposals. It was not until January 1955, that the House of Representatives considered the Civil Service Department Bill and passed it.¹ However, the legal committee of the House of Notables advised rejection of the Bill on the ground that it was unconstitutional.² The Committee referred to Article 120 of the Constitution which states:

The administrative divisions in the Hashemite Kingdom of Jordan, the organization of the Government departments, their classification, designation, and program of work, rules and regulations for the appointment of civil servants, their dismissal, discipline, definition of their jurisdiction and specialization shall be governed by regulations made by the Council of Ministers with the approval of the King.

The Government was seeking to create the Civil Service Department by law and not by regulation. Although both should be confirmed by the King, a law should be passed by the Parliament, whereas a regulation may have the approval of the Council of Ministers only. Regulations, therefore, cannot prescribe for the immunity of the Head of the Civil Service Department from arbitrary

¹Jordan, Parliamentary Debates (House of Representatives), January 18, 1955.

²Jordan, Parliamentary Debates (House of Representatives), January 31, 1955.

interference and dismissal, which he needs in carrying out the delicate and critical work of his department. On the other hand, regulations can be easily amended and changed, a fact which places fear in the hearts of the public servants about their future.¹

The Government's reply to the point of view of the legal committee was that the Constitution itself has given the Executive Power the right to submit draft legislations without specifying their nature.² Moreover, and even when considering Article 120 of the Constitution, the Government can at any time give up its right in this concern and go back to the Legislative Power.³ The Government gave examples of many modern countries having their administrative matters governed by laws. The Government continued to argue that Jordan has had a precedent of this kind by passing the Organization of the Government Machinery Law of 1953, and that the creation of such Department has been favorably welcomed by H.M. the King, the ministers, the House of Representatives, the civil servants and the public opinion.⁴

¹Jordan, Parliamentary Debates (House of Notables), January 31, 1955.

²Ibid. (The Government was referring to Art. 91 of the Constitution.)

³Ibid.

⁴Ibid.

The answer of the House of Notables to all these arguments was that since there was a general agreement to create the Civil Service Department by law, Article 120 of the Constitution should be amended.¹ The Government was not ready at that time to introduce such amendment to the Constitution. The subject was by no means free from political complications.²

It was not until March 1955, twenty months after Mr. Pankhurst's main recommendations were first submitted in July 1953 that the House of Notables passed the Bill by a majority.³ The Royal assent was given and the Civil Service Department Law was promulgated.⁴

The law came into force on April 1, 1955. The Head of the Department was appointed and assumed duty on May 1, 1955. The Officials' Selection Board, provided for in the Law,⁵ was appointed and consisted of the Head of the Civil Service Department, the Head of the Audit Department, the Legal Advisor to the Prime Minister and the Deputy Minister of Interior, all serving in their personal capacity.

¹ Ibid.

²

Interview with Jmea'n, April 7, 1964. Also interviews with Mr. Mohammed A. Al-Amiri, First Head of the CSD, and Mr. Bisharah Ghaseeb, Second Head of the CSD, June 15, 1965.

³ Jordan, Parliamentary Debates (House of Notables), March 2, 1955.

⁴ CSD Law No. 11 of 1955, Jordan Official Gazette, No. 1222, dated March 16, 1955.

⁵ CSD Law No. 11, Art. 3.

CHAPTER III

STRUCTURE AND FUNCTIONS OF THE CIVIL SERVICE DEPARTMENT

1. Objectives of Establishing the Civil Service Department

Under the stimulus of the Civil Service reform movement in Jordan which started in the early fifties, the Civil Service Department Law was adopted in the spring of 1955. The Law provided for the establishment of a central civil service agency under the jurisdiction of the Prime Minister.¹ This recent development in the country has reflected the trend towards more specialization of functions. The personnel activity has been recognized as a key separate function.

The creation of the Civil Service Department in Jordan was a consequence of a felt need to reform the administrative system and a natural result of the development and extension of the role of the state. The Civil Service Department was established for the purpose of "improving the civil service and the administrative machinery by the elimination of political and private influence from all appointments and promotions."² It was thus with the primary aim of setting up a sound and impartial recruitment system and of applying the merit principle that the Civil Service Department was established.

¹USD Law No. 11 of 1955, Art. 2.

²Sir Eric Franklin, The Functioning of the Civil Service Department, Report prepared by the UN. Technical Assistance Public Administration Expert for the Government of Jordan (Amman, September, 21, 1960), p. 13. (Mimeographed.)

The Civil Service Department, under the authority of the Prime Minister and the direction of the Personnel Head, was to administer and operate for the Government of Jordan a personnel system based on concepts of merit, and to utilize appropriate techniques of recruitment, selection and promotion. It was designed to give the civil service a new and powerful impulse towards efficiency. In this essence, the Civil Service Department was supposed to perform a staff function for control and supervision of the application of civil service legislations and for coordination of government personnel work. Stated simply, the Civil Service Department was designed as a guardian against the spoils system.

2. Authority for Personnel Administration

In Jordan, the ultimate authority for personnel management rests with the King by virtue of the executive powers vested in him by the Constitution.¹ The King approves regulations made by the Cabinet governing the affairs of the Government civil servants.

The rule-making power in personnel affairs is assigned to the Council of Ministers according to Article 120 of the Constitution.²

¹Jordan, Constitution, Arts. 26 and 120.

²See reference to Article 120 in Chapter II of this paper, p. 23.

The Council of Ministers exercises general supervision over the public personnel affairs and establishes broad policies and procedures governing their administration, including classification and compensation plans.¹ The Council has the authority to approve or disapprove the appointment, promotion and dismissal of officials of special grades and grade I.²

The Prime Minister enforces the civil service regulations and rules and procedures established thereto. Dispute about the applicability of the general personnel regulations to the case of any particular official is referred to the Prime Minister for consideration and final decision.³ He provides general direction to the development, implementation and maintenance of the personnel system in accordance with the policies and standards established in the civil service regulations.

Under the jurisdiction of the Prime Minister the Civil Service Department administers the civil service and personnel program of the Government. The Civil Service Department interprets the personnel policies on a day-to-day basis and recommends revisions where appropriate.

¹Civil Service Regulation No. 23 of 1966, Art. 4, Jordan Official Gazette, No. 1911, March 30, 1966.

²Ibid., Art. 4.

³Ibid., Art. 193.

A great deal of the personnel work is done by the heads of operating agencies, the ministers and department heads. They design the plans and programs for their particular agencies subject to the general supervision of the Prime Minister and the policies of the Council of Ministers. Ministers and heads of departments issue the orders necessary to put these plans and policies into effect. The personnel officer of the ministry or department serves as general staff assistant to the head of his agency on all matters of personnel management.

3. Jurisdiction of the Personnel Regulation

Jordan's present civil service system has different categories; each of which is subject to a varying set of requirements with regard to conditions of employment such as method of appointment and promotion. These categories are:

- High posts and Special Grades Officials
- Classified Officials
- Unclassified Officials
- Temporary Officials
- Contract Officials

The classified portion of the civil service is divided into two classes: (a) Class I, (b) Class II. For the purpose of salary, it is divided into 10 grades; Grades 1 to 6 being in Class I, and Grades 7 to 10 in Class II.¹ This portion is governed by the general personnel regulations.

¹Ibid., Arts. 16 and 23.

The following Government officials and employees are exempt from the provisions of the personnel regulation:

1. Deputy Ministers and all officials of special grades and grade one.
2. Enlisted personnel of the army and public security forces.
3. All personnel of independent and semi-autonomous agencies and institutions having separate budgets other than the general budget, unless otherwise decided by the Council of Ministers. These include the Natural Resources Authority, Aqaba Port Authority, Development Board, Agricultural Credit Corporation, Central Bank, municipalities and governorates.
4. Members of the Royal Cabinet and the King's personal staff.
5. Ambassadors, ministers plenipotentiary and charges d'affaires of the Ministry of Foreign Affairs.
6. Civil and Sharia court judges.
7. Unclassified officials who are appointed in permanent positions with salaries fixed in the Position Establishments Regulation, or in the special regulation of the autonomous departments and agencies but who have no grades, and temporary and contract employees.¹

¹Ibid., Arts. 2, 16 and 33.

Ambassadors, ministers plenipotentiary and charges d'affaires of the Ministry of Foreign Affairs, Deputy Ministers, and all officials of grade one and above are appointed and promoted by a decision taken in the Council of Ministers upon the recommendation of the appropriate minister and confirmed by a Royal Decree.¹ Appointments, promotions, punishments and leaves of the officials of the Royal Bureau are made by the Head of the Bureau upon Royal Order.² Civil and Sharia court judges are governed by special legislation in so far as their appointments, promotions and punishments are concerned.³

The appointment of unclassified officials and of temporary employees as well as the increase of their salaries and the raising of their categories are achieved by order of the appropriate minister upon the recommendation of the deputy minister or head of the department in case the salary exceeds J.D. 30. If the salary exceeds J.D. 60, the approval of the Prime Minister is required. If the salary is less than J.D. 30, the approval of the deputy minister is required on the basis of a recommendation of a committee of three senior officials appointed by the minister.⁴

¹Ibid., Arts. 4, 18 and 63.

²Ibid., Art. 63.

³Ibid., Arts. 18 and 20.

⁴Ibid., Art. 157.

Officials on contract are appointed by order of the appropriate minister based on the recommendation of the deputy minister or head of dependent, after consulting the opinion of the Head of the Civil Service Department; if the salary is more than J.D. 100, the approval of the Council of Ministers is required.¹ Contract employees are governed by the conditions set out in their contracts of appointments in all matters relating to their employment, salaries, allowances, leave, transfer, resignation, termination of service, dismissal and disciplinary action.²

The Civil Service Department is only supplied with a copy of the orders of appointment, promotion, transfer, acting appointment, delegation, loan, discipline, termination of service and oath of office. A note of action taken by the appointing authorities in each of these areas is sent to the Civil Service Department, where a record of that effect is kept in the personal file of the employee.³

4. Functions of the Civil Service Department

The functions of the central personnel agency vary from one country to another depending on the civil service legislation

¹Ibid., Art. 153.

²Ibid., Art. 155.

³Ibid., Art. 192.

in each. These legal provisions are usually based on the prevailing cultural, political and economic conditions of the country. This will be clearly noticed in the case at hand when later on in this paper it will be shown how the jurisdiction of the Civil Service Department and the power of its Head were affected by the prevailing environmental conditions in Jordan.

The broad function of the Civil Service Department in Jordan is to put into force, either directly or through the operating ministries and departments, such legislation and decisions in regard to personnel administration and to initiate such new legislation or amendments about the civil service as may, from time to time, be required.

The functions of the Civil Service Department may be described as follows:

1. To supervise the implementation of the general personnel regulations and related instructions;
2. to provide the Government with highly qualified and efficient employees and if necessary, to examine applicants and develop lists of eligible candidates;
3. to formulate recruitment plans and to supervise their implementation;
4. to review proposed budget items related to civil service positions;
5. to propose personnel legislation and to recommend personnel management and policy improvements periodically to the Prime Minister;

6. to keep service files and to record personnel development by maintaining records for government employees, and
7. to train employees after enrollment in government service.

Therefore, the functions of the Civil Service Department cover the following major fields:

1. Recruitment to the civil service.
2. Promotion procedures.
3. Numbers and grades of positions.
4. Organization and methods.
5. Post-entry training of civil servants.
6. Supervision of the application of the civil service regulations and, where necessary, initiation of such legislation.

5. Organizational Structure of the Civil Service Department

The Civil Service Department organized itself in line with the objectives it was supposed to achieve. Thus, the functions of the Department were grouped into organizational units and positions. The organizational structure is supposed to represent the various functions and responsibilities of the Civil Service Department.

To provide a bird's-eye view of how these functions are carried out, there are listed below the main divisions.¹ As such, the Civil Service Department is organized into two functional divisions in terms of their responsibilities for administering the provisions of the civil service regulations.

These are:

1. The Personnel Affairs Division is responsible for:
 - a) Processing the appointments and promotions work, including preparing lists of vacancies and employees or applicants;
 - b) implementing the civil service regulations in so far as appointments and promotions are concerned;
 - c) processing work concerning salaries of the government employees and all kinds of allowances by coordinating establishments and payroll warrants, and
 - d) handling employees' grievances.
2. The Legislation and Research Division is responsible for:
 - a) Drafting civil service regulations, rules and any necessary amendments thereof;
 - b) maintaining precedents and standardizing the principles and practices governing personnel affairs;

¹CSD, Organizational Manual of the Department, Circular No. 38/8/2172, dated September 14, 1961. Also observations and interviews with the staff of the CSD, March 23 to April 8, 1964, and June 14 to 17, 1965.

- c) supervising the application of personnel legislations and the budget law in matters concerning number and grades of positions and seeing to it that they are implemented properly;
- d) developing cadres of employees and suggesting any necessary improvements, and
- e) collecting data for legislative purposes and keeping statistics on legal violations committed by the government organizations or employees.

The two divisions cooperate in:

- a) Dealing with position classification and control;
- b) dealing with employees' number in the various ministries and departments and suggesting the necessary transfers as the work requirements imply;
- c) advising the Ministry of Finance on budget items concerning the government personnel;
- d) developing the rules governing the competitive examinations;
- e) processing work of post-entry training;
- f) developing standard forms to be used in personnel affairs, and
- g) inspecting the various ministries' and departments' work to ensure the best functioning of the government work.

The organizational structure of the Civil Service Department, as set forth in Chart I in the following page, shows the number of positions, their titles and grades or pay and lines of authority. The relative position of the divisions within the structure of the total organization and the internal structure of each division is shown in terms of the Department organizational chart.

The positions of the Civil Service Department were initially filled, except two, with castoffs from the various government ministries and departments. It was thought that by doing so, more economy would be achieved and at the same time, the newly created organization would be manned with personnel already trained and experienced in the public service.¹ The Department started with 20 positions, classified and unclassified, and a budget allocation of J.D. 13,676 for the fiscal year 1955-56. The budget allocation for the fiscal year 1965-66 amounted to J.D. 19,370, and the number of positions totalled to 31 positions.² Another organizational change is the latest provision for establishing an Organization and Methods Unit in the Civil Service Department to assist the government ministries and departments in improving their organizations and simplifying work methods and procedures.³

¹CSD, The Annual Report (1955-56), p. 17.

²Jordan, Ministry of Finance, Public Budgets 1955-56 and 1965-66.

³Civil Service Regulation No. 23 of 1966, Art. 14.

A. Responsibilities of the Head of the Civil Service Department

To achieve the broad purpose for which the Civil Service Department has been established, the Civil Service Regulation created a position of a minister status to head that organization and outlined its duties and responsibilities. The task of preparing and executing the higher personnel policy is entrusted to one administrator, thus, ensuring unity of direction and speed in decision-making. The executive head of the Civil Service Department is appointed by a Royal Decree upon the recommendation of the Council of Ministers.¹ But his personal operations are under the Prime Minister.² He is accountable to the Prime Minister for the proper performance of his responsibilities.

The major functions of the Head of the Civil Service Department are policy-making and direction of the activities of the Department in carrying out the provisions of the civil service regulations or any other related legislation adopted thereunder. To implement such provisions, he proposes to the Prime Minister whatever rules may lead to the improvement of the administrative machinery and the betterment of its whole work.

The civil service regulation in force assigns the following responsibilities to the Head of the Civil Service Department:

1. Implementing the civil service regulations and conducting the personnel affairs accordingly, supervising

¹Ibid., Art. 18, sec. b.

²Ibid., Art. 6.

7. developing in-service training programs, encouraging and coordinating such programs in the various ministries and government departments, and participating in the selection of personnel for study or training in the Kingdom or abroad;
8. formulating a policy to insure the officials against accidents and to guarantee their safety;
9. making recommendations to activate the officials, improve their prudence and discretion and expand the services provided (such as rehabilitation, taking on loans, occupational societies, clubs and other means) which would raise the morale of the officials and encourage them to exert more efforts to serve the public;
10. maintaining up-to-date statistics relating to the number of officials in the appropriate departments, their names, grades as well as the position of each official, his qualifications, the date of his appointment, his salary and other related information;
11. preparing an official's guide which would clearly explain the adopted policy in the management of the affairs of officials, the civil service regulations as well as the instructions adopted thereunder and the rules and proceedings followed in the application thereof, the salaries, allowances and other information which would be of an interest to the official, and

12. submitting to the Council of Ministers an annual report on the activities of the Department, the application of regulations and instructions and on measures taken to recruit the qualified officials and improve the utilization of their services.¹

In performing the above responsibilities, the Head of the Civil Service Department is assisted by the Deputy Head and the Assistant Deputy who supervise directly the operations of the Department. The Head of the Civil Service Department has the powers of a minister in the administration of the Department's affairs, in the management of the work of his officials and in matters relating to their promotion, putting them on pension, granting them leave and taking disciplinary action against them.²

The Head of the Civil Service Department may delegate to any employee of his staff the authority to obtain from the various ministries and departments governed by the Civil Service Regulation all the information he deems necessary for fulfilling his responsibilities; and these agencies are required to submit such information.³

¹Ibid., Art. 8.

²Ibid., Art. 7.

³Ibid., Art. 15.

B. Responsibilities of the Officials' Selection Board

According to the latest Civil Service Regulation there was constituted in the Civil Service Department an Officials' Selection Board. The Board is composed of the Head of the Civil Service Department, as chairman, the Deputy Head of the Civil Service Department, as member, and of two other members selected every two years by the Council of Ministers from amongst the officials of the Government of the public organizations, to whom is added the Deputy Minister having connection with the required appointment or promotion, as special member.¹ This board is responsible for the appointment and promotion of all classified government officials except those exempted.²

When a vacant position exists in Class I and is required to be filled by appointment or promotion, the appropriate minister asks the Head of the Civil Service Department to take steps to fill it, and the latter refers the matter, together with a list of eligible candidates to the Officials' Selection Board to recommend one or more persons, as deemed necessary, to the Council of Ministers to be selected, and the appointment or promotion is confirmed by Royal Decree.³ If the Council of Ministers does not approve the recommendation of the Board, the matter, together with the reasons

¹Ibid., Art. 33, sec. a.

²Ibid., Art. 33, sec. b.

³Ibid., Art. 33, sec. e.

for refusal, is referred back to the Board, and the latter has to submit, in addition to its previous recommendation, another one to the Council for selection.

When the vacant position to be filled by promotion exists in Class II, the Board recommends one or more persons to the appropriate minister to be selected.¹ In case of disapproval, the matter, together with the reasons for doing so, is referred back to the Board for reconsideration, and the Board may produce alternate candidates and submits them, along with its first recommendation, to the minister for selection; or if it insists on its first recommendation it gives reasons for doing so, and the minister has to accept it or the matter is referred to the Prime Minister for final decision.

The same procedure is followed when the vacancy to be filled by appointment exists in Class II, except that the Board does not have to submit another recommendation to the minister in case of his refusal, provided that it gives reasons for insisting on its first recommendation.²

¹Ibid.

²Ibid.

CHAPTER IV

THE ACCOMPLISHMENTS OF THE CIVIL SERVICE DEPARTMENT

The Civil Service Department actually began to exercise its duties following the issuance of the law establishing it. Description is made here of the major accomplishments and achievements of the Civil Service Department.

1. In the Field of Proposing Civil Service Laws and Regulations

As the need for continuous personnel research and fact-finding was realized by the Civil Service Department, it began to cast a look at how things were going in the civil service in the country for the guidance of its administrative decisions on personnel matters. Research work in public personnel administration and related subjects came to be essential for the Department to be able to propose whatever measures that may expedite the improvement of the administrative machinery. Because of the considerable work-load that had to be done in this field initially, the Head of the Civil Service Department made this one of his first tasks.

The efforts of the Civil Service Department in the field of proposing civil service legislation were concentrated on developing comprehensive general personnel regulation to replace that of 1949. This was necessary in order to achieve more consistency with the new social, economic and educational conditions emerging in the country after 1949. These efforts culminated in the year 1958

with the proposal of a general personnel regulation.¹ The new regulation was put into effect on the first of April 1958, and continued to be effective, with few modifications, up till recently. The regulation came to be clearer and more adequate for the purpose of administering the employees' affairs.² There was included also in an appendix a new pay scale whereby salaries of government employees were increased.

The Civil Service Department felt that the purpose and intent of such a regulation would be adversely affected by the Civil Service Department Amendment Law of 1956, which limited the powers of the Department in its promotions area of activity, and by the Personnel Regulation Amendment of 1959, whereby the security of tenure of the government employees was threatened.³ Therefore, the Civil Service Department drafted anew civil service law, which was passed in 1961 in a Provisional Civil Service Law, and in 1963 became a permanent law. According to this law the responsibility for making promotions was restored to the Officials' Selection Board, and the disciplinary proceedings became more equitable and fair to the employees.⁴

¹CSD, The Annual Report (1958), p. 42.

²Ibid.

³CSD, The Annual Report (1959), p. 59.

⁴CSD, The Annual Report (1961-64), pp. 103-104.

The Civil Service Department prepared in April 1956, in close collaboration with the Ministry of Finance, an up-to-date draft of a new Civil Pensions Bill which became a law afterwards.¹ The new law replaced that of 1941 which had been developed under different social and economic conditions. Many attempts by the Civil Service Department to propose amendments to the Constitution and especially to Article 120 of it were unsuccessful.²

As an organization entrusted with proposing legislation governing personnel affairs, the Civil Service Department assumed the responsibility for seeing to it that such legislation is enforced properly. Thus, the Department acted as watch-dog of any legal violations and irregularities committed by the various government organizations. The Department has been always following up and drawing the attention of the appropriate authorities, either directly or through the Prime Minister, to such violation for reconsideration and correction.³ The Department also played a useful role in disciplinary boards and in ministerial promotion boards from 1956 to 1961. A Department representative sat on each of these boards, and his presence helped organize the work of the board,

¹CSD, The Annual Report (1956), pp. 56, 57.

²CSD, The Annual Reports (1955-56), p. 63; (1958), pp. 61, 62; (1959), pp. 54, 55; (1961-64), p. 103.

³All the CSD Annual Reports show examples of such action under the chapters "Legal Violations".

supply the necessary information and create confidence that the rulings are in accordance with laws and regulations.¹

2. In the Field of Staffing

The staffing process is looked upon as the most significant part of the work of the Civil Service Department. Employment applications are submitted to the Civil Service Department on the appropriate forms prepared by the Department for that purpose. Applications are received, processed, classified, summarized on schedules and waiting lists are prepared according to the educational qualifications and/or work experience of the applicants for submission to the Officials' Selection Board. From May 5, 1955 to September 30, 1964 the number of applications received by the Department was 42,064 applications, and the number of appointees was 15,218 appointee.²

3. In the Field of Position Study and Control

Recognizing the need that the work must be properly evaluated so that the position may be given its correct grading and salary, the Civil Service Department included in its functions that of proper classification of positions. This is a continuous function and a lengthy process. However, a start was made when

¹CSD, The Annual Reports (1957), p. 46; (1958), p. 22; (1960), p. 7.

²CSD, The Annual Reports (1955-56), pp. 23-25; (1956) pp. 15, 16; (1957), pp. 10-13; (1958), pp. 11-13; (1959), pp. 67-70; (1960), pp. 25-28; (1961-64), pp. 135-171.

the Department issued a circular letter to the various ministries and departments suggesting that it would be necessary for it to pay visits to them to obtain firsthand data and information about their positions and work.¹ For the same purpose the Department sent a letter to the Prime Minister suggesting the establishment of a committee to study Class I positions in the civil service, and that a group of the Department officials be assigned to survey Class II positions.² Such study would be the first of its kind in the history of Jordan.

The Council of Ministers approved the suggestion, and on the 2nd of November 1955, the Prime Minister appointed a small inspection committee of the Minister of Finance, the Head of the Civil Service Department and the Secretary of the Council of Ministers to commence a study of Class I posts.³ The Civil Service Department developed a special form for this purpose.⁴ Changes of the cabinet since then have rather impeded the work as far as the participation of the Minister of Finance was concerned. But a preliminary survey of posts of Class I has been carried out in more than half the ministries and departments.⁵

¹CSD, Circular Letter dated August 4, 1955 (in the files of the Department).

²CSD, Letter dated August 30, 1955 (in the files of the Department).

³CSD, The Annual Report (1955-56), p. 44.

⁴CSD, The Annual Report (1956), pp. 76-79.

⁵Ibid., p. 47.

Two officials of the Civil Service Department and a senior official of the Ministry of Finance were assigned to study posts of Class II.¹ The Head of the Civil Service Department and some of his staff were able, during the year 1957, to visit a number of central and local government units.

The results of such surveys were made available to the Ministry of Finance as guidelines in its preparation and evaluation of the budget. The Civil Service Department was working out its proposals along the following lines:

1. No requests for creating positions should be approved unless for the purpose of meeting new actual needs;
2. grades of positions should not be raised except when justified by an increase in their duties and responsibilities;
3. elimination of unnecessary positions, and
4. the need for determining each ministry and department cadre by a special law, and for developing standard position titles.²

4. In the Field of Organization and Methods

The Civil Service Department felt the need to have a small team of well-experienced and specialized people in this field.³ The

¹CSD, The Annual Report (1955-56), p. 68.

²CSD, The Annual Reports (1956), pp. 48-50; (1957), pp. 56-57; (1958), p. 37.

³CSD, The Annual Report (1955-56), p. 76.

Department sponsored two of its staff to acquire some specialized training abroad.¹

A study of the overall organization of the government machinery led the Civil Service Department to recommend that departments should be properly grouped together and allocated under the various main ministries on the basis of similar functions.² The Council of Ministers adopted the recommendation and issued a regulation whereby the government departments were attached to the various ministries.³

In 1956, at the request of the Ministries of Finance, Communications, and Public Works; and Departments of Antiquities, Hijaz Rail-road, Aviation; and Amman Governorate, the Civil Service Department conducted Organization and Methods studies, and recommended organizational and procedural changes.⁴ Most of its recommendations were accepted, yet some others were refused because they involved suggestions of cutting down the number of positions in the organizations surveyed.⁵

¹CSD, The Annual Report (1956), p. 52.

²Ibid., p. 45.

³Organization of Government Ministries and Department Regulation No. 2 of 1956, Jordan Official Gazette, No. 1276, April 1, 1956.

⁴CSD, The Annual Reports (1956), pp. 53, 54; (1957), pp. 55, 56.

⁵Ibid.

5. In the Field of Training

The need for training in Jordan increased with the growing number, scope and complexity of the functions performed by the government. The fact that so many unqualified persons have entered the government service just before the establishment of the Civil Service Department, has intensified the need for in-service training.¹ Until 1961, no action has been taken to tackle the problem. The original civil service laws and regulations have ignored the importance of personnel programs and training of government employees for increasing their knowledge and skills, for developing in them appropriate habits of thought and action and for moulding their attitudes that directly or indirectly contribute to job efficiency. Formal training has been one of the most neglected aspects of public employment in Jordan. This was so because the concept of training has not yet been known to, and accepted by, top management who entirely overlooked the need of their subordinates for formal training. Their directions were given on informal, unsystematic and in a hit-or-miss fashion. Their primary job was to see to it that the work is being done. The cost and quality were not of their immediate concern. Supervisors gave orders with minimum guidance.

¹CSD, The Annual Report, (1961-64), p. 89.

The Jordan Civil Service could undoubtedly benefit by the provision of training facilities within the ministries. The over-all organization of training programs and courses is clearly a matter for the Civil Service Department to undertake in close collaboration with the ministry officials.

At the request of the Government of Jordan, the Technical Assistance Administration has agreed in 1956 to provide the services of an expert in this field to advise and assist the Civil Service Department in the establishment of a comprehensive scheme of training.¹ To further assist in this work, the Technical Assistance has also supplied to the Jordan Government, free of charge, a quantity of modern office equipment - typewriters, duplicators, calculators, etc. - for use by the Civil Service Department for demonstration and training purposes.² Of great use also was the large number of text-books by modern authors on all aspects of public administration which were supplied to the Government to form the nucleus of a library in the Civil Service Department.

In 1957, the Prime Minister requested the Civil Service Department to develop a training project.³ The Department developed a detailed training program and discussed it with the Jordan Development

¹CSD, The Annual Report (1956), p. 63.

²Ibid.

³Prime Minister letter No. 210/10/52/9053, dated October 17, 1957 (in the files of the Civil Service Department).

Board and the U.S. Operations Mission for financing purposes. But the program was never implemented.¹

It was not until 1961, that the Civil Service Department started internship programs for public administration students studying on scholarships at the American University of Beirut and Ber Zeit College. In cooperation with the American University of Beirut and U.S. Operations Mission, the Civil Service Department developed an internship program for 35 students in the summer of 1961, and another one for 32 students in the summer of 1962.² Such internships, each for a period of approximately two months, were conducted under the direction of the Civil Service Department. Students were assigned to the various government ministries and departments. Each student was asked to keep record of his observations, and to write a case study on a certain aspect of the Jordan public administration. Seminars were held weekly where lectures were delivered by government top management officials and were followed by discussions.

Such internships were intended mainly to supplement the theoretical background of the students with practical training and orientation in the various aspects of public administration in their country in order to prepare them for government employment after graduation.

¹CSD, The Annual Report (1958), p. 38.

²CSD, The Annual Report (1961-64), p. 115.

Mainly for financial difficulties, the public administration classes at Ber Zeit College were closed and internship courses were discontinued.¹

The Civil Service Department was only recently entrusted with conducting in-service training courses for government employees. In cooperation with the various government ministries and departments, and subsidised by the U.S. Operations Mission, the Department in 1963 conducted a training course for 55 government officials of grades 4, 5, 6 and 7, for a two months' period, April and May, and another similar one in 1964 for 34 government officials for a three months' period, February 20 to April 20.²

These training courses were conducted under the general supervision of the Civil Service Department. They were intended to develop supervisory skills in the middle-management government officials, to spread among them the hitherto non-existent administrative knowledge, to improve their performance in their jobs, to prepare them for higher supervisory duties and responsibilities and to instruct them in directing their subordinates.

A book titled "Principles of Administrative Supervision," containing most of the training materials given at the two training courses mentioned above, was prepared by Mr. Mikhael Jmea'n, who

¹Interview with Jmea'n, April 7, 1964.

²CSD, The Annual Report (1961-64), p. 115.

was then in charge of directing the training courses. At the request of the Prime Minister, the Head of the Civil Service Department advised the various ministries and departments to keep copies of the above-mentioned book in their libraries and to urge their employees, especially those of Class I, to buy it.¹

6. In the Field of Personnel Records

Personnel records constitute the heart of the personnel system. Records do not only enable control, but also make possible planning, statistics and analysis. The regulations authorize the Head of the Civil Service Department to maintain and keep up-to-date records for the personnel administration. In other words, a centralized record-keeping system is to be maintained and administered by the Civil Service Department.

Personnel records maintained by the Civil Service Department are, in the main, of the following broad types:

1. Personal Data Records which are records on employees consisting of individual employee folders covering the total employment history of each employee in the government service. Two files are kept for each official, an ordinary file for the keeping of ordinary papers relating to his position, and a secret file for the keeping of confidential documents;

¹Prime Minister, letter addressed to the Head of the CSD, No. 17/21/3455, dated April 4, 1964. Also Head of the CSD, Circular letter to the various ministries and departments No. 5/6/2, dated April 6, 1964 (in the files of the CSD).

2. records on employment applications which are primarily registers of applicants according to their educational qualifications and/or work experiences for openings in the civil service;
3. a roster consisting of lists of authorized positions in each department and the names of their incumbents;
4. pay-roll and retirement records for following up on establishment warrants and warrants of annual increments and pensions;
5. correspondence files according to subject, and
6. laws, regulations, policies and directives concerning government personnel.

The Civil Service Department keeps proper statistics regarding the number of government employees, applicants, appointees, promotions and all kinds of termination of service. The Department always publishes these statistics in its annual reports.

The Civil Service Department develops standard forms for use by the different ministries and departments in personnel matters, such as those for annual personal report, employment application, request for leave and position description.

CHAPTER V

THE CIVIL SERVICE DEPARTMENT IN OPERATION

An efficient operation in an organization is not fully assured by the formal picture of it. Realizing that the implementation of the law is more important than the law itself, this work will try to examine here the efficiency and effectiveness of the Civil Service Department and to seek answers to the question of divergence of practice from law.

From its inception, the Civil Service Department was subjected to various sorts of criticism and pressure from the more traditional quarters of society. The Department in operation suffered from inadequate authority, ministry resistance and less than full high-level support. Its role towards most personnel matters was mainly investigatory and advisory. But even such limited powers were hemmed about by restrictions, and several important provisions of the civil service code have not been implemented even after ten years of operation.

The issuance of the Civil Service Department Law and the establishment of the Department created an echo heard in all parts of the country.¹ Although there was some hesitation to endorse the innovation on the grounds that the new Department would detract from the powers and responsibilities of ministers, there was only some temporary unfavorable reaction to the creation of

¹CSD, The Annual Report (1955-56), p. 10.

the Civil Service Department. Open rejection of the merit concept was definitely a minority view. Some ministers, who had originally opposed the creation of the CSD, were not completely convinced of the rightness of the measures taken.

Later on, and upon the assuming of the Civil Service Department its role seriously, many ministers felt suspicious of this agency as it may endanger their powers and status and weaken them. Considerable tension has marked the working relationships of the two sides ever since. During the period between the legal creation of the Department and its actual operation, many ministries rushed to make appointments on the basis of the old patronage and favoritism basis.¹

A study of the activities of the Civil Service Department points to two important things; first, the ministers' inclination to evade the law, and secondly, the Department's insistence on the application of law. It is generally admitted that the Department was not successful in great measure in imposing its decisions on the ministers. One has only to read the annual reports presented by the Civil Service Department to the House of Representatives to realize the deep sense of frustration under which that Department has been functioning. It was not therefore surprising that, in its annual report for 1959, the Civil Service Department made this impassioned remark: "In carrying its responsibilities during the last five years, the Civil Service Department noticed that

¹CSD, The Annual Report (1961-64), p. 89.

contravening the law in cases of civil servants is a phenomenon apparent in all ministries and in all Governments,"¹ And in its annual report for 1961-64 it was stated that "there came times when some authorities were competing with each other in the number of legal violations being committed and the extent of their seriousness in order to gain the lion's share for their proteges and to do them personal favors, thus stepping on others' rights, or by deliberately violating laws and regulations to prove of their greater power and higher status."²

1. Obstacles Encountered by the Civil Service Department

After setting up the Civil Service Department and granting it powers which could be considered as adequate for its purpose of dealing with the affairs of the civil servants, the Government felt it necessary to curtail even those limited powers from time to time. In 1955, the Government established a special committee of the Ministers of Finance, Justice and Public Works to study the Civil Service Department Law and recommend necessary amendments.³ A request by the Head of the Civil Service Department to participate in the committee was

¹CSD, The Annual Report (1959), p. 10.

²CSD, The Annual Report (1961-64), pp. 7-8.

³Council of Ministers Resolution, November 8, 1955 (in the files of the CSD).

refused, and he was informed that the committee would contact him if necessary. But he has never been consulted in this concern.¹ Many changes occurred in the functions of the Department as a result of the recommendations of the above-mentioned committee. The Department underwent major changes in the year 1956 and afterwards, when the original Civil Service Department Law was amended and the Department's powers were curtailed.

A. Method of Making Appointments

In regard to the method of recruitment, when the Civil Service Department was created, it was laid down that when a vacancy in Class II of the Jordan Civil Service had to be filled, the minister concerned had to request the Head of the Civil Service Department to take action to fill it, and the latter, if he should find it necessary, should ask the Officials' Selection Board to select the suitable person in accordance with the civil service regulations; and in the case of a vacancy in Class I, the Board would recommend one or more candidates to the Council of Ministers who would, in turn, make the appointment.² In 1956, an amendment of the Civil Service Department Law laid down that if a vacancy occurred, the minister concerned, if he thought it necessary, should ask the Officials' Selection Board

¹CSD, The Annual Report (1955-56), p. 64.

²CSD Law No. 11 of 1955, Art. 10.

through its chairman to nominate one or more persons to fill the vacancy, and the minister would then choose from amongst the candidates so nominated if the vacancy was in Class II, and would submit the names to the Council of Ministers if the vacancy was in Class I.¹

Also, the composition of the Officials' Selection Board was changed in 1956. Originally it consisted of the Head of the Civil Service Department as chairman, the Head of the Audit Department, two other members chosen by the Council of Ministers from among the most senior civil servants, and a senior official of the ministry concerned as a fifth member.² But according to the amendment of 1956, the Board was to consist of the Head of the Civil Service Department, and in his absence of the person delegated by the Council of Ministers; as chairman, one member appointed annually by the Council of Ministers, and the Deputy Minister or Head of Department concerned as member.

B. Method of Making Promotions

In regard to the method of promotion of classified civil servants, it was stated in the Civil Service Department Law of 1955 that the Officials' Selection Board would be responsible for promotions in the same way it was responsible for appointments,

¹CSD Amendment Law No. 36 of 1956, Art. 5, sec. 3, Jordan Official Gazette, No. 1310, December 16, 1956.

²CSD Law No. 11 of 1955, Art. 9.

that is, it would select an official for promotion in the case of a vacancy in Class II, and would make a recommendation to the Council of Ministers in the case of a vacancy in Class I.¹ However, in 1956, this procedure was abandoned altogether, and a separate Officials' Promotion Board was set up in each ministry, one member of which would be a Class I official of the Civil Service Department especially delegated by the Head of that Department, the Deputy Minister of the ministry concerned being the chairman, and the third member also being a Class I official appointed by the appropriate minister.² In short, a centralized system of promotions operated by the Civil Service Department was replaced by a ministerial system outside the effective control of the Department.³

C. Immunities of the Staff and Head of the Civil Service Department

The 1956 amendments have also removed the immunities of the officials of the Civil Service Department prescribed for in the original law, in so far as their transfer, delegation and loan were concerned. According to the Civil Service Department Law of 1955, none of the staff of the Department could be transferred to another department, delegated to perform the duties of any other

¹ CSD Law No. 11 of 1955, Art. 10.

² CSD Amendment Law No. 36 of 1956, Art. 7, sec. 1.

³ This was the case until 1961.

post or given on loan to any public agency without the approval of the Head of the Department.¹ This article was deleted in 1956.

Immunity of the Head of the Civil Service Department was imperative due to his highly important and delicate job. In this regard, it was specified in the original law of 1955 that he cannot be dismissed, placed on pension or subjected to disciplinary punishment without the approval of the House of Representatives.² The law also guaranteed an independent status to the Civil Service Department.³ Thus, all precautions were taken by the original Law to make the position of the Head of the Civil Service Department as stable as possible and to protect him from private and political pressures.⁴

In 1959, the Civil Service Department Law of 1955 was changed by specifying that the reference to the House of Representatives should be made only if the House was in session, if it was not, the approval of the King would be taken upon the recommendation of the Council of Ministers, and the Prime Minister had

¹CSD Law No. 11 of 1955, Art. 6.

²Ibid., Art. 3, sec. 1.

³Ibid., Art. 2.

⁴To become more real and materialized, such explicit provisions depend on many factors, most important of which is the actual ability of the Parliament to act freely and assert itself. As a matter of fact, this is not the case. For instance, the first Head of the CSD, Mr. Mohammed Adeeb Al-Amiri was taken out of his chair in 1958, put into prison and then fired without reference to the House of Representatives. (Jordan Official Gazette, No. 1393, dated July 23, 1958).

to justify to the House at its first session all actions taken.¹
The reason for introducing such amendment may have stemmed from an alleged conflict between the Head of the Civil Service Department and the Prime Minister.²

It is noticed from this provision that the Head of the Civil Service Department has, in fact, no immunity, as the Council of Ministers can threaten to use its prerogative when the House of Representatives is not in session, after any incident or difference of opinion, or after any arbitrary action taken by the Council of Ministers.

D. Security of Tenure of the Civil Servants

Until 1959, civil servants had reasonable security of tenure. According to the 1958 Regulation, an official could be dismissed or reduced in grade without reference to a disciplinary board, if a complaint was made against him on the score of his general incapability or his unfitness to hold office, and if the complaint was of such a nature that it could not be dealt with on the basis of specific charges.³ But there were certain safeguards against punishment of a summary kind. Any complaint of this kind against an official in Class I had to be submitted to the Prime

¹Provisional CSD Amendment Law No. 20 of 1959, Art. 2, Jordan Official Gazette, No. 1433, August 1, 1959.

²Interview with Jmea'n, April 8, 1964. Also, interview with Ghaseeb, June 15, 1965.

³Personnel Regulation No. 1 of 1958, Arts. 144, 145, Jordan Official Gazette, No. 1376, March 19, 1959.

Minister, who, after seeking the views of the official's supervisor, would refer the case to the Council of Ministers for a decision. In the case of an official in Class II, the minister concerned, after obtaining the views of the official's supervisor, would refer the case to the Officials' Selection Board for decision.

But this provision was entirely changed in 1959. According to the Amended Personnel Regulation,¹ a minister could submit to the Council of Ministers a report against any official of Class I on the grounds of incapability, unfitness to hold office or misconduct. If the Council were "convinced" and were of the view that it would be in the "public interest" to dismiss the official or lower his grade, it can do so after obtaining the approval of the King. In the case of an official in Class II, the report would be submitted by the deputy minister or the head of the department to the minister and the latter could decide accordingly, his decision being final.²

The Civil Service Department, which was intended to defend the rights and interests of civil servants, could do nothing about such arbitrary action. There was always the fear that such power in the hands of the high authorities may be misused in order to get rid of "undesirable" officials for other than genuine

¹Amended Personnel Regulation No. 18 of 1959, Arts. 4, 5, Jordan Official Gazette, No. 1426, June 1, 1959.

²This practice continued until 1961.

security reasons.¹ The civil servants were left to the mercy of their supervisors without being given the right of appeal against any arbitrary action. Their feeling that they were not treated fairly would undermine the morale of the whole civil service.

E. The Annual Report of the Civil Service Department

According to the original Law, the Head of the Civil Service Department was supposed to submit an annual report to the House of Representatives.² In 1960, Sir Franklin and the senior officials in the Department prepared two draft legislations, one for developing a new civil service law, and the other for amending Article 120 and other articles in the Constitution to include a complete chapter on administration and to provide for the establishment of the Civil Service Department, method of appointing its Head, his immunities, his rank and his responsibility for presenting an annual report to the House of Representatives.³ The second bill was rejected. The first bill was approved by the Council of Ministers and culminated in issuing the Provisional Civil Service Law No. 26 of 1961. But the

¹CSD, Annual Reports (1959), p. 48; (1961-64), pp. 10, 13 and 14.

²CSD Law No. 11, of 1955, Art. 5, sec. 7.

³CSD, The Annual Report (1961-64), p. 103. See also Franklin, op. cit., pp. 45, 46.

⁴This was the case until 1963.

new law did not include any provision for the responsibility of the Head of the Civil Service Department to submit an annual report to the House of Representatives.¹

During 1961-1963, the Department lost access to the House of Representatives. The annual reports of the Department usually embody its achievements, views and suggestions, indicating such contraventions of the laws and regulations as may come to its notice and the probable consequence thereof, thus causing the ministers some embarrassment, and any possible precautions against future irregularities can be taken.

F. Civil Service Regulations vis-a-vis Laws

At the request of the Council of Ministers, the High Tribunal met to interpret Article 120 of the Constitution and to pass on the constitutionality of the 1963 Law on that basis. The High Tribunal decided that administrative organizations and government employees' affairs be governed by regulations and not by laws.² Accordingly, the Law of 1963 was repealed and a new civil service regulation was promulgated.³ With this new regulation the Head of the Civil Service Department lost every kind of contact with the

¹This was the case until 1963.

²High Tribunal Resolution No. 1, dated May 1, 1965, Jordan Official Gazette, No. 1853, June 26, 1965.

³Provisional Law Repealing the Civil Service Law No. 22 of 1955. See also Civil Service Regulation No. 74 of 1965, Jordan Official Gazette, No. 1853, June 26, 1965.

House of Representatives in so far as his appointment,¹ dismissal, transfer, placement on pension and submission of reports were concerned. There is no provision whatsoever in the new regulation prohibiting the Head of the Civil Service Department from being a parliamentary member.

These latest amendments simply show that the Civil Service Department of 1965 was not the Civil Service Department of 1965 in so far as its status and authority were concerned. Actually, these changes in the legal provisions governing the Civil Service Department have allegedly weakened the Department to serve its purpose.

2. Drawbacks of the Personnel System²

It is appropriate here to consider some specific shortcomings of public personnel administration in Jordan.

A. Competitive Examinations

The Civil Service Department is legally responsible for making rules of competitive examinations for entry to the civil service. So far, no such rules have been framed. It is noticed that appointments are not strictly based upon merit and fitness ascertained through competitive examinations. The Officials' Selection Board

¹According to the original CSD Law, the appointment of the Head of the CSD should be made by Royal Decree upon the recommendation of the Council of Ministers. Such appointment should be communicated to the House of Representatives (Art. 3, sec. 1).

²The personnel system discussed in this part is the one that has been practiced up till 1965. Recently, a new Civil Service Regulation has been issued.

"may" hold competitive examinations,¹ but in practice, the Board is "always" content with the academic qualifications, although the number of applications usually exceeds many times the number of vacancies. Educational credentials are the common standard for measuring suitability. The personnel regulations try to gear selection to the educational qualifications of the candidate which determine eligibility for appointment, as well as grade and pay after entry.²

On the face of it, such system would appear to provide an adequate safeguard against nepotism and favoritism in the making of appointments, but in practice it has failed to do so. There were cases in which ministers accused the Civil Service Department of not providing them with necessary staff in time, or rejected the recommendations of the Selection Board if such recommendations did not contain the names of candidates whom they wished to appoint, or claimed that there was no need to fill the vacancy. In other words, some ministers would put every kind of obstacle in the way of the new appointee who is not their specific nominee, even dismissing him during the probationary period for "supposed" reasons of incompetency. Again, there were cases in which ministers appointed persons to unclassified posts, and after

¹Personnel Regulation No. 1 of 1958, Art. 20.

²Ibid., Art. 34.

the lapse of a short period of time they desired that these persons should be given preference over others on the waiting lists for appointment to classified posts.¹ All these cases represent in fact a breach of the laws and regulations whether in spirit or in letter, and cause an embarrassment to the Civil Service Department.

This is over and above the fact that the field of specialization of the educational certificate is not given high consideration.²

B. Probationary Period

Provision is made for probationary periods during which an employee's work performance may be observed and evaluated. Actually there is no careful observation of performance during the probationary period and thus, there is a tendency to keep most employees who are hired. There is no orientation program maintained, and the newly-hired employee is really left on his own.

C. Promotions

Considering promotions in general, they are supposed to be based partly on seniority and partly on individual competence as

¹ Many examples on all such cases are included under the chapters "Legal Violations" in the CSD Annual Reports; specifically, The Annual Reports (1955-56), pp. 32, 46, 50; (1956), pp. 27, 30, 33; (1957), p. 28; Also, Interview with the Secretary of the Officials' Selection Board, April 7, 1964.

² CSD, The Annual Report (1961-64), pp. 108, 109. For example, many public administration graduates, including the author of the present thesis, were appointed or recommended for appointment as English language teachers.

tested by annual service ratings. But in fact, nearly all advancements in rank follow a kind of seniority progression. A large number of employees feel that they should not be frozen in their grades, but that they should be promoted automatically after spending the statutory period, four years, regardless of the existence of vacancies. As a solution to this problem, the grade of their position is raised without a corresponding increase in duties and responsibilities, and the employee's position is given new nomenclature and new salary. In the absence of sound and positive promotion system, intrusion of personal and political influences on promotions and assignments occurs rather frequently.¹

D, Transfers

The ability to transfer is important to the proper placement of employees. The need for transfer usually arises from an organizational need or an individual employee need. It was pointed out by the Civil Service Department in its annual reports that most of the transfers were unreasonable or involved either a material or a hidden benefit to the influential transferee. There were other cases in which transfers were used as a means in the hands of the minister to punish an "undesirable" employee.²

¹For examples, see the CSD, Annual Reports (1955-56), pp. 2, 34; (1956), pp. 17, 51; (1957), pp. 27, 58; (1958), pp. 27, 68; (1960), pp. 5, 6; (1961-64), pp. 111-113.

²For examples, see the CSD, Annual Reports (1955-56), pp. 50, 55, 62; (1956), pp. 20, 28; (1957), pp. 38, 40-41, 51; (1961-64), pp. 108-109, 117.

E. Classification and Compensation

A prevalent handicap to equitable treatment of civil servants is the haphazard and outdated treatment of status and pay. The country has no proper legislation for classification. The responsibility of the Head of the Civil Service Department is only advisory with regard to classification of positions or job evaluation. As already known, the Budget Department in the Ministry of Finance does not employ any special staff for the purpose of such evaluation. There is no comprehensive classification plan in operation. The classification system in Jordan Civil Service is not based on a systematic analysis of duties and responsibilities of the government posts. It is an arbitrary system which groups positions into two broad classes with no clear well-defined differentiation. Therefore, uniformity in title and treatment, which is the essence of classification, is not realized, and the motto "equal pay for equal work" is violated. This implies in turn a degree of low morale which is a cost in itself.

Sir Franklin found out through a questionnaire which he sent in October 1960 to all ministries and departments a general consensus of opinion that classification and grading in the Jordan Civil Service were most unsatisfactory, that the pay of Government officials was generally low and that the standard of remuneration compared unfavorably with the rates prevailing in the private

sector and in the neighboring countries.¹ The consequences are the lack of an honest, efficient and contented civil service, which leads in turn to the general weakness of the administrative machinery of the government.

F. Organization and Methods

There has been no legislation in Jordan providing for an Organization and Methods unit to extend assistance to government organizations in their efforts to adopt up-to-date and efficient procedures and work techniques.

G. Training

The civil service laws and regulations in Jordan provided for the training of government employees. But such legislations did not emphasize the institution of a public administration institute to train government employees theoretically and practically with a view to raising their efficiency and the standard of administration. The reason might be the lack of financial resources in the hands of the government.²

The other alternative which was followed as a training device, was sponsoring people abroad either before their entry into the civil service or after. The Civil Service Department

¹Franklin, op. cit., p. 1.

²Interview with Jmea'n, April 8, 1964.

does not play a decisive role in this concern. The Ministry of Education is responsible for scholarships and fellowships via a committee in which the Civil Service Department is represented by a member. The result is that no government-wide plans are made in advance of the requirements and needs of the government as a whole, and no evaluation of the relationship between the training areas and the particular requirements of the civil service is maintained. Many attempts by the Civil Service Department to become chiefly responsible for such scholarships, with the exception of those specifically in the Ministry of Education, were futile.¹

¹CSD, The Annual Reports (1956), p. 64; (1961-64), pp. 65-69.

Negative Vs.
Positive

CHAPTER VI
CONCLUSION

In reviewing the functions assigned to the Civil Service Department, one may note that much more emphasis has been laid on negative operations than on positive personnel development programs. This stage is not uncommon. The Civil Service Department was not a welcome institution. Many ministers and influential officials were hostile towards the Department. Much of the Department's energy and time were exhausted in opposing political and personal interferences by ministers and politicians. The appropriate authorities have not conceived that this negative approach is only a partial solution to the public administration problems. This neglect is due, inter alia, to inadequate financial support, to poor direction and cooperation of the executive heads and to the lack of aggressiveness and imagination on part of the personnel officials.)

enough
powers &
immunities
or C.S.C.
rejection by ministers
C.S.C.
instructions

(The main feature of the Civil Service legislation is that it does not provide for sufficient powers and immunities to the Head of the Civil Service Department and other members of its staff. This leaves the degree of enforcement of the regulations low. The traditional politicians and influentials in the society rarely gave chance to the Civil Service Department to serve its highest purpose. When the Civil Service Department, in the proper performance of its duties and responsibilities, calls attention to certain

irregularities in civil service matters and advises that such breaches of regulations be avoided, many ministers and heads of departments used to ask what does "it" know about "our" problems and why does "it" interfere in "others" affairs. In many cases violations were committed deliberately by some ministers as a challenge to the Civil Service Department and a proof of their higher status and authority.) There were cases when the ministers resorted to the lengthy process of give-and-take, thereafter the violation could no more be corrected. There were cases in which the ministers were interpreting the rules and regulations as they understood them, convincing the Prime Minister not to take the debatable case to the special council for interpretation or to amend the rule or regulation altogether.¹ The Department's prestige vis-a-vis other government ministries and departments remains admittedly low.

(The Civil Service Department faced many difficulties in applying the civil service laws and regulations. The problem was neither solved by giving the Head of the Civil Service Department a ministerial rank nor by attaching the Department to the Prime Minister's Office. The ministers and heads of departments could

¹For examples, see CSD, The Annual Reports (1955-56), pp. 52-53; (1956), p. 58; (1957), p. 39; (1958), pp. 29, 32, 46; (1959), pp. 9-10, 12, 15, 66; (1960), pp. 5-7, 18-19; (1961-64), pp. 6-10.

Weak
S.C.
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still by-pass the laws and regulations. To overcome such conflicts and challenges, the Civil Service Department had not much support at its disposal. At the top of the policy pyramid are the King and the civilian ministers responsible to him for continuity in office. By and large, the administrators, including those of the Civil Service Department, have tended to be subservient to the holders of political power.

The Head of the Civil Service Department is legally responsible for the application of the civil service rules and regulations. Such supervision becomes ineffective if the violation is committed by the ministers individually, or when setting as a cabinet, unless the Prime Minister supports the Head of the Civil Service Department. Should the Prime Minister sit aside as neutral in his concern for ministerial solidarity and cooperation with his cabinet, then the minister proceeds with the violation unwarranted and with careless attitude to the relevant correspondence of the Civil Service Department for the rectification of the action.¹) On the other hand, the King's support has proved to be very general in nature, and contributed in practice very little to strengthening the position of the Department over the challenges of the ministers. Although the King has a say in the

¹For examples, see the chapters "Legal Violations" in the Annual Reports of the GSD.

appointment and removal of the Head of the Civil Service Department, he did not ever approach the latter to inject his Department with the courage and help it needed in overcoming the interferences of politicians. (The Head of the Civil Service Department, on the other hand, had not much direct access to ^{President or PM} the King, and when there were such informal contacts, the King, unfamiliar with the details of the specific cases, could not take a definite side.)

Actually, there exists a sort of a vicious circle. His Majesty the King wants the support of an allegian group, and out of this group ministers are generally chosen, but these people also need the favor of the King to continue in office. The ministers are actually his Majesty's. The King may find it wise and more expedient to get along with, and not to antagonize the Prime Minister or the individual ministers.² The work of the Civil Service Department was thus paralyzed, and the Department found itself, several times, obliged to go along some of the traditional policies the Government was inclined to for one reason or another.

No cooperation between ministries & C.S.C. (On the other hand, the ministries and other government departments and agencies were not cooperative with the Civil Service Department. They did not ask for its advice even when they were required to do so. In many cases the advice of the Department was

¹Interview with Jmea'n, April 8, 1964; also, interview with Ghaseeb, June 15, 1965.

²Interview with Ghaseeb, June 15, 1965. (For example, Ghaseeb, the ex-Head of the CSD, was put on pension because of a conflict arisen between him and the Prime Minister, Mr. Wasfi Attal, although the attention of H.M. the King was drawn to such conflict).

not taken seriously, and was considered by the ministers and heads of departments as only a formality procedure.¹ The Civil Service Department lacked the proper authority to execute its decisions. It was acting in an advisory capacity. There was no equilibrium between its powers and those of the ministries and departments. With the frequent and often arbitrary intervention by political authorities in the administrative process, the "rule of law" governs no more a substantial area of administrative action. This in turn has a demoralizing effect on all those concerned with the operation of the Civil Service Department.

financial support (These defects were intensified with the fact that the Civil Service Department was not given enough financial support to carry out its work. The Department was not provided with the necessary number of staff to perform its functions, especially the positive ones.² The Civil Service Department had to struggle with a growing work load without any significant increase in staff or physical facilities.)

The work of the Civil Service Department has met limited success during most of its life. Nevertheless, some progress has been made towards checking the evils associated with the spoils system, in arousing the spirit of public service and in advancing some modern techniques of personnel administration.

¹CSD, The Annual Report (1958), pp. 22-23.

²CSD, The Annual Reports (1956), p. 6; (1957), pp. 8, 9.

Suggestions
granting C.S.C. more authority

- 81 -

The Civil Service Department should be given a proper opportunity to fulfil its role by granting it more authority than it has at present. The Head of the Civil Service Department should be guaranteed adequate powers to order the stoppage of any action implying a violation of the letter or spirit of the civil service rules and regulations. It should be recognized by all concerned that the Civil Service Department is invested with all necessary powers and is accorded an independent status and subject to no authority except the rule of law. It should not be thought that an organization of this kind is completely independent. It is independent in the sense that in the exercise of its powers it is expected to function without interference. The Civil Service Department and its Head should be granted sufficient immunities necessary to carry out the duties and responsibilities effectively and objectively.

2. The Civil Service Department must concern itself with everything affecting the welfare, morale and efficiency of the government service. But in doing so, it must act in close consultation and cooperation with all government ministries and departments. Unless cooperation is created and fostered between the Council of Ministers, the Parliament and the Civil Service Department, accompanied with full support of the Civil Service Department by the Prime Minister in its attempts to apply a proper merit system, there will be little hope for reform. No doubt,

the most important factor lending itself to this situation, however, is the high "moral" impetus given to the Civil Service Department by the King. (The Civil Service Department should have the full-fledged support of the King to offset any political and private pressures. If necessary, the King should take the initiative and establish informal relations with the Head of the Civil Service Department to push the Department ahead.

The Civil Service Department can hold up its full responsibility for administrative reform if good intentions for cooperation exist between the Legislative Branch, the Executive Branch and the "arm of the government," the Civil Service Department. Such cooperation will be achieved when the politicians begin to realize that the Civil Service Department has been created to alleviate a lot of the increasing burden of their responsibilities for administrative reform by providing them with the technical expertise and by sparing them the trouble of doing personal favor to patronages, thus allowing them more time to take care of their statesmanship responsibilities. They should always be prepared to accept the advice of that specialist organization, the Civil Service Department, if proved proper. The Civil Service Department should keep in mind that it has been created to improve the public service. The group to be served is the entire public.) In the same way, the ministers and other politicians should

support
of the
Executive

Cooperation
& importance
of C.S.D.

not place their authority above the public interest. By accepting their common goal, such possibilities of conflict are largely avoided. No rules, however comprehensive and effective they may be, can control the behavior of the politicians and administrators.

Administrative reform can be fully effective only if it is one part of a larger program, political as well as socio-economic, that aims both to resolve the existing acute causes of insecurity and to begin constructing the bases for development. Jordan has now reached the stage when the development projects in all aspects of life are the most important matters that confront the King, the Government and the people. Change involves tension. Reform itself involves departure from tradition and long-accepted patterns of practice. To really attack the basic problems demands daring and courageous solutions.

What Jordan needs more than anything else is time, time to educate her people who can gradually take over the leadership of the country from the old administrators. It is reassuring to find that Jordan is witnessing an increasing number of educated young men and women who acquire education in various colleges and universities. The Government is striving by all means to introduce modern industrialization, improve agriculture and spread education. Inasmuch as the elements which are necessary for the development of public administration have become available in Jordan, it is natural to expect a general administrative renaissance in the country in the near future.

The latest Civil Service Regulation is more adequate and positive than the previous ones.¹ It assigns the goals, purposes and policies of the Civil Service. For promoting and increasing efficiency in the Government service, the Regulation raises the standard of Civil Service by requiring a minimum of high school education for entry into the service and a university degree for promotion to grades 2 and 1. Special emphasis is made on ^{1.} establishing a central training function under the Civil Service Department and on the development of a general classification plan by the Department.

Recommendation
The new Regulation introduces ^{2.} programs of incentive awards, ^{3.} employee development, ^{4.} employee societies, ^{5.} social security, ^{6.} housing and employee-employer relationships. Where there were provisions for ^{7.} voluntary cooperation between the Civil Service Department and the ministries, there are now provisions for compulsory cooperation, and where there was no indication of cooperation whatsoever, there exists now.

On the face of it, this new Regulation would appear to provide better chances for the Civil Service Department after it survived what may be considered a test period. Whether it will be put into practice, in letter and spirit, or not, remains to be seen.

¹ Civil Service Regulation No. 23 of 1966, Arts. 5, 8, 12, 13, 15, 24, 26, 50, 65 and 81.

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