

Jordan's 2010 Election Law: Democratization or Stagnation?

The Jordanian government recently endorsed by royal decree a temporary election law on May 18th, 2010, approximately six months after the dissolution of the 15th Jordanian House of Representatives, in November 2009. The law includes important changes that guarantee more transparency and integrity; it will be in effect for the upcoming legislative elections scheduled for November 9th, 2010. However, significant proposed recommendations such as the "National Coalition to Reform the Legal Framework Governing the Electoral Process" have not been incorporated into the new law.

The lower house of parliament was dissolved on November 23rd, 2009, two years before its term was to be completed. This took place after King Abdullah II deemed the body generally ineffective, and incapable of passing laws necessary for further economic liberalization.¹ This step, combined with the King's determination to postpone new elections a year, triggered renowned think tank Freedom House to downgrade Jordan's political rights and civil liberties ranking from "partly free" to "not free".² Since the current government's inception, it has passed numerous temporary

laws on taxes and social security, in order to promote this notion of economic reform.³ When King Abdullah II indicated that new legislative elections would take place during the last quarter of 2010, he also mandated that the new government be formed using the new election law.⁴ In response, the National Center for Human Rights (NCHR)⁵, in cooperation with the National Democratic Institute for International Affairs (NDI)⁶, has formed the National Coalition to Reform the Legal Framework Governing the Electoral Process; this body is made-up of over 200 non-governmental organizations. The coalition is campaigning for improvements in the country's election system⁷, namely the replacement of Jordan's "one man, one vote" system with a mixed electoral system, redistricting, in order to encourage equal representation among areas, and the introduction of an independent national monitoring system.⁸ However, many observers doubt

³ Ibrahim Gharaibeh, 2010 (Footnote 1).

⁴ Curtis R. Ryan, "Jordan's new electoral law: reform, reaction, or status quo?", Foreign Policy Magazine, May 24, 2010 http://mideast.foreignpolicy.com/posts/2010/05/24/jordan_s_new_electoral_law_reform_reaction_or_status_quo [25.08.2010].

⁵ The NCHR was established by law in 2002. Despite its official status, it enjoys a significant degree of autonomy vis-à-vis the Jordanian regime.

⁶ The NDI is an American non-governmental organization founded by the US-Administration in 1983 to promote democracy in developing countries. NDI is close to the Democratic Party.

⁷ "In Jordan, Coalition Unites for Electoral Reform", NDI March 3, 2010 <http://www.ndi.org/node/16087> [25.08.2010].

⁸ "The Recommendations of the Jordanian National Coalition to Reform the Legal Framework Governing the Electoral Process", NCHR, November 27, 2010

¹ Ibrahim Gharaibeh, "Implications of the Jordanian Parliament's Dissolution", Carnegie Endowment for International Peace, January 13, 2010 <http://www.carnegieendowment.org/arb/?fa=show&article=24687> [03.10.2010].

² Martin Beck, Jennifer Schuster, "Jordanien auf Abwegen?", KAS Amman Political Report 2010 (in German) <http://www.kas.de/jordanien/de/publications/18729/> [03.10.2010].

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that the coalition will be able to exert sufficient pressure to influence government agenda on this issue.⁹

Firstly, in the following text, we will present a short historical overview of the development of election laws in Jordan. Secondly, we will describe the major changes included in the new law, particularly virtual districting, the redesigning of Jordan's single non-transferable vote system ("one man, one vote"), the establishing of a monitoring system, and the increasing of women-exclusive Parliamentary seats. Thirdly, we will discuss the Islamic Action Front (IAF) and the threat it poses to the forthcoming elections. Finally, we will draw conclusions based on these discussion topics.

Electoral Law in Jordan: A Short Historical Overview

As the Minister of Interior Naif al-Qadi emphasized during a recent press conference in May, the government did not start from scratch in formulating its new election law; it built upon on laws that governed previous legislative elections.¹⁰

Jordanian Parliamentary elections were first held in late 1947, on the basis of a new constitution, which was also ratified that year. The martial law provisions of 1957, however, suspended all electoral activities and banned political parties.¹¹ Parliament

was suspended all-together in 1971;¹² elections did not resume until 1989.

Since 1971, three different election laws have shaped Jordan's electoral process. The 1986 election law allowed for the creation of a block vote system. However, as a result of this new block vote system, the government became increasingly concerned with the rising power of Islamist opposition. In the 1989 elections, the Muslim Brotherhood won approximately 30 percent of the seats in parliament, with less than 20 percent of the votes and independent Islamic candidates got additional 16 seats.¹³ This constellation aggravated peace negotiations with Israel that became a strategic foreign policy option for the Jordanian government after the Israeli-Palestinian rapprochement in 1993.¹⁴

In 1993, the government of Prime Minister Abdelsalam al-Majali introduced the Single Non-Transferable Vote system (SNTV: "one man, one vote") in order to reduce the number of opposition parliamentarians. In subsequent elections, the opposition did in fact lose a considerable number of seats in parliament. The new law effectively disadvantaged political parties and backed Jordanian tribalism.¹⁵ This was damaging to the Islamist opposition, specifically the Muslim Brotherhood and its political party, the Islamic Action Front.

The 2001 election law upheld the controversial "one man, one vote" system, but introduced a new quota of six seats, exclusively

http://www.nchr.org.jo/pages.php?menu_id=&local_type=111&local_id=24&local_details=1&local_details1=&localsite_branchname=NCHR [25.08.2010].

⁹ Oraib Al-Rentawi "Coalition Presses for Electoral Reform in Jordan" Carnegie Endowment for International Peace, April 4, 2010
<http://www.carnegieendowment.org/arb/?fa=show&article=40604> [25.08.2010].

¹⁰ Khalid Neimat, "Royal Decree endorses Elections Law", The Jordan Times, May 20, 2010
<http://www.jordantimes.com/?news=26734> [03.10.2010].

¹¹ Suleiman Sweiss, "Electoral Systems in Jordan", in: International Institute for Democracy and Electoral Assistance and the Arab NGO Network for Development, "Building Democracy in Jordan", 2005, 109
http://www.idea.int/publications/dem_jordan/upload/jordan_country_report_English.pdf [04.10.2010].

¹² "Assessment of the Electoral Framework", Democracy Report International 2007, 4
http://www.democracy-reporting.org/files/dri_report_jordan.pdf [04.10.2010].

¹³ "Jordan - Electoral System Design in the Arab World" http://aceproject.org/ace-en/topics/es/esy/esy_jo [29.08.2010].

¹⁴ Mohammad al-Momani, "The Election Law of 2010: Causes and Consequences", Legislative Strengthening Program/Center for International Development/ State University of New York, June 2010, 1.

¹⁵ Mohammad al-Momani, 2010, 1 (Footnote 14).

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for women parliamentarians, raised the number of members from 80 to 110, and underwent re-districting, in order to improve the representation of urban constituents. Both the 2003 and the 2007 legislative elections were held according to the regulations of the 2001 election law.¹⁶

The Election Law of 2010

1. Virtual Districting

The recent election law introduces a new form of districting whereby the country is divided into as many districts as there are seats in parliament, or 108 (not including the 12 seats designated for women). The law also assigns four new seats to the underrepresented areas of Amman, Irbid, and Zarqa. Hence, the total number of parliamentary seats rises from 110 to 120.¹⁷

The new virtual districting system breaks the multi-member districts into 108 smaller, single-seat sub-districts. The voters maintain their one vote, which they can cast in any sub-district.¹⁸ Also, according to article 11 of the new election law candidates may run in only one sub-district. And of course article 40(b) stipulates that the candidate with the most votes in each sub-district wins the seat.¹⁹

Because of this type of gerrymandering, the candidates have been forced to negotiate over who will run in which sub-district. The candidates have done so in order to maximize their own probability of winning a seat.²⁰ Ultimately though, the new system

could be considered as under-representing some districts, and over-representing others.²¹

2. "One Man, One Vote"

The new election law continues to discourage the development of new political parties. The SNTV system ("one man, one vote") favours single candidates, who are elected based on tribal linkages and not on their political platforms. Although the new law adds four seats to the constituencies in Amman, Irbid, and Zarqa, where the majority of Jordanians of Palestinian-descent reside, it also fails to solve urban areas' underrepresentation. The 2010 election law still heavily favours tribal candidates in rural areas who make-up the support base of the royal regime.²²

3. Monitoring

Interior Minister al-Qadi highlighted that the new electoral law will expand the role of judicial observers and will ensure election fairness and transparency. According to articles 23 and 24, high ranking judges will be assigned to supervisory roles for the election. Such high ranking judges will also serve in the governorate central committees.²³ One Supreme Court judge will act as deputy of the Higher Committee, which directs the work of each lower governorate central committee. The Higher Committee will be headed by the Minister of Interior, and four of its five seats will be held by in-

¹⁶ Mohammad al-Momani, 2010, 1 (Footnote 14).

¹⁷ Curtis R. Ryan, 2010 (Footnote 4).

¹⁸ Mohammad al-Momani, 2010, 1 (Footnote 14).

¹⁹ Election Law 2010
http://www.electionsjo.com/index.php?option=com_content&view=article&id=26:-----2010-&catid=11:2010-06-17-13-33-32&Itemid=9 (Arabic) [04.10.2010].

²⁰ For this and other critics of the new election law see the Event Report "*The Jordanian Electoral Law and International and National Standards*" (Workshop jointly organized by KAS Amman and the Al-Quds Center for Political Studies, June 12, 2010)

[http://www.kas.de/jordanien/en/publications/20074/\[04.10.2010\]](http://www.kas.de/jordanien/en/publications/20074/[04.10.2010]).

²¹ Jillian Schwedler "*Jordan's Risky Business As Usual*", Middle East Report June 30, 2010
<http://www.merip.org/mero/mero063010.html> [30.08.2010].

²² Jillian Schwedler, 2010 (Footnote 21).

²³ Hani Hazaimah "*Cabinet endorses new Elections Law*", Jordan Times May 19, 2010
<http://www.jordantimes.com/?news=26695> and [29.08.2010].

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dividuals in government.²⁴ However, the objectivity of these newly established bodies is debatable.²⁵

Also, there is no clear paragraph in the 2010 election law that addresses the issue of monitoring and transparency. The Minister of Interior has defended the provisions of the electoral law by stating that the NCHR is allowed to witness the election process. However, critics have complained that "witnessing" falls short of true monitoring, which would require direct access to the whole election process.²⁶

In an effort to guarantee free and fair elections, in articles 44 through 48 the new law outlines punishments for those caught buying votes or participating in other electoral anomalies. According to article 46, individuals caught buying or selling votes could be sentenced to seven years hard labour.²⁷ However, it is doubtful whether these provisions will lead to more transparency, as former election laws have outlined similar penalties that were not ultimately enforced. The new election law also fails to qualify how to ensure implementation.²⁸

4. Women's Quota

The new law also increases the quota of seats dedicated to women from 6 to 12. However, it is rather unlikely that the future women deputies will represent the female part of Jordanian society in an appropriate manner. In the 2003 legislative elections, under the quota system, most female winners had a tribal background, and came from small constituencies.²⁹ In the forth-

coming elections, the Jordanian SNTV system may prevent qualified women from winning seats. Women from small sub-districts, and with low political profiles, will fair better than well-qualified women from large constituencies.³⁰

Additionally, though the new law increases the women parliamentary seat quota by six, Jordanian women activists still criticize the new provisions, saying these do not meet their expectations of a women-dominated-20-percent in the Lower House. Many gender-politics experts doubt that the new electoral law is a true attempt by the government to break away from Jordan's past dealings in women political participation. Unfortunately, female members of parliament have not yet been able to effectively promote the political goals of Jordan's female population, or generally enhance the social status of women.³¹

The Boycott of the Islamic Action Front

Jordan's dominant political party, the Islamic Action Front (IAF), announced at the end of July this year that it intends to boycott the polls.³² However, at the same time, the IAF made it clear that it was not officially calling on the public to refrain from participating in the elections altogether.³³ The party claims that the new election law

Institute for Democracy and Electoral Assistance and the Arab NGO Network for Development, "Building Democracy in Jordan", 2005, 39
http://www.idea.int/publications/dem_jordan/upload/jordan_country_report_English.pdf [04.10.2010].

³⁰ Rana Hussein "Women activists express reservations over quota system", Jordan Times, May 20, 2010
<http://www.jordantimes.com/?news=26728> [31.08.2010].

³¹ Mohammad al-Momani, 2010, 3 (Footnote 14).

³² "Islamists to boycott Jordan election", AFP, July 30, 2010
http://www.google.com/hostednews/afp/article/ALeqM5jmadFNhDtKR_YBGVLNK9Xp1uDORA [05.10.2010].

³³ David Miller, "Jordanian Government fights calls to boycott elections", The Media Line, September 28, 2010
<http://en.ammonnews.net/article.aspx?articleNO=9711> [05.10.2010].

²⁴ Election Law 2010, Article 23 and 24, (Footnote 19).

²⁵ Jillian Schwedler, 2010 (Footnote 21).

²⁶ Muna Awwad "Monitoring elections infringes on sovereignty!", The Star, Jordan, July 19-25, 2010, 3.

²⁷ Election Law 2010, Articles 44 to 48, (Footnote 19).

²⁸ Mohammad al-Momani, 2010, 1 (Footnote 14).

²⁹ Ibtissam al-Attiyat, "Participation in Public Life and its Impact on Women in Jordan", in: International

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is disadvantageous to their urban area candidates, where the party holds serious political sway. Instead, the new provisions favour the representation in rural areas considered to be dominated by pro-government supporters.³⁴ The IAF further argues that the probability of massive electoral fraud will undermine the fairness and neutrality of the elections.³⁵ In response to their concerns they have called for amending the 2010 election law.³⁶

After announcing their intended boycott, the IAF has demanded that the government initiate a nationwide dialogue to promote election law reform. These feelings were echoed in a meeting with Prime Minister Samir al-Rifa'i and other Cabinet Ministers. In this meeting, IAF Secretary General Hamzeh Mansour rejected the government's call for the IAF to participate in the forthcoming elections and repeated the party's plan to boycott the polls. Still, Prime Minister al-Rifa'i offered only vague notions of reform. Furthermore, these reforms would only occur after the forthcoming elections, once a new parliament is in place.³⁷

Despite the party's call for a boycott, a female Islamist Jordanian lawyer, Siham Bani Mustafa, has announced that she will still run.³⁸ This may be a sign that more Islamist candidates will run in the 2010 elections, despite the IAF's boycott.

³⁴ AFP, July 30, 2010 (Footnote 32).

³⁵ Adam Gonn, David Miller, "Jordanian Muslim Brotherhood to boycott elections", Jerusalem Post, August 2, 2010
<http://www.jpost.com/MiddleEast/Article.aspx?id=183390> [05.10.2010].

³⁶ "Jordan: MB offshoot outlines demands for participating in elections", Ikhwanweb, August 4, 2010
<http://www.ikhwanweb.com/article.php?id=25920> [05.10.2010].

³⁷ Abdul Jalil Mustafa, "Jordan's Islamists reject govt plea to contest elections", Arab News, September 19, 2010
<http://arabnews.com/middleeast/article142450.ece> [05.10.2010].

³⁸ "Islamist female Runs for Election against party's Boycott", Ikhwanweb, October 2, 2010
<http://www.ikhwanweb.com/article.php?id=26596> [05.10.2010].

Conclusion

While the Jordanian election law of 2010 provides for some encouraging changes, thanks largely to the campaign efforts of grassroots organizations, NGOs and other reformists, the law neither significantly changes the status quo nor positively transforms the electoral process in Jordan. A major point of criticism is that the new election law keeps the "one man, one vote" system, thereby impeding a shift towards a proportional representation system. The current electoral system is designed to strengthen the interests of those ruling and limit the opposition's ability to influence government policy.

Despite widespread dissatisfaction with the law, as expressed both by major parts of the civil society and the IAF, there seems to be no significant threat to the stability of the Hashemite Kingdom.

Firstly, tribal constituents in Jordan's rural areas, the social backbone of the regime, benefit from the new law.

Secondly, the government was flexible enough to introduce some changes. As limited as they may be, by doing so the government managed to set the agenda: The debate on the reformed law is mainly on details rather than on basic issues. Also the extreme complexity of the law which makes its comprehension rather difficult even for politically highly-interested and well-informed segments of the society serves this purpose. As a consequence, general problems such as the parliament's limited political capabilities in the legislative process vis-à-vis the king, are hardly addressed in public debate.

Thirdly, the anti-electoral law coalition is divided into two camps: the Islamists, headed by the IAF, and the civil intellectual groups, organized into secular NGOs. These two camps greatly differ in their social backgrounds and political visions.

The secular camp has been unable to form sufficient political party representation to pressure the regime into undergoing serious

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reform. As a result, the only political force capable of exerting pressure on the government is the IAF, which has already begun doing so through its call for boycott.

Although the Hashemite Kingdom, under King Abdullah II, is eager to believe that it has undertaken major political reform, it has instead limited the voice of civil society.³⁹ In conclusion, it seems the political situation in Jordan remains “stagnate,” and has progressed little in terms of democratisation.

³⁹ Martin Beck, Jennifer Schuster 2010 (Footnote 2).