

Jordan 2016: Electoral Reform and Political Continuity

Mohammed Hussainy

On 20 September 2016, elections of the 18th Lower House of Parliament were held in Jordan. The parliamentary elections in Jordan have demonstrated the Kingdom's commitment to reform, freedom of expression and political choice within a context of security threats, a refugee crisis, and regional instability. Prior to the elections, a new Electoral Law was ratified in March 2016, which introduced a number of fundamental changes to the electoral system in Jordan. While the law represents an important institutional shift, a number of aspects limit its democratic potential. The ruling regime in Jordan is parliamentary with a hereditary monarchy, according to the constitution; the Legislative Power shall be vested in the Parliament and the King. The Parliament consists of the Senate and the House of Representatives. The Executive Power shall be vested in the King, and he is exercising it through his Ministers. The House of Representatives is composed of members elected by general, secret and direct elections. The parliament responsibilities include the legislation and monitoring. The legislation role of the parliament is to approve or reject the draft laws and the state budget sent by the government, while the monitoring role includes questioning the government, open an investigation and the vote on confidence.

Multiple votes and single non-transferable vote

In 1993, the single non-transferable vote (SNTV), also referred to as the 'one person, one vote' system, was introduced in Jordan. Under the SNTV, each voter has only one vote, regardless of the number of candidates running in the respective district. The candidates with the highest vote totals fill these positions. By limiting voters to a single vote, and by taking into consideration the tribal nature of the Jordanian society, the strong role of tribes in public life and the weakness of political parties, the regime ensured that ballots would be determined by tribal affiliation rather than ideological orientation. Following protests in 2011, King Abdullah II launched a comprehensive

review of the political system. Opposition parties and activists requested a party list system and proportional representation. The 2012 Election Law represented something in between a proportional system and the SNTV. While only 27 out of 150 seats were designated to a proportional system, the remaining seats were to be contested through a system based on SNTV, and the changes were not sufficient to satisfy either the parties or voters. The SNTV has been criticized for years; especially the Muslim Brotherhood, who boycotted the last two elections, has been a severe critic¹.

King Abdullah II has continuously advocated for political reform based on gradual democratic transition to a more democratic state and a constitutional monarchy system and economic development. The ratification of the new

Electoral Law on 13 March 2016 represented a landmark legislative change to national elections, as the SNTV was abandoned in favor of a new voting mechanism reintroducing the principle of multiple votes. It is important to mention that the new election law can be seen as the results of the work of the National Dialogue Committee that was formed by the king in 2011 as a response to the demands of people and political powers for more democratic reforms. Candidates for parliamentary seats allocated to each electoral district are now nominated through a proportional open list system. As stipulated in Article 9 of the new law, the multiple vote system offers three different scenarios for voters. First, the voter may cast his/ her vote for an entire list without any further preferences for individual candidates on that list. On the one hand, this scenario may encourage unified lists of party candidates, as this kind of vote may give lists a percentage advantage in terms of the available vote. On the other hand, independent candidates competing against each other on the same list may prefer direct individual votes to this voting mechanism. Second, the voter can vote for a list and individual candidates on that same list. Third, the voter may vote for individual candidates on one list, without voting for the entire list. For all three scenarios, it is important to bear in mind that each vote is restricted to a single list, and voters are not permitted to vote for multiple lists or multiple candidates across lists. Subsequently, the lists are awarded seats in the districts in proportion to the number of votes that they won out of the total number of voters in that district in relation to the number of seats allocated to the district.

Candidate lists

The 2016 Electoral Law requires that each candidate for parliament must run as a member of an open candidate list of no more than ten and no fewer than three candidates. In contrast to a closed list or the previous SNTV system, open candidate lists provide a greater degree of agency to voters in selecting which individual candidates will represent them in parliament. As previously mentioned, voters

are only able to vote within a single list, but are able to distribute their votes between the list in question and its individual candidates as they see fit. On Election Day, seats are allocated proportionally based on the percentage of votes received by each list. The lists with the highest percentage of overall votes acquire a greater number of parliamentary seats. Next, the seats allocated for each list are awarded to the individual candidates on the list that received the greatest number of votes.

This system ensures that the most popular list receives the most seats and that the most popular candidates within that list fill those seats. This is in sharp contrast to a closed list system, in which the most popular list or party acquires the most seats in parliament, but the electorate has no influence over the selection of individual candidates. Jordan's open list system is also a major advancement from its previous SNTV model, in which one candidate list could win a greater number of overall votes yet earn fewer seats in parliament than another list due to an inefficient spread of votes among the list's individual candidates. By providing the opportunity to cast multiple votes within a list of candidates, Jordan's new law enables election results to greater reflect the will of the voters.

This aspect of the 2016 law makes the competition over list formation a key aspect of any candidate or party's strategy. Proponents of this reform argue that open lists and multiple votes present an opportunity for the strengthening of broad, issue-based political parties in Jordan, while some argue that the new law will continue to perpetuate familial and tribal-based voting patterns. Traditionally, independent candidates with large kinship networks and personalized relations who can offer patronage to voters tend to overpower party-aligned candidates at the ballot box. The weakness of political parties in Jordan is a consequence of the concentration of state power within the executive. Knowing that parliamentarians have minimal ability to affect policy decisions, voters typically allocate their support to whichever candidates can offer them or their communities the greatest neo-patrimonial benefits such as jobs, treatment and improving infrastructures, typically those candidates with whom they share kinship ties².

The new law was seen as an opportunity to empower political parties and to encourage dialogue about political ideology and issue-based voting. Yet, during the September 2016 election, the role of political parties remained limited. As a report by the Integrity Coalition for Election Observation demonstrates, election campaigns mostly addressed very general topics without specific or applicable messages concerning actual policy³. While partisan candidates formed alliances across the political spectrum⁴.

Since the election, the new electoral law has been criticized for falling short of delivering significant change as voting behavior remained largely based on tribal affiliations. Political parties continue to struggle to emerge as major actors on the political stage. However, several key factors should be taken into account when evaluating the impact of the new electoral law. First, as research conducted by the Identity Center highlights, the severe lack of faith in political parties is partially a result of the widespread belief that the electoral system itself is futile. It is also partly a result of the inability of political parties to connect with their voters⁵. Although this is a general problem, it should be noted that the timeframe between the adoption of the new electoral law in March and the election in September was rather limited for political parties to successfully develop platforms, prepare campaigns, and mobilize voters. Moreover, tribal structures are deeply rooted in Jordanian society, and changing attitudes and voting behavior may take time. Although the multiple votes and open lists provided by the 2016 Electoral Law begin to chip away at this traditional power structure, the electoral strength of issue-based parties is unlikely to supplant that of traditional kinship networks unless the nature of the parliament itself evolves.

Barriers to candidacy

Under the new law, the ability of some key segments of the population to become a candidate is significantly limited. The 2016 Electoral Law maintains its predecessor's requirement that all candidates must be a

minimum of thirty years of age. In a country where 70 percent of the population is under the age of thirty, youth engagement is critical. In fact, the 2011 Royal Constitutional Review Committee recommended that the country would benefit from a reduction of the candidacy age to twenty-five in order to "reinforce the role of youth in public and parliamentary life"⁶. Many Jordanians, and especially the youth, are further discouraged from running as a candidate due to the financial costs of participation. All candidates are required to pay a 500 Jordanian dinar (JOD) (approx. 670€) registration fee, and each list must pay a refundable collateral of 2,000 JOD (approx. 2,700€). Considering low wages and high unemployment among Jordanians, particularly among the youth, the barriers to entry in the political process are substantial.

Electoral districts

The 2016 Electoral Law contains an unprecedented redistricting of the Kingdom's electoral map. The previous 2012 Electoral Law comprised forty-five districts, spread throughout Jordan's twelve governorates. In the new twenty-three district arrangement, however, each governorate constitutes a single district, with the Kingdom's most populous governorates - Amman, Irbid, and al-Zarqa - divided into five, four, and two districts respectively. In addition to the twenty geographically based districts, the Northern, Central, and Southern Badia zones, home to Jordan's Bedouin tribes, form independent districts as well. In conclusion, the size of electoral districts has been increased in order to allow candidates to create competitive lists and to improve voter's representation in the parliament.

Although the 2016 law simplifies the previous complex array of gerrymandered districts, significant disparities in the distribution of electoral power remain. Like the previous electoral law, the current system does not provide any mechanism for the equitable allocation of seats to districts. In order to attain fair and effective representation, internationally recognized best practices suggest that electoral

systems should aim to divide electoral units in a way that grants equal weight to each vote to the greatest possible degree. Historically, the lack of an explicit mechanism for equitable seat allocation in Jordanian law has led to the over-representation of rural communities at the expense of urban centers, where the majority of Jordan's population resides. This electoral imbalance favoring Jordan's rural districts serves to exacerbate existing tensions between the country's predominantly urban Palestinian-Jordanian population and East Bank Jordanians.

In this year's elections, the allocation of seats among the districts was determined through a by-law announced in March that failed to specify the criteria for this distribution. Although the European Union Election Observation Mission (EU EOM) found that the enlargement of electoral districts and the addition of seven new seats to the three most populated governorates demonstrated some improvement from the 2012 Electoral Law, the new distribution of seats continued to underrepresent large urban areas compared to sparsely populated and rural districts. The equitable distribution of seats is typically assessed by a district's average representation norm (ARN) - the ratio of the number of registered voters in each district divided by the number of allocated seats. Under the 2016 Law, the ARN for the Ma'an Governorate and electoral district is 10,676.8 voters per seat, whereas the ARN for Amman's second electoral district is 66,803.7 voters per seat⁷. Such a highly uneven distribution of electoral power within Jordan perpetuates existing political inequalities and detracts from the positive reforms of the new electoral law.

Quotas for women and minorities

To address concerns about the representation of women and minority communities in the government, previous Jordanian electoral laws established set quotas for their inclusion into parliament. Although the 2016 Electoral Law simply maintains the quotas of its 2012 predecessor, the recent reforms have had some

noticeable impact on female and minority representation. In the case of Jordanian women, for example, the fifteen seats reserved for female parliamentarians by the 2012 law remain unaltered. However, due to the reduction of the total number of seats within parliament from 150 to 130, the quota ensures that women make up at least 11.5 percent of parliament, an increase from the previous 10 percent⁸. In addition to these fifteen reserved seats, female candidates can acquire a seat in parliament by securing enough votes through the regular candidacy lists.

The current quota system requires one female candidate from each governorate, including one from each Badia district. These seats are filled by the female candidates that receive the highest percentage of the total number of votes cast in their governorates. This aspect of the law was met with criticism for designating only three out of the fifteen seats to the most populous, multi-district governorates of Amman, Irbid, and al-Zarqa⁹. The Jordanian National Commission for Women (JNCW) argues that the law should have expanded the quota to provide a female-reserved seat in each district, rather than the currently nebulous model that does not provide a clear method for determining which candidate should fill the reserved seat in multi-district governorates¹⁰.

Nonetheless, the September 2016 elections witnessed an increase, albeit small, in the representation of women in parliament. Five women were able to successfully compete and win seats outside the quota system, resulting in a total of twenty women in the new 130-person parliament, an improvement from the previous eighteen out of 150. Additionally, the 252 female candidates spread across all but eight of the total 226 lists, earned a total of 266,000 votes - a record high for women in Jordanian elections¹¹.

Similar to the quota for women, the quotas for Jordan's Christian and Circassian/Chechen minorities, set at nine and three seats respectively, remained unchanged from the 2012 Electoral Law. Unlike the women's quota, the minority quotas are not allocated nation-wide, but rather to the specific districts in which these minority groups make up a

significant segment of the population. While this system is able to guarantee representation to minority groups that would otherwise likely be marginalized and ignored by the electoral system, it may reduce the incentives for these groups to participate in the development of cross-cutting, nationwide political parties and platforms in favor of further entrenched familial and communal voting patterns.

Election results

The election results gave rise to concerns that little change would happen. As in previous elections, the majority of newly elected members of parliament (MP) were either individuals with tribal affiliations or businessmen. Nine political parties won 30 seats including the Islamist party Zamzam (five seats), the National Current Party (four seats), the Islamic Centrist Party (five seats) and the Justice and Reform Party (two seats)¹². The Baath, Communist, National Union and Al Awn parties won one seat each. Following the opening of the legislature's ordinary session by King Abdullah II, Deputy Ataf Tarawneh was elected as the Lower House speaker for the fourth time. Under the amended by-laws of the house, his term lasts for two years instead of one year.

Nevertheless, the recent elections have brought along noteworthy changes to the political scene in Jordan. After ending a decade-long boycott, the Muslim Brotherhood contested the elections through its political arm, the Islamic Action Front (IAF). The National Coalition for Reform (NCR) brought together IAF, tribal, nationalist, and Christian candidates. The NCR won fifteen out of 130 seats, of which IAF candidates took ten. While the NCR will not have the power to block legislation or cabinet appointments, it is the biggest opposition bloc in parliament and may increase debate within the parliament. Additionally, stronger blocs will expectedly be formed to limit the NCR's power in parliament. A second notable change is that the elections featured 252 female candidates, the highest number in Jordan's history¹³. Female MPs won twenty out of 130 seats, compared with eighteen out of 150 in the previous parliament. Five women were able to win outside the quota system.

Although most successful candidates continued to be elected along tribal lines, the moderate success of the Ma'an (Together) List, a list with a unified, issue-based platform focused on democratic reforms and a secular state, shows the potential offered by these latest reforms. Winning two seats in Amman's third district, the Ma'an List, which draws much of its popularity from young Jordanians, demonstrates that there is a growing, albeit modest appetite for lists campaigning on an issue-based platform. The Ma'an List is promoting the concept of civil state, separating religion from politics and calling for the values of citizenship and rule of law and social justice.

Voter apathy

One of the most telling results of the 2016 election, however, is the major decline in voter turnout. Of the more than four million registered voters, 37 percent of the Jordanian electorate cast a vote for parliament. This represents a 13 percent decrease from the voter turnout of 50 percent in the 2013 elections¹⁴. A major factor in this reduction is the inability for Jordanian expatriates to vote under the new law. Jordanians living abroad make up nearly a quarter of registered voters. Therefore, their disenfranchisement has significant consequences. Despite the changes enacted by the new election law, these reforms were not enough to inspire confidence among the Jordanian public in the role of parliament in the political process. A high level of skepticism remains amongst Jordanians about the ability of parliament to effect meaningful change. A June survey conducted by the International Republican Institute (IRI) found that 87 percent of Jordanians believed that the most recent parliament had accomplished nothing worthy of commendation¹⁵. This low sense of voter efficacy is even more pronounced in the underrepresented urban districts of the country, with a voter turnout in Amman at only 23 percent, including a mere 18 percent participating in its third district¹⁶. While the 2016 law may have been intended to restore confidence in Jordan's electoral system, the diminished level of engagement from the electorate indicates otherwise.

So far, the majority of people are unsatisfied with the performance of the newly elected parliament, the MPs were strongly criticized by the people, media and political parties for their performance especially in the process of voting for confidence on the government.

Considering the tremendous challenges facing Jordan and the deteriorating democratic and security situation for many of its neighbors, its ability to conduct free and fair elections with no government interference is itself a worthwhile accomplishment. Despite its limitations, the 2016 Electoral Law grants voters greater agency in selecting the candidates of their choice, and the September elections led to the increased inclusion of segments of Jordanian society typically marginalized from the political process. This progress, however, remains modest and Jordan must continue to work to create an electoral system that inspires confidence and participation among all Jordanians.

Mohammed Hussainy is the director of Identity Center for Human Development, a civil society organization based in Jordan. He graduated from the University of Jordan in 1997 with a BA degree in Economics.

NOTES

1. Women and Muslim Brotherhood make gains in Jordan's elections. (2016, September 23). *Middle East Eye*. Retrieved from <http://www.middleeasteye.net/news/women-muslim-brotherhood-make-gains-jordans-elections-170376146> [last accessed 11/30/16].
2. Identity Center for Human Development (2014). *Social justice in Jordan*. Retrieved from http://identity-center.org/sites/default/files/Social%20Justice%20in%20Jordan_0.pdf [last accessed 11/30/16].
3. Identity Center for Human Development (2016). *A Statement on the tools and contents of elections campaigns up to 3.9.2016*. Retrieved from <http://www.identity-center.org/en/node/516> [last accessed 11/30/16].
4. European External Action Service (2016). *A well administered and inclusive election overall – A legal framework with room for further improvement. Preliminary statement*. Amman: European Union Election Observation Mission. Retrieved from https://eeas.europa.eu/sites/eeas/files/eu_eom_jordan_2016_preliminary_statement_en.pdf [last accessed 11/30/16].
5. Karmel, E. J., & Al-Batran, Ali (2014). *Bridging divides between political parties and the Jordanian people*. Amman: Identity Center for Human Development.
6. His Majesty King Abdullah II Ibn Al Hussein (2011). *Remarks by His Majesty King Abdullah II: On the occasion of presenting the suggested constitutional amendments by the Royal Committee on constitutional review*. Retrieved from http://kingabdullah.jo/index.php/en_US/speeches/view/id/482/videoDisplay/0.html [last accessed 11/30/16].
7. European External Action Service (2016). *A well administered and inclusive election overall – A legal framework with room for further improvement. Preliminary statement*. Amman: European Union Election Observation Mission. Retrieved from https://eeas.europa.eu/sites/eeas/files/eu_eom_jordan_2016_preliminary_statement_en.pdf [last accessed 11/30/16].
8. Esber, Paul, & Hussainy, Mohammed (2016). *2016 Electoral Law*. Amman: Identity Center for Human Development.
9. Al Sharif, Osama (2016, September 28). Who are the winners and losers in Jordan's latest elections?. *Al Monitor*. Retrieved from <http://www.al-monitor.com/pulse/originals/2016/09/jordan-legislative-elections-winners-losers.html> [last accessed 11/30/16].
10. Husseini, Rana (2016, February 13). Activists to picket parliament over women's quota in elections law. *Jordan Times*. Retrieved from <http://www.jordantimes.com/news/local/activists-picket-parliament-over-womens-quota-elections-law> [last accessed 11/30/16].
11. Al Sharif, Osama (2016, September 28). Who are the winners and losers in Jordan's latest elections?. *Al Monitor*. Retrieved from <http://www.al-monitor.com/pulse/originals/2016/09/jordan-legislative-elections-winners-losers.html> [last accessed 11/30/16].
12. Abuqudairi, Areej (2016, September 26). Can Jordan's new parliament spearhead political change?. *Al Jazeera*. Retrieved from <http://www.aljazeera.com/news/2016/09/jordan-parliament-spearhead-political-change-160926054613800.html> [last accessed 11/30/16].
13. Al Sharif, Osama (2016, September 28). Who are the winners and losers in Jordan's latest elections?. *Al Monitor*. Retrieved from <http://www.al-monitor.com/pulse/originals/2016/09/jordan-legislative-elections-winners-losers.html> [last accessed 11/30/16].
14. Al Sharif, Osama (2016, September 28). Who are the winners and losers in Jordan's latest elections?. *Al Monitor*. Retrieved from <http://www.al-monitor.com/pulse/originals/2016/09/jordan-legislative-elections-winners-losers.html> [last accessed 11/30/16].
15. Williams, Sara Elizabeth (2016, September 23). Low turnout haunts Jordan's elections. *Middle East Eye*. Retrieved from <http://www.middleeasteye.net/news/low-turnout-haunts-jordans-elections-1451369814> [last accessed 11/30/16].
16. Al Sharif, Osama (2016, September 28). Who are the winners and losers in Jordan's latest elections?. *Al Monitor*. Retrieved from <http://www.al-monitor.com/pulse/originals/2016/09/jordan-legislative-elections-winners-losers.html> [last accessed 11/30/16].

The Rosa Luxemburg Stiftung (RLS) is one of the major institutions of political education in the Federal Republic of Germany. RLS serves as a forum for debate and critical thinking about political alternatives, as well as a research center for progressive social development. It is closely affiliated to the German Left Party (DIE LINKE). The Rosa Luxemburg Stiftung Regional Office Palestine has supported partners in Palestine since 2000, and established the Regional Office in Ramallah in 2008. Today, the office is in charge of project cooperation with partners in the West Bank, in East Jerusalem, and in the Gaza Strip as well as in Jordan.

PAL PAPERS is a collection of analyses and relevant viewpoints irregularly published by the Rosa Luxemburg Stiftung Regional Office Palestine. The content of PAL PAPERS is the sole responsibility of the author and do not necessarily reflect the position of the Rosa Luxemburg Stiftung Regional Office Palestine.

Rosa Luxemburg Stiftung Regional Office Palestine
 Responsible: Florian Hoellen
 Al-Wa'd Building, Muba'adeen Street, Al-Bireh / Ramallah, Palestine
 Phone: + 972 (2) 240 38 30/2
 Fax: + 972 (2) 240 39 80
 Email: info.ramallah@rosalux.org
www.rosaluxemburg.ps
<https://www.facebook.com/rfpal>