

Executive Summary

Nowhere in the Middle East has the electoral law been as bitterly contested as in Jordan. Over more than two decades, the electoral law has become a major point of contention between various political forces, with the regime on one side and the Muslim Brotherhood and its political wing, the Islamic Action Front (IAF), on the other .

Certain elements of the electoral law have been singled out by opposition forces as key factors behind the unfair and unfree results of the previous elections. Over the years, the state has refused to introduce any meaningful amendment to the electoral law, a position that instigated the boycott of electoral processes by key political players, namely the Muslim Brotherhood and the IAF. Indeed, the government's insistence on adopting a single non-transferable voting system (SNTV), accompanied by accusations of vote rigging in 2007 and 2010 have created a sense of urgency and a need to effect change. While the state previously dismissed all demands for such reform, the events of the Arab Spring reshuffled Jordan's political deck.

The onset of the Arab Spring induced a charged political environment and led Jordan's ruling elite to accept a plan for reform. Faced with increasing political activism, especially among the youth, the state acted swiftly, hoping to thwart the emboldened Jordanian oppositional forces, who took to the street in significant numbers in 2011. In March, a National Dialogue Committee (NDC) was established to draft a proposal for what would be an amended electoral law .

The NDC presented a draft law, only to be shelved once and for all. After talks and negotiations, the government and the parliament, having glossed over the committee's good recommendations, produced a new electoral law in June 2012, touted by the state-run media as part of a reform process .

While the new electoral law retains the controversial SNTV system, it includes the introduction of the list system. The law allocates 27 seats to be elected via a list system, an unprecedented change in the modern history of Jordan. Oppositional forces view the 27 seats allocated for competition through the national lists as a positive step, but the result still falls short of a good electoral law. The Jordanian political spectrum is divided along identity lines and has no well-organized and strong political parties except for the IAF. It was hoped that the national lists would help bypass this identity division, encouraging various social groups to form lists and coalitions, and empower political parties to play a more prominent role in Jordanian politics. Nevertheless, the proposed number of 27 seats allocated to the national lists can hardly achieve these goals.

This book is an attempt to assess the advantages as well as the defects in implementing the national list system in the last parliamentary elections of January 2013. It examines the following themes: mechanisms for forming lists and their platforms, the objectivity of the new list system, and the impact of the lists on parliament's performance as a whole. The book concludes with recommendations.

The issue of how the national list system would affect parliament's performance was at the heart of the public debate. Needless to say, a majority of Jordanians do not hold the parliament in high esteem. Against this backdrop, proponents of the national list system have long argued that parliament's performance would improve and reflect the interests and sentiments of the broader public.

The book argues that while enacting this principle in the electoral law is a significant stride in the long path to reform, those who won their seats through the national list system have not demonstrated outstanding performance. On the whole, they have essentially become deputies in parliament similar to those who won their seats by contesting in individual electoral districts or even those who were elected via the quota system.

More often than not, the 21 lists that won seats fell into the trap of the old system. In other words, except for three lists, the rest have integrated into parliamentary blocks that do not reflect their list platforms. Ironically, some of the lists who won more than one seat even fractured. In two cases, members of the same list ended up joining two different blocks in parliament. It is not surprising though that the deputies joined blocks. A list of one member cannot stand alone without some kind of cooperation with other lists and other independent members. Hence, in an effort to be effective in parliament, members join blocks. Seen in this way, lists lost their identity within in the first week and hardly anyone still associates parliamentary members with their lists. The deputies' performance in parliament will continue to be conditioned by the imperative to form blocks .

It is worth noting that none of the national lists who made it to the parliament promotes its electoral platform. Therefore, they have not established benchmarks against which their performance can be measured. In several occasions, some lists refer generally to their electoral platform. And yet, when it comes to their voting record in the parliament, it is hard to see any link between their platforms and their voting behavior. All in all, the national lists' performance presents nothing new .

Looking at the experience from a different angle, one can safely argue that the enactment of the national lists system and the fact that a huge percentage of voters exercised their right to cast a second vote for lists means that the one-person-one-vote system in Jordan is no longer sacrosanct. In fact, 92% of those who voted, also used their second vote with regard to the national lists. If anything, it could be said that Jordanians would not take issue with eliminating the one-person-one-vote electoral law.

As the book shows, political and democratic empowerment requires a legal foundation. The experience of the national lists reveals yet another insight into this paradigm. It would be futile to discuss democratic empowerment without enacting a new political parties' law that eliminates all obstacles to entry and indeed encourages Jordanians to participate in political parties. The current culture of adversity towards political parties is, by and large, the result of decades of damaging official policy. Therefore, it time for the state to play a role in the process.

The following three lessons are critical for the future improvement of Jordan's political environment. First, the establishment of the Independent Election Commission (IEC) by constitutional amendments in support of free, fair and credible elections was a step that was widely welcomed by all stakeholders in Jordanian politics. It was the first time ever that an independent body oversaw the electoral process in all its phases. This effort was key in the state's bid to restore the public's trust in the elections process, particularly after wide accusations of rigging past elections. Nonetheless, the IEC made a number of mistakes, especially in the way it decided the winner of the last seat in the national list system. Some appealed to the court to decide on the issue. If not addressed in the future, this could chip away at the credibility of the newly established electoral institution.

Second, with little electoral experience, voters who voted for the national lists were driven by geographical or tribal affiliations. Therefore, rather than reinforcing national identity, the votes did the opposite with subnational identities still being a determining factor for the vast majority of voters. If the national lists had been confined to political parties, the voter behavior may have been different .

Third, elections took place amid a charged atmosphere in which the opposition boycotted elections. In fact, the opposition sought to weaken the voter turnout in order to undermine the regime. The state measured the elections' success in terms of voter turnout and did everything in its power to secure at least a 50% participation rate. Perhaps for this reason, the government turned a blind eye to the spread of vote buying. Furthermore, it encouraged the participation of as many lists as possible for the purpose of attracting more

voters. Therefore, Jordan's elections were conducted in a confused atmosphere where vote buying was pervasive and the existence of 61 lists fragmented the process.

That said, the electoral experience was overall a positive step upon which the state and society should build. On the whole, the book recommends the following: First, the electoral law should be amended to eliminate the one-person-one-vote system. The insistence on the SNTV system has been the key impediment to developing a healthy political environment and a strong parliament that can establish a checks and balance system. Second, it is necessary to allocate approximately 50% of seats to the national list system, leaving the remaining percentage for electoral districts. Such a division is already being successfully implemented in several European democracies. The combination of allocating 50% of seats to national lists and eliminating the SNTV system would create an inclusive framework; it would thus reduce the risk of political parties and opposition forces boycotting the elections .

Third, in order to inject life into and bolster political parties, the book suggests that national lists be confined to political parties. In other words, only members of established political parties would be able to run for election on a national list. Faced with this reality, voters would likely break with their traditional voting behavior, which is still tribal in nature. In the last elections, among the 61 national lists that participated, only a few were party-based. Furthermore, the lists should be open, meaning that a voter should have the ability to choose names from different lists as opposed to just casting his or her vote for the whole list in one vote.

Fourth, as being implemented in some well-established, functioning democracies, there should be an agreed-upon electoral threshold, which a party has to pass to be represented in parliament. This system would encourage small groups and parties to form coalitions in order to get their interests represented in the national parliament .

Fifth, the political parties' law should be amended to eliminate all bureaucratic obstacles that impede the work of political parties. While the national list system is a positive step, the political parties' law remains an impediment. In order to have a healthy environment for political parties in Jordan, a new electoral law must be enacted to help pave the way for genuine political reform. Jordan needs strong, functioning political parties seeking the sharing of power as opposed to weak parties that merely serve for window dressing .

Finally, the parliamentary by-laws should be modified. Parliamentary blocks should get institutionalized once they are established. The current status of these blocks is in limbo. In other democracies, blocks are the basis for parliamentary performance. The Jordanian parliament should adopt proportional representation of blocks in various committees in the parliament and the Bureau of the House.

Foreword

Anja Wehler-Schoeck

Resident Director, FES Jordan & Iraq

With the parliamentary elections held in January of 2013, Jordan introduced a list system, based on which 27 out of the 150 members of parliament would be chosen. This move was a modest step towards a highly anticipated and long overdue reform of the electoral system. The implementation of this new system was, however, met by a number of obstacles :

- A list system typically requires political parties or other entities, which – based on common values and agendas – choose candidates and organize them into a list. Yet, the Jordanian political landscape is still marked by an absence of parties – important actors in the opinion-making process and in the forming of majorities. Many of the lists were thus merely created for the purpose of the elections, were grouped around a prominent figure and proved short-lived in the aftermath .
- Given the tradition of the single non-transferable vote system in Jordan, the introduction of the list system left many voters overwhelmed with their decision on election day, lacking information on the casting of their second vote .
- In view of the limited number of deputies, which were chosen according to the list system, the new system's impact on the current parliament is naturally limited. As even the strongest out of the 21 successful lists was only able to win a total of three seats, the lists cannot be seen as a basis for forming majorities and influencing parliamentary decision-making.

Despite these limitations, the introduction of the list system is undoubtedly a positive development. If electoral reform is not again tabled but placed as a priority item on the political agenda, the challenges, which the new system has faced, can be tackled. To be effective, these steps must be accompanied by a firm commitment to strengthening the role of political parties and facilitating their founding and work

With this study, the Friedrich-Ebert-Stiftung Amman and Al-Badeel Center for Studies and Research would like to further the discussion of the electoral system in Jordan. We hope that the recommendations, which the study offers, will help pave the way for the next steps of reform.

Through its offices in more than 90 countries around the globe, the German Friedrich-Ebert-Stiftung (FES) and our local partners work in promoting democracy. True to our namesake's credo "Democracy needs democrats", we believe that democratization is a process, in which all groups of society must participate.

In Jordan, FES promotes open political discussion, supports the efforts of civil society organizations and furthers active participation of previously marginalized groups such as women and youth. It is our conviction that a prerequisite for active participation is information. FES thus aims to contribute to the

strengthening of independent media and the training of journalists. In addition, FES facilitates regular dialogue between political decision-makers and experts from Germany and the Middle East.

Together with the Al-Badeel Center for Studies and Research, FES has been working on strengthening democratic institutions in Jordan for many years. Recent projects focused on the bylaws for Parliament, on the organization and role of the blocks in Parliament and on the work of the Independent Election Commission.

We wish you an insightful read and look forward to your continued interest in the activities and publications of the Friedrich Ebert Foundation .

Foreword

Necessary Research despite Some Disagreements

His Excellency Eng. Atef Attarawneh

Speaker of the House of Representatives

The experience of national lists in Jordan is still in the inception stage. Thus, it is difficult to judge the experience negatively or positively despite the fact that the national lists constitute a qualitative leap in Jordan's electoral law. Still, the topic requires further research and development.

Though I do not fully concur with some of the study's outcomes, I believe that the author's research is an important addition to the field of parliamentary studies. It is the kind of scholarship that researchers, the interested public, and my fellow parliamentarians require and can greatly profit from.

Over the past decade, research and analysis of the parliament's conduct (namely, its performance, oversight, and legislation) has been prioritized by some specialized research centers both inside and outside of Jordan. Dozens of studies have been published that we – as parliamentarians – should acquaint ourselves with for our own benefit. Furthermore, the parliament as a whole should pay attention to studies produced here in Jordan or on a regional or international level, as they can provide insights and experience needed in this particular domain.

By and large, this book scrutinizes the experience of the national lists and assesses the performance of my colleagues who were elected to the 17th Jordanian parliament through the national lists. Although I disagree with several of the study's conclusions, this study remains an important part of research that aims to evaluate the parliamentary experience with the purpose of identifying the inadvertent pitfalls and advantages that we should underline and build upon.

Undoubtedly, developing Jordan's democratic environment requires experts, researchers, and members of parliament to join forces and work together to realize this objective. Seen in this way, scientific research on parliament should be strongly supported, as it is the only way to effect modernization and excellence in parliamentary performance.

From this perspective, I value this book. At a time when the Jordanian parliament does not embrace such research, I would like to emphasize that it is a necessity. We look forward to parliament's own sponsorship of such studies and valuable research.

I would like to thank the researcher, Waleed Husni, the al-Badeel Center for Research and Studies, and the Friedrich Ebert Foundation for supporting this study. I hope to see more research on this topic. I also hope that my colleagues in parliament will read such publications and reports (whether published internationally, regionally, or locally). This can help open a dialogue between my colleagues and research centers, which can have a positive impact through the sharing of experiences, clarifying the parliament's positions, and conveying the parliament's voice through constructive and open dialogue.

Introducing Lists to the Jordanian Electoral System

Implementation and Impact

Researcher

Waleed Husni

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Speaker of the House of Representatives

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