

## New Elections Law: Towards Reform Or Regression?

The new electoral law, revealed by the Rifai government in May, has been described as likely to exacerbate the issue of identity politics in Jordan. **Sufian Obeidat** assesses the implications of such a law and reflects on the context of electoral systems within the Kingdom's democratization effort.



**T**he April 1989 uprising in Ma'an and other southern towns in Jordan, following the government's sudden increase of fuel prices, triggered a series of important political and economic changes in the country. Zaid Rifai's government was forced to resign and the late King Hussein decided that a resumption of parliamentary life would be the most appropriate political response to the anti-government

sentiments expressed by many Jordanians at the time. Between 1989 and 1993, Jordanians enjoyed four years of parliamentary life that brought hope for real change in their lives.

The 1989 elections rejuvenated the legitimacy of the political system in Jordan. Evidence of this came during the Iraqi invasion of Kuwait in 1990. Backed by parliament and popular sup-

port, Jordan – which tried to mediate a peaceful solution to the problem – survived the crisis despite heavy pressure from the international community.

### New Paths, Old Ideas

Unfortunately, the democratic exercise did not survive for long. In 1993, to lay the groundwork for an imminent peace treaty with Israel, the late King Hussein dissolved parliament prior to the end of ▶▶

► its term. The government enacted a new provisional election law, which became known as “the one-person, one-vote system”. That meant that many voters

event resulting from the 2007 elections was in 2009, when Jordanians from all walks of life celebrated the royal decision to dissolve parliament.

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would most likely elect their tribal or family candidate, as opposed to candidates running on a political platform. This is exactly what happened in most cases. The electoral system reduced the impact of ideological parties and candidates, and saw the number of victorious Islamist members of parliament (MPs) decline from 24 to 16. While the Constitution says that all Jordanians are equal, in practice the one-person, one-vote formula applied in demographically unequal constituencies meant that the votes of some Jordanians carried more weight than the votes of others.

The law was based on an electoral system referred to as the Single Non-Transferable Vote. According to the International Institute for Democratic and Electoral Assistance (IDEA), Jordan and the Republic of Vanuatu are the only two countries in the world to use such a system.

The consequences of applying the one-person, one-vote system over the past 17 years are no secret to anyone. The system thwarted the democratization process, marginalized political parties and civil society organizations, dwarfed parliament and made it an instrument of the government. This resulted in the disintegration of the Jordanian social fabric, the distortion of the positive values of tribal relations and the intensification of the rivalry within.

The deterioration in Jordanian political life culminated in the 2007 elections, when the country witnessed what some allege as the most audacious electoral fraud in its history. The outcome of the elections was a parliament that became an embarrassment at the national and international levels. The most poignant

Behind closed doors and in the absence of parliament, the Rifai government unilaterally issued a new Elections Law. Instead of revising the old electoral system, the one-person, one-vote principle has been maintained but window-dressed with what is known as “virtual electoral districts” – a concept that is yet to be tested, and one that will most likely promote tribalism and the narrow interests of individuals at the expense of political parties and organized groups. The virtual district is “virtual” in the sense that it creates sub-districts within each electoral district, without defining the geographic boundaries of those sub-districts. It thus follows that a virtual district has no defined constituency.

#### **Constitution And Social Fabric**

According to the Constitution, the Jordanian system of government is parliamentary with a hereditary monarchy. The system of government is based on two pillars: the monarchy and parliament. The destabilization of either would automatically undermine the legitimacy of the political system.

As the electoral law is the constitutional tool by which parliament is created, it must adopt an electoral system that realizes the constitutional intent. That is, parliament must represent all Jordanians and parliamentary duties must be per-

The problem does not lie in the Elections Law and the electoral process only. In addition to inherent distortions in the Constitution, the latter has been subjected to a series of amendments and interpretations that undermined parliament and the judiciary, contributed to concentrating power in the hands of the executive branch and disturbed the checks and balances system.

Today, the King has the authority to dissolve parliament at will and for an indefinite period of time. The validity of electing parliament members is not subject to judicial review, as the Constitution grants such a review to parliament itself. Any serious reform to the electoral system must include reconsideration of all previous constitutional amendments.

#### **Tearing The Fabric**

The quality of any electoral system affects the legitimacy of the elected body. The current Elections Law is designed to produce representatives of neighborhoods and alleyways rather than representatives of a nation. The one-person, one-vote system, with the addition of the virtual electoral districts, promotes tribalism in its most negative aspects and deepens tribal conflict and rivalry. Limiting voters to a single vote in a multi-seat district, combined with the general absence of real political parties, leaves voters with no choice but to save their vote for members of their closest social network. Consequently, social formation will be converted into a political one. Instead of progressing towards political parties and civil society, the electorate will regress to its basic social formations.

Consequently, elected representatives would be representing themselves and the minorities who share their narrow interests. Practically, this situation creates a serious vac-

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uum in the social and political leadership. In sum, the cumulative damage that is inflicted by the one-person, one-vote system is a recipe for complete chaos. ►►

formed as an essential part of the system of government. Hence, elections that bring parliament to power are key to the legitimacy of the political system.

► To sustain the legitimacy of the Jordanian political system, the social fabric must remain intact. The electoral system should promote social cohesion and conciliation of any conflicts or dichotomies within society. The new electoral law fails to serve such a purpose; it doubles the women's quota and maintains the ethnic and religious classification of Jordanians into Muslims, Christians, Bedouins, Circassians and Chechens. At the same time, the system of quotas goes against the notion of citizenship and equality.

Allocating a quota for women suggests that these are being discriminated against. Previous elections proved that Jordanians would vote for a competent woman. Toujan Faisal, for example, was elected in 1993 and made a distinguished representative. However, because of her courageous opposition, she was unjustifiably deprived of running for subsequent elections.

Ironically, former Prime Minister Faisal Fayez, born and bred in Amman, is deprived of running for elections in any of Amman's districts because the quota system classifies him as a Bedouin rather than a citizen who also happens to be a Bedouin.

### Facing The Challenges

National unity and the social fabric are susceptible to rupture due to different factors. Regional and internal circumstances suggest that the Kingdom is going through one of the most complex stages in its history. At the same time, the future of the Palestinian question and its implications on Jordanian demography continues to make headlines. Compounding this further is an economic situation that is getting more critical by the day.

Out of respect to the political system's legitimacy, we must not allow any manipulation of elections. In those that took place in 2007, and despite all the credible reports of demographic manipulations, vote buying and ballot stuffing, no one was



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held accountable. Ironically, the new Elections Law brought tougher penalties on electoral crimes, as if the problem with the superseded law was that the penalties imposed under it were not a sufficient deterrent.

Interestingly, while the prime minister who administered the 2007 elections, Marouf al-Bakhit, publicly insists he is oblivious to any manipulation of elections, other senior public officials at the time continue to brag in private

that they were behind the election of certain members of parliament.

In spite of the seriousness of the current situation, the decision-making process is still monopolized by the executive branch. Just as national unity brought about by political reform in 1989 was the guarantee of the country's ability to stand up to the challenges it had to face at the time, Jordanians today are in dire need for legitimate institutions to take responsibility in bailing the country out of its stagnant democratization process. ■