



**PRE-ELECTION ASSESSMENT DELEGATION STATEMENT  
REGARDING JORDAN'S 2013 LEGISLATIVE ELECTIONS**

*Amman, 19 November 2012*

At the invitation of Jordan's Independent Election Commission, the National Democratic Institute (NDI) organized a pre-election assessment mission from November 4 through November 8 as part of a possible international observation effort for the January 23, 2013 legislative elections.

The members of the delegation were: Jorge Quiroga, former president of Bolivia and Leslie Campbell, NDI's senior regional director for the Middle East and North Africa (MENA). NDI resident senior country director Arianit Shehu and NDI-MENA senior program manager Lindsay Workman accompanied the delegation. All aspects of the assessment were conducted in accordance with international standards as set forth in the *Declaration of Principles for International Election Observation*, which is endorsed by 42 intergovernmental and non-governmental organizations, including the United Nations Secretariat.

During the course of its assessment, the delegation met with a range of people involved in the electoral process, including: government officials, representatives from the Independent Election Commission (IEC); political party representatives; domestic election observers; civil society leaders; youth activists; journalists; and representatives of the international community based in Amman. The delegation appreciates the hospitality and openness of all those who shared their views and expertise during the assessment.

While the basic organizational structure for elections has improved, and access is being afforded to domestic and international observers, NDI's delegation noted widespread apathy among Jordan's political elite and a decided lack of enthusiasm for the election among ordinary citizens. If the 2013 parliamentary elections are to evolve into a more meaningful process, improvements to the process will need to be implemented soon. While it may be too late for major changes, including changes to the election law, there are a number of technical improvements that could enhance conditions for the upcoming polls and set the stage for deeper reforms that would increase citizen confidence in future elections.

The delegation offers the following statement and recommendations in the spirit of international cooperation and in the hope of strengthening the development of democratic processes in Jordan. In issuing its statement, NDI and the delegation seek neither to interfere in nor render a final assessment of the election process; NDI recognizes that it is only the Jordanian people that can determine the credibility of their elections.

## **Summary of Observations**

### *Political Context*

On January 23, 2013, Jordanians will go to the polls for the first time since the start of the Arab Spring. The elections follow the October dissolution of the previous parliament, and will be held under a new election law -- Jordan's first permanent election law since 1989. Additionally, the 2013 elections will be administered by an Independent Election Commission (IEC), an important innovation mandated by the 2011 constitutional revisions.

The election comes amidst internal and external pressures, including economic uncertainty and serious regional tensions -- issues that remain priorities of both leaders and citizens. While Jordan has seen persistent, small-scale demonstrations since the start of the Arab Spring, the intensity of recent protests over the increasing price of fuel underscores the level of public discontent and the possibility of greater polarization and violence.

In light of the magnitude of challenges facing the kingdom, many people with whom the delegation met expressed a desire to participate in a more meaningful democratic process that is characterized by an election trusted by citizens and by empowered, accountable institutions that operate within a system of checks and balances and deliver better public policy and services. Such a vision has been articulated by Jordan's rulers, including in an October speech, when King Abdullah promised that the "citizens' vote in this election... will determine the make-up of the next parliament and the next parliamentary government, thus determining the policies and decisions that will affect the life of every citizen."

Notwithstanding this important commitment, the delegation encountered doubts about the reform process and a decided lack of enthusiasm for the election itself. This skepticism was not only expressed by the political groupings that have decided not to participate in the upcoming elections, but also by the parties and individuals that are participating.

There is a widely held view, shared by Jordanians across the political spectrum, that an election held under the current law will likely yield a parliament that is similar in composition to previous bodies, many of which have been deeply unpopular. Further, few view the parliament as an institution that can address priority issues, including economic hardships and corruption.

### *Electoral Framework*

Much of the dissatisfaction centers on Jordan's new election law, which was passed by parliament in July 2012. The law introduces a mixed electoral system that retains the previous configuration of 108 district seats determined by majority vote, raises the women's quota from 12 to 15 seats, and adds 27 new seats to be awarded to national lists on the basis of proportional representation, for a total of 150 seats.

Although the introduction of a mixed electoral system has long been an aim of civic and political activists -- even before the start of the Arab Spring -- many Jordanians, including those unaffiliated with political parties, remain dissatisfied. The delegation heard many activists describe a sense of disappointment that the new election law retains elements of the former system that have favored independent candidates, thus discouraging the formation of issue-based or ideological coalitions and making it difficult for parliament to provide constructive policy proposals or government oversight.

Under the new law, the delegation heard, even if one group or party were to win 50 percent of the national vote, it would receive only 14 of the newly created proportional seats. Even if combined with a sizable showing in the district voting, the number of seats that one group could control would always be a small minority of the 150-seat chamber. Far from encouraging parties and political coalitions, this system provides incentives for local notables and tribal figures to create proportional lists to enhance their personal influence -- a practice the delegation heard is already underway and that discourages a national effort by parties.

Nevertheless, the national lists represent an important, if limited, innovation. They offer, for the first time in Jordan's history, an opportunity for citizens across the kingdom -- whether in Maan or Amman -- to vote on a unified ballot. While the limited number of seats presents a disincentive to party organizing, the national lists provide an opening for the first elected representatives with a national mandate.

While much of the debate on the election focuses on the shortcomings of the mixed system, there are other outstanding issues. The issue of unequal weighting of electoral districts toward rural areas, which disadvantages the country's sizeable Palestinian-origin and largely urban population, remains unaddressed. Moreover, some activists have expressed disappointment that, although the law adds three additional quota seats for women at the district level, it is silent on the issue of women's representation on national lists.

Despite the dissatisfaction with the current law, further changes are unlikely prior to the January polls. Officials have publicly acknowledged weaknesses of the law, but have encouraged citizens to participate in the elections so that deeper reforms can be enacted by the next parliament.

King Abdullah has stated publicly that the next parliament would have a role in determining the make-up of government. The delegation heard considerable speculation about what this process might entail and when it would be implemented. Several of the delegation's political interlocutors cited the lack of clear rules for government formation as a factor that may be contributing to the limited enthusiasm demonstrated by parties and electoral competitors.

#### *Election Administration and Technical Reforms*

While the election law is not likely to be changed before the January polls, a number of people with whom the delegation met expressed a desire to see the elections take place on time. Many believe that participating in regular elections can provide a path to deeper reforms. Others suggested that although there are questions about the meaning of the process, the establishment of sound rules and electoral procedures, if overseen by an independent election commission that enjoys the trust of the people, would represent significant progress.

In the absence of major reforms, there are steps that can be taken now that would represent technical improvements to the process. These steps can both contribute to greater confidence in the upcoming elections and provide a foundation for deeper reforms. As one political analyst put it: "It is important to get the rules right and to encourage people to exercise the voting franchise, even in a flawed system. Then, next time, they will be poised to take advantage of a better law, should it appear."

To this end, the delegation emphasizes the importance of ensuring that the IEC has the resources, staff, and political support to fulfill its mandate of independent election administration. A strong performance by the IEC would contribute to greater public confidence in the electoral process.

Although the IEC is preparing to administer elections on an accelerated timetable, while simultaneously laying the foundation for its long-term viability as a credible and professional body, time is not its primary challenge. Elections held elsewhere in the region, including Tunisia and Egypt, demonstrate that citizens can have confidence in an expedited, even imperfect, process when they believe that the intent of officials is to administer a process that allows voters free expression and when election results are seen to reflect the will of the people.

Thus far, the delegation notes several positive developments. The IEC has accepted the role of nonpartisan Jordanian election observers, displaying an openness and responsiveness to input that can build citizen confidence. During the voter registration process, for instance, the IEC addressed shortcomings noted by domestic election observers, including the need for more registration centers and extended hours. Significantly, the IEC has also taken the important step of assigning voters to specific polling centers, a move that can reduce incidents of voter misconduct or fraud.

Concerns were raised, however, about the need for dedicated IEC staff (most staff are on short-term contracts or have been seconded from other government ministries) and training. Several people with whom NDI met expressed concern that staffing and resource shortages could weaken, if not undermine, the independence of the Commission.

Beyond election administration, the delegation heard widespread concerns about the potential for voter fraud or manipulation, including through vote-buying and the abuse of procedures for illiterate voters. Jordan remains one of a few countries that have yet to adopt a pre-printed ballot, which is widely recognized as an international best practice to ensure voter secrecy and prevent misconduct. The new election law includes a provision for pre-printed ballots at the national level, but states that voters must “write” the name of district candidates, leading many to narrowly interpret the law as dictating a blank ballot at the district level.

Trust in elections and elected institutions has been shaken over a series of flawed elections. The delegation was assured by senior government officials that their primary objective is overseeing clean elections. Elections that are fairly administered and conducted without interference from intelligence or security services would represent an important step forward in rebuilding Jordanian trust in their political institutions.

## **Recommendations**

The delegation respectfully offers the following recommendations, which it believes could enhance the integrity of and voter confidence in the January 23 elections:

For the Independent Election Commission:

- *Provide uniform, pre-printed ballots at the national and district level.* This innovation would bring Jordan in line with international best practice and help to ensure the secrecy of the vote. The delegation suggests that such ballots include as many distinguishing features -- such as names, numbers, pictures, symbols, colors -- as possible.

- *Institute voting procedures for illiterate voters that meet international standards.* Domestic observers have raised concerns about the potential abuse of procedures for illiterate voters. A pre-printed ballot with pictures or symbols would help address this challenge.
- *Establish an electoral incident reporting hotline.* The law contains strict penalties for electoral violations. Authorities could strengthen this regulatory framework by setting up a formal complaint mechanism for citizens, such as a telephone or reporting hotline, and publicizing it widely. To gain citizen confidence, officials must investigate and adjudicate complaints in an effective and impartial manner.
- *Encourage gender inclusion in list formation.* Although it is too late to legislate a gender quota for the national lists, the IEC should consider issuing recommendations to those parties and individuals forming candidate lists to incorporate a voluntary quota, such as the so-called zippered system, to ensure that women are represented at the national level.<sup>1</sup>
- *Conduct a national voter education campaign, including on the national list system.* The introduction of national lists is an important electoral innovation that will produce the kingdom's first elected officials with a national mandate. Election officials should ensure that citizens understand the significance of the national list and understand how to cast, for the first time, a second ballot on election day.
- *Institute financial disclosure regulations.* The IEC should consider issuing regulations outlining financial disclosure requirements to help prevent voter fraud and limit the influence of political money. Such regulations could require candidates and lists to set up dedicated campaign bank accounts and provide the IEC access to bank statements, including contributions/donations and campaign expenditures. The IEC should set up a dedicated office to review campaign spending and donations.
- *Ensure equitable time for national lists on public media.* The IEC should take steps to provide a level playing field for electoral competitors, including by issuing regulations that mandate equitable time for national lists on public media.

For the Jordanian authorities:

- *Announce the institution of a permanent staffing structure for the IEC.* While understandable given the short timeline, the current system of employing individuals seconded from other government institutions on short-term contracts undercuts the IEC's effectiveness and neutrality. Announcing the hiring of a dedicated, long-term staffing force for the commission would both send a strong message about the importance of independence in the January elections and provide a strong foundation for the long-term viability of the IEC as an independent and impartial institution.
- *Ensure that the IEC is the primary public body to make official pronouncements on the electoral process.* Jordanian citizens need to see that the IEC is administering elections independently, without pressure or interference from other public institutions. Part of that is ensuring that the IEC is the public face of the electoral process. Further, the IEC must be empowered with full independence in processing election results and managing staff.
- *Prevent undue influence on voters.* The Jordanian authorities must take all necessary steps to provide an environment conducive to the free expression of voters. Officials at all levels should ensure the neutrality of the intelligence and security services and that

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<sup>1</sup> A zippered quota is when men and women appear alternately on candidate lists.

public resources, including government funds, vehicles, communications equipment, materials, and work hours of government employees, are not used for the benefit of individual candidates or lists. Any reports of such interference or misuse of public resources should be investigated promptly and individuals found guilty should be punished in accordance with the law.

- *Clarify the process of government formation.* To achieve King Abdullah's vision of parliamentary government, clarification -- and, ultimately, a legal framework -- for government formation should be provided. Such clarity would provide an environment of greater political competition and democratic incentives in which parties and candidates can benefit.

## **NDI and International Election Observation**

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. NDI has sponsored democratic development programs in Jordan since 1993 and has maintained an office in the country since 2004.

Since NDI's observation mission to the Philippines in 1986, the Institute has become one of the leading international nongovernmental organizations in the field of international election observing. NDI has conducted more than 200 international election observer missions including observation of elections in the Middle East and North Africa, including polls in Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia, and Yemen. The Institute has concentrated on providing accurate and impartial analysis through its observation missions in order to inform the international community and domestic actors of strengths and weaknesses in electoral and political processes and to offer, where appropriate, recommendations for strengthening democratic processes and electoral frameworks. Pre-election assessment visits are an important component of international election observation methodology.

Given the welcome NDI received from government and election officials during its pre-election visit, and the cooperation being given domestic election observers and international organizations, the delegation anticipates that the basic conditions required for a comprehensive international observation mission -- including accreditation, unimpeded access to election processes and officials, and freedom of movement -- will be met. NDI looks forward to further cooperation as it conducts the next phases of its independent election observation effort, including the deployment of long-term observers, who will be in place during the candidate and list registration process and campaign, and an election-day observer delegation.

*NDI's international observation mission in Jordan is funded by a grant from the U.S. Agency for International Development. More information is available at [www.ndi.org](http://www.ndi.org).*

## **Contacts**

For further information, please contact:

- In Amman, Arianit (Niti) Shehu at +962 6 461 2527
- In Washington, DC, Kathy Gest at +1-202 728 5500