

Jordan's Election Law: Reform or Perish?

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ABOUT THE AUTHORS

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Since early January 2011, Jordan has witnessed the rise of a reform movement that has demanded political and social change. While the movement has not requested regime change, it seeks profound constitutional reforms that would strip the King of Jordan of his executive and legislative authorities. Above all, the movement seeks to immunize the parliament (the National Council) from being dissolved by the King, in addition to parliamentary control over the formation of the government (instead of being appointed by the King), and a direct election of the upper house (currently, it is appointed by the King). Thus, the ongoing debate in Jordan over electoral reform lies at the heart of the power struggle between the government and the opposition, and contributes to a poisonous political environment as Jordan approaches parliamentary elections, scheduled to take place by the end of this year.

For its part, the government insists on leaving in place the one-man-one-vote electoral law, which has been in effect since 1993. In late June of this year, the parliament passed the old electoral law with two amendments. First, it adopted a mixed electoral system that allows Jordanians to vote for the first time for a closed national list of 27 seats (18% of the total seats), in addition to the 108 seats reserved for Jordan's 12 governorates. Second, it increased the women's quota from 12 seats to 15 seats. The three additional seats have been reserved for women from Bedouin areas. In total, the size of Parliament increased from 120 seats in the last election to 150 seats.

By contrast, the opposition -- mainly represented by the Islamic Action Front (IAF), several leftist and pan-Arabist groups, and the newly emerging youth movements -- has refused the current electoral law. Instead, they advocate for a mixed electoral law that allocates 50% of the seats for the national list, and the remaining 50% for electoral districts. In addition, they want the electoral law to allow voters of each district to vote for all of the candidates in the district. In their opinion, the current one-man-one-vote electoral law empowers tribalism at the expense of political parties.

The struggle over the electoral law has hindered the completion of voter registration, which began in early August. Indeed, the government was forced to extend the registration period another month to overcome the calls of the opposition to boycott the election. According to Abdul Elah Al-Khatib, the head of the Independent Election Commission (IEC), it plans to extend it another 15 days. To further challenge the government's legitimacy, however, the IAF is planning a huge demonstration on October 5th.

The Jordanian government has reason to insist on the one-man-one-vote law as it theoretically allows for true

representation of the competing political and social forces in the elections. In 1989, for example, the Islamists won one-third of the parliament seats even though they only received 20% of the total votes. However, the government position is only valid if the number of representatives for each governorate reflects the proportional demographic weight of its population, and if each governorate is divided into districts that are fairly represented by the number of seats in parliament.

Unfortunately, the current electoral law does not reflect those two conditions. For example, Kerak governorate, which has a population of 200 thousand, is represented by 10 members in parliament, while the one million citizens living in Zarqa are represented by only 11 representatives. This unfair distribution of seats between governorates prevents hundreds of thousands of Jordanians from participating in the election. In fact, it is well known that only a small percentage of the Palestinian community in Jordan participates in the elections.

Moreover, the Kerak government is divided into six electoral districts, while Zarqa is divided into only four districts, making it extremely difficult for any political party to decide the number of seats for which it should compete. As Kristen Kao explained in an article on July 5th in the Carnegie Endowment's Sada, if a political party decides to compete for all the seats in the electoral district, the one-man-one-vote forces it to risk losing all of the seats as it is impossible to calculate how many votes each candidate needs to win. However, if a party decides to compete for only one or two seats in a district, it risks losing possible seats that it could have won if it had run for more seats.

In addition, the 27 seats allocated for competition through the national list is very small. In a country such as Jordan that is divided along identity lines and has weak political parties -- with the exception of the IAF -- allocating a larger number of seats for the national list helps overcome identity cleavages, empowering political parties and encouraging parties and social groups to form coalitions. Yet, the low percentage of the proposed national list cannot achieve these goals.

It is widely understood that the government designed the electoral law to prevent an over representation of the IAF in the new parliament, but by doing so, the government also prohibits the new emerging youth groups from having a fair representation. The youth activists are distributed throughout the governorates and they are expected to perform well in the election if the percentage of the national list is increased. A low national list percentage, however, will leave these activists under represented as they cannot compete for the individual seats in the districts.

The King of Jordan has pushed to accelerate the process of adopting the electoral law of the previous government and to ratify it before parliament in order to advance the process of political reform. As such, the rush for elections will not do Jordan any good in the absence of legitimate opposition participation. The government and the opposition groups should hold a national dialogue in order to agree on the best electoral law that will ensure the participation of all political parties and movements in the election and provide fair representation for all Jordanians.

Mohammad Yaghi is a PhD candidate at the University of Guelph, Canada. He focuses on the structure of mobilization and democratization in MENA countries. This article is based on a research he conducted in Jordan between January and March 2012.

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