



**The Arab Center for the Development of the Rule of Law  
and Integrity**

**“Promoting the Rule of Law and Integrity in the Arab World”  
Project**

**Report on  
The state of the Parliament in Jordan**

**Second Draft**

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## Chapter One: Contextual background

The Emirate of Eastern Jordan has sought from the very beginning to establish a Parliament. At the beginning of July 1923, a national committee composed of dignitaries of the country was established to set an electoral law based on just representation. The Government approved this representation on December 9, 1923. However, authorities of the British Mandate refused this project in August 1924. The country witnessed a Shura Council (State Consultative Council) that was established on April 1, 1923 and which was presided over by the Chief Justice with the membership of the Head of Accounting, the Public Prosecutor, the Director of Education, the Director of Imports, the Director of Registration and the Director of Post. This council proposed and drafted laws and regulations that helped in controlling the country, it pursued its function until it was annulled in the beginning of July 1927.

Immediately after the issue of the first Jordanian-British Treaty in 1928, the Fundamental Law (Constitution of 1928) was promulgated as a donation. Through this law, Britain aimed in adding a political legitimacy feature to the treaty. Based on this Fundamental Law, authorities were handed to the Emir of the country. Thus, the equation was completed with the mandate's control over the country through the treaty and the Emir's control over the people through the fundamental law, whereas Article 16 of that Law stipulated that "legislative and administrative powers are entrusted to the Emir", who is the Head of the State. "He ratifies all laws, promulgates them and monitors their implementation." He gives the orders to hold the elections of the legislative council, calls for its convening, opens, postpones and dissolves it according to the provisions of the Law. With respect to the Legislative Power, Article 25 of that law stated that it should be entrusted to the legislative council and to the Emir. The legislative council is composed of representatives elected according to the electoral law that should ensure fair representation of minorities, provided that the Prime Minister and the unelected ministers are members in the legislative council. The Prime Minister would preside over the sessions when he attends them. The council does not have the right to draft-laws, but it was given the right to enable them, provided that they will be accepted and signed by the Emir. The council was not given the right to political and administrative monitoring over the work of the executive authority. Therefore, the first legislative council was established on April 2, 1929, where it was formed by 16 members, 14 of whom were indirectly elected and 2 were appointed where 160 representatives of citizens elected the members of the first legislative council that remained until it was dissolved on February 9, 1931 due to a disaccord regarding the General Budget.

The second legislative council was elected on June 10, 1931. The country then witnessed 5 legislative councils, the last of which was the legislative council which was established in November 1942. It could be noted that these councils were just nominal, as they lacked their basic role, whether in legislation or monitoring. However, they added political legitimacy to both the mandate and the Emir.

**Legislative Councils (1929-1947)**

<b>Number of Council</b>	<b>Number of Members</b>	<b>Date of session</b>	<b>Date of termination or dissolution</b>	<b>Reasons behind dissolution</b>
First	16	2/4/1929	9/2/1931	Rejection of budget annex
Second	16	10/6/1931	10/6/1934	Completed its constitutional term (3 years)
Third	16	16/10/1934	16/10/1937	Completed its constitutional term (3 years)
Fourth	16	16/10/1937	20/10/1942	Completed its constitutional term, which was extended for two years
Fifth	16	20/10/1942	20/10/1947	Completed its constitutional term, which was extended for two years

Jordan gained its independence on May 25, 1946, where the Emirate became a Kingdom. The first treaty was annulled and turned into a friendship and alliance treaty for a period of 10 years. As a result of independence, the 1947 Constitution was promulgated in a contracting method. The Constitution stipulated that "its system of Government is hereditary parliamentary monarchy." Yet, the parliamentary governance is not complete as it did not follow the principle of the Government's liability before the Parliament but the principle of the Government's liability before the King. The Constitution adopted the bicameral system with the Senate and the Chamber of Deputies. They both were called the National Assembly or the "Jordanian Parliament". According to the Constitution, the separation of powers was not absolute but it was flexible. In general, the Legislative Power was entrusted the King and the National Assembly. The 1947 Constitution deprived the National Assembly from the right to propose laws which was given to the Executive Power and it gave the National Assembly the right of political and financial monitoring. On this basis, the first Jordanian Parliament was formed on 20/10/1947 that lasted until 1/1/1950. It was composed of 20 members for the Chamber of Deputies and 10 members for the Senate. In the second Parliament, constituted on 20/4/1950 and dissolved on 3/5/1951, the number of deputies was increased to 40 members.

Due to the unity of the two banks (Jordan's East Bank- and the West Bank), the Constitution promulgated in 1952 and which is an amended version of 1947 was amended again and is the one in force at present. , The Constitution adopted the principle of the nation's sovereignty, stating "The Nation is the source of all powers. The Nation shall exercise its powers in the manner prescribed by the present Constitution." It adopted the parliamentary system, stipulating that the Legislative Power as stated in Article 62 "consists of the Senate and the Chamber of Deputies ". The King appoints the Senators,



including its Head, for a four-year term. The Chamber of Deputies shall consist of members elected by secret ballot in general direct elections and in accordance with the provisions of the Electoral Law enforced in the Kingdom. The Constitution underlined the principle of equality between the two Houses; however, it distinguished the Chamber of Deputies since it is elected by the public and represents the public opinion in society. It was given the right of the motion of confidence in the Cabinet or one of the ministers, as well as the right to withdraw confidence and topple the Cabinet. This is in addition to the right to accuse one of the ministers and link the Court of Audits to the Chamber of Deputies.

In general, the presence of an appointed House that contradicts with the parliamentary democracy which is based on the principle of the general ballot and where the House appointed by the Executive Power and headed by the King, renders this House subject to his will, and since it has an influential legislative competence, constitutes pressure on the elected House in this context.

Ever since the 1952 Constitution, there was a quantum leap in the nature of the democratic and parliamentary life in the Kingdom. Parliamentary life continued with the interactions of the party life, the impact of events and the regional situation on Jordan, particularly with the Arab-Israeli conflict. In the fifties of the past century, the Jordanian Chamber of Deputies was dissolved four times, mostly due to the non-cooperation between the Legislative and Executive Powers. During the 90s, it was dissolved three times due to disputes between Legislative and Executive Powers.

Due to the war of June 5, 1967 and the announcement of the martial laws<sup>1</sup>, the Parliament, the term of which was extended, lasted for 2 years. It was dissolved in 1974 due to the resolution of the Summit conference in Rabat during which Arabs agreed that the Liberation Organization is the only legitimate representative of the Palestinian People. Yet, in the following ten years, no parliamentary elections took place until things caused a constitutional problem. Article 73 of the Constitution was amended, and the previous Parliament was restored. Complementary elections took place in seven electoral constituencies in Jordan. The remaining members representing the West Bank were elected by “the same assembly” through candidates of those constituencies where it was impossible to hold elections. This Parliament was called the tenth Parliament, the term of which lasted from 1984-1988, which was constituted after the amendment of the fifth paragraph of Article 73 of the Constitution<sup>2</sup>.

At the end of the seventies and beginning of the eighties of the past century and due to the absence of the parliamentary life, Jordan formed three advisory councils via appointment by the King during the period 1978-1984. The term of each council was two years, after which it was reappointed. These councils played an advisory role while discussing draft-laws and public policies. Their decisions were not binding to the Government and neither were they a replacement of the Parliament<sup>3</sup>.

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<sup>1</sup> Martial Laws started in 1967. They were frozen in 1989 and terminated in 1992.

<sup>2</sup> Text of Article 73, paragraphs 4, 5 and 6.

<sup>3</sup> First Advisory Council 20/11/1978- 20/4/1980  
Second Advisory Council 20/4/1980- 20/4/1982  
Third Advisory Council 20/4/1982-17/1/1984



After disengagement on the legal and administrative level from the West Bank in 1988, and after the end of the circumstances that led to the absence of general elections for more than 20 years, parliamentary life was resumed, and general elections were held on 8/11/1989 in the wake of a choking economical crisis, and this is in accordance with the lists system for each constituency. 647 candidates competed for the 80 seats in the Chamber of Deputies according to the Electoral Law No.22 of 1986 and amendments. The Jordanian woman took part for the first time ever since she was granted the right to vote and run as a candidate in April 4, 1973. The participation rate was 61% out of those who had voting cards. The general ballot rate reached 54% of those who are eligible to vote. The eleventh Chamber of Deputies represented all political forces and movements on the Jordanian arena. The Muslim Brotherhood gained 22 seats, Muslim independents reaped 11 seats. The Islamic movement constituted around 40% of the seats and, the nationalist and leftist movement gained 12 seats, while there was a decline in the tribal current. With this assembly, the Parliament started to carry out its functions in legislation and monitoring. Many laws and legislations, which promoted the Jordanian democratic track, were promulgated<sup>4</sup>.

The Jordanian Electoral Law No.22 of 1986 was amended, were the list-based elections were annulled, and each citizen was given one vote. It was named the "One Vote Law". Elections of the 12<sup>th</sup> Chamber of Deputies were held on 8/11/1993. The overall ballot of eligible citizens scored 68.15% of those who got their voting cards and 54.59% of those registered in the voters' lists. The Jordanian woman managed to get one seat, and it was a first in Jordan's history. Thus, most of political movements were represented in this Chamber. However, the One Vote Law influenced the social structure, ripped social categories, tribes and families into disputing groups instead of democratic rivals; hereditary social ties increased within every tribe, and the family or the tribe became divided into different conflicting blocks, the matter that increased disunity and repugnance. Sometimes, and based on hereditary social ties, the conflict had an aspect of aggression and hostility between the parties; therefore, the social consistency and structure was influenced and conflicts increased among tribes and families.

As for the 13<sup>th</sup> Chamber of Deputies 1997-2001, elections were held in the light of boycott by some political forces, among which is the Islamic Labor Front (Muslim Brotherhood), the Jordanian Democratic Party, Jordanian Democratic Popular Unity Party, National Labor Party (Right), Jordanian Constitutional Front, Arab Ansar Party, and Democratic Nationalist Party. Trade-unions backed this decision of boycott. The main reasons behind boycott were protesting about the One Vote Law, and prior judgment of the non-integrity, as well as the complicated procedures in registering voters, extracting cards, inequality in administrative divisions and the number of citizens in each constituency. Despite the boycott, independent Muslims took part in the elections. The percentage of participation reached 55.9% of those who received their cards, and the percentage of direct ballot reached 45.10%. The 13<sup>th</sup> Chamber of Deputies was dissolved with the promulgation of the Royal Decree in summer 2001 before the end of its constitutional term. The parliamentary life was disrupted for 2 years based on the King's constitutional powers in postponement due to the existence of *forces majeurs* that prevent the holding of elections. The non-holding of elections on time was justified by the complicated administrative procedures in issuing magnetic civil cards. Some see that the

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<sup>4</sup> Among the most important laws that were completed were the Law on the State Security Court, No.6 of 1993, the Publications and Publishing Law No.10 of 1992, Political Parties Law No.32 of 1992, annulment of Martial Laws and the Law of Defense of 1935 which was replaced by the Defense Law No. 12 of 1992.



reason behind postponement is attributed to the prevalent regional situations and the political instability in the region on the eastern (Iraq) and western (Palestine) sides and their impact on the Jordanian situation. We believe that the weak situation that the Prime Minister personally reached with his incapacity to confront a new Parliament and his desire to extend the mandate of his Cabinet was the direct reason behind delaying the general elections for two years. In this period of time, the absence of Parliament was exploited, and in accordance with Article 94 of the Constitution, more than 211 provisional laws were promulgated by the Executive Power, including the new Electoral Law No. 34 of 2001 (provisional) by virtue of which elections were held on June 17, 2003. With this law, the number of parliamentary seats was increased from 80 to 110, 6 of which were allocated to women (women's quota). The kingdom was divided into 45 electoral constituencies distributed on 12 governorates, in addition to the three areas of the Badiya (desert): north, center and south.

### Jordanian Parliament Chambers of Deputies (1947-2006)

Number of Chamber	Number of Members	Date of session	Date of termination or dissolution	Reasons behind dissolution or termination
First	20	20/10/1947	1/1/1950	In order to hold elections for the unity of two banks
Second	40	20/4/1950	3/5/1951	Lack of cooperation with Executive Power
Third	40	1/9/1951	22/6/1954	Lack of cooperation with Executive Power
Fourth	40	17/10/1954	26/6/1956	Lack of cooperation with Executive Power
Fifth	50	2/10/1956	21/10/1961	Completed its constitutional term
Sixth	60	2/10/1961	17/10/1962	Lack of cooperation with Executive Power
Seventh	60	27/11/1962	20/4/1963	No vote of confidence in Cabinet
Eighth	60	8/7/1963	23/12/1966	Lack of cooperation



				with Executive Power
Ninth	60	18/2/1967	23/11/1974	Due to resolutions of Rabat summit
Tenth	60	16/1/1984	30/7/1988	Due to legal and administrative disengagement from West Bank
Eleventh	80	27/11/1989	7/3/1993	Dissolved to pave the way to hold general elections
Twelfth	80	1993	9/1997	Dissolved to pave the way to hold general elections
Thirteenth	80	29/11/1997	6/2001	Dissolved and elections were postponed for two years according to article 73 of the Constitution
Fourteenth	110	2003		

### Constitutional and Legal Context of Jordanian Parliament

In the field of powers, the Nation is deemed the source of all powers and it carries out its powers in the manner prescribed by the Constitution. The Legislative Power shall be entrusted to the National Assembly and the King. The National Assembly shall consist of a Senate and a Chamber of Deputies<sup>5</sup>. The King was given broad powers in the legislative field, whereby the Constitution stipulated that The King issues orders for the holding of elections to the Chamber of Deputies in accordance with the provisions of the law. The King convenes the National Assembly, inaugurates, adjourns, and prorogues it in accordance with the provisions of the Constitution. The King may dissolve the Chamber of Deputies and the Senate or dismiss any Senator of his membership. The King appoints members of the Senate and appoints the Speaker from amongst them and accepts their resignation.<sup>6</sup>

<sup>5</sup> Jordan's Constitution, Article 24-25

<sup>6</sup> Jordan's Constitution, Article 34, 1-4



Out of these constitutional texts, the King in the Jordanian political regime has broad powers, where the Jordanian Constitution gives the King the right to rule and interfere in public affairs, as he is immune from any liability and responsibility, whereas responsibility falls on the Cabinet before the National Assembly. The King is the Head of the State and the Head of the Executive Power. The Executive Power shall be entrusted to the King, who shall carry out his powers through his Ministers. This clearly manifests the overlapping between the works of Executive and Legislative Powers, as there are competencies of legislative nature that were given to the Executive Power, which is represented by the King. With respect to the Senate, the powers of the Head of State are absolute in appointment, or dismissal from membership, or acceptance of resignation, or dissolution of the Senate itself. In fact, this issue needs the opinion of the Prime Minister and the signature of the Interior Minister to promulgate the Royal Decree. Most of the times, these signatures are just figurative or required, as they are not real decision-makers in this regard<sup>7</sup>.

With respect to the implementation of the above-mentioned texts, implementation is accurate, permanent and continuous, as they are fall under the power of the Head of State, and pour into the service of the Executive Power at the expense of the Legislative Power. This is an indicator of the dominance of the Executive over the Legislative Power. This can be noted in the postponements of sessions that were stipulated by the Constitution, as the regular session commences every year on October 1, where the use of the constitutional right of postponement for a period not exceeding 2 months has become political customs. This is in addition to the operations of dissolution of the Chambers of Deputies before the end of their constitutional terms. The last three Chambers were dissolved before the end of their constitutional term which is 4 years. The Constitution stipulated that the election shall take place during the four months preceding the end of the term of the Chamber. If the election has not taken place by the end of the term of the Chamber or if such election is delayed for any reason, the Chamber shall remain in office until the election of a new Chamber<sup>8</sup>. One can notice that there is continuous breach of this article, as Chambers are dissolved before the end of their constitutional term under the pretext of general elections. And the process of postponement is the King's right if there is *force majeure*, where the Cabinet sees that the holding of elections is not feasible. The text reveals the King's absolute right to postpone general elections, where the evaluative powers of a *force majeure* which prevent general elections are attributed to the Cabinet. This text was used after the dissolution of the 13<sup>th</sup> Chamber of Deputies in 2001, on the basis of which parliamentary life was hindered for 2 years, until the elections of the 14<sup>th</sup> Chamber of Deputies was held in July 2003. As for the Senate, its constitutional term is 4 years. Since 2001-2006, it was dissolved and reformed three times, which means once every two years. It is known that the Constitution stipulated that the term of office of Senators shall be four years. The appointment of members shall be renewed every four years. Senators whose term of office had expired may be reappointed for a

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<sup>7</sup> Jordan's Constitution, Article 26 and 30.

<sup>8</sup> Jordan's Constitution, Article 68.



further term.<sup>9</sup> This falls under the King's constitutional powers, as was stipulated by article 34 and 36 of the Constitution.<sup>10</sup>

The term of the Speaker of the Senate is 2 years, and he may be reappointed. The Senate convenes when the Chamber of Deputies meet. The turns of sessions are one for both Houses. The Constitution stipulated that if the Chamber of Deputies was dissolved, the Senate's sessions should be suspended. The Constitution defined the membership conditions in the Senate; the member should have completed 40 years of age, and he should be one of the following classes: Present and former Prime Ministers and Ministers, persons who had previously held the office of Ambassador, Minister Plenipotentiary, Speaker of the Chamber of Deputies, President and judges of the Court of Cassation and of the Civil and Sharia Courts of Appeal, retired military officers of the rank of Lt. General and above, former Deputies who were elected at least twice as deputies, and other similar personalities who enjoy the confidence of the people in view of the services rendered by them to the Nation and the Country.

As for the constitutional framework of the Chamber of deputies, it shall consist of members elected by secret ballot in a general direct election and in accordance with the provisions of an Electoral Law which shall ensure the following principles: The integrity of the election, the right of candidates to supervise the process of election, and the punishment of any person who may adversely influence the will of voters. The term of office of the Chamber of Deputies shall be four calendar years commencing from the date of the announcement of the results of the general elections. . The King may, by a Royal Decree, prolong the term of the Chamber for a period not less than one year and not more than two years. A deputy must have completed thirty years of his age, in addition to the requirements prescribed in Article 75 of the present Constitution. These conditions are applied on both Houses. They are as follows: No person shall become a Senator or Deputy: who is not a Jordanian; who claims foreign nationality or protection; who was adjudged bankrupt and has not been legally discharged; who was interdicted and the interdiction has not been removed; who was sentenced to a term of imprisonment exceeding one year for a non-political offence and has not been pardoned; who has a material interest in any contract, other than a contract or lease of land and property, with any Department of Government, provided that this provision shall not apply to any shareholder in a company of more than ten members; who is insane or an imbecile (legal capacity); who is related to the King within a degree of consanguinity to be prescribed by special law. He should not be affiliated to a non-Jordanian political party. Disqualification of a deputy should be attributed to the House itself. Disqualification shall only take place with a resolution of two-thirds of the members of the House. Throughout the history of the House, there was no case of disqualification. The Constitution stipulated that the disqualification of the deputy or a senator should be issued by the resolution of the House he belongs to. The disqualification resolution is issued with the majority of 2/3 of the House's members. The Constitution also stipulated that one should not merge between the membership of the Senate or the Chamber of

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<sup>9</sup> Jordan's Constitution, Article 65.

Article 34, para. 4: "The King may dissolve the Senate or relieve any Senator of his membership."

Article 36: "The King appoints members of the Senate and appoints the Speaker from amongst them and accepts their resignation."

<sup>10</sup> 19<sup>th</sup> Senate 23/11/2001- 17/11/2003

20<sup>th</sup> Senate 17/11/2003- 17/11/2005

21<sup>st</sup> Senate 17/11/2005



Deputies and that of public posts, which also include municipal departments. Each of the two Houses was given the right to set internal rules to monitor and control its procedures. These regulations should be presented before the King to ratify them.



## Chapter Two: Analysis of the principles

### 1 – Representation and Participation

#### 1-1 Just and fair representation

##### 1-1-1 Composition reflecting the diversity of society

The Hashemite Kingdom of Jordan's population counts 5,350,000 people. Males constitute 51.5%, while females 49.5%. The population is divided into two categories: urban, constituting 82.3%, and the rural, making up 17.7% of the total population. The under-20 age category constitutes 49.8%. This is an indicator that the Jordanian society is still young. The current demographic growth reaches 2.6%. The Constitution stipulates that the Islam is the religion of the Kingdom, where Muslims make up 97.5%, who are Sunnis. There are Christian communities that represent 2.5% of the total population. They are of Arab descents, whether in language or culture. There are ethnic minorities such as Sharkas and Chechens with figures not exceeding 50,000 people. Due to the Arab-Israeli conflict, Jordan was subject to coercive Palestinian immigrations since 1948 and 1967, in addition to the decision of unity between banks in 1950 which gave the Jordanian nationality to Palestinians. The second Gulf War increased the number of Palestinians who returned to Jordan starting 1990. Some sources of 2004 showed that the number of Jordanians of Palestinian origin reached around 1,750,000 people in addition to the 350,000 from Gaza strip. In the light of these figures, they constitute 39.25% of the population.

In the light of the Constitution's provisions and laws in force, all the components of the Jordanian society, including the minorities, had their rights preserved. Article 6 of the Constitution stipulated that Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.

##### 1-1-1-2 At the religious, sectarian and national level

In Regulation No. 42 of 2002 of the electoral constituencies, the seats of the Chamber of Deputies were distributed based on geographical, racial and confessional dimensions and gender as well. The country was divided into 13 electoral governorate constituencies, in addition to the northern, middle and southern areas of the Badiya (desert) region which contains 45 electoral constituencies. Each electoral constituency was allocated 7 seats maximum and one seat minimum. Minorities were represented by a certain number of seats in the areas where they are present. For instance, 9 seats were allocated to Christian communities, meaning 8.18% of the total number of seats. The Sharkas and Chechens were given 3 seats, meaning 2.72% of the total seats. These percentages are higher than their percentage as population in the Kingdom. Women were allocated 6 seats in what is known the "Women's Quota" to represent women in the Chamber after many previous sessions failed to do this, except for the 12<sup>th</sup> Chamber, where women got one seat. With respect to the 14<sup>th</sup> Chamber, representation is relatively clear for all categories of the Jordanian society of all its political and social classes.

Religion, Social faction and Gender	Number of Seats
Muslims	92



Christians	09
Sharkasis and Chechens	03
Women (Quota)	06
Total	110

The Parliament included all age categories of 30 years and above, which is the minimum according to the law, reaching 60-year and above age category. The largest age category is (51-55) years, where it includes 28 deputies, which means 25.45%. The 56-60 year category constituted the third, where it includes 20 deputies. Then comes the 41-45 age category, where it comprises 19 deputies.

The smallest age category is 30-35 age category, where there are 2 deputies, constituting 1.82%. We can say here that the percentage of deputies above 50 years of age reached 59.09% of the total number of deputies. This is an indicator of the highest maturity, in terms of age, of the largest number of the Chamber's members, taking into account that this indicator is not enough by itself, but it is just a symbolic indicator.

#### Age categories of the 14<sup>th</sup> Parliament's members

Category	Number	Percentage
35-30	2	1.82%
36-40	9	8.18%
41-45	19	17.27%
46-50	15	13.64%
51-55	28	25.45%
56-60	20	18.18%
60 and above	17	15.45%

#### 1-1-2 Proportional representation of political powers

With respect to membership in syndicates and unions of different kinds, the number of members in professional syndicates is 53 deputies with a percentage of 48.19%, while the number of those who are not members in syndicates reached 57 deputies, which means 51.18%. The number of those members in the Physicians' Order scored 17 deputies, with a percentage of 15.45%, followed by the Engineers Order, with 12 deputies, which means 10.91%. As for the Bar Association, 12 deputies were members in it with 10.91%. Four deputies are members in the Pharmacists Union, with a percentage of 3.64%. As for the number of deputies who are members in professional unions such agricultural engineers union, or contractors' union, trade-unions, unions of trucks and transportation, there were 8 deputies with a percentage of 7.27% taking in consideration that these deputies do not represent unions or civil society institutions from a political aspect; however, they are members affiliated thereto, and some of them made it to the Parliament according to factional or tribal bases while others made it to the Parliament as independents.

#### Parliament's members in professional syndicates

Name of Union	Number	Percentage
Physicians' Order	17	15.45%
Bar Association	12	10.91%



Engineers' Order	12	10.91%
Pharmacists' Order	4	3.64%
Other unions	8	7.28%
Non-member deputies	57	51.81%
Total	110	100%

Social structures highly influenced the composition of the Chamber of Deputies, where most of the deputies in the current Chamber are of tribal origin. More than 75% of the Chamber's members were elected on this basis. Candidates of political parties relied on their tribal or family heaviness. If not for that, they would not have succeeded in this session. This is an indicator of the strength of traditional social structures, whether the tribal or familial, in the political life in the country.

In spite of the presence of 34 licensed political parties and their political trends, they can be summarized in three movements: right, middle and left nationalist. Yet, they only obtained 25% of the Chamber's members. The Islamic Labor Front (Muslim Brotherhood) was the most represented movement, as they dominate over 17 seats, which means 15.5% of the overall Chamber of Deputies seats. There are some deputies with independent Islamic political trends outside the Islamic Labor Front or former members in the front. The Chamber includes two deputies from the leftist nationalist current and five deputies who represent the nationalist trend, 15 deputies from the moderate center (National Constitutional). The current composition of the Chamber of Deputies reveals that 89 deputies out of 110 are considered from the moderate center, which means that they are loyalists more than being from the opposition. The Chamber also includes a category of businessmen and economists who relied on good financial situation to make it to the Chamber. Women are represented in 6 seats, based on the women's quota. It can be noticed that there is proportional representation of most political and social forces, as seats are distributed based on all social, geographical, confessional and ethnic dimensions. The society's diversity reflects the parliamentary reality. If we take into account the current number of population, for every 48,630 citizens, there is one seat. The ratio of population's number to seats differs from one region to another due to social and geographical circumstances, and sometimes political. As a maximum, for every 94,000 citizens, there is one seat, and as a minimum, for every 19 thousand people, there is one seat.

### 1-1-3 High voter turnout

Based on the indicator of general elections of the 2003 Chamber of Deputies, the total eligible people were 2,843,483 citizens put of 5.3 million people, and they are 18 years and above. As for the number of people bearing voting cards adopted by the Interior Ministry (Civil Status Department), they reached 2,335,496, which means 81.78% of eligible voters. Out of this total number, there were 1,133,907 males with a percentage of 48.75%; whereas, females reached 1,191,589 people with a percentage of 51.25%. The total ballot rate reached 49.20%, as 1,369,126 cast their ballots out of 2,782,435 eligible voters. As for the percentage of voters out of those bearing voting cards, it registered 58.87%. The number of male voters reached 655,512 with a percentage of 57.81%, while females scored 59.88%. The reason behind the high percentage of females is that members of the armed forces, general security, civil defense and general intelligence are not entitled to take part in general elections. And the voting turn-out increases in rural



areas and in the Badiya (desert) region, where it posted 82.9%, while in large cities, such as the capital, it reached 43.1%.

### Figures and Percentage of Participation in Parliamentary Elections

Year	Number of Registered in Electoral Lists	Number of People With Voting Cards	Number of Voters	Percentage of Overall Participation
1989	1,020,446	877,475	541,426	53.06%
1993	1,501,279	1,196,04	819,576	54.59%
1997	1,838,199	1,480,898	829.798	45.10%
2003	2,782,435	2,325,496	1,369,126	49.20%

#### 1-1-4 Parliamentarians represent a high percentage of the voters

The results of the elections of 2003 revealed that the total votes obtained by the MPs (104 deputies) who made it to the Parliament reached 495686 votes, without the women's quota. However, the number of votes obtained by the women's quota (6 deputies) that made it the Parliament reached 12688 votes. Thus the effective votes' rate obtained by the deputies reached 37% of the total votes of all voters in the Kingdom.

According to the attached schedule:

The deputies of the Capital and Irbid were the members of the Chamber of Deputies who most represented the voters regarding the number of votes they obtained from the total numbers of electors in their governorates; the lowest rates were in Al Aqaba and Maan governorates and the classification regarding the total voters in the Kingdom was the same.

Ajloun and Madbaa governorates witnessed a strong competition regarding electoral seats, where around 10 candidates competed over every seat in each of both regions. However, competition was less strong in Al Mafraq, Al Karak, Al Balqa', Al Aqaba, Maan governorates and Bedouin constituencies where between 4 and 6 candidates competed over one electoral seat; hereunder are the percentages of the MPs who made it to the Parliament:-

#### Number of candidates and the percentages they obtained in each governorate in the elections of 2003

Constituency	Number of candidates in each governorate	Percentage obtained by the candidates of each governorate of the total number of voters in the Kingdom	Percentage obtained by those who made it to the Parliament in each governorate of the total number of voters in	Seats allocated for the governorate	MPs total votes of those who made it to the Parliament in every governorate	Percentage of candidates competition over the governorate seats (total candidates divided by the number of seats of



			the Kingdom			each governorate)
Capital governorate	165	27.5%	12.6%	23	171661	7.1%
Irbid governorate	129	21%	6.1%	16	85102	8%
Al Balqa' governorate	63	8.9%	2.6%	10	39424	6.3%
Al Karak governorate	57	6.7%	2.3%	10	31078	5.7%
Al Zarqa' governorate	89	11%	3.5%	10	48337	8.9%
Maan governorate	28	1.7%	0.6%	4	19350	7%
Al Mafraq governorate	18	3%	1.4%	4	8318	4.5%
Al Tufaila governorate	33	2.1%	1.3%	4	10628	8.2%
Madba governorate	37	3.2%	-1	4	13796	9.7%
Jarach governorate	42	3.3%	-1	4	13426	10.5%
Ajloun governorate	42	3.3%	-1	4	13426	10.5%
Al Aqaba governorate	13	1.1%	0.5%	2	7931	6.5%
Constituencies of Bedouins	59	6.3%	2.3	9	32675	6.5%
Total	765	99.1%	36.3	104	495686	

## 1-2 Equal Opportunities of Candidates

### 1-2-1 Equal access to media

The Ministry of Interior shall be the authority supervising the elections starting with the preparation of the electoral lists, passing through the elections process, the counting of votes until the announcement of the results. A high central commission shall be constituted for this purpose. A directorate, specialized in the elections affairs, exists at the Ministry. As a member of the Executive Power, the Minister of Interior is usually responsible for informing about the elections process since its beginning. In the elections of 1997, a reporter has been appointed for the elections affairs in order to hold regular press conferences and to clarify the adopted procedures course, revealing the Government position regarding the raised issues and explaining the events that may occur during the procedures course; he shall be responsible for this mission throughout the electoral process. And it was conventional that the Elections Directorate uses the Government media means to broadcast detailed sessions or to send advertisement messages related to integrity and right of the citizen in using his vote in security as a constitutional right as



well as motivating the citizens to participate in the election process and to choose the competent candidate and to stay away from hereditary social ties; in addition to a cultural information that motivates the democracy process and the political participation; the Minister of Interior shall fix and announce the legislation dates according to the electoral law. Sometimes, interviews are held and broadcasted on televisions; these interviews are held with those in charge of the electoral process, and legal and practical matters related to this operation shall be raised during these interviews; thus, the Government is the chief responsible for the equal access to media.

### **1-2-2 Equal access to public space for campaigning**

The Electoral Law in its Articles 17, 18, 19 and 20 controlled the process of electoral campaigns, stipulating that it shall be free in accordance with the provisions of the law. Any candidate can conduct it as of the date of the approval of candidacy. When carrying out electoral campaigns, the candidate shall abide by the provisions of the Constitution. He shall also respect the sovereignty of law, the respect of the freedom of belief and opinion of the other. He shall commit to preservation of the national unity, the security and the stability of the citizen and non-discrimination between citizens. He shall also make sure that he doesn't conduct electoral campaigns in ministries and public departments and institutions or religious places, such as mosques, as well as universities, scientific institutes, and public and private schools, as well as public streets, in addition to the buildings occupied by ministries and public institutions or those subject to the Government's supervision. Moreover, he shall undertake to not attack the electoral campaigns of other candidates, whether personally or via his aides in his electoral campaign.

This law entitled candidates to publish their ads and the data which include their objectives, plans and their working methodologies, provided that the data bear their names. Such ads and data are exempt from license or fees. The law warned against the use of the State's official slogan in meetings, ads and electoral statements. And for this purpose, it also bans the use of microphones outside halls and on means of transport.

The law also prohibited the candidates from posting or hanging their ads, photos and statements on walls, telephone and electricity posts, as well as public properties. It specifies the places in large cities and municipalities for purposes of ads and photos. The law also banned during electoral campaigns those speeches, statements, ads and all means of electoral campaigns to refer to any other candidate, whether directly or indirectly, or stimulate sectarian, regional, party and racial tensions among categories of citizens. It prohibited festivals and gatherings close to polling stations or vote-count stations.

The law banned civil servants in the Government, public administrations, and municipalities' trustees to carry out electoral advertising for any of the candidates in their regions. It prohibited any candidate to offer gifts, donations whether in kind or in cash, or any other benefits. He shall not also promise to offer them to any legal or moral person, whether directly or through others. Any person is also banned from requesting such gifts, donations, aids or even getting promises from any candidate. The law defined the sanctions in case of violation of the articles related to electoral campaigns, Article 17-20, stating that any person violating the banned actions in these articles must be imprisoned from a period not less than 3 months and not more than one year, or shall pay a fine that



is not less than 200 Jordanian Dinars and not more than 500 Jordanian Dinars, or even both sanctions might be imposed on him.

Candidates have been given the freedom to diffuse their electoral ads through the available media means. However, the Government television does not allow them to diffuse their ads while televisions in private sector do not exist. Therefore the electoral ads are only limited on daily and weekly newspapers in addition to the publications and the ads in the streets or in public places where it is allowed to place such ads. From a real perspective, electoral campaigns are extensively preserved in different media, whether the press or visual media. The press publishes statements and electoral ads for candidates in return for money, and according to the size of the ad and its replication. There were ideas to give some candidates advertising minutes on television, but this issue did not succeed nor was it generalized. In general, electoral campaigns are still absolutely traditional, and they depend on electoral banners, statements and different festivals. They are carried out without taking into account warning and prohibitions stipulated in the law in many electoral constituencies. Telephone and electricity posts, and even traffic lights and public property-walls are used extensively without an efficient implementation of the law by public authorities. In general, unhealthy practices are carried out in campaigns, where harm is done to other candidates, through tearing photos and banners, assassinating the personality with rumors. As for the official radio station, it is not used at all for such type of campaigns. Perhaps, after the emergence of private radio stations on FM, they will be a new means in the coming days. It can be noticed that all candidates are equal in their right to express their opinions and communiqués. Practically speaking, the financial status of a candidate is what determines the size and type of electoral publicity he adopts. In the elections of the 14<sup>th</sup> Chamber, a television program was specialized to meet with candidates in each governorate, in the attendance of a wide spectator of citizens, and candidates were keen on the program's attendance while an important number of candidates did not attend. In general, no law guarantees equal access of candidates to media.

### **1-2-3 Regulation or limitation of donations for electoral campaigns**

The Electoral Law did not deal with the cash or in-kind donations in electoral campaigns. It did not set any limitations, mechanisms or sanctions. They were left unstipulated. This does not mean that they are not carried out. On the ground, they are carried out but secretly by some forces, lobby groups or even by sons of the same family through supporting candidates with cash or in-kind donations. Financial donations for some candidates occur individually through a group of economical and financial interests; a number of candidates are selected in different constituencies and according to the interests of this group, some financial donations are individually given for some candidates in order to support their electoral campaign. As for political parties officially registered, they set financial limitations for each of its candidates. It provides this financial support to cover the electoral campaign and its candidates. The opinion poll revealed that the 93% agree that the electoral campaign be financed by the candidate's own assets, while 60% consider that electoral campaigns should be financed by individual donations.



#### **1-2-4 Limitations on political financing and expenditures**

The Jordanian electoral law did not set a financial limitation for the expenditures on electoral campaigns. This is determined according to the candidate's financial status or that of the party which a candidate belongs to. In fact, there are no accurate figures for that.

Yet, with the development of the democratic case and the replication of elections in the past few years, the capital is playing a major role in most parliamentary electoral campaigns, or the overall cost of any campaign has become expensive. The electoral law did not set any mechanisms to control expenditure, but it prohibited gifts, cash or in-kind donations and bribery to buy votes. Sanctions for this case were stipulated in Article 47 of the Electoral Law. However, such issues are secretly carried out by some candidates and their assistants in many constituencies.

### **2-3 Free and Fair Elections**

#### **1-3-1 The management of the electoral process in compliance with international standards**

International standards shall be observed during the different phases of the electoral process whereas electoral lists are being prepared and exposed; the right to contest these lists shall be within specific periods; then they shall be revised and they shall acquire their final form. Sometimes, inaccuracy of final statements is noticed where they include replication as well names of absent people that have not been deleted; in the elections of 2003, the electoral lists have been prepared by the Civil Status Department and according to the national number; electoral lists have been issued for those who have the right to participate in the elections and they have been distributed on each constituency. International standards are applied in the elections mechanisms where the commission shall verify the personal identity with the national number; then the electoral list shall be delivered to the citizens for whom a special and half-closed place has been allocated for confidentiality. Thus, the citizen shall place the paper in the poll in the presence of the commission and the candidates' representatives who shall have the right to object in the event of violation. The counting votes operation shall be handled by the same commission and at the same place; results shall be sealed off and the polls shall be closed and they shall be sent with the total votes obtained by each candidate to the main center. It is noticed that most of the internationally adopted criteria are applied in the Jordanian elections.

#### **1-3-2 Impartial and trustworthy supervisory body**

The Executive Power, represented by the Interior Ministry, shall supervise the elections. The High Committee supervising parliamentary elections is composed of the Interior Ministry and three members of the ministry, in addition to a judge from the higher degree who is named by the Head of the Judicial Council. Thus, we can witness the participation of the judicial authority through a member in the High Committee and a member in the governorates' central committees. The High Committee's work is to decide on all matters that are presented to it by the central committees in governorates, regarding any actions



related to the electoral process, whether the administrative and technical preparations, and until the counting and results announcement processes. The central committees were given powers in the polling stations and even in the process of counting votes in order to protect, make the elections a success, and prevent any acts or behavior that might disrupt the electoral process. They were given rights to expel any person from polling station and vote-count stations. They are entitled to ask for the help of the security to expel him by force in order to preserve the integrity and freedom of elections and refer him to competent judicial authorities. The law provided for the election-related offences and the sanctions of imprisonment for a period not less than 3 months or and not more than 1 year, or a financial fine that is not less than 200 Jordanian Dinars and not more than 500 Jordanian Dinars. Both sanctions may be imposed on everybody who commits a deed that influences the flow of elections. The law defined the offences as follows:

- Retaining the card of others
- Forfeiting the personality of others in order to vote
- Using the right to vote more than once
- Carrying a gun or any other dangerous tool
- Buying votes
- Influencing or hindering the freedom of election
- Tampering with polls, electoral lists or voting documents

The law underlined the sanction imposed on civil servants, which means the members of the central and branch committees at all stages of elections in case they forfeited or practiced fraud to influence the results of general elections. From the practical aspect, applied standards are relatively close to international standards adopted in many countries. Yet, the question is: to what extent or what is the degree of impartiality?

Means adopted in many countries imply the presence of a special, independent and impartial committee to supervise elections in all of its stages, as well as total supervision by the judicial authority, as it is an authority which is independent from the remaining authorities. However, in the Jordanian case, the Executive Power, represented by the Interior Ministry, is practically the main and active supervisor of elections, with partial participation, or almost figurative one of the Judicial Power. Its supervision starts with the distribution of voting cards, passing through balloting, counting votes and announcement of results. With respect to parliamentary contests, the Constitution gave the Chamber of Deputies the right to examine all contests submitted by voters or candidates who did not succeed in elections.

Practically, elections are marked by many defects and violations that have an impact on the elections and results as well. In the 2003 elections for example, some candidates and their subordinates exploited the technical weak point in the voting cards, the removal of the star seal, its re-use again and so on, as electrical devices were used to delete the star seal to use the card again. This took place in many electoral constituencies, which affected the results of general elections in many areas. From the legal and technical point of view, the Government is totally responsible for this technical error which helped in forgery, as a better means should have been selected and a better seal that could not be easily removed. The King asked the Government to conduct investigation in such violations, but it was not serious, and this file was overlooked.

With respect to the phenomenon of buying votes by some candidates and their subordinates who enjoy good financial status, and retaining of voters' cards to prevent them from voting for rival candidates, it exists but on a limited basis. The two



phenomena exist and are sanctioned by the law. They are dealt with secretly in some constituencies.

A wide media and political fuss on these violations aroused, but an opinion poll conducted by the strategic studies center in the Jordanian University revealed that 70% of the sample believed that the elections were free and fair. And according to the opinion poll elaborated for the purposes of this study, 44% agree that the elections are freely and fairly occurring.

Violations during elections continuously happen, starting with the use of the right to vote more than once, voting instead of absent people, and influence on voters' will be via multiple means. The increase in ballots in some polls takes place in most of the Jordanian elections but not in all constituencies. Though they happen, the electoral law specified sanctions and incriminated them. Yet, the implementation of the law is influenced by several variables, most of which are social, leading to its non-implementation.

### **1-3-3 Effective and impartial mechanisms/ body to contests election results**

The Constitution gave the Chamber of Deputies the right to examine the validity of the membership of deputies, as each candidate or voter is entitled to contest the validity of the membership of any deputy. Within a matter of 15 days as of the announcement of results of elections, he has to submit a contest in which he explains the legal reasons behind the invalidity of the membership of a certain deputy. Disqualification of a deputy is only considered null with a decision issued with the majority of two-thirds of the Chamber's members. In this case, the Chamber of Deputies is not considered as a neutral to look into legal contests that are submitted against the validity of the membership of one of the deputies. The party that should give a final decision on contests should be impartial and independent or a specialized court, or even the Judicial Power through its different courts, such as the Supreme Justice Court for instance. Throughout the history of the Jordanian Chamber of Deputies, no membership has been declared invalid via such contests. Studies indicate that different political regimes adopt two methods: the judicial supervision, in other words the Judicial Power is in charge of deciding on the validity of membership, since deciding on legal conflicts falls under the mandate of this authority as it is supposed to be "a power which is independent from other powers." The other method is political monitoring, where the Chamber itself is in charge of deciding on the validity of the membership. This is the case in the Jordanian case since the Legislative Power is an independent authority. Hence, the Executive and Judicial Powers are banned from interfering in the Legislative Power affairs. This method leads to nepotism between members and exclusion of some political rivals from achieving justice and fairness. These issues raise questions regarding the feasibility and the efficiency of this method.

As for the contest committees, they are established in accordance with the Constitution, particularly Article 71 of the Constitution, as well as Articles 23-34 of the 1996 Internal System. Articles of the Internal System revealed the provisions related to the contests in terms of their structure, work mechanisms and the conditions that should be available in the contests requests. Contests committees are entitled to summon witnesses and exchange bylaws, and then issue the decision and submit it to the Chamber.

After announcing the results of the elections of the 14<sup>th</sup> Chamber in July 2003, 53 contests were submitted against 82 members. Contests constituted 74.5% of the total



members in the Chamber. Their membership has been contested for many legal reasons. For this reason, 7 committees were formed in order to look into all of these contests submitted by voters (citizens) and candidates who did not make it to the Parliament. The seven committees formed by the Chamber rejected all the contests submitted to them, and the Chamber approved of the committee's rejection. With respect to the issues that were contested, they are as follows:

- Contests related to the removal of the star seal off the voting card and reuse of the cards
- Using the right to vote more than once (replication of votes)
- Collecting the citizens' cards and prohibiting them from voting and this was in interest of certain candidates.
- Voting in a constituency other than the electoral constituency allocated for the voter
- Lack of candidacy conditions in some deputies (constitutional conditions)
- Procedures of voting and vote-count committees
- Increase in the polls by more than 5%
- Voting instead of absentees and dead people
- Unconstitutionality of the Electoral Law.

Throughout the history of the Chamber of Deputies, no membership has ever been declared invalid via the contest committees, even if the contests were correct and legal. Results are already anticipated, which means that the rejection of these contests is a general rule that knows no exceptions. The survey indicated that 56% of candidates may contest the elections results.

#### **1-4 Accountability of parliamentarians to voters through elections**

##### **1-4-1 No influence of hereditary social ties on voting**

The One-Vote Law that has been implemented since 1993 played a primordial role in disintegrating the social structures. Disputes and divisions between tribes and the one family increased. Thus competition on the tribal and familial basis became very strong, as more than one candidate from the same family runs for candidacy. This weakens the power of candidates due to the dispersion of votes in many areas. In some constituencies in tribal areas, which are the general rule, and due to the nature of traditional structures and continuous leaderships, tribal fanaticism plays a major role in elections since each family, within one tribe, votes for its candidate; thus they lose the opportunity to win due to the dispersion of votes. This is in addition to the fact that rates of participation are high, reaching 82%. Elections are held on traditional tribal basis in many areas, except for the cities where parties and civil society associations exist. Some members of parties often run for candidacy on the tribal basis, and if not for their tribal bases, they could not make it to the Parliament.

##### **1-4-2 No influence of personal relations on voting**

In some electoral constituencies, personal relations and friendships play a role though not a broad one. Social relations based on kinship or on friendship are some of the criteria of selecting the candidates. Many candidates rely on their friendships in the electoral district, city or constituency; in addition classmates or university friends play a role in



elections; however these roles or these selection criteria form only small rates, since the clan, the tribe or the party, particularly the Muslim Brotherhood play the major role; the organization of the party has the main role in candidacy and motivates the voter to select his candidate.

#### **1-4-3 No influence of nepotism (CLIENTALISM) on voting**

Nepotism relations, especially in large cities and urban areas, are dominant. Moreover, candidates enjoying good financial status have a role in getting support and votes; however, they do not really influence the elections results.

#### **1-4-4 Changes in the composition of Parliament which reflect the level of satisfaction/dissatisfaction of the voters**

With respect to the candidacy rates for parliamentary seats, they are relatively high. In the first election in 1989 and after restoring the democratic track, 654 candidates competed on 80 seats, which means an average of 8 candidates for each seat. In the 2003 elections, 765 candidates competed over 110 seats, which means an average of 7 candidates for one seat. As for the rate of change of MPs from one session to another, it is high. In the 1997 elections, 21 deputies of the previous Chamber came back, which means 26%. In 2003, 19 deputies came back, which means 23%. This fact reveals that the citizen lost confidence in the deputy and in his inefficient performance on which he does not approve anymore, this is reflected on former MPs and the general phenomenon stating that most of the former deputies re-announce their candidature for the elections.



## **1-5 Participation**

### **1-5-1 Periodic communication of the MP with constituencies**

A deputy's relation with his voters' changes, as there is no periodical communication except for the party-related members, particularly the Islamic Labor Front Party. It communicates with its voters through social and religious institutions and centers. With respect to the majority of the deputies, the relationship is embodied in the services a deputy provides to his voters, especially those who are related to him via interests, and more importantly electoral interests, or relatives' relationships. A Jordanian deputy is considered a services deputy. He is rarely a political deputy or a legislator in the real meaning of the term, since the majority of the deputies are elected based on traditional tribal structures, and on the basis of offering services and achieving the interests of those categories he represents. Hence, political communication is almost unavailable. It only takes place when the Chamber's term is over and elections are near, where the majority of the Chamber's members run for candidacy for other sessions. Communication mainly takes place through social events, such as dinners, lunches, weddings, condolences, donations, tribal reconciliations and different social occasions. In fact, it goes back to the voter to hold a member accountable and reassess the relation, yet the culture of accountability is not extensively available. In general, the majority of the deputies play a service-based role more than a political or monitoring one, or even a legislative role. It only remains in a figurative context most of the times. As for the accountability process through re-election, many deputies are not re-elected due to high tribal competition and sometimes due to the lack of voters' confidence in them. The opinion poll revealed that 44% consider that MPs do not periodically discuss matters related to the public opinion with their voters.

### **1-5-2 Communication with/ consultation of civil society committees and experts**

Information indicates a weak relationship between the deputy and the civil society, as there are no periodical meetings or sessions for consultation. Yet, sometimes, meetings take place when there are legislations related to a certain issue or topic that is of interest to these associations. It can be said that professional unions and women associations are the most efficient in this regard due to their organizational force, where sometimes they form a real pressure power. For instance, professional unions succeeded in freezing a new draft-law on professional unions. The opinion poll revealed that 53% do not consider that MPs consult the civil society and 96% state the necessity of having additional consultation and cooperation with the civil society.

### **1-5-3 Regular public hearings for civil society stakeholders at committee and plenary sessions**

With respect to dealing with experts, advisors and people of competence, it is limited, and it is not periodical or permanent, whereas it is sometimes dealt with the civil society, regarding determined cases that are important for these institutions, however not in a permanent and continuous manner.



## 2 –Independence

### 2-1 Institutional Independence

#### 2-1-1 Parliamentary independence guaranteed by the Constitution

The Jordanian political regime adopted the principle of flexible separation of Powers, which means that it did not adopt the principle of complete and absolute separation of Powers. The Legislative Power is considered an independent power in its competencies and its legislative and monitoring role. However, the powers entrusted to the Head of the Executive Power and to the Executive Power itself deprive the Legislative Power from its real independence, since the Executive Power has a dominant influence over the Legislative Power. However, there is some sort of overlapping and cooperation between the works of these two powers since the Legislative Power is entrusted to the National Assembly and the King and the National Assembly is formed of a Senate and a Chamber of Deputies and the principle of equality exists between both Houses. However, there is a number of competencies that are only entrusted to the Chamber of deputies:

- Vote on confidence for the Cabinet or for one of the ministers.
- Accuse ministers and refer them to trial.
- Call the National Assembly to convene in an extraordinary session.
- Link the Audit Office as a monitoring and financial body.
- Article 119 of the Constitution stipulated that the Audit Office shall be related to the Chamber of Deputies as per the principle of the financial liability of the Executive Power towards the Chamber of Deputies regarding all the committed financial irregularities.

In Article 51, the Constitution stated the principle of responsibility before the Chamber of Deputies stating that: "The Prime Minister and Ministers shall be collectively responsible before the Chamber of Deputies with respect to the public policy of the State. In addition, each Minister shall be responsible of the affairs of his Ministry." The Chamber of Deputies should not be dissolved during the period when the vote on confidence is postponed. The vote of confidence session is held upon the request of at least 10 deputies through a signed requisition. The Constitution stipulated that every newly formed Cabinet shall, within one month of its formation, submit to the Chamber of Deputies its ministerial statement. No law is promulgated unless enacted by the two Houses (Senate and Chamber of Deputies) and ratified by the King.

Through constitutional texts, the extent of the Legislative Power's independence and size of its powers could be noticed, particularly that of the Chamber of Deputies which is directly elected by the people. Total independence in the field of legislation is hindered by a text that renders the Senate a main partner, since it is a Chamber appointed by the Executive Power which is represented by the Head of State, the matter that limits the independence of the Legislative Power and of particularly of the Chamber of Deputies. Many laws are returned to the Chamber of Deputies and sometimes are kept in the drawers of the Senate for long periods of time. There are currently six laws that are subject to this situation. In fact, the Senate correct and amend a lot of laws that are enacted by the Chamber of Deputies, as senators enjoy broad expertise and profound experience. This is reflected on deputies' good performance, filtration of laws and hastiness in completing them. Thus, a Senate, in this case, plays a positive role in



rectifying the accurate track of legislation in a way that corresponds with the Executive Power's vision.

### **2-1-2 Parliamentary control over its administration, budget and support staff**

Among the indicators of the Chamber of Deputies' independence is its individuality in managing its affairs through an integrated administrative body which provides the necessary technical, information, administrative and services works so that members of the Chamber can perform their constitutional, legislative and monitoring functions. The Chamber of Deputies enjoys administrative independence after it was previously linked to the Speaker of the Senate in all fields. Independence is clear when managing its affairs through appointing new staff, setting their salaries, monitoring their tasks, promoting them or dismissing them from their posts. Moreover, the Chamber sets its own financial budget in cooperation with the General Budget Department in the Ministry of Finance. It sets its clauses, mechanisms of expenditure and the possibility to conduct financial transfers from one clause to another when deemed necessary. This is applied on the Senate and the Chamber of Deputies, which means the Parliament, on the level of independence, management of its own administrative and financial affairs.

#### **2-1-2-1 Parliament adopts its internal rules**

The Constitution gave the Chamber of Deputies the right to set its own internal rules for the control and organization of its own procedures within its legislative and monitoring competencies and it shall submit such rules to the King for ratification. The latest Internal Rules for the Chamber of Deputies was promulgated on 16/3/1996. These rules should respect and abide by the content of constitutional articles. There is an attempt to restructure the Chamber's Internal Rules as a proposal, but it is still underway. There are new proposals such as the issue of questions and the necessity to control them according to the constitutional deadline, meaning 8 days to give answers, where special sessions should be held for that purpose. There is also a proposal related to the petitions that are submitted to the deputies, as there is no detailed text to know how to deal with them, as well as a proposal related to the acknowledgement of Parliamentary blocks and the Chamber's refusal under the pretext that the blocks are not constant. This proposal suggested that the heads of blocks that include more than 10 members be members in the Chamber's permanent bureau. Among the most important issues laid for debate is the method of debate taking place under the Chamber's dome, especially the debates held by members of committees who examine laws and give their opinions inside the committees, where their opinions are respected. As long as opinion was expressed on a certain issue, it shall not be discussed again. However, if a member's proposal was not taken into account in the committee, he is entitled to discuss it under the dome. The Chamber refused a proposal related to add a committee for Parliamentary behavior and monitoring of deputies' conduct in terms of their attendance and participation in committees. There are other proposals, but they have been refused after the first reading.

#### **2-1-2-2 Parliament adopts and allocates its own internal budget**

The Parliament's 2006 budget (Senate and Chamber of Deputies) reached 7,605,000 Jordanian Dinars, classified into many chapters, among which are allocations for the Senate and Chamber of Deputies, salaries, wages, operational expenses, financing expenses and other expenditures. The Speaker of each of the Houses controls the



financial affairs through the independent financial department in both Houses. With respect to the Chamber's budget, it reached 5 million Jordanian Dinars for the current year 2006, where a large part of it takes the form of allocations and remunerations for MPs. Those allocations reach 1,980,000 Jordanian Dinars. The salaries of the administrative staff reach 1,246,000 Jordanian Dinars. Operational costs score 1,296,000. As for trips in foreign missions and visits, the total pegs at 340,000 Jordanian Dinars for 2006; whereas, last year in 2005, it reached 950,000 Jordanian Dinars. More than 2/3 of these budget-related figures are salaries and remunerations. In comparison with similar Parliaments, they are considered as nil, as there are more needs to promote work and improve performance.

### **2-1-2-3 Parliament controls its staff**

The Speaker, the permanent office and the Secretary General of the Chamber shall appoint the administrative and the technical staff as well as the consultants. All appointment procedures shall occur via the Speaker who enjoys independence in this task; the Chamber Secretariat shall supervise them and determine their fees, their promotion, their punishment and their dismissal.

### **2-1-2-4 Control of the services providing security by Parliament**

As for the preservation of the public order and security inside, around and within the Chamber's campus, it is the competency of the Chamber alone. This is carried out by the Speaker on behalf of the Chamber. Security forces other than the Chamber's police shall not be summoned, unless it requested other than that. There are enough police members to preserve security, and they are under the command of the Speaker and independent from any other power. They receive orders from the Speaker. The Chamber enjoys independence in saving its security and public order.

### **2-1-3 Schedule of ordinary sessions guaranteed by the Constitution**

There are three types of sessions at the National Assembly (Parliament). What is meant by a session is the period when the assembly convenes. These sessions are as follows:

- Ordinary session
- Unordinary session
- Extraordinary session

The ordinary session was specified in one session every year, and it lasts for four months. The King summons the National Assembly to an ordinary session on the first day of October of each year or, if that day is an official holiday, on the first day following the official holiday. If the National Assembly is not summoned in accordance with the preceding paragraph, it shall meet of its own motion as if it was so summoned.

The Constitution stated that the King may postpone for a period not exceeding two months the meeting of the Assembly to a date to be fixed by the Royal Decree. The ordinary session shall last for four months unless the Chamber of Deputies is dissolved by the King before the expiration of that period. The session may be prolonged by the King for a further period not exceeding three months. At the expiration of the four months or any such prolongation thereof, the King shall prorogate the Assembly.



By virtue of the Constitution, the King is entitled to adjourn the session of the National Assembly for not more than three times, or two times only if he had postponed the meeting of the National Assembly under Article (78), provided that during any one session the period of such postponement shall not exceed two months, including the period of postponement. Such postponements shall not be taken into account when computing the term of the session.

As for the second type, the unordinary session, it is held as a result of the dissolution of the Parliament and the holding of general elections, where the new Chamber convenes in an unordinary session four months maximum after the dissolution date. Such unordinary session shall not in any event continue after the 30th day of September and shall be prorogated on that date so that the Chamber may be able to hold its first ordinary session on the first day of October.

The third type is the extraordinary session. The King as well as the Parliament itself may, whenever necessary, summon the National Assembly to meet in an extraordinary session for an unspecified period for the purpose of deciding matters to be specified in the Royal Decree when the summons are issued. An extraordinary session shall be prorogated by a Royal Decree. An extraordinary session may be held at the request of an absolute majority of the Chamber's deputies. Such request shall specify the matters to be discussed. The National Assembly shall not discuss in any extraordinary session except such matters as are specified in the Royal Decree convening the session.

#### **2-1-4 Fixed term of office guaranteed by the Constitution**

Article 68 stipulated in paragraph “1” that the “Term of office of the Chamber of Deputies shall be four calendar years commencing from the date of the announcement of the results of the general elections in the Official Gazette. The King may, By a Royal Decree, prolong the term of the Chamber for a period of not less than one year and not more than two years”.

#### **2-1-5 Clear grounds for dissolution or for shortening its mandate**

What is meant by the dissolution of the Chamber of Deputies is putting an end to the Chamber's life before the end of its constitutional term, which is four years. The right to dissolve has been granted to the Executive Power, represented by the King as its President. The King announces dissolution via a Royal Decree that is signed by the Prime Minister and the concerned minister. This process is subject to constitutional conditions so that the Executive Power does not use this right arbitrarily. Such conditions are as follows: -

If the Chamber of Deputies is dissolved, a general election shall be held four months after the dissolution date. If no elections have taken place by the end of the four months, the dissolved Chamber shall assume its full constitutional powers and meet immediately as if its dissolution had not taken place. It shall remain in office until the election of a new Chamber. And the new Chamber shall not be dissolved for the same reason. It is necessary that the Royal Decree includes and determines the reason or reasons behind the dissolution of the Chamber. Or there must be a sufficient reason for dissolution. A Minister who intends to run for candidacy in the elections shall resign fifteen days at least before the beginning of candidacy.



The dissolution of the Chamber of Deputies is due to a series of reasons, the most important of which is the nature of the relationship between the Legislative and Executive Powers. An example on that is the case of non-cooperation which leads to the dissolution of the Chamber, in addition to the political and economical circumstances and the new changes which sometimes pave the way for new elections. Many times the Jordanian Chamber of Deputies has been dissolved months before the end of its constitutional term, paving the way for electing a new Chamber for fear that deputies exploit their continuous status as members. Perhaps this influences the process of electoral procedures and process.

## **2-2 Protection of Parliamentarians**

### **2-2-1 Parliamentary immunity guaranteed by the Constitution**

The Jordanian Constitution consolidated the principle of Parliamentary immunity of the National Assembly members, the Chamber of Deputies' and the Senate's, so that they can perform their constitutional tasks and competencies inside the assembly freely and without any fear, embarrassment or influence by the Executive Power or any other party. This immunity means that no member of the Jordanian National Assembly shall be detained or trialed during the sessions if there is no decision to do that by the House he belongs to. He shall not be arrested or trialed unless he was caught red-handed, and this in accordance with Article 86 of the Constitution: "No Senator or Deputy may be detained or tried during the currency of the sessions of the National Assembly unless the House to which he belongs decides by an absolute majority that there is sufficient reason for his detention or trial or unless he was caught red-handed. In the event of his arrest in this manner, the House to which he belongs shall be notified immediately." Thus, waiving immunity is related to the House to which the member belongs.

The second paragraph of the same article stated: "If a member is detained for any reason while the National Assembly is not sitting, the Prime Minister shall notify the Senate or the Chamber of Deputies when it convenes of the proceedings which were taken against him, coupled with the necessary explanation." What is understood from the constitutional text is that waiving the immunity should only be carried out by the House to which a member belongs, meaning the Chamber of Deputies or the Senate. Hence, it is restricted to the House only. In case of requests to waive the immunity, the House shall approve with an absolute majority to waive it. The immunity is duly waived in case a member was caught red-handed. Article 135 of the Chamber of Deputies' Internal Rules stipulated that during the Chamber's session, a member shall not be pursued and no penal or administrative procedures shall be taken against him. He shall not be detained or arrested except with the Chamber's permission and unless he was caught red-handed. Article 141 of the Internal System stated that a member whose immunity was waived and was not arrested is entitled to attend sessions, committees' meetings and debates, and he has the right to vote. Article 142 stated that a deputy has no right to cede his immunity without the Chamber's approval. Hence, it can be concluded from the above-mentioned texts that waiving the immunity is the right of the House and not of the member. And if requested, it needs the approval of the absolute majority.

#### **2-2-3-1 Limited circumstances in which immunity can be waived**



Immunity shall be definitely waived in the event where the member commits a serious crime. As for the other cases, it shall be referred to the report of the legal commission that shall be submitted to the Chamber for voting thereon; the hereto shall require the absolute majority of the Chamber's votes; most of the times, it is difficult to reach this rate in such event; thus, possibilities of waiving immunity shall be reduced for such condition exists in the voting quorum.

#### **2-2-3-2 Clear and transparent mechanisms for waiving immunity**

The Internal System controlled the mechanism of waiving the Parliamentary immunity. Requests to waive the immunity are submitted via the Executive Power, represented by the Prime Minister, to take penal procedures and submitted to the Speaker of the House, accompanied by a memorandum that includes the type of offence, its place, time and the evidence that necessitates quick measures. The request is referred to the legal committee to examine it and submit a report about it within a period that does not exceed two weeks. The report is referred to the House to take a decision. The decision of waiving the immunity is only relevant to the act stated in the request and it does not apply on other acts. The House does not have a say in the accusation, as its role is only limited to giving permission to initiate procedures. Throughout the Chamber's history between 1989-2006, requests to waive immunity were submitted five times. No vote took place and they ended with the legal committee, which means that immunity has not been waived in respect of any member, throughout the previous periods.

#### **2-2-4 Freedom of expression guaranteed by the Constitution**

The Jordan's Constitution guaranteed in its Article 87 the right of each member in the Chamber of Deputies and the Senate to enjoy the freedom to speak and reveal opinion. No member shall be blamed for a vote, or an opinion he gives or a speech he delivers before the House during the sessions. The Internal System controlled the mechanism and procedures of speech, expression of opinion and debate in accordance with Articles 93-107.

#### **2-2-5 Physical safety**

Based on the legal dimensions in force, no member shall be subject to security or military threats. It never happened that any of the Parliament's members was subject to such illegal procedures, or their lives were threatened, or even forced to adopt a certain point of view or standpoint. The opinion poll, conducted for this purpose, revealed that 96% agree to preserve the physical safety of MPs.

#### **2-2-4 Adequate financial compensation**

Based on the principle of the independence of the Legislative Power from the Executive, membership in the Legislative Power and public offices should not be combined. What is meant by public offices is every job the employee of which earns a salary from public funds. This includes municipalities. Such person should not have any financial benefits at any public department resulting from a contract other than lease contracts of land and properties. This is not applied on a person who is a shareholder in a company composed of more than 10 members. Thus, a member earns remuneration from the State's Public Treasury in order to perform his tasks in legislation and monitoring. Many decisions



issued by the Cabinet included financial allocations to deputies. Many modifications were introduced to these allocations until deputies and ministers were treated equally. As stated in the 2006 budget, the total allocations of the National Assembly (Jordanian Parliament) reached 2,960,000 Jordanian Dinars. Allocations of the Chamber of Deputies reached 1,980,000 Jordanian Dinars annually, while the Senate's reached 990,000 Jordanian Dinars. In addition, members of the Chamber of Deputies, as well as members of the Senate, receive a monthly remuneration of Jordanian Dinars 1500; they also have the right to receive their previous retirement salaries, which is an exception for the members of both Houses in the Kingdom, whereas most of them have worked in previous jobs or are retired civil or military servants. Thus, their retirement salaries shall be amended in the light of their new situation, and deputies shall obtain the amount of Jordanian Dinars one thousand against annual residence fees. Thus, they are considered of those receiving a high income in comparison with the minimum wages reaching 95 Jordanian Dinars and in comparison with the annual income average of the individual reaching approximately 2200 Jordanian Dinars. And according to the opinion poll, 43% consider that MPs are receiving appropriate compensations.

### **2-2-5 Absence of undue external pressure to take specific decisions**

Pressures exerted by people of interests exist, however not in an extensive manner. They appear when discussing certain topics. Pressures exerted by owners of large companies, banks and businessmen are possible but not on a broad scale. For instance, insurance companies, tobacco companies, communications companies and banks had once constituted elements of pressure in cooperation with some members of power in the Chamber in order to influence the decisions and legislations promulgated by the Chamber regarding certain topics that are of interest to the owners of those companies. The opinion poll related to this matter revealed that international influences exist by 46%, while 67% consider that the Parliament is influenced by Governmental bodies' pressures.

### **2-3 Independence of the Parliament in carrying out its functions**

#### **2-3-1 Parliamentary monopoly on the exercise of Legislative Power**

The Jordanian Parliament carries out its constitutional, legislative, political and financial competencies based on the principle of its independence from other powers. The process of proposing draft-laws is entrusted to the Legislative Power along with the Executive Power. Ten or more members of the House are entitled to propose laws. A draft-law does not become a law unless it passes through its constitutional phases: enactment, ratification, promulgation and publishing. Every draft-law is presented to the Chamber of Deputies which enjoys the right to accept, amend or reject the draft-law. In all events, the draft-law is submitted to the Senate. A law is not promulgated unless enacted by the two Houses and ratified by the King. In the event where the King did not ratify the law, he shall, within six months of receiving it, return it to the House with a statement mentioning the causes of not ratifying the law. And if any draft-law, except a Constitution draft-law, has been returned within the mentioned period and it was enacted by both the Senate and the Chamber of Deputies with the approval of the two third, it shall be promulgated. The National Assembly does not only hold the right to propose new draft-laws, but it has the right to propose the amendment or the annulment of an existing law. It can be noticed that the laws proposed by the Legislative Power are less than those proposed by the Executive Power. Between 1989 and 2001, the successive



Chambers finished 369 laws, 80 of which were proposed by the Legislative Power, which means a percentage of 21% of the total suggested laws.

The Executive Power was given the right to issue provisional laws (legislative regulations) in certain cases that were stipulated by the Constitution: In cases where the National Assembly is not sitting or is dissolved, the Cabinet has, with the approval of the King, the power to issue provisional laws covering matters which require necessary measures which admit of no delay or which necessitate expenditures incapable of postponement. Such provisional laws, which shall not be contrary to the provisions of the Constitution, shall have the force of law, provided that they are placed before the Assembly at the beginning of its next session, and the Assembly may approve or amend such laws. In the event of the rejection of such provisional laws, the Cabinet shall, with the approval of the King, immediately declare their annulment, and from the date of such declaration these provisional laws shall cease to have force provided that such nullity shall not affect any contracts or acquired rights. Due to the short period of the Chamber's ordinary session, which is four months (periods of sessions) and sometimes a short extraordinary session, and due to the many postponements of convening sessions and sometimes the postponement of elections, the use of Article 94 of the Constitution was expanded, and provisional laws were promulgated, based on the principle of necessity and the absence of the Parliament. For instance, due to the dissolution of the Parliament in 2001 and the postponement of general elections for two years until 2003, the Executive Power promulgated many provisional laws. Previously, particularly in 1998, the Supreme Justice Court announced the annulment of the amended Publications Law due to the lack of the element of necessity when the amendment was promulgated with a provisional law. In general, expansion in taking Article 94 as a base and expansion in its use imply a confiscation of the Parliament's right and violation of its right in legislation. At the same time, Parliament is overloaded with laws that it should deal with in its ordinary sessions, which influences its role and weakens its role in political monitoring.

Due to the absence of the Parliament between 1973 and 1984, historical facts indicate that 494 provisional laws were promulgated. In the period between 16/6/2001 and 17/6/2003, when the Chamber of Deputies was dissolved, the Executive Power promulgated 221 provisional laws. No previous Government in Jordan's history promulgated such a large number of the provisional laws. It can be said that continuous promulgation of provisional laws by the Executive Power is an exception of the general rule in issuing the legislation which is the Parliament's right. This greatly necessitates the establishment of a constitutional court since expansion in this methodology, in one way or another, is a violation of the Constitution's provisions and a breach of the party that is in charge of this competency. Perhaps, this leads to the violation of the citizens' rights and freedoms. After the promulgation of the Law on the Supreme Justice Court No.12 of 1992, this court has become the competent authority in examining contests that are submitted by any person who was harmed by these provisional laws directly. In all cases, the Constitution which granted these powers to the Executive Power in certain cases should not be a chance to the Executive Power to expand in promulgating such laws. Even the concept of evaluative powers given to the Executive Power is a mysterious concept which can be interpreted in many ways.

### **2-3-2 Broad legislative authority**



The Parliament has broad powers in legislation in different aspects, whether economical, political, social and financial, as well as the rest of the issues that organize the State's components and needs, except for the issues stipulated in Articles 114 and 120 of the Constitution, which are the independent rules related to the organization of public utilities. Article 114 stated: "The Council of Ministers may, with the approval of the King, issue rules for the control of appropriations and expenditures of the public funds and the organization of Government stores." Article 120 stated that administrative divisions of the Hashemite Kingdom of Jordan, the establishment of the Government Departments, their classification, designations, the plan of operations and the manner of the appointment of civil servants, their dismissal, their discipline, supervision and the limits of their competence and powers shall be determined by rules issued by the Council of Ministers with the approval of the King. The promulgation of independent regulations on the above-mentioned issues is the competency of the Executive Power, and the Legislative Power shall not tackle any of these topics in its legislations. The High Tribunal for the Interpretation of the Constitution stated that the ordinary law issued by the Legislative Council shall not tackle any of the issues stated and defined in articles 114 and 120 of the Constitution. This interpretation underlined the guarantees necessary for the principle of the independence of the Executive Power.

### **Examples of areas of legislative activity**

#### **2-3-2-1-1 Regulation of fundamental freedoms (by laws rather than by decree)**

The basic support of fundamental freedoms is Articles 5 – 23 of the Constitution. However, these articles tackle laws, a part of which is related to the general freedoms subject such as the publications law, the political parties' law, the intellectual property law as well as other laws controlling public liberties; they all pass through their constitutional phases and it shall be necessary that the Legislative Power promulgates these laws in its both Houses.

#### **2-3-2-1-2 Declaration of the state of emergency dependent on an approval by the Parliament**

As for the issue of emergency cases, there is the Defense Law and the Martial Laws as stipulated in Articles 124 and 125 of the Constitution. They are two exceptional powers given to the Executive Power to confront emergency cases threatening the country's security and stability. The evaluative powers in determining the nature of those cases is the absolute right of the Executive Power, which is not asked to consult the Legislative Power and take its approval. There is no constitutional text that necessitates the approval of the Parliament. It is subject to the Parliamentary monitoring as much as the Executive Power is subject to monitoring. Article 125 of the Constitution did not stipulate the dismissal or the dissolution of the Parliament. This proves the Parliament's right to carry out its competencies in practicing political monitoring in these events.

#### **2-3-2-1-3 Monopoly of Parliament in imposing taxes and fees**

The Parliament practices financial monitoring through discussing the draft-law on the General Budget that includes the State's expenses and revenues. And the method of controlling the General Budget falls under its competence in its adoption or rejection of



the draft-law of the General Budget. The Constitution stipulates in Article 111 that no tax or fee shall be imposed except by a law.

#### **2-3-2-1-4 Public expenditure dependent on approval by Parliament**

The returns of taxes and fees and other State revenues shall be directed to the State's Public Treasury. No funds of the Public Treasury's shall be allocated or spent except by a law. Moreover, any concession to grant a right related to the investment of mines and minerals or public utilities shall be ratified by a law. This is in addition to the provisions of Article 119 and the linkage of the Court of Audit to the Chamber of Deputies which monitors the State's revenues and expenditure and the method of expenditure. The Court of Audit submits its reports and opinions annually or whenever it is asked to.

#### **2-3-2-1-5 Borrowing money for the state dependent on approval by Parliament**

Article 33, paragraph 2, stated, "Treaties and agreements which involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly." Therefore, public money borrowing operations should be ratified by the law.

#### **2-3-3 Absence of undue pressure from the executive or other influential bodies**

Practically speaking, the relationship between the Legislative and Executive Powers witnesses tide and ebb from time to time. In spite of the clarity of constitutional competencies and the functions of both powers, the relationship witnessed different phases of tension due to different reasons and according to the political and economical circumstances that the country is passing through. The Chamber of Deputies contributed to this tension due to its strict positions towards some Governments. Some parliamentary blocks constituted an element of pressure which led to a change or reshuffling of Governments in different periods. Sometimes, the relationship was marked by some harmony. One of the reasons behind this harmony was the series of concessions that deputies got. Historical facts indicate that the relationship between the Executive and Legislative Powers passed through different phases; conflict or cooperation based on achieving interests for deputies and the Government together, or the Chamber's dominance over the Government in certain periods or vice-versa. In all events, members of the Legislative Power, particularly members of the Chamber of Deputies are subject to pressures from the Executive Power in order to pass specific laws required by the Executive Power. The hereto occurs by submitting some privileges and services or by employment in order to pass some laws, sometimes. The hereto only occurs in respect of specific laws. The Executive Power may also conduct a public relations campaign with deputies, in respect of different forms.

### **3- Performance**

#### **3-1 Effective legislative process**

##### **3-1-1 Draft laws, discuss within the ordinary session of the Parliament**

Draft-laws proposed by the Government or the Parliament are referred to the Speaker of the Chamber of Deputies in order to present them before the Chamber. If approved by the



Chamber, these draft-laws are referred to adhoc committees to examine and discuss them and set relevant recommendations. Many draft-laws are submitted to the Chambers, particularly provisional laws. For instance, the Government referred to the 14<sup>th</sup> Chamber more than 211 provisional laws, in addition to previous referred laws and the ones found with the Parliament's committees. Some of them were provisional and some were ordinary laws examined by the committees, mounting to more than 64 laws that have been referred in the past years. Hence, the Chamber's and the committees' capacity to finish these laws in ordinary and even extraordinary sessions is really difficult if we take into consideration that the ordinary session lasts for 4 months, half of which are spent on two matters:

First: Vote on confidence in the Cabinet due to the quick changes of Governments in Jordan. Ever since its election in July 2003, the Chamber dealt with three Governments.

Second: The State's General Budget which takes not less than 4 weeks. Even extraordinary sessions are short and are subject to the Royal Decree that determines the issues to be discussed. The Chamber is not entitled to discuss any topics not mentioned in the decree. This in addition to the clear non-commitment of the committees' work, low level of attendance, and lack of quorum in committees' session sometimes. The Chamber even makes sure that the quorum is not complete so that no sessions be held. Hence, there is weakness in completion and low efficiency in the Chamber's performance of its legislative tasks, as well as non-completion of the largest number of draft-laws submitted to it.

### **3-1-2 Serious analysis and debate of the content of legislations before their adoption**

It is noticed from the numerous pressures and the amount of work that the draft laws and the laws proposals are not seriously examined. The clear evidence on the hereto is that laws are most of the time rejected by the Senate since most of the laws approved by the Chamber of Deputies are being returned thereto with the reasons of their rejections which are most of the times the amendment of articles; thus non-seriousness is clearly noticed. On the other hand, a lot of laws are being amended more than once through one year. Thus, hastiness shall be committed by the Government then from both Houses, which leads to such condition. According to the facts of the exceptional session of summer 2006, which term was 46 days and that ended on 28.09.2006, 28 laws have been promulgated within twelve sessions. The opinion poll elaborated for the purposes of this study revealed that 60% state that deputies study the draft-laws in a serious and detailed manner.

Having a look at the number of draft-laws proposed by the Chamber in comparison with what the Government proposes is very rare. For instance, the 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Chamber submitted 25, 17, 38 and 8 draft-laws respectively. The number of draft-laws accomplished by the Chambers reached 131, 92, 146 and 214 respectively. These are the draft-laws proposed between 1989 and 2006. What explains the increase in the completed draft-laws before the 14<sup>th</sup> Chamber is the increase in the weekly sessions to three sessions and the allocation of two sessions for legislation. This contributed to the increase in the completion of laws in comparison with previous sessions. This is in addition to the fact that the Chamber was heavily attacked by the people, accusing it of weakness. Another trend appeared, calling for the promotion of the efficiency of the Chamber's performance for fear of rumors that spread the news of the possibility of dissolving the 14<sup>th</sup> Chamber.



### **3-1-3 Effective Parliament participation drawing public policies**

Drawing up public policies is a task undertaken and mainly monopolized by Governments. Yet, the Parliament contributes to the debate of these policies, expresses its opinions and gives the necessary recommendations. Adhoc committees often summon concerned ministers for dialogue and debate of their ministries' policies or strategies. Sometimes, these debates take a protocol form. Successive Governments set public policies and try to convince members of the Chamber of the validity of these policies. If we take the number of debate applications to the Government, it reached 41 applications between 1989 and 2001. It can be said that the monitoring role over the implementation of public policies is barely negligible. Governments seek to preserve a relation of equilibrium with the Parliament in order to liberalize some public policies that higher national interests necessitate. In spite of this, the relationship between both powers witnessed a decline which led to the establishment of parliamentary blocks against Governments, their policies or even their structures. Statements have been issued in this regard. The last of these blocks was the one which gathered 49 deputies against the of Adnan Badran in spring 2005, as it did not take into consideration the representation of the governorates of the South as a public request, which led to a reshuffling of the Government in a short order after its formation. Another form of cooperation was scored in February 2005 when the committee for setting the national agenda included reporters from both Houses, whose number reached 8 members out of 26 for the agenda's steering committee whose aim was to set a national agenda for political, economical and social reform for the coming 10 years. Usually, when there is an imbalance between the Government and the Parliament, the King intervenes by inviting the Parliament members to discuss with them the importance of cooperation for higher national interests, the country's future and the nature of the difficult situation the region was passing through which necessitates cooperation and consensus, rather than conflict and problems in each direction. In general, the citizens' trust is declining in the Parliament performance as a lot of opinion polls reveals. Approval on performance and efficiency declined from 1933 until the present date; and if we take in consideration the number of petitions submitted by the citizens from 1989 to 1993, we shall find that they reached 4184 petitions in comparison with the present Parliament 2003 – 2006 where the number of petitions reached 41 petitions. This is a clear indicator that the trust in Parliament declined and that people feel that the Parliament is incapable to fulfill the public affairs of citizens.

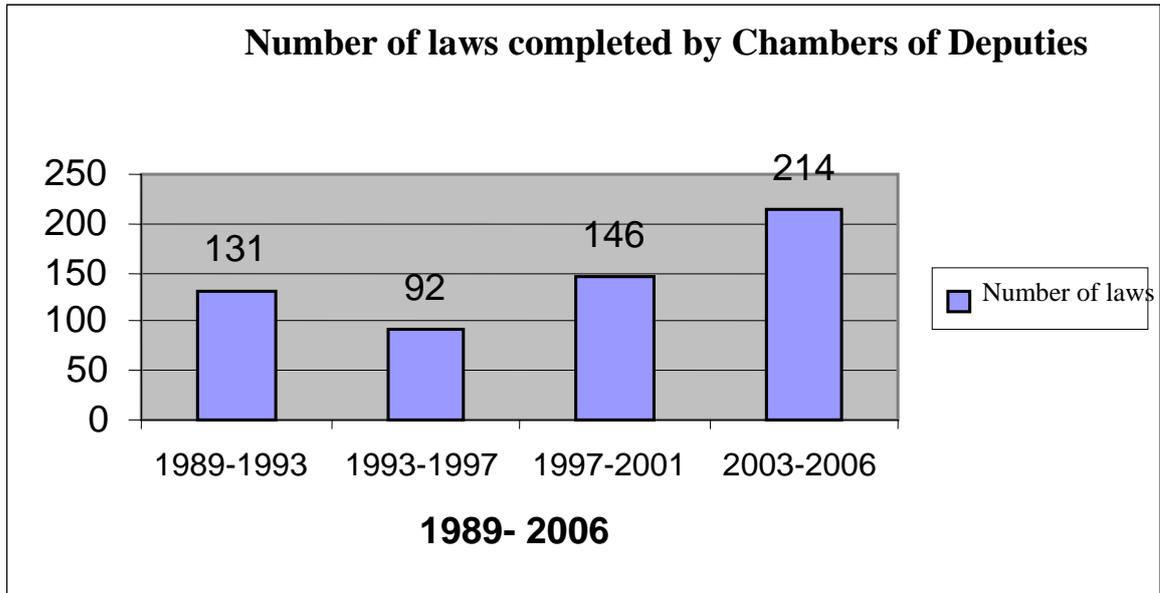
### **3-1-4 Participation of civil society stakeholders in studying draft laws**

As for the Parliament's cooperation with the civil society in general, it is available, particularly with active ones, as they get involved in discussing proposed draft-laws, as well as enforced or proposed public policies with competent committees. Among these institutions are professional unions, human rights associations, humanitarian bodies, children's associations, trade unions and others. But this does not occur permanently or continuously; however, it sometimes occurs when these institutions claim that its ideas be exposed and approved towards any draft-law before the House. It can be said that professional unions are the most influential, as they are numerous and constitute a political force. They succeeded in making an influence in more than one domain, the last of which was prohibiting the enactment of the new law on professional unions.

### **3-1-5 Participation of experts in studying the laws**



In the field of cooperation with experts in studies and specialized centers to study or examine draft-laws, it is very tight. In limited cases, experts or advisors are resorted to, the most important of which was during the debate of the draft-law of the General Budget. For the first time in 2006, an economical financial expert and advisor and legal consultants were appointed for this purpose, taking into consideration that their opinions are not binding. Deputies consider that they do not need such experts; however, even if appointed, these experts shall have weak influence.



**Accomplishments of Chambers of Deputies  
1989-2006**

Topics	11th 1989-1993	12 <sup>th</sup> 1993-1997	13 <sup>th</sup> 1997-2001	14 <sup>th</sup> 2003-2006
Laws	131	92	146	214
Questions	412	917	294	596
Interrogations	16	1	8	4
Debates	14	18	9	7
Requests				
Law proposals	25	17	38	8
Wish proposals	383	367	143	16
Petitions of Citizens (Complaints)	4184	1133	373	41

### 3-2 Effective oversight of the budget

#### 3-2-1 Comprehensive study and debate of the budget



The General Budget is treated as a draft-law and it passes through all phases that a draft-law passes by. With respect to the draft-law on the General Budget, it is referred to the financial committee to examine it thoroughly, profoundly and with a high level of transparency. With respect to the mechanism of dealing with the draft-law on the 2006 General Budget, the financial committee held 12 meetings to discuss the budget draft-law. Around 24 deputies outside the committee attended the meetings and they took part in the debate in addition to the financial committee. The committee met with 13 ministers to discuss the budget chapters in details. It also met with the central bank governor and the head of the privatization body. The committee listened to 11 secretary-generals and 28 directors of independent departments and public institutions. The committee listened to around 87 officials and experts to discuss the 2006 budget. All the budget chapters were discussed in details. All its figures were set, and all its repercussions on the State's economical, social and financial situation were verified. Financial reductions in public expenditure were proposed in many chapters which the committee believed included some violations, recommending, hence, the cutback on public expenditure, as well as proposals and recommendations according to what is convenient to the country's financial and economical situation. The Government approved of all the recommendations. The hereto reveals that the financial commission fully and accurately studies the State's General Budget and that it establishes its recommendations according to its constitutional and legal right. Whereas recommendations are not obligatory, however, sometimes, both powers agree on adopting the recommendations while sometimes the Government agrees on these recommendations in order to pass the Budget.

### **3-2-1-1 Transparent development of the budget figures**

The financial commission shall clearly and accurately examine the budget's final figures of the different chapters in the presence of experts and specialists specialized in the analysis of the General Budget chapters and articles and in order to state deficiencies and imperfections mentioned in the budget and to mention the hereto in the final report that shall be submitted to the Parliament before that the debate takes place.

### **3-2-1-2 Scrutiny of the budget figures to ensure accuracy**

An important part of the budget is deemed to be a technical financial subject since the General Budget Directorate at the Ministry of Finance prepares the General Budget of the State and determines the revenues and the expenditures of the State. The financial commission shall, in both Houses of the Parliament, effectively scrutinize the budget figures and shall ensure its accuracy in order to verify that no errors in figures exist, and it shall also closely examine the total chapters. The final reports submitted by the commission reveal if any differences in figures in any of the chapters or in the total chapters exist. In the event where these differences exist, they shall be stated in the report or in its recommendations.

### **3-2-1-3 Study of the effect on monetary, economic and social conditions**

By perusing the agenda and the debates of the financial commission of the Chamber of Deputies of February 5, 2006 and that are related to the General Budget of 2006, we find that the financial commission focused on the estimated figures effects on monetary, economical and financial conditions.



In addition to the equal ambitions and urgent priorities as well as objective circumstances of the State and the consideration of economical and social difficulties such as poverty, unemployment, prices increase, indebtedness, petrol price increase as well as achieving a degree of equilibrium between the public expenditures and the public revenues through decreasing the balance of the external debt, structuring the benefit prices and restructuring the tax systems in addition to the budget permanent deficit and the professional training policies. In addition to the social productivity strengthening and the social security that ensured financial, economical and social aspects in its recommendations, and claimed that the Government observes the general recommendations that represent 24 articles involving these conditions.

#### **3-2-1-4 Commissioning experts to its financial and economic affairs to study the budget and approve it**

Upon the study of the General Budget, the financial commission shall seek for the assistance of financial and economical experts. A specialized financial consultant has been appointed in this respect. Moreover, the commission shall invite governmental experts, specialists and officers to discuss the budget chapters and articles with them; during the debate of the General Budget of 2006, the financial commission met thirteen ministers, the Governor of the Central Bank, the Head of the Privatization Commission and the director of the General Budget Department for the debate purpose. It also met 38 general secretaries, one director, and one Head of the State different departments and institutions; in addition to officers from the private sector and the Heads of the Commercial Chambers and the Commerce Chambers and chancellors and others specialists.

#### **3-2-1-5 Comparison of actual expenditures and income against projections**

The Parliament shall study the final account of expenditures and tax and it shall elaborate different articles thereto in its report and recommendations, whereas it shall determine and compare them in a practical manner with the former budget and facts. In respect of the budget of 2006, the financial commission decided to reduce the public expenditure by 90 million Jordanian Dinars, noting that the commission did not cancel any of the projects included in the budget agenda; it clarified in a special schedule, the projects and the articles that have been reduced in the budget, aiming at reducing the budget deficit by 0.9% of the total national product estimated by 9944 million Jordanian Dinars. It recommended that it shall be necessary to restructure the tax system and to amend the law of the general tax of sales and to have a structural reform for the whole tax system. In general, at the debate of the budget draft-law and through their speeches that remain more than three to four days, the members of the Chamber of Deputies claim from the Government for additional expenditures; thus speeches of service aspect such as claiming for roads, hospitals and the increase of expenditures for social services and others service claims that require additional public expenditures, increase; according to the Constitution, the increase of expenditures is refused during the budget debate and thus, most of speeches adopt an electoral advertisement purpose in order to gain votes in their electoral constituencies. It is rare to find anyone whose speech is related to the budget articles or who executes it according to the figures.

#### **3-2-2 Transparent vote on the budget**



By virtue of the Constitution provisions, voting on the budget shall occur in accordance with specific conditions such as (voting) on each chapter separately. No sum falling within the expenditures section of the General Budget may be transferred from one chapter to another except by law. The Parliament may reduce the expenditures under the various chapters in accordance with what it deems to be in the public interest, but it shall not increase such expenditures either by amendment or by the submission of a separate proposal. During the debate of the General Budget, no proposal shall be accepted for the abrogation of an existing tax or the creation of a new one or the amendment, whether by increase or reduction, of existing taxes which are prescribed by the financial laws in force. The State revenues and expenditures estimated for each financial year shall be approved by the General Budget Law. And voting in respect of the budget shall take place on each chapter separately through hand-roll to count the votes of the members. The final voting occurs through hand-roll to count the votes of the members, and the budget shall be ratified by the majority of the members present. Most of the times, the voting process is directly broadcasted on TV. Yet, in one rare case, in the 2006 budget, the votes were not counted, and the Speaker of the Chamber announced the ratification of the budget, which aroused the anger of some deputies who left the session, protesting against the mechanism of vote, and most of them were members of the opposition. This case reveals that the vote on the 2006 budget was not transparent.

### **3-2-3 Comprehensive oversight of the budget**

The Parliament shall promulgate the budget draft-law and the General Budget shall be deemed as a draft-law that should observe all the constitutional phases; the Constitution shall stipulate that no part of the Treasury funds shall be allocated and spent for whatsoever purpose unless by virtue of a law. These provisions provide the Parliament with the comprehensive oversight of the General Budget, its promulgation as well as the methods of its expenditure.

#### **3-2-3-1 Effective and active role in monitoring the implementation of the budget**

The Parliament shall have an effective and active role in monitoring the implementation of the budget through different means such as that the expenditure takes place only through the law, the questions and interrogations processes and the investigation commissions in specific expenditures cases for all the State's institutions and departments that obtain their funds from the General Budget. Moreover, it shall be necessary to issue the General Budget supplements by virtue of a law. It is noticed that the financial monitoring in expenditure matters after the budget promulgation is not effective and takes place only when a problem occurs in a public institution. Continuous pursue for these purposes do not exist despite that the Constitution provisions are clear regarding the hereto.

#### **3-2-3-2 Collaboration with audit agencies to control public expenditure**

The audit agency shall depend on the Chamber of Deputies and shall annually submit its reports containing its opinions and remarks and embodying its views and comments and indicating any irregularities committed and the responsibility arising therefrom. It shall carry out effective and executive monitoring and it shall submit periodic reports whenever it shall be required to. The Chamber of Deputies shall discuss the reports of the Court of Audit annually at the beginning of the ordinary session of every year. Ministers



are held accountable based on these reports and irregularities, using the monitoring and accountability tools that are legally enforced. In general, the debate over the reports of the audit agency are not seriously handled and became figurative more than effective. And the Audit Office has been amended in 2001 in such a manner that monitoring becomes subsequent and not prior as the case was in previous decades. This amendment influenced the monitoring processes in such a manner that payment and monitoring take place in an ulterior time, which rendered the role and the reports importance of the audit agency ineffective. The appointment of the Head of the Audit Office occurs through the Prime Minister in addition to the opinion of the Speaker, the matter that renders the role of the Head of the Audit Office less important in the monitoring operations since he is appointed by the Prime Minister.

### **3-3 Effective oversight of the executive**

#### **3-3-1 Existence of organized and effective opposition in the Parliament**

Having a look at the composition of the 14<sup>th</sup> Chamber of Deputies, the majority of the members were elected on tribal and familial bases, constituting 77% of the total number of members. There is an organized opposition represented by the Islamic Labor Front Party, which is the political wing of the Muslim Brotherhood. The party is represented by 17 members, meaning 15% of the total number of members. This opposition is not efficient because of its low percentage. It tries to be efficient, but it could not do that as was the case in the 11<sup>th</sup> Chamber between 1989 and 1993. Some opposition can be noticed by some members, but it is of an individualistic unorganized character. Their stands against some of the Government policies emerge from time to time, or they do not vote on the confidence in the Cabinet. This small opposition ranges between 4 members as a minimum and 8 members as a maximum. Successive Governments in the past years obtained a very relaxing percentage of confidence, with a majority of more than 80 votes. The current Cabinet got 85 votes, which means 77% of the total. Hence, the organized and unorganized opposition constitutes 23%. So, it is not considered as influential or efficient to change policies, hinder draft-laws or even do not vote on confidence in the Cabinet. When voting on the budget, the Islamic Labor Front left of the session, protesting against the method of voting. However, the budget was ratified with a parliamentary majority.

#### **3-3-2 Effective questioning of the Government by Parliament**

With respect to the ministers' responsibility, Article 51 of the Constitution stipulated, "The Prime Minister and Ministers shall be collectively responsible before the Chamber of Deputies in respect of the public policy of the State. In addition, each Minister shall be responsible before the Chamber of Deputies in respect of the affairs of his Ministry." The right to practice political monitoring was given in the form of questions and interrogations, special investigation committees, and expression of wish. Political monitoring is available, but it is inefficient, and its influence does not go beyond its figurative context. In fact, many questions are raised about the public policies, where a member would raise a question about something he does not know or about an event he wants to verify. He might also ask about the Government's intention in a certain matter. Figures show the great number of questions, where they reached in the 11<sup>th</sup> Chamber 1989-1993 412 questions, in the 12<sup>th</sup> Chamber 1993-1997 917 questions, 13<sup>th</sup> Chamber 1997-2001 294 questions, and in the 14<sup>th</sup> Chamber 2003-2006 596 questions.



In spite of the many questions in some sessions, the constitutional deadline, which is 8 days to give an answer to the questions raised, is often not respected. Sometimes, replies require long time and do not abide by the period stipulated in the Constitution. Sometimes, questions are transferred from one session to another. Sometimes, answers are obtained but the Cabinet has been changed. For instance, under the current Chamber, 338 questions out of 596 questions have been answered, which means 56%. Many deputies raise questions for purely media purposes and to mobilize popular support. Others look for personal objectives in their relation with the members of the Government. But this does not mean that there aren't questions that are aiming in implementing political monitoring. Often, the Government always seeks to keep monitoring in the context of questions, which means that questions should not turn into interrogations since interrogation means real accountability of ministers or minister. Rarely does a question turn into an interrogation, and interrogation into a vote on confidence. With respect to interrogations, they were very rare between 1989 and 1993, reaching 16 interrogations. In the period between 1993-1997, there was one interrogation. In the 13<sup>th</sup> Chamber, 1997-2001, 8 interrogations were scored. As for the 14<sup>th</sup> Chamber, which is the current Chamber, there 4 interrogations, 2 of which were discussed.

Facts in the current Chamber and previous Chambers show that there hasn't been any precedent, where an interrogation leads to a vote on confidence. It can be said that using different means of political monitoring did not influence a lot the public policies of the successive Governments. The opinion poll on the effective questioning of the Government by the Parliament revealed that 40% do not agree and 35% agree while 25% have an impartial position. And 57% expressed their concern regarding corruption and that the Parliament does not effectively investigate in these cases.

### **3-3-3 Effective power to withdraw confidence from the Government**

With respect to the vote on confidence in the Cabinet, parliamentary facts indicate that this has only occurred once, when the 7<sup>th</sup> Chamber in 1963 presented a motion of non-confidence in the Cabinet of Mr. Samir Rifai. In the past 15 years, and since the parliamentary life was restored, no motion of non-confidence in any Cabinet of the 10 successive Cabinets has been registered. It is worth-mentioning that the percentage of vote on confidence in Cabinets has increased in the past years and that all Governments obtained a high and convenient confidence.

### **3-3-4 Effective control of compliance with international treaties**

Political facts indicated that there is remarkable decline in the role of the Chamber of Deputies in monitoring the foreign policy though the Constitution stated that treaties and agreements which involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly. Hence, in Article 38 of the Chamber of Deputies' Internal System, stress was put on the necessity to examine the treaties and agreements that are related to the foreign policy.

#### **3-3-4-1 Questions to the Government about its compliance with international treaties**



Parliamentary facts indicate that enactment of international treaties and agreements is figurative, and rarely there are questions on those agreements. In the current 14<sup>th</sup> Chamber, no member forwarded a question or an interrogation about any international treaty or agreement. Just as the Chamber of Deputies witnesses overall low performance in the field of monitoring the Government to implement international treaties and agreements, it is so with respect to the Committee for Arab and international affairs, as it is adopting the same methodology though Article 38 of the Internal System gave it this right.

#### **3-3-4-2 Parliamentary commission on foreign affairs monitoring Government compliance with international treaties**

The role performed by the commission of foreign affairs at the Parliament is limited to the relations of the Parliament and its members with international and Arab Parliamentary unions (Parliamentary sections), as well as the subject of foreign visits whose framework is similar to the public relations one. Few are the questions in the field of the international treaties, and they are replaced by the communication process between the Minister of Foreign Affairs and the commission where meetings are held when issues or cases related to the foreign matters are raised; meetings and deliberations take place at **Kaat Al Souar (Parliament Portraits Hall)**. Along with the Government, the present commission of foreign affairs pursued the subject relating to the sale of real estates owned by the Orthodox Church in Jerusalem for Israel; it refused that these real estates be sold and it stated the necessity of returning them to the Orthodox Church. During the previous Governments, the Chamber of Deputies also held many secret sessions in order to peruse some cases related to the foreign affairs.

#### **3-3-4-3 Parliamentary commission on Human Rights monitoring Government compliance with Human Rights and civil liberties obligations**

The follow-up of the Commission for Fundamental Freedoms and Human Rights on the implementation of international treaties and conventions related to human rights remain in their figurative form. Though Article 74 of the Internal System of the Chamber gave it broad powers to study all the laws and proposals related to the freedoms of citizens, whether those stipulated in the Constitution or in international conventions, the commission did not have an efficient and influential role in monitoring those rights and freedoms. This is not strange because we have learned that the Chamber is led by the Government. In all events, the commission sought to address written memoranda and questions to the Government in the context of the citizens' rights and their freedoms, and it was contented by the replies it received from the Government. The commission paid a lot of visits to official jails, such as "Rehabilitation Centers" affiliated to the Directorate of General Security (Ministry of Interior) to have a closer look at prisons, mechanisms of dealing with prisoners and detainees, as well as the nature of the treatment they receive. Some mention that they were publicity visits that lacked seriousness or did not tend to achieve the aspired goals.

#### **3-3-5 Constitutional power to indict ministers and the Head of State**

With respect to the principle of responsibility, the Constitution stipulates that the Executive Power is entrusted to the King who shall exercise his powers through his ministers. When talking about the King, one should remember that he is protected from



any liability or responsibility. Responsibility in the Jordanian political regime falls on the shoulders of the Prime Minister and Ministers in its joint and individual dimensions. The right to accuse ministers was given to the Chamber of Deputies exclusively, where the Chamber of Deputies is entitled to accuse ministers. However, the accusation decision shall be issued with the majority of 2/3 of the votes of members who make up the Chamber of Deputies. Ministers shall be tried before a high tribunal for the offences attributed to them and that result while performing their tasks<sup>11</sup>. The Chamber of Deputies appoints one of its members to point the accusation and support it before the High Tribunal. The Chamber of Deputies that accuses a minister shall not take part in the trial since the Constitution entrusted the trial to the High Tribunal which is composed of the Senate and the Judicial Power. And by virtue of the Ministers Trial Law No. 35 of 1952, ministers shall be judged for treason crimes, which means all crimes occurring to the State interior and foreign security as mentioned in the Jordanian Sanctions Law, in addition to the violation of provisions of paragraph two of Article 33 of the Constitution related to the treaties and agreements, bribery and defalcation offences, power misuse offences such as the violation of the Constitution provisions mentioned in Articles 9, 12, 13, 15, 111 related to the citizens rights and the spending of funds not based on a legal text or imposing fees or taxes not based on a law and to violate the job duty; the hereto also includes the purchase or the lease of the State properties, concluding undertakings and tenders and if it was a member in a company board of directors or a company chairman or an attorney thereof or if he deals in trade. From practical aspects, an important number of ministers are carrying out commerce in different methods and in undeclared means.

### **3-3-5-1 Clear and simple indictment procedures**

Indictment procedures are clear as it has been stipulated in determined cases such as high treason crimes, violation of job duties, misuse of power; any indictment needs the voting of more than two third of the voices of the Parliament members in total, and it is difficult, however complicated to reach this high rate; in addition to the overlapping of political matters regarding any voting in this respect.

### **3-3-5-2 Number of indictments**

The most recent event in this regard was registered in the 11<sup>th</sup> Chamber in its second ordinary session in 1990, where a confidential session was held on 20-3-1990. The report included five groups of issues related to financial and administrative corruption, exploitation of the public office and violation of duties of ministers. The Chamber decided to refer some of these issues such as the corruption cases to the attorney general to proceed with investigations, while documents of other issues were preserved in investigation. Other issues were referred to the High Tribunal because it enjoys competence, particularly the excavation of Jafr-Azraq road. Accusations were pointed to two ministers, Minister of Public Works and Finance. But, in the end they were not trialed. As for the Prime Minister, he was acquitted. Currently, in the 14<sup>th</sup> Chamber or even previous Chambers did not accuse any ministers.

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<sup>11</sup> The High Tribunal is composed of the Speaker of the Senate and three appointed senators, five judges from the highest civil court in order of seniority. Its decisions are promulgated with the majority of six votes.



### **3-3-6 Constitutional power to participate in the prosecution of ministers and the Head of State**

The Constitution stipulates that the Supreme Council shall consist of the Speaker of the Senate as President and three elected members of the Senate and five members to be elected from amongst the judges of the highest Civil Court. The Senators, as a part of the Parliament are those who shall participate in the trial of ministers. Thus, the Chamber of Deputies shall submit the accusation and members of the Senate shall participate in the trial based on the fact that the authority that is accusing may not participate in the trial.

#### **3-3-6-1 Clear and simple prosecution procedures**

The High Tribunal shall make its own Rules of Procedure for the trial of accused Ministers or Prime Ministers, pending the enactment of a special law for this purpose. And by virtue of Article 61 of the Constitution, the Minister who is impeached by the Chamber of Deputies shall be suspended from office until his case is determined by the High Tribunal. His resignation shall not prevent the institution of criminal proceedings against him, or the continuance of his trial.

#### **3-3-6-2 Number of prosecutions**

The political history of Jordan does not indicate any case related to the trial of a Minister or a Prime Minister by the High Tribunal; the case is ended at the accusation and procedures are not pursued.

### **3-4 Effectiveness of the Parliamentary Commissions**

#### **3-4-1 Sufficient permanent, temporary, specialized ad hoc and investigative parliamentary commissions**

Parliamentary commissions are known as internal specialized commissions that are established in each of the Senate and Chamber of Deputies, involving all of the aspects of their activities. Each House establishes them out of its own members. These commissions examine certain topics according to the Internal Rules. They submit recommendations to the House to take final decisions. Commissions practice a monitoring role over the Government's work according to the specialization of each commission. Parliamentary commissions play a major role in the Parliament's performance of all the functions stipulated in the Constitution, on the legislative, financial, political, administrative and monitoring level, as well as other functions. The Internal System of the Chamber of Deputies stated that commissions shall be elected at the beginning of every ordinary session. Fourteen permanent commissions are elected, in addition to temporary commissions such as the parliamentary contests commissions (constitutional) and the adhoc investigation commissions the job of which are over when the mission is accomplished. Permanent commissions are elected once every year at the beginning of the ordinary session of the Parliament and their job is over by the end of the parliamentary year.

Article 50 of the Internal System stipulated that the permanent commission is composed of 11 members maximum, elected by secret ballot by the Chamber if the number of candidates exceeded the required number. It also stated that a deputy cannot be a member in two permanent commissions. And the Speaker of the Chamber or his deputy cannot be



a member in one of the commissions. Two or more commissions can meet to examine a draft-law or a certain issue upon a decision by the Chamber. In the context of the commission' work mechanisms, articles of the Internal System revealed the powers of commissions in summoning the involved minister or ministers, or forwarder of the proposal, or whoever it sees that it is necessary to hear his opinion. The Internal System revealed the commissions' rights to request documents and information from the minister or ministers and which are related to the issue discussed. If the minister abstained from giving information or providing the commission with the documents, the commission notifies the Speaker of the Chamber about it in the first following session and gives this issue a priority over other matters. Commissions' reports are listed on the Chamber's agenda to discuss them and take decisions on them. Every deputy was given the right to attend the commissions' sessions, as well as the right to participate and discuss without having the right to vote. The Internal System stipulated that a deputy is considered as resigning from the commission if he fails to attend three sessions with no excuse.

In the 14<sup>th</sup> Chamber, parliamentary commissions gained importance, where joining the commissions witnessed strong competition, particularly legal, financial, administrative and foreign affairs commissions. This is attributed to the increase in the number of deputies from 80 to 110 and to the fact that a commission, according to the Internal System, shall not exceed 11 members maximum. Strong competition is due to the rivalry between parliamentary blocks to control commissions, where main blocks sought to grab the commissions' reporters and the percentage of membership, especially in main commissions. Due to this situation, the establishment of the financial commission was hindered for more than one month until its formation was decided by elections. The financial commission witnessed strong competition between parliamentary blocks.

### **3-4-2 Active and transparent role in legislation**

Due to the large quantities of laws and topics laid on the table and due to the Chamber's short session, the efficiency of commissions is very weak. For instance, to measure achievements in one session, the legal committee held 12 meetings in the first ordinary session of the 14<sup>th</sup> Chamber between 17/12/2003 and 21/3/2004. There were 48 laws on its agenda and one law-proposal. The commission finished 15 laws between approval and rejection. Thus, the average of achievement would be 31%.<sup>12</sup> As for the financial and economical commission, and during the same period, it had 45 laws to examine. It held 17 consecutive meetings to discuss the 2006 General Budget draft-law, and it held 9 ordinary meetings during which 12 laws were finished. Hence, the average of achievement reached 26%. The education, culture and youth commission, during the same period of time scored 27% as an achievement rate. These numeric indicators reveal the level of efficiency in accomplishment of some commissions. As for other commissions, their achievements do not exceed this rate. The truth is that the work volume and draft-laws is immense. For example, 211 provisional laws were referred to the Chamber all at a time. This was when elections were postponed for 2 years. Practical facts proved that the Internal System caused some duplicity between the Chamber's task as a whole and the commissions' work, which necessitates a solution and an amendment of the Internal System to set a mechanism that respects the will of the council in the enactment of laws. There are many questions raised in this regard, such as: are

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<sup>12</sup> Average of Achievement= number of finished laws x100%



commissions given a legislative role? Or is their role limited to submitting recommendations, while debate and enactment take place under the Parliament's dome.

### **3-4-3 Active and transparent role in monitoring**

In the field of political monitoring, parliamentary commissions and according to their specializations, accomplishes their missions according to the issues and topics referred to them by the Chamber. The commissions submit recommendations that are discussed and voted on by the Chamber. Hence, these recommendations are lost amid the political positions in the Chamber and which tend towards Governments. This is also the case of the limited investigation commissions which sometimes reach decisions of indictment of either violating the occupational duty or abuse of power. But in the end, their decisions do not get the 2/3 majority and stops at this end. Sometimes, investigation commissions are politicized due to pressures exerted by the Executive Power with its different bodies, where things turn from investigation into flattery and compliments on accomplishments as what happened in the last commission.

### **3-4-4 Active and transparent role in investigation**

In the 14<sup>th</sup> Parliament, only one commission has been constituted to examine the economical and social change program where it has been mentioned that corruption exists in the program application; when the investigation commission commenced to investigate in the hereto, it reached a result stating that no corruption exists in the program application; it declared its recommendations and the subject file was closed. This file may have been closed for the existence of political pressures that prevented continuous investigation. In former Parliaments, some investigation commissions have been formed to examine specific cases; however it did not reach the accusation level. In the Jordanian case, one can say that the investigation commissions do not have an effective and transparent role due to the numerous political pressures that took place when being formed and during their work.

### **3-4-5 Participation of civil society stakeholders in relevant commission meetings**

The civil society institutions participate in the different commission meetings, yet not permanently and continuously whereas the participation occurs upon request of these specialized authorities if the subject or the law was related thereto.

### **3-4-7 Participation of qualified experts in relevant commission activities**

The parliamentary commissions sometimes seek for the participation of experts, consultants and opinion holders regarding one specific subject or case; however not in a repeated manner, the matter that does not give them a continuous and permanent aspect.

## **3-5 Adequate Internal System for Parliament's performance**

### **3-5-1 Internal System guaranteeing the diversity of opinions and affiliations**

The Internal System of the Jordanian Chamber of Deputies guarantees diversity and multiple trends and affiliations in a free atmosphere within the context of its provisions.



There are no legal or even political restrictions on the affiliations and trends of the Chamber's members other than the illegal affiliations unstipulated by the Constitution.

### **3-5-2 Internal System guaranteeing freedom of expression and debate for all its members**

The Constitution, just like the Internal System, guarantees freedom of speech and expression, as well as the freedom to suggest any topic that has to do with the public interest. It gives the right to vote, abstain, reject and submit wish-proposals or law-proposal, and this is in accordance with the conditions in the Internal System to forward and discuss such proposals. The Internal System stipulated in its articles 88-113 and they are related to the rules of speech inside sessions. The Speaker gives permission of speech according to the person who asks first. Any speaker has the right to give his turn to another. He gives permission in the following cases and in order:

- 1- Points of the rule
- 2- Request to postpone debate
- 3- Request to clear an alleged event
- 4- Request to reply to something that affects the speaker
- 5- Request to withdraw the proposal
- 6- Request to refer a topic to a commission
- 7- Request to put an end to debate

This right to speak and express opinion is given to all members without distinction or discrimination according to the rule enforced. The Internal System defined the necessity to commit to general ethics and not to use impolite words or rude expressions, or anything that might touch the dignity of the Chamber, its Speaker or the dignity of the people, bodies or even the public order. However, the Speaker is entitled to prevent a member from continuing his speech without a decision by the Chamber in the following cases:

If a member attacked the King or brought up his liability in a way that contradicts with the Constitution; if he talked without the permission of the Speaker; if he used impolite words against one of the deputies or commissions or parliamentary blocks; in case he threatened the life of others; if he humiliated a person or a body without backing his words with an absolute judicial verdict; and if he tackled events laid before the judiciary. In other than the above-mentioned cases, a deputy shall not be prohibited from speaking unless by virtue of a decision by the Chamber. The regulation stipulates that a speaker shall not be interrupted except by the Speaker, and no remarks shall be made while he speaks. If one of the members violated the Internal System, the Parliament is entitled to prevent him to continue attending the session. According to the opinion poll, 71% consider that the Parliament session management occurs within the total observance of the Internal System.

### **3-5-3 Internal System guaranteeing the right of Parliamentarians to participate in the commissions regardless of their affiliations**

With respect to participation in commission, there are no restrictions imposed against anybody. Freedom is available for everybody to nominate himself to any commission, and the Chamber's members vote on that. The member should not declare himself candidate to more than two commissions. Competition becomes stronger between blocks



regarding the commissions and reporters presidency, the matter that practically leads to the separation of some blocks from these commissions.

### **3-5-4 Internal System guaranteeing easy flow of work**

It can be noticed that the Chamber's Internal System is stated in detail and it deals with all issues and topics that it is in charge of. The Internal System is made up of twenty one chapters and 164 articles and it deals with all the competencies, mechanisms and the means of the Chamber's work, the matter that contributes to the facilitation of the Chamber's works to achieve the duties related thereto.

### **3-5-5 Clear Internal System**

The provisions of the Internal System's articles are clear and transparent with a simple explanation written in a clear and comprehensible language that contributes to the understanding of the Chamber's mechanisms. The opinion poll mentioned that 86% consider that the Internal System of the Parliament is clear and is applied in such a manner that guarantees the achievement of duties related thereto (legislation and monitoring).

## **3-6 Effective parliamentary blocks**

### **3-6-1 Organization of blocks based on their own internal system**

With respect to the 14<sup>th</sup> Chamber, since the announcements of the results of the general elections, there were calls, meetings and communications to form parliamentary blocks. With the beginning of the extraordinary session on 15/7/2003, the initial features of blocks began to become clear through announcing the names of their members. The blocks took their initial standpoints towards the elections of the Speaker of the Chamber and vote on confidence in the Cabinet. There was an urgent need to establish parliamentary blocks since results bred 82 members who practice parliamentary work for the first time. So it was normal to make up blocks to benefit from the expertise of Parliamentarians who have previously been in the parliamentary domain. Blocks were established on interests, geographical or tribal bases, and even on friendship bases without internal regulations that determined the formula of dealing inside the one bloc, except for the Islamic Labor Front. This front is one party that is based on a religious political ideology. Thus, there is preliminary commitment and organized mechanism imposed by the block of one party on its members inside the Parliament. The Islamic Labor Front block included 17 members. As for the remaining blocks, they have no internal regulations that set their objectives and work mechanisms, except for meeting on common interests, whether personal or public. There is a large margin of mobility, and non-commitment is often clear between the members of such blocks, which are sometimes described as "jelly-like" blocks.

In the Jordanian political regime, there is no constitutional text or a text in the Parliament's Internal System that is related to parliamentary blocks. However, the parliamentary custom which was practiced by Parliaments dealt with them effectively and became a parliamentary political custom that is acknowledged and practiced. Jordanian Parliaments saw the first parliamentary block in the first Chamber of Deputies in 1947. Due to renewal in the democratic track and the restoration of the parliamentary



life to its constitutional context, parliamentary blocks tangibly and efficiently appeared in the 11<sup>th</sup> Chamber of Deputies in 1989. Parliamentary blocks are defined as:

"Consensus between a group of members in the Legislative Power, either on an ideological or interests base to influence the process of decision-making and the adoption of united positions, or influence through voting. Hence, the result was common interests that serve the objectives of these blocks." In addition to that, the importance of parliamentary blocks lies in promoting the role of the Chamber, improving its performance, preparing the sessions of commissions, the Chamber's general assembly, participating efficiently and coordinating the participation of the commissions' members in debates and works of the Chamber. Moreover, the blocks play a significant role in presenting initiatives for legislation and setting law-proposals, as well as a role in the processes of political monitoring.

The 14<sup>th</sup> Chamber which was elected in 2003 saw the formation of seven parliamentary blocks:

Nation Block (12) deputies, Democratic National Block (10), Parliamentary Labor Front (25), Democratic Gathering Block (9), Democratic National Block (8) members of the Islamic Labor Front (17), National Front (10), New Reformist Gathering (5), and independent deputies (14). Continuous withdrawals from blocks, joining other blocks or adhering to the independent list should be also taken in consideration. Therefore, the number of the members of one block is unstable.

### **3-6-1-1 Compliance with the internal block system**

Except the Islamic Labor Front which members' number is 17 members, no internal parliamentary block system exists, whereas they are established on personal or interest bases not related to any intellectual or ideological aspect, yet they represent a group of interests and are thus unstable or stable with a lot of changes.

These blocks witness a lot of withdrawals and differences regarding decisive cases, particularly regarding the permanent office of the Chamber and the Government trust. Therefore, they are unstable which sometimes leads to not observing the resolutions, the matter that keeps afloat the votes of the different blocks members. The opinion poll revealed that 46% consider that parliamentary blocks do not operate according to their Internal System.

### **3-6-1-2 Attendance of periodic meetings**

Blocks do not convene on a periodical basis since no Internal System exists for these blocks; thus their meetings are fixed according to the events and the cases raised on the political and parliamentary arena; thus, their meetings are not regular or periodical and attendance is sometimes weak and not all parliamentary blocks undertake to attend. The opinion poll regarding the deputies' participation in the parliamentary blocks to which they periodically belong, stated that 36% approved while 40% did not approve.

### **3-6-1-3 Participation in its works based on present agenda**

Parliamentary blocks sessions are held in most of the events without the presence of a written agenda distributed on the block members; meetings takes place when the President or the commission reporter examines a specific subject and the meeting occurs on this basis without the presence of a written and specific agenda. Sometimes, an



invitation for the block meeting is elaborated, to which shall be attached a summary of different articles.

### **3-6-2 Compliance of block members with block decisions**

Members of the Islamic Labor Front are the ones who most comply with their block decisions. Members of others blocks comply relatively, however not absolutely, with the block decisions, and sometimes voting is made afloat. In general, the compliance rate is not high, and according to the subject, it is most of the times weak.

### **3-6-3 Parliament's Internal System encouraging the creation of organized and effective parliamentary blocks**

In terms of the Internal System, it does not ban the principle of the existence of parliamentary blocks, and this is because no prohibiting text stipulated. Since the first Jordanian Parliament, the parliamentary custom stipulated the existence of parliamentary blocks; thus they represent a present custom and no provision prevents its establishment or formation. There are no financial allocations for parliamentary blocks, or special studies centers, or powers to resort to experts, competencies and advisors. Yet, if this takes place, it would be through a personal deal more than an institutional or legal one. Hence, in the Jordanian case, parliamentary blocks are relatively unorganized or inefficient.

## **3-7 Effective technical and administrative bodies**

### **3-7-1 Existence of specialized technical units in the Parliament:**

The job of parliamentary administration is embodied in carrying out administrative, technical, information and services works (as an executive body) so that members of the Parliament perform their legislative and monitoring duties. Such job includes the follow-up on legislative and monitoring steps, public services, ensuring data and documentation, preparing studies and reports, internal and foreign relations, publishing and media. Under these functions come the practical dimensions of the administrative function of the different Chamber's bodies; such as: -

Preparing the agenda for the Chamber and commissions; verify and monitor the minutes of sessions, type, document and publish them; provide necessary services that support the work of Houses' members; organize the relationship between the public, media and the Parliament; provide traveling services, conferences, seminars, legal, financial and economical consultation. The Parliament also includes all the administrative bodies and units related to the facilitation of the Parliament work as legal, financial and administrative affairs as well as studies and internal and foreign relation and other units necessary for the Parliament work.

#### **3-7-1-1 Objective criteria for appointing parliamentary staff**

Mediation and favoritism plays the major role in recruitment operations; and as one says, they select the best of those who have been supported such as the sons of men of power, especially the deputies. This means that no sufficient and accurate foundations in the process of appointing employees and specialists exist; and if any foundations existed, they will be unfairly used and violated in order to satisfy powerful persons along with



deputies for recruitment purposes. According to the opinion poll that has been conducted for this purpose, 42% answered that the Parliament staff are not appointed based on scientific and objective criteria.

### **3-7-1-2 Sufficient number of qualified staff**

With respect to the Jordanian Parliament, and the Chamber of Deputies in particular, there is a huge inflation in the administrative body due to historical accumulations just like other public institutions in the State. The number of employees reaches 369 employees, including directors of offices, secretariat and specialists. Even, directors of deputies' bureaus do not enjoy technical competence, and they are incapable of facilitating deputies' work and achieving the purposes they were appointed for. There are two types of employees:

First type: The one that has the desire to develop him/herself and comprehend the work requirements.

Second type: The one that does not have the desire or even the capacity to develop him/herself, and does not realize the type and importance of the task he is in charge of.

#### **\* Advisors and Researchers**

Advisors: Within the Chamber of Deputies' administrative body, there are a few specialized advisors in legal, economical and financial matters. Their main task is to provide the Chamber's deputies and commissions with consultation, whenever asked to do so. The drawback with respect to advisors is that they are few in number as they cannot dedicate all their time to work at the Chamber in addition to the method of appointment and its mechanisms.

#### **\* Researchers:**

The Chamber of Deputies General Secretariat ensures a few researchers, whose mission is to prepare studies, researches and work papers in political, economical and legal fields, and in topics that are discussed during parliamentary conferences. The main drawback is that the researchers are not experienced and they lack sufficient competence.

### **3-7-1-3 Mandatory periodic training for Parliament staff**

Huge sums have been spent on rehabilitating employees and training them in specialized sessions. Yet, these rehabilitation and training efforts are not countered by psychological readiness of individuals due to the lack of seriousness and desire. Thus, such sessions become futile, and they have been stopped. The Parliament held sessions for the qualification and the improvement of the performance of its staff; however many sessions and workshops did not contribute in the improvement of the staff competence since some of them did not wish to improve. The opinion poll revealed that 50% think that the Parliament staff periodically participates in mandatory training session.

### **3-7-1-4 Adequate salaries for staff**



In terms of salaries and financial remuneration, there is no special framework for the Chamber. They are similar to the situation in other public institutions. Salaries and wages reached as current expenses 863,000 Jordanian Dinars in 2005. As for 2006, the anticipated expenditure reaches 1,246,000 Jordanian Dinars, which is an equivalent of USD 1,600,000 annually.

### 3-7-2 Up-to-date library/Information and research centre

The library in the Jordanian Parliament has started business since 1929 with the first legislative council; it developed with the progress of parliamentary life in Jordan. The library includes more than 2500 different titles, most of which are of legal character, while some are specialized in the democratic and parliamentary affairs. This is in addition to the subscription in 50 local and Arab periodicals, which are specialized in affairs related to parliamentary work. The library keeps the minutes of parliamentary sessions, prepares the official gazette, legal encyclopedia, annual reports and bulletins issued by public institutions.

The situation in the parliamentary library is not capable of providing the parliamentary piece of information that promotes parliamentary work and performance. The parliamentary library needs a lot of information to become a source for deriving the parliamentary piece of information. Its information means are still primitive. It is not linked to parliamentary libraries across the world; in any form of information cooperation forms neither to Arab, regional and international Parliaments. Moreover, the human resources in the parliamentary library lack a lot of training, rehabilitation, inner and external participation in sessions and exhibitions.

Because the first beneficiary of the parliamentary library services is the MP, it is necessary to reconsider the work of the library and to develop it in order to meet the needs of the Legislative Power, whether in terms of providing all modern information means or through cooperating with information sources in Parliaments across the world, or through improving the competence of those working in it.

#### \* **Internet**

Lately, the internet service was introduced to the offices of all members. Many legal institutions have been subscribed to in order to provide deputies with all the information they need or want to look at.

#### \* **Academic Institutions and Civil Society Institutions**

Just like universities, institutes, parties, unions, associations, clubs, studies centers, the activities of which should be accessed by deputies, in terms of seminars, studies, opinion polls. Lately, in the Chamber of Deputies' regulatory structure, a special division (not activated) was established to follow-up the activities of these institutions (Civil Society Institutions Division).

- **Media correspondents at or outside the Parliament** or outside, and what radio stations and TV stations broadcast.
- **Foreign Media:** reports on national, regional or international matters.
- **Governmental Official Sources:** through reports, statements and periodicals they publish or through leaking information to Government employees.
- **Other sources:** such as diplomatic delegations, regional, international and non-governmental organizations.



### 3-7-3 Adequate buildings and equipment

There is a complete building, where each member has his own office, a director of office and equipments of different kinds in addition to computers connected to the internet. There is no problem in the issue of buildings, assisting and modern equipments to develop the parliamentary work. The building is also modern with wide spaces.

### 3-7-4 Publication of legislation by the Parliament (internal newsletter)

The Parliament publishes the achievements of the Chamber in every session, which are issued by the Directorate of Deputies Affairs, References and Laws Division. These publications are only for deputies and interested people. They are covered, and copies of these publications are deposited at the Chamber's library.

### 3-7-5 Publication of reports by the Parliament

No special publications, whether periodical or annual exist for the Parliament. However, laws that go through their constitutional phases are issued in the Official Gazette by the Official Gazette Directorate at the Prime Ministry. The National Assembly has a periodical where information related to visits, interviews, conferences and some short articles specialized in parliamentary legal and sometimes political affairs are published.

#### (Categories, number and average salaries of employees at Chamber of Deputies) 2006

Category of Employees	Number of Employees	Monthly Salary (Average) in Jordanian Dinars
Categorized employees (civil retirement)	45	300-500
Uncategorized employees	158	200-350
Annual contracts	23	250-800
Freelancers	170	140-200
	396	

### 3-8 Competence of Parliamentarians

#### 3-8-1 Awareness of their role including the following:

##### 3-8-1-1 Constitutional and legal texts

The educational background of members of the 14<sup>th</sup> Chamber of Deputies (2003-2007) differs from one to another, where there is a high percentage of 77% who are holders of Bachelors Degree and above, and 13% are Bachelors Degree holders. Despite the difference in specializations, in terms of physicians, engineers, pharmacists, lawyers and other majors, there is a minimum limit of knowledge about the Constitution and the enforced laws in the Kingdom. It is worth-noting that a very high percent of the Chamber's members enter the parliamentary field for the first time. Hence, with experience, acquisition of knowledge and practice, many of them have gained the



knowledge, but not profoundly, in understanding complicated constitutional or even legal issues. Very few of them know about the Constitution and enforced laws due to experience, specialization and time spent in public office whether in the State or in the National Assembly. There is no census study for the current Chamber. However, there is a survey on the previous Chamber (13<sup>th</sup>) regarding this point. The survey indicated that 88% saw that they were interested in and know about the Constitution, while 9% did not enjoy this knowledge. 73% believed that they know about most of the laws and regulations enforced, while 22% believed that they did not know about the law. The study revealed that around 92% were interested in and knew about the Chamber's Internal System, while 6% did not fully know about these rules.

### **3-8-1-2 Rules and procedures of Parliament**

Perception of the rules and procedures of the Parliament and the relationship between the Legislative and Executive Powers differs a lot between the members of the Legislative Power. Whoever acquired expertise in public office and remained in the Legislative Power will know a lot about these rules and procedures. But there is a high percentage that is not interested in developing its capacities and legal and cognitive potentials. Instead, they are overwhelmed by the idea of providing the voters with services in order to make it to the Legislative Power again. This is in addition to their educational and practical backgrounds that do not help in perceiving the Parliament's rules and procedures deeply. Nominal or superficial knowledge is the predominant over such categories. This issue is relative and differs between members of the Legislative Power.

### **3-8-1-3 Democratic mechanisms**

With respect to the mechanism of democratic regimes and the nature of their composition, there are some who are not into this concept. Perhaps, they have figurative, not essential knowledge of the nature of the functioning of democratic regimes as well as the method of their constitution and the bases it rely on.

### **3-8-2 Adequate access to information**

There is no difficulty to access information in order to practice legislation or monitoring. Yet, the problem is that a high percentage of the Legislative Power members do not wish to work, research and deal with civil society institutions, specialists and research centers to gather information. Some want information to reach their offices without any effort. According to some people working in the field of studies and researches at the Chamber of Deputies, they are rarely asked to provide information. However, few deputies look for the information and ask others to prepare studies and reports relevant to their field of work.

### **3-8-3 Training sessions for parliamentarians**

Furthermore, training sessions to prepare new Parliamentarians to upgrade their performance is rejected by many deputies, as they believe they do not need such preparatory sessions to develop their competence and performance.. As for participation in workshops, conferences and national seminars they are not numerous. For instance, when ten deputies are appointed to attend a workshop, only two or three attend as they believe that they are more important than any training session since they are representing



the population; thus, most of the time, they refuse to hold training sessions, however there is a strong competition regarding foreign trips, even if these trips were in the purpose to attend workshops for two reasons:

To leave the country for reasons such as escaping the huge number of reviewers and the services cases and to obtain financial allocations and remunerations for these purposes. When looking at the Legislative Power's budget, no allocations for training sessions can be observed in three consecutive budgets, as of 2004 to 2006. As for the participation in conferences, seminars and workshops relevant to parliamentary affairs on the internal and external level they are numerous. In the 14<sup>th</sup> Chamber, deputies took part in 60 international, Arab and regional conferences. The Chamber, via special delegations, undertook 15 visits to Gulf countries in particular. They also participated in seven workshops inside the Kingdom.

## **4 - Integrity**

### **4-1 Parliament Ethics**

#### **4-1-1 Clear and enforced ethics rules, written by the Parliament**

Throughout the history of the Jordanian Parliament, there haven't been any defined and written rules that are related to the conduct of Parliamentarians. There is no text issued by the Parliament (Internal System) relevant to this issue, except for Articles 148-150 that are related to leaves, unjustified absence, where these issues are only jotted down in the minutes of sessions.

#### **4-1-2 Defined duties and responsibilities of parliamentarians**

There is no definition of the general rules related to the parliamentary conduct and the principles governing their work other than the principles related to the public rules emerging from the society values, customs and morals and the Internal System prevented the use of indecent or immoral terms.

#### **4-1-3 Institution or commissioner**

There is no institution, commission, or commissioner that should be keen on commitment and respect of the principles and rules of parliamentary ethics.

#### **4-1-4 Clear, effective and enforced sanctions**

There is no form of type of penalties related to the parliamentary conduct.

#### **4-1-5 Official and non official data gathering mechanisms on the behavior of parliamentarians**

There aren't any official or unofficial mechanisms to gather information about parliamentarians except for the rumors circulated here and there. At the end of the third ordinary session in 2006, proposals to amend the Internal System were introduced. There was also a proposal to add a commission, "Commission of Regulations and Conduct", where it would be formed by the Heads of permanent commissions in the Chamber in order to examine the parliamentarians' conduct and violations. However, these proposals



were rejected by the Chamber when laid for debate, and the amendment proposal in this case was refused. One can say that some security bodies at the State monitor the conduct, behavior and attitudes of the Parliament's members; yet the hereto is not to be published or to be perused by others, however the hereto occurs for matters related to these institutions.

#### **4-1-6 Access of citizens to information on ethics rules**

Whereas no specific rules, institution or commissioner exist, it shall be difficult for the citizens to peruse or to be informed of the ethics rules of Parliamentarians, unless through sayings, rumors or evaluative judgment regarding their behavior and conducts that do not comply with the recognized behaviors.

#### **4-2 Conflict of interest**

##### **4-2-1 Clear conflict of interest rules**

No laws related to the conflict of interests in the Legislative Power exist; however, the Constitution stipulated in its Article 75, paragraph 'f' that "No person shall become a Senator or Deputy: (...) who has a material interest in any contract, other than a contract or lease of land and property, with any Department of Government, provided that this provision shall not apply to any shareholder in a company of more than ten members. (...) Should any Senator or Deputy become disqualified during his term of office or should it appear after his election that he lacks one or more of the qualifications provided for in the preceding paragraph, his membership shall, by a resolution of two-thirds of the members of the House to which he belongs, be considered nonexistent and vacant (...)" One can see that illicit enrichment operations have been stipulated in the Jordanian penalties law which included a definition for illicit enrichment as well as penalties for each case.

##### **4-2-2 Clear, effective and enforced sanctions**

Article 75, paragraph 'f' has never been applied on any Senator or Deputy; thus none of them lost his membership as a result of carrying out commercial business. Practically, illicit enrichment has been probably reduced and concluding commercial transactions or even obtaining agencies for foreign companies are practically conceivable. Therefore, these facts may be possible, however no penalties preventing the hereto exist.

##### **4-2-3 Publicity of information on conflict of interest**

In the event where we raise the authorities exploitation process and the realization of personal material benefit on the account of public interest and public funds, we find that the members of the Legislative Power remain in the same jobs they were carrying out before being elected or appointed and that none of them dedicates himself to the parliamentary work; thus their interests, offices and companies remain the same. For instance, some of the Parliament members are Chairman of the Board of Directors of a real estate or commercial company or bank, or they are owners of a law office, or even physicians, engineers as well as other occupations they are carrying out. We rarely find that one of them has stopped carrying out his former job. Thus the possibility of remaining in their work exists and the possibility of benefiting from their presence in the



Legislation Power to obtain their general and personal interests also exists. And from a real point of view, their positions have been exploited in order to obtain, for instance, a car without customs fees. During the first time, as well as during the second time, the Parliament bought cars that have been distributed on deputies with the cost price; all deputies, except three of them, obtained these cars; in addition, some of them obtained governmental lands lots, State properties with low prices; sometimes it has been distributed on them as tribal distinctions. Some of them exploited their powers in order to obtain permits of import or buses or taxi offices using their names or using pseudonyms or to obtain offers from the State institutions in other names or as mediators outside the official framework; however these practices are not publicly seen by the public. The opinion poll revealed that 54% consider that deputies do not observe conflict of interest laws.

#### **4-2-4 Monitoring of the respect of these rules by Parliament**

No clear rules exist to be applied in an effective manner; thus one can say that no recital monitoring exist to apply the rules if any.

#### **4-2-5 Explicit legal obligation to declare financial assets**

No law related to the financial assets declaration of the members of the Chamber of Deputies and the Senators exists in Jordan. Thus, no member of the Parliament, whether before joining the Parliament or after leaving the Parliament, declares its financial assets. In order to point out illicit enrichment, there is a draft-law about the financial assets declaration of the Executive Power members which has been approved by the Chamber of Deputies in principle; however a conflict occurred between both the Chamber of Senates and the Chamber of Deputies regarding this draft-law, which impeded its promulgations and the situation remained the same, without any law related to the financial assets declaration.

### **4-3 Political financing rules**

#### **4-3-1 Clear political finance rules**

There are no clear and explicit laws or regulations in the political finance rules, undertaken by the Government in particular for the benefit of political parties or electoral campaigns. Yet, there are implicit mechanisms to back some candidates by economical, financial, familial or even tribal interests. Yet, they are not restrained by regulations or rules. And most of the times, they are confidential. As for political parties, and the Islamic Labor Front Party in particular, it defines the numbers of candidates and volume of expenditure. It offers specialized financial and logistic support to manage electoral campaigns in different constituencies. Moreover, some leftist and nationalist parties contribute financially and morally to support their candidates. In all events, these aids, particularly the financial ones, are somehow confidential and unannounced explicitly. In respect of this point, the opinion poll revealed that 48% do not consider that political financing is controlled by clear laws.

#### **4-3-2 Clear and enforced income and assets laws**



There is no such thing in the Jordanian case that is called the law to announce revenues, fortunes and properties. The Jordanian Chamber of Deputies set off to draft a law to declare financial obligations, where this law would cover the Executive and Legislative Powers. It was enacted by the Chamber but was hindered by the Senate, as senators refused the whole principle and called for a special law that includes the Legislative Power for this purpose. In the extraordinary session held in summer 2006, the law related to the declaration of income and assets has been achieved and now, it reached its ratification phase.

#### **4-3-3 Adoption of clear and effective sanctions**

As we mentioned, no laws relating to the political financing regulation or to the income and assets exist; therefore, no sanctions related thereto or preventing the hereto exist.

#### **4-3-4 Monitoring the implementation of these rules and policies**

The absence of legal provisions relating to the political regulation organization shall stop the continuance of this monitoring.

#### **4-3-5 Access of citizens to information on financing rules**

Since political financing operations are not controlled by a law, their declaration shall be inconceivable. Therefore, the citizen shall not have accurate information, and inaccurate declarations and rumors shall be circulating among the population.

### **4-4 Transparency of parliamentary activity**

#### **4-4-1 Transparent process for the debate and adoption of laws**

The Parliament performs its tasks with high transparency in the fields of legislation and monitoring. Debate and adoption laws mechanisms are governed by the Internal System. The Internal System determined in its Articles 65-75 the laws debate mechanisms such as reading and amendment request; they should be also be printed along with their amendments. Debate over the draft-law is undertaken article by article, and thus, opinion is given regarding the whole draft. As for the adoption of laws mechanism along with the resolutions issue mechanisms, they have been stipulated in Articles 76-78 of the Internal System, whereas votes are given by calling the members in a raised voice in respect of the Constitution or the confidence voting; otherwise, voting shall take place through hand-roll. As for the claims of the general debates, the Internal System determined in its Articles 127-130 the general debate claim mechanisms that means exchanging opinions between the Parliament and the Government.

#### **4-4-2 Broadcast of sessions on television and radio**

Parliamentary sessions are broadcasted in audio-visual media. Brief reports are also broadcasted in the news broadcasted on television and radio. The Chamber of Deputies sessions are broadcasted on TV and radio at the ordinary session inauguration and during the Royal Speech, the election of the Speaker, the sessions of confidence vote of the



Government, and the General Budget debate and vote. Daily newspapers, as well, sometimes publish whole speeches and deliberations of MPs.

#### **4-4-3 Possibility of citizens to attend parliamentary sessions and committee meetings**

In general, the sessions of the Parliament are held publicly. However, confidential sessions may be held upon the request of the Government or the request of five members of the Parliament, provided that the Parliament approves on the hereto. Thus, the public shall evacuate the Parliament hall and only Ministers and Senators shall be attending.

All citizens are entitled to attend the Parliament's sessions through balconies specially designated for this purpose, provided that they remain quiet and silent throughout the session. They should remain seated and should not display any signs of approval or refusal. Moreover, they should respect the instructions of the Speaker or staff in charge of preserving the order. Any person who causes noise or chaos will be asked to leave the balcony. However, citizens shall not be allowed to attend the commissions' sessions whereas the Interior System stipulated in Article 56 that only members of the Parliament and the secretariat of every commission along with the required experts shall attend the commissions' sessions.

#### **4-4-4 Publications of minutes of sessions and debates**

Minutes of sessions are published, recorded and deposited at the parliamentary affairs Directorate which sends a copy to the library as a reference. The Internal System stipulated in Article 92, paragraph 'a' that the Parliament's documents and statements are confidential and are not published in total or in part unless after constituting a part of the agenda or after being transferred to the Government. The media means shall be accurate when carrying out any publication process. Every session has a detailed session which shall be published in the Official Gazette following the approval of the Parliament.

#### **4-4-5 Access of citizens to parliamentary archives**

Any citizen has access to parliamentary archives and publications and no restrictions related thereto exist. Copies of the minutes of session are deposited along with the publications at the library; the minutes are also published in the Official Gazette. Thus, any interested citizen or any researcher may peruse these minutes of sessions as well as the Parliament's publications.

#### **4-5 Equal treatment of citizens**

##### **4-5-1 Impartiality in decision-making (no preference to one faction of citizens over another)**

The Jordanian Parliament with its two Houses, the Senate and the Chamber of Deputies, represents the different components of the Jordanian society, which means the different social classes and categories. In its decisions, performance and statements, the Parliament respects the principle of equality between all categories and classes of citizens. The Jordanian Constitution stipulated the principle of legal equality, saying: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion." The Parliament works in light of this constitutional text and under its power in order to achieve all higher national



interests which in the end serve the citizens of the society, without any bias or discrimination.

#### **4-5-2 Absence of discrimination in legislation**

Laws promulgated by the National Assembly (Parliament) take into consideration the principle of equality between all society classes such as general and organized rules that target all social categories to build the State. There is no racial, religious, sectarian, gender or any other form of discrimination between categories of citizens, regardless of their race, religion, or nationality. Who goes into the second chapter of the Constitution, from Article 5 to Article 23 finds that there is high transparency in respecting rights and freedoms of citizens, and this is what the legislator abides by in general. The general base in legislation is serving the public interest. Economical and financial legislations should take into consideration this principle which should not be violated. However, sometimes, there are pressures exerted by economical, financial or commercial forces to influence legislation to benefit the interests of these forces. An example on that is when powerful forces exerted pressure to reduce taxes on insurance companies and banks in Jordan. Such laws, serving groups, interest and pressure forces have been promulgated from inside and outside the Parliament, the matter that influenced the course of such laws.

#### **4-5-3 Legislation to prevent discrimination**

No legal legislations preventing discrimination exist. However, these subjects are controlled by international treaties and Jordan has ratified all international treaties related to the prevention of racial, religious, sectarian or gender discrimination. We should take in consideration that the ratification of the State of Jordan on these international treaties exalts any national law in force.

#### **4-6 Respect of the Constitution**

##### **4-6-1 Constitutional review mechanism is a safeguard against legislations in violation of the Constitution**

The Parliament strictly abides by the Constitution's articles. No law is promulgated that violates the provisions of the Constitution. All draft-laws proposed by the Government, which are more, or those proposed by the Chamber, pass through a technical legal phase through the Legislation Court which includes legal experts who enjoy long experience in the field of drafting and reviewing all articles, and comparing them to the laws in force in the State and to the Constitution's provisions so they do not conflict with them. Even the legal committee in the Senate and the Chamber of Deputies includes law professors and experts who make sure that no drafted article or clause includes a constitutional violation. We find that the Law of the Supreme Justice Court (Administrative Civil Court) No.12 of 1992 gave the court the right to abstain from implementing any law or regulation that opposes the Constitution, and this is in accordance with the provisions of Clause No.6, paragraph "A" of Article 9. However, this right does not involve the annulment of a law, but it is restricted to the abstention from implementation. Any person who has been harmed has the right to submit a request to the court to annul any law or procedure that violates the Constitution's provisions. In case of dispute between authorities on interpreting any article in the Constitution, the constitutionally competent authority to interpret the Constitution's rule is the High Tribunal which is formed by the Speaker of



the Senate, three senators elected by ballot, five judges from the highest civil court according to the order to seniority. It is the tribunal which is entitled to interpret constitutional rules in cases of dispute. With respect to the existence of a supreme constitutional court, there are permanent and continuous dispute and dialogue on the necessity of its existence. A specialized committee in Jordan's documents was established first at the beginning of 2002 to examine the possibility of establishing the Constitutional Court. However, it recommended that there was no use behind its establishment. The national agenda of 2005 provided for the necessity of establishing a Constitutional Court. However, this court has not been founded yet.

#### **4-6-2 Effective compliance of legislation with the Constitution**

The legislative process goes through different phases such as proposing the draft-law. This right was given to both Executive and Legislative Powers. When a draft-law should be adopted, it shall be examined by the Legislative Power which shall set its articles provided that they comply with the Constitution and the laws in force in the State. Thus, the Parliament undertakes to accurately observe the Constitution provisions and it shall not promulgate any law that may cause a violation to the Constitution; all the laws issued by the Parliament should abide by the Constitution and should not violate its provisions.

### **Chapter Three: Policy Recommendations**

On the strength of the examination of the Parliament and the participation in the Hashemite Kingdom of Jordan, some of the results related to the Parliament and the participation rules and procedures were reached regarding the analysis of the general principles in respect of the representation, the participation, the independence, the performance and the integrity. These results represent the outcome of the study of the legal principles that control the Parliament rules and procedures as well as the practical fact related thereto, being one the three powers constituting the Jordanian Government. It has been relied on many approaches to prepare this report; the historic and the descriptive approach has been adopted in order to know the historical background of the Parliament development, its rules and procedures as well as the historic circumstances that influenced this development and the different reform phases it went through. The legal approach has been adopted in order to know the legal principles that control the work of this authority whether being constitutional rules, laws or bylaws. The analytical approach has been adopted to know the practical fact, the practices and the work mechanisms in executing and carrying out rules and procedures of the parliamentary work; in addition to the comparative approach relating to the comparison of the legal and the practical facts applied according to the international standards in this respect. The conclusion reached by the report was as follows: The reform of the Legislative Power as well as the participation mechanisms and the influences of the political, social and economical reality necessarily requires a comprehensive total reform in order to realize the concept and the components of the modern democratic State relying on the principle of



representation and real and effective participation that takes its legitimacy and authority from the people who is the source of the powers.

The results and the recommendations shall be exposed as follows:

First: Results and recommendations of the representation and the participation.

Second: Results and recommendations of the Parliament's independence.

Third: Results and recommendations of the performance.

Fourth: Results and recommendations of the integrity.

### **First: Representation and participation**

- 1- A weak participation in elections, whereas the rate reached 49% of those who received voting cards; the participation rate decreased in cities where it only reached 43%.
- 2- Ineffective electoral law and constituencies division system in respect of the voters number, the electoral lists, the transfer of votes from one region to another as well as the bodies supervising the elections. Constituencies were not equally and fairly divided; some governorates have been divided into constituencies, while other were not and remained opened as one constituency; thus electoral lists were not closely examined.
- 3- Weak results and representation of political parties; and many of these parties did not make it to the Parliament.
- 4- Ineffective women's quota calculation mechanism whereas the percentage was calculated as follows: the candidate total votes shall be divided by the constituency votes, multiplied by 100%, the matter that leads to the exclusion of all women candidates from big constituencies where the number of voters increases and gives the priority for small constituencies.
- 5- The diversity of quotas, since four quotas exist: the Christians' quota, the Sharkas's quota, the Chechens' quota, the Bedouins' quota (Badiya (desert) regions (north, center and south)) and the women's quota, the matter that shall lead to additional claims for privatization, which influences the fair, equal and social structure principle.
- 6- Ineffective implementation of the electoral law in respect of the election offences, which contributed to the increase of violations committed in respect of the voting cards, their re-use, the use of secret ink, the purchase of votes as well as the votes numbers that are superior to the number determined for some polls and the increase of receivables purchase.
- 7- The numerous contests relating to the results as they reached 53 contests for 82 deputies, and the ineffective contests commissions performance as they depend on the Parliament; thus, throughout history, no deputy has lost his membership.
- 8- A great number of protests against the One Vote Law and dissatisfaction concerning the results application.

### **Recommendations:**

- 1- To elaborate new mechanisms in order to activate the participation rate and level in the elections process, particularly in big cities as well as the necessity to



- strengthen and to deepen democratic values aiming in increasing the participation levels as well as the importance of using the constitutional right of the citizen.
- 2- To reconsider the electoral law of 2001 and amendments in such a manner that guarantees the realization of fair and equal rights and to get rid of gaps impeding it.
  - 3- To reconsider the division of the constituencies in order to achieve fairness among the constituencies regarding the representation rate and level in such a manner that complies with the population density and to not have more than one seat for 48 thousand citizens.
  - 4- To have active political parties and to increase their participation level and to strengthen their role as effective and not marginal institutions.
  - 5- The necessity to find a new mechanism in order to calculate the result of winners of the women's quota seats.
  - 6- To reconsider the distribution of seats on the basis of the religion, the ethics or the geographic area and to consider the State as one political and social unit and to find a legal text to strengthen the social integration.
  - 7- To have an active electoral law, particularly the articles related to the elections offences.
  - 8- To cancel the vote through the civil card (identity) and to elaborate a special card for the elections.
  - 9- The necessity to use secret ink during the voting process in order to prevent repetition.
  - 10- To closely examine the election statements as well as the number of votes of each poll to prevent the increase of numbers determined for each poll.
  - 11- To adopt sanctions preventing the purchase of votes and receivables.
  - 12- To establish an independent body that shall supervise the process of election from the phases of elaborating the lists until the declaration of results.
  - 13- To establish an independent authority or body that shall examine contests of deputies or to allocate a special court for the hereto.
  - 14- To reconsider the One Vote Law due to the high number of protests thereto and due to the negative influence it has on the social structure.
  - 15- To limit the financial expenditures of electoral campaigns and to organize the financial donations for electoral campaigns.
  - 16- To increase the society awareness regarding the specifications required for the good deputy and to allocate a part of the national education participation for the hereto as well as the civil society institutions in this filed.

## **Second: Results related to the Parliament's independence:**

- 1- The existence of constitutional and legal principles that influence the principle of independence and separation of the three powers.
- 2- The principle of the powers independence appears as figurative and not as effective; the constitutional authorities of the Head of the State impede a lot of the Legislative Power and increase the control of the Executive Power over the Legislative Power which weakens and deteriorates the principle of the powers' independence.
- 3- The role of the Senate, the first section of the Legislative Power and which is appointed by the Executive Power is sometimes paralyzed regarding the legislation operations; a number of draft-laws are returned by the Senate; in addition, it preserves some draft-laws and does not proceed in the legislation



procedures if these draft-laws have been refused, approved or if even common sessions have been held to examine the articles representing a conflict.

- 4- The biggest part of the Parliament budget (financial allocations) is allocated for the current expenditure such as salaries and fees that reach 75% of the budget determined for the Parliament; thus, its performance and the fact of carrying out its different authorities became weak.
- 5- The short term of the ordinary session, which is four months per year, contributes in the decrease of the performance level and the work accumulation and reduces the legislation and supervision operations.
- 6- All Jordanian Parliaments were dissolved before the end of their constitutional term and for different reasons, since 13 of 14 Parliaments have been dissolved.
- 7- Article 94 of the Constitution was unfairly exploited regarding the necessity measures and hundreds of temporary laws were issued when the Parliament was not sitting or was dissolved. During the period between 2001 and 2003, when the Parliament was dissolved for *force majeure*, 211 temporary laws were issued.
- 8- Laws are rarely proposed by the Legislative Power and proposals are entrusted to the Executive Power; the draft-laws proposal rate reached 21% of the total proposals.

### Recommendations:

- 1- To activate the independence of the Powers and to reconsider some legal principles that are paralyzing the hereto.
- 2- To develop the work mechanism of the Senate regarding the legislation domain in such a manner to have a role in the legislation development and not in paralyzing it.
- 3- To increase the financial allocations of the Parliament in order to perform its constitutional roles and to carry out its different activities.
- 4- To amend the Constitution regarding the term of the ordinary session by rendering it six months instead of four months.
- 5- To reduce the use of constitutional powers in dissolving the Chamber of Deputies to its lowest levels and to not use this power in a broad manner.
- 6- To not explain in detail the necessity measures when dissolving the Parliament or when it does not sit to issue temporary laws.
- 7- Effective role of the Chamber of Deputies in proposing laws.

### Third: Results related to the performance

- 1- Weak general performance and low effectiveness level in the performance of legislative duties as well as a decrease in the performance level of laws existing on the agenda.
- 2- To lose seriousness and to hasten in promulgating laws by the Chamber of Deputies the matter that leads to their rejection by the Senate and to the paralyzing of the legislation.
- 3- To hasten in promulgating and in examining laws, the matter that leads to numerous amendments; a lot of laws have been amended more than twice during the last years.
- 4- Deterioration and decrease in the supervising role on general policies.



- 5- Deterioration and decrease of the citizens trust in the Parliament performance and a decrease in the number of petitions submitted from 1989-1993 to 2003-2006 from 4184 to 41 petitions.
- 6- A weak political supervision regarding the questions and the decrease of the interrogations level that reached only 4 interrogations during the 14<sup>th</sup> Parliament 2003-2006.
- 7- The non-cooperation of the Government in observing the constitutional term fixed for replying to the questions; during the 14<sup>th</sup> Parliament, 338 answers of 596 have been answered meaning a rate of 56%.
- 8- The formalism of the investigation commissions and their incapacity to conduct deep studies and their exposition to exterior pressures, the matter that influences its course of work.
- 9- The weak and inefficient parliamentary opposition and the deterioration of its influence level.
- 10- The nominal handling with the reports of the Court of Audit regarding the financial violations committed by the bodies of the Executive Power.
- 11- The debates of the General Budget reveal the numerous claims related to the service and to the expenditure increase, the matter that conflicts with the constitutional text stating that it shall not be allowed to claim for the increase of expenditures during the debate of the General Budget. In addition, during their speeches, the members of the Chamber of Deputies do not tackle the financial analysis related to the Budget articles and its impact on life as well as on economical and social affairs of the population.
- 12- The weak performance on the Parliament permanent commissions level regarding the laws and the subjects exposed thereon; in the 14<sup>th</sup> Parliament, the performance of the legal commission reached 31% while the performances of the financial commission reached 26% and those of the Education commission reached 27% of the total laws and subjects exposed thereto.
- 13- The weak role of the foreign affairs commission and the freedom commission in perusing the foreign political affairs as well as the different international treaties and agreements.
- 14- The strong competition over the membership of the main commissions particularly the legal, financial and foreign affairs commissions.
- 15- The weak participation of the civil society and the decrease of its participation level in the Parliament commissions work.
- 16- The non-participation of experts and specialists in all fields important for the Parliament work.
- 17- The internal System does not contain many updated texts may serve the parliamentary work.
- 18- The inexistence of a text in the Internal System regarding the constitution of parliamentary blocks and their rules and procedures.
- 19- The weak abidance by the parliamentary blocks and the numerous withdrawals therefrom.
- 20- The weak scientific and objective criteria in appointing the Parliament staff and the increase of mediation levels and the role of influential persons in appointing.
- 21- Inflation of the administrative body in the Chamber of Deputies and the weak performances as well as their deteriorated practical and technical level.
- 22- Qualification and training programs have a weak and deteriorated level; and sometimes, they do not exist at all.



- 23- The weak and deteriorated level of the Parliament library and its incapacity to provide information related to the parliamentary work and not being exactly linked with international Parliament libraries or parliamentary unions.
- 24- A weak and deteriorated level of persons working at the parliamentary library and the absence of qualifying and training sessions.
- 25- Absence of training and qualifying sessions for new Parliamentarians in subject related to the parliamentary work, rules and procedures as well as the democratic systems and their bases.
- 26- The strong competition regarding traveling abroad to participate in parliamentary works or visits, in addition to a weak participation in national workshops and conferences.

### **Recommendations:**

- 1- The necessity to have an efficient Parliament and to increase its performance level in legislation.
- 2- The Parliament should have an active role regarding the legislation and the preservation of accuracy as well as comprehensive and close examination of the proposed draft-laws.
- 3- The Parliament should have an active and developing supervising role through serious questions that comprehend the public interest, the responsible accounting aiming at a better governmental performance and at preferring the country interest to the narrow personal interest.
- 4- Parliamentary commissions should have an active role in such a manner that guarantees the improvement of the Parliament general performance.
- 5- The necessity of transparency during the General Budget debate.
- 6- The financial supervision should have an active role and the annual reports of the Court of Audit should be seriously examined; in addition, a new mechanism should be elaborated in order to render these reports periodic.
- 7- The parliamentary opposition should have an active role in such a manner that complies with the high interests of the State.
- 8- To increase the role and the participation of the civil society institutions in the parliamentary process and to activate the level of its participation in its parliamentary commissions.
- 9- The necessary participation of experts and specialists in the parliamentary commissions work.
- 10- An active role of the privatized units and the studies directorate that should be provided with all the specializations required to increase the performance level.
- 11- A strengthened and active role of parliamentary blocks at the Parliament in such a manner that improves the quality of performance.
- 12- To find scientific and objective criteria for the staff selecting process.
- 13- To organize qualification, re-qualification and training programs for all the Parliament bodies and units staff.
- 14- To provide the technical and specialized body with human cadres capable to develop the administrative and technical performance at the Parliament.
- 15- To provide the Parliament library with references, reports and periodicals and to link them with international Parliament libraries in order to provide accurate and updated information in order to improve the Parliament performance level and to provide it with trained cadres and link them to the internet.



- 16- To elaborate training and qualification sessions for new Parliamentarians to increase their performance level and to render their awareness and understanding deeper in democratic system structure and the mechanism of their work.
- 17- To amend the Internal System of the Chamber of Deputies in such a manner to include the following:
  - a. The Internal System should include provisions related to parliamentary blocks and the organization of their work as well as the minimum of the members of every block.
  - b. The Internal System should include a provision imposing the necessity to join parliamentary blocks.
  - c. The Internal System shall include a provision related to the subject of petitions that are submitted by the deputies.
  - d. The Internal System should include a provision related to the representation of all the parliamentary blocks at the permanent office.
  - e. To increase the number of the commissions members to reach 15 members instead of 11.
  - f. To find a provision related to the rules and procedures of the commissions work and to impose penalties for not attending the sessions of these commissions; in addition, it shall be necessary that the members of the commission observe the recommendation on which they signed.
  - g. To elaborate new rules and procedures related to the debate process at the Parliament.
  - h. To elaborate provisions related to the new electronic voting system mechanisms.
  - i. To elaborate a provision that gives priority to those competent in the commissions' membership according to the specialization of the same commission.
  - j. To elaborate provisions related to the behavior at the Parliament.
- 18- To activate the supervision role of the Senate according to the Constitution's provisions and the authorities related thereto.
- 19- To establish a legal department at the Parliament that shall be corresponding to the role of the Legislative Power and which shall be provided with the qualifying competences.
- 20- To establish a specialized center for studies, researches and information for the Legislative Power that shall be including competencies of experts and consultants in the different concerned specializations.

#### **Fourth: Results related to integrity**

- 1- The absence of rules and provisions related to the Parliament conduct.
- 2- The absence of an institution or a commissioner that shall be controlling the elections.
- 3- The absence of official or unofficial rules and procedures to collect information regarding the Parliament conduct.
- 4- The absence of a law related to the declaration of financial assets.
- 5- The absence of laws and rules related to the organization of political financing.
- 6- The absence of an independent Constitutional Court that shall be examining the constitutionality of laws.



**Recommendations:**

- 1- It shall be necessary to have a Constitutional Court that shall be examining the constitutionality of laws.
- 2- To pass legislations related to the financial assets and the declaration of the assets and properties of the Parliament's members.
- 3- It shall be necessary to pass laws or rules related to the political financing organization process.
- 4- To pass special legislations related to the Parliament conduct.
- 5- To establish a body, a commission or an institution that shall be controlling the elections conduct subject.