

How serious is the EU about supporting democracy and human rights in Jordan?

ANA ECHAGÜE

Executive summary

Political reform in Jordan, initiated with much fanfare in 1989 has not lived up to expectations. In fact, the last five years have seen significant reversals. Nevertheless, international actors, who in theory have a significant amount of leverage in the country, given its dependence on foreign aid, are unlikely to push for any significant reforms which might cause instability in a country viewed as an important ally against terrorism and a key player in the Israeli-Palestinian conflict.

The EU's record in promoting human rights through its foreign policy is mixed and marred by inconsistencies, contradictions and questionable motives.¹ The EU generally outlines broad policies and proclaims good intentions which lack means of enforcement. Its approach tends to focus, on the one hand, on socialising elites through political dialogue and institutionalising relations, and on the other, on a 'bottom up' approach of support for civil society as an agent of change. Most aid is directed towards NGOs dedicated to human rights training and to providing social services and combating poverty. Funding provided through the European Initiative for Democracy and Human Rights (EIDHR) has tended to focus on empowering women, on fighting social exclusion or discrimination against minorities, and on supporting campaigns against the use of torture or the death penalty. Efforts to tie this 'bottom up' approach to the more 'politically-led' aspects of EU human rights and democracy promotion have not materialised, perhaps reflecting fears that political change and democratisation can, in the short term, create instability and have uncertain consequences. EU governments have thus not shown any

willingness to move beyond tackling specific human rights abuses to discussing political reform as a whole.²

In the case of Jordan, the partnership building approach seems not to have succeeded in 'socialising' Jordanian counterparts through persuasion; rather it is characterised by indulgence or, some would say, connivance with a non-democratic regime.³ The deference shown to the regime has limited any potential success in the area of political reform with the most positive achievement being the establishment of a political dialogue and a sub-committee on democracy and human rights.

1. The state of democracy and human rights

Although Jordan is far from being a democracy, in terms of civil and political liberties, at least formally, it fares much better than most Arab states. Political parties are legal, parliamentary elections are held more or less regularly and the reform process started in 1989 did bring about positive changes if not fully-fledged democracy.

While the 1952 constitution declares Jordan a constitutional monarchy, the king retains such a monopoly on power in the country that the concept of a separation of powers is rendered largely meaningless. Officials can be heard referring to the "government as directed by his majesty" and often use the terms state, government and king interchangeably. Institutions outside constitutional structures, which report directly to the king, namely the royal court and the

¹ Rosa Balfour and Antonio Missiroli, 'Reassessing the European Neighbourhood Policy', EPC Issue Paper No. 54, June 2007, p. 8.

² Ibid, p 11.

³ Ibid, p12.

intelligence services, exercise substantial power. Their mandate and structure remain obscure and they are not constrained by parliamentary oversight.⁴ Institutions outside the monarchy, such as the cabinet and parliament, are left with limited powers, and the government at best executes what is decided elsewhere. Governments serve at the king's pleasure, with parliament having little to say on their formation and dismissal. Parliament has repeatedly been suspended and elections postponed.

As a result of the electoral system parliament has a majority of independent members, unaffiliated to any political parties, who represent a range of tribal interests and who provide weak scrutiny of the executive. The powers of the lower house of parliament are constrained by an appointed upper house. The executive often legislates by issuing temporary legislation and decrees that function with the force of law without parliamentary approval.⁵ The executive role in the promotion, punishment or sanction of judges is an expression of the lack of independence of the judiciary, as are State Security Courts which remain outside the competence of the judicial council. Although the constitution recognises the basic freedoms of expression and assembly, press and penal laws prohibit criticism of the royal family and the armed forces or any statement considered harmful to national unity or Jordan's foreign relations. Polls show that 74.6 percent of Jordanians fear punishment or retribution by the authorities for criticising the government.⁶ The right of assembly is restricted through the requirement of prior consent for all public meeting. The regime also interferes with the activities of non-state actors (professional associations, NGOs, not-for-profit companies) which are not allowed to be involved in 'political' issues.

The regime has struggled to maintain national unity and security while addressing a series of challenges, such as the demographic changes caused by the surge in the population of Jordanians of Palestinian origin, the rise in support for political Islam and the threat of terrorism. The distribution of the rents from foreign aid as well as government jobs and other privileges allow the regime to maintain a more or less stable base of support from the Transjordanian population concentrated in the rural areas and from a loyal security establishment. The monarchy has consolidated its rule by shifting the electoral balance from growing urban population centres to rural areas.⁷ Any threats to the precarious balance of power have historically been dealt with by repression of the opposition and challenges to the system are addressed by weakening institutionalised opposition.⁸

The most significant challenge to Hashemite authority has been the Arab-Israeli conflict which has had a significant

effect on Jordan's domestic balance of power. Palestinian refugees remain a major undercurrent to all political issues and national debates. The exact composition of the population is a sensitive and contested issue with figures for Palestinian Jordanians somewhere between 40 and 60 per cent. The integration of Palestinian refugees as Jordanian citizens has generally been successful although they continue to be under-represented in the public sector and in the political establishment. The electoral law and the distribution of parliamentary seats among electoral districts are designed to under-represent urban areas that are bastions of Palestinian or Islamist support and over represent rural segments of the population allied with the regime.⁹

In 1989 Jordan initiated a political reform process which won much praise from the United States and the European Union. The process was initiated with the holding of parliamentary elections, which had been postponed since 1967. A National Charter ultimately saw the expansion of political freedoms and the space for civil society in exchange for recognition of the legitimacy of the Hashemite monarchy. As a result of the charter, martial law was lifted, political parties were legalised, political exiles were permitted to return and restrictions on demonstrations were relaxed.¹⁰

However King Hussein started undermining the reforms as soon as he saw an opportunity to regain the external support he had lost through his refusal to sign a peace treaty with Israel in 1980. In order to quash internal opposition a series of measures were put in place to diminish its voice and influence. Most important among them, and one of the most contentious issues to this day, was the amendment to the electoral law. The 1993 amendment restricted each voter to choosing only one candidate, regardless of the number of seats to be filled in the district. The controversial "one-person, one-vote" law, favoured tribal candidates to the detriment of parties and as a result, the 1993 elections saw a decrease in the presence of the Islamic Action Front (IAF) in parliament. In November 1994, the peace treaty with Israel was ratified, despite strong popular opposition. By the time of Hussein's death in February 1999, it seemed clear that liberalisation had been a temporary means of reducing opposition to unpopular economic policies. Political reform had been initiated, not as an end in itself but rather as a strategy for regime survival under the pressures of economic discontent derived from the International Monetary Fund (IMF) required restructuring of external debt.¹¹ The reform process was characterised by its hesitant top-down nature and by its aim of maintaining domestic stability and expanding the monarchy's support base rather than achieving genuine structural reforms.¹²

⁴ Democracy Reporting International and Al Urdun Al Jadid Research Center, 'Assessment of the Electoral Framework, Final Report The Hashemite Kingdom of Jordan', January 2007, p. 5-6.

⁵ Ibid, p.1.

⁶ CSS Democracy in Jordan 2006

⁷ Ibid, pp 3-4.

⁸ Ibid, pp 4-5.

⁹ Democracy Reporting International, op. cit, p.3.

¹⁰ Choucair, op. cit, p.7.

¹¹ Laurie Brand, "In the Beginning was the State: The Quest for Civil Society in Jordan", Civil Society in the Middle East, ed. Augustus Richard Norton (Boston: Brill, 1996).

¹² Julia Choucair, 'Illusive Reform: Jordan's Stubborn Stability', Washington: Carnegie Endowment for International Peace, Democracy and Rule of Law Project, Middle East Series, Number 76, December 2006, p. 3.

Since then, repeated commitments by King Abdullah and his government to democratic reforms have not been implemented. The deteriorating regional situation and continuing economic woes have pushed King Abdullah to clamp down on political and civil liberties and rely on the pervasive role of the security services.¹³ The situation can best be characterised as one of highly regulated freedoms within specific 'red lines' with close monitoring and regulation increasing notably in the past five years. In 1999 King Abdullah's accession to the throne intensified expectations for political reform. Nevertheless economic reform quickly took precedence, with a focus on attracting foreign investment and increasing exports. The king prioritised administrative reform and the fight against corruption in the public sector. Increasing regional pressures related to Palestine and Iraq placed security concerns at the forefront and brought about restrictions on political activity. The regime, concerned with public opposition to its stance both towards Iraq and Palestine, delayed parliamentary elections, originally scheduled for 2001. While parliament was suspended (between June 2001 and June 2003), King Abdullah issued 211 provisional laws and amendments, many of which constituted a reversal in civil and political liberties. The Public Meetings law of August 2001 requires the government's prior written consent for any public meetings or rallies while amendments to the penal code in October 2001 impose penalties and prison sentences for publishing "false or libelous libellous information that can undermine national unity or the country's reputation." Another decree allows the prime minister to refer any case to the state security court and a 2005 draft law on professional associations attempted to limit and interfere with their activities.¹⁴

These clampdowns on the ground came at the same time as successive reform initiatives. In 2002 the "Jordan First" initiative was launched. In 2003 the Ministry of Political Development was created to increase political participation and advance democratic dialogue. In 2005 the National Agenda was conceived and in 2006 the "We are all Jordan" action plan was launched. These various reform initiatives have failed to be implemented. Demands for structural reform, namely on the electoral law, remain unheeded. Some insist that the palace and government are genuine in their enthusiasm and commitment towards these initiatives but that they are all eventually aborted because of the regional situation or the lack of support from the conservatives. Status quo forces are an obstacle as they feel their privileges and position will be threatened and the king is reticent to undermine his most loyal base of support. Since King Abdullah's accession there have been six different governments. The instability of the governments and their

dependence on the king also renders it impossible for them to meet any demands for reform. Further complicating matters is the rise of Islamist political movements in the region, especially the success of Hamas in the 2006 Palestinian elections, which has increased concerns that any opening-up of the political space may strengthen the IAF's popular support. The relationship between the government and the Muslim Brotherhood is complex and has recently shifted from one of mutual support to a more confrontational stance.

2. Intervening factors and contrasting interests

Jordan is considered a key player in a volatile region and compared to with its neighbours, Iraq and Palestine, it is considered an oasis of stability. It plays an intermediary role between Palestinians and Israelis, as well as being a key ally in the fight against extremism and acting as host to thousands of Palestinian and Iraqi refugees. The regime banks on its key geographic position and its role in the maintenance of regional security to secure the foreign aid it needs to make up for its lack of resources and to help maintain domestic stability. It also projects an image of precarious stability in the face of the threat of chaos and Islamism to stem any push for political reform (domestic or external). Regional conflicts have thus played an important role in providing Jordan with external resources and respite from any pressure for reform. External resources by cushioning pressure have made possible delays in political and economic reform. The regime has been able to delay implementing any economic reforms which might require changes to the social contract and political reform with the excuse that reform under such circumstances could generate political instability. Heightened security and political concerns have also lead to tougher state responses and encouraged the maintenance of patronage networks.¹⁵

Member states generally admit to a change of perspective since the 2005 bombings in Amman. Jordan is an ally in the fight against extremism and following the terrorist attacks has been at the forefront of leading Arab countries fighting extremism. Together with the situation in Iraq, the terrorist bombings brought the issue of security to the top of the agenda, not only for Jordan but also for all the external actors operating in the country. Consequently, although reform may not be moving as quickly as wished for, this is attributed to the change in geostrategic circumstances. Furthermore, both the US and the EU shifted their priorities after the Egyptian and Palestinian elections, backing off from any push for reform for fear of Islamist movements, a move that has led to the regime resorting to the use of the 'spectre' of Hamas.

¹³ Choucair, op. cit, p. 7-8.

¹⁴ Choucair, op. cit, p. 8-9.

¹⁵ Alissa, op. cit. p.17.

The Arab–Israeli conflict has been one of the main external factors influencing economic and political reform in Jordan. More than half of the Jordanian population is of Palestinian origin, and this identity issue has again been used as an excuse to avoid engaging in political reform. International actors see the Jordanian regime as a useful intermediary between Israelis and Palestinians and are supportive of a monarchy that has been willing to sign a peace treaty with Israel in spite of overwhelming domestic opposition. The IAF, which supports the Palestinian cause and opposes the peace treaty and the normalisation of relations with Israel, would probably gain most from any political opening. Furthermore, some IAF leaders are closely identified with Hamas. Thus any liberalisation of the system which would lead to a more prominent role for the IAF could be problematic in terms of the regional dimension for the external actors.

The US-led occupation of Iraq in 2003 has also had significant effects and implications for external actors. While the Jordanian government quietly cooperated with the occupation, the IAF was vocal in its opposition, maintaining that the insurgency represented legitimate resistance similar to the Palestinian resistance to Israeli occupation.¹⁶ Again, the international community is unlikely to press for any measures that would jeopardise the regime’s support on this front. The inflow of Iraqis to Jordan has been increasing, with the number of Iraqis in Jordan estimated to be between 700,000 and one million.¹⁷ For Jordan, the halt in subsidised Iraqi oil flows has significantly raised the energy bill, but the rise in oil prices has been accompanied by larger remittances from abroad and substantial inflows of foreign aid, particularly from the United States, as well as increased foreign investment. In the context of Jordan’s role in the efforts to deal with the regional conflicts, EU–Jordan cooperation as a whole has taken on a “contribution to peace” dimension. EU emergency budget support was granted to cope with the negative impact of the Iraq war, with conflict prevention as the main priority; all activities in the area of cultural dialogue became exercises in conflict prevention, at the expense of any concern with emphasis on democratic reform.¹⁸

International actors have largely bought the security argument of the ‘Islamist threat’ feared by the regime. This can be detected in official EU statements:

“At regional level, Jordan is an important stabilising and modernising influence. Its active role in promoting political reform and its constructive and balanced attitude to the Israeli-Palestinian conflict, makes the country a very valuable partner in the Middle East peace process and in the economic and political modernisation of the Middle East. Jordan’s capacity to remain proactive in the field of

political development is a rare asset among the countries in the region.”¹⁹

“...located between two major conflict zones, Jordan’s path towards democracy and greater respect for human rights is not an easy one. Attempts to destabilise the Kingdom through terrorist attack illustrate Jordan’s vulnerability in this field.”²⁰

EU officials openly admit that it is not the time to push for political reform. There are certain issues that are seen as red lines and which neither the EU nor the US are willing to put on the table. For the US, for example, the electoral law is one of the “don’t touch” issues with another red line being the public gatherings law. The regime has only to allude to its national security for the EU to back off. The truth, as conceded by a senior European diplomat, is that Jordan is a security state, although a less extreme, less openly repressive, version of those in Tunisia or Egypt.²¹

3. New democracy and human rights policies

The EU’s commitment to policies on promotion of democracy, human rights and good governance in Jordan is expressed in:

1. The democracy and human rights clause (sometimes known as the “essential elements” clause) included in the EC’s agreement with Jordan.²²
2. Democracy promotion instruments built into the European Neighbourhood Policy (ENP) with an Action Plan that at least in theory includes agreed reform targets and a strong element of conditionality. In the Mediterranean, the ENP reinforces the Barcelona Process which had been established in 1995 to re-launch EU-Mediterranean cooperation. This had already involved commitments by participating countries to develop the rule of law and democracy in their political systems.
3. Distribution of grants through the European Instrument for Democracy and Human Rights (EIDHR), which this year will be funding 10–12 NGOs. Initially, Jordan was not identified as a priority country under the EIDHR and so could only benefit from this instrument for few regional operations. The EIDHR allows funds to be channelled directly to civil society and non-governmental actors, regardless of the attitude of the government, although in

¹⁹ European Neighbourhood and Partnership Instrument, Jordan, Strategy Paper 2007–2013.

²⁰ ENPI Strategy Paper for 2007–2013

²¹ Interview in Amman on April 17, 2007.

²² Since 1995 this clause has been systematically included in EC agreements with third countries including trade and cooperation agreements. Human rights issues are singled out with particular reference to international standards, and have achieved a high profile, being addressed in political dialogues with most partner countries. These issues are pursued strongly in a multilateral context, especially in the UN, and with direct support, primarily through the EIDHR, for the OHCHR and other such bodies including international tribunals.

¹⁶ Brown, op. cit. p. 8–9

¹⁷ Alissa, op. cit. p.15–16.

¹⁸ Evaluation of the European Commission’s Support to the Hashemite Kingdom of Jordan. Draft final report, Volume 1–Overall assessment, June 2007. Evaluation of the European Commission

Jordan the government still tries to control how the funds are disbursed. The EU avoids funding political parties or opposition groups.

The Euro-Mediterranean Association Agreement with Jordan was signed in 1997, as part of the Barcelona Process, and entered into force in 2002. Its main objective was trade liberalisation, with the specific aim of creating a free trade area between the EU and Jordan. The agreement provided for a political dialogue to be established in the framework of an EU-Jordan Association Council. An Association Committee was also established subordinated to the Council and operating at a technical level. Article 2 of the Association Agreement states that:

“Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the universal declaration on human rights, which guides their internal and international policy and constitutes an essential element of this Agreement.”

In 2002, a Country Strategy Paper was presented. Again trade liberalisation was the main priority although “strengthening pluralism, human rights, civil society and rule of law” were also among the five listed priorities. The weakness of the strategy, as has subsequently been the case with the Action Plan, rests in the chain of assumptions which link certain forms of support to specific objectives. The CSP refers to the aim of “developing a pluralistic democratic society based on respect for human rights and the rule of law” and the associated indicative programmes allocate funds for “strengthening pluralism and human rights” but the concept of pluralism remains only vaguely defined, with the focus in practice mainly on civil society and the media.

In terms of good governance, the EU’s all embracing definition makes it poorly operational such that it is hard to find instances of mainstreaming of governance in EU policy documents.²³ The EU does seem to have successfully targeted the new objective of “human rights” included for the first time in the 2002 CSP in its dialogue with the government. Jordan accepted the creation of a sub-committee on human rights to engage in a structured dialogue with the EU on progress achieved in this area, the first mechanism of this kind in the MEDA (European-Mediterranean Partnership) region. Additionally, dialogue with the government seems to have been effective as reflected in the recent acceleration in the pace of ratifying and enforcing international treaties protecting pluralism and human rights, including the International Covenant on Civil and Political Rights in June in 2006.²⁴

²³ Evaluation of the European Commission’s Support to the Hashemite Kingdom of Jordan. Draft final report, Volume 1-Overall assessment, June 2007. Evaluation of the European Commission.

²⁴ Evaluation of the European Commission’s Support to the Hashemite Kingdom of Jordan, Draft final report, Volume 1-Overall assessment, June 2007. Evaluation of the European Commission.

Jordan was among the first group of countries to adopt a European Neighbourhood Policy (ENP) Action Plan in 2005. The Action Plan, negotiated between the Commission and the government, outlines reform priorities for the short and medium term. Among the priorities for the new European Neighbourhood Policy Instrument (ENPI) Strategy Paper for 2007-2013 is political reform and good governance.

The fact that it is jointly negotiated with the government is supposed to strengthen the ENP’s ‘partnership’ dimension and the country’s ‘ownership’ of the reform process.²⁵ It is a five year plan which reflects Jordan’s own reform plans, the National Agenda and ‘We are all Jordan’. The aims set out are vaguely articulated, indicating areas for action such as the development of civil society without specifying measures to achieve these goals.²⁶ For example the first action is to “Promote the stability and effectiveness of institutions strengthening democracy and the rule of law” and is to be achieved by supporting ongoing efforts to improve good governance and transparency, and by promoting national dialogue on democracy. A second action refers to the enhancement of the independence and impartiality of the judiciary yet goes on to list as means to achieve this measures,, namely the implementation of a government strategy to simplify procedures and improve efficiency and the training of judges to improve capacity and efficiency, that bear no relation to enhancing judiciary independence. Most importantly, the issues which the Action Plan focuses on are not necessarily those which are most problematic in relation to human rights and democracy in Jordan. A result of the ownership and negotiating process is that the Action Plan tends to be less demanding in its identification of democracy and human rights priorities than the Country Strategy Papers.²⁷

The ENP first year progress report listed as achievements the regular political dialogue held in the Association Council and Association Committee and the establishment of a sub-committee on human rights and democracy: “The mere fact that a dialogue on such issues can now take place within an institutional framework is a progress brought about by the ENP”. It also made reference to progress in governance as reflected in the ratification of the UN convention against corruption, the definition of an anti-corruption strategy and decentralisation plan, the strengthening of the Audit Bureau and the draft of a financial disclosure law. In addition the report admitted that although reform of the election law had been discussed no progress had been made.²⁸ A fact echoed in the subsequent progress report which noted that, “Jordan has shown a strong commitment to a wide range

²⁵ Balfour, op. cit. p.16.

²⁶ Balfour, op. cit. p.18.

²⁷ Balfour, op. cit. p.18.

²⁸ Commission Staff Working Document accompanying the: Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy. ENP Progress Report Jordan. Brussels, 4 December 2006.

of social and economic reforms and to a lesser extent to political reform.” Progress highlighted in the report for 2007 was the adoption of the law on municipalities, the amendment of the press and publication law, the anti-money laundering law and the law establishing an anti-corruption commission (although the report later admits the anti-corruption commission is not operational and lacks the resources to become functional). While the first progress report noted that the judicial upgrading strategy was said to be on track with the capacity and efficiency of the justice administration enhanced through the training of judges the subsequent progress report stated that “none of the core issues hindering the independence of the judiciary – such as its total and administrative dependence on the Ministry of Justice – have been addressed”.²⁹

In general even EU Commission representatives admit that the Action Plan has been poorly conceived and remains more of a political document, a gesture for show, than an actual plan. It is far different from the action plans for Eastern Europe which were very specific in terms of tasks, budgets and timelines. Civil society organisations have complained of not being consulted during its drafting. They highlight the lack of a system to measure impact or specific verification indicators to measure results, as well as the lack of progress indicators and assignment of responsibility for implementation. Overall they feel it merely adopts the official, government storyline. Shifts in regime strategy are generally taken up as new priorities on the EU’s side. In this context the new priorities highlighted by the king for 2006, poverty alleviation and job creation, have quickly been taken up by the EU leaving behind the previous year’s focus on public sector reform which the government decided to put on hold.

4. Conditionality

A recent report adopted by the European Parliament states that “conditionality can constitute an appropriate incentive for acceleration of reform processes in the ENP countries towards their convergence with the EU if conceived positively, and differentiated according to the country’s specific needs and capacities.” The problem seems to be that the action plans do not specify how countries will be rewarded if they do reform or will be punished if they do not. This is apparently due to the reduction in incentives and the de facto abandonment of the benchmarking method initially proposed by the Commission. The ENP was devised as a policy based on rewards and positive conditionality in relation to promoting human rights and democracy, reflecting the EU’s view that exporting democracy does not work and that the Commission does not have the means to

apply negative conditionality. But although the Action Plan highlights priority areas for reform it does not specify the reward attached.³⁰ In terms of EU member states’ bilateral relations the use of conditionality is in no case considered.

In Jordan, while positive incentives seem not to have been spelt out, negative conditionality is certainly off the table. Despite Jordan being one of the most assisted countries in the world, and therefore a prime candidate for the use of conditionality it seems that conditionality, certainly negative conditionality is not on the cards. The use of conditionality is minimal and certainly not applied regarding issues of political reform, democratisation or human rights. Geostrategic factors play a role in this and some analysts even claim that democracy is really not in the interest of external actors, when what they prize is stability and a loyal ally.

Jordan is among the countries that receive most foreign aid in the world. Its main donors are the US and the EU.³¹ Aid to Jordan averaged \$495 million annually over the 1991–2000 period. US assistance amounted to \$810 million over 1991–2000, 82 percent of which came after 1997.³² US aid levels started to increase after 1994, when the peace treaty with Israel was finally ratified despite strong opposition (in 1980, the United States had ended its economic package to Jordan after King Hussein refused to sign a peace treaty). After 1994 the United States also declared Jordan a major non-NATO strategic ally and wrote off its debt. In less than a decade, Jordan became the fourth largest recipient of US economic and military assistance.³³ Following the United States’ invasion of Iraq, US aid increased by more than 200 percent, from \$150 million in 2001 to \$348 million in 2004. In 2003, US aid amounted to \$948 million (74 percent of which was emergency supplemental assistance). More than half of US assistance takes the form of cash transfers to support the public budget which are matched by an equal amount of government spending on agreed development programmes.³⁴ Jordan was also one of the first countries in the region to sign a partnership agreement with the European Union in 1997. Jordan is the largest recipient of EC support per inhabitant in the Mediterranean region. Yet the EU claims to have not much leverage in the country despite the fact that it gives around €70 million per year (which is deemed to not be very much compared with what the US gives and with the \$1 billion Saudi Arabia gives). In fact the king has recently asked the EU for help with the Council of Paris in terms of debt reduction and an injection of cash to make up for a shortfall in funds to pay the public sector pay roll. And it seems that the EU is willing to comply,

³⁰ Balfour, op. cit. p.21.

³¹ Evaluation of the European Commission’s Support to the Hashemite Kingdom of Jordan. Draft final report, Volume 1-Overall assessment, June 2007. Evaluation of the European Commission.

³² Sufyan Alissa, ‘Rethinking Economic Reform in Jordan: Confronting Socioeconomic Realities’, Washington: Carnegie Endowment for International Peace, Carnegie Middle East Center, Carnegie Papers, Number 4, July 2007, p.8.

³³ Choucair, op. cit, p.17.

³⁴ Alissa, op. cit. p.7.

²⁹ Commission Staff Working Document accompanying the: Communication from the Commission to the Council and the European Parliament, ‘Implementation of the European Neighbourhood Policy in 2007. Progress Report Jordan. Brussels, 3 April 2008.

by redirecting funds from elsewhere, in order to help the government with public sector payments and avert any instability resulting from the shortfall.³⁵

As an official from the Ministry of Planning explained, some form of conditionality is included in non-political cooperation but this can never be the case in terms of political reform as this is a home grown activity. In terms of non-political cooperation there is direct budget support agreed with the EU Commission which is paid to the treasury. It takes the form of a reform facility for specified sectors which sometimes includes some form of conditionality. Once reform is passed a tranche is disbursed. Political reform is different; it is not linked to assistance from any country. There is no conditionality on these issues.

There are clear instances of democratic backtracking which have not elicited any reaction by the EU; for example, in the areas of freedom of association and assembly and in the constraints on civil liberties included in the new anti-terrorism law. The EU offered to support civil society and the media in the run up to the elections but all the government was willing to allow was for help in campaigns to encourage voter participation. Any talk of actual electoral reform is off limits. At most the EU will raise an issue during the political dialogues or with the king, as was the case with the draft law on civil society put forward by the Ministry of Social Development only to quietly accept the claim that it is in line with best practices. The government can further gain strength from the fact that in many issues they can count on the backing of the Americans and British who give priority to security considerations.

Some of the reformers within the country are quick to call for more conditionality. They feel that conditionality from the EU and US would be the best way to move forward. Budgetary support only increases mismanagement. Some cite the municipalities' law recently passed as an instance where conditionality, through the MCC, was successful.

5. Engagement and socialisation

The EU's receptiveness to government priorities has already been mentioned above. While the EU generally incorporates major shifts in the government's strategy it is also sometimes able to bring new issues to the government's agenda through systematic dialogue and technical assistance. In the instances where dialogue has been ineffective, the EU has sometimes circumvented the problem by supporting civil society organisations, for instance in the area of women's rights. Engagement at the government level is

mainly channelled through requests for specific project funding projects (mainly for large infrastructure projects), requests for budget support and joint policy development. Policy dialogue aims to assist in the building of institutional capacity, in the development of policy reforms, and eventually in the implementation of these reforms through a sector budget support programme. So far it has been used to significant success in direct support to small and medium enterprises (SMEs) and management of water resources. The success of EU support in these two instances suggests that the EU is good at this type of intervention and that perhaps it could be a model for engagement on democracy and human rights issues. Policy dialogue has sometimes been ineffective, with the EU and the government "agreeing to disagree", for example in the area of women's rights, regarding which the EU has often raised sensitive issues like honour crimes. The lack of progress on this front led the EU to approach the issue instead through the Sharaka project funding which has achieved significant input on the issue of women's rights. What makes this approach successful is the EU's transparency in its policy dialogue, its relatively neutral political profile, and its capacity to engage significant financial resources in sector budget support programmes.³⁶

Engagement and dialogue on human rights and democratic reform takes place mainly at the EU level, within the sub-committees on human rights and democracy, more so in terms of human rights than democratic reform. Individual member states prefer to let the EU raise these issues. In this sense the ENP has at least institutionalised dialogue with the government on this front, even though the results are questionable. Indirect approaches to democratic reform continue to be the favoured mode of operation but it is doubtful whether these can have any positive effects on political liberalisation barring an overhaul in the balance of power.

The ENP does not seem to have entailed a dramatic shift in terms of dialogue and engagement with Jordan. What it has done, from the perspective of the Ministry of Planning, is favour a more bilateral approach over the previous regional approach. However, there seems to be a disconnect between calls for proposals which are managed on the regional or European levels and the priorities of the EU in the country. The regional MEDA programme and the EU strategy in Jordan are reconciled through the overarching objective of shared peace and prosperity. However, there seems to be little mutual support.³⁷

Jordan implements its relationship with the EU through the Ministry of Planning, which deals with economic

³⁵ Jordan is a threshold country of the MCC which means it qualifies for about \$23.5 million (\$16.5 of which goes to local governance i.e. municipalities). It has now achieved compact status which means that they have a year to produce a plan and if during that year they improve their indicators they can get up to \$500 million. Its indicators for political participation were low which is what could have led to the establishment of a women's quota for municipal elections.

³⁶ Evaluation of the European Commission's Support to the Hashemite Kingdom of Jordan, Draft final report, Volume 1-Overall assessment, June 2007. Evaluation of the European Commission.

³⁷ Evaluation of the European Commission's Support to the Hashemite Kingdom of Jordan, Draft final report, Volume 1-Overall assessment, June 2007. Evaluation of the European Commission.

affairs issues, trade, services liberalisation and the 2014 FTA and the Ministry of Foreign Affairs which deals with security, human rights, political reform and general political cooperation. In the assessment of the Ministry of Planning trade and financial cooperation are progressing faster than security and political cooperation because the latter are newer components. The government is quick to highlight that Jordan was the first country to establish a subcommittee on democracy and human rights to discuss these issues on a bilateral basis with the EU. From their perspective, they have “nothing to hide” and want to learn best practices on how to enhance democracy and human rights. They believe they have gone the extra mile by approving bilateral projects with bilateral financing (as opposed to regional projects in other countries) on anti-terrorism, penitentiary reform and support for the National Centre for Human Rights (NCHR).

Bilateral cooperation with the EU takes place through daily informal contact and through the association subcommittees, the Association Committee and the Association Council. There are ten association subcommittees (nine of which have met so far) which include thematic, operational and technical level experts. They are all led by the Ministry of Planning. When held in Brussels there is observation by the member states. When held in Jordan the EU encourages the ministry to invite NGOs. They all report to the Association Committee which is chaired by the secretary of the Ministry of Planning. Within this committee talks are held at a semi-political level. It discusses the conclusions of the subcommittees and takes decisions as well as giving assignments to the subcommittees. The Association Council is the highest forum, at which policy is discussed. It is chaired by the Jordanian Minister of Foreign Affairs and by the Minister of Foreign Affairs of the EU presidency. Human rights and democracy issues are specifically touched upon in the subcommittee on human rights and democracy which covers regional and bilateral projects whose beneficiaries include the media, NCHR, judges and the penitentiary. Civil society organisations complain that only state actors are invited to attend the sub-committee on human rights, and that NGOs cannot participate.³⁸

Engagement with non-regime actors is hampered by the government. Scrutiny of NGOs intensified in the run up to the 2007 parliamentary elections and was accompanied by pressure on donors not to finance NGOs without prior executive authorisation. 14 international NGOs are being investigated and three were closed for administrative reasons (because their activities were not in accordance with their charter). The government sent a letter to all donors stating that they cannot fund Jordanian organisations or foreign organisations without prior ministry consent. This seems to be the expression of a concerted effort from above,

not the work of a single ministry. Nevertheless, in contrast to the EU’s bilateral relationship with the government, individual member states usually work directly with civil society organisations, despite any government hurdles. The third phase of the Euro-Med Youth Programme (2006-2008) has been agreed with the Minister of Political Development. It will target youth (between 15-25 years) and focus on mobility, non-formal education, intercultural learning, subregional cooperation in the youth field and the development of youth associations, groups and clubs. The thematic priorities are active participation in society, gender balance and heritage and environment protection). There is a very limited awareness of the ENP and action plan among public, government bodies and civil society organisations.

6. Democracy and human rights assistance

In general, European commitments towards democracy and human rights remain limited with funds allocated to supporting democratic governance representing a small percentage, usually no more than three or four percent, of overall overseas development assistance (ODA). This trend is reflected in Jordan although there is a tendency towards increases in funds allocated towards democracy and human rights. The bulk of support, as is the case with European governance support generally, focuses on building state institutions in collaboration with the government, in an effort to maintain stability through negotiated, consensual reform. For this reason most support is direct budgetary support, much more than support for civil society. Civil society actors in recipient states have criticised the fact that assistance is so heavily weighted toward government and state institutions. Such a model favours state-led development to the detriment of political competition and a redistribution of power.³⁹

Between 1996 and 2000 the EU financed 11 bilateral operations (total €3m) and several regional operations to strengthen democratisation, human rights and the rule of law. These focussed on the rights of women, youth and children, including two operations to promote participation of women in parliamentary elections. EU-co-financed NGO projects in Jordan (€1.3 m) during the same period concentrated on capacity building of NGOs, promotion of women’s rights and protection of youth.⁴⁰

In the 2002-2004 National Indicative Programme (NIP) the Sharaka programme provided support for non-governmental organisations. It was the first ever project launched between the EU and a partner country in the Mediterranean region under a bilateral funding mechanism. It was designed as a decentralised, flexible grant funding for NGO activities and training support for authorities. Since 2003 the Sharaka programme has provided financial

³⁸ Speech prepared by Lina Quora, Executive Director Sisterhood is Global Institute. Hearing on Human Rights in the European Neighbourhood Policy. August 27, 2007, European Parliament-Brussels.

³⁹ Richard Youngs, ‘Fusing Security and Development: Just another Euro-platitude?’, FRIDE Working Paper 43, September 2007.

⁴⁰ Euro-Med Partnership, Jordan, Country Strategy Paper 2002-2006.

support to 13 NGOs. The complexity of the application process has led to a bias in favour of larger, mostly Amman based, organisations. Support has thus been focused on a few influential NGOs, helping them to enhance their institutional capacity and ability to contribute to debates. The NGOs that received funding have been able to “conduct a study”, “launch a media campaign” or “establish branches out of Amman”. Two organisations have managed to have a voice in the policy arena: one organisation conducted a study on the status of women in 15 laws, which was subsequently reviewed by parliament. EC support also helped create a confidential hot line for family abuse and domestic violence cases. The number of reported cases jumped from 30 to 2000. EC support has led to an increase in awareness of the issue in the public arena.⁴¹

The 2005-2006 NIP increased the allocation for the programme on human rights and democracy with a different approach, centred on a wider governance agenda of dialogue and collaboration between government and civil society. Its aim was to assist Jordanian efforts to build administrative and training capacities for the judiciary; to increase efficiency and modernisation in the courts system; to develop the Higher Media Council and National Centre for Human Rights; to help reform the electoral law and to enforce legislation on democracy and human rights. It included a capacity building component for government agencies involved in the promotion of human rights as well as a focus on promoting dialogue between the government and non-governmental actors.

National Indicative Programme	Democracy and HR (€million)	Total	%
2002-2004	2	142	1%
2005-2006	5	110	5%
2007-2010	17	265	6%

The general perception that political reform and support for civil society and socio-economic dialogue have not benefitted from a large share of funds led to an increased allocations of funds for these issues in the NIP 2007-2010. The NIP 2007-2010 states that the EU should continue to provide support for civil society organisations with the objective of empowering civil society to be an influence on the quality of governance. In addition Jordan could potentially qualify for the ‘Governance Facility’, launched at the EuroMed 10th Anniversary Summit in 2005, to be allocated as a variable ‘reform’ premium to the partner countries that have made most progress in implementing the governance priorities agreed in their action plans. Endowed under the NIP with 50 M€ annually, the first Governance Facility allocations were made to Morocco and Ukraine in 2007.

The regional ENPI programme for EU southern neighbours is supposed to help achieve the objectives outlined in the country strategy, on the basis that activities implemented at regional or sub-regional level can complement and or provide added value to bilateral operations. On political development issues, bilateral assistance can support the implementation of political reforms, while regional activities will include support for creating regional networks and platforms for civil society organisations and media networks. In addition to the bilateral and regional budgets two new programmes will be available. The ENPI interregional programme will finance mainly the European Community programme TEMPUS and the new Scholarship Programme, as well as EU Technical Assistance and Information Exchange (TAIEX) activities. In addition, the new thematic programmes will include in particular the European Instrument for Democracy and Human Rights (EIDHR), which will support non-governmental organisations working on human rights and democracy issues.

In terms of coordination, an informal Donor and Lenders Consultation Group (DLCG) was created in 2000 as an initiative of the commission delegation and member states embassies to improve donor coordination. This mechanism attempts to coordinate between member states, as well as the United States Agency for International Development (USAID), the UN and other active donors, such as Japan. The DLCG has established six thematic groups: education, social development, private sector reform, environment, water, governance and public-sector reform. However there is no formal division of labour among actors in terms of specialising in particular sectors according to comparative advantages. This coordination mechanism complements the Aid Coordination Unit of the Ministry of Planning which has been ineffective in the past. Moreover, the Commission benefits from extensive contacts with individual donors for ad-hoc coordination.⁴²

Member states generally work through civil society organisations, instead of government to government, with major areas of cooperation being media, women empowerment (apparently the government is happy to allow work in this field) and NGO capacity building. This is certainly the case for the Dutch, German and Danish if not for the French who focus more on reform of the judicial sector, and the British who now prefer to support the government in counter-radicalisation projects. Donors have highlighted recent restrictions on civil society, including their access to funds. The government recently sent a note to all donors reminding them of the requirement to notify the authorities of their funding activities. Most donors seem to have decided to ignore the requirement.

Dutch funding under the MATRA social transformation programme has tripled to Jordan since 2003. Jordan has

⁴¹ Evaluation of the European Commission’s Support to the Hashemite Kingdom of Jordan. Draft final report, Volume 1-Overall assessment , June 2007. Evaluation of the European Commission.

⁴² Euro-Med Partnership, Jordan, Country Strategy Paper 2002-2006.

access to a human rights and good governance facility of about €400,000 (which funds about 10 projects per year); a MATRA-KAP programme which funds smaller projects (the budget which was €70,000 for 2007 is delegated to the Embassy); a PKP public knowledge programme for cultural exchange at the ambassador's discretion; MATRA training for European cooperation; and a Flexi instrument for information exchange through short visits for government officials.

The UK's Department for International Development (DFID) programme of bilateral development assistance in Jordan was closed down in November 2005. Small scale Global Opportunities Fund money from the Foreign Office now focuses on counter-radicalisation by supporting Jordanian programmes on issues such as controlling Imams' speeches and other efforts to control extreme versions of Islam.

French bilateral aid cooperation was a modest €1m in 2007, mostly directed towards cultural activities and French language training, although it also included some judicial cooperation carried out through the Judicial Institute of Jordan (training judges and prosecutors), cooperation with the Ministry of Justice cooperation with the NCHR (financing a EuroMed HR Network seminar on judicial independence) and cooperation with the public prosecution office (to improve supervision of the police forces during arrests).

Jordan is a priority partner country for German development cooperation but most work focuses on water issues. German political foundations work on political and civil society issues. The Friedrich Ebert Foundation works with local partners on human rights issues, trade union issues, women empowerment and civil society. The Konrad Adenauer Foundation supports the work of local organisations in terms of democracy and rule of law. It has programmes on political Islam, Euro-Med dialogue (including informal parliamentary networks) and dialogue between cultures and religion. It has also created an expert advisory group on security and foreign policy. In terms of democracy and human rights, given the negative connotation that democracy promotion seems to have acquired in the region, the Konrad Adenauer Foundation has recently changed strategy with a focus on civic and political education rather than on institutions. Activities include a national forum for youth and culture, human rights training for trainers, conferences on civic Islamic discourse and a focus on constitutionalism.

Denmark launched a new policy towards the Middle East in 2003 with its "Partnership for Progress and Reform". The Danish signed a two year Cooperation Agreement with Jordan in 2004 on which they are now working to extend indefinitely. Danish projects usually work through Danish NGOs and mostly on general civil society capacity building. Thematic issues includes media training,

women's participation, decentralisation, children's rights, gender mainstreaming, support for the family protection department of government (a government to government project but led by an NGO), establishing an ombudsman (at the initiative of the king) and prevention of torture. The regional and bilateral (Jordan, Yemen and Morocco) programmes have a combined budget of \$20 million per year, approximately \$4million of which is directed to Jordan.

7. Policy recommendations and conclusion

Recent years have seen serious setbacks in political and civil liberties in Jordan, justified with reference to the heightened security situation. Furthermore none of the political reform initiatives initiated by the regime has been implemented to any significant effect. The international community has remained silent, not wishing to alienate an important ally. Nevertheless in the long run the lack of freedoms together with the failure of socio-economic programmes could lead to problems and to the instability which all actors are so desperate to avert.

The link between political reform and long term stability needs to be made. Without political reform instability will only grow. The government should address the shortcomings of the electoral law, strengthen guarantees for fundamental freedoms and political rights and broaden public participation in government. A more effective role for parliament, political parties, civil society groups and independent media needs to be nurtured. If the political space does not open, the uneasy situation between the Islamic Action Front (IAF) and the government could eventually become highly destabilising. The IAF will not accept the status quo indefinitely and government pressure will only lead to a split within the movement, giving extremists free range to work underground and gain support. The later the reform the more destabilising the situation will be.

In this sense, at the very least, external actors should refrain from praising Jordan and holding it up as a shining example of democratic progress in the region. There is a need for pressure from abroad with some activists even favouring aid conditionality in an effort to push the reform process along. Others, however, warn that conditionality would be counterproductive and resisted by both the public and political elite as interference in domestic affairs. If that were the case, perhaps persuasion and inducements would be more effective.

The link between political reform and economic reform needs to be made. The government believes that socio-economic developments will take pressure off political issues but political and governance reform issues should be understood as key components of the economic reform programme prioritised by the king. How long can the country sustain

the status quo without alleviating poverty and inequality and thus averting political radicalisation? The government tries to avert problems by increasing public salaries from time to time and postponing the liberalisation of the labour market but these are hardly sustainable solutions. Deep economic reform will require parallel political reform. It is precisely the lack of progress in governance reform which is impeding full economic transformation. The current distribution of power in Jordan leads to resistance to significant reform programmes by certain political elites as they have an incentive to manipulate the system to maintain their privileges and control over certain institutions. Furthermore, the population does not have equal chances to benefit from economic opportunities emerging as a result of reform programmes. The benefits of reform usually accrue to a minority of the population while the costs are borne by all, with the burden being felt disproportionately by disadvantaged groups. Benefits are secured through rent-seeking, networking, and the way in which political support and employment in the public sector are doled out on the basis of tribal and familial affiliations rather than merit. Political reform should reduce the power of groups resisting economic reform, and empower the population to have equal access to economic opportunities, without it a successful economic reform is limited.⁴³

The regime needs to be held to account regarding compliance with International Conventions signed. The International Covenant on Civil and Political Rights (which was ratified by Jordan in 1975) and International Covenant on Economic, Social and Cultural Rights were published in the Official Gazette in June 2006 giving them the force of law. The Convention on the Rights of the Child, The International Convention on the Elimination of All Forms of Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were also published in the Official Gazette in 2006, years after having been signed and ratified. The special rapporteur on torture and other cruel, inhuman or degrading treatment recently concluded that the practice of torture persists in Jordan. Other international conventions have been signed without the requisite adapting of the local legislation. For example some aspects of the labour laws in Jordan contradict the international conventions signed. The articles on the freedom to form unions contradict the international conventions signed. There are contradictions between some of the provisions in the constitution and obligations under international law pertaining to the international covenants ratified. For example, there is no guarantee that legislative power represents the will of the elected house of parliament, which contravenes one of the central tenets of international standards related to democratic governance (Article 25 of the International

Covenant on Civil and Political Rights). The constitution allows the executive to postpone elections for up to two years and to suspend parliament indefinitely which undermines Jordan's obligations under international law to guarantee periodic elections (Article 25 of the International Covenant for Civil and Political Rights).⁴⁴

The EU needs to strike a better balance between fostering political reform and pursuing other key objectives, such as maintaining stability, avoiding conflict and promoting security. The EU has to find a way to remain engaged while putting on pressure to implement political reforms. The 'governance' facility created to provide additional assistance to those countries which undertake political reform needs to spell out specific conditions and rewards. The Action Plan needs to specify the rewards for achieving results in the priority areas it highlights for reform. The provision of economic incentives, which is the main tool for changing government policy, must be tied to the delivery of political reforms.⁴⁵ Furthermore the Action Plan needs to be tightened, with clearly articulated aims and specific tasks, budgets and timelines to achieve them. For this purpose it would be useful to include civil society organisations in the drafting process in recognition of the fact that the authorities are also targets for democratic reform, not mere partners. Monitoring and evaluating mechanisms should also be part of the plan. Civil society funding under EIDHR should be broadened in scope in an effort to reach beyond "the usual subjects" and expand geographically beyond Amman.

In general, external actors should make a greater effort to support reform and sustainable and equitable growth. Their policy should aim to push the country along a path of political and economic reform. For this purpose the Jordanian government also needs to improve the governance structures to increase the effectiveness of aid in driving growth. It is in the Jordanian interest to address socio-economic and political challenges and it is in the EU's interest that Jordan is stable, prosperous, and committed to peace in the region. There is room for improvement in governance, anticorruption, institutional capacity and political participation and the international community should be helping Jordan to achieve it.⁴⁶

About the author: Ana Echague is a researcher at FRIDE. She previously worked as Deputy Director at the University of the Middle East Project in Madrid and as a financial analyst at Lehman Brothers in London.

⁴³ Alissa, op. cit, pp 18-20.

⁴⁴ Democracy Reporting International and Al Urdun Al Jadid Research Center, 'Assessment of the Electoral Framework, Final Report The Hashemite Kingdom of Jordan', January 2007, p. 7.

⁴⁵ Balfour, op. cit. pp 8-9.

⁴⁶ Alissa, op.cit, p.21.

ABOUT ECFR

The European Council on Foreign Relations was launched in October 2007 to promote a more integrated European foreign policy in support of shared European interests and values. With its unique structure, ECFR brings a genuinely pan-European perspective on Europe's role in the world:

ECFR was founded by a council whose members include serving and former ministers and parliamentarians, business leaders, distinguished academics, journalists and public intellectuals. Their aim is to promote a new strategic culture at the heart of European foreign policy.

With offices in seven countries, ECFR's in-house policy team brings together some of Europe's most distinguished analysts and policy entrepreneurs to provide advice and proposals on the EU's big global challenges.

ECFR's pan-European advocacy and campaigns will work through the internet and the media to make the necessary connections between innovative thinking, policy-making and civic action.

ECFR is backed by the Soros Foundations Network, Sigrid Rausing, FRIDE (La Fundación para las Relaciones Internacionales y el Diálogo Exterior), the Communitas Foundation and the UniCredit Group.

ECFR works in partnerships with other organisations but does not make grants to individuals or institutions.

www.ecfr.eu

ABOUT FRIDE

FRIDE is a think tank based in Madrid that aims to provide the best and most innovative thinking on Europe's role in the international arena. It strives to break new ground in its core research interests of peace and security, human rights, democracy promotion, and development and humanitarian aid, and mould debate in governmental and non-governmental bodies through rigorous analysis, rooted in the values of justice, equality and democracy.

FRIDE seeks to provide fresh and innovative thinking on Europe's role on the international stage. As a prominent European think tank, FRIDE benefits from political independence, diversity of views and the intellectual background of its international staff.

FRIDE concentrates its work in the following areas:

- Democratisation
- Peace, Security and Human Rights
- Humanitarian Action and Development

Since its establishment in 1999, FRIDE has organised or participated in the creation and development of various projects that reinforce not only FRIDE's commitment to debate and analysis, but also to progressive action thinking.

www.fride.org

This paper, like all publications of the European Council on Foreign Relations and Fundación para las Relaciones Internacionales y el Diálogo Exterior, represents not the collective views of ECFR and FRIDE, but only the view of its author.

Copyright of this publication is held by the European Council on Foreign Relations and FRIDE. You may not copy, reproduce, republish or circulate in any way the content from this publication except for your own personal and non-commercial use. Any other use requires the prior written permission of the European Council on Foreign Relations.

© ECFR - FRIDE London 2008.

Contact: london@ecfr.eu