



## Report on Corruption in Jordan – 2001 By Basem Sakijha

### Introduction

There is a certain degree of corruption in any society, according to the Transparency International Source Book. This study will conclude by saying: Jordan is certainly not an exception.

And while definition of what constitutes corruption vary from one society to the other, its greatest dangere is in how it fosters the wrong projects.

According to Peter Eigen in an interview conducted by New World: “we cant expect to wipe it out completely, but we can take steps to help prevent it and to suppress its more dangerous excesses.”<sup>1</sup>

While this study will attempt as well to assess the degree of corruption in Jordan, it will conclude that fighting corruption and reducing its spread to the minimum is possible with a clear political will and fruitful cooperation and continuous coordination and solid coalitions among the private and public sectors and civil society institutions and the judiciary to formulate that forceful system of integrity.

Jordan is passing through a marked recession. Since 1989, it started economic reform in cooperation with the World Bank following a severe economic crisis in which national currency lost 60 percent of its value. The crisis led at the time to political turbulence. Parliamentary life was restored that same year in the beginning of an era of political reform as well.

Corruption had a pivotal role in the economic crisis. The lack of transparency, the dissipation of public funds and the trend to bring in large-scale projects for commission purposes, anarchic employment based on connections, the absence of accountability and others led to a harsh repercussion: the country is indebted with eight billion dollars.

Yet, reform policies have not yielded the anticipated results. Internal and external elements played a role in recanting reform. The absence of a clear-cut strategy to fight corruption remained a fundamental stumbling block to national action. Last year, however, Jordan witnessed organised action in terms of attempting to lay foundations of a national integrity system through changing some laws, amending legislation and promulgating new lawsl as well as the set-up of an anti-corruption committee and the adoption of several measures to reduce unnecessary government expenditure related to privileges.

The king has repeatedly reiterated the need to fight corruption. “corruption is a red line...we will not tolerate any person to use his/her post for personal gain.”<sup>2</sup>

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<sup>1</sup> New World, January 1998.

<sup>2</sup> Ad-Dustour, February 22, 2000.

And “we will fight all forms of corruption, favouritism, nepotism and using public office for personal gain,” in his speech from the throne at Parliament.<sup>3</sup>

Background:

Jordan is a small country with an approximate five million in population. Its area reaches eighty nine thousand square kilometres. More than 85 per cent of the land is desert and semi desert. Political and economic life is centered in the capital Amman and its close surrounding where more than two-thirds of the inhabitants reside.

Jordan is a constitutional monarchy which has been ruled by King Hussein since 1952 and until his death in February 1999 who was succeeded by his eldest son Abdullah, who is now the country’s king. The king has considerable executive and legislative powers. He has the authority to form and dismiss cabinets, appoint and remove prime ministers, dissolve parliament and establish the broad outlines of domestic and foreign policy. Only judicial rulings he has no power over except for issuing royal pardons.

The Jordanian parliament is composed of two houses: the Senate which is composed of 40 members and is appointed by the king for a four-year term that can be renewed and the Lower House which has 80 seats and is elected for a four-year term in general elections.

Since the reintroduction of democracy in 1989 and the lifting of martial law in 1991 (that was in force since 1957), Jordanians experienced an openness in debate and an official tolerance of criticism.

The process of liberalisation was initiated after rioting occurred in some Jordanian cities in April that year against price rises on basic food and fuel. The increases were introduced under the terms of an agreement between Jordan and the International Monetary Fund.

As part of the reform process, national elections for the 80-seat House of representatives were held for the first time since 22 years. Most stood as independent candidates as a ban on political parties imposed in 1963 had not by then been rescinded. Islamists gained a significant number of seats which allowed them to hold several ministerial positions in a government of national unity. The same principle was not followed in all successive governments.

In June 1991, the king launched the national Charter which was drafted by a 60-member Royal Commission and adopted by a National conference. The charter, very progressive in nature and allows a system of accountability as well as freedoms that are practiced until this day, has political significance but no formal legal status.

In 1992, the political parties law was promulgated that allowed parties to function in the kingdom for the first time since. There are now 22 political parties, most of which is weak.

While the political liberalisation had positive effects, the country’s economy has worsened mainly due to the Gulf crisis and war. Iraq was a main trade partner to Jordan. In addition, the siege on the port of Aqaba and the inspection on ships that remained until 2000 cut the main vein of Jordan’s trade and the loss of economic aid from Gulf governments as a result of its stance during the war.

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<sup>3</sup> Ad-Dustour, November 26, 2000.

Jordan signed a peace treaty with Israel in 1994, but hopes of economic prosperity never materialised. Tension heightened with opposition parties boycotting the elections.

The nature of the population make-up is unique. The unnatural circumstances that resulted from the emigration of Circassians, emigrants from Greater Syria and Hijaz) at the beginning of last century into the country, as well as the forced migration in the middle of the century of Palestinians ( as a result of the 1948 and 1967 wars), made a noticeable and accelerated increase within the population. Such geographic and populace composition had its reflection on the economic and political structure which by definition had its impact on the possibility of establishing a national integrity system.

Jordanian policies, laws and institutions are heavily influenced by the political circumstances in the region. Jordan was in direct contact with events related to the Palestinian issue, partly because of its geographic and social affinity since half of its population is of Palestinian origin. While they maintain their Jordanian citizenship, they uphold their right to return to their country which produces uncertainty and confusion in identity. Such complexities are naturally reflected on the political and economic system. They were also the reason behind the regime's favouritism to certain groups over others which in its turn had its implications on the economic performance and its integrity.

The public sector in Jordan is the largest employer. Around two-thirds of the 2001 budget is allocated to salaries. According to mohammad Thuneibat, minister of State for Administrative Development, as much as half a million Jordanians receive their salaries from the state,<sup>4</sup> as employees or retired and around three million people are dependent on the state considering that the average family members in Jordan is 5.9.

The state is advocating for privatisation and reduction of the administrative apparatus. It is however facing serious difficulties because of social circumstances and the incapability of the economy to create new job opportunities.

Jordan has a relatively good constitution, in terms of national integrity level. But it remains bound to laws and practice. Article 44 of the constitution stipulates: No minister may purchase or lease any government property even if the sale or lease thereof has been offered in public auction. He shall not, while holding his ministerial office, become a member of the board of directors of any company or take part in any commercial or financial transaction or receive a salary from any company.

The press regularly casts doubt on the implementation of this provision taking into account the confusion between official and private business.

The experience of the past ten years show that the issue of corruption had been frequently tackled but little action was taken to confront it. This is due to several reasons: 1- constitutional: since it is difficult to prosecute senior officials, 2- legal: since laws conflict each other, 3- political: since real representation of the people is absent in parliament, 4- civil: since civil society institutions are weak and do not perform its anticipated role in fighting corruption, 5- economic: since private sector's contribution to the economic process is meagre, 6: cultural: traditions and acquired rights encourage certain pro-corruption practices.

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<sup>4</sup> Reference??

This study will attempt to analyse these elements combined through discussing the reality of government and civil institutions, in law and in practice.

Democratisation process

Parliament

TI Source Book tackles elected parliaments as the heart of the national integrity system, because corruption spreads in the undemocratic environment. In this respect, the Jordanian parliamentary life had its ups and downs in the last twelve years. In 1989, parliamentary life was restored after twenty two years and fair and free elections resulted in a dynamic parliament, active in pursuing accountability and transparency.

However, the government imposed a new temporary one-person, one-vote election law four years later that was shortly afterwards endorsed by parliament and became a permanent law. Until this day, heated debate revolves around this controversial bill and the extent to which it ensures equal representation in the country. In 1997, key political groupings and political parties, most notably the Islamists, pan-Arab movements, leftist and independents boycotted the parliamentary elections, a stand that might recur in 2001 if the same law is still in force.

The law has instated tribal, family and parochial representation and alienated candidates who have political programmes from winning a seat in Parliament. Some deputies won with hundreds of votes for a seat that naturally requires tens of thousands of votes.

The law allows one vote for each person in constituencies distributed around the kingdom in a limited fashion which restricts possible coalitions. While the previous law allowed each voter equal number of votes to the number of deputies in his/her constituency. This former law made solid coalitions among politicians possible which resulted in the emergence of strong candidates to parliament and the ensuing formulation of an opposition bloc that reached one-third of the 80-member House.

There is a contradiction in the official point of view and its justification of the one-person, one-vote law. Official statements relate the law to final status negotiations of the Palestinian issue which means that the law is by necessity targeting a lower number of representatives of Palestinian origin, while studies show that it is the government originally planned to decrease the influence of the Islamic movement within parliament.

The current House (1997-2001), tribalists and centrist in form and political tendency, was a burden on the new era of King Abdullah II. It eventually failed to pass key modern and progressive laws and the amendment of backward provisions in certain legislation. This raises soul-searching questions over the regime's interest in harboring a parliament that does not represent the society and places hurdles in front of the new policies of the new regime.

Several studies and articles<sup>5</sup> point that the 1997 parliamentary elections were not fair and free. Doubt was cast on the election process in relation to manipulation in voting cards, voters records, the voting of armed forces (which is not permissible by law) and the impartiality of state-run media.

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<sup>5</sup> Reference????

Former interior minister who oversaw the parliamentary elections process, admitted that there were flaws with the number of voters.<sup>6</sup> Private newspapers published a number of repeated voting cards for the same person as well as the appearance of voting cards for deceased people.

It was natural that the seriousness in fighting corruption differed among the three parliaments in the past twelve years, mostly depending on the strength of the opposition in each of them.

The 11<sup>th</sup> parliament and the nine cases of corruption

Corruption was a key issue in the 11<sup>th</sup> parliament's work. Nine corruption cases were raised during its mandate that represented the recent political history of Jordan. In the Petra bank case, which was one of the largest banks in the country, Jordanians learnt suddenly in 1988 that it went bankrupt. The Central Bank of Jordan was forced to pay a sum of 300 million Jordanian Dinars (around half a billion dollars) after the escape of its chairperson from Jordan. It was the only case among the other eight corruption cases that was referred to court and witness rulings against violators.

In regards to the other cases, judicial prosecution was stopped on the basis of a constitutional provision that makes prosecution of senior officials difficult or even impossible. These cases were: 1- the purchase of gold reserves at the Central bank whereby a former prime minister and several former ministers were involved. 2- an administrative and financial corruption in the building of a large suburb in Abu Nuseir area in Amman where several former ministers were involved. 3- the erection of Suwaqa prison, where two ministers were involved. 4- Al Jafr Al Azraq road where one former minister was involved. 5- a case of large commissions over wheat consignment to Syria. 6- the case of large commissions

Discussions over the cases did not reach the desired outcome. Following investigation that lasted two years, and through deliberations at the Lower House of Parliament, the prosecution procedures were stopped for technical reasons. The cases were referred to the regular courts, while they were not within the speciality of these courts on the basis of an interpretation of a constitutional provision.

Article 55 of the constitution stipulates: that ministers shall be tried by a high tribunal for offences which may be attributed to them in the course of the performance of their duties

And article 57 stipulates that the High Tribunal shall consist of the Senate Speaker as President and eight members, three of whom shall be selected by ballot by the Senate from amongst its members and five members to be selected from amongst the judges of the highest civil court in order of seniority. In case of necessity, the number shall be completed from the presidents of the lower courts, also in order of seniority.

And article 59 stipulates: Judgements shall be given by the High Tribunal by a majority of six votes.

Ministers in the provisions was interpreted as the current and former ministers which creates immunity for more than 450 former and current ministers in Jordan. These provisions are still effective until now that makes prosecution of high level officials almost impossible.

Illegitimate profit making law

The law that fights corruption and bans accumulation of wealth based on misuse of public post had been rejected by parliament for the fourth time.<sup>7</sup>

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<sup>6</sup> Reference, which minister? And where did he say that?

<sup>7</sup> Al Rai, February 15, 2000

Illegitimate profits is every gain the official acquires as a result of misuse of public post or title. In a joint session for deputies and senators, 54 members voted in favour out of 104 attending. The needed majority was 70.

#### Political Parties:

Political parties were banned in Jordan since 1956 when all parties were dissolved. Laws and legislation incorporated penalties to all those who belong to political parties. However, political parties continued to function underground and through the professional associations that later became powerful as a result.

With the return of parliamentary life in 1989, and the relative overture to political life, a new political parties law was promulgated allowing to any group above 50 to form a party. More than 22 parties were formed most of which remained without public basis with the exception of Islamic Action Front party that was the façade for the Muslim Brotherhood movement. IAF, historically powerful due to the regime's alliance with the MB movement, succeeded in winning 22 seats in the 80-seat parliament in 1989, and 16 seats in the 12<sup>th</sup> parliament. It boycotted the 13<sup>th</sup> parliament.

This background of political reality was a reason and a result of another phenomenon: the sharp decrease in the number of registered voters and the low number of eligible voters who turned up at the polling centers low. Figures show that those??? do not exceed 15 percent of Jordanian population (or of those who have the right to vote??) which again reflects the lack of confidence in the elections.

#### Press and access to information

The government owns the influential media means. It owns 61 percent of shares in the leading daily, Al Rai and 35 percent of shares in the second leading Ad-Dustour. It exercises influence, in public and clandestinely, on the other two dailies, Al-Aswaq and Al Arab Al Yawm.

Although the current 1999 Press and Publications Law does not allow prior censorship on newspapers, the press, in practice does not enjoy full freedom in publishing. Appointments of chief editors are carried out according to government's orders either through proposing a certain person for the post or consenting approval for a candidate. Another obstacle that limits press freedoms is mandatory membership in the Jordan Press Association which also restricts the performance of journalists.

Other media means, such as Television and Radio, are state-owned. Although parliament recently promulgated a law that allowed the set-up of a new board of directors composed of both the private and public sectors, the majority of the board is hoarded by the public sector. One board member, Mustafa hamarneh? Outlined the main points of study carried out by the board prior to introducing reforms within the Radio and Television Corporation, which could be set as an example for other institutions. The study revealed the following:

- one thousand employees were appointed in the last five years without particular need for their expertise
- The corporation is indebted of five million Jordanian Dinars
- the commercial department allocates an amount of JD3000 to the prime minister, and JD3000 to the minister of information without specific a specific purpose or reason.
- the corporation's carpentry was used to produce bedrooms for senior employees
- the administration is ignorant of the exact number of employees.

- there is possible corruption in the publicity section where there is discrepancy in revenues in comparison with orders signed for publicity
- political hypocrisy is carried out at a large scale. For example, a lorry carrying videotapes of each parliamentary session is sent to deputies and senators.
- the new law is better than the former but it still falls far beyond expectations. The Council of ministers still holds the right of appointing the General Director and not the assigned board of directors whose authority is more formal than real.

The promulgation of a temporary press law on May 17, 1997 was primarily intended to suspend weekly publications as part and parcel of a government campaign to better administer and control parliamentary elections in November that year.

Until 1997, the press had played a pivotal role in tackling corruption since the restoration of democracy in 1989. The private press, most of which is weekly, revealed tens of corruption-related cases. It could be also said that a large number of cases referred to court were previously raised by the press.

Four press laws were promulgated between 1997 and 2001. All of them are restrictive and restrict the press role in monitoring the government performance and revealing corruption related stories. The government harasses and attacks newspapers that are critical of its policies or that reveals corruption related stories. This is what happened to Al Arab Al Yawm newspaper that was ferociously attacked when it published a complete story on water pollution. The article, based on a report prepared by an American company called Stanley, said the government knows about the information, the water pollution but kept information confidential from the public.<sup>8</sup> The government denied the news and prosecuted the newspaper on many accounts.

Information is hoarded by the government. Access to information is non-existent except for that is allowed by the government sources. There are practically no independent newspapers in Jordan and the journalists who work in private newspapers are usually harassed, detained and persecuted. Such practices have decreased during the minister Taleb Rifai's mandate. But the laws have not changed.

Also, the law on protecting state confidential secrets and documents makes access to information almost impossible.

### Human Rights

Jordan is one of the few countries in the region that does not have the culture of political prisoners. The country also does not have detentions and imprisonments of anti-corruption activists.

International and local human rights reports concentrate on the discriminatory policies between citizens on the basis of geographic affiliation. A debate spurred in 2000 over missed rights of Jordanians of Palestinian origin because of their alienation from senior posts in the government and because of them being targeted by the one-person, one-vote election law that reduces its real representation.

A local report<sup>9</sup> prepared by a local organisation and adopted by seven other local human rights organisations, which was later presented to the Special Commission on discrimination at the United Nations, tackled the discrimination issue on geographical basis. The government refrained from making any reaction in that regard.

Even parliament held a secret session to discuss the matter further with the government<sup>10</sup>. Minister of water and irrigation Munther Hadaddin resigned as a result of the enormous pressures on August 9, 1998. Human rights reports also criticise the government's appointments policies especially in the Greater Amman municipality where half of the Council's members are appointed by the government. Also, recently the government applied the same principle on students unions in universities where half

<sup>8</sup> Al Arab Al Yawm, August 3, 1998

<sup>9</sup> Reference????

<sup>10</sup> Al Arab Al Yawm, August 5, 1998

of their councils are appointed which eventually led to clashes with police force. The government was about to adopt the same principle in the countries municipalities but stopped the last minute following mounting protests in the press.

#### Executive authority and fighting corruption

The executive authority monopolises fighting corruption in Jordan. It refuses until present to allow civil society forces and the private sector to participate in the work of the concerned parties. Cooperation and coordination among all sectors is non-existent.

The government of Ali Abul Ragheb had taken steps to limit privileges accorded to former senior officials.<sup>11</sup> The new measures will include re-organising public properties and government expenditures that include: government cars, telephone bills. The news in Al Rai said that the government paid in 2000 a bill of around 35,000 dinars for telephones bills and that government cars costs an annual amount of 50 million dinars. The source quoted by the newspaper hoped that a study was carried out to limit expenses and that measures will be taken and hoped that other government institutions follow suit.

Former ministers and deputies took loans from the banks and agricultural lending institution in amounts that far exceed those that local farmers can get and have not paid back the amount that reaches around 7.5 million dinars.<sup>12</sup>

Not only that, but employees get threatened if they ask the officials to pay back.

Ministries and public institutions are indebted to the social security corporation with an amount that reached 30.5 in August 2000.<sup>13</sup>

The weekly al Shahed reported that there were 40 employees charged with corruption related cases while they were still working.<sup>14</sup>

Hussein Rawashdeh, a writer in Ad-Dustour commented on the governments' will to fight corruption: "With the exception of very few cases, the war of words that the successive governments launched against corruption did not yield any result. The public would not be convinced now that the formed committee, the taken decisions and the given promises will eventually lead to containing the epidemic or limit its spread after it became impossible to do so."<sup>15</sup>

The committee that is purely government and was under criticism since its formation. The press questioned the reasoning behind designating a government-committee to monitor the performance of the government itself and its institutions.<sup>16</sup>

The government embarked on the electronic government project that will be implemented in 3 to 5 years. Deputy prime minister, minister of state for economic affairs was quoted by the Petra news agency as confirming the government's will and intention to carry out the project in time which will facilitate government procedures and reduce the application of connections to carry out government papers.

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<sup>11</sup> Al Rai, March 10, 2001

<sup>12</sup> Shihan weekly, October 2, 1999.

<sup>13</sup> As-Sabeel weekly, August 12-15, 2000.

<sup>14</sup> Al Shahed weekly, June 28, 2000.

<sup>15</sup> Ad-Dustour, August 7, 2000

<sup>16</sup> Hilmi Asmar. Ad-Dustour, August 10, 2000

#### Accountability and monitoring instruments

The audit bureau in Jordan is the government's monitoring arm in financial matters. There is also the monitoring and inspection bureau, which is in charge monitoring daily administrative decisions. In 1996, the government founded the anti-corruption unit at the General Intelligence Department in response to local and international campaign calling for placing fighting corruption on the national agenda.

On July 30, 2000, the government, upon the king's directives, formed a higher ministerial committee to fight corruption, under the chairmanship of deputy prime minister, minister of Justice and the membership of the directors of the above mentioned departments in addition to minister of administrative development, companies monitor at the ministry of industry and trade.

Although the committee was void of representatives of civil society institutions, it was nonetheless an admission of the incapacity of the existing agencies of performing their proper role in fighting corruption.

#### Audit Bureau

Article 21-1 of the Audit Bureau law for 1952 stipulates on the Bureau's director to present an annual report to Parliament. He has to include his/ her observations on the public institutions and departments to which auditing is made according to article 4 of the same law.

A general reading of the Audit Bureau history, it was effective in the 1950s and 1960s. But since the mid 1970s until the late 1980s, Jordan witnessed inflation in the administrative apparatus. Oil boom in the region that brought with it colossal economic aid and huge bank transfer from workers in the Gulf had a positive impact on the economy that prospered but work at the Audit Bureau remained incapable of going hand in hand with speedy development.

In 1992, Adel Qudah, the director of the Audit Bureau presented a report to the then prime minister Taher Masri that outlined the difficulties the bureau is facing in performing its monitoring role. It said<sup>17</sup>: there are still legal obstacles that are negatively affecting its effectiveness and its activities. Its current law does not meet the ambitions of the bureau in properly monitoring public funds. The lack of financial and administrative independence and the fact that the director does not enjoy immunity stipulated by the constitution are the main obstacles confronted by the Bureau.

Although nine years have passed on the recommendations, the complaint is still as it is. The bureau director insists it has the right of transferring violators to court directly without the need to pass through numerous channels.

The bureau submits a report to parliament every six months for discussion. In the past five years, the bureau presented critical reports on embezzlements and thefts that reached a billion dinars. Also, the bureau prepared a strategy to upgrade its performance that ends in 2008.

#### Inspection and monitoring bureau

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<sup>17</sup> reference

The bureau is the executive branch's arm in monitoring the government institutions in the field of fighting corruption. It unveils violations and pinpoints the ones responsible. It also ensures that laws and legislation are properly implemented in the civil status field, or government tenders or government works. The department does not issue a regular report but its director presents the annual work to the press without revealing the details of violations. In 2000, 4413 administrative and financial violations were discovered. The department started work this year in accordance with a new law the government presented for promulgation within the framework of anti-corruption strategy that expanded the authorities given to the department.

### Judiciary

The Jordanian parliament endorsed the Independence of the Judiciary law following a study that stretched for a year and a long debate in the society and in the press over the government's interference in the Judiciary Council's decisions. It also enacted other related laws, but failed to

In one of the cases that shook the Jordanian society for months, the Jordanian judiciary released a convict prosecuted for 86 charges.

The appeal court issued a ruling of the innocence of the former Sri Lankan Consul, Tawfiq Abu Khajil for the 86 charges. Khajil was condemned for three years in prison only by the Criminal court. He was accused of selling babies, forging passports and family books, etc.<sup>18</sup>

### Forms of challenges to the judiciary<sup>19</sup>

The executive authority has the power that is granted by law to deputise judges and recommend pensioning them off. These powers could be abused to pressure judges to deliver the desired rulings. Judges are not specialised, they are being monitored by senior judges who also give orders to issue the desired ruling. There is also bad recording of the sessions' minutes; disorder in keeping files of cases; the dominance of traditions that allows notables to go to judges pleading them to change their minds or to issue the desired ruling "the dominance of tribal traditions opens the door for violations and makes corruption cases exonerated."<sup>20</sup>

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<sup>18</sup> Al Rai, July 10, 1997.

<sup>19</sup> Towards Transparency in Jordan, Arab Archives Institutem Jordan Press Foundation, January 2001. Also see Independence of the Judiciary, Kilani, Farouq,

<sup>20</sup> Ibid, page 79