

Socio-Economic Challenges and the Impact of Regional Dynamics on Jordan Employment, Social Cohesion, and International Cooperation - Policy Briefs from the Region and Europe

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Veröffentlichungsversion / Published Version

Sammelwerk / collection

Empfohlene Zitierung / Suggested Citation:

Fakoussa, D., & Kabis-Kechrid, L. L. (Eds.). (2020). *Socio-Economic Challenges and the Impact of Regional Dynamics on Jordan Employment, Social Cohesion, and International Cooperation - Policy Briefs from the Region and Europe* (DGAP Report, 6). Berlin: Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik e.V. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-67007-3>

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DGAP REPORT

Edited Volume

Socio-Economic Challenges and the Impact of Regional Dynamics on Jordan

Employment, Social Cohesion, and
International Cooperation - Policy
Briefs from the Region and Europe

Edited by Dina Fakoussa and Laura Lale Kabis-Kechrid

The following papers were written by participants of the workshop “Promotion of Think Tank Work on Socio-Economic Reforms and the Impact of Regional Dynamics on Jordan” organized by the German Council on Foreign Relations’ Middle East and North Africa Program in the fall and winter of 2019 in cooperation with the West Asia-North Africa (WANA) Institute and the Konrad-Adenauer-Stiftung in Amman. The workshop is part of the program’s project on the promotion of think tank work in the Middle East and North Africa, which aims to strengthen the scientific and technical capacities of civil society actors in the region and the EU who are engaged in research and policy analysis and advice. It is realized with the support of the German Federal Foreign Office and the Institute for Foreign Cultural Relations (ifa e.V.).

The content of the papers does not reflect the opinion of the DGAP. Responsibility for the information and views expressed herein lies entirely with the authors. The editorial closing date was November 22, 2019.

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INTRODUCTION

Dina Fakoussa

Jordan's stability is severely challenged by socio-economic hardship. The country is plagued by high unemployment rates, an alarming debt-to-GDP ratio of around 94 percent, corruption, and dismal social services. The fight against terrorism has also resulted in further infringement of rights such as freedom of expression. These grievances have led to a series of protests and strikes in the past two years; the latest strike by teachers has had a far-reaching impact on the public. The fact that people continue to take to the streets despite reform attempts by the government casts doubts about the Kingdom's ability to weather the storm of anger and frustration accumulated over years.

The country's strained economic and social situation is further aggravated by conflicts in its neighborhood and regional dynamics. The influx of around 1.2 million Syrian refugees has come with a significant economic, social, and political burden. The civil war in Syria and insecurity in Iraq, as a result of the rise of the so-called Islamic State, have also necessitated the closure of borders and hence existential trade routes for the kingdom. Additional pressure comes from the assertive policies of regional powers such as Saudi Arabia and the United Arab Emirates (UAE), who expect alignment from Jordan vis-à-vis Iran and Qatar. Jordan's dependence on financial aid from the Gulf further narrows its room for maneuver when it is politically at odds with these powers. And finally, the fact that a two-state solution to the Israel-Palestine conflict seems off the table and abandoned by a key ally of the Kingdom, namely the US, is of utmost concern for a country that is home to the largest Palestinian refugee community worldwide.

For Europe, including Germany, Jordan represents a moderate Middle Eastern country whose relative stability needs to be safeguarded as the state's foundation seems increasingly shaky and the number of countries in the region pursuing balanced policies guided by diplomacy and political solutions rather than military answers to conflicts is decreasing. Besides, the Kingdom is home to a disproportionately high number of Syrian and Palestinian refugees, a burden acknowledged and addressed in terms of aid from the Europeans. To be certain, the driver of aid is also the fear of rising internal tensions and consequently new refugee waves reaching Europe.

These multiple challenges are addressed in this collection of papers. The authors were participants in the workshop series "Promotion of Think Tank Work on Socio-Economic Reforms and the Impact of Regional Dynamics on Jordan," held in Berlin in September and in Jordan in November 2019. The workshops were conducted as part of DGAP's project on strengthening think tanks and similar institutions in the Middle East and North Africa (MENA) region and Europe.

Among the recommendations are the following: to address the issue of unemployment, the successful and fast-growing Jordanian Information and Communications Technology (ICT) sector should explore ways to generate more work opportunities. This should take place in an enhanced environment for entrepreneurship regarding networking, support for innovation and sustainable ideas, and research as well as data collection and availability. When it comes to enhancing female unemployment, more childcare facilities, equal pay, and fighting social norms hostile to women's employment are deemed core. Additionally, continued funding for employment programs targeting Syrian refugees and the Jordanian host community should be ensured, while the outcome of such programs should be optimized by offering more sustainable qualification and employment opportunities.

In the light of an increasing detachment of Jordanians from their tribal origins, not least due the changing social fabric as a result of the presence of different refugee populations and exiled Arabs, a reform of Jordan's legal system, which continues to effectively be a hybrid between state law and tribal justice practices, is recommended. Opinion polls on the role of tribal justice should be conducted to underpin and legitimize such legal reform efforts. Legal reform is also advocated in the realm of legislation that infringes on people's right to freedom of expression, including the Jordanian Penal Code and anti-terrorism laws.

In terms of regional dynamics, the Jordanian government is advised to support the Iraqi government in its ambitions to integrate the Popular Mobilization Forces (PMF) into the Iraqi security architecture, while reaching out to Iran to discuss Iraq's security. As Jordan holds a more balanced position towards Iran, and hence should be strengthened in the light of pressure from the Arab Gulf, Jordan should be integrated into the EU's relations with Kuwait and Oman to augment the impact of aid as well as

to boost the Kingdom's political weight in the region. Finally, the EU and its member states are urged to uphold the two-state solution, coordinate and strategize with Jordan on the matter, and increase their support for Jordan's economy and society while attaching political strings to their engagement to induce necessary political reforms.

The Contributions in Short:

“Unlocking the Potential of Entrepreneurship in Creating Jobs for Youth in Jordan”: Hadeel Alqatamin addresses the issue of entrepreneurship in the booming Jordanian ICT sector and how the sector falls short of generating employment, despite initial progress. She suggests that one way out would be for entrepreneurs to focus on the sharing economy when designing concepts. In addition, she identifies gaps related to support units for sustainable business ideas, as well as opportunities for networking and solid research on entrepreneurship that need to be addressed.

“Unemployment among Jordanian Women”: Amani Al-Serhan discusses the paradox in the Jordanian labor market where Jordan scores very high in terms of female education, yet women's employment remains lowest in regional comparison. She views the combat of counterproductive social norms, the creation of affordable and sufficient childcare facilities, as well as reforms to equal pay legislation, as fundamental to ensure equality and secure economic gains from active female participation in the labor market.

“The Impact of Syrian Refugees' Return to Syria on Employment Programs in Jordan”: Reine El Wer draws attention to the risks of defunding employment programs as a result of the return of Syrians to their homeland. She points out that the majority of Syrian refugees still reside in Jordan and that host communities themselves have benefited from these programs. Therefore, she calls for a continuation of these schemes by international donors such as the World Food Program whilst ameliorating their quality to ensure more sustainable employment.

“Tribal Conflict Resolution in Jordan – A Pathway towards Legal Policy in a Hybrid Setting”: Sarah Jakob highlights the hybrid legal order in Jordan comprised of tribal conflict resolution mechanisms as well state legislation. She argues that the social fabric in Jordan has changed over the past years, decreasing the significance of tribal affiliation for certain groups. At the same time, tribal justice is still practiced and fa-

vorized by many Jordanians. Hence, she advocates for opinion polls on citizens' perceptions in this realm upon which a balanced legal reform can be based, which eventually increases trust in the state.

“Freedom of Expression under the Interpretation of Jordanian Law”: Eman Alqaisi laments the vagueness of many Jordanian legal texts, including the Jordanian Penal Code, the Anti-Terrorism Law, and the Press and Publications Law. Their elastic phrasing allows the state to curb freedom of expression, and to crack down on and criminalize journalists and activists. She calls for a national dialogue between relevant governmental entities and other stakeholders such as human rights groups, civil society, and the media to protect and enlarge the space for freedom of expression.

“Pro-Iranian Militias at the Kingdom's Doorstep – Implications for Jordan's Foreign Policy and Response Options”: Chonlawit Sirikupt explores Jordan's policy options in the light of insecurity in Iraq emanating from Iranian-linked militias operating outside state control. The option he deems most feasible for Jordan foresees supporting Baghdad's integration of the Popular Mobilization Forces (PMF) into the state's security architecture and cultivating dialogue with Teheran on Iraq's security.

“Amman and the GCC-Crisis – A Case for Enhanced EU Cooperation with Kuwait and Oman”: Antonino Occhiuto makes the case for the EU to consider Jordan in its policies towards Kuwait and Oman, the rationale being to ameliorate coordination of aid and support by the three actors to maximize impact on Jordan. At the same time, the Kingdom should be supported and strengthened in the face of political pressure from Saudi Arabia and the UAE for alignment in the case of Iran and Qatar.

“Trump's Peace Plan and Jordan's Woes”: Suha Ma'ayeh looks at the detrimental effects of US policy vis-à-vis the Israeli-Palestinian conflict on Jordan. In her view, the EU must step up its economic and political support to Jordan to uphold the two-state solution as well as to avoid socio-economic crisis and instability in the country. However, she urges European countries to attach political strings to this support so that political reforms are carried out that would strengthen the country's stability.

Chapter I: Socio- Economic Challenges and Reforms in Jordan

UNLOCKING THE POTENTIAL OF ENTREPRENEURSHIP IN CREATING JOBS FOR YOUTH IN JORDAN

Hadeel Alqatamin

Current business tendencies and the Jordanian government's 2019/2020 priorities plan encourage entrepreneurship as an important economic driver. In this regard, Jordan has seen many incubators and funding entities established to support youth entrepreneurship and boost youth employment. Yet, the unemployment rate has been increasing continuously in recent years. One specific aspect of startups which promises to boost job creation is their business model for the sector, which does not receive enough attention from the entrepreneurial ecosystem. Most entrepreneurship support programs (ESPs) focus on startup success and continuity regardless of impact in terms of job creation. In addition, most successful startups in Jordan fall within the Information and Communication Technology (ICT) sector, which is one of the weakest sectors in terms of job creation. Therefore, it is important to reconsider the startups' business themes and structures from the early establishment stage to increase their effectivity in solving unemployment. One of the key solutions is to consider the ICT role in projects, with a special focus on the sharing economy. In addition, the entrepreneurship ecosystem in Jordan must be enhanced to support the development of successful business ideas, and more effective networking processes are needed to identify local needs, customers, and business providers. Finally, more research work in this area is needed to develop plans based on comprehensive and useful data.

One of the key challenges in Jordan is the economic situation. Although governmental and international efforts are focused on fostering economic growth and job creation in the country, the unemployment rate is rising continuously, having reached 19 percent during the first quarter of 2019 according to the national Department of Statistics.¹ The unemploy-

ment rate is even higher among Jordanian youth under the age of 30, who make up around 63 percent of the total population. According to the World Bank, youth unemployment in Jordan reached 36.7 percent in 2019.² This situation threatens to exclude youth from contributing to Jordan's economy and may push them to seek other opportunities abroad.³

Furthermore, Jordan suffers from high rates of poverty and a reduction of living standards, in addition to a chronic increase in the budget deficit and the distribution of trade balance. All of these problems have led to a continuous decline in Jordan's economic growth, which was 8.2 percent in 2007 and stood at only two percent in 2017. These economic struggles have been complicated by the debt burden, regional instability, and the unprecedented influx of refugees.⁴

Entrepreneurship as a Means to Boost the Economy and Job Creation

Many cases worldwide have shown that entrepreneurship boosts job creation and supports local and global economies, creating direct gains for business owners and indirect gains for the community. In addition, entrepreneurship decreases imports, increases exports, and enhances the gain of hard currency. Moreover, it raises the potential for founding small and medium enterprises (SMEs).⁵

To reduce unemployment rates in Jordan, many local and global stakeholders have supported youth entrepreneurship to create new jobs. This approach has led to the introduction of many reforms to enhance the business environment, which enable entrepreneurs to start new companies easily and expand their businesses while boosting the national economy.⁶ Nowadays, Jordan houses 208 entities that support entrepreneurship programs, including incubators, accelerators, business consultation centers, and research centers⁷ – all of which have resulted in a

1 "19.0 percent Unemployment Rate during the first Quarter of 2019," Jordanian Department of Statistics, 2019 <http://dosweb.dos.gov.jo/empuemp_2019q1/> (accessed December 2, 2019).

2 "Jordan: Youth unemployment," TheGlobalEconomy.com, 2019 <https://www.theglobaleconomy.com/Jordan/Youth_unemployment/> (accessed December 2, 2019).

3 "Opportunities for youth in Jordan," UNICEF, 2019 <<https://www.unicef.org/mena/reports/opportunities-youth-jordan>> (accessed December 2, 2019).

4 "Government Priorities Plan 2019-2020" [in Arabic], Government of Jordan, 2019, pp. 56-60 <<http://www.your.gov.jo/Government-Priorities-.pdf>> (accessed December 2, 2019), and Adam Schiff et al., "Entrepreneurship environment assessment in Jordan," Silatech Research and Policy Report, May 2015, pp. 1-2 <https://conservancy.umn.edu/bitstream/handle/11299/172490/Schiff_percent20Schmidt_percent20Troncoso-percent20Entrepreneurship_percent20Assessment_percent20in_percent20Jordan_percent20May.pdf?sequence=1> (accessed December 2, 2019).

5 "A study of youth choices towards entrepreneurship and the institutional environment in Jordan" [in Arabic], Higher Population Council, 2018 <<https://www.hpc.org.jo/sites/default/files/Study-percent20enhancing-percent20enterperneurial-percent20attitudes-percent20-percent20AR.pdf>> (accessed December 2, 2019).

6 "Accelerating Entrepreneurship in the Arab World," World Economic Forum in collaboration with Booz & Company, October 2011 <http://www3.weforum.org/docs/WEF_YGL_AcceleratingEntrepreneurshipArabWorld_Report_2011.pdf> (accessed December 2, 2019).

7 "A study of youth choices towards entrepreneurship."

considerable boom in the field of entrepreneurship.⁸ Moreover, 98 percent of newly registered companies in the country are SMEs and startups, which generate more than fifty percent of private sector GDP and sixty percent of new employment opportunities.⁹

In an effort to attain an economic revival, the Jordanian government adopted a national development plan based on production and job creation. Accordingly, the government has set the goal of supporting economic growth through entrepreneurship and trade as its top national priority, as stated in its 2019/2020 priorities plan clause on the “Production State.” To this end, the government is committed to the following actions to support entrepreneurship: supporting small business owners and entrepreneurs by means of the Jordanian Entrepreneurship Fund, which will support 825 innovative projects (69 million Jordanian dinar have been earmarked for this purpose); introducing eighty business incubators in Jordan’s governorates to spread entrepreneurial culture throughout the Kingdom; and allowing the leasing of government land in the governorates to establish small investment projects.¹⁰

Regulatory Framework

Jordanian legislation does not define entrepreneurship or startups in particular, considering them equal to SMEs. This means that startups are required to pay taxes and include their employees in social security as if they were SMEs.¹¹ Among entrepreneurs’ key complaints are paying taxes and social security conditions. Having special exemptions – especially in the first years – is a popular demand among many.

Consequently, until now, plans and strategies to develop entrepreneurship have been included within those for SMEs. This is clearly shown in the main national strategy tackling the structure for developing, coordinating, implementing, and monitoring policies and programs for SMEs and entrepreneurship, the “2015-2019 National Entrepreneurship and SME Growth Strategy.” On the other hand, a new Ministry

of Entrepreneurship and Digital Marketing was established early this year. The Ministry is working on the first draft of a policy regulating entrepreneurship specifically as an independent business field. While this is a positive step, the organization of entrepreneurship in Jordan still needs more advanced and collaborative efforts between different stakeholders, especially in a complex business context where different governmental, private, and international entities interact.

Dominant Entrepreneurial Sectors and Job Creation

Startups Based in the Information and Communication Technology (ICT) Sector

Over the past five years, the ICT sector has grown exponentially by 37 percent in Jordan which, in turn, contributes significantly to the socio-economic development of the country. In 2018, the ICT sector produced a total revenue of USD 749,116,414, representing a unique contribution to the total GDP. As a result, the government considers this sector one of the key drivers of economic development in the country and has developed favorable policies and regulations to support its future growth.¹²

According to a recent study by the Ministry of Entrepreneurship and Digital Economy, 42 percent of Jordanian startups are based in the ICT sector.¹³ Among those startups or entrepreneurial projects are Liwwa, an online lender providing access to capital for SMEs in Jordan and the United Arab Emirates (UAE), and Mawdoo3, a comprehensive online Arabic content publisher that provides premium quality Arabic content. Other examples include HyperPay, Arabia Weather, Jamaloon, and CashBasha.¹⁴ The common factor among these pioneering projects is that they provide services utilizing ICT, which enables them to expand beyond the geography of Jordan, reaching customers in the MENA region and beyond.

In addition, governmental, international, and local entities are leading efforts to enhance Jordan’s posi-

⁸ Emad Abu Ulfotouh, “Why did Jordan excell in Arab entrepreneurship?” [in Arabic], AlJazeera, July 4, 2017 <<https://bit.ly/2UbJtgz>> (accessed December 2, 2019).

⁹ K. Samer and J. Mohamed, “Research study on strengthening small and medium enterprises in Jordan,” Konrad Adenauer Stiftung and the Jordanian Young Economists Society, 2014 <https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_41279_2.pdf/571a302c-7e84-7fdd-fa5b-72d2ecc44e85?version=1.0&t=1539652585795> (accessed December 2, 2019).

¹⁰ “Government Priorities Plan,” pp. 56-60.

¹¹ “A study of youth choices towards entrepreneurship.”

¹² “Jordan ICT & ITES sector statistics 2018,” The Information and Communications Technology Association in Jordan, 2018 <<http://intaj.net/wp-content/Studies/2018.pdf>> (accessed December 2, 2019).

¹³ “Jordan Startup Ecosystem Survey Results,” Jordanian Ministry of Entrepreneurship and Digital Economy, January 16, 2019 <<https://www.docdroid.net/74PKBVN/jordan-startup-ecosystem-survey-results.pdf>> (accessed December 11, 2019).

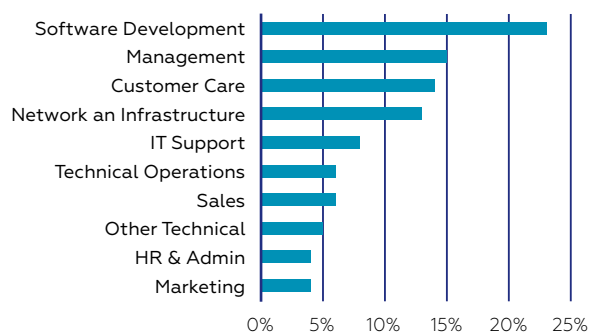
¹⁴ “Top startups in Jordan to invest in,” Venture, April 23, 2019 <<http://www.venturemagazine.me/2019/04/startups-in-jordan-to-invest-in/>> (accessed December 2, 2019).

tion as the regional digital hub by adopting a knowledge-based economy model supported by ICT. For example, the telecom sector has been developed over the past few years, becoming one of the largest telecommunications markets in the region. The highest revenue in the ICT sector comes from software development activities, which reached USD 82,516,683 in 2018, followed by software licenses sales, telecommunications equipment and telephone wholesales, and IT hardware and infrastructure installation respectively. All in all, software, internet and mobile apps, and games development together achieved a revenue of USD 189,335,496 in 2018 in domestic and export markets, contributing to 23 percent of total jobs in the sector. Therefore, these areas, which depend on creativity and intellectual property, have a greater potential to create jobs and revenues, if they are invested in and supported.¹⁵

(15.09 percent), Kuwait (12.62 percent), and the Netherlands (7.64 percent). Other markets in the region include Iraq, Egypt, Qatar, and Palestine.¹⁷ However, export revenue growth has declined by 2.2 percent in the last year.¹⁸ Hence, there is a need to maintain regional relations with these countries and to increase investments and incentives for more projects in this area.

On the other hand, in 2017, the number of people working in the ICT sector was 17,632, while the total number of employees in other economic sectors was 1,040,527. Similarly, statistics from previous years follow the same curve, which leaves the ICT sector contributing to only 1-2 percent of total jobs in the country. In terms of newly created jobs, 813 out of 25,995 new jobs were established in the ICT sector, which constitutes around three percent of total jobs created in 2017.¹⁹ Hence, these numbers do not align with the targeted job creation needed in Jordan.

Figure 1: Employment by function in the ICT sector



Source: Author's own compilation

In 2018, 65 percent of the total revenue of the IT sector was domestic, equaling USD 487 million, while export revenues that relied on markets abroad was USD 262 million, constituting 35 percent of total revenues.¹⁶ The main export markets for Jordan in IT services are Saudi Arabia (21.55 percent), the UAE

Tech-enabled sharing economy startups

One of the new and leading incubators in Jordan is Generations Impact, which targets youth unemployment as the core issue of its work. It hosts startups with a special focus on social impact and job creation. Launched by Mercy Corps and the technology hub iPARK, the incubator hosts dynamic service startups that respond to direct needs of the local community and creates a (relatively) high number of jobs.²⁰ One such hosted startup is Mrayti, a home delivery beauty service. It is the first specialized mobile beauty salon in Jordan, and is based on the notion that beauty should be accessible, affordable, and non-time consuming. Bookings are processed via mobile and web applications. The startup employs four full-time employees and over forty freelance stylists. All these employees are female, many of whom struggle to find other job opportunities and, in some cases, are the only provider for their families.²¹ Bilforon is another similar startup, also hosted by Generations Impact. It is a specialized home-made food delivery platform,²² and employs around 200 home chefs in its business network.²³

15 "Jordan ICT & ITES sector statistics 2018."

16 Ibid.

17 Ibid.

18 Ibid.

19 "Employment and Unemployment," Jordanian Department of Statistics, 2019 <<http://dosweb.dos.gov.jo/labourforce/employment-and-unemployment/>> (accessed December 2, 2019).

20 "Ana V. Ibáñez Prieto, 'Mercy Corps, iPARK launch social business incubator 'Generation Impact,'" Jordan Times, December 9, 2018 <<https://www.jordantimes.com/news/local/mercy-corps-ipark-launch-social-business-incubator-percentE2-percent80-percent98generation-impact-percentE2-percent80-percent99>> (accessed December 11, 2019).

21 Jordan's Startup Economy Survey Results."

22 Ibáñez Prieto, "Mercy Corps, iPARK launch social business incubator 'Generation Impact'"

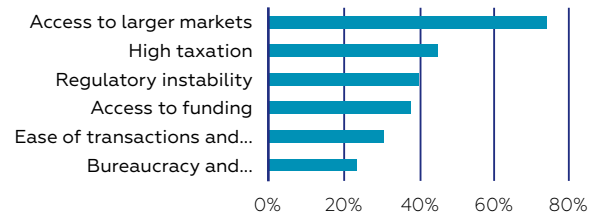
23 Bilforon, 2019 <<https://bilforon.com/>> (accessed December 2, 2019).

These projects fall within the sharing economy framework and are based on a simple principle: entrepreneurs develop a marketplace application to connect service providers with customers in exchange for a commission on every order.²⁴ Although these projects employ a relatively high number of people, they still need to address issues such as public safety and hygiene, the two main obstacles to implementing such projects.

Scaling Projects and Expanding Beyond Jordan

While most startups in the current entrepreneurial ecosystem are still in their early stages, the number of startups that could scale up and expand seems very small. Moreover, many of those startups that do scale-up relocate outside Jordan when reaching this stage. This affects the local ecosystem in terms of generated revenues, investments, and job creation. According to a survey conducted by Endeavor Jordan, 72 percent of Jordanian entrepreneurs consider relocating their business out of the country. Moreover, 45 percent of those entrepreneurs have the possibility of relocating both their legal entity and their back office. The majority of survey respondents chose the UAE as an alternative country from which to operate their business, while a quarter of them chose the United States.²⁵ As Jordan is a small market, access to larger markets was the main driver for 74 percent of those entrepreneurs who considered relocating, with 45 percent citing high taxation and 40 percent referring to regulatory instability. In addition, financial access and advancements represent important attractions, while bureaucracy and corruption could be factors that contribute to destroying businesses in Jordan.²⁶

Figure 2: Driving factors to consider relocating outside Jordan



Source: Author's own compilation

There is a lack of resources, data, and studies on entrepreneurship, especially quantitative and evidence-based research. This makes it harder to plan and envision comprehensive and practical strategies that lead to better measures and regulations. In addition, feasible business ideas could be more efficient when built on scientific research and relevant databases. Because building those databases is not a task that individuals can do independently, there is a need to produce such databases on the national level to provide concrete data for entrepreneurs and official decision-making bodies.

According to many experts, the main challenge for startups to succeed is not finding funding sources, but rather the feasibility of the business idea itself. According to the tech market intelligence platform CB Insights, 42 percent of startup failures relate to producing unfit products for targeted markets.²⁷ In this regard, entrepreneurship experts in Jordan repeatedly emphasize that the quality of startups' concepts seems unsatisfying and not convincing to investors. Economic studies and national reports encourage citizens to invest and establish businesses in general sectors including education, agriculture, and services, which means the range of business ideas produced is broad and vague.

24 Mohammad Albattikhi, "Sharing Economy Startups Are Not Tech Companies," Medium, February 25, 2019 <<https://medium.com/beyond-capital-blog/sharing-economy-startups-are-not-tech-companies-74f8e5129018>> (accessed December 2, 2019).

25 Rasha Manna, "Start up Jordan," Venture, May 20, 2017 <<http://www.venturemagazine.me/2017/05/start-up-jordan/>> (accessed December 2, 2019).

26 Ibid.

27 "The Top 20 Reasons Startups Fail," CB Insights, November 6, 2019 <<https://www.cbinsights.com/research/startup-failure-reasons-top/>> (accessed December 11, 2019).

Recommendations

- *Introduce special laws and a unifying official legislative council for entrepreneurship in Jordan*

Although the Ministry of Entrepreneurship has recently been established to develop this business field, many other relevant stakeholders remain out of the loop with regard to planning and monitoring the entrepreneurial ecosystem, which lacks maturity in terms of institutional structuring and connectivity. Therefore, establishing a unifying official council to include all parties in the dialogue of improving entrepreneurship in Jordan is necessary to avoid fragmentation and duplication. This platform must provide a shared space and include different ministries, local business councils, agencies, the private sector, and non-governmental organizations. This legislative authority would enhance the process of implementing laws and policy measures, especially in its intersected and complex context. Regulating this sector requires clear definitions of entrepreneurship-related terminology, distinguishing it from SMEs and other types of businesses, as a primary step to determine the challenges and opportunities in developing this sector.

- *Change the approach to the ICT sector: tech-enabled sharing economy startups*

Although the ICT sector is one of the lowest job creators, it is still one of the main economic pillars boosting and stabilizing the local economy. Since software development creates the most jobs in ICT, Jordan's private sector should encourage and maintain more projects in software, mobile apps, and games development. However, a new approach to ICT projects based on a tech-enabled sharing economy could use ICT efficiently and still achieve greater job creation. In order to establish more efficient and successful projects in this field, business ideas should be developed based on real local needs, using ICT in parallel. Therefore, the Ministry of Entrepreneurship, in collaboration with the private sector, should take the lead in building and ensuring the required infrastructure for designing such projects. Besides, the Ministry should prepare a strategic plan to follow up on these projects continuously, to evaluate their progress, and better monitor emerging problems in the ecosystem. Moreover, incubators and accelerators should raise awareness among their entrepreneurs of the concept of sharing economy projects and their impact.

- *Navigate for new markets and expand beyond Jordan by means of ICT*

As the Kingdom provides a small domestic market, which at the same time suffers from recession in most sectors, the search for new and non-traditional markets of demand becomes a priority. Examining real demands and possible linkages in the supply chains of goods and services could be a key to creating more jobs within the current available resources. More promising opportunities could be found in service sectors such as tourism, homemade products, and hydroponic, organic, and specialist kinds of farming.

The main challenge for startups to succeed is to find a feasible business idea

More importantly, there is a dire need for targeting regional and global markets, in parallel to designing scalable and expandable business models, which is only possible by the strategic utilization of ICT. This kind of knowledge should be produced as fact sheets, newsletters, and indicative business plans on a regular (yearly, quarterly, and monthly) basis by different parties including the Ministry of Entrepreneurship and Digital Marketing as well as strategic business and investment research centers. Ultimately, a clear national vision for feasible business options should be produced and updated regularly, to provide clear insights and guidance for young entrepreneurs, so they have a solid basis on which to plan their businesses. This emphasizes the importance of providing connection channels between entrepreneurs and professional experts.

- *Connect entrepreneurs with local contexts*

Exchanging ideas between entrepreneurs and local councils or citizens, where real needs could be delivered and discussed constructively, is crucial. Therefore, incubation programs - incubators and accelerators - must adopt a more practical and contextual approach in their programs by providing mentoring and consultation programs in an interdisciplin-

ary and research-based approach, in addition to including fieldwork and local networking instead of lecture-based training inside isolated rooms. On the other hand, the Ministry of Entrepreneurship and other official bodies, such as municipalities and local development centers, should provide facilities for networking processes between entrepreneurs and local communities, and between customers and the business providers that enable such projects.

- Rethink students' graduation projects as startups

One promising opportunity for youth to generate competent ideas lies within the graduation projects of college students, which usually take place in the final year, and are completed in order to graduate. Many such projects could be transformed into startups or business projects after graduation, especially when taking into consideration the time and effort invested in them. This opportunity could be enhanced by enabling an interdisciplinary learning environment that connects different students from different disciplines. Additionally, incubators and entrepreneurship support programs could be involved to some extent, providing feedback in the early stages when designing these projects to enhance the possibility of creating feasible and marketable projects.

Furthermore, in the age of the fourth industrial revolution, basic IT knowledge among college students across different disciplines is a necessity. As such, re-envisioning national curricula and education plans to enable interdisciplinary and project-based learning at different levels is vital in order to keep up with the latest technological developments. To this end, addressing the main concepts of IT and entrepreneurship in school and university curricula would raise students' awareness and help them develop technological and entrepreneurial skills at a young age.

The Ministry of Education and the Ministry of Higher Education, in collaboration with the Ministry of Entrepreneurship and Digital Economy, should open dialogue with a wide spectrum of experts and entities to create a national curriculum that takes the required knowledge and skills of future entrepreneurs into consideration. Besides, designing graduation projects in an incubation context, similar to the support startups receive from incubators, would be better enhanced and developed on the national level by the same ministries.

- Increase research on entrepreneurship

There is a dire need to produce research and databases to support the scientific development of entrepreneurship in Jordan and to help entrepreneurs to develop better ideas when designing their projects based on valid data. Moreover, mapping local service providers across the country is a necessary step for creating sharing economy businesses built on linking service providers with customers, in addition to analytic research for markets and customers. Therefore, private and public research centers should be oriented and supported by governmental authorities to conduct such research, with a special focus on job creation and business models.

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UNEMPLOYMENT AMONG JORDANIAN WOMEN

Amani Al-Serhan

Women in Jordan enjoy some of the highest education rates in the region, consistently outnumbering men in universities and outscoring them at every grade and age level. However, Jordan finds itself in the peculiar predicament of simultaneously having the lowest labor market participation rates for women in the region. The only countries that perform worse, Syria and Yemen, are going through prolonged periods of war and political strife.²⁸ The latest Jordanian unemployment figures reached 26.9 percent in 2018 for women,²⁹ although there is often a more resounding effect on the ground.³⁰ Social norms remain a major barrier that hinders women's access to the labor market and that need to be tackled. Also, by ensuring that working mothers have access to affordable childcare, institutionalizing mentorship programs, and reforming work-related legislation, the Jordanian government could secure economic progress from an increase in female employment.

Jordan's economy has faced a steep decline since 2008, and while the country has introduced considerable measures to realign the economy, low female labor force participation is an obvious, major weakness that must be addressed.³¹ In 2018, 15.4 percent of women in the kingdom were economically active, with 11.3 percent being employed.³² However, in the same year, 56.4 percent of men in Jordan were economically active, with 47.1 percent being employed.³³ Unemployed women reflect the high education rates of Jordan: very few are illiterate, 5.3 percent have less than a secondary education, 2.6 percent have a secondary education, and 78.8 percent have a bachelor's degree or above.³⁴ A

Brookings Institute study estimated that Jordan loses a full point of its GDP because of the unutilized labor of women.³⁵ When women are not able to find employment, it hampers families' financial security, which in turn stymies economic growth. Jordan has one of the highest regional dependency rates, because less than a quarter of the population is able to support themselves on their own.³⁶ For example, the capital city Amman is ranked as the most expensive Arab city and ranks 28th worldwide.³⁷ In 2003, the World Bank estimated that if women were able to increase their access to the labor market then household income could increase by about 25 percent. This would lower the dependency rate and raise the livelihood of many Jordanian families, while providing an opportunity for women to secure more economic opportunities.³⁸

An additional problem is that when women feel unsafe in a workplace, or they are unable to find a job that is suitable, they flock to the informal economy. Ironically, the informal sector is far more likely to have unsafe working conditions and also pays significantly less. In many cases, women opt to stay at home. Those who do continue to work, often in agriculture, education, and small businesses, continue to suffer the same intolerable treatment as before, but often with longer hours, less stability, and potentially more harassment. Highlighting the potential dangers of the informal sector, a recent Security Corporation study found that insurance evasion could be as high as ninety percent.³⁹

Barriers that Hinder Women's Access to the Labor Market

There is no shortage of studies or groups seeking to rectify the gender gap in the economy. What has resulted from these endeavors is a solid understanding

28 Marta Vidal, "The Jordanian Women Fighting for Labour Rights," Equal Times, December 4, 2018 <www.equaltimes.org/the-jordanian-women-fighting-for?lang=en#.XUfnX6eB3fZ> (accessed November 29, 2019).

29 Department of Statistics, 2018 <<http://dosweb.dos.gov.jo/>> (accessed December 11, 2019).

30 "Jordan Employment Rate," Trading Economics, August 2019 <www.tradingeconomics.com/jordan/employment-rate> (accessed November 29, 2019).

31 Mihaylo Milovanovitch et al., "Increasing Female Participation in Employment Through Vocational Education and Training in Jordan," ETF, PRIME Issues Paper, 2016, pp. 7-8 <[www.etf.europa.eu/sites/default/files/m/13B3612BD2694D28C12580200327DE9_PRIME percent20Issues percent20Paper percent20Jordan.pdf](http://www.etf.europa.eu/sites/default/files/m/13B3612BD2694D28C12580200327DE9_PRIME%20Issues%20Paper%20Jordan.pdf)> (accessed November 29, 2019).

32 Ibid.

33 The term "economically active" is akin to the labor force participation rate, but less broad. It does not include students or those bound to the home, which obviously includes more women. Given the nuances of this definition, researchers are able to look further into why someone is not economically active. In Jordan, this is particularly revealing.

34 Department of Statistics <<http://dosweb.dos.gov.jo/>> (accessed December 11, 2019).

35 Lauren Burke, "Bridging Jordan's Gender Gap," Center for International Private Enterprise, March 27, 2018 <www.cipe.org/blog/2018/03/27/bridging-jordans-gender-gap/> (accessed November 29, 2019).

36 "The Economic Participation of Women in Jordan: Broken Promises, Unspoken Rules," Jordan Labour Watch, Phoenix Center for Economic and Informatics Studies, March 7, 2017, p. 2 <www.labor-watch.net/uploads/en_labor-watch_net_636396202865859367.pdf> (accessed November 29, 2019).

37 Renad Aljadid, "Amman ranked most expensive Arab city, 28th worldwide," The Jordan Times, May 29, 2018 <<http://jordantimes.com/news/local/amman-ranked-most-expensive-arab-city-28th-worldwide>> (accessed December 11, 2019).

38 Milovanovitch et al., "Increasing Female Participation," p. 36.

39 Ibid, p. 3.

of why the economy has developed this way and why it continues to reject women from the workforce. The complexity of the problem can be broken down into several facets, such as lack of choice for women in the economy, the mismatch between education and labor market requirements, company discrimination, poor conditions, and the weak rule of law. "For women in particular, perceptions of their capacities remain weak, for society and government policies continue to reinforce their dependency through a patriarchal system."⁴⁰ Despite the high education levels of the female population, there is a disconnect between constitutional rights for women and social norms, which invariably harms the population and Jordan's economy as a whole.⁴¹

Despite women's high education levels, there is a disconnect between constitutional rights for women and social norms

The social pressure women face plays a large role in women's work, both directly and indirectly. Women remain concentrated in certain areas of the workforce and nearly non-existent in others.⁴² Women are over-represented in the humanities, which some claim is not a "gender issue" but a question of supply and demand.⁴³ However, there are indications that where women work reflects where society determines spaces deemed appropriate for them. These are jobs in teaching, health, and social services. Women most commonly work in areas that reflect their role as a caretaker.⁴⁴ For women with less for-

mal education, the family determines whether they work or not to an increasingly larger extent.⁴⁵

Moreover, there is the added burden of even being hired. Despite the sheer number of women who have an impressive education, studies have shown that companies do not want to hire Jordanian youth or women. It has been reported that these companies were disappointed in their employees, who have little experience, knowledge of real-life application of their studies, or soft skills that help make a successful company.⁴⁶ There is an apparent gap between the education women and men receive and the demands of the labor market. When university students are seen as not having the right skills, there should logically be other routes for students to gain practical knowledge. However, gaining valuable vocational skills in Jordan is typically seen as being inferior to university and further schooling. In general, men and women are stigmatized by pursuing vocational training, and are seen as not smart enough and not coming from an affluent family. Women are particularly stigmatized and continue to suffer the same plight as women in university, in that they are relegated to only a few distinct types of work.⁴⁷ An additional study found that about thirty percent of business owners do not believe that women can accomplish a job as successfully as men. Negative perceptions of women deter companies from hiring women, since they do not have to deal with issues such as maternity leave or providing childcare facilities.⁴⁸

Women in work face additional pressure as they must balance their job with the role of the caregiver. When women face sharp criticism because they cannot balance their lives, it incentivizes them to stay home and leave work to their husbands. Those who remain in work often succumb to the sheer exhaustion of living two parallel lives, end their career early, and do not enter the labor market again.⁴⁹

40 Ibid., p.14.

41 "Gender Equality and Female Empowerment: Jordan," U.S. Agency for International Development, February 14, 2019 <www.usaid.gov/jordan/gender-equality-womens-empowerment> (accessed November 29, 2019).

42 Department of Statistics <<http://dosweb.dos.gov.jo/>> (accessed December 11, 2019).

43 Burke, "Bridging Jordan's Gender Gap."

44 Milovanovitch et al., "Increasing Female Participation," p. 33.

45 Department of Statistics <<http://dosweb.dos.gov.jo/>> (accessed December 11, 2019).

46 Ibid., p. 27-28.

47 Ibid., p.24.

48 Ibid., p. 30.

49 Milovanovitch et al., "Increasing Female Participation," p. 29.

Issues in the Existing Legal Framework

The societal determination of where women should take up space is so ingrained that it often prevails against the rule of law. Multiple laws seek to protect women in the workforce and attempt to give them some sort of cushion, such as anti-bias laws in the workplace, or Article 72 of the Labor Law, which mandates companies who employ over twenty women to provide childcare.⁵⁰ While a law was passed recently to protect women from hiring bias, it remains a common practice. More often than not, companies will ignore the laws or avoid hiring women to fulfill the requirements.⁵¹ Labor laws in Jordan are still created to reinforce a patriarchal viewpoint despite the push for equality reform. While the aforementioned equality laws have been seen as a win, they are also still a starting point.

When Jordan ratified the International Labor Organization Equal Remuneration Convention, equal pay for equal work was supposed to become a reality. Instead, women are still paid about 41 percent less than their male coworkers. Multiple reports show that this does not cover childcare services that are vital to working women.⁵² This wage gap partly comes from the continual relegation of women to a few types of work, the lack of in-depth or professional training, and “the widespread belief that working women will eventually withdraw from the labor market, [which] severely hinders women’s ability to secure better incomes and a greater degree of independence.”⁵³

Many laws perpetuate the dependency of women upon men and clear gaps in the law still exist.⁵⁴ Women are also more vulnerable to physical and verbal harassment.⁵⁵ Women have a very limited number of options when they endure harassment because there is no law against it. Often, they leave quietly in order to protect their own reputation and that of their family. Other times, they may report these instances of abuse, only for little or nothing to change.⁵⁶ Recently, the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) Committee filed a report that showed most Jordanian women did not know how to file a complaint against sexual harassment. Furthermore, those who did know were very hesitant to do so for fear of retaliation.⁵⁷

Mentorship programs should be institutionalized at university level across the country

Recommendations

Various organizations exist to promote women’s equality in the workplace, and who have published studies, made recommendations, and attempted to begin to fix this problem. However, there has been no multi-level, collaborative effort that encompasses the roots of the social order up to the top levels that perpetuate the current gender dynamic. While that is the ideal scenario, it can often take years or even decades to change the laws and culture of a country, but with small- and medium-sized efforts, a real difference can be made that will begin to turn the tide.⁵⁸

- Institutionalize female mentorship programs at universities

Every university should provide counseling services that specifically cater to women, so that they can know what they want and have the tools to achieve their desired goals.⁵⁹ Universities should provide gender-sensitive counseling to teach women how to balance the roles of employee and caretaker, what career would suit them best, and even how to successfully enter into a field.⁶⁰

50 Ibid., p. 30.

51 Burke, “Bridging Jordan’s Gender Gap.”

52 Ibid.

53 “The Economic Participation of Women,” p. 2.

54 Milovanovitch et al., “Increasing Female Participation,” p. 31.

55 “The Economic Participation of Women,” p. 2.

56 Vidal, “The Jordanian Women Fighting for Labour Rights.”

57 Burke, “Bridging Jordan’s Gender Gap.”

58 Burke, “Bridging Jordan’s Gender Gap.”

59 Milovanovitch et al., “Increasing Female Participation,” p. 28.

60 Ibid, p. 28.

Mentorship programs should be institutionalized at university level across the country, catering to female students in their third and final years. If the opportunity to expand practical knowledge can be given to women in the classroom without the added stress of finding a counselor, group, or workshop, this will reach a much broader audience.⁶¹

- Implement a national campaign to provide affordable childcare for working mothers

In 2016, a study published by Sadaqa, a non-profit that aims to give women a supportive environment in the workplace, showed that companies who provided their female employees with child care could save up to USD 1 million. After campaigning to hundreds of companies with their research, ninety firms agreed to set up childcare services.⁶² While this is an incredible first step, it can be taken even further. A country-wide campaign by the Jordanian government is necessary for companies and employers to see and understand that women are not undeserving of employment, equal pay, and better working conditions. If companies can be convinced that hiring and keeping women is not a burden but an asset, they will do so.

- Establish support networks for female workers

Female workers need access to support networks not only to feel empowered in their workplace, but also to feel confident in their rights as human beings. By institutionalizing gender equality through training and support, issues that surface can be identified and addressed. When women are supported, they succeed, and if this success can be ingrained into the workplace, it will become a self-fulfilling prophecy. As it stands, more points of access for these networks is vital as long as workplace harassment is still common.⁶³ These networks could be in the form of national or international coalitions between existing organizations that work on women's economic empowerment. Through these coalitions and networks, services and support could reach a broader target audience of female beneficiaries.

- Strengthen the rule of law by liberating unions

In order to demand that those who break these laws be held accountable, unions must be liberalized to protect their workers and advocate for better working conditions in a democratic fashion. These laws, too, are already in place. However, they are not being properly enforced. An agency must be created so that workers who call upon the law to do its job can be protected.⁶⁴ This could be in the form of a professional union or syndicate that caters to female employees across the country. Women's burgeoning role in politics is no small factor. To win support for women, their opportunities in new sectors across the economy, and their comfort and safety, having women lead this movement is a necessity, and this must be inextricably tied to the advancement of the country. Women's success should become acutely associated with the advancement of important economic projects in Jordan such as agriculture and industrial and commercial developments. Women's active participation acts as an indicator for the economy as a whole, since a positive correlation exists between the condition of women and economic activity.⁶⁵

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61 Ibid.

62 Vidal, "The Jordanian Women Fighting for Labour Rights."

63 "Gender Equality and Female Empowerment."

64 "The Economic Participation of Women," p. 3.

65 Ibid.

THE IMPACT OF SYRIAN REFUGEES' RETURN TO SYRIA ON EMPLOYMENT PROGRAMS IN JORDAN

Reine El Wer

Since the beginning of the crisis in Syria, Syrian refugees have moved to Jordan and started seeking job opportunities in their host community, entering the Jordanian labor market in large numbers. Multiple programs by international donors in cooperation with non-governmental organizations (NGOs) provided support and jobs to the Jordanian host community as well as the Syrian refugees. As Syrian refugees have started to return to their home country, the funds for such projects are decreasing, even though the number of returns – 34,000 so far – is very low compared to the total number of Syrian refugees officially residing in Jordan. The main donors and implementers of such programs, as well as the relevant governmental entities, are urged to maintain and not decrease the level of funding. In addition, donors and implementers working in the field who have deep insight into what is needed on the ground should work together to design programs that have a longer-term approach and hence a more sustainable impact.

Unemployment in Jordan reached 19 percent during the first quarter of 2019, constituting a 0.6 percent increase compared to the same period in 2018, according to a report released by the Department of Statistics (DoS).⁶⁶ A recent International Labour Organization report states that “there are already reports of significant impacts from the influx of Syrian refugees on the Jordanian labour market, and there are strong concerns about the effects on available job opportunities, wage levels, working conditions, access to work, etc., for Jordanians as well as for the refugees and immigrant workers.”⁶⁷ In response, numerous programs have been designed, funded, and implemented by international donors, and national and international NGOs, in order to help both Syrian refugees and vulnerable Jordanians find job opportunities, provide training, and integrate them into the labor market to improve their living conditions. However, evidence suggests “that the context is changing. Donor funding is predicted to decrease

and attention within the government is shifting away from emergency refugee response.”⁶⁸

The Impact of Decreasing Funds

The programs targeting Syrian refugees and Jordanians focus on a Cash for Training/Work approach and are implemented in cities and governorates across Jordan, as Syrian refugees are spread throughout the Kingdom. The selected beneficiaries are enrolled in the programs according to set categories such as age, average income, and family size. They are provided with basic training in vocational professions and enrolled in workplaces to gain experience during the project. The programs aim to empower participants with the skills needed to enter and stay in the labor market, and eventually improve their income and living conditions.

Such programs reach thousands of Jordanians and Syrians every year. Participants gain new skills and work via short-term opportunities, which allow them to provide for their families for the duration of the project. Furthermore, these programs demand a 50:50 participation of both men and women, providing equal opportunities to women in gaining skills, entering the labor market, and generating income, none of which would normally be possible. Reports show that 22 percent of all Syrian refugee households in Jordan are headed by women.⁶⁹ The number of Jordanian women heading their households is increasing noticeably.

NGOs, which implement such programs, have developed a good working relationship with people across the country. Vulnerable people are now waiting for opportunities to register and benefit from the programs provided. Despite the number of existing programs, they still only cover a fraction of those in need. Yet, as Syrian refugees in Jordan have recently started to return to their home country, funds for such programs have decreased, including multiple projects funded by European donors, which aim to help refugees and the host community at the same time. However, the number of registered returns – estimated at 34,000 – is only a small fraction of the total number of registered Syrian refugees in Jordan and a large number of Syrian refugees are expected to remain in the country. Therefore, the cut

66 “Unemployment continues to rise in 2019, hitting 19%,” The Jordan Times, June 4, 2019 <<http://www.jordantimes.com/news/local/unemployment-continues-rise-2019-hitting-19>> (accessed December 10, 2019).

67 Svein Erik Stave and Solveig Hillesund, “Impact of Syrian refugees on the Jordanian labour market,” International Labour Organization Regional Office for the Arab States and Fafo, 2015 <http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf> (accessed December 10, 2019).

68 Ibid.

69 “The living conditions of Syrian refugees in Jordan: Results from the 2017-2018 survey of Syrian refugees inside and outside camps,” Reliefweb, February 10, 2019 <<https://reliefweb.int/report/jordan/living-conditions-syrian-refugees-jordan-results-2017-2018-survey-syrian-refugees>> (accessed December 10, 2019).

in funds for programs targeting vulnerable populations of both Jordanians and Syrian refugees has had a significant impact on the livelihood of people who depend on such programs to enter the labor market and provide for their families.⁷⁰

The Focus of Current Programs Lacks Long-Term Impact

Overall, the programs funded and implemented by national and international NGOs follow more or less the same approach, which can be summarized as either unconditional aid, Cash/Food for Training, or Cash/Food for Work. Unconditional aid means the NGOs provide aid, including food assistance, to Syrians exclusively with no conditions or specific eligibility criteria. Cash/Food for Training and Cash/Food for Work programs target both Syrians and Jordanians with a 50:50 gender ratio.

Cash/Food for Training programs mainly focus on providing short-term opportunities where the beneficiaries are trained in particular skills and placed with employers only for the duration of the project. However, many beneficiaries request either programs that last longer, or an approach that foresees longer-term employment. This is an indication that better-tailored approaches are needed. Yet, only few programs focus on long-term job placements via “On the Job Training.” In this case, beneficiaries are provided with vocational training based on a pre-project assessment and subsequently placed in work related to the training. After the end of the “On the Job Training,” the continuation of their employment depends on how skillful and committed they are.

Recommendations

- Ensure sufficient funding for programs by addressing decision-makers and cooperating with stakeholders to highlight the benefits

The highlights and benefits of such programs must be widely shared and promoted to reach decision-makers and obtain the necessary support. Existing reports, research, and analyses by the donors and project implementers can be used to highlight the programs’ benefits and convince decision-makers to bring funding back to previous levels. Decision-makers to be approached include: donors such as the World Food Programme and governmental entities and ministries, such as the Ministry of La-

bor, the Ministry of Planning and International Cooperation, and the Vocational Training Corporation. Organizations that have access to these key actors include, in particular, program implementers – national and international NGOs – which play an important role in this regard.

- Revamping the current approaches of funded programs to focus on a longer-term perspective and impact

A new approach and concept to designing the programs that target Syrians and the Jordanian host community should be developed, one that focuses on creating longer-term perspectives and impact. For this purpose, a “graduation” concept could be used, where program beneficiaries can transition from short-term programs to sustainable job opportunities. The “graduation” approach is similar to the college graduation concept, in which beneficiaries/students spend a certain amount of time learning both theoretical knowledge and practical skills, which they can then use after “graduation” to find sustainable employment in order to secure a stable income and support themselves and their families.

Such a “graduation” program would start with training by professional training institutions and placing participants in jobs based on a market assessment of the professions needed. The program should include mechanisms to follow-up on their progress and commitment. In addition, it should also focus on developing soft skills that beneficiaries will need to find and keep long-term employment. This could, for example, be conducted jointly by different NGOs. Such a program could also support individuals with their own business ideas to develop their business plan and secure funding. Organizations can develop specific “graduation” plans based on existing programs and databases of beneficiaries from previous programs. Success stories can be shared, and graduate beneficiaries can pass on their own success stories to new program participants.

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⁷⁰ “Jordan, General Food Assistance to Syrian Refugees: an evaluation,” World Food Programme, January 8, 2019 <<https://www.wfp.org/publications/jordan-general-food-assistance-syrian-refugees-evaluation>> (accessed December 10, 2019).

Chapter II: Legislative Reform

TRIBAL CONFLICT RESOLUTION IN JORDAN – A PATHWAY TOWARDS LEGAL POLICY IN A HYBRID SETTING

Sarah Jakob

Tribal conflict resolution has a long history in Jordan. The state system is intertwined with the tribal system and together they form a hybrid legal order following unofficial rules. Yet, after the major influx of Palestinians, Syrians, Iraqis, and others, the population has become more diverse than it was at the formation of the Emirate of Transjordan in 1921. These population groups do not carry the same tribal history but have become citizens and inhabitants of the state of Jordan. In general, the urban population has become more detached from the tribal heritage. Today, the Jordanian state seeks to strengthen its institutions and foster a national Jordanian identity. At the same time, the tribal traditions constitute identity for a significant part of the population and cannot be suppressed without major repercussions. A balanced legal policy could enhance trust in the legal system but only if it is carried out on the basis of a proper analysis of possible measures, the benefits and drawbacks of each system, and the perception of the population. Hence, a sustainable legal policy should be based on qualitative and quantitative data, balancing the positive aspects of tribal justice with enhanced legal authority of the state, as well as the expectations of citizens.

The Binary Legal System, Sulha and its Functions

Tribal conflict resolution, *sulha* (lit. reconciliation), was the dominant way of resolving disputes before the founding of the state of Jordan. With the creation of the Emirate of Transjordan in 1921, a binary system of official state law and tribal custom emerged. Although tribal law was officially abolished in 1976, tribal custom continues to play a consequential role in the Jordanian judicial system. In criminal law cases, it is a central factor in the mitigation of punishment or the payment of compensation, and also determines whether a pardon by the King can take effect. A legal dispute can be dropped entirely if tribal reconciliation has taken place. This is, however, only possible if the case is not lead by the prosecution, then the right for the state to prosecute will remain. Furthermore, judges delay judgments if a tribal

agreement has not been reached in parallel, as only the tribal agreement assures that societal peace is achieved and that the risk of revenge no longer persists. This process is semi-official: the courts take the *sulha* documents into consideration and judges are in contact with governors who inform them about the progress of the tribal procedure.¹

Sulha has been a major pillar of stability and security for Jordan as it enhances social cohesion in (tribal) society and prevents an interpersonal conflict from becoming a feud between tribes, which would be a security risk and difficult to handle with the tools of state law. Yet, some measures of tribal conflict resolution are in conflict with values set forth in the constitution. For example, one tribal method for preventing revenge is *jelwa*, which constitutes the relocation of entire families. *Jelwa* entails disruption to the lives of citizens and can have severe socio-economic consequences. Family members of the perpetrator are punished for a deed they did not commit. The government has attempted to limit *jelwa* from five generations to the core family. Yet, the aim of preventing violence determines state officials' decisions on who has to leave and for how long. The necessity to relocate, which depends on the specific situation, is thus a decisive factor. Preliminary research shows that those who grew up in rural areas still perceive *jelwa* as a positive and necessary tribal measure worth maintaining. Within the urban population this is less so.² Age does not seem to determine the perception of *jelwa* and, hence, the presumption that it will naturally lose significance over time is not necessarily correct. From the case of *jelwa*, it can be assumed that this is also true for tribal conflict resolution in general.

Hence, for the state, *jelwa* (and tribal justice in general) has positive and practical as well as problematic aspects. The rural-urban divide shows that the regulation or codification of these flexible and adaptable customs is an intricate issue. State measures regulating tribal custom have to be accepted by society, otherwise they will not succeed. At the same time, feelings of inequality do not contribute to fostering a national identity. Any reform thus necessitates the balancing of (short and long-term) feasibility as well as practical and cultural aspects.

1 This analysis is based on the academic work preceding this paper: Sarah Jakob, "Tribal Conflict Resolution in Jordan and its Relation to State Law and Governance. A Constitutionalist Perspective," Master's Thesis, Utrecht University, 2019. Qualitative interviews with stakeholders in the tribal sphere and the state apparatus as well as with judges and scholars served to describe the functions of tribal law as well as its relationship to state law and governance.

2 Danielle Sutton, "Tribal Law at the Crossroads of Modernity: A Study on Jordanian Attitudes towards *Jalwa*," Independent Study Project (ISP) Collection, no. 2827, Spring 2018, p. 35 <https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3848&context=isp_collection> (accessed December 11, 2019).

Interest Groups, Demographic Change, and the Authority of Tribes

When determining a policy on tribal custom and its interaction with the state justice system, Jordan needs to balance several interest groups. This balancing act also concerns the stability of the state system and should be carried out according to the demands of a changing society. The tribal system and its methods of conflict resolution are closely connected to agreements between the Hashemite monarchy and the tribes at the point of state formation. Tribal justice and its values have provided stability and identity for the young Jordanian state, but the demographic composition of the Jordanian society has changed and the demand for stronger institutions has risen. In the light of these developments, the question arises of how the population and its different demographic groups perceive the status quo, and if the legal status quo needs to be revised.

In general, tribal justice has advantages and disadvantages for the Jordanian state. On the one hand, tribal justice enhances the effectiveness of the justice system as it shortens legal procedures and lessens the pressure on the state justice system and its capacities. It also leads to a permanent resolution of conflict, whereas the state system is often perceived as being unable to reestablish social peace because it only punishes the individual and does not take into account social and cultural values. Especially in cases of physical violence, when emotions and the risk of revenge are high, tribal justice is effective in appeasing the conflict as well as negotiating *diya*, compensation, and ensuring its payment to the victim or his/her family. It is a justice system that emerged out of the tribal arrangement of society, whereas the state system is largely designed according to European role models. By integrating the tribal system in legal procedures and securing support from the tribal sphere for the state, it becomes a tool of governance, supports the functioning of institutions, and lends legitimacy to the Jordanian state.

On the other hand, as the society is no longer predominantly tribal and as the solidification of Jordanian statehood demands strong institutions and a common national identity, tribal practices also undermine the state. In some specific fields, neither legislation nor the enforcement of law are entirely in the hands of the state, but both involve a process of

negotiation between tribal figures and state institutions. The power of tribal figures becomes very visible in conflict resolution, when their authority has more weight in preventing violence than those of state forces.³ Tribal justice also perpetuates a tribal and patriarchal social order as it functions only with the premise of absolute respect towards tribal authorities. The crime of *taqtia al wuja* illustrates this: if an act of violence occurs despite the protection of a tribal Sheikh (*kafil al dafa*), whose authority and protection of the perpetrator's family are supposed to end violence and revenge, this crime will be treated as especially serious and lead to another tribal procedure between the *kafil* and the individual who disrespected the tribal authority. This procedure has similarities to crimes against the state which are regarded as especially serious crimes.⁴ The tribal system assumes powers that are otherwise reserved for the state. When employing Max Weber's authority types, Jordan thus exists in a state between legal-rational authority (of the law and the official government and judicial bodies) and the traditional authority of the tribal Sheikhs.⁵ Both obtain a certain legitimacy in their respective fields but not in the entirety of conflict resolution and the attribution of justice.

The demand for stronger institutions in Jordan has risen

Tribal conflict resolution also strengthens the social entity of tribes. This might hinder the objective of fostering a common national identity and civil society, and is likely to influence the ability of the state to function according to the general public need, independent from tribal demands. Hence, it could have the negative effect of enhancing a feeling of inequality between population groups (mainly Transjordanians and Jordanian-Palestinians). Lastly, as in the case of *jelwa*, tribal measures can also stand in conflict with the rights and freedoms of Jordanian citizens, and can prevent them from seeking justice via the state system.

³ Jakob, "Tribal Conflict Resolution in Jordan," p. 36.

⁴ Ibid., p. 33.

⁵ Max Weber, *Wirtschaft und Gesellschaft. Herrschaft* (Tübingen: Mohr Siebeck, 2009), p. 217.

The Inefficiency of Suppression and Codification

In the past, the government has experimented with several measures to gain more control over tribal custom. These past experiences show that suppressing tribal conflict resolution is not a promising strategy. The abolition of tribal law in 1976 simply made the tribal system unofficial. Further attempts to suppress tribal custom would estrange tribes from the government, and tribal regions would feel (even more) marginalized and abandoned by the state. Abruptly removing this pillar of stability would also be counter-productive as the tribal system saves state resources. Additionally, the concept of reconciliation, agreement between the parties and social interaction during the sulha procedure, is almost universally considered a positive aspect of tribal justice and should therefore be maintained.

Jordanian society has become more diverse and population groups have a different perception of tribal justice

Codification is another obvious strategy at hand that could enhance state control, but since authority and legitimacy continue to lie with tribal figures, codification is an intricate issue as the state is de facto not the sole legislator and law enforcement power. While codification might formalize the customs, this formalization is of little value if it is not implemented in specific cases. If the codification and limitation of custom are not accepted by the tribal community, the original customs will continue to yield their unofficial, flexible existence alongside state law. State law will then be violated, which causes legal insecurity and allows the state to appear even more vulnerable to tribal pressures. Furthermore, another positive aspect of tribal custom is that it is adaptable to the specific situation, enabling solutions that would not be possible with the tools of state law. Codification of these measures might diminish this function. Yet again, this flexibility, taken together with

the partisanship associated with tribal conflict resolution, can lead to the emergence of a belief that the rules are not the same for every citizen. Codification, taking the tribal custom under the wings of the state, could lessen this risk - or it could also institutionalize the unequal application of rules.

Lastly, no matter whether tribal traditions are codified or not, being familiar with certain rules and procedures makes a major difference for these rules being used and accepted. In particular, in more rural populations, a lack of knowledge of the state system and how it functions is another impediment to its use,⁶ as people stick to the method they know and trust, especially in cases of conflict.

The Perception of the Status Quo

A central question for a balanced legal policy is thus linked to the developments in Jordanian society: how does the population at large perceive tribal justice? Do non-tribal parts of the population use the tribal system, and if so, why and under which circumstances? According to preliminary research,⁷ the answer depends on the segment of society the individuals come from, as well as the region (urban or rural), and on which side of the conflict they stand (that of the victim or the perpetrator). People whose identity is linked to a tribal background often appreciate the tribal justice system. This might not be the same for population groups without strong tribal affiliations and thus needs to be examined before determining a policy. Jordanian society has become more diverse and population groups such as Jordanian-Palestinians, Syrians, Egyptians, and Iraqis might have a different perception of tribal justice and its usage as compared to Transjordanians. Palestinian-Jordanians, for example, might perceive that individuals belonging to Transjordanian tribes have more social power than non-tribal parts of the population, and thus use tribal conflict resolution to their advantage. But the tribes are no longer monolithic blocks, and the younger urban generation in particular is becoming culturally more individualized and detached from tribal measures of conflict resolution.

Furthermore, the lack of trust in state institutions is one of the main problems that Jordan faces today. As the state is tolerating and, in some cases, actively sponsoring tribal justice, this can add to the impression that tribal justice and the binary system itself

6 Naomi Johnstone, "Tribal Dispute Resolution and Women's Access to Justice in Jordan," WANA Institute, June 22, 2015, p. 23 <<http://wanainstitute.org/en/publication/tribal-dispute-resolution-and-women%E2%80%99s-access-justice-jordan>> (accessed December 11, 2019).

7 Jakob, "Tribal Conflict Resolution in Jordan," pp. 65-6.

lead to unfair procedures, social pressures, and inequalities within society.

Recommendations

The central challenge in Jordan is to design a legal policy that enhances trust in public institutions and strengthens these institutions without losing the support of the tribal parts of the population, and without ignoring tribal values and reconciliation. One straightforward take-away is that in order to achieve this, the capacities of state law and the state justice system should be enhanced. The practical need for tribal conflict resolution will diminish once procedures become more efficient and also affordable to the average citizen, for example, by providing legal aid in case of need. Yet, the benefits of tribal justice need to be maintained and the perceptions and aspirations of the society and its different groups need to be taken into account.

- Gain knowledge and integrate the population in policy formation: opinion polling

In order to formulate precise policy recommendations, the government needs to gain more insight into the perception of legal professionals as well as of the population at large. Because of the social dynamics between tribal and non-tribal parts of the population, it is especially important to inquire about the perception of population groups who are less connected to Transjordanian tribal heritage. Having gathered these data, it is then possible to investigate whether there is a schism between the perception of the tribal sphere and that of the broader public. Based on this, follow-up measures can be designed in order to bridge a value and legal divide between groups, and to bring the public on board while developing a sustainable legal policy.

Therefore, before forming and implementing a strategy on the state-tribal law relationship, the government should commission an opinion polling firm to gather the necessary data necessary, such as NAMA Strategic Intelligence Solutions. Financial assistance can be obtained through organizations such as the Friedrich-Ebert-Stiftung and the Konrad-Adenauer-Stiftung. The survey needs to be detailed in order to accurately capture the complexity of the issue. Questions should encompass the individual's tribal affiliations, if any (Transjordanian or otherwise), and how s/he perceives the tribal process. This also entails asking about perceptions of a power difference between Transjordanian and non-Tran-

sordanian parties, and why the tribal system is preferred (familiarity with the system, social pressure, financial reasons, and so on). The survey should be representative of the Jordanian governorates, taking into account urban as well as rural contexts and different age groups.

A smaller segment of society active in the legal field should also be asked to participate in a separate survey. Participants should have a professional legal background, the sample should contain judges of lower instance courts as well as higher courts in the different governorates, and their social belonging (Transjordanian, Palestinian-Jordanian etc.) should be taken into consideration. Questions should inquire about their perception of the interaction of state law with tribal custom, and their suggestions and preferences for policy changes (no change, codification or non-legal measures, and so on). Additionally, it should be ascertained how well-known the tribal measures are within the legal profession. This survey will help to determine what works in legal practice.

The reality in the legal field and its perception by the average citizen can be analyzed with these data. This would elucidate the perception and relevance of tribal conflict resolution, and would indicate whether awareness of the intertwinement of systems needs to be raised, at the same time as showing respect and interest in tradition as well as the perception of the individual citizen. This makes the acceptance of subsequent measures more likely, and also helps find a balanced long-term strategy, one that is not perceived as an affront by tribal society, and enhances the trust of the urban and non-tribal population in institutions, as well as the feeling of belonging to the state. Such a legal policy should be designed as a pathway, not as a single measure, which integrates the benefits of tribal justice measures as well as the expectations of the public.

- Inform the public and raise awareness

Non-legal measures need to accompany any legal policy changes. The law has little hope of being accepted if significant parts of the population perceive it as foreign or cold, and prefer conflict resolution according to well-known tribal traditions. These non-legal measures, such as awareness-raising campaigns, should be tailored to specific regions and populations groups, according to the data gathered via opinion polling. Such awareness-raising campaigns might lessen the cold feelings towards state

law. Campaigns should inform people about state law without being one-sided, mentioning both the drawbacks and advantages of both systems. In this way, knowledge of the state system is improved while impeding the suspicion that the state does not value traditions, or seeks to abolish them from one day to the next. The role of women in Bedouin society should be considered as well. Since mothers have significant influence within the household and especially on the behavior of their sons, their state of mind also determines the future of conflict resolution in Jordan. Furthermore, these campaigns should be designed in close collaboration with tribal figures. If they stand behind this measure, the chances are higher that the aim will be attained: greater awareness of the legal system, the promotion of state law, and the enhancement of trust in state institutions.

On the other side of the spectrum, non-tribal citizens who have not come into contact with the law (state law or tribal) are often not aware of the principles and procedures of either system. Yet, they might be especially weary of the tribal system and its influence on state law. By raising awareness of the principles and procedures of both the tribal and the state system, and how they currently interact, some prejudice might be mitigated and a more balanced view on the Jordanian justice system and its institutions might gain ground.

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FREEDOM OF EXPRESSION UNDER THE INTERPRETATION OF JORDANIAN LAW

Eman M. Alqaisi

Loose and vague phrases of the law and the dominant, repressive interpretation of Jordanian legal texts pose major threats to freedom of expression. In Jordan, many laws constrain freedom of expression, notably the penal code of 1960, the Anti-Terrorism Law of 2006, the Cybercrime Law, and the Press and Publications Law. On many occasions, these laws have been misused to impose unjustified restrictions on the freedom of expression, prosecuting activists and journalists before the State Security Court and treating them as criminals. On the part of the authorities, these restrictions are justified on the grounds of protecting national security, fighting terrorism, and protecting Jordan's relations with other states. Therefore, the current legal interpretations represent a flagrant violation of the fundamental right of Jordanians to freedom of expression. Jordan should comprehensively review the above-named laws and revise the proposed amendments, in order to comply with the provisions of the Jordanian Constitution and international standards. The best way to do so is to initiate a national dialogue between governments, civil society, stakeholders, and human rights advocates to find a better way to improve and protect the status of freedom of expression in Jordan.

Jordanian National Security and the Right to Freedom of Expression

Jordan continues to be a target for terrorist groups, including the so-called Islamic State (IS) and al-Qa'ida, for several reasons, including its proximity to regional conflicts in Iraq and Syria, the state's official rejection of Salafi-Jihadi interpretations of Islam, and its membership of the anti-IS Coalition. Many terrorist attacks have predominantly targeted the country's security institutions, such as the General Intelligence Directorate (GID) and Public Security Directorate (PSD).⁸ Therefore, Jordan's physical location and political stance require it to harness its resources, efforts, and capabilities in order to meet the challenge of protecting its national security by all available means. In Jordan, as any country in the world, national security is a vital necessity. Hence, specific reasons can exist, including the protection

of national security, that provide justifiable grounds to restrict the right to freedom of expression. However, national security should not be a catch-all excuse to threaten and restrict freedom of expression. National security and freedom of expression are strongly related to each other, because in an unsafe environment, people will not be able to exercise their right to freedom of expression; however, to protect one of the two does not necessarily require the curtailing or reduction of the other.

After the 2005 terrorist attacks on a hotel in Amman, Jordan adopted additional counter-terrorism measures, including new anti-terrorism laws and policies. But the concept of national security has been misused to impose unjustified restrictions on the freedom of expression. Such an abuse is facilitated by the difficult relationship and tension between national security and human rights protection. Thus, any restriction justified on national security grounds is not legitimate unless its true purpose and demonstrable effect is to protect a country's existence against any threat, whether from an external or internal source.

Freedom of Expression and Jordanian Legislation

The Jordanian constitution of 1952 accords great importance to freedom of expression. Article 15 states: "The state shall guarantee freedom of opinion and every Jordanian shall be free to express his opinion by speech, in writing, or using photographic representation and other forms of expression, providing that such does not violate the law. Freedom of the press, publications, and mass media shall be ensured within the limits of the law."⁹ Besides, Article 15 indicates that freedom of expression is guaranteed by law without limitations, except those outlined in Jordan's national laws. Moreover, Article 7(2) states "every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law." Importantly, Article 128 concludes that "laws issued by this Constitution to regulate the rights and freedoms shall not impair the substance of these rights or affect their fundamentals." The constitution protects the right to freedom of expression and directly refuses to sacrifice it, no matter what the reasons are.

⁸ "Country Reports on Terrorism 2016 - Jordan," US Department of State, UNHCR, July 19, 2017 <<https://www.refworld.org/docid/5981e43511.html>> (accessed December 2, 2019).

⁹ "Jordan's Constitution of 1952 with Amendments through 2011," Constitute Project, August 12, 2019 <https://www.constituteproject.org/constitution/Jordan_2011.pdf> (accessed December 2, 2019).

However, freedom of expression is not absolute; it could be legitimately restricted by law in certain circumstances. According to Article 19 of the UN International Covenant on Civil and Political Rights (CCPR), public authorities may restrict this right if they can show that their action is lawful, necessary, and proportionate in order to ensure the respect of the rights or reputations of others, the protection of national security or of public order, public health, or morals.¹⁰ Therefore, restrictions on the enjoyment of freedom of expression should be legitimate and compatible with the provisions, aims, and objectives of the covenant of the CCPR and should not be discriminatory.

Yet, even though Jordan's restrictions on freedom of expression are indeed codified in law and most of them could arguably fit within the scope of the abovementioned "legitimate restrictions," the laws are not clearly defined. The vagueness of the laws' terminology does not serve the aims of "legitimate restrictions," and they both restrict and criminalize the right to freedom of expression in the name of protecting the higher interests of society, state security, and fighting terrorism.

The Penal Code of 1960

The Jordanian Penal Code of 1960 includes numerous vague and broad texts that pose serious threats to freedom of expression. Under the pretext of undermining state security, articles 110 to 153 of the Penal Code criminalize any act, speech, or writing that would harm the security of the Kingdom, threaten the social, political and economic system of Jordan and undermine the Jordanian political regime or incite opposition against it. Moreover, Article 118 punishes anyone who engages in "acts, writings, or speeches not approved by the government that would subject Jordan to the danger of violent acts or disturbs its relations with a foreign state," with a minimum of five years' imprisonment.¹¹

The problem here lies in the broadness of articles 110 to 153 of the Penal Code, which do not require any act of hostility or protest by a foreign state in

response to such acts, writings, or speeches. Moreover, they do not require any disturbance of the relationship with the foreign state or actual retaliation against Jordanians or their property. According to the Jordanian court of cassation's decision, the legislator does not require the occurrence of an actual disturbance in relations between Jordan and a foreign state, or the exposure of Jordan to terrorist attacks.¹² This was the case, for example, of Hesham Alayasa, a student activist detained in July 2017, because he criticized the Jordanian government after a security guard killed two Jordanian nationals at the Israeli Embassy in Amman.

The Amendment and Broadening of the Anti-Terrorism Law

In 2006, following the 2005 attacks in a hotel in Amman, Jordan enacted the Anti-Terrorism Law No. 55. In 2014, the law was amended and broadened, allowing for the criminalization of a wide range of activities that are not considered criminal by international law or related to any kind of violence. Arguably, the Anti-Terrorism Law includes many loose terms regarding what constitutes terrorism and does not specify what can be considered a terrorist act.¹³ For instance, Article 2 defines terrorist acts as every intentional act intended to disturb public order, endanger public safety and security, or disturb national security by means of threats, intimidation, or violence. This broad and vague definition of terrorist acts expands the legal scope for prosecution and makes some activities or minor crimes punishable. In fact, the law broadens the definition of terrorism to include "disturbing [Jordan's] relations with a foreign state," although this crime already exists in Jordan's Penal Code and is regularly used to punish peaceful criticism of foreign countries or their rulers. Thus, the amendments further stiffen penalties.¹⁴

Accordingly, this vague definition has opened the door to abuse and prosecution of many activists, peaceful demonstrators, and political opponents for "disturbing public order" or "disturbing relations with a foreign country." This happened to Professor Amjad Qourshah, detained for three months in

10 "International Covenant on Civil and Political Rights," United Nations, adopted December 16, 1966 <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>> (accessed December 2, 2019).

11 "JORDAN ILA Country Report," Internet Legislation Atlas, 2015 <<https://internetlegislationatlas.org/data/summaries/jordan.pdf>> (accessed December 11, 2019).

12 Hazem Suleiman Toubat et al., "Limitations on Freedom of Expression for the Protection of National Security: A Case Study of Jordan," *Imperial Journal of Interdisciplinary Research* (3)11, 2017, pp. 240-1.

13 Sara Obeidat, "Jordan's Anti-Terrorism Law: another Step against Reform," *7iber*, June 25, 2014 <<http://7iber.com/2014/06/jordans-anti-terrorism-law-another-step-against-reform/>> (accessed December 2, 2019).

14 "Jordan: Terrorism Amendments Threaten Rights, Greatly Expand Categories of Terrorist Acts," Human Rights Watch, May 17, 2014 <<https://www.hrw.org/news/2014/05/17/jordan-terrorism-amendments-threaten-rights>> (accessed December 2, 2019).

2016 for “a video in which he criticized the participation of Jordan in the international coalition against the Islamic State as being part of the US agenda, which, in his opinion, was forcing the Arab States to fight a war that is not theirs.”¹⁵ New cases occurred on June 26, 2019, when Suhaib Nasrallah, Mohammad Abu Ajaj, and Malik al-Jizawi were arrested for participating in a march in Amman protesting “the deal of the century.” The next day, the three protesters were prosecuted before the State Security Court and charged under the Anti-Terrorism Law for disturbing [Jordan’s] relations with a foreign state. According to the detainees’ lawyer, Nour al-Imam, the case file shows that the charges are based on the accusation that they criticized the policies of Saudi Arabia.¹⁶

Moreover, another amendment to Article 3(e) of the 2006 Anti-Terrorism Law punishes the use of information systems or media tools to “facilitate the conduct of terrorist acts or support terrorist groups, or an organization that performs acts of terrorism or market its ideas or funds it, or conducts any acts that subject Jordanians or their property to acts of hostility or reprisals.” This amendment does not clearly define what kind of action constitutes “supporting” a terrorist act. Such wordings are vague enough to allow governments to consider media outlets reporting on terrorism or terrorist attacks to themselves be promoting terrorism.¹⁷ This was the case of Ghazi al-Marayat, a journalist at the government-controlled *al-Rai* newspaper, who was detained by the authorities who “alleged that he violated a media gag by publishing details about a foiled terrorism plot. They held him for four days for investigation under a vaguely worded provision of the counterterrorism law before releasing him on bail. But he could still face criminal charges.”¹⁸

The Anti-Terrorism Law Expands the Powers of the State Security Court

Another issue is the expansion of the powers of the State Security Court. Article 8 of the Anti-Terrorism Law stipulates that: “the State Security Court shall

be competent in examining the crimes stipulated in the present law.” This article allows activists to be charged before Jordan’s State Security Court, a military court with some civilian judges, on charges related to protests against austerity policies, perceived corruption, and of criminalization of peaceful expression, under the pretext of the fight against extremism. Unfortunately, this law expanded the powers of the court, so that the freedom of opinion and expression fall within the concept of terrorism.

Saleh al-Armouti, a member of parliament and former head of the Jordanian Bar Association, comments on this law saying: “Giving further powers to the State Security Court is unconstitutional as this is a special court that encroaches upon the judiciary. It is the prime minister who appoints civilian and military judges in the State Security Court. Consequently, this court is not recognized by Interpol. [...] The court prosecutor is based in the General Intelligence Department, which morally, psychologically, and financially affects the course of the investigation. The trial of civilians should be moved to the public prosecutor.”¹⁹

The State Security Court trials are problematic in two ways. First, they contradict Article 101 of the amended Jordanian Constitution that ensures that the courts shall be open to all and free from any interference in its affairs, and that the courts’ hearings and verdict shall be public unless the court decides that they should be held in secret in the interest of public order or morals. Civilians may not be tried in a criminal case before a court which is not entirely composed of civilian judges, except for crimes of treason, espionage, terrorism, drugs, and money counterfeiting. Article 8 illegally prosecutes civilians, human rights activists, and journalists before the State Security Court for expressing their opinion. Second, this court violates the standards for fair trial detailed in international human rights covenants and conventions ratified by Jordan: “Every person has the right to a fair and public trial by a specialized, independent, and non-biased judge and jury.”²⁰ That

15 Inès Osman, “10 years on: Jordan’s anti-terrorism law and the crackdown on dissent,” Open Democracy, October 31, 2016, available at <<https://www.opendemocracy.net/en/north-africa-west-asia/10-years-on-jordan-s-anti-terrorism-law-and-crackdown-on-dissent/>> (accessed December 2, 2019).

16 “The Continuous Detention Of Prisoners Of Conscience In Jordan Is A Serious Escalation,” Sky Line International, 2019 <<https://skylineforhuman.org/en/the-continuous-detention-of-prisoners-of-conscience-in-jordan-is-a-serious-escalation/>> (accessed December 11, 2019).

17 Albert Caramés and Júlia Fernández, “No security without rights: Human rights violations in the Euro-Mediterranean region as a consequence of anti-terrorist legislations,” NOVACT International Institute for Nonviolent Action and OPEV Observatory to Prevent Extremist Violence, 2017 <https://novact.org/wp-content/uploads/2017/09/No-Security-Without-Rights.WEB_.pdf> (accessed December 2, 2019).

18 “Jordan: Journalists, Writers Facing Terrorism Charges,” Human Rights Watch, July 15, 2015 <<https://www.hrw.org/news/2015/07/15/jordan-journalists-writers-facing-terrorism-charges>> (accessed December 2, 2019).

19 Mohammad Ersan, “Is Jordan’s state security court threat to freedom of expression?,” Al-Monitor, February 21, 2017 <<https://www.al-monitor.com/pulse/originals/2017/02/jordan-civilian-trials-charges-activists-arrest.html>> (accessed December 2, 2019).

20 “Undermining Justice: Prosecuting Activists in the State Security Court,” 7iber, November 12, 2013 <<https://www.7iber.com/2013/11/martial-secret-and-above-standards-of-justice-prosecuting-activists-before-the-state-security-court/>> (accessed December 2, 2019).

is because Article 8 of the State Security Court Law gives it the right to conduct a trial in secret under its own “discretion,” and there are no clear standards defining “discretion” in this instance.²¹

The cybercrime law places undue restrictions on the freedom of expression

The Press and Publications Law

Reporters Without Borders (RSF) ranked Jordan 130 out of 180 countries with regards to press freedom in 2019.²² Under the umbrella of Press and Publications Laws that use vague and loose phrases such as media ethics, principles of freedom, and national responsibility, the Jordanian authorities seem to violate these laws without any explanation.²³ Article 5 of the Press and Publications Law emphasizes that “the publication shall search for the truth and adhere to accuracy, neutrality, and objectivity in publishing journalistic material and refrain from publishing anything that conflicts with the principles of freedom, national responsibility, human rights, and values of the Arab and Islamic nation.”²⁴ According to RSF, by using unprecedented censorship, at least four Jordanian journalists were prevented from publishing articles critical of the US-led Bahrain conference on a potential Middle East peace plan. One of them, Majed Tobeh, wrote in a Facebook post that he had “described the peace plan as ‘science fiction’ for the Palestinians but had not mentioned Jordan’s participation.”²⁵ Still, he faced problems to publish his article.

Moreover, in 2011, press law amendments officially added news websites to the definition of press publications. Further amendments in 2012 to the Press and Publications Law solidified the government’s grip over those online spaces that “publish news, investigations, articles, or comments, related to the internal or external affairs of the Kingdom.”²⁶ At the same time, Jordan’s telecommunications regulator blocked hundreds of websites for not being properly registered as required under the 2012 amendment.

This step aims to regulate electronic publications by extending requirements governing print media to electronic news sites based on articles 48 and 49. According to these articles, Jordanian news websites must employ a full-time editor in chief, who has been a member of the Jordan Press Association for at least four years. Editors and writers are legally responsible for an article’s content. The amendments place strict conditions on online content and consider the owners and editor-in-chief responsible for the content of third-party comments, which are considered to be “journalistic material.” Only comments related to the topic of the news article are allowed and websites must keep records of comments for six months, including information about the individual who posted them.²⁷

Furthermore, articles 48 and 49 enable the head of the Media Commission to block any website for failing to obtain a license or, more broadly, for violating Jordanian law. The law’s expansive definition of a news website could be interpreted to include almost all Jordanian and international websites, blogs, portals, and social networks.²⁸

The Cybercrime Law

In 2015, the Cybercrime Law was introduced, constituting an updated edition of the Information System Crime Law, which the government passed as a temporary law in 2010, in the absence of a parliament at

21 Ibid.

22 “2019 World Press Freedom Index,” Reporters Without Borders, 2019 <<https://rsf.org/en/ranking#>> (accessed December 2, 2019).

23 Khair Ban Doumi M, “Public Freedoms in the Jordanian Constitution: Rhetoric and Realities,” *Journal of Mass Communication and Journalism* (8)4, 2018, p. 6.

24 “The Press and Publication Law of 1998 and its Amendments,” UNESCO Amman Office <<http://www.medialegalsupport.jo/en/node/86>> (accessed December 11, 2019).

25 “Jordan suppresses articles criticizing Bahrain conference,” Reporters Without Borders, June 28, 2019, updated July 2, 2019 <<https://rsf.org/en/news/jordan-suppresses-articles-criticizing-bahrain-conference>> (accessed December 2, 2019).

26 Thoraya El-Rayyes, “Enhancing Internet Media Freedom in Jordan,” *7iber*, April 2, 2015, pp. 1-53 <<https://www.7iber.com/research/enhancing-internet-media-freedom-in-jordan/>> (accessed December 11, 2019).

27 Toby Mendel, “Jordan: Analysis of the Press and Publications Law, 1998, as Amended,” UNESCO Amman Office, 2016, p.3 <<https://en.unesco.org/sites/default/files/updatedjordan.ppl-analysis.16-05-18ls-1.pdf>> (accessed December 2, 2019).

28 “Freedom on the Net 2018 - Jordan,” Freedom House published by UNHCR, November 1, 2018 <<https://www.refworld.org/docid/5be16b0dc.html>> (accessed December 2, 2019).

the time. The draft amendments to Cybercrime Law No. 27 of 2015 are currently under consideration by the Jordanian Senate.²⁹

This law is a double-edged sword. Although Jordan's Cybercrime Law is necessary and important to combat many crimes, the current law places undue restrictions on the freedom of expression, freedom of the press, media freedom, and personal liberties. The latest amendments to Cybercrime Law No. 27 include an article that defines and criminalizes hate speech as "every writing and every speech or action intended to provoke sectarian or racial sedition, advocate violence or foster conflict between followers of different religions and various components of the nation."³⁰ This vague and inaccurate language opens the door for interpretations of certain online content regardless of whether it is intended to incite hatred, harm, or even pose a threat. Moreover, the amended text would serve to confuse between hate speech and legitimate criticism of public figures on social media.³¹ Due to the absence of a public discourse regarding specific standards of harmful speech that warrant legal action, classifying any speech as "hate speech" will represent yet another tool to impose more restrictions on the freedom of expression under the guise of protecting groups.³² The number of Jordanians detained for expressing their opinion could dramatically increase due to this very vague definition of hate speech.

Furthermore, the amendment of Article 2 of the Cybercrime Law extends its reach to applications such as WhatsApp and Viber, as well as online platforms such as Facebook, Twitter, and blogs. This directly affects freedom of expression by regulating activities on such platforms.³³ According to Article 11, anyone who intentionally sends, re-shares, or publishes information or data that entail slander, defamation, or libel using the internet, websites or any information systems, faces three to six months in prison and a fine between 100 and 2,000 Jordanian dinar. This would mean that people could be imprisoned sim-

ply for sharing an article that is alleged to include slander on social media.³⁴ As a result, this has created problems by limiting people's online activities, especially journalists who practice their publishing rights online. For example, in May 2017, anti-corruption activist Husam al-Abdallat was arrested after a complaint was filed against him by two public officials for having criticized corruption within the Jordanian government on Facebook.³⁵

Moreover, Article 12 (A) criminalizes "anyone who intentionally and without authorization or in violation or excess of an authorization accesses a website or information system in any manner with the purpose of viewing data or information that is not available to the public and which touches national security, foreign relations of the Kingdom, general security or national economy." The article does not define the meaning of "general safety" or "national security," which creates the possibility to arrest individuals for a range of trivial matters, especially if a claim can be combined with the 2006 Anti-Terrorism Law. In addition, it is not clear what sort of documents or information threaten Jordanian public order and stability. The government has used these laws to unduly restrict rules on the content of what may be published and to place extensive limitations on freedom of expression to protect national security. This has led to the imprisonment of people solely for practicing their right to freedom of expression, and further encourages self-censorship in cyberspace.

Recommendations

- Review the laws and revise proposed amendments to comply with the provisions of the Jordanian Constitution and international standards

To this end, all relevant domestic actors, including the government, lawmakers, political parties and leaders, civil society and human rights advocates should engage in a national dialogue to find a better way to improve and protect the status of freedom of

29 "The Right to Freedom of Expression Online in Jordan," International Center for Not-for-Profit Law, 2019 <<http://www.icnl.org/news/2019/Guide%20to%20Internet%20freedoms%20in%20Jordan-English.pdf>> (accessed December 2, 2019).

30 "MPs reject new amendments to Cybercrime Law," The Jordan Times, February 19, 2019 <<http://www.jordantimes.com/news/local/mps-reject-new-amendments-cybercrime-law>> (accessed December 11, 2019).

31 Dima Samaro and Emna Sayadi, "Cybercrime law in Jordan: pushing back on new amendments that could harm free expression and violate privacy," Accessnow, February 19, 2019 <<https://www.accessnow.org/cybercrime-law-in-jordan-pushing-back-on-new-amendments-that-could-harm-free-expression-and-violate-privacy/>> (accessed December 2, 2019).

32 Reem Almasri, "Cyber Crime Law: How does the government control the online platform?," 7iber, January 30, 2018 <<https://www.7iber.com/technology/cyber-crime-law-how-does-the-government-control-the-online-platform/>> (accessed December 11, 2019).

33 Samaro and Sayadi, "Cybercrime law in Jordan."

34 Heba Morayef, "Jordan: Government should withdraw amendments to cybercrimes law ahead of UN review," Amnesty International, November 7, 2018 <<https://www.amnesty.org/en/latest/news/2018/11/jordan-government-should-withdraw-amendments-to-cybercrimes-law-ahead-of-un-review/>> (accessed December 2, 2019).

35 "Amendments to Jordan's Cybercrime Law risk curbing free speech online," MENA Rights, November 21, 2018 <<https://menarights.org/en/articles/amendments-jordans-cybercrime-law-risk-curbing-free-speech-online>> (accessed December 2, 2019).

expression in Jordan. This includes: ensuring that the legal limitations placed on freedom of expression are legitimate, necessary, proportional, and meet international standards; and refraining from prosecuting or penalizing journalists and activists for performing their legitimate work, including through their online activities.

- Amend or eliminate all vague phrases, and provide clear definitions of any legal limitations

Articles 110 to 153, and 118 of the Penal Code of 1960 as well as Article 11 of the Cybercrime Law should be amended to eliminate any lack of precision, vague terms and broad wording. Further amendments are required of legal texts that serve to equate hate speech and legitimate criticism of public figures on social media. Articles 2 and 3 of the Anti-Terrorism Law should clearly define what constitutes “terrorism,” what is meant by a “terrorist act,” and what kind of action may be considered to constitute “supporting” a terrorist act. should be amended. Moreover, a public discourse is required regarding the definition of hate speech contained in the latest amendments to Cybercrime Law No. 27 of 2015.

- Limit the power of the State Security Court

The right to a fair, truthful, and public trial should be provided by means of a specialized, independent, and non-biased judge and jury. Therefore, Jordan should stop prosecuting civilians before the State Security Court, and limit the State Security Court’s jurisdiction to cases of high treason, espionage, and terrorism, with citizens being otherwise tried in civilian courts. Hence, Article 8 of the Anti-Terrorism Law should be made compatible with Article 101 of the Constitution, which forbids the prosecution of any civilian in a criminal case unless all appointed judges are civilians; the exceptions are charges of treason, espionage, terrorism, drugs, and currency counterfeit.

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Chapter III: Regional Dynamics and Their Impact on Jordan

PRO-IRANIAN MILITIAS AT THE KINGDOM'S DOORSTEP - IMPLICATIONS FOR JORDAN'S FOREIGN POLICY AND RESPONSE OPTIONS

Chonlawit Sirikupt

* Note: The editorial closure date was 22.11.2019

Iraq's military victory over the so-called Islamic State (IS) in 2017 has set the stage for a fresh chapter in Jordanian-Iraqi relations, starting with a revival of trade and a revitalization of economic cooperation, poised to generate benefits for both countries. However, the intensifying competition between the US and Iran in Iraq could set the clock back on these positive developments. Pro-Iranian militias in Iraq, already suspected of launching attacks on US assets earlier in May 2019 and firing on demonstrators during recent protests in Baghdad and various southern towns, have been operating outside of proper central oversight. Allegations that some groups are in possession of Iranian-supplied weapons create the conditions under which Jordan's allies and partners, such as the US and Israel, might be compelled to abandon restraint in favor of tougher measures such as expanded sanctions and preventive strikes. As the Iraqi Prime Minister attempts to merge the Popular Mobilization Force (PMF) militias with the Iraqi armed forces, Amman should signal support for his integration plan while urging Baghdad to address lapses in the process through active back-channel diplomatic engagements. Going forward, Jordanian policymakers should be prepared to take the following steps: urge Baghdad to take immediate action against the illegal movements of weapons and material, cultivate dialogues with Tehran on peace and security in Iraq, and encourage Jordanian companies to enhance their sanctions compliance schemes.

Since the fall of Saddam Hussein, the US and Iran, as well as their allies in Baghdad, have become enmeshed in a competition to reshape the Iraqi po-

litical, security, and economic landscape. Recently, the escalations between Washington and Tehran have reinforced these existing battle lines. During the summer of 2019, pro-Iranian militias in Iraq were suspected of launching attacks on US military, diplomatic, and commercial assets around the country against the backdrop of legislative efforts to evict US forces and explicit threats made by some militia representatives.¹

In May, a Katyusha rocket landed in Baghdad's Green Zone near the US Embassy, prompting the Trump administration to deploy 1,500 additional US troops to the Persian Gulf.² In what seemed to be a reaction to the troop deployments, three rockets of the same type were fired at Camp Taji where US personnel are stationed.³ Similar hard-to-attribute attacks have also been launched against US allies in the region.⁴ Although some Iranian partners such as the Houthis have publicly claimed attacks against Saudi assets, pro-Iranian militias in Iraq that previously made threats against US troops came out and denounced the attacks in Baghdad. Kata'ib Hezbollah (KH), whose military spokesman Ja'far Husseini stated in February that the US forces constitute "a legitimate threat for the Iraqi resistance, and the [Iraqi] security apparatuses should also view them as a target," called the rocket attacks unjustified.⁵ The opaque conditions associated with these irregular attacks undermine regional stability and Jordan's strategic interests with Iraq.⁶ While pro-Iranian militias in Iraq might not pose a direct and immediate threat to the Kingdom, Amman is likely to feel the impact of their actions that threaten Iraq's stability.

During recent demonstrations that broke out in early October in Baghdad and various southern towns, certain militia formations were responsible for sniper attacks against protest leaders and attacks on television stations.⁷ Furthermore, the ways in which Amman's allies and partners such as the US and Israel react to what they perceive as threats to their

1 "Legislative Efforts to Expel U.S. Troops from Iraq, Alongside Shi'ite Militias' Threats to Force Them Out," The Middle East Media Research Institute, March 6, 2019 <<https://www.memri.org/reports/legislative-efforts-expel-us-troops-iraq-alongside-shiite-militias-threats-force-them-out>> (accessed December 3, 2019).

2 Sasha Ingber, "Trump Orders an Additional 1,500 Troops to the Middle East," NPR, May 24, 2019 <<https://www.npr.org/2019/05/24/726680414/trump-orders-an-additional-1-500-troops-to-the-middle-east>> (accessed December 3, 2019).

3 "Missiles hit Iraq base hosting US troops," Rudaw, June 18, 2019 <<https://www.rudaw.net/english/middleeast/iraq/170620193>> (accessed December 3, 2019).

4 Seth G. Jones et al., "Iran's Threat to Saudi Critical Infrastructure: The Implications of U.S.-Iranian Escalation," Center for Strategic and International Studies, August 5, 2019 <<https://www.csis.org/analysis/irans-threat-saudi-critical-infrastructure-implications-us-iranian-escalation>> (accessed December 3, 2019).

5 The Middle East Media Research Institute, "Legislative Efforts To Expel U.S. Troops from Iraq,"; Chassan Adnan and Isabel Coles, "Pro-Iran Militias Denounce Rocket Strike Near U.S. Embassy in Iraq," Wall Street Journal, May 20, 2019 <<https://www.wsj.com/articles/pro-iran-militias-denounce-rocket-strike-near-u-s-embassy-in-iraq-11558355575>> (accessed December 3, 2019).

6 Jones et al., "Iran's Threat to Saudi Critical Infrastructure."

7 Michael Knights, "Exposing and Sanctioning Human Rights Violations by Iraqi Militias," The Washington Institute for Near East Policy, October 22, 2019 <<https://www.washingtoninstitute.org/policy-analysis/view/exposing-and-sanctioning-human-rights-violations-by-iraqi-militias>> (accessed December 3, 2019).

security and strategic interests in the region could draw the Kingdom closer toward the melee against its will. In August, a series of explosions occurred at weapons storage facilities controlled by the militias. Two US officials alleged that Israel was behind at least one strike inside Iraq, although Tel Aviv has neither denied nor confirmed its involvement.⁸ These series of escalations risk unraveling the positive strides made in efforts to revitalize Jordanian-Iraqi relations in the aftermath of the expulsion of IS from its strongholds in Iraq.

Militia Activities Complicate the Revitalization of Jordanian-Iraqi Relations

In the period following the Iraqi military's victory over the so-called Islamic State (IS) in late 2017, high-level meetings between Jordanian and Iraqi heads of states, accompanied by the revival of trade links and a revitalization of economic cooperation, speak to the power of reconciliation and amity. The current year began with a historic visit by King Abdullah II to Baghdad, where he met with President Barham Salih, paving the way for the signing of a major economic agreement between Jordan and Iraq in February 2019.⁹ Under the framework, Jordan agreed to supply electricity in exchange for 10,000 barrels of Iraqi oil, and in September, the first daily shipment of crude oil from Kirkuk arrived in Amman.¹⁰ The two sides also confirmed they were resuming studies of a potential pipeline project from Basra in southern Iraq to the Red Sea port of Aqaba, which could potentially increase Iraq's oil exports and provide Jordan with stable transit revenues.¹¹ Nevertheless, the ability of both sides to collaboratively harness their economic potential could be disrupted by the unregulated activities of pro-Iranian militias in Iraq, which have been carving out exclusive principalities in the local security and economic landscapes.

The forces at the center of recent controversies, which Washington has framed as Iran's "proxies" in

Iraq, are a large constellation of various militias united under the umbrella of the Popular Mobilization Forces (PMF), an entity formed by a combination of executive decrees and religious fatwas to fight IS.¹² The organization has become increasingly dominated by its Shia core that is linked to Iran, which includes older pro-Iranian militias that were previously flagged by the US as "Special Groups" and designated as terrorist organizations in some cases.¹³ Since the US troop withdrawal in 2011, the range of Special Groups with links to the Iranian Revolutionary Guard Corps (IRGC) has diversified.¹⁴ Unlike previous militias that were tolerated and controlled by Baghdad, the Special Groups in post-2014 Iraq are already operating outside the formal chain of command.¹⁵ While Iran might not directly control the military operations of the Special Groups, it still provides them with considerable financial and military assistance, as well as a general orientation that identifies the US and its allies as enemies.¹⁶

The Special Groups in post-2014 Iraq are operating outside the formal chain of command

Eager to avoid having Iraq become the main battleground of a catastrophic US-Iran war, Prime Minister Adel Abd Mahdi issued a decree on July 1, 2019, requiring that the PMF merge and operate under the same command structure as the Iraqi armed forces.¹⁷ The decree also demands that the militias close their headquarters, choose between either military or political functions, relinquish their names in favor of

8 Alissa J. Rubin and Ronen Bergman, "Israeli Airstrike Hits Weapons Depot in Iraq," *The New York Times*, August 22, 2019 <<https://www.nytimes.com/2019/08/22/world/middleeast/israel-iraq-iran-airstrike.html>> (accessed December 3, 2019).

9 Abdulwahab Al-Qassab, "Iran Should Worry about New Iraq-Jordan Relations," *Arab Center Washington DC*, February 13, 2019 <http://arabcenterdc.org/policy_analyses/iran-should-worry-about-new-iraq-jordan-relations/> (accessed December 3, 2019).

10 "Jordan receives 1st shipment of Iraqi oil," *Xinhua*, September 5, 2019 <http://www.xinhuanet.com/english/2019-09/05/c_138365529.htm> (accessed December 3, 2019).

11 Abdulwahab Al-Qassab, "Iran Should Worry about New Iraq-Jordan Relations."

12 Renad Mansour and Faleh A. Jabar, *The Popular Mobilization Forces and Iraq's Future* (Washington DC: Carnegie Endowment for International Peace, 2017), pp. 6-7.

13 Michael Knights, "Iran's Expanding Militia Army in Iraq: The New Special Groups." *Combating Terrorism Center at West Point*, August 2019 <<https://ctc.usma.edu/irans-expanding-militia-army-iraq-new-special-groups/>> (accessed December 3, 2019).

14 Ibid.

15 Ibid.

16 Anthony C. Pfaff, "How to Counter Iran's Proxies," *Atlantic Council*, June 18, 2019 <<https://www.atlanticcouncil.org/blogs/menasource/how-to-counter-iran-s-proxies>> (accessed December 3, 2019).

17 "Iraqi PM decree curbs powers of Iranian-allied militias," *Al-Jazeera*, July 1, 2019 <<https://www.aljazeera.com/news/2019/07/iraqi-pm-orders-iranian>>

Iraqi military designations, and abandon all economic activities.¹⁸ Those groups failing to comply by July 31 would be deemed as outlaws.

A unified and stable Iraq is needed to revitalize Jordanian-Iraqi relations

However, Baghdad's seemingly minimal efforts in implementing the order have sparked concerns about the extent to which the decree would effectively subject militia formations within the PMF to the formal chain of command.¹⁹ Mahdi's immediate predecessor, Haider al-Abadi, had issued his own decree in March 2018 with the aim of subjecting the militias to the rules and regulations governing the Iraqi Army – but with little success.²⁰ For instance, a base in Jurf al-Sakhar, which has been operated by KH, was reportedly the launch point for drone attacks on Saudi oil facilities in May.²¹ These kinds of irregular activities have fueled suspicions that the decree's real objective could be to provide legal and political cover for pro-Iranian militias as opposed to enacting meaningful reforms.²²

In fact, groups that have accepted Mahdi's decree not only have extensive ties to the IRGC, but they also constitute a significant portion of the PMF and its most militarily capable element. These include US-designated foreign terrorist organizations

such as KH and Harakat Hezbollah al-Nujaba (HaN), as well as the Badr Brigades and Asa'ib Ahl al-Haq.²³ Badr, for instance, has been a longstanding recipient of direct Iranian support that included hands-on training and assistance in designing organizational features, in addition to significant weaponry, ammunition, and cash.²⁴ Over the years, Iran has reportedly provided more military components to other non-state partners, which have enabled them to develop a range of advanced weapon systems. The Burkan 2-H medium-range ballistic missile, derived from Iran's Qiam-1 missile, were used by the Houthis to strike Riyadh and the port city of Yanbu from northern Yemen in 2017 and 2018.²⁵

These developments suggest that Tehran could help newer Special Groups like KH improve their military capabilities. In fact, there are mounting concerns among Iraqi and US intelligence that Iran is covertly supplying long-range artillery rockets to KH, HaN, and potentially Badr.²⁶ These groups have reportedly developed exclusive use of military bases in the governorates of Diyala, Salahuddin, Baghdad, Karbala, and Wasit.²⁷ It is also suspected that these militias have established a secure line of communication and control to Iran through Diyala in eastern Iraq, allowing them to import weapons and material without central government approval or knowledge.²⁸ In Anbar, KH reportedly controls the Husaybah Point of Entry, where their military vehicles can enter and exit Iraq without formal customs inspections.²⁹ The supply of rockets and missile equipment, which violates UN Security Council Resolution 2231, could provide an enhanced strike capability against US forces and allies in the region.³⁰

The IRGC has also been active in countering the recent waves of protests in Iraq. Major General Qas-

allied-militia-reined-190701183850760.html> (accessed December 3, 2019).

18 John Hannah, "Iran-Backed Militias Are in Iraq to Stay," *Foreign Policy*, July 31, 2019 <<https://foreignpolicy.com/2019/07/31/iran-backed-militias-are-in-iraq-to-stay/>> (accessed December 3, 2019).

19 Michael Knights, "Helping Iraq Take Charge of Its Command-and-Control Structure," *The Washington Institute for Near East Policy*, September 30, 2019 <<https://www.washingtoninstitute.org/policy-analysis/view/helping-iraq-take-charge-of-its-command-and-control-structure>> (accessed December 3, 2019).

20 Hannah, "Iran-Backed Militias Are in Iraq to Stay."

21 Michael Knights and Alexandre Mello, "Militias Are Threatening Public Safety in Iraq," *The Washington Institute for Near East Policy*, August 14, 2019 <<https://www.washingtoninstitute.org/policy-analysis/view/militias-are-threatening-public-safety-in-iraq>> (accessed December 3, 2019).

22 Ibid.

23 Knights, "Iran's Expanding Militia Army in Iraq."

24 Alec Worsnop, *Organization and Community: The Determinants of Military Effectiveness*, PhD Thesis (Cambridge: Massachusetts Institute of Technology, 2016), p. 382.

25 Michael Knights, "The Houthi War Machine: From Guerrilla War to State Capture," *CTC Sentinel* 11, no. 8 (2018), p. 20.

26 Michael Knights and Assaf Orion, "If Iran Deploys Missiles in Iraq: U.S.-Israeli Response Options," *The Washington Institute for Near East Policy*, May 13, 2019 <<https://www.washingtoninstitute.org/policy-analysis/view/if-iran-deploys-missiles-in-iraq-u.s.-israeli-response-options>> (accessed December 3, 2019).

27 Ibid.

28 Ibid.

29 Knights, "Iran's Expanding Militia Army in Iraq."

30 UN Security Council Resolution 2231, S/RES/2231, July 20, 2015 <<http://unscr.com/en/resolutions/doc/2231>> (accessed December 3, 2019).

sem Soleimani, the commander of the IRGC's Quds Force, reportedly arrived in Baghdad to help draw up tougher counter-protest measures alongside certain PMF formations and Iraqi political figures, including providing intelligence materials on activists and creating secure communication lines for the snipers.³¹ According to one Iraqi source interviewed by Reuters, "the snipers were elements of militias reporting directly to their commander instead of the chief commander of the armed forces."³²

From the creeping expansion of bases to employing violence outside the formal chain of command, these irregular activities threaten the foundation of a unified and stable Iraq that is needed to revitalize Jordanian-Iraqi relations. Moreover, bilateral relations could hit a stumbling block as they reinforce the clear and present danger of what Jordan's allies and partners perceive as Iranian "provocations." Under such circumstances, some of them might feel compelled to expand sanctions against militia and affiliated figures, or move away from deterrence in favor of using lethal force to raise the costs and risks of Iran's behaviors in Iraq.

Option 1 - Maintain the Status Quo

The Kingdom could maintain the current status quo and steer clear of becoming involved in Iraq's internal affairs. A strict policy of non-interference could benefit Jordan's security because there are no specific physical or rhetorical indications that pro-Iranian militias in Iraq pose a direct and immediate threat to the Kingdom. Nor have Jordanian diplomatic and commercial assets been targeted. As a result, involving the Kingdom in Iraqi political and security affairs could antagonize certain militia formations in the PMF and encourage anti-Jordanian sentiments among their political allies in the Iraqi parliament, who might set out to curtail Baghdad's relations with Amman.

However, the fragile political and security situation in Iraq indicate that the current status quo is unus-

tainable and, if not carefully controlled by the central authorities in Iraq, could open the door to provocative actions that hinder efforts at revitalizing economic and diplomatic relations between Jordan and Iraq. In some governorates, pro-Iranian militias in Iraq have also been exerting increased control over state-owned engineering and construction companies, as well as interfering in the functions of land and seaports after the expulsion of IS.³³ In Basra for instance, some piers at Umm Qasr port and the Shalamcheh land border-crossing to Iran are militia-controlled smuggling routes for Iraqi crude oil.³⁴

The militia penetration of the local Iraqi economy has prompted the US government to impose new sanctions on four Iraqi citizens, one of whom is a former Iraqi governor who "has been known to protect his personal interests by accommodating Iran-backed proxies that operate outside of state control."³⁵ These sanctions, while demonstrating US resolve, also send a clear signal to Iraq and regional allies on the urgent need to deter the militias from further penetration of local economic structures and governing institutions.³⁶ Based on these considerations, opting to maintain the status quo could expose Jordanian companies to the greater risk of being caught up in the web of US sanctions, given that some service providers in the financial services and logistics sectors could be exploited by third parties controlled by, or acting for or on behalf of US-designated foreign terrorist organizations or individuals, to illegally transfer payments, assets, and material.

Furthermore, Iraq's weak oversight over the illegal movements of weapons and equipment across the country by certain militia formations within the PMF could elicit provocative operations from outside its borders. The Israeli leadership has already firmly expressed that Iranian-backed forces have no immunity anywhere, and signaled that Israel would continue to act militarily whenever and wherever there is a need to do so.³⁷ Therefore, unregulated activities that lead Israel to suspect that an attack on its territory

31 Knights, "Exposing and Sanctioning Human Rights Violations by Iraqi Militias."

32 "Exclusive: Iran-backed militias deployed snipers in Iraq protests – sources," Reuters, October 17, 2019 <<https://www.reuters.com/article/us-iraq-protests-iran-snipers-exclusive/exclusive-iran-backed-militias-deployed-snipers-in-iraq-protests-sources-idUSKBN1WWOB1>> (accessed December 3, 2019).

33 Omar Al-Nidawi, "The growing economic and political role of Iraq's PMF," Middle East Institute, May 21, 2019 <<https://www.mei.edu/publications/growing-economic-and-political-role-iraqs-pmf>> (accessed December 3, 2019).

34 Knights, "Iran's Expanding Militia Army in Iraq."

35 US Department of the Treasury, Treasury Sanctions Persons Associated with Serious Human Rights Abuse and Corrupt Actors in Iraq, July 18, 2019 <<https://home.treasury.gov/news/press-releases/sm735>> (accessed December 3, 2019).

36 Michael Knights, "Sanctions on Iraqi Political Figures: Shaping the Impact and Message," The Washington Institute for Near East Policy, July 19, 2019 <<https://www.washingtoninstitute.org/policy-analysis/view/sanctions-on-iraqi-political-figures-shaping-the-impact-and-message>> (accessed December 3, 2019).

37 Raphael Ahren, "Netanyahu hints Israel behind strikes on Iraq, says Iran not immune anywhere," The Times of Israel, August 20, 2019 <<https://www>>

might be in preparation could compel its leadership to prioritize preventive attacks over restraint.

Option 2 – Restore Full Diplomatic Relations with Iran

Jordan could restore full diplomatic relations with Iran, which cooled when the Jordanian ambassador was recalled in April 2018.³⁸ Diplomatic normalization at the ambassadorial level would render Jordan an indispensable mediator between Washington and Tehran. This could improve contingent communication channels that allow points of contention over Iranian-related activities in Iraq to be addressed in a timely manner. However, Washington and Riyadh's commitment to the Trump administration's policy of "maximum pressure" suggests that a full diplomatic restoration with Tehran diverges too far from the policies of its core allies. Similarly, Amman made veiled threats against Houthi rebels for their attack on a Saudi airport in June.³⁹ A sudden rapprochement with Iran without proper sequencing would not only damage Jordan's credibility in the eyes of the US and Saudi Arabia but could also affect future considerations for military and economic assistance to the Kingdom.

Option 3 – Signal Support for Baghdad's Integration of the PMF into the Iraqi Armed Forces

Jordan's efforts to support the integration of the PMF into the armed forces from the side would bring Amman in alignment with the preferences of prominent Shia nationalists, including those with whom the Kingdom has cultivated ties. Moqtada al-Sadr, for instance, has publicly expressed his support for the plan and urged his militia, Saraya al-Salam, to close its headquarters and disband.⁴⁰ In fact, pressures from Iraq's Shia religious establishment led Prime Minister Mahdi to issue executive orders 237 and 328, which respectively set the scope for establishing operational control over all PMF formations and the reorganization of the PMF leadership structure.⁴¹

While this option forces Jordan to reconcile with the reality that pro-Iranian commanders and leadership figures in the PMF would be provided with some degree of formal power and access to Iraqi state resources, the ongoing integration process gives Amman a window of opportunity to leverage its back-channel communications with counterparts in Tehran to advocate for a unified Iraq. King Abdullah II's brief meeting with President Hassan Rouhani on the sidelines of the emergency summit of the Organization of Islamic Cooperation (OIC) in Istanbul in 2018 suggests that cultivating dialogues about regional stability and peace is still possible.⁴² At the same time, it also provides Amman with additional opportunities to take advantage of its close diplomatic ties with Baghdad to discuss the plan's potential impact on the Kingdom's security, as well as potential solutions towards de-escalation between the US and Iran.

Furthermore, in the light of IS's creeping resurgence, signaling support for the PMF's integration allows Amman to strike a compromise between autonomy and demobilization, which could benefit both Jordanian and Iraqi strategic interests.⁴³ Iraqi counteroffensives from 2016 to 2017 indicate that groups such as Badr boast a strong cadre system and functionally differentiated units that put them in a much stronger position than many Sunni tribal militias to push back the insurgency.⁴⁴ Moreover, it demonstrates Amman's sensitivity to the interests of Iraq's Shia population that could help forge closer ties with key figures in the community. Public support for the PMF remains strong and the entity itself is still highly respected by the Iraqi Shia majority for having answered the call to defend Iraq's territorial integrity in June 2014.⁴⁵ Many average Iraqi citizens have relatives who joined the PMF for the benefit of the country, not for Iran or pro-Iranian militia leaders.⁴⁶

timesofisrael.com/netanyahu-hints-israel-behind-strikes-on-iraq-says-iran-not-immune-anywhere/> (accessed December 3, 2019).

38 Miriam Malek, "Jordan Recalls Ambassador From Iran," Wall Street Journal, April 18, 2016 <<https://www.wsj.com/articles/jordan-recalls-ambassador-from-iran-1460979410>> (accessed December 3, 2019).

39 Arab News, International condemnation of Houthi attack on Saudi Arabia's Abha airport, June 12, 2019 <<http://www.arabnews.com/node/1509916/saudi-arabia>> (accessed December 3, 2019).

40 Ali Mamouri, "Iraq orders militias to fully integrate into state security forces," Al-Monitor, July 2, 2019 <<https://www.al-monitor.com/pulse/originals/2019/07/iraq-pmu-iran-abdul-mahdi-shiite-militias.html>> (accessed December 3, 2019).

41 Knights, "Helping Iraq Take Charge of Its Command-and-Control Structure."

42 "Rouhani, Jordan King Meet in Istanbul," Financial Tribune, May 19, 2018 <<https://financialtribune.com/articles/national/86726/rouhani-jordan-king-meet-in-istanbul/>> (accessed December 3, 2019).

43 Jennifer Cafarella et al., *ISIS'S Second Comeback: Assessing the Next IS Insurgency* (Washington DC: Institute for the Study of War, 2019), p. 28.

44 Worsnop, *Organization and Community*, p. 385.

45 Knights, "Iran's Expanding Militia Army in Iraq."

46 Ibid.

Recommendations

Signaling support for Baghdad's plan to integrate the PMF into the Iraqi armed forces is the most prudent course of action for dealing with the opaque activities of pro-Iranian militias in Iraq that might create conditions under which provocative responses with potentially destabilizing effects might arise. Jordanian policymakers should be prepared to take the following steps to balance the Kingdom's strategic interests with regional stability.

- Urge Baghdad to act against the illegal movement of weapons and material

Amman should urge Baghdad to enhance the management of government stockpiles, supported by robust control mechanisms over the distributions of munitions, as well as strengthening its border control procedures. High-ranking Jordanian officials should meet regularly with their Iraqi counterparts to stress the importance of revitalizing Jordanian-Iraqi economic relations, but at the same time express concerns about the potential impact of unregulated militia activities on the safety and security of Jordanian-Iraqi land trading routes, especially in Basra, where militia-controlled smuggling routes might threaten the success of the proposed Basra-Aqaba oil pipeline. Baghdad should also be reminded that these security concerns – which might potentially affect the safety of Jordanian citizens – could compel Amman to delay the implementation of the proposed joint Jordanian-Iraqi industrial zone at the border.⁴⁷

- Cultivate dialogues with Tehran on peace and security in Iraq

While Amman might not be able to restore full diplomatic relations with Tehran at the ambassadorial level under the current circumstances, it is imperative that the Kingdom explore venues for communicating small measures of trust to its Iranian counterparts. Multilateral formats such as the OIC, G77, World Economic Forum, and the United Nations General Assembly could serve as platforms for starting and sustaining conversations on issues of mutual interests, including the security situation in Iraq and regional stability. Doing so would not only cultivate a sense of mutual respect between the two sides, but would also allow Amman to signal its strategic interests in the region to Tehran.

- Encourage Jordanian companies to enhance their sanctions compliance schemes

As the US begins to widen its sanctions campaign in Iraq to target Iranian partners and affiliates, Jordanian regulators should work with actors in the private sector – especially those in the financial services and logistics – to ensure that internal practices cultivate the culture and responsibility for sanctions compliance among corporate leaders and employees who may feel that the rules do not apply to them. This process should be reinforced by investments in robust compliance schemes containing rigorous due diligence and risk assessments procedures in order to reduce the extent to which Jordanian companies would be exposed to sanctions violations, and if any were to occur, this would increase the chances of leniency from US authorities. In addition, regulators should urge companies to invest in technological tools, such as software to screen customers and potential partners against the US Treasury's Specially Designated Nationals (SDN) lists in order to obtain a first indication of whether there are any potential red flags regarding a given transaction.

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⁴⁷ Mohammad Ghazal, "Studies underway for Jordan-Iraq industrial zone on border," The Jordan Times, March 12, 2019 <<http://www.jordantimes.com/news/local/studies-underway-jordan-iraq-industrial-zone-border>> (accessed December 11, 2019).

AMMAN AND THE GCC CRISIS – A CASE FOR ENHANCED EU COOPERATION WITH KUWAIT AND OMAN

Antonino Occhiuto

The 2018 protests, triggered by the deteriorating economic situation, have pushed Jordanians of diverse backgrounds onto the streets, and represent a major legitimacy test for King Abdullah II and Jordan's government. At the same time, due to the ongoing crisis within the Gulf Cooperation Council (GCC) – which includes some of Amman's most important donors and trade partners – Saudi Arabia (KSA), Qatar, and the United Arab Emirates (UAE) are increasingly subjecting economic cooperation and aid to stringent political conditions. This places further pressure on the already unstable financial outlook of the Hashemite Kingdom. In this context, EU policymakers should coordinate economic aid with other third parties indirectly affected by the GCC split, such as Kuwait and Oman, which have so far remained neutral in the ongoing GCC crisis and have demonstrated interest in Jordan's stability. Triangulation and further cooperation between authorities in Jordan, Kuwait, Oman, and the EU could help mitigate the effects of the Gulf crisis on both Jordan's finances and political decision-making in Amman.

From 2011–2018, Jordan suffered from a decline in trade revenues and a sharply reduced appetite for foreign direct investments (FDI) in the Kingdom. Arguably, Amman's measures to shield its citizens from such economic downturns contributed to the current level of government debt, which is increasingly unsustainable. In an effort to reduce unemployment, the government employed some additional 12,000 people annually during the past few years. This has led to an unprecedented financial burden on the government: government debt skyrocketed to reach 94 percent of the country's GDP.⁴⁸ In 2016, Jordan and the International Monetary Fund (IMF) signed a 36-month program to reduce public debt to safe levels. By accepting this program, Amman agreed to implement neoliberal austerity measures, reforming public sector hiring practices, increasing taxes, and cutting pensions. Such measures led to a decrease in ordinary Jordanians' standards of living

and caused country-wide protests which reached their peak in 2018, forcing King Abdullah II to oust his Prime Minister and prompting Omar Al-Razzaz, Jordan's new Prime Minister, to halt austerity reforms.

The protest, originally caused by economic grievances, developed into a major legitimacy test for Jordan's royal family and government. Despite the risk of triggering more protests, Jordan cannot postpone cuts in government spending indefinitely. All economic indicators point to the further deterioration of Amman's finances for the 2019–2020 period. In this context, economic cooperation with the countries of the GCC has, so far, allowed Jordan to largely resist IMF pressure to implement unpopular fiscal austerity measures. Due to its ongoing financial instability, Jordan is likely to increasingly depend on aid and investments coming from GCC states.

KSA-Qatar-UAE: Economic Leverage and Political Conditionality

The relationship between Jordan and KSA is the longest strategic partnership that Amman enjoys in the Gulf. The size of KSA's economy and its interests in Jordan mean that Riyadh is an increasingly important player in supporting Amman's finances. For instance, in June 2018, it was KSA's King Salman bin Abdulaziz Al-Saud who orchestrated a USD 2.5 billion aid package for protest-hit Jordan, financed by KSA, Kuwait, and the UAE.⁴⁹ The economies of Riyadh and Amman are increasingly interconnected. Of the 750,000 Jordanians working around the world and transferring money and savings to Jordan, some 400,000 reside in Saudi Arabia. Jordanian remittances are estimated to account for some ten percent of Amman's GDP. The UAE, as recently as June 2019, prompted a stronger involvement of UAE businesses in Jordan via the support of the Etihad Credit Insurance (ECI), Abu Dhabi's Federal Credit Insurance Company.⁵⁰ Qatar is also a popular work destination for Jordanian nationals and the annual trade volume between the two countries is valued at over USD 400 million. In addition, Doha promoted its own financial support package, pledging USD 500 million in economic aid, including 10,000 job openings for Jordanian nationals in Qatar.

48 Suleiman Al-Khalidi, "Jordan won't impose new taxes in new 2020 budget – finance minister," Reuters, November 21, 2019 <<https://www.reuters.com/article/us-jordan-economy-budget/jordan-wont-impose-new-taxes-in-new-2020-budget-finance-minister-idUSKBN1XV2KW>> (accessed December 11, 2019).

49 Suha Ma'ayeh and Margherita Stancati, "Saudi Arabia, Kuwait and U.A.E. Pledge \$2.5 Billion Aid to Jordan," The Wall Street Journal, June 10, 2018 <<https://www.wsj.com/articles/saudi-arabia-kuwait-and-u-a-e-pledge-2-5-billion-in-aid-to-jordan-1528685116>> (accessed December 11, 2019).

50 "Etihad Credit Insurance, Jordan's Loan Guarantee Corporation partner to strengthen trade relations," Gulfnews.com, June 23, 2019 <<https://gulfnews.com/business/etihad-credit-insurance-jordans-loan-guarantee-corporation-partner-to-strengthen-trade-relations-1.64788396>> (accessed December 11, 2019).

Gulf states often use economic aid as a soft power instrument to promote relations and enhance their influence in other countries. Until June 2017, when the intra-GCC opposition from KSA, Bahrain, and the UAE towards Qatar erupted,⁵¹ this was not a major concern, as Amman could accept aid from all Gulf countries without having to consider the relations among the various donors. However, the intra-GCC dispute Gulf (with Qatar on one side, and KSA and the UAE on the other) has put Jordan in a difficult position. The structure of its economic ties evidences how problematic it would be for Amman to accept aid involving political conditions that include severing economic and financial ties to either the Saudi and Emirati-led bloc, or Qatar.

To contextualize, Amman had downgraded its diplomatic representation to Qatar in June 2017 in solidarity with the decision of two of its main donors – KSA and the UAE – to cut all ties to Doha. In July 2019, as its economic situation continued to deteriorate, the Hashemite Kingdom, at the risk of irritating Riyadh and Abu Dhabi, appointed a new ambassador to Doha and accepted the nomination of Saud bin Nasser bin Jasem Al-Thani as Qatar's ambassador to Amman.⁵² This signals Jordan's need to cooperate with the largest possible number of donors amid its ongoing financial struggle. However, the GCC crisis has deeply divided the and the two blocs are increasingly competing for influence in several countries in the Middle East. As the intra-GCC diplomatic rift continues with no end in sight, Jordan will be increasingly pushed towards accepting political conditions in exchange for economic relief.

Beyond Jordan - Third Parties in the Intra-GCC Crisis

In this context, the role of other regional actors which have been supporting Amman, have considerable stakes in ensuring a stable future for Jordan, and are not entangled in the GCC crisis, is important. In particular, Kuwait and Oman have a history of cooperation with Jordan. Kuwait City and Muscat are also important economic partners of the Hashemite Kingdom. Kuwait has invested significantly in Jordan's economy while Oman has increased its imports from Amman and seeks to develop a compre-

hensive and integrated trade relation with both Jordan and the EU.

Kuwait and Oman are the only GCC states not aligned in the Gulf crisis and that are trying to negotiate and settle the differences between the Saudi-Emirati-led bloc and Qatar. Kuwait City, in particular, has emerged as the most proactive mediator in the intra-Arab controversy. GCC unity is key for a small state bordering an unstable Iraq to the north and increasingly internally affected by sectarian tensions. Muscat has offered support to Kuwait in light of its status as patient international mediator in crises theatres⁵³ in and around the Gulf, such as Yemen and the Iranian nuclear dossier.

Kuwait and the EU have acted with limited coordination with regard to Jordan's financial crisis

Kuwait and Oman as Potential Partners for the EU

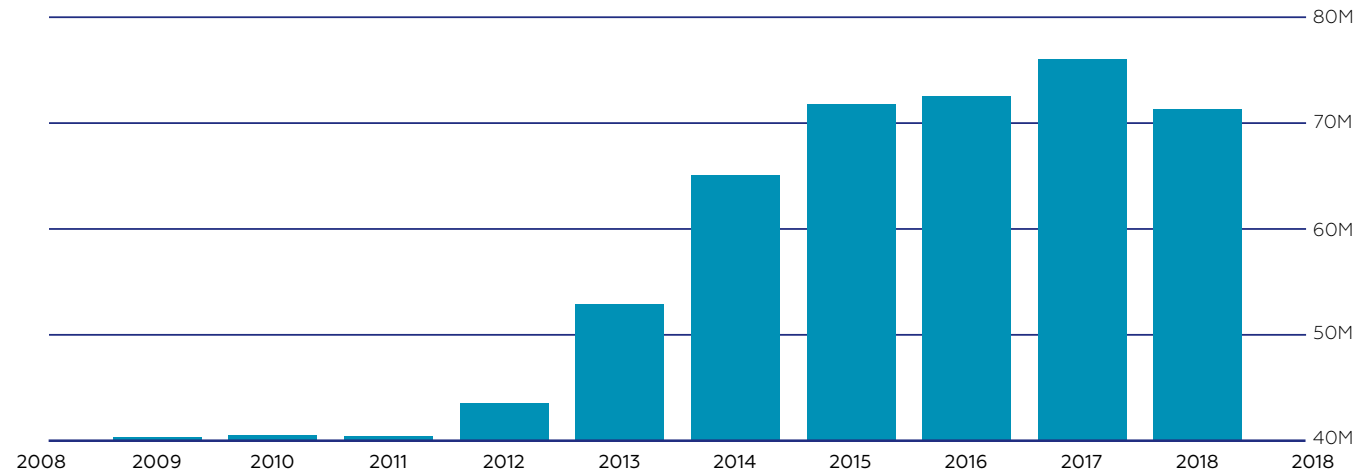
Brussels is increasingly concerned that instability in Jordan could hinder efforts to cooperate with Amman against terrorism and to alleviate the suffering of refugees. The ongoing chaos within Syria and Iraq's Al-Anbar province has pushed many to escape to Jordan, and the EU has already had to intervene to financially support refugee programs inside the Hashemite Kingdom. The 2002 EU-Jordan Association Agreement – recently improved in 2018 – demonstrates that Brussels considers Amman as an important trade partner. The EU also worries that the Gulf crisis could reduce and further condition the financial aid that Amman needs.

Brussels and Kuwait City share several regional concerns, such as the need to mediate an end to the GCC crisis, the need to uphold a two-state solution for the Israel-Palestine conflict, and they are already

51 "Qatar Crisis: What you need to know," BBC News, July 19, 2017 <<https://www.bbc.com/news/world-middle-east-40173757>> (accessed December 11, 2019).

52 "King of Jordan Receives Credentials of Qatar's Ambassador," Ministry of Foreign Affairs, September 8, 2019 <<https://www.mofa.gov.qa/en/all-mofa-news/details/2019/09/08/king-of-jordan-receives-credentials-of-qatar's-ambassador>> (accessed December 11, 2019).

53 Giuseppe Dentice, "Kuwait and Oman, Mediators of the Gulf," Strade, November 30, 2017 <<https://www.stradeonline.it/monografica/3211-kuwait-and-oman-mediators-of-the-gulf>> (accessed December 11, 2019).

Figure 3: Jordan's Exports to Oman 2008-2018

Source: Trading Economics, 2019*

*"Jordan Exports to Oman," Trading Economics, 2019 <<https://tradingeconomics.com/jordan/exports/oman>> (accessed December 11, 2019).

cooperating to reduce the ongoing instability in Iraq. On those issues, EU and Kuwaiti officials have already demonstrated, both at UN forums and during the Kuwait-organized donors' conference for the reconstruction of Iraq, that they are capable of cooperating effectively. More recently, in July 2019, the EU opened a delegation to Kuwait, paving the way for closer ties.⁵⁴ With regard to Jordan's financial crisis, Kuwait and the EU have, so far, acted with limited coordination. This has limited the positive impact of their efforts, despite the EU's allocation of some USD 200 million in aid for Jordan in July 2019.⁵⁵ Kuwait, on its part, granted USD 1 billion to fund projects in agriculture, energy, infrastructure, health, and transportation inside Jordan, in addition to financing a third of the USD 2.5 billion economic package organized by Saudi Arabia. EU cooperation with Kuwait on Jordan is also likely to pay long-term dividends due to the strategic nature of Kuwait's commitments to the Hashemite Kingdom. Kuwait is the top foreign investor in Jordan, with USD 18 billion invested before 2018⁵⁶ in the tourism, industry, banking, real-estate, and telecommunication sectors. Kuwait also

holds USD 1.3 billion in liquid assets at Jordan's Central Bank (more than KSA and the UAE combined).

Unlike Kuwait, Oman tends not to provide assistance via FDI. However, by increasing its imports from Amman, Muscat can provide a much-needed lifeline to Jordan's producers. The Sultanate of Oman is keen to establish closer commercial ties with Jordan and EU countries alike. For instance, Muscat and Amman are already cooperating on the potential establishment of a maritime route to better connect the Gulf with Europe. Oman is currently working to remove all obstacles to Jordan's exports towards the Oman market.⁵⁷ The Sultanate is expected to increase its import of Jordan's minerals, such as potassium and phosphates, agricultural products including fertilizers and vegetables, and pharmaceutical products. Oman's expertise and the success story related to its Duqm Special Economic Zone could also benefit the development of the Aqaba Special Economic Zone, established inside Jordan in 2001.⁵⁸

54 "European Union opens a new delegation in Kuwait City," European Union External Action, July 14, 2019 <https://eeas.europa.eu/headquarters/headquarters-homepage/65425/european-union-opens-new-delegation-kuwait-city_en> (accessed December 11, 2019).

55 "Jordan," European Commission, 2019 <https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/international-economic-relations/enlargement-and-neighbouring-countries/neighbouring-countries-eu/neighbourhood-countries/jordan_en> (accessed December 11, 2019).

56 Mahmoud Bushehir, "Kuwait PM's visit to Jordan help take ties to new heights," Kuwait News Agency, February 9, 2019 <<https://www.kuna.net.kw/ArticlePrintPage.aspx?id=2776878&language=ar>> (accessed December 11, 2019).

57 "Jordan, Oman discuss measures to boost trade cooperation," The Jordan Times, March 10, 2018 <<https://www.jordantimes.com/news/local/jordan-oman-discuss-measures-boost-trade-cooperation>> (accessed December 11, 2019).

58 "Jordan economic zones," Middle East Business Intelligence, August 22, 2013 <<https://www.meed.com/jordan-economic-zones/>> (accessed December 11, 2019).

Recommendations

The EU and Jordanian authorities have much to gain from facilitating and contributing to Kuwait's and Oman's efforts to strengthen Jordan's economy. By relying more on financial aid from the EU, Kuwait, and Oman, Jordan would increase its leverage when negotiating further aid and trade agreements, even with important donors that are increasingly keen to attach conditions, such as KSA, Qatar, and the UAE. The EU is likely to consider an economically more stable Jordan, not constrained by other donors' political demands, as an increasingly attractive partner to promote its interests in the Arab Levant and the wider Middle East.

In this context, decisive and coordinated measures by countries that retain important stakes in Jordan, that have demonstrated their ability and the interest to coordinate in the past, and which have the capabilities to improve the situation on the ground will likely benefit all parties involved.

- Use joint EU-Kuwait direct investments to support enterprises inside Jordan

The EU and Kuwait have already considerably invested in Jordan's economy with limited results. Joint targeted initiatives could pay more dividends than individual efforts. This could be the case of a jointly financed fund to ensure banking opportunities, support loans, and the bankability of Jordan's small and medium-sized enterprises. The project could be financed with the establishment of an ad hoc aid fund co-financed by the EU and Kuwait. By doing so, Brussels and Kuwait City would contribute to improving Amman's economic resilience in the medium to long-term by reducing the country's unemployment and strengthening its private sector.

- Encourage Omani imports from Jordan

The increasing volume of trade between Jordan and Oman is proving to be an important lifeline for Jordan's exports and manufacturing industry. The EU should encourage and incentivize Oman to maintain and then increase the current level of engagement with Amman. Firstly, this could be done by establishing a triple-A supply chain between the EU, Jordan, and Oman. This would allow preferential access to the EU market for Jordanian products that are then treated or re-worked in Oman. Secondly, investments to modernize Jordan's transport infrastructure would benefit Jordan's exports in gener-

al and the Amman-Muscat commercial exchange. In addition, Jordan's exports to Oman and other markets would benefit if Jordan's manufacturers could access EU businesses' expertise on how to address importers' needs.

- Bridge the intra-GCC rift

The negative impact of the intra-GCC crisis on both the stability of Jordan and the prospect of a comprehensive EU-GCC trade agreement suggests that Brussels should increase its engagement with countries that are seeking to mediate between the Saudi and Emirati-led bloc and Qatar. Such engagement could come in the form of explicit support and participation in all future initiatives, especially those led by Kuwait and Oman, to end the GCC standoff.

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TRUMP'S PEACE PLAN AND JORDAN'S WOES

Suha Ma'ayeh

* Note: The editorial closure date was 22.11.2019

As the Trump administration has yet to unveil the political aspects of a peace plan meant to end the decades-old Israeli-Palestinian conflict, Jordan, which shares the longest border with Israel and hosts the largest Palestinian refugee population, finds itself in a precarious situation. The Trump administration's apparent move away from the two-state solution and Israel's threats to annex large portions of the West Bank will deprive the Palestinians of a viable state. This threatens Jordan's key interests, which include the establishment of an independent Palestinian state with East Jerusalem as its capital and maintaining the Hashemite Custodianship over Jerusalem's holy sites. However, Amman, which depends heavily on financial aid from the US and its Arab Gulf allies, will face pressure to accept Trump's so-called deal of the century. If it refuses to cooperate with its allies, the consequences could include cuts to financial aid, potentially resulting in instability. As Jordan's stability remains a lynchpin for regional security, the EU and its member states should support Jordan's position in rejecting Trump's peace plan and continue upholding the two-state solution in order to support Jordan's stability and the broader region. The EU should also increase financial aid to help Jordan's economy mitigate the impact of potential aid cuts. The aid should be linked to political reforms to support the country's long-term stability. Reform is especially urgent in light of the potential failure of a two-state solution, which will only exacerbate existing grievances.

Jordan's Concerns over Trump's Peace Plan

President Trump's departure from decades of US policy has raised alarm in Jordan, a key partner for the EU in a region beset by uncertainty. The new direction includes the recognition of Jerusalem as the capital of Israel, defunding the UN Relief and Works Agency (UNRWA) – which provides basic services to registered Palestinian refugees in Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank – the recognition of Israel's annexation of the Golan Heights, and most recently, legitimizing Israeli settlements in the West Bank. Additionally, according to a recent

report by the Carnegie Endowment, the two-state solution, which Jordan strongly advocates, might be abandoned.⁵⁹ Moreover, if the new Israeli government acts on its promises and annexes all West Bank settlements, it will deal a blow to the peace process. Those dynamics make it increasingly difficult for the two-state solution – Jordan's overwhelmingly preferred outcome to the Israeli-Palestinian conflict – to materialize.

Jordan's main fear is that the peace plan would resolve the Palestinian-Israeli conflict at its own expense and turn it into a de facto alternative homeland for Palestinians. More than fifty percent of Jordan's population is of Palestinian origin, including 2.2 million Palestinian refugees registered with the UNRWA.⁶⁰ If Jordan were asked to resettle or absorb more refugees, it would further upset the country's delicate demographic balance towards the Palestinian majority. Jordan already hosts the second largest refugee population per capita worldwide, according to the United Nations High Commissioner for Refugees (UNHCR).⁶¹ There are currently 662,569 Syrian refugees, 67,527 Iraqi refugees, 14,654 Yemeni refugees, 6,141 Sudanese refugees, 775 Somali refugees, and 1,710 from other nationalities residing in Jordan.⁶²

Jordan is also concerned that it might be pushed to assume an administrative role in governing parts of the West Bank. In fact, Jordan is cautious and does not want to assume the role of a proxy for Israel. Those concerns are deeply rooted in Jordanian politics. In 1988, these anxieties prompted the late King Hussein to adopt a decision to sever administrative and legal ties with the West Bank, which was part of Jordan from 1948 to 1967, so that the Palestinian Liberation Organization would be the sole and legitimate representative of the Palestinians. The fate of Jerusalem is also central to Jordan, given its concern that the peace plan would alter its status as the custodian of the holy sites, a Hashemite legacy since 1924 administered by consecutive kings. The Hashemites trace their direct lineage to the Prophet Muhammad, a source of religious legitimacy to enhance their rule.

For his part, King Abdullah has reacted angrily to the potential risks the peace plan poses for his country. In a meeting with dignitaries in Zarqa in March this

59 Zaha Hassan et al., "Trump's Middle East Peace Plan Is in the Works. What Does the Region Think?," Carnegie Endowment for International Peace, June 24, 2019 <<https://carnegieendowment.org/2019/06/24/trump-s-middle-east-peace-plan-is-in-works.-what-does-region-think-pub-79365>> (accessed December 11, 2019).

60 "Protection in Jordan," UNRWA, March 2018 <<https://www.unrwa.org/activity/protection-jordan>> (accessed December 3, 2019).

61 "Jordan," UNHCR Fact Sheet, June 2019 <<https://reliefweb.int/sites/reliefweb.int/files/resources/70161.pdf>> (accessed December 3, 2019).

62 Ibid.

year, he said: “No to an alternative homeland, no settlement and no meddling with the Hashemite custodianship over Jerusalem.”⁶³ Such statements were intended in part to assuage restive citizens who fear that the monarchy will sell out the Palestinian cause. The King has also stepped up his political rhetoric at home and abroad, affirming his country’s position in support of a two-state solution. Jordan sees the two-state solution – which guarantees the establishment of an independent Palestinian state within the June 1967 borders, with East Jerusalem as its capital in accordance with the Arab Peace Initiative – as the only path to end the Arab-Israeli conflict.

In his address to the UN General Assembly in September 2019, King Abdullah warned that the alternative to a two-state solution would be one state, segregated, with unequal laws. He said it “is a formula for enduring conflict, not a path to stability, security, and peace.”⁶⁴ As a custodian, the King added that he was bound by a special duty to protect Jerusalem’s Islamic and Christian holy sites. With Israeli policies shifting further towards the right, it is unlikely that the two-state solution will see a breakthrough. King Abdullah further warned that annexing the West Bank settlements would have a major impact on Israeli-Jordanian as well as Egyptian-Israeli relations, since they are the only two Arab countries that have peace treaties with Israel.

Domestic and External Pressures

The country has its share of problems which makes it difficult to stand up against Trump’s peace plan. The economy has hit its worst rough patch. Public debt stands at 94 percent of GDP, poverty is on the rise, and unemployment has reached 19 percent.⁶⁵ It remains particularly high for youth (42.3 percent) and women (23.3 percent). The influx of 1.3 million Syrians has placed additional pressure on the country’s scant resources. Since the country is heavily reliant on foreign aid from oil-rich Gulf states and the

US, it fears its allies will push it into making painful concessions that would make Jordan an alternative homeland for Palestinians. This could lead to a meltdown and ignite identity-based tensions between East Bank Jordanians and Palestinians.

There is a shared sentiment in Jordan against the peace plan, from the top levels to ordinary citizens. Protests took place against Jordan’s participation in the Bahrain conference, where Jared Kushner launched the economic part of the peace plan this summer. However, these were not mass protests. Jordanian Islamists marched in the capital after Friday prayers, denounced Washington’s peace plan, and demanded that the government boycott the conference.⁶⁶ On June 25, dozens of Jordanians protested near the prime minister’s office, rejecting the Bahrain conference and the peace plan.⁶⁷

Under pressure, Amman participated in Bahrain, but sent a low-level delegation. After the event, Jordan avoided direct criticism of the conference and there was hardly any coverage involving the country’s participation in local media. King Abdullah has also avoided direct criticism of the peace plan but continued to urge the US and the international community to support the two-state solution. King Abdullah cannot risk upsetting the Trump administration and his Gulf allies. The US is the single largest donor of assistance to Jordan. Last year, the US signed a Memorandum of Understanding with Jordan committing to providing no less than USD 1.275 billion per year in US bilateral foreign assistance for five years.⁶⁸ Saudi Arabia and other Gulf countries pledged a USD 2.5 billion aid package in support of Jordan’s monarchy in 2018,⁶⁹ following large-scale protests over tax hikes.

This aid, however, comes with strings attached. It largely consists of loans in the form of deposits. The aid package provides neither immediate aid nor holistic long-term support and can be withdrawn at

63 “King: Jerusalem is a red line, my position on it is unwavering and all my people are with me,” King Abdullah of Jordan, March 20, 2019 <<https://kingabdullah.jo/en/news/king-jerusalem-red-line-my-position-it-unwavering-and-all-my-people-are-me>> (accessed December 3, 2019).

64 “King delivers Jordan’s address at UN, says continued occupation of Palestinian territory a global moral tragedy,” King Abdullah of Jordan, September 24, 2019 <<https://kingabdullah.jo/en/news/king-delivers-jordan-s-address-un-says-continued-occupation-palestinian-territory-global-moral>> (accessed December 11, 2019).

65 “Jordan,” IMF Country Report No. 19/127, May 2019 <<https://www.imf.org/-/media/Files/Publications/CR/2019/IJOREA2019001.ashx>> (accessed December 3, 2019).

66 Suleiman Al-Khalidi, “Hundreds of Jordanian Islamists protest against Trump peace plan,” Reuters, June 21, 2019 <<https://www.reuters.com/article/us-israel-palestinians-jordan-protests/hundreds-of-jordanian-islamists-protest-against-trump-peace-plan-idUSKCNITMIQQ>> (accessed December 3, 2019).

67 “Photos: Jordanians demonstrate near 4th Circle against Bahrain workshop,” Roya News, June 26, 2019 <<https://en.royanews.tv/news/17896/Photos--Jordanians-demonstrate-near-4th-Circle-against-Bahrain-workshop>> (accessed December 3, 2019).

68 “New U.S.-Jordan Memorandum of Understanding on Bilateral Foreign Assistance to Jordan,” U.S. Embassy in Jordan, February 14, 2018 <https://jo.usembassy.gov/new-u-s-jordan-memorandum-understanding-bilateral-foreign-assistance-jordan-2/?_ga=2.203994009.823068067.1576057392-531458947.1575365587> (accessed December 11, 2019).

69 Suha Ma’ayeh and Margherita Stancati, “Saudi Arabia, Kuwait and U.A.E. Pledge \$2.5 Billion in Aid to Jordan,” The Wall Street Journal, June 10, 2018 <<https://www.wsj.com/articles/saudi-arabia-kuwait-and-u-a-e-pledge-2-5-billion-in-aid-to-jordan-1528685116>> (accessed December 3, 2019).

any time.⁷⁰ Losing access to this foreign aid would have severe consequences for Jordan. It would intensify economic hardship and potentially lead to political instability. The government would not be able to pay its debts, including the salaries of its employees, and its credit ratings would decline. While international agencies have maintained Jordan's rating outlook as "stable,"⁷¹ it remains challenged by high public debt, slow growth, and the risk of domestic and regional turmoil.

The lack of political reform adds to existing grievances

A further challenge for Jordan is that its regional standing is diminishing, which makes it less likely that allies will continue to pour money into the country without concessions in return. Wedged between Israel, Syria, Iraq, and Saudi Arabia, Jordan's strategic position has allowed it to assume a pivotal role as a buffer between these countries. But as Saudi Arabia and other Gulf states are dealing directly with Israel, Jordan no longer functions as an interlocutor between Israeli and Arab Gulf Cooperation Council (GCC) countries. Besides, Saudi Arabia and the United Arab Emirates (UAE) support the peace plan, have forged closer ties with the Trump administration, and see eye to eye on foreign policy issues, including the threat that Iran poses to their states and the region.

In its attempts to carve out a more independent foreign policy, Amman may have upset its Gulf allies when it refused to sever its ties completely with Qatar in 2017. In the summer of 2019, Amman appointed a new envoy to Doha. Furthermore, Jordan is trying to send a signal to Saudi Arabia that it does not want

to be part of the Iran–Saudi rift. When Jordan recalled its ambassador from Iran, the Iranian ambassador stayed in Amman.⁷² King Abdullah also shook hands with Iran's president during a special summit in May of the Organization of Islamic Cooperation (OIC) in Turkey.⁷³ He also sent cables of congratulations to Supreme Leader of the Islamic Republic of Iran, Ayatollah Ali Khamenei, and President Hassan Rouhani on the occasion of the Nowruz new year celebrations in March this year.⁷⁴

The lack of political reform adds to existing grievances. Laws stifling the freedom of expression and the freedom of assembly, prompted by security concerns, persist. In fact, Jordan is rated only partly free by Freedom House, which assesses the condition of political rights and civil liberties around the world.⁷⁵ Human Rights Watch has also criticized Jordan for increasingly targeting political and anti-corruption activists on charges that violate the right to free expression.⁷⁶ Since mid-March 2019, authorities have detained over a dozen people, most of whom are linked to a loose coalition of political activists across the country known as the HIRAK, as well as journalists, for public criticism of Jordanian leaders and policies.⁷⁷ Trump's reversal of four decades of US foreign policy and the lack of progress in the peace process will only deepen the anger and frustration at a time when pent-up grievances could mobilize the silent majority onto the streets.

EU-Jordanian Cooperation and Mutual Interests

Jordan's stability remains a lynchpin for regional security. Hence, current developments are against the EU's own interest. Jordan is a key partner for Europe and a recipient of substantial EU aid. Germany is Jordan's second largest bilateral donor after the US. Despite its meagre resources, Jordan has assumed a pivotal role in the region's security. Its pro-western foreign policy, diplomacy that is constructive in nature, and commitment to promoting peace and stability, make it an important partner for the EU. Jordan also cooperates with the EU on counter-ter-

70 Ibid.

71 "Jordan – Credit Rating," Trading Economics, 2019 <<https://tradingeconomics.com/jordan/rating>> (accessed December 3, 2019).

72 Dale Gavlak, "Jordan Seeks Middle Ground in Mideast Rift," VOA News, August 14, 2019 <<https://www.voanews.com/middle-east/jordan-seeks-middle-ground-mideast-rift>> (accessed December 3, 2019).

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74 "King congratulates Iran on Nowruz new year," Jordan News Agency, March 23, 2019 <http://petra.gov.jo/Include/InnerPage.jsp?ID=14238&lang=en&name=en_news> (accessed December 3, 2019).

75 "Jordan. Partly Free," Freedom in the World 2019, Freedom House, 2019 <<https://freedomhouse.org/report/freedom-world/2019/jordan>> (accessed December 3, 2019).

76 "Jordan: Crackdown on Political Activists. Charges Restrict Free Expression," Human Rights Watch, June 4, 2019 <<https://www.hrw.org/news/2019/06/04/jordan-crackdown-political-activists>> (accessed December 3, 2019).

77 Ibid.

rorism and constitutes a bulwark against extremists from Syria and Iraq. Jordan and the EU see eye to eye on the Israel–Palestine issue and advocate a two-state solution. They also share the same views on the war in Syria and support UN Security Council Resolution 2254, which calls for a ceasefire and a political settlement.

Jordan is also an important partner in the European Neighbourhood Policy, enforced since 2002, which seeks to advance a political dialogue, boost trade, and promote cooperation in a wide array of sectors. Moreover, the EU appreciates Jordan's role in hosting at least 660,000 registered Syrian refugees. The EU's support to Jordan has helped the country cope with the Syrian crisis. Since 2011 and to date, the EU has spent more than EUR 2 billion in Jordan on different projects in the fields of health, education, women's empowerment, private sector development, livelihoods, water, sanitation and health, macro-financial assistance, and bilateral assistance, including a trust fund in response to the Syrian crisis. In 2016, the EU and Jordan adopted a Compact in an attempt to improve the living conditions of both Syrian refugees in Jordan and vulnerable host communities.⁷⁸ As the single largest donor to UNRWA, the EU's support has helped Jordan mitigate the impact of the suspension of US funds. If Jordan's stability is undermined, it would further destabilize the region and could potentially lead to a new wave of migration to the EU.

Recommendations

- Increase EU member states' engagement in opposing Trump's peace plan

A stronger European engagement in rejecting Trump's peace plan, affirming the two-state solution, with an independent and viable Palestinians state, and opposing Israel's expansion of settlements in the West Bank, should be priority concerns for the EU. Therefore, the EU and its member states should only agree to a plan that supports the two state-solution based on international law and resist any attempts to thwart it. They should also support a solution based on UN security resolutions as well as the Arab Peace Initiative, among others. Efforts should be made to try and enforce UN Security Council resolution 2334, which calls on Israel to immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and to fully respect all of its legal obligations in this regard. The

EU and its member states should also try to jump start the peace talks based on the June 4, 1967 lines.

- Increase financial support, while pressing Jordan to pursue genuine political reforms

The EU and its member states must increase financial support to help Jordan resist pressure from its allies to accept the peace plan. At the same time, the EU should use the aid to push for genuine domestic reforms to ensure Jordan's stability. Reforms should also include the adoption of a modern election law, and the revision of laws that stifle press freedoms and the freedom of assembly.

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Publisher

Deutsche Gesellschaft für
Auswärtige Politik e.V.

ISSN 1866-9182

Editing Dina Fakoussa and
Laura Lale Kabis-Kechrid

Layout Anna-Maria Roch

Design Concept WeDo

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