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Patchwork compliance: political dialogues about contested human rights

Benneker, V.L.

Citation
Benneker, V. L. (2021, July 1). *Patchwork compliance: political dialogues about contested human rights*. Retrieved from https://hdl.handle.net/1887/3192803

Version:	Publisher's Version
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Downloaded from:	https://hdl.handle.net/1887/3192803

Note: To cite this publication please use the final published version (if applicable).

Cover Page

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The handle https://hdl.handle.net/1887/3192803 holds various files of this Leiden University dissertation.

Author: Benneker, V.L.
Title: Patchwork compliance: political dialogues about contested human rights
Issue Date: 2021-07-01

Political dialogues about CEDAW compliance in Jordan

5.1 Introduction

This chapter shows how decisions on compliance with CEDAW are part of political dialogues involving different communities at the domestic and the international level. It finds, first, that under the conditions of international vulnerability and human rights norms monitoring, Jordan's main decision-maker starts a political dialogue to make reform possible. When the consensus-creating strategies are used carefully, the dialogue results in an increase in compliance. The chapter also shows that when these conditions change and, particularly, the monitoring by important allies from within the Western-oriented community decreases, the need to start a political dialogue also decreases. Consequently, we see that subsequent political dialogues, if they are started at all, are no longer aimed at making a decision to move towards compliance possible.

In addition, this chapter also demonstrates how backlash effects again human rights can develop. Though not expected by the propositions, this helps us better understand how these effects can develop in response to different stages of the pathway; during the start of the dialogue by selecting participants which are not approved by, or do not include sufficient domestic veto communities; by focusing too much on changing the status quo and less on creating consensus first; and by making decisions on compliance that are not based on built consensus.

5.2 Dialogues to increase compliance 2001-2010

A women's quota in parliament

As discussed in chapter 4, Jordan's vulnerability to the Western-oriented international community further increased after the 9/11 terrorist attacks on the US. Jordan's subsequent alliance and military collaboration with the West was problematic within the Arab-Islamic community, as the invasions in the region were perceived as a clash of civilizations and a new crusade.[325] Moreover, it added fuel to domestic fires started by the second Intifada. Many Jordanians were opposed to their country's alignment with the West, and took to the streets to protest.[326]

Starting a dialogue: 'Jordan First'

In response, King Abdullah started a dialogue that was called 'Jordan First'. In the words of the deputy-president of the Jordan First Committee; "There was the intifada, and 9/11, and the threat of a coming Gulf war, and we knew this was going to be something divisive in the Jordanian population. We didn't want that. … so that's how the Jordan First Initiative

325 Kayaogly, 2012
326 International Crisis Group, The Challenge of Political Reform: Jordanian democratization and Regional Instability, October 8, 2003

was born."[327] One member of the Jordan First Committee, Dr. Oraib Rantawi, recalls a conversation with the prime minister right before the Committee was set up. He said "that we cannot repeat what we did in the 1990s during the First Gulf War. The whole international and regional political scene is totally changed. And we paid a heavy price at that time, economic sanctions by the Gulf States, bad relationship with the US. This time the consequences would maybe be even worse. [...] And the war in Iraq is something... I remember George W. Bush saying you are either with us or against us. But a majority [of the Jordanians supported Saddam Hussein]! There was a gap, a huge gap between the government and the population. Then we said, let us go for a reform initiative."[328]

On 30 October 2002, the King established a committee by royal decree that was to "unite Jordanians in their sense of national belonging, pride in their Arab nation and Islamic religion, in an atmosphere of freedom, democracy, pluralism, tolerance and social justice."[329] After months of deliberation, the Committee proposed several mechanisms to reform government, parliament, the judiciary, political parties, the professional associations, the press, education, and the private sector. The only recommendation that was eventually implemented was the quota for women in parliament.

As the following will highlight, there were several consensus-creating strategies used to make an outcome possible that could not have been achieved without that dialogue; mostly participant selection and side payments. Persuasion and reverberation were used as well, but were mostly ineffective. The paragraphs below also show how these strategies were used in such a way as to make an increase in the degree of compliance with Article 7 possible. At the same time, it also shows how it was not possible for an increase in the range of compliance to be made acceptable, even though an attempt was made. For example, some of the other recommendations made by the CEDAW Committee were discussed, including giving women the right to pass on their nationality to their children, but were soon dropped during the dialogue.

Participant selection

King Abdullah II launched a Committee with 31 members that were carefully chosen. First, the King selected Shaykh Iz al-Din Al-Tamimi to head the Committee. The shaykh was a renowned and respected Islamic figure, who holds much religious legitimacy within Jordanian society.[330] At that point in time, he was Jordan's Chief Islamic Justice, but he held many other high government positions during his career, including grand mufti of Jordan,

327 Interview with Dr. Bassem Awadallah (Former minister, Deputy president of the Jordan First Committee), interview by Violet Benneker, Amman 2017

328 Interview with Dr. Oraib Rantawi, (Member of the Jordan First Committee, Director of Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017

329 Abdullah II (King of Jordan). "Letter to Prime Minister Ali Abul Ragheb on the national interest" October 30, 2002

330 Interview 57 (Expert on religion), interviews by Violet Benneker, Amman 2017

minister of religious affairs and senator.

King Abdullah selected Bassem Awadallah as deputy, who was then minister of planning and his right-hand man. Awadallah is a Jordanian of Palestinian descent and shared the new King's liberal economic reform agenda. He would later go on to become director of the Office of His Majesty in 2006 and chief of the Royal Hashemite Court in 2007. In that career, he became known as "the most powerful man in Jordan, after the King".[331] Given this position, he was the de facto leader of the Jordan First Committee and arranged all the discussions and drafting of the Jordan First plan.

During the interviews for this research, Bassem Awadallah explained that in the selection of the rest of the members of the Committee, King Abdullah was very aware of the divides within his society, and the need to focus on a Jordanian identity. Many of the Jordanian factions had loyalties that lay more within the Arab-Islamic community, than with a unique Jordanian identity. Therefore, the leaders of the Committee, together with the King, saw in the Jordan First initiative an opportunity to build consensus on a Jordanian identity all these different voices could relate to.[332]

To make sure that happened, each different faction was represented in the Committee.[333] The media announced that the members "include current and former ministers, senators and deputies. … authorities on Islam and independent Islamists, academics and professionals, members of the business community, Royal Court officials and politicians with a leftist and pan-Arab background."[334] In practice, according to member of the Committee Oraib Rantawi, this meant that "most of the members on the Committee were conservatives. Not that many pro-reform people. Therefore, instead of finishing the job within a couple of weeks, it took much more, fighting each other."[335] There were tensions on drafting a new and representative electoral law, the possibility of building a true constitutional monarchy, press freedom, and women's rights – especially changing the Nationality Law, related to Jordan's reservation on CEDAW Article 9.2. The liberal-minded members wanted to use the fresh wind that was blowing through the new Royal Court to make some serious reforms, including on women's rights. The conservatives hoped to divert it without too much open opposition to their new King.[336]

331 Milton-Edwards & Hinchcliffe, 2009:97
332 Interview with Dr. Bassem Awadallah (Former minister, Deputy president of Jordan First Committee), interview by Violet Benneker, Amman 2017; Francesca Sawalha, "King chairs 'Jordan First' committee meeting", Jordan Times, November 1, 2002.
333 Interview 59, (Political actor), interview by Violet Benneker, Amman 2017
334 Francesca Sawalha, "King chairs 'Jordan First' committee meeting", Jordan Times, November 1, 2002.
335 Interview Dr. Oraib Rantawi (Member of the Jordan First Committee, Director of the Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017
336 Interview Dr. Oraib Rantawi (Member of the Jordan First Committee, Director of the Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017; Interview 33 (Political actor), Amman 2017, interview by Violet Benneker, Amman 2017

Persuasion

Starting any discussion on women's rights was a guarantee for an intense debate. Persuading the conservative Committee members of the need to reform on women's rights turned out to be a difficult task, especially when it came to granting women the right to pass their nationality on to their children. Most countries in the Arab-Islamic community have placed the same reservation on Article 9.2.[337] Also, the League of Arab States has agreed that no Arab State grants nationality to Palestinians "in order to preserve the Palestinian identity".[338] A new nationality law would threaten that norm, by giving the children from Jordanian women who married Palestinian men Jordanian nationality. But the fact that this specific right was so quickly dismissed during the Committee's deliberations was not necessarily to preserve the Palestinian identity.

Rather, the quick dismissal was because of the strongly held belief among the conservatives that changing this law would damage the so-called 'Jordanian-Jordanian' identity.[339] Many of the conservative tribes did not want to accept Palestinian refugees as a permanent part of Jordanian society, and they believed changing this law would lead to just that. While this law remained in place, Jordanian-Jordanian women were more likely to marry Jordanian-Jordanian men, so their children could have full citizenship rights. Moreover, it would prevent children from mixed marriages from becoming full Jordanian citizens. In addition, conservative norms regarding women also played a role.[340] Indeed, children from a mixed marriage of a Jordanian-Jordanian man and a Palestinian woman do get full Jordanian citizenship. The conservatives' fierce opposition to discussing the topic seems thus to have been based on two motivations; protecting Jordanian-Jordanian identity, and preventing women from passing on their nationality to their children.[341] Especially the latter reason was most often used publicly to defend keeping the Nationality Law in Jordan.[342]

The refusal to consider changing this law, and thus lifting the reservation to Article 9.2, clearly demonstrates the power of the conservative tribes in the dialogue. Most other communities in Jordan did not need to be persuaded, as a change to this specific right was already a match with their norms. Most Palestinian-Jordanians supported a change in this law, as a result of their belief that their children should enjoy equal citizenship. The liberals agreed to it as a result of their belief in Palestinians' and women's equality.[343] Finally, also

337 Algeria, Bahrain, Brunei, Egypt, Iraq, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia, Syria, Tunisia and the United Arab Emirates have all placed a reservation on Article 9.2. https://www.un.org/womenwatch/daw/cedaw/reservations-country.htm (Last accessed 20 February 2018)
338 CEDAW/C/JOR/5 (September 24, 2010)
339 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017
340 Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
341 Interview 17 (Political actor), interview by Violet Benneker, Amman 2017; Interview 55, (Political actor), interview by Violet Benneker, Amman 2017; Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017
342 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017
343 Interview 55, (Political actor), interview by Violet Benneker, Amman 2017; Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

for the influential outsiders of the Committee, the Muslim Brotherhood, changing this law would not have been problematic. Since they consider the Islamic Umma as one big society, it seems likely they would not have protested a change; "Look, religion has no interest in this issue. … In Islam, we are all brothers. Me, and the Moroccans, the Algerians, the Tunisians, the Libyans, the Iraqis, the Syrians, we are all Muslims! It is this nationality law that is limited to the country itself, and every country has its own. It is a shame, sister!"[344]

Moreover, many believe the King himself wanted to change this law, but that he was also limited in what he could do. In fact, Queen Rania planned to announce a change to the law in the same year as the Jordan First Committee, but she had to backtrack under pressure from the conservatives.[345] According to one expert, "I think that the people who can actually make a decision do not feel particularly obliged to conservative politics. But because it is a red line on so many levels, it will never succeed. It is a definite red line. I think it is both a conservative [issue] and linked to the Palestinian issue. Dependent on who you are talking to, one would have more weight than the other. But we are not able to go beyond that red line."[346]

Topic selection

As the discussions within the Jordan First Committee proceeded, it became increasingly clear that the conservatives had a strong position and that they were not so easily persuaded of the need to change any laws on women.[347] However, according to Committee leader Bassem Awadallah, the King was determined to start a process of reform that would give women equal political rights, and a quota proposal could be designed in such a way that it would become acceptable to all.[348]

Domestically, women's political rights were not seen as something in need of change or support. Many believed politics were not a suitable place for women, and a large majority of Jordanian society believed men to be better political leaders.[349] Consequently, many felt women's political participation should not have the government's main attention.[350] At the same time, political rights were also considered more "distant" from people's personal lives.[351] Having women in parliament would not directly threaten the family and the day-to-day lives of Jordanians. And, importantly, the quota seats could be added to the

344 Interview 40 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
345 Interview 42, (Political actor), interview by Violet Benneker, Amman 2017; "The queen outmatched: Her demographic coup blown away by Jordan's indigenous tribes", *The Economist*, December 5, 2002.
346 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017
347 Interview 59, (Political actor), interview by Violet Benneker, Amman 2017
348 Interview with Dr. Bassem Awadallah (Former minister; Deputy president of the Jordan First Committee), interview by Violet Benneker, Amman 2017
349 World Values Survey; Chapter 3 of this manuscript; IDEA & ANND, Building Democracy in Jordan: Women's political participation, Political party life and Democratic elections, 2005
350 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
351 Interview 18 (Political analyst), interview by Violet Benneker, Amman 2017

current number of seats in parliament. In that way, no man would have to give up his seat for a woman.[352] So even if society was not persuaded of the value of women becoming politically active, changes to political rights might be the least controversial change of all women's rights.[353] Moreover, it was already allowed. Women had been granted the right to participate in politics by the late King Hussein decades ago. Furthermore, the idea of a quota was also not new to the Jordanian parliament, as religious minorities always won their seats through quotas.

Importantly, women's political participation was also more acceptable to the influential outsiders of the Committee. Even though, officially, the Brotherhood had stated that it was against a quota system, women's political participation was debated within the party as well.[354] Some believed Islam was unclear on whether it was actually forbidden, and some members in the Brotherhood had recently started to argue in favor of women's political participation. They saw the political roles the Prophet's wives had held as proof that women should be allowed in parliament.[355] There were Brotherhood members – both male and female – who argued it is evident that women's political participation should be allowed, even if only to a certain extent; "being for example president is not allowed in Islam, it is very clear! Because she has a husband, and a husband may interfere. Thereby, in general, she is weak. So to avoid any harming of the country, or the society, we need to be cautious about this. So she can [for example] be governor, but not the main! Not a president."[356] So even though the Brotherhood were not persuaded by CEDAW norms, they might agree to political participation on their own terms, even if only to certain extent.

Reverberation

Attempts at reverberation to persuade the population were extensive, but on the whole not judged as very effective by some involved. The women's rights movement, led by the JNCW under royal patronage, was determined to make sure women would hold seats in parliament. They began a national program of workshops, training sessions and lectures to raise awareness about the importance of female political participation. Parts of that program were funded by the European Union and the British Council.[357] Other Jordanian liberals also tried to influence the debate. Oraib Rantawi hosted a televised talk show while the Jordan First Committee was taking place. In that show, he advocated for women's political

352 Interview 69, (Expert on law) interviews by Violet Benneker, Amman 2017
353 Interview 52, (Political analyst), interview by Violet Benneker, Amman 2017
354 IDEA & ANND, Building Democracy in Jordan: Women's political participation, Political party life and Democratic elections, 2005
355 Interview 51, (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 76, (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
356 Interview 76, (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 34 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017.
357 Rana Husseini, "Women's groups to appeal for parliamentary representation quota", *Jordan Times,* January 30, 2002; Rana Husseini, "Arab women rank lowest worldwide in parliamentary presence", *Jordan Times*, March 23, 2002; IDEA & ANND, *Building Democracy in Jordan: Women's political participation, Political party life and Democratic elections*, 2005

participation and a quota. Looking back, he does not believe that this helped significantly in changing the norms of a majority of Jordanians on women's participation in politics. He comments that: "what we are missing is a clear push, clear pressure from society. If that was there, these old conservatives would give in. But there isn't."[358]

Side payments

Bassem Awadallah soon focused his efforts on getting the conservatives to agree on a quota for women in politics. In order to avoid confrontational debates, he organized bilateral meetings where he argued that a quota is the direction that a modern Jordan needed to take. Additionally, he stated clearly that the quota would be a temporary first step. It could eventually lead to equal rights for women being obtained without the need for a quota system.[359] The promise that the quota would be temporary proved crucial; "I am not with the quota, and I told [the King] before. But in the beginning, they are saying to me that perhaps we need it for two terms, for two! Which is eight years. So for that I say, perhaps, but I am not with the quota."[360]

Other trade-offs were also made to further increase support for the quota. While the conservative tribes had significant leverage and could reject several changes in women's rights, they also knew that they "could not keep saying no to everything."[361] The King's idea of establishing a constitutional monarchy through a new electoral law was, in particular, considered a red line, as that would have diminished the tribes' power in parliament. Therefore, the idea of fundamentally reshaping the Electoral Law was given up on in order to increase support for just one small change to the existing Electoral law: the women's quota.[362]

Persuasion

While the conservatives were now reluctantly beginning to accept the idea of a quota, some of the liberals were also still in need of convincing. Women's political participation had become one of the main priorities of the Jordanian liberal elite, but some did not believe a quota was the right course of action or that it would be sufficient. In the Jordanian parliament, quotas were used for minorities. Since women made up half of Jordan's society, they felt a quota was a highly inappropriate measure.[363] However, for them, too, the promise of a temporary quota proved decisive.[364] With the trauma of the 1997 elections in the back of their minds, in which no woman won a seat despite great advocacy efforts,

358 Interview with Dr. Oraib Rantawi (Member of the Jordan First Committee, Director of the Al-Quds Center for Political Studies), interview by Violet Benneker, Amman 2017
359 Interview 59 (Political actor), interview by Violet Benneker, Amman 2017; Interview 33 (Political actor), interview by Violet Benneker, Amman 2017; Interview 25 (Political actor), interview by Violet Benneker, Amman 2017; Interview 55 (Political actor), interview by Violet Benneker, Amman 2017.
360 Interview 25 (Political actor), interview by Violet Benneker, Amman 2017
361 Interview 25 (Political actor), interview by Violet Benneker, Amman 2017
362 Interview 59 (Political actor), interview by Violet Benneker, Amman 2017
363 IDEA & ANND, Building Democracy in Jordan: Women's political participation, Political party life and Democratic elections, 2005
364 Interview 33 (Political actor), interview by Violet Benneker, Amman 2017

they started to believe that a temporary, transitional quota was better than no political participation at all.[365]

Increasing the degree of compliance

After a month and a half of deliberations, the Jordan First Committee presented its recommendations on 18 December 2002. The first recommendation on the Electoral Law did not touch the conservatives' power in parliament. It merely stated that "When enacting election laws, we should strive to guarantee sound representation, equity and the empowerment of all vital powers and competent patriotic personalities to enable them to serve in the House of Parliament." The second recommendation on the Electoral Law was more specific, and shows the consensus created on a quota during the Committee's discussions; "Election laws should observe the goals of political and partisan development and the empowerment of women to elect and be elected and guarantee the actual election of women to Parliament (a women's quota, provided that it is temporary and transitional)." The recommendations to strive for sound representation in election laws, and to review all legislation related to human rights were never implemented. That was different for the recommendation on the quota. By the beginning of January 2003, the government announced the formation of the Women's Parliamentary Quota Committee to turn the recommendation into action. Insiders say that the most important reason for the quota recommendation to be followed up was because "it was clear that the King wanted it".[366]

The appointed Quota Committee was supposed to "work independently from the government, whose role will be limited to facilitation and coordination"[367] on a plan for the quota in parliament. This was experienced differently by some; "[the prime minister] just said, 'I am thinking about 6 seats.' I mean, he had the whole formula in mind."[368] Even so, the conservative and liberal members of the Quota Committee did discuss the number of seats. Women's rights activists demanded a quota of 12, with one quota seat for each electoral district in Jordan. The conservatives countered that the government would never accept that number, and that they should stick to 6. The discussions ended with a recommendation of 8 seats for the quota. Nonetheless, just over a month later the King decreed a quota of 6 seats.

Possibly, the eventual design of the quota was not left to the Quota Committee, since the King was taking considerable risks in complying with CEDAW Article 7. First, even though the tribes had grudgingly accepted an undefined temporary quota, they were not persuaded by it. Most of them still believed women had no place in politics.[369] Considering this group dominated, among other bodies, the powerful secret service, they were a force

365 Interview 11 (Political analyst), interview by Violet Benneker, Amman 2017
366 Interview 55 (Political actor), interview by Violet Benneker, Amman 2017
367 'Formation of 5 committees to implement 'Jordan First' announced', *Jordan Times Archive*, 9 January 2003.
368 Interview 35 (Political actor), interview by Violet Benneker, Amman 2017
369 Interview 33 (Political actor), interview by Violet Benneker, Amman 2017

to be reckoned with. The quota therefore needed to be calculated in a way they could agree with. Secondly, neither the King nor the tribes wanted all seats taken up by women from the political faction of the Muslim Brotherhood, the Islamic Action Front. Limiting the presence of the Muslim Brotherhood had been a long-time priority of the Hashemite monarchy, and the existing Electoral Law was designed to keep that presence as minimal as possible.[370] Any changes to that law should at least not change that particular feature.

The quota that King Abdullah decreed on 10 February 2003 controlled both risks. First, a number of 6 in a parliament of 110 is small, and more importantly, the seats were added to the existing parliamentary seats. This way, the presence of women was kept to a negligible minimum (a little over 5%), and, importantly, no man needed to give up his seat for a woman.[371] Moreover, the distribution of the seats was calculated in such a way that the chances of a Brotherhood member winning seats were low.[372] Rather, the distribution key made a seat for the smaller tribes very likely. Rather than being only a women's quota, it can therefore also be considered a quota for small tribes.[373] Having the decision on the quota legitimized through an 'independent' quota committee containing both liberals and conservatives, the King made sure that the decision would cause as little social unrest as possible.[374]

The quota was implemented for the first time in the elections of 17 June 2003. Despite the fact that 54 women ran, none gained enough votes to win a regular seat in parliament. In total, all female candidates together collected only 36,000 votes. Jordanian sociologist Sabri Rheibat commented at the time that "people still appear unsure women can make it in the political world. Many still carry deeply seated beliefs and perceptions about a woman's ability in the Lower House."[375]

The six women who did make it to parliament all did so on the quota system. Five seats were won by women from smaller tribes, all with fewer than 2000 votes. One won her place in the national parliament with as few as 365 votes. Most of these women had little political experience and soon gained a reputation for being ineffective politicians.[376] The exception was Dr. Hayat al-Musaymi, a member of the Brotherhood, who won her seat on 7133 votes in a particularly tough district.[377]

370 Interview 20 (Political actor), interview by Violet Benneker, Amman 2017
371 Interview 35 (Political actor), interview by Violet Benneker, Amman 2017
372 The percentages of the votes won per electoral district are used to distribute the quota seats rather than the total number of votes. Consequently, it is highly unlikely that women from highly populated, urban districts (where the Brotherhood is most active) will receive the highest percentage.
373 Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
374 Interview 35 (Political actor), interview by Violet Benneker, Amman 2017
375 Rana Husseini, "Outcome of women's parliamentary progress remains contentious: Quota system leaves bad taste in mouth of capital candidates", *Jordan Times*, July 15, 2003
376 Interview 25 (Political actor), interview by Violet Benneker; Interview 13 (International CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 73 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017.
377 'Building Democracy in Jordan', IDEA, 2005, p. 38

Acceptance of and dissatisfaction with the quota

The acceptance of the quota during the Jordan First Committee, the participation of the tribes and the Muslim Brotherhood in the contest over the women's seats, and the lack of protest against it, can be taken as indicators that the quota was at least reluctantly accepted by the communities. However, the limited number of votes for female candidates indicates that the communities might not have been fully persuaded about women's political participation in parliament.

Although some CEDAW entrepreneurs were satisfied that at least there now were women in parliament, many activists remained critical. They were disappointed that the distribution key of the quota meant the seats would never have gone to them, even if they had won more votes. Nadia Hashem Aloul, who had run as a candidate, commented "It was impossible for us to win via the quota because the structure was unfair to begin with."[378] Rana Husseini, a journalist covering women's rights issues in the Jordan Times, commented that the quota system left "a bad taste in the mouth of capital candidates".[379] The JNCW, the women's rights organization under royal patronage, was dissatisfied as well, but hardly mentioned the distribution key. In public, they contested the limited number of seats and called for a larger quota.[380]

The CEDAW Committee took up the JNCW's line. In the following CEDAW review round, Jordan presented its quota system as "an action that is considered to be the first of its kind in Jordan and was adopted in response to the demands of NGOs and the Committee's recommendations for the adoption of special temporary measures to help women accede to decision-making posts."[381] The Committee replied: "While [....] noting the quota of 6 seats for women out of 110 seats in the lower house of Parliament [...] the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions."[382] It then urged the Jordanian government to "institute a significantly higher quota for women".[383]

CEDAW ratification and lifting one of three reservations 2004-2010

By 2004, domestic unrest and protests had decreased, while pressure from the Western-oriented international community had increased. In February that year, the US administration under Bush leaked its Greater Middle East Initiative, which was meant as the new Helsinki Process for the Muslim world.[384] Women's rights were one of the three

378 Rana Husseini, "Outcome of women's parliamentary progress remains contentious: Quota system leaves bad taste in mouth of capital candidates", Jordan Times, July 15, 2003
379 Rana Husseini, "Outcome of women's parliamentary progress remains contentious: Quota system leaves bad taste in mouth of capital candidates", *Jordan Times,* July 15, 2003
380 Rana Husseini, "6 parliamentary seat quota 'not enough' say women activists: Gov't move still regarded by some as a good first step", Jordan Times, February 15, 2003, Jordan Times Paper Archive in Amman
381 CEDAW/C/JOR/3-4 (March 10, 2006)
382 CEDAW/C/JOR/CO/4 (August 10, 2007)
383 CEDAW/C/JOR/CO/4 (August 10, 2007)
384 'The Greater Middle Eastern Initiative: Off to a false start' Carnegie Endowment, March 2004

central themes the Initiative addressed, subsequently increasing the monitoring of women's norms significantly.[385] In the words of Marwan Muasher; "I remember I was in a meeting in Cairo for ministers of foreign affairs. I was there as foreign minister for Jordan at the time. It was then that the US leaked their plans for the Greater Middle East Initiative. We took that seriously, because Bush had bombed Iraq."[386]

Starting a dialogue: 'The National Agenda'

Few believed any Arab government could just implement the US plans for reform in their respective domestic societies. Rather, according to the foreign minister at the time, Muasher, an alternative needed to be found that both the Arab world and the US could accept:[387] "Arabs' failure to act would invite external intervention in Arab affairs and therefore Arabs needed homegrown political reform processes. Developing these, I said, was the only way to fend off outside pressure."[388]

In response, King Abdullah decreed the formation of a new reform committee on 9 February 2005, called the National Agenda Committee. The official aim was to provide the Jordanian government with a ten-year plan that would "build a strong society based on the principles of integrity, supreme values affirmed by our tolerant religion (Sharia law) and our genuine Arab heritage".[389] But while emphasizing the Arab identity in the formation of the Committee, Jordanian decision-makers used several strategies to bring about an outcome that would be in line with the external demands for reform; these strategies included participant selection, side payments, and persuasion.

Participant selection

King Abdullah chose foreign minister Marwan Muasher to head the Committee and become deputy prime minister in charge of domestic reform.[390] Muasher built significant trust and a great network in Washington during his post as ambassador to the US, and later as foreign minister.[391] He strongly believed the dependence on oil and oil-funded aid from Saudi Arabia and the Gulf would soon be over, and considered this one of his main reasons to push for reform in Jordan.[392] In addition, Muasher had proven himself loyal to the Hashemites in the past, and strong enough to withstand societal critique, for example, by taking up the highly controversial position of Jordan's first ever ambassador to Israel in 1995.

385 'Greater Middle Eastern Partnership' February 2004, http://al-bab.com/documents-section/greater-middle-east-partnership
386 Interviews with Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
387 'The Arab Center', Marwan Muasher, 2008:242
388 'The Arab Center', Marwan Muasher, 2008:239
389 Letter from King Abdullah to Prime Minister Faisal Al-Fayez, 9 February 2005
390 'The Arab Center', Marwan Muasher, 2008:7
391 'The Arab Center', Marwan Muasher, 2008:6-7
392 Interviews with Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

On the whole, Muasher had gained a reputation for being a reform-minded liberal.[393] American scholar Mark Lynch would later label him "the Reform Czar", and the Jordan Business Magazine declared him "The Architect of Reform".[394] Looking back on that time over a decade later, Muasher says that those titles mostly caused him a lot of trouble in Jordan.[395] Others ponder whether the Committee's struggles could have been avoided if someone with less of a reformist reputation had been appointed as the Committee's president.[396] Some believe Muasher should have refrained from reforming the taboos the political establishment and society were not ready to reform.[397]

Recognizing the strong sentiments against Western-imposed plans which were held in the Arab-Islamic community and the Jordanian communities, it was clear for both King Abdullah and Muasher that the Committee needed to strike a careful balance between conservatives and liberals to make sure it was seen as legitimate by the Jordanians.[398] A total of 27 individuals were selected; eight members of the conservative parliament, some former ministers, senators, representatives of a few Jordanian political parties, a member of the Muslim Brotherhood, and individuals from the private sector, academia, and societal organizations. Five of the 27 members (about 19%) were women. Compared to, for instance, the percentage of women in parliament, this was a considerable share.

Though the Jordanian media praised the Committee's inclusiveness,[399] the team was dominated, relatively speaking, by individuals who were in principle willing to consider reform. While looking back and going through the list of participants during the interviews for this research, Muasher identified 12 out of the 27 members as leaning towards the liberal side. Moreover, the Committee members who represented the more conservative voices of Jordanian society, such as Dr. Abdellateef Arabeiat of the Muslim Brotherhood, were from the less dogmatic end of the spectrum within their organizations. This was also the case for another, Ms. Nawal Elfa'auri, a former member of the Brotherhood. She was one of the first politically active woman in the Jordanian Brotherhood, and a known advocate for women rights as based on Islamic norms.

Backlash effect

The selection of the Committee quickly created a backlash effect. The conservatives labelled the members "the Agendees"[400] and "the neoliberals", who they believed were working

393 `The Arab Center', Marwan Muasher, 2008
394 Arab Reform Bulletin, Carnegie Endowment 'Jordan: Knives out for the National Agenda, November 2005, Mark Lynch.
395 Interviews with Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
396 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017
397 Interview 33 (Political actor), interview by Violet Benneker, Amman 2017
398 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017
399 'National goals require dialogue', Jordan Times Archive, 14 February 2005; National Agenda steering committee forms eight teams to work on different sectors', Jordan Times Archive, 28 March 2005
400 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017

against Jordan, and set on destroying the country socially, economically, and politically.[401] Moreover, the conservatives claimed that the reform initiative was imposed by the West and harmful to the Arab and Jordanian way of life.[402]

To defend the Committee, both the King and Muasher emphasized that the National Agenda was developed by and for all Jordanians[403], was not imposed by external powers,[404] and would not change the Arab-Islamic Jordanian identity. According to King Abdullah, Jordan could develop "institutions and systems, and [possess] modern methods of progress and appropriate approaches to meet the challenges of the future, while preserving the traditions of the Arab-Islamic Jordanian community and pride in its original heritage."[405]

These efforts were to no avail. The conservative suspicion of the Committee soon grew into all-out opposition. The conservatives were able to mobilize part of the media, and started a campaign against the National Agenda that was experienced by the Committee's president Muasher as "extremely vicious and personal."[406] In order to yield ground to the conservatives who demanded more say, the King decreed the formation of a parallel committee. Some felt there was little discussion on reform in that committee, and that most of the talk was about "waging war" on the National Agenda.[407]

Muasher asked King Abdullah to control the conservative opposition. Subsequently, King Abdullah tried to calm the most vocal conservative opponents from parliament and the senate in a private meeting. He told them that there was no need to worry, and that the Committee was not meant to favor liberals over the conservatives.[408] The conservatives, in return, made a veiled threat. They told King Abdullah that they had always been loyal supporters of the Hashemites, but that they hoped that they could remain loyal supporters in the future.[409]

Persuasion

Despite the resistance from conservatives, the Committee members continued with the assignment given to them by the King. They met regularly to discuss which topics

401 'The Arab Center', Marwan Muasher, 2008:247; Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017

402 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017; Interviews with Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

403 'National goals require dialogue', Jordan Times Archive, 14 February 2005

404 'National Agenda to embrace feasible down-to-earth solution for Kingdom's problems', Jordan Times Archive, 23 June 2005; Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

405 Translated from Arabic, Speech of King Abdullah, Second session National Assembly 2005

406 'The Arab Center', Marwan Muasher, 2008:248

407 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017

408 Interviews with Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

409 Interviews with Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

needed to be addressed by the Agenda. In the first Committee meetings, the women of the Committee spoke up to persuade the other members to address women's rights in their initiative. In the very first meeting of the Committee on 26 February, one member pointed out the importance of women's participation and their human rights. Another added that because women make up half of Jordanian society, and affect Jordan's economy, "we have to protect women's human rights". This Committee member asserted that "we should get rid of the social heritage that affects badly on women's participation."[410] In the following meeting of 5 March, a third Committee member highlighted a wish to implement women's rights, by explaining the importance of the participation of women and their rights in political and economic development.[411]

In those meetings, Muasher responded by saying that it was indeed important to think about this. At the same time, he did not promise anything tangible at this stage, except to "take it into account when discussing the details of the Agenda."[412] Muasher knew women's rights were going to be a tricky topic – even within his relatively reform-friendly Committee. Muasher expected the conservatives that were in the Committee to put up a fight, in defence of their own beliefs and those of their community, both in the Committee's discussions and later in parliament: "In particular women's rights, or lack of rights, is a direct product of their conservatism. … This is a very conservative society. … parliament is not going to easily implement laws that would end discrimination."[413]

While, therefore, in the first general Committee meetings, women's rights were raised several times, they were hardly mentioned again in the general discussions later on. Even more so, some topics constituted absolute red lines for the conservatives. During the discussions they refused to consider changes to the Nationality Law (reservation on CEDAW Article 9.2) and Personal Status Law (reservation on CEDAW Article 16). Though the liberals would not have minded changing it, it was hardly even discussed. The liberals did not push very hard on these topics. They knew that, as "part of this society, part of this culture", they were not going to achieve a complete women's rights reform chapter anyway.[414]

Side payments

Muasher wanted the National Agenda to be the foundation for a modern society that would be "open to the world, without losing its national identity"[415], and based on "justice,

410 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
411 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
412 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
413 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
414 Interview 30 (Political actor), interview by Violet Benneker, Amman, 2017
415 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

dignity, and freedom".[416] This included, among other issues, women's rights, a completely new and representative electoral law, laws to support the development of civil society, and full freedom of expression that is protected by law "and not ruled by intimidation".[417] Even more so, all these goals were not to remain a set of general recommendations. Muasher wanted them to be accompanied by a timetable for implementation and benchmarks for performance, so progress could be quantified and measured.[418]

However, when the Committee started to discuss the Electoral Law, Muasher felt like "all hell broke loose".[419] When Bassem Awadallah, who had led the Jordan First Committee and who was still very close to the King, suggested that some controversial political rights be left out in order to gain at least some reform in some other areas, Muasher firmly refused.[420] In Awadallah's Jordan First Committee, fundamental changes to the Electoral Law were traded in return for the acceptance of a small women's quota in that law. But Muasher, selected to head the Committee because of his liberal ideas and reputation, wanted full reform; not only a completely new and representative electoral law, but also a just political party law, civil society law, full press freedom - and that on top of full reform of the economic system.[421] Though Muasher personally believed implementation of women's rights was worth pursuing, he was not ready to make a similar trade like the one that was made in the Jordan First Committee: "I am not willing to compromise; things are black or white. I don't like shades of grey. If you are going to do reform, you got to do the whole thing."[422]

Still, as the liberals of the Committee were fighting for a full and complete reform agenda, they realized the conservatives still had the majority in the Committee, so "we had to accommodate the concerns they had over the Agenda." [423] According to Muasher, some concerns were in fact mostly identity problems, alongside the concerns over reform that would threaten the conservatives' position of power. Women's rights reforms were seen as threatening Arab-Islamic norms and Jordanians' traditional way of life.[424] Consequently, due to unwillingness to add more fuel to the conservative protest fire, the controversial women's rights were slowly moved to the back of the reform train.

416 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
417 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
418 Interviews and notes, Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
419 Muasher, p.250
420 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
421 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
422 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
423 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
424 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

Lack of acceptance

The final version of the National Agenda was finally published in November 2005. It demonstrated Muasher's style of confronting some topics head-on. It was an extensive reform agenda, outlining many changes that conservatives considered threatening. For instance, it suggested two options for a new, more representative electoral law. Freedom of political activity was also guaranteed, and individuals and groups were even given "the right to sue the state in court for the benefit of general society". Other major changes included laws on the freedom of the media, freedom for civil society, and a new political party law.

It also had a particularly cautious tone on women's rights. Most burning issues that were identified by the CEDAW Committee, such as the reservation on Article 9, 15 and 16, or the inclusion of 'gender' in Article 6 of the constitution, remained largely untouched. One recommendation directly addressed the fact that CEDAW had not been fully ratified yet, and stated that the Jordanian government should "Follow the standard legal processes to confirm the commitment to adhere to the signed international agreements, and publish them in the Official Gazette."[425]

The importance of Jordan's reputation regarding international treaties was mentioned, yet the National Agenda also stated that women's empowerment should be understood within the Jordanian context; "Jordan has always been known to be a country that is open to the world, and that adheres to its commitment to the signed international agreements, especially those related to women's empowerment and the protection of their rights. This plan has taken the political, social and economic conditions as well as the special culture into consideration, when aligning the definition of women's empowerment with international agreements such as the CEDAW."[426]

Though most Committee members had agreed on the final version, that was not the case for those outside of the Committee. The conservatives who had protested during the drafting process felt the final version of the plan crossed too many of their red lines. The changes to the Electoral Law, in particular, were considered unacceptable. The carefully balanced tone on women's rights, emphasizing a middle way between the Jordanian context and the CEDAW, did not change that. "[The electoral law] was the issue that killed the Agenda. That was The Issue. Then they went to the King, and they convinced him that this was going to ruin the country as he knows it."[427] As a result, and by the time the Agenda was presented to the outside world, insiders already knew it had been shelved and would not be implemented.[428]

425 Translated from Arabic, 'The National Agenda 2005-2015'
426 Translated from Arabic, 'The National Agenda 2005-2015'
427 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018
428 Interviews and notes Dr. Marwan Muasher (Former minister; President of the National Agenda Committee), interviews by Violet Benneker, Amman 2017, 2018

Increasing the range of compliance

The backlash effect and the subsequent shelving of the National Agenda meant the King had not made any move towards complying with CEDAW women's rights since the Greater Middle East Initiative was leaked. However, Jordan's desired election to the UN Human Rights Council was coming up in the spring of 2006.[429] Moreover, the government was in the middle of a CEDAW Committee review that year, and there were UPR and ICCPR Committee meetings coming up the following years.

Before the CEDAW working session, in which Jordan's lacking compliance would be openly discussed, the Committee had already urged the Jordanian government to publish the treaty in the Gazette. In the previous review round, the Jordanian representatives had promised that the ratification was "a mere formality".[430] It now defended non-publication on the grounds of the administrative burden of parliament; it had wanted to consider publication, but parliament had just not found the time to do so yet.[431] The CEDAW Committee's pre-session working group commented in response that "In the light of the fact that the Arab Charter on Human Rights, which was ratified subsequent to the Convention, has already been considered and published in the Official Gazette, please explain the delay in consideration of the Convention by the National Assembly and its publication in the Official Gazette."[432]

In response, the Jordanian decision-makers decided they would go ahead with having all human rights treaties published in the Official Gazette in the period that Jordan would be elected to the UNHRC. On 20 April 2006, Jordan officially applied to the UNHRC, and was elected on 9 May. A little over a week later, in June 2006, most treaties were published in the Official Gazette – but not the CEDAW. The following January 2007, the government tried again by publicly announcing that the CEDAW would be referred to parliament for endorsement. However, internally, many doubted whether any parliament would ever approve the treaty. According to one CEDAW entrepreneur active at that time, "the parliament would not give in. Because it is a combination of Islamists and tribes. And the Islamists are patriarchal, and the tribes are patriarchal. So, nothing for women from our parliament. But they found a way without the approval of the parliament."[433]

That other way meant instead of having parliament openly reject the treaty, the Jordanian decision-makers bypassed parliament and constitution by having the treaty published

429 Jordan Country Report 2009 – ICCPR; Jordan's application to UNHRC 2006
430 CEDAW/C/SR./456 (August 2, 2001)
431 'Consideration of reports submitted by States Parties under Article 18 of the CEDAW, Combined third and fourth reports of States Parties: Jordan' 10 March 2006
432 'List of issues and questions with regard to the consideration of periodic reports – Jordan' 27 February 2007.
433 Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; 'Opinions and Analysis 2' Walid M. Sadi, 29 June 2003, *Jordan Times Archives*

directly in the National Gazette.[434] The treaty was then ratified one day before the CEDAW Committee working session, on 1 August 2007, and without giving parliament a chance to reject it.

A similar procedure was followed for the subsequent lifting of a reservation. During Jordan's Universal Periodic Review on 11 February 2009, the Committee urged Jordan to lift its reservations in order to comply with the CEDAW. Domestically, this was something that was considered very controversial and had not even been recommended by the National Agenda Committee, as "it is not going to be respected or welcomed by society."[435]

For Article 9.2, the tribes were most strongly opposed: "the issue related to nationality is accepted by the Islamists, we can lift it from an Islamic point of view. But we cannot lift it from a national point of view, because of the Palestinian issue."[436] For the lifting of the reservation on Article 16, there were more different communities opposed. It would indicate changing the Personal Status Law, and would therefore be the most controversial change as it would touch upon highly specified norms that regulated the day-to-day lives of Jordanian families. Not only the tribes were strongly opposed. For the Muslim Brotherhood, changing the Personal Status Law was an absolute red line: "it is very important to [Jordanians] because they are dealing with it every day. Every day! … That is why it is very important. And this is the last castle standing for us. Without it, really, there is no means for Islam in our country."[437]

Consequently, Jordanian CEDAW entrepreneurs advised the government to lift the reservation to 15.4 for the UPR review. They chose to focus on 15.4, "because it was possible". They wished that the Jordanian decision-makers would "abolish everything", but understood that "there must be a gradual process. At least this was something."[438] According to the understanding of the more liberal members of government, lifting this reservation would be "the least problematic. … Because freedom of movement does not touch Islamic beliefs and interpretations in the deepest sense. And every woman, even those belonging to the Islamic Action Front would like to move freely, get their own passport, move to different parts of the country without getting permission."[439] Moreover, the advice to lift the reservation on 15.4 could be presented as a match with Islamic norms according to the liberals; "the women's right to liberty of movement and freedom to choose residence is in conformity with the provisions of the Islamic Sharia, especially the right of the wife to include this condition in her marriage contract."[440]

434 Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
435 Interview 04 Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
436 Interview 04 Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
437 Interview 76, (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
438 Interview 04 Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
439 Interview 17 (Political actor), interview by Violet Benneker, Amman 2017; the condition referred to in the quote is allowed by Article 19 of the Personal Status Law No. 61 of the year 1976
440 NCHR Annual Report 2008, available at www.nchr.org.jo/ Last accessed 3 May 2018

Consequently, without giving parliament or other domestic opposition groups a say in the decision or making it a topic in a political dialogue, the Jordanian representatives announced to the UPR Committee that "the Government has withdrawn its reservation to article 15(4) of CEDAW."[441] Later, on 31 March 2009, the Council of Ministers issued a decree approving the withdrawal of reservation 15.4.[442]

Continued backlash effect

The ratification and the lifting of the reservation both caused direct backlash effects against the CEDAW. Even some liberals disagreed with the decisions. After the ratification of the treaty, Wadi M. Sadi, a commentator at the national newspaper The Jordan Times who had called for the official publication of CEDAW for years, wrote "Human rights treaties of the CEDAW magnitude must first be discussed and approved by parliament. The reasons are obvious: treaties with far-reaching dimensions and implications must be considered by the people's representatives. … The decision to publish CEDAW in the Official Gazette should not, therefore, be celebrated."[443] As one prominent CEDAW entrepreneur in Jordan states, looking back on that decision, "That was for me not the right thing to do. It has to go through the parliament. … I think it is a legal gap. A legal weak point."[444]

Yet the fiercest response came from the Islamic Action Front and the Muslim Brotherhood. It publicly announced that "this is one of the most dangerous agreements that affects the rights of citizens as well as the nation's identity and values". They called for active resistance against the treaty: "Scholars, rulers and citizens must confront such efforts, which are aimed at destroying the Muslim family."[445] They accused the US of being behind the treaty, with the aim of driving a wedge between Jordanians and Islam.[446]

Looking back, norm entrepreneurs with links to the Brotherhood remember the period after ratification as the time when they were getting more organized to protest against the CEDAW. "So we started at that time, we started a very wide ranged campaign to raise awareness among the Jordanian people about this, by lecturing, by giving training courses. At all different levels. We worked with public people, we worked with the professional associations of the doctors, the pharmacists, the engineers, the judges, we worked with some religious leaders. They didn't know what CEDAW meant! So they didn't have anything against it. So we started to raise awareness about CEDAW and what it means. And how it will affect Jordan and Jordanian values."[447]

441 'Universal Periodic Review: Report of the Working Group on the UPR – Jordan' 29 May 2009
442 Country Report Jordan, CEDAW Committee, 24 September 2010
443 'Good, but not enough', *Wadi M. Sadi, Jordan Times Archive*, 29 July 2007.
444 Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
445 'Islamists slam women's rights convention' *Jordan Times Archive*, 6 August 2007.
446 'Reservations about reservations', Wadi M. Sadi, *Jordan Times Archive*, 13 August 2007
447 Interview 34 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017

The mobilization against the CEDAW was set up relatively quickly, as the Brotherhood was very well organized and popular in Jordan. But it did not stop at the Jordanian borders. The entrepreneurs became an active part of the Arab-Islamic coalition arguing that "UN commands should not be followed all the time. That every nation has its own personality, its own features. … As leaders of the world, you don't have to interfere in everything!"[448] They also went to UN sessions on women's rights to advocate family norms.[449]

The entrepreneurs set to defend the normative status quo benefitted from their increased level of organization when the reservation was lifted two years after the ratification of the treaty. Even though the Jordanian government had decided to "lift the reservation to the least problematic article"[450], this was still considered much too problematic. One entrepreneur with links to the Brotherhood explains her strong opposition to the lifting of the reservation: "I am against [lifting] this reservation, because it says a woman can choose a place to live! Without consulting anybody! … I have a daughter and she became 18 years old, so now she can choose not to live with me at home?! This is why we are against CEDAW. Because we believe it rips our family values. We have family values in our country! And we all know that these family values keep our community in a good way. … . the only thing we still have are our family values, which are key."[451]

Many different organizations together quickly organized the resistance against the lifting of the reservation. In a press conference, leaders of the Islamic Action Front together with women activists of the party "sounded the alarm about the possible consequences of CEDAW on the Jordanian family and society in general."[452] They called on the government to withdraw from the whole treaty, as they believed the treaty would lead to "a myriad of social problems."[453]

The president of another Islamic organization, the Moderation Assembly for Thought and Culture, warned that "the agreement is not consistent with our religion and traditions and it will change our national identity". According to him, the treaty "adopts the views of the liberals who do not represent Arab Muslim communities."[454] Al-Afaf, a charitable organization advocating family and motherhood, announced that allowing women independence in deciding their place of residence would "surely and definitely lead to [moral] corruption."[455]

448 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
449 Interview 34 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
450 Interview 17 (Political actor), interview by Violet Benneker, Amman 2017
451 Interview 34 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
452 'Islamist movement calls on gov't to withdraw from CEDAW' Mohammed Ben Hussein, *Jordan Times Archive*, 28 April 2009
453 'Islamist movement calls of gov't to withdraw from CEDAW' Mohammed Ben Hussein, *Jordan Times Archive*, 28 April 2009
454 'Women activists call on gov't to lift remaining reservations on CEDAW' Hani Hazaimeh, *Jordan Times Archive*, 1 May 2009
455 'CEDAW in context' Nermeen Murad, *Jordan Times Archive*, 12 May 2009, brackets in original.

King Abdullah reaffirmed the decision to withdraw the reservation through a royal decree on 5 May 2009. But even an official royal approval could not subdue the opposition anymore. Parliament would later reject the royal decree, and resistance continued throughout the year.[456] Some raised the option of withdrawing the lifting of the reservation, but this was considered as highly undesirable by others: "If Jordan were to succumb to pressure and revoke its decision, it would be the first country in the world to do so. The damage to the country's image, reputation and credibility would indeed be great."[457]

Annulling ratification and the lifting of the reservation

Eventually, a solution was found that allowed for an annulment of the decision in practice, without damaging Jordan's reputation within the Western-oriented international community. The King's Grand Mufti Noah Ali Salman adopted a resolution stating that "whatever violates the rules of Sharia from the 'CEDAW Convention' is forbidden and impermissible to put into effect … It is imperative that every Muslim rejects matters that contradict Allah's Law."[458] This was followed up by a fatwah called 'The judgment of the CEDAW Convention'. It reads that "The CEDAW Convention contains clear violations of Islamic law, especially those contained in Articles 15 and 16, and we oppose and denounce everything that contravenes Islamic law"[459]. The fatwah also places trust in Jordanian society in resisting the treaty: "I want to show everyone that lifting the reservation is all against Islamic law, but society will not be affected by it. Because the provisions of Islamic law are the reference to our society, and not any conventions that are contrary to Islamic law". Moreover, the fatwah supported parliament's rejection of CEDAW: "We expect our fellow MPs to oppose this convention when it comes up for discussion.[460]"

Even though fatwahs had no official status in the Jordanian legal pyramid comprised of domestic law, constitution, and international law, they carried much more social legitimacy than a human rights treaty. In Jordan "fatwahs speak to the community, while human rights treaties speak to the West." [461] Fatwahs influenced policy-making, law-making, court decisions, and social life in Jordan. Moreover, they were under complete government control. Only state-appointed councils were allowed to issue fatwahs, and it was illegal to criticize them.[462] According to a Jordanian expert, it was very difficult to openly disagree with these fatwahs, both "politically and socially."[463] Consequently, by making use of the fatwah system, the Jordanian government had effectively reversed the decision to ratify

456 'Untenable' *Jordan Times Archive*, 31 August 2009
457 'Untenable' *Jordan Times Archive*, 31 August 2009
458 Resolution No. 132 'Articles 15 and 16 of 'CEDAW Convention', 23 August 2009. Last accessed 30 August 2017.
459 Fatwah number 704, 'the Judgement of the CEDAW Convention', 10 May 2010. http://www.aliftaa.jo/Question.aspx?QuestionId=704#.WaW4lsgjHIU. Last accessed 29 August 2017.
460 Fatwah number 704, 'the Judgement of the CEDAW Convention', 10 May 2010. http://www.aliftaa.jo/Question.aspx?QuestionId=704#.WaW4lsgjHIU. Last accessed 29 August 2017.
461 Interview 01 (Expert on law), interview by Violet Benneker, Amman 2017
462 Freedom House Jordan country report, 2009.
463 Interview 01 (Expert on law), interview by Violet Benneker, Amman 2017

and lift the reservation at the domestic level, without doing so officially at the international level.

Despite this annulment, the CEDAW Committee praised Jordan for the ratification of the treaty. It commended "the State party for publishing the Convention in the Official Gazette, which gives it the force of law in Jordan", though it was also "concerned that the Convention has not been made fully operational in Jordan, as enabling legislation remains to be adopted."[464] It also approved of the lifting of the reservation, but maintained critique as well: "While commending the State party for withdrawing its reservation to article 15(4) of the Convention [...] the Committee reiterates its concern about the State party's reluctance to lift the remaining reservations to articles 9, paragraph 2, and 16, paragraph 1 (c), (d) and (g). The Committee is not convinced of the political and cultural constraints preventing the lifting of the abovementioned reservations as argued by the State party."[465] None of the documents indicate the Committee expressed critique on the way the treaty was published, nor do the documents suggest the Committee had knowledge of the government's religious resolution and fatwah on the CEDAW. Interviewed members and employees of related international organizations in Jordan indicated they had no knowledge of the resolution or the fatwah.

5.3 Refusing further compliance, 2011-2017

Refusing to add gender equality to the constitution

When the Arab Spring was sparked in Tunisia in December 2010, it very quickly spread through the region. By mid-January 2011 there were also protests in Amman, and even though nobody was calling for the full dismissal of the royal family yet, King Abdullah took the protests very seriously.[466] As described in Chapter 4, this period was characterized by a more pronounced vulnerability to domestic communities due to these protests. The Islamists and Salafists in particular were calling for legislation to be more in line with Sharia law: "There's no question that an effort should be made to amend these laws so that they become Islamically legitimate."[467] In Jordan, this led the Salafists to demand full implementation of Sharia law during the Arab Spring protests.[468] On the streets, the implementation of CEDAW women's rights was not one of the demands. Only a few CEDAW entrepreneurs were part of the Hirak, the main protest movement in Jordan's Arab Spring.[469]

464 CEDAW/C/JOR/CO/4 (August 10, 2007); CEDAW/C/JOR/CO/5 (March 23, 2012)
465 CEDAW/C/JOR/CO/5 (March 23, 2012)
466 Interview 20 (Political actor), interview by Violet Benneker, Amman 2017
467 Wagemakers, 2016:314
468 Abu Ruman & Shteiwi, 2018:30
469 Interview 71 (Expert on women's rights), interview by Violet Benneker, Amman 2017

This period also laid bare Jordan's dependency on countries within the Arab-Islamic community. Gulf countries donated billions to keep the Hashemite Court in place, while the Jordanian Muslim Brotherhood felt emboldened by its victory in Egypt and believed it might also rise to power in Jordan. The aftermath of the Spring brought chaos and civil war right to Jordan's doorstep, and with it, a massive influx of refugees. However, it was also because of these refugees that the Western-oriented community's women's rights monitoring that was so characteristic of the previous time period, was significantly reduced – and with it, so too the pressure to comply.[470]

Starting a dialogue: the 'Constitutional Reform Committee'

In order to mediate the domestic pressure for reform, the King set up yet another Committee – two, in fact. The National Dialogue Committee was supposed to come up with ideas for a new election law that would redistribute power in parliament. Yet the real threat to Hashemite power was to be discussed by the Constitutional Reform Committee. This Committee was appointed to propose amendments to the constitution, which regulates the King's power, but also discussed the option of including 'gender' in Article 6 on the equality of Jordanians.

The King no longer seemed prepared to risk using the consensus-creating strategies in favor of compliance – on the contrary. While he gave the Committee *carte blanche* to come up with any amendments to the constitution,[471] the Committee's recommendation to safeguard gender equality in Article 6 of the constitution was blocked. Instead, the Jordanian decision-makers made sure the proposed amendment to Article 6 protected the family and motherhood: "The family is the foundation of the society. It is founded on religion, morality and patriotism. The law preserves its legal entity, strengthens its ties and values, protects under it motherhood and children and cares for youth and people with disabilities and protects them from exploitation."[472]

Participant selection

The King chose the late Ahmad Lozi, a so-called Jordanian-Jordanian, to head the Committee who had served as senate president, chief of the Royal Court and minister of state. [473] Taher Masri, the deputy chair of the Committee, remembers him as "objective and fair" in his role as chair.[474] Lozi's career indicates he was particularly loyal to the Hashemites. The deputy-president Taher Masri himself, a Jordanian of Palestinian descent, had also been part of the Hashemite establishment for a long time.[475] He served as prime minister under

470 Interview 68 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
471 'Constitution review panel has carte blanche' 1 May 2011, Jordan Times Archive.
472 'Substantive Equality and Non-Discrimination in Jordan' Shadow report submitted to CEDAW Committee at the 51st session, Arab Women Organization.
473 "Ahmad Lozi passes away", Jordan Times, November 18, 2014, Jordan Times online
474 Interview with Taher Masri, (Former minister; member of the Constitutional Reform Committee) interview by Violet Benneker, Amman 2018
475 Musa Keilani, "How decisions are made", Jordan Times, May 10, 2014

King Hussein, and held several other high positions as ambassador and foreign minister to Jordan. Nonetheless, in the words of political analyst Fahed Khitan, Taher Masri "has always taken the side of the people and popular movements despite his senior state positions."[476] In particular, he had a reputation for advocating Palestinian rights.[477]

Still, by choosing mostly loyal statesmen, the King seemed to have been unwilling to let the protesters decide on the constitution. The eight other members, alongside Lozi and Masri, were also all statesmen loyal to the Hashemites. They were former ministers, senators, prime ministers, or had occupied other high positions, such as head of the judicial council. They were a mix of Palestinian-Jordanians and Jordanian-Jordanians. Some were known conservatives.[478] None were women.

Persuasion

In their discussions, the ten men followed the format as proposed by Committee member Taher Hikmat, since he had worked on the writing of the Bahraini constitution. During the interviews for this research, Taher Masri did not recall many intense clashes over specific topics as they went through the constitution article by article. However, many Jordanians did try to influence the Committee's process, for example by writing letters with suggestions.

Influential CEDAW entrepreneurs tried to persuade the Committee to make changes to the constitution that the women's movement wanted to see. One of these was the word 'gender' in Article 6. They tried to convince the Committee to include it in the Jordanian constitution, by pointing out that almost all Arab-Islamic countries have this word in their constitution too. They argued that as it was common practice across the Arab-Islamic community to include this word, surely it must be possible for Jordan to do the same.[479] For instance, the Bahraini constitution, too, of which the writing format provided the basis for the Jordanian Constitutional Reform Committee's discussions, also included the word 'sex' in its new version.[480] Jordanian CEDAW entrepreneurs were of the understanding that Masri indeed promised to have this word added to Article 6.[481]

Other influential Jordanians also attempted to convince the Committee to include this word. For some, it was especially important to make sure the Palestinians were given their right to equal citizenship. According to these influential individuals, the Constitutional Reform Committee was indeed willing to take up this suggestion.[482]

476 Dana Al Emam, "Politicians, observers commend Masri's achievements throughout political career", Jordan Times, September 9, 2016
477 Interview 44 (Political analyst), interviews by Violet Benneker, Amman 2017, The Hague 2018; Musa Keilani, "How decisions are made", *Jordan Times*, May 10, 2014
478 'Constitution review panel has carte blanche' 1 May 2011, *Jordan Times Archive*.
479 Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
480 Bahrain's Constitution of 2002, accessible via https://www.constituteproject.org/constitution/Bahrain_2002.pdf Last accessed 13 May 2021
481 Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017
482 Interview 05 (Political actor), interview by Violet Benneker, Amman 2017

According to Taher Masri himself, the Committee did not need much persuading on this issue. They were willing to take up the word 'gender' in their proposed amendment of Article 6. For most, including this word did not clash with the understanding that men and women may be equal, but are also different.[483] And more importantly, it would provide equal citizenship to Palestinian-Jordanians.[484]

Topic selection

A working version of the proposed amendments that was leaked later shows that the word was indeed part of the recommendations: "Amending Article 6 (i) to include (sex) following language or religion: in "Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion."[485] Yet, when the final version of the proposed amendments was presented at the Royal Court on 14 August 2011, the word 'sex' was gone. Instead, the following section on family and motherhood had been added: "The family is the foundation of the society. It is founded on religion, morality and patriotism. The law preserves its legal entity, strengthens its ties and values, protects under it motherhood and children and cares for youth and people with disabilities and protects them from exploitation."[486]

The head of the Committee and the chief of the Royal Court eventually told the Committee that including the word 'gender' or 'sex' was not possible. It was then difficult for the rest of the members of the Committee to go against such an opinion.[487] Publicly, no explanation was given on why the word was excluded. Moreover, a couple of days after the presentation, a source from inside the Royal Court "leaked" the news that it had never even been part of the proposed amendments in the first place.[488]

Those with knowledge of the process give two reasons for why the word 'sex' was blocked in the end. One explanation is that making sex equality this specific in the constitution meant paving the way for a new nationality law, and the powerful tribes believed giving Palestinian-Jordanians full and equal citizenship was too threatening to the Jordanian-Jordanian identity.[489] Therefore, allegedly, the Jordanian decision-makers blocked this

483 Interview with Taher Masri (Former minister; member of the Constitutional Reform Committee), interview by Violet Benneker, Amman 2018

484 Interview with Taher Masri (Former minister; member of the Constitutional Reform Committee), interview by Violet Benneker, Amman 2018

485 'Review of proposed amendments to Jordanian Constitution' 15 August 2011, Ammon News, http://en.ammonnews.net/article.aspx?articleno=13313#.WtRl5cguCdc Last accessed 18 April 2018.

486 'Substantive Equality and Non-Discrimination in Jordan' Shadow report submitted to CEDAW Committee at the 51st session, Arab Women Organization.

487 Interview with Taher Masri (Former minister; member of the Constitutional Reform Committee), interview by Violet Benneker, Amman 2018

488 'No gender additions proposed to constitutional amendments' 17 August 2011, Ammon News, http://en.ammonnews.net/article.aspx?articleno=13355#.WtRlycguCdc Last accessed 19 April 2018.

489 Interview 21 (International norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 79 (Political actor), interview by Violet Benneker, Amman 2017

amendment to prevent further protests by the Jordanian-Jordanian tribes.[490]

Another explanation is that it was considered too threatening to the Arab-Islamic norms on women's roles.[491] Alongside paving the way for changing the Nationality Law (CEDAW reservation Article 9.2), it was feared that it would also open the floodgates to changing the Personal Status Law (CEDAW reservation Article 16). The Islamists considered this their "last castle standing",[492] and they felt they had much leverage with their supporters out on the streets across the region. According to the individuals who believe this was the decisive motivation for blocking recommendation, it was the head of the Sharia Supreme Court that strongly advised the King not to include the word in Article 6.[493] Consequently, the section on motherhood was included in the recommendations as it would be in line with the Islamists' demands and understanding of women's rights. The same source that 'leaked' the fact that gender had never been part of the recommendations, also explained the reason for including the section on motherhood. It was "obvious and responded to developments and changes that had started to take effect on societies. This necessitated fortifying them forcefully and decisively with legal rulings."[494]

Refusing further compliance

After the recommendations from the Committee were received by the Royal Court on 14 August, the government approved them on the 24th of the same month.[495] Parliament and senate approved the proposed changes in September,[496] and on the first of October, the King made the amendments official by royal decree.[497]

But during that process, there was critique that the new constitution did not give Palestinian children of Jordanian mothers equal citizenship. On 6 September dozens of Jordanian women protested in front of the parliament calling for citizenship rights for their Palestinian husbands and children.[498] Yet the addition to Article 6 was much appreciated by others, for instance by members of the Brotherhood: "When it comes to the Royal Court, they studied it patiently and they found where it needs balance. [They] can't take everything for granted. And [they] can't impose everything by force. Although it happens sometimes. So

490 Interview 42 (Political actor), interview by Violet Benneker, Amman 2018; Interview 17 (Political actor), interview by Violet Benneker, Amman 2017; Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

491 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

492 Interview 76 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017

493 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; Interview 04 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

494 'Explanatory Memorandum on the review of the 1952 constitution of the Hashemite Kingdom of Jordan issued in 2011' Ammon News, 17 August 2011.

495 "Cabinet approves draft constitutional amendments" *Ammon News*, August 24, 2011

496 "Senate endorses 13 constitutional amendments", *Ammon News*, September 28, 2011; "Senate approves constitutional amendment draft", *Ammon News*, September 29, 2011

497 "Royal Decree approves constitutional amendments", *Ammon News*, October 1, 2011

498 "Jordanian women protest nationality for family", *Ammon News*, September 6, 2011

they stopped this, which is good. They need to keep the balance."[499]

Countries from the Western-oriented community also praised Jordan, and did not comment on the refusal to include gender equality in the constitution. The US "welcomed" Jordan's constitutional amendments. The EU did the same, and added that "building on our strong political and economic partnership, the European Union stands ready to support Jordan on its reform path."[500]

The CEDAW Committee, on the other hand, stated "While noting the recent review of the Jordanian Constitution that aimed at enhancing people's enjoyment of their civic and political rights, the Committee is deeply concerned that women were not included in the composition of the Royal Committee mandated to review the Constitution and proposing amendments to the Parliament; that women's demands were not taken up by the Royal Committee; and essentially, that the prohibition of discrimination on gender basis was not incorporated in article 6 of amended Constitution in 2011."[501]

Maintaining the status quo

The refusal by the Royal Court to include gender equality in the proposed amendments is illustrative of the following years. Some CEDAW entrepreneurs remember 2011 as a watershed moment. They became very disappointed, not only by the King's inaction, but also in the Western-oriented international community. There was hardly any international pressure or attention for women's rights anymore, and most international donor money was now focused on refugees; "We keep talking about refugees and are not talking about women's rights anymore. And I think the international community is an accomplice in our lack of progress. They don't want to deal with the refugee issue, so they give Jordan praise and everything, so they don't have to deal with them."[502]

At the same time, the now well-organized entrepreneurs set on defending the normative status quo continued to influence Jordanian politics. For instance, when in 2012 the Jordanian prime minister promised to lift more reservations at an international convention in Amman, around 150 women from the Islamic Action Front formed a human chain at a main street in the capital in response, demanding he retract his statements. The head of the Islamic Action Front's Women's Department told the press that "We are here to reject the prime minister's remarks because lifting these reservations threatens the security and stability of our homes." Other women stated that the CEDAW was "a Western agenda

499 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; "Opposition to protest next Friday demanding tangible constitution amendments", *Ammon News*, October 1, 2011

500 "France: Constitutional amendments in Jordan step in the right direction", *Ammon News*, October 17, 2011; "British Foreign Secretary welcomes Jordanian reforms" *Ammon News*, October 18, 2011; "EU welcomes announcement of the proposed constitutional amendment in Jordan", *Ammon News*, October 19, 2011; "US welcomes Jordan's constitutional amendments", *Ammon News*, October 24, 2011

501 CEDAW/C/JOR/CO/5 (March 23, 2012)

502 Interview 68 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

that is enforced on us, and women's civil society in Jordan adopted it to get funding".[503] Subsequently, despite the prime minister's promises, no reservations were lifted.

During Jordan's CEDAW review of 2012, the CEDAW Committee found a state party that was more defiant than ever since Abdullah ascended the throne. In contrast to what was the case during the visit to Geneva in 2007, Jordan did not send an exceptionally high-level delegation. Also, demands for further change - such as changing the Nationality Law - were rejected; "The political situation in the region, refugee inflows and instability in several Arab countries are hampering efforts to respond to demands for a review of this issue." [504] Moreover, the state party emphasized that "many forces in society" were actively working against discussing the lifting of further reservations, and that some had "even called for withdrawal from the Convention."[505]

Still, the CEDAW Committee advised the lifting of the other reservations and including gender equality in the constitution,[506] but it was to no avail. In the years following 2012, Jordanian decision-makers refused to implement any significant changes on women's rights. Even the attempts made by the Jordanian women's movement to increase the women's quota in parliament failed.[507] By September 2016, Freedom House raised the alarm with an article 'Why is Jordan backsliding on gender equality?'[508] It warned that Jordan fell in the ranking to 140 out of 145 on the Global Gender Gap Index, doing better only than Iran, Chad, Syria, Pakistan, and Yemen.[509] In the words of one CEDAW entrepreneur; "Nowadays, if you ask me, what is the situation for CEDAW in Jordan, I say we went back ten steps. This is one of the results of the Arab Spring."[510]

When it was the turn of Jordan to be reviewed by the CEDAW Committee five years later in 2017, the delegation was made up of only three people: the permanent representative to the UN, the head of the Jordanian National Committee for Women, and, for the first time under King Abdullah, a conservative Islamic shaykh. CEDAW entrepreneurs felt that the state report itself had very little to show for.[511] Yet, also for the first time, the CEDAW

503 Rana Husseini, "Islamists urge Ensour to retract statement on CEDAW reservations", *Jordan Times*, November 12, 2012, Jordan Times Digital Archive in Amman; Rana Husseini, "IAF women members protest against CEDAW", *Jordan Times*, November 14, 2012, Jordan Times Digital Archive in Amman (CEDAW)

504 'Responses of Jordan to the list of issues to be taken up in connection with the consideration of its fifth periodic report', 18 January 2012, p. 3 CEDAW Committee.

505 'Responses of Jordan to the list of issues to be taken up in connection with the consideration of its fifth periodic report', 18 January 2012, p. 3 CEDAW Committee.

506 'Concluding observations of the Committee on the Elimination of Discrimination against Women', 9 March 2012.

507 Interview 46 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

508 https://freedomhouse.org/blog/why-jordan-backsliding-gender-equality, Last accessed 19 April 2018.

509 In 2010 it did better than 14 countries, and in 2006, the first time the Index was published, it even did better than 22 countries. http://reports.weforum.org/global-gender-gap-report-2010-info/ Last accessed 16 April 2018.

510 Interview 70 (Jordanian CEDAW norm entrepreneur), interview by Violet Benneker, Amman 2017

511 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017; 'Consideration of reports submitted by States parties under article 18 of the Convention – Jordan', 22 June 2015

Committee started its concluding observations not with critique, but with a list of "Factors and difficulties preventing the effective implementation of the Convention". The paragraph specifically acknowledged the impact of the continuing conflict and refugee influx on Jordan and even "notes with concern that the support from the international community has been insufficient to alleviate the burden on the state party and the host community and calls upon donors to meet the humanitarian needs identified by the United Nations."[512]

Domestically, anti-CEDAW norm entrepreneurs also noticed that the status quo was no longer challenged: "it has calmed down now. Because now things are different, and many other things are happening in Jordan."[513] Most were content they no longer needed to protest against the CEDAW to defend their norms. Yet, "If it comes back, we will do it again."[514]

5.4 Conclusion

This case study of CEDAW implementation in Jordan shows how decisions on compliance are often part of political dialogues on reform that are started in periods of increased vulnerability. Moreover, though not expected by the propositions, it sheds light on when and why backlash effects develop, and how they can force state decision-makers to reverse their decisions.

Proposition 3 posits that state decision-makers who are vulnerable to the Western-oriented international society and whose human rights compliance is closely monitored will start a political dialogue to make a decision on compliance possible that is acceptable to the communities involved. This expectation is supported by the evidence on the Jordan First and the National Agenda dialogues in the post 9/11 period. In response to the increased vulnerability to the Western-oriented international community, King Abdullah created two subsequent political committees to make reform possible; the Jordan First Committee and the National Agenda Committee. The evidence makes it clear that, in particular, the monitoring by and pressure from a strategic ally, the US, was the most direct trigger in starting these political dialogues, in addition to the comments and monitoring cycles from the UN monitoring bodies. These findings support proposition 3a, which posits that monitoring of the CEDAW together with vulnerability are scope conditions under which a political dialogue is initiated.

In addition, the Jordan First dialogue supports Proposition 4a. Jordanian decision-makers used different consensus-creating strategies in favor of compliance, which were shaped by the conditions of vulnerability and norm specificity. Not all strategies were equally possible to

512 'Concluding Observations on the sixth periodic report of Jordan', 9 March 2017
513 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017
514 Interview 26 (Jordanian religious norm entrepreneur), interview by Violet Benneker, Amman 2017

use. The decision-makers' vulnerability to the conservative tribes, in particular, significantly shaped the use of most strategies. This is shown, first, in the selection of the participants. The King did not have complete autonomy in choosing reform-minded participants, as the conservatives in particular needed to be strongly represented in the Committee. In a similar manner, this vulnerability influenced the selection of topics discussed during the dialogue. During the discussion, it soon became clear what the conservatives' red lines were regarding women's rights, and those lines were respected. This also made persuasion largely ineffective. Finally, the King's vulnerability to this community also influenced the use of side payments. The evidence suggests the King and the Committee leader consulted with the conservatives, and were willing to trade some controversial women's rights and other policies so as to make a small step towards compliance acceptable. Even though the conservatives were not persuaded of the need for a women's quota, the King did not move forward without their consent, nor without making sure the quota would benefit their interests as much as possible.

Finally, the Jordan First dialogue also supports Proposition 5a, as it allowed the Jordanian decision-makers to eventually implement a women's quota in parliament, which is a relatively small, but visible increase in compliance. Consequently, in this case, the political dialogue as a framework helps us understand the process in which bits and pieces of the CEDAW are discussed, accepted, rejected, diluted to fit domestic norms, or traded for other, sometimes unrelated, laws and policies, in order to make a smaller decision on compliance acceptable.

The process of the National Agenda dialogue is particularly interesting to study how backlash effects against human rights can develop during a dialogue. Like in the Jordan First Committee, and as expected under P4a, consensus-creating strategies were deployed in order to make reform acceptable that was as much in line with Western demands as possible, but it was met with resistance from the very start. This difference makes it possible to shed further light on the strategies used during the dialogue, and identify why and during which steps backlash effects are likely to develop.

First, participant selection was a more prominently-used strategy in the National Agenda Committee than it was for the Jordan First Committee. Liberals and reform-minded individuals were more strongly represented, and this is also reflected in the choice of the Committees' leaders. The Jordan First Committee was officially headed by a religious figure, and informally led by the deputy, a Jordanian-Palestinian liberal. The National Agenda, on the other hand, had one president only, who was an outspoken liberal who did not have time for tribal politics.

While the Jordanian decision-makers were equally vulnerable to the Western-oriented

community in this period as compared to the Jordan First process, the international monitoring became stronger through the Greater Middle East Initiative. This might also explain why they initially pushed much harder to make a change possible than during the Jordan First Committee, by selecting more outspoken liberals. However, it did have the effect that resistance against the National Agenda process already developed within the tribal communities after merely selecting the participants.

The choice for Marwan Muasher also strongly affected the use of the other strategies. Where Bassem Awadallah was willing to make some significant trades in order to make a women's quota possible, that was not the case for Marwan Muasher. He wanted to develop a full reform agenda, and was willing to confront the tribal communities and their position of power head-on. This strengthened the latter in their concerns, and further increased their resistance against the initiative.

While the push to move towards reform was stronger as compared to the Jordan First process, the space to find consensus had actually decreased. The norms mismatching with CEDAW had become more highly-specified. Both the Arab-Islamic and Jordanian communities had spoken out strongly against the Greater Middle East Initiative, and against its emphasis on women rights specifically. They had further specified what Arab-style human rights should look like through the updated Arab Charter of Human Rights. Moreover, anything perceived as US-imposed reform was now more than ever considered as highly undesirable, and women's rights had come to symbolize that.

The harder push towards compliance in fewer space subsequently affected the possibility of finding consensus, as the domestic veto communities especially did not start to accept new options that were previously considered unacceptable. Instead, the opposite happened: these communities' representatives made a veiled threat to King Abdullah, stating that they hoped they could keep supporting him in the future if he would keep supporting the National Agenda dialogue. Eventually, their resistance resulted in the National Agenda being effectively shelved and never implemented.

This led to an impasse for Jordanian decision-makers. The dialogue had not resulted in an outcome that was accepted by the relevant communities, as was expected under P5a, and which would have allowed them to respond to the international pressure to reform. Their eventual choice to move forward with the publishing of the CEDAW and the lifting of the CEDAW reservation without building consensus first, led to such a strong backlash effect that they were forced to revoke these steps.

These findings increase our understanding of backlash effects against human rights, and in

particular how they can develop in response to different stages of the proposed pathway of the political dialogue: during the start of the dialogue (Part 1) by selecting participants who are not approved by, or do not include sufficient domestic (veto) communities; by focusing too much on changing the status quo and not using consensus-creating strategies sufficiently (Part 2); and by making decisions on compliance that are not based on previously-built consensus and despite built-up resistance, leading to both the annulment of the CEDAW ratification and the lifting of its reservation (Outcome).

For the following time period that starts with the Arab Spring, Proposition 3b posited that King Abdullah would not start a political dialogue to respond to Western pressures as one of the two scope conditions, monitoring, decreased. This was confirmed, as even though the King did form two political committees in order to deal with the increased level of domestic vulnerability, neither of those were instigated to deal with pressures from the Western-oriented international community or to make a decision on compliance with women's rights possible. The domestic demand to include gender equality in the constitution had more to do with the Jordanian/Palestinian inequality in Jordanian society than with a push to comply with the CEDAW or a desire to demonstrate that Jordan was a legitimate member of the Western-oriented international society. The subsequent blocking of changing the constitution can be explained by the King's significantly increased domestic vulnerability, in particular to the tribal communities whose support was now crucial during the protests, in addition to the decreased international monitoring. Moreover, it is also possible that the King became much more hesitant to push in favor of women's rights due to the considerable backlash effects against the CEDAW.

Once the Arab Spring protests quietened down, the Western-oriented community became more concerned with refugees than with women's rights. By the end of the studied period, even the CEDAW Committee became more lenient and urged the international community to aid Jordan, regardless of its record on CEDAW compliance. King Abdullah did not start a dialogue to implement women's rights in this period either. This is further evidence that scope conditions of international vulnerability and monitoring are, together, necessary conditions to trigger a political dialogue on compliance (P3).