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Assessing Jordan's Response to COVID19 under Anti-Corruption Standards

Submitted to: Rasheed for Transparency and Integrity (Transparency International – Jordan)
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Executive Summary

The report provides an assessment of the Jordanian government's policies in response to, and during the COVID19 pandemic. The assessment is conducted with reference to the standards set out in international anti-corruption instruments, guidelines issued by the Office of the Human Rights Council relevant to extraordinary governmental powers under COVID19 and Jordan's Commitments in the London Anti-Corruption Summit of 2016. It is also contextualised within Jordan's own cultural, political and economic conditions, while the issues investigated relate to the specific risks posed by the pandemic on the public and private spheres. To do so, the report relies on publically available sources, which include governmental statements, news reports, civil society reports among others.

The report examines three sets of policies: those issued in relation to the Defence act of 1992, which was enacted for the purpose of endowing the government with extraordinary powers to enact pandemic response measures; more general policies enacted in relation to either the public or private sectors during the pandemic; and specific policies and decisions in relation to the scope of the London Commitments of 2016. One overarching limit to the research has been the absence and inconsistency of the available information. As such, while the report acknowledges efforts of the Jordanian's government to strengthen transparency, the available information only allows a partial assessment of the government's overall commitment to averse corrupt practices during the pandemic.

Assessment of policies issued under the Defence act shows that the government had set out to enact policies strictly within the scope of public health, the enactment of drastic measures was justified at multiple intervals given Jordan's weak capacity to face the pandemic, yet there was a notable inconsistency and confusion that could have opened the door for exploitation, with absence of direct normative safeguards against such possible exploitation. Nonetheless, the government responded proactively to reports of corrupt practices, and no evidence serves to show any major unattended occurrence of the sort. On another note, the government established an emergency response fund under the defence act, the fund received considerable donations from the private sector. In the interim, one risk that was flagged internationally at the wake of a global enactment of emergency laws was the use of such laws to fulfil a political agenda beyond the public health agenda. In response to this risk, the report assesses occurrences in Jordan during COVID19 relevant to: freedom of speech, judicial independence and the right to public assembly, the protection of which is a vital mechanism in the fight against corruption. The report concludes that there are indicators that the Jordanian government did not provide adequate protections for these rights during the pandemic.

In the interim, assessment of general policies looked at: Jordan's commitments in the allocation of external funding which referenced protections against corrupt practices; the report shows governmental economic aid packages without discrimination, yet the process of their dissemination lacked clarity and consistency in the policies. Efforts to address corruption related crimes continued during the pandemic. The government showed response to some of the issues linked to corrupt practices and which are particular to crisis situations such as COVID19. More generally, the Jordanian government has shown efforts to enhance digital communication with the public and private sectors establishing multiple online platforms to provide access to information and enable communication with government officials.

Lastly, the report shows that Jordan has undertaken some efforts towards fulfilling its commitments under the London Anti-corruption summit of 2016, which mainly address corruption in the private-public relations. To advance such efforts, the executive branch put forth a number of draft legal amendments which would provide: better protections of asset recovery; endow the anti-corruption and integrity commission alongside the audit bureau with further powers and independence; establish new framework of public-private relations which would enable further transparency; and a new framework for the prosecution of illicit enrichment which responds to international standards on the subject matter. Other positive efforts include participation in international committees and dialogue, and steps towards further innovation in the governmental sector. In practice, the public-private dialogue in crisis management as well as the governance of support packages for the private sector were deemed relatively weak, and little information is available as to public procurement decisions during the pandemic. Nonetheless, no evidence shows discrimination in the allocation of support funds or other services provided to the private sector in response to the crisis.

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Introduction

In his resignation speech on the 4th of October, 2020, Omar al Razzaz the previous ex-Prime Minister of Jordan stressed that the anti-corruption agenda has been one of the priorities of his government.¹ Al Razzaz's government faced a unique challenge in their pursuit to fulfil this commitment with the outbreak of the COVID19 virus worldwide on February, 2020. The virus led to an international state of emergency, that required decisive policies and decision both nationally and internationally. It also posed a wide host of new corruption risks across different sectors.

This report sets out to assess the Jordanian government's policies and decisions during the duration of the pandemic, their capacity to respond adequately to the pandemic, and their commitment to the Anti-corruption agenda. The assessment primarily relies on the principles present in international anti-corruption mechanisms with a focus on the commitments made by Jordan in the London Anti-Corruption Summit of 2016 relevant to corruption risks at the intersection of private-public relations. To do so, the report relies on publically available sources which include governmental statements, news reports, civil society reports among others.

The report examines two sets of policies: those issued in relation to the Defence act of 1992, which was enacted for the purpose of endowing the government with extraordinary powers to enact pandemic response measures; and more general policies enacted in relation to either the public or private sectors during the pandemic. One overarching limit to the research has been the absence and inconsistency of the available information. As such, while the report acknowledges efforts of the Jordanian's government to strengthen transparency, the available information only allows a partial assessment of the government's overall commitment to averse corrupt practices during the pandemic.

¹ 'رئاسة الوزراء - الملك يقبل استقالة حكومة الرزاز ويكلفها بمواصلة تصريف الأعمال' <<http://www.pm.gov.jo/content/1601793351/%D8%A7%D9%84%D9%85%D9%84%D9%83-%D9%8A%D9%82%D8%A8%D9%84-%D8%A7%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%A7%D9%84%D8%B1%D8%B2%D8%A7%D8%B2-%D9%88%D9%8A%D9%83%D9%84%D9%81%D9%87%D8%A7-%D8%A8%D9%85%D9%88%D8%A7%D8%B5%D9%84%D8%A9-%D8%AA%D8%B5%D8%B1%D9%8A%D9%81-%D8%A7%D9%84%D8%A3%D8%B9%D9%85%D8%A7%D9%84.html>> accessed 9 October 2020.

PART I: THE ANTI-CORRUPTION FRAMEWORK AND RISKS

Chapter One: Corruption and the Jordanian Context

1.1 Corruption, its Origins, Effects and Remedies

1.1.1 Definition of corruption

Corruption is defined by Transparency international as ‘the abuse of entrusted power for private gain’.² In the Oxford dictionary, corruption is defined as “dishonest or fraudulent conduct by those in power”.³ Such an abuse of power can manifest in a host of forms, such as the acceptance of bribery; embezzlement; the abuse of insider knowledge. The definition of corruption is a subjective matter, for example some definitions exclusively reflect on the abuse of power in public offices,⁴ while others also include on the abuse of power in the private sphere within their assessment of corruption,⁵ this research adopts for the latter position.

1.1.2 UN Convention Against Corruption

The UN Convention Against Corruption (hereinafter UNCAC), was adopted by the United Nations General Assembly in October 2003, and entered into force December 2005. The convention does not define corruption per se, but it provides examples of corrupt acts that member states must commit towards preventing, or criminalising. To begin with, the UNCAC puts forth a set of preventive measures to tackle corruption, placing an obligation on member states to establish a preventive independent anti-corruption body to oversee the state’s anti-corruption policies and disseminate knowledge regarding the subject-matter (Articles 5 & 6), in accordance with which Jordan established the Integrity and anti-corruption committee in 2016 where members are instated by the king as referred by the prime minister.⁶

The convention continues to place obligations on member parties to undertake diligence and transparency in the public sector hiring policies (Article 7); the instatement of codes of conduct

² ‘What Is Corruption?’ (*Transparency.org*) <<https://www.transparency.org/en/what-is-corruption>> accessed 16 September 2020.

³ ‘Corruption | Definition of Corruption by Oxford Dictionary on Lexico.Com Also Meaning of Corruption’ (*Lexico Dictionaries | English*) <<https://www.lexico.com/definition/corruption>> accessed 16 September 2020.

⁴ For example, the anti-corruption strategy the World Bank announced in September 1997 defined corruption as the “use of public office for private gain”, Jeff Huther and Anwar Shah, ‘Anti-corruption policies and programs : a framework for evaluation’ (World Bank, 1997) available at: <http://documents1.worldbank.org/curated/en/578241468767095005/pdf/multi-page.pdf> last accessed 16 September 2020.

⁵ For example, the OECD defines corruption as: “the abuse of a public or private office for personal gain”. ‘Corruption: A Glossary of International Criminal Standards’ (OECD) <http://www.oecd.org/corruption/anti-bribery/39532693.pdf> last accessed 16 September 2020.

⁶ Review The Integrity and Anti-Corruption Commission Act No (13) 2016

for public officials which include the duty to disclose any conflict of interests, and the facilitation of reporting against public officials (Article 8); the instatement of appropriate public procurement programs which respect equity and transparency (Article 9); placing guarantees unto the right of access to information for the public through publication and the simplification of public procedures which facilitate access to information such as the right of access to information (Article 10); to the same token, the success of such measures requires the instatement of protections which guarantee the independence of the judiciary (Article 11); on the other hand the preventive mechanism best suited for the nature of the private sector is the instatement of financial auditing, which safeguard the investors from misrepresentations about the corporation's financial well-being (Article 12) , the importance of which increased dramatically following in the infamous Enron scandal in the US, where fraud allowed the corporate actors to represent the corporation's financial well-being in terms which were far from the truth.⁷ On the other hand, the convention puts forth safeguards to ensure that there is an adequate space for the freedom of expression, which allows for the contestation of the corrupt practices in the public sector (Article 13).

The convention continues to place safeguards against specific forms of crimes against capital such as:

1. Money laundry the prevention of which requires robust regulatory and supervisory regime for banks (Article 14); laundering the proceeds of a given crime is also criminalised (Article 23);
2. Bribery, which is defined: 'as the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties', to combat bribery the convention demands the criminalisation of the act (Articles 15 & 16); bribery in the private sector is also to be criminalised (Article 21);
3. Similar criminalisation is extended to embezzlement or the misappropriation of public goods (Article 17); this offence is also criminalised if committed in the private sector in a manner which harms the economic well-being and interest of the investors (Article 22);
4. Trading in influence, where a public official harnesses her or his position to secure her interest or that of others (Article 18);
5. Abuse of functions for the purpose of obtaining undue advantage (Article 19);
6. Illicit enrichment (Article 20).

The convention continues to list other more procedural rules relevant to the criminal system attached to the anti-corruption regime.

⁷ 'Enron: The Fraud That Changed Everything' (*The Independent*, 9 April 2006) <<http://www.independent.co.uk/news/business/analysis-and-features/enron-the-fraud-that-changed-everything-6104114.html>> accessed 10 November 2019.

Jordan signed the UNCAC on the 9th of December 2003, and ratified the convention on the 25th of February 2005 – later hosting a high-level conference for member states to review the first year of the adoption of the UNCAC.⁸

1.1.3 Other Instruments and Anti-Corruption Mechanisms

Aside from UNCAC, there exists a number of international instruments, which address some aspects on corruption and ask member states to instate anti-corruption mechanisms, aside from international instruments – soft law mechanisms and international organisations have been also promoting other approaches to anti-corruption mechanisms. The mechanisms outlined below are by no means conclusive, rather they are introductory in nature, other mechanisms and their dynamics of application will be addressed further on in the research.

To begin with, there is the United Nations Convention against Transnational Organized Crime and the Protocols Thereto (hereinafter UNTOC) which was adopted by the General Assembly under resolution 55/25 of 15 November 2000, and is considered to be the main international instrument in the fight against transnational organized crime. With specific reference to corruption, Article 8 of the UNTOC obligates member states to enact laws which the criminalise corrupt practices in the public sector; while Article 9 requires states to take effective measures to prevent corruption. The premise of the UNTOC is to strengthen international cooperation with regards to tackling organised crime, and such forms of crime can be deeply affiliated with corrupt practices which occur at a national level. The UNTOC was signed by Jordan on the 26th of November 2002, and ratified by the 22nd of May, 2009.⁹

Another instrument on the subject matter is the United Nations Declaration against Corruption and Bribery in International Commercial Transactions put forth in the General Assembly Resolution 21/191 on the 21st of February 1997, unlike the UNCAC and UNTOC, this declaration is not binding. Its sole focus is on possible corrupt practices in the private sphere, especially private bodies operating on a transnational level. The declaration can be read as a commitment towards the protection of international investment from the perils of bribery, illicit enrichment, the absence of transparency via prevention and criminalisation mechanisms.

Aside from installing the preventive mechanisms, and criminalising certain corrupt practices, other anti-corruption mechanisms require a reflective stance unto the governance of both the public and private sectors, where governmental policies integrate different actors in the decision making process whilst incentivising good practices.¹⁰

⁸ 'High-Level Jordan Conference to Review First Year of United Nations Convention against Corruption' (*United Nations : Office on Drugs and Crime*) <http://www.unodc.org/unodc/en/press/releases/press_release_2006_11_29.html> accessed 16 September 2020.

⁹ 'United Nations Treaty Collection' <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en> accessed 17 September 2020.

¹⁰ Generally refer to: George T Abed and Sanjeev Gupta, *Governance, Corruption & Economic Performance* (International Monetary Fund 2002); Kaushik Basu and Tito Cordella, *Institutions, Governance and the Control of Corruption* (1st edition., Springer International Publishing 2018).

On the other hand, in response to the imbedded cultural roots of corruption, many find that an educational approach which strengthens moral attributes that condemn exploitative behaviours and differential treatments in the form of employee training or school children education to be an essential anti-corruption mechanism.¹¹

1.1.4 The Roots and Effects of Corruption

Danny Singh, an academic specialised in the topic of corruption, identifies three main roots for corruption:

Cultural normalisation of systemic corruption, patronage and nepotism; where clientelism becomes a norm in institutional affairs. The strategies to combat this cause are monitoring and education.

1. Absence of economic equality in a state can motivate people to seek benefits in corrupt behaviours. The strategies to combat this cause include a pay reform in the public sector, and a hiring strategy reform that retains high-skilled workers in the public sector.
2. Certain social groups overpowering the state apparatus. The strategies to combat this cause include the enhancement of the rule of law and security.¹²

These risks often proliferate in given contexts such as economic impoverishment; as some find that the risks of corruption are deeply rooted in the absence of education and economic inequality, arguing that inequality breeds distrust in the governmental function.¹³ In the interim, such risks are bound to escalate in times of crisis as discussed further on in the research.

Regardless of its origin, corruption is often accompanied with a host of negative effects that touch upon the state's political, economic and social well-being. Corruption is harmful to the equilibrium of opportunities in the community be it among individuals or corporations, locals or foreigners. Likewise, the act of corruption is an offence against private property rights, economic growth and to regulatory and legal institutions.¹⁴ Following are some of the areas which are under the risk of harm by corruption:

1. Impeding efforts to realise the United Nations Sustainable Development Goals, which are voluntary principles put forth by the General Assembly of the United Nations in 2015, and set to be achieved in 2030. The goals are designed for the purpose of establishing grounds for a more sustainable future through the pursuance of 17 global goals which respond to needs for environmental protections and global economic

¹¹ Generally review: Wolfgang Amann, *Anti-Corruption: Implementing Curriculum Change in Management Education* (First edition, Taylor and Francis 2017). Ahmed Seleim and Nick Bontis, 'The Relationship between Culture and Corruption: A Cross-national Study' (2009) 10 *Journal of intellectual capital* 165; Wolfgang Scholl and Carsten C Schermuly, 'The Impact of Culture on Corruption, Gross Domestic Product, and Human Development' [2018] *Journal of business ethics*.

¹² Danny Singh, 'Challenging Corruption and Clientelism in Post-Conflict and Developing States' (2018) 71 *Crime, law, and social change* 197.

¹³ Eric M Uslaner, *The Historical Roots of Corruption: Mass Education, Economic Inequality, and State Capacity* (Cambridge University Press 2017). 6.

¹⁴ *ibid.* 6.

equality among other considerations.¹⁵ Overall, corruption diminishes the state's capacity of administration, thereby impeding efforts to realise the goals. Moreover, corruption leads to losses in the public budget, depriving the government from resources needed for the establishment of public institutions serving sustainability. More specifically, corruption impedes upon goal number 16 titled 'Peace, Justice and Strong Institutions' which aims to: 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'.

2. Economic losses and inefficiency – it was estimated at the World Economic Forum of 2018 that corruption costs is at least \$2.6 trillion, or 5 per cent of the global gross domestic product (GDP),¹⁶ The International Monetary Fund notes that corruption has significant negative effects on key channels that affect growth in a given state, while it also affects the integrity and efficiency of the state's tax regime, undermines spending programs, and can possibly result in large fiscal deficits and substantial debt accumulation.¹⁷ Likewise, the proliferation of corrupt practices in a given state can disqualify a state from access to funding through international financial institutions. To the same token, such proliferation can deter investment, wasting significant opportunities for benefits reaped from engagement with foreign direct investment.¹⁸

This effect is interlinked with an increased dysfunctionality in the public and private sectors, adding layers of bureaucracy and impeding upon the rights of citizens of corporations to receive equitable treatment by the law.¹⁹ This is especially observable in state-owned corporations.

More, such inefficiency is also noticeable on the level of public administration; not only does not it add to the bureaucracy but it also de-motivates employees from practicing the due care required from their positions. In the interim, the absence of an effective corruption pre-emptive scheme can mean placing the wrong person in the wrong position, or inducing irresponsible behaviour.

¹⁵ dpicampaigns, 'Take Action for the Sustainable Development Goals' (*United Nations Sustainable Development*) <<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>> accessed 15 September 2020.

¹⁶ 'Global Cost of Corruption at Least 5 Per Cent of World Gross Domestic Product, Secretary-General Tells Security Council, Citing World Economic Forum Data | Meetings Coverage and Press Releases' <<https://www.un.org/press/en/2018/sc13493.doc.htm>> accessed 15 September 2020.

¹⁷ Fiscal Affairs and Legal Departments, 'Corruption : Costs and Mitigating Strategies' (The International Monetary Fund, May 11, 2016) available at: <https://www.imf.org/en/Publications/Staff-Discussion-Notes/Issues/2016/12/31/Corruption-Costs-and-Mitigating-Strategies-43888> last visited 15 September 2020.

¹⁸ Adrian Blundell-Wignall and Caroline Roulet 'Foreign direct investment, corruption and the OECD Anti-Bribery Convention' (OECD Working Papers on International Investment 2017/01) <https://www.oecd-ilibrary.org/docserver/9cb3690c-en.pdf?expires=1600251945&id=id&accname=guest&checksum=1B92FF963B3E832F26D13197535F7B9D> last visited 16 September 2020.

¹⁹ O. P. Dwivedi, 'Bureaucratic Corruption in Developing Countries' (1967) 7 *Asian survey* 245; Jonathan Powell, 'Public Policy, Bureaucratic Corruption and Economic Development' (ProQuest Dissertations & Theses, 2007).

3. Poverty and inequality – corruption leads directly to deprivation in the public budget in forms such as tax evasion, while bribery can lead to bad economic decisions, which would cost the budget of the state on the long run, other forms of corruption such as embezzlement and money laundry also yield the same effect. This direct loss means that this money cannot be invested back into the public sector, thereby depriving people of much needed basic services. For example, in Nigeria, reports show that bribes paid by Shell to facilitate the exploitation of the state’s natural resources cost the Nigerian People 1.1\$ Billion US Dollars.²⁰ Moreover, the entrenchment of corrupt practices in a given state would eventually result in structural infringements against human rights. The proliferation of corruption sometimes plays a role in deteriorating circumstances, which can lead to armed conflict.²¹

“Corruption kills. The money stolen through corruption every year is enough to feed the world’s hungry 80 times over”

(Navi Pillay, United Nations High Commissioner for Human Rights)²²

4. Impunity and partial injustice – the scene of corrupt actors in powerful positions has become a normal scene in the Middle East. Public knowledge of corruption is not enough to condemn a given actor, as many continue their political careers despite knowledge that they have betrayed the public’s trust in them.²³ This is due to the power inherent to their positions in the public sector, and their informal connections and social standing in the community. Such impunity is also interrelated with grand corruption, which is defined as “a systematic or well-organised plan of action involving high-level public officials that causes serious harm, such as gross human rights violations.”²⁴
5. Distrust in public institutions – systemic forms of corruption eventually lead to a general sense of distrust in governmental functions. This distrust can discourage people from participating in democratic institutions, or relying on the public sector to receive services. It can also act as a motivation to exploit opportunities to engage in corrupt practices whenever the opportunity presents itself.²⁵

²⁰ ‘Shell Knew’ (*Global Witness*) <<https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/shell-knew/>> accessed 15 September 2020.

²¹ Philippe Le Billon, ‘Buying Peace or Fuelling War: The Role of Corruption in Armed Conflicts’ (2003) 15 *Journal of international development* 413.

²² Office of the High Commissioner of Human Rights, ‘The Human Rights Case Against Corruption’ 13 March 2013, available at: <https://www.ohchr.org/Documents/Issues/Development/GoodGovernance/Corruption/HRCASEAGAINSTCORRUPTION.PDF> last visited 16 September 2020.

²³ Mats Benestad, ‘Let Us Get Serious about Grand Corruption: An Indispensable Priority for the 2021 UN General Assembly Special Session’ (Torkel Opsahl Academic Epublisher, Policy Brief Series No. 110 (2020)) available at: <https://www.toaep.org/pbs-pdf/110-benestad/> (last visited 16 September 2020)

²⁴ ‘Grand Corruption - Our Priorities’ (*Transparency.org*) <<https://www.transparency.org/en/our-priorities/grand-corruption>> accessed 16 September 2020.

²⁵ Eric M Uslander, ‘Trust and Corruption Revisited: How and Why Trust and Corruption Shape Each Other’ (2012) 47 *Quality & quantity* 3603.

The determinants of corruption in developing states can be differentiated from those of developed states, and indeed such determinants would vary in different regions even among developing states. Factors such as deep bureaucracy in the public sector, steep economic inequalities in the community absence of trust in the government, and weakness in the rule of law further proliferate the risks of corruption in developing states.²⁶ Understanding how corruption comes about requires a holistic approach of institutional analysis of governmental bodies alongside a political and economic analysis.²⁷

1.2 Jordanian Context With Relation to Corruption

1.2.1 Economic Situation in Jordan

Jordan is a middle-income state, positioned as a developing state with a GDP per capita at 4300 \$ US Dollars, and with an estimate population of 10.1 million.²⁸ Unemployment rates in Jordan reached 23% in 2020.²⁹ COVID19 is expected further deteriorate the Jordanian economy, and further deepen its debts towards international financial institutions, initially leading to the issuance of a 1.3\$ US dollars Extended Fund Facility from the International Monetary Fund.³⁰ As a result, the Jordanian economy is expected to contract for the first time in decades, and it is expected that this downfall will affect its capacity to attract foreign direct investment.³¹ The main sources of income for public spending include custom collection, taxing and governmental investment, and despite promises to fix governmental budgeting, the public budget report of 2019 was highly mismanaged, with unrealistic expectations of economic wellbeing, and policies, which further burden individuals of the working class, eventually leading to unprecedented economic down turns, which proliferated with COVID19.³² Overall, Jordan suffers some of its worst ever economic downturns.

Thus far, the pandemic has severely affected over 250,000 daily wageworkers, especially affecting immigrant workers the most.³³ Local reports discussed the dire conditions faced by

²⁶ Eric M Uslaner, *Corruption, Inequality, and the Rule of Law: The Bulging Pocket Makes the Easy Life* (Cambridge University Press 2008) 23-57.

²⁷ 'Fighting Corruption in the Developing Countries - OECD Observer' <https://oecdobserver.org/news/archivestory.php/aid/291/Fighting_corruption_in_the_developing_countries.html> accessed 15 September 2020.

²⁸ 'Jordan | Data' <<https://data.worldbank.org/country/JO>> accessed 16 September 2020.

²⁹ oracle, 'دائرة الإحصاءات العامة' <<http://dosweb.dos.gov.jo/ar/>> accessed 18 November 2020.

³⁰ 'Overview of the Jordanian Economy' (*World Bank*) <<https://www.worldbank.org/en/country/jordan/overview>> accessed 16 September 2020.

³¹ 'Inside Jordan's Fight to Tackle COVID-19' (*IMF*) <<https://www.imf.org/en/News/Articles/2020/07/16/na071620-inside-jordans-fight-to-tackle-covid19>> accessed 16 September 2020.

³² Omar Faris, 'The First Budget under El Razzaz's Government: Wrong Estimations and Unprecedented Failure' (7iber) 30 December 2019 <https://www.7iber.com/politics-economics/%d8%a7%d9%84%d9%85%d9%88%d8%b2%d8%a7%d9%86%d8%a9-%d8%a7%d9%84%d8%a3%d9%88%d9%84%d9%89-%d9%84%d8%ad%d9%83%d9%88%d9%85%d8%a9-%d8%a7%d9%84%d8%b1%d8%b2%d8%a7%d8%b2/> last accessed 17 September 2020.

³³ Mahmoud Shar'an, 'Escaping Towards the Debt Book: Immigrant Daily Wage Earners in the Times of Corona' (7iber) 9 April 2020. <https://www.7iber.com/society/%d8%b9%d9%85%d8%a7%d9%84->

the service industry,³⁴ the tourism industry,³⁵ the construction industry, while many who had stable positions in the private sector either got their pay reduced or faced redundancy.³⁶

1.2.2 Corruption Indicators in Jordan

Nepotism and favouritism are considered to be the most recurrent markers of corruption in day-to-day life in Jordan, affecting local commercial activities,³⁷ as well as Jordan's capacity to secure external funding.³⁸

The Corruption Perception Index is a corruption indicator developed by Transparency International. The index relies on the perceptions of international professionals as to corruption in a given state, and these opinions are deduced from a wide range of indicators and research resources, which are provided by international organisations and think tanks. In the 2019 assessments, Jordan was ranked as 60 among world states in terms of how corrupt it is perceived to be; and its corruption deterrence mechanisms scored 48 out of 100.³⁹ Relatively, these scores are within the average scores obtained by Jordan over the past few years, with the exception of 2015 when its score was above the average reaching 53, while the lowest scores were obtained in the years 2011 and 2013 at 45.

Likewise, International Barometer of Corruption also created by Transparency International, relies on documenting public opinions as to the proliferation of corruption in a given state. According to the Barometer in 2019, 55% of the population in Jordan believe that corruption

<https://www.7iber.com/society/%d8%a7%d9%84%d9%85%d9%8a%d8%a7%d9%88%d9%85%d8%a9-%d8%a7%d9%84%d9%85%d9%87%d8%a7%d8%ac%d8%b1%d9%88%d9%86-%d8%a7%d9%84%d9%83%d9%88%d8%b1%d9%88%d9%86%d8%a7/> last accessed 17 September 2020.

³⁴ For example review Shafa' Al Qudah, 'Given the Danger of Opening Wedding Venues: What happened to their employees?' (7iber) 6 June 2020 <https://www.7iber.com/society/%d8%a5%d8%ba%d9%84%d8%a7%d9%82-%d9%82%d8%b7%d8%a7%d8%b9-%d8%b5%d8%a7%d9%84%d8%a7%d8%aa-%d8%a7%d9%84%d8%a3%d9%81%d8%b1%d8%a7%d8%ad-%d9%81%d9%8a-%d9%83%d9%88%d8%b1%d9%88%d9%86%d8%a7/> Last accessed 17 September 2020.

³⁵ Rahma Hussien 'Tourism in the times of crisis: Losses during the high season' (7iber) 1 June 2020, available at: <https://www.7iber.com/society/%d8%ae%d8%b3%d8%a7%d8%a6%d8%b1-%d8%a7%d9%84%d8%b3%d9%8a%d8%a7%d8%ad%d8%a9-%d8%a7%d9%84%d8%a3%d8%b1%d8%af%d9%86%d9%8a%d8%a9-%d9%81%d9%8a-%d8%a3%d8%b2%d9%85%d8%a9-%d9%83%d9%88%d8%b1%d9%88%d9%86%d8%a7/> (last visited 16 September 2020)

³⁶ Dana Gibreel and Manar Hafez, 'How were the salaries of workers in the private sector affected by the enactment of the defence law?' (7iber) 7 June 2020. Available at: <https://www.7iber.com/politics-economics/%d8%a3%d8%ac%d9%88%d8%b1-%d8%a7%d9%84%d9%82%d8%b7%d8%a7%d8%b9-%d8%a7%d9%84%d8%ae%d8%a7%d8%b5-%d9%88%d8%a3%d9%88%d8%a7%d9%85%d8%b1-%d8%a7%d9%84%d8%af%d9%81%d8%a7%d8%b9/> last accessed 16 September 2020.

³⁷ Markus Loewe, Jonas Blume and Johanna Speer, 'How Favoritism Affects the Business Climate: Empirical Evidence from Jordan' (2008) 62 *The Middle East Journal* 259.

³⁸ Michael Jansen in Amman, 'Nepotism and Corruption Enemies of Debt-Crippled Jordan' (*The Irish Times*) <<https://www.irishtimes.com/news/world/middle-east/nepotism-and-corruption-enemies-of-debt-crippled-jordan-1.3669302>> accessed 1 September 2020.

³⁹ 'Jordan' (*Transparency.org*) <<https://www.transparency.org/en/countries/jordan>> accessed 11 September 2020.

has escalated in the year 2019, while it is believed that at least 5% of those using public services resorted to bribes to secure services.⁴⁰

Meanwhile Jordan received 6.91 out of 10 in Index of Public Integrity produced by the European Research Centre for Anti-Corruption and State-Building. The Index assesses transparency in budget spending, market openness, online governance, freedom of press, and the independence of the judiciary.⁴¹ While, according to the 'Freedom in the World' indicators, which are conjured by the civil actor Freedom House to assess political freedom in states, Jordan scored 12/40 in relation to political rights; and 25/60 in relation to civil liberties.

A 2019 report by Transparency International assessing the public's opinion of corruption in different Arab states, stresses that nepotism (which can be described as the exploitation of personal relations to obtain differential treatment) is the biggest corruption related issue in Jordan, alongside bribes.⁴² According to the report 20% of Jordanians rely on nepotism when seeking medical attention, and 1% of them resort to bribes for the purpose of facilitating the procedures. Meanwhile, the report finds that there are weaknesses in the protection of the right of access to information, and misuse of the Electronic Crimes Law of 2015; weaknesses which deter effective efforts to combat corruption.⁴³

As to the assessment of the health sector in Jordan; in his paper on corruption in the health sector, research demonstrates that the main corruption risks in the field are the absence of equality among individuals in the supply of medical services, the absence of administrative coordination, and the absence of coordination with the private sector. More specifically, his study stresses the normalisation of nepotism and favouritism in the public health sector in Jordan, as people rely on their personal relations to obtain better medical care.⁴⁴ Other risks in the health sector are found in the pharmaceuticals industry, where there are high risks of corruption in marketing practices, while corruption risks in product tests, distribution, purchase and registration are lower.⁴⁵

1.2.3 Structural Causes for Corruption in Jordan

may influence the implementation of institutional structures.⁴⁶

Jordan has gone significant privatisation over the past 20 years, leaving very little services in the public sphere. Overall, public institutions in Jordan needs an improvement in terms of capacities and eliminating bureaucracy.⁴⁷ This is highly interlinked with the dire economic

⁴⁰ *ibid.*

⁴¹ 'Index of Public Integrity' (*integrity-index.org*) <<http://integrity-index.org>> accessed 16 September 2020.

⁴² Roberto Martinez B. Kukutschka, Jon Vrushi, 'Global Corruption Barometer: Middle East & North Africa 2019' (Transparency International, 2019). Available at: <https://www.transparency.org/en/gcb/middle-east-and-north-africa/middle-east-and-north-africa-1> (last visited 11 September 2020). 11.

⁴³ *Ibid.* 11

⁴⁴ Musa T Ajlouni, 'Integrity and Corruption in the Health Sector in Jordan: The Perceptions of Leaders of Non-Government Health Organizations (NGHOs)' (2017) 10 International business research (Toronto) 95.

⁴⁵ *ibid.*

⁴⁷ Jamil E Jreisat, 'Bureaucracy and Development in Jordan' (1989) 24 Journal of Asian and African Studies 94.

position of Jordan, as public sector employees receive very low wages while the cost of living in Jordan is considerably high.

The instatement of restrictive laws such as 2015 Cyber Crimes Law, which pose high risks to freedom of speech and endows the judiciary with a wide space of discretion as to what constitutes a wrong doing, have been repetitively condemned by international civil society actors.⁴⁸ While informal restrictions such as the requirement of approval by the local council prior to a protest despite clear constitutional amendments in 2011 to the contrary, persist.⁴⁹ Lastly, Privacy International has previously noted the overall weak nature of privacy protection in Jordan, as the telecommunication law allows the monitoring of communication; the anti-terrorism law does not provide sufficient safeguards against police discretion; while recorded incidents prove invasive policies against individual privacy.⁵⁰

All these elements contribute towards a lack of trust in the government, which may lead to corrupt practices and result to leaving marginalised groups in the society at high risks of exploitation. ‘Regardless of the ritualistic references to their national society, modern Jordanians lack the trust in thier government to a great extent’.⁵¹

1.2.4. Examples of Corruption Cases in Jordan

a. “The Fake Cigarette Ring “Case in Jordan

The most infamous corruption story known in the contemporary history of Jordan is the Fake Cigarette Ring case. The operation was led by a well-connected business man, who was involved in Jordan’s free trade zone (mainly the Zarqa and Aqaba free zones), designed exclusively for exports. Alongside his accomplices, Mutee set up an operation to sell counterfeit cigarettes with labels of multi-national tobacco corporations such as Marlboro, Winston and L&M, reaping millions and evading an estimate of 760\$ US Million Dollars in tax. The operation involved top government officials, who used their privilege to facilitate the crime, including a former general director of customs, who allegedly accepted bribes to turn a blind eye to the smuggling process of the goods outside of the export zone, and of the tobacco inside the trade zones (which was labelled as earth fertilizer), while also providing knowledge prior to possible police raids, and misconduct towards employees, who refused to partake in

⁴⁸ ‘Jordan: Amended Laws for Labour and Cybercrime Restrict Civic Space - CIVICUS - Tracking Conditions for Citizen Action’ <<https://monitor.civicus.org/updates/2019/04/30/Jordan-amended-laws-for-labour-and-cybercrime-restrict-civic-space/>> accessed 17 September 2020; ‘World Report 2019: Rights Trends in Jordan’ (*Human Rights Watch*, 17 December 2018) <<https://www.hrw.org/world-report/2019/country-chapters/jordan>> accessed 17 September 2020.

⁴⁹ Shahd Hammouri, ‘On What Basis are Public Gatherings Restricted in Jordan’ (7iber) 2 March 2016 <https://www.7iber.com/politics-economics/public-gathering-in-jordan/?%3E> last accessed 17 September 2020.

⁵⁰ ‘State of Privacy Jordan’ (*Privacy International*) <<http://privacyinternational.org/state-privacy/1004/state-privacy-jordan>> accessed 17 September 2020.

⁵¹ Fadi Alasfour, ‘Costs of Distrust: The Virtuous Cycle of Tax Compliance in Jordan’ (2019) 155 *Journal of Business Ethics* 243.

corrupt practices; and a former minister of water and irrigation, 25 corporations and 27 defendants.⁵²

As the process evolved, those involved established corporations under the names of their friends, family and other defendants to run the operation.

In response to political demands for governmental reforms, the Jordanian government instated a change in governments instating Omar al Razzaz as the previous Prime Minister. Efforts to crack down on the operation started a month after his instatement, as a sign of good faith in public governance, even televising the procedures – a rare occurrence in Jordanian politics.⁵³

b. Other Corruption Cases

The Audit Bureau released an audit report in October 21, 2018 revealing 69 cases of embezzlement in Jordan during 2017, examples include:

A former director of Social Security, awarded himself JD 70,000 without merit; a government employee in the Department of Land and Survey sold 300 dunams of state owned land belonging to the state treasury to himself and his sister; House of Representatives buys a meal for JD 4,000 for employees; Greater Amman Municipality (GAM) has seven cases mounting up to almost JD 400,000 of public money misuse.⁵⁴

In the interim, local reports often express concerns as to privileging government cronies and family members of public sector figures in public procurement procedures.⁵⁵

1.2.5 The Compliance of Jordanian laws with standards against corruption

The Integrity and Anti-Corruption Law No. 13 of 2016, amended by law No. 25 of 2019, establishes the Anti-Corruption Commission, which is commissioned with overseeing the enactment of good governance practices and anti-corruption mechanisms in the public sector, including measures to incentives transparency. The Commission also acts as a remedy mechanism, which receives grievances relevant to corrupt practices, and it is also endowed

⁵² Frank Andrews, 'Fake Cigarette Ring Exposes Jordan's Corruption Woes' (Organised Crime and Corruption Reporting Project) 21 August 2019 <<https://www.occrp.org/en/blog/10533-fake-cigarette-ring-exposes-jordan-s-corruption-woes>> accessed 14 September 2020. 'Top Jordanian Politicians Arrested on Corruption Charges' (AP NEWS, 23 January 2019) <<https://apnews.com/f5d566479574431daa3e3a59c1144cd2>> accessed 16 September 2020.

⁵³ Andrews (n 54); "Cigarettes Case" Testing Jordan Government Stance on Corruption' <<https://www.aljazeera.com/news/2018/07/case-testing-jordan-government-stance-corruption-180722191243590.html>> accessed 16 September 2020.

⁵⁴ 'Audit Bureau: Corruption of 2017 Unveiled in Annual Governmental Audit' </news/15713/2018-11-01> accessed 16 September 2020. Audit Bureau, 'Sixty Sixth Annual Report 2017' <http://www.representatives.jo/sites/default/files/report%202017.pdf> (last visited 16 September 2020)

⁵⁵ 'Jordan: Anti-Corruption Law Praised but Questions Remain' <<https://www.aljazeera.com/news/2019/09/jordan-anti-corruption-law-praised-questions-remain-190905171205639.html>> accessed 18 September 2020. Mus'ab Shwabkeh and Muhammad Ghubari 'Public Procurement Contracts worth Millions of Jordanian Dinars in the Pockets of Former Parliamentarians' (Areej) August 2016, available at: <https://arij.net/investigation/%D8%B9%D8%B7%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A8%D8%A7%D9%84%D9%85%D9%84%D8%A7%D9%8A%D9%8A%D9%86-%D9%81%D9%8A-%D8%AC%D9%8A%D9%88%D8%A8-%D9%86%D9%88%D8%A7%D8%A8-%D8%B3%D8%A7%D8%A8%D9%82%D9%8A%D9%86/> last accessed 18 Sep. 20

with positive obligations to investigate and prosecute corrupt practices wherever they exist; their privileges extend to overseeing the enactment and promotion of anti-corruption and good governance in the private sector and civil society (Article 4). As previously mentioned, members of the Commission are hired by the King and referenced by the Prime Minister (Article 6). In practical terms, the Commission is asked to bring forth anti-corruption policies, provide assistance in the legislation process for relevant laws, cooperate with different national and international bodies to combat corruption, partake in anti-corruption awareness campaigns among other tasks (Article 8).

While praised for the instatement of the law itself, there are clear deficiencies in the law – most notable of which is the space for improvement with regards to the safeguards guaranteeing the independence of the committee; while independence is mentioned formally, the hiring and dismissal mechanisms mainly depend on the discretion of the executive branch represented by the prime minister, while their salaries are controlled by the council of ministers (Article 6). Attempts to overcome this concern were put forth in the 2019 amendments, granting the Commission further administrative independence in terms of safeguarding terms of dismissal as well financial independence. On the other hand, the law gives a very broad and formalistic set of tasks for the Commission such as ‘enabling an apparatus of values and behavioural rules in public governance’ and ‘ensuring the transparency of the decisions undertaken by the executive branch’ (Article 4 (a & d)), with no parallel reporting duties on the different executive branches which to enable such oversight by the commission . Therein, most of its powers are mainly framed in a criminal judiciary sense to address and investigate possible corruption cases (Article 4 (i & j)). This understanding harbours the risk of a formalistic functionality for the Commission in place of proper contestation for deeply rooted tendencies towards corrupt practices found in the Jordanian context.

In a study conducted by a number of Jordanian scholars inquiring into the compliance of Jordanian Corporate laws with anti-corruption standards set in UNCAC, the researchers find that there are some areas of improvement in Jordan’s approach to the criminalisation of corrupt practices relevant to the private sector: (1) conflicts of interest are not deemed illegal per se, rather it is illegal not to announce the conflict of interest where it exists; (2) abuse of functions for the purpose of obtaining undue advantage or illicit enrichment or insider trading from a public position with the private sector is only criminalised if such exploitation has led to direct financial gain for the public employee, or differential treatment of one team over the other – and such acts can be undertaken either through fraud in trade, the selling or purchase of public goods. The researchers find that this approach is short from capturing the crimes relevant to the category of conflict of interest in the public domain; (3) more they find that a weakness of constrains on former public employees who take up positions in the private sector a weakness in Jordanian legislation that retains the risk of exploiting knowledge or influence taken on during their time in public office.⁵⁶ The current policy to address such practices (often coined as ‘revolving door’) is a cooling off period of one year, which is deemed too short.⁵⁷ Attention

⁵⁶ Suhail Haddadin, Ali Qutishat ‘ Study on the adherence of the Jordanian corporate law with UNCAD’ (Rasheed, Transparency International – Jordan, 2020) available at: <https://rasheedti.org/wp-content/uploads/2020/07/%D8%A7%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D8%A9-%D9%86%D9%87%D8%A7%D8%A6%D9%8A.pdf> last accessed 18 September 2020.

⁵⁷ ‘Revolving Door - Corruptionary A-Z’ (*Transparency.org*)

<<https://www.transparency.org/en/corruptionary/revolving-door>> accessed 27 November 2020.

to this weakness was drawn in the shadow report on a number of the global compact goals prepared by "Rasheed" in 2019; in the report, the creation of specialised units to investigate such practices was recommended. More, the report recommends extending the cooling off period between taking on a public and a private position to two years.⁵⁸

(4) Another major gap discussed in the research Jordanian law does not recognise corporate criminal legal personality for corporations, this weakness in legislation indirectly protects legal persons involved in corrupt practices. Researchers find that this possibly creates an impunity gap when addressing crimes committed through corporations, especially with regards to multinational corporations with complex global value chains, where the allocation of responsibility within the internal governance structure is a complex affair that is often hard to achieve. It is notable that the UNCAC establishes the liability of legal persons as a mandatory provision.

(5) In the interim, the study finds that there is a steep absence of incentivising mechanisms to act as anti-corruption mechanisms, in specific – the study refers to the dysfunctionality of the penalties instated in the criminal code, which they find disproportional to the seriousness of the crime.

(6) Lastly, researchers recommend instating further legislations addressing corporate governance, for the purpose of promoting responsible governance practices which steer away from corruption.⁵⁹

⁵⁸ Al Rasheed, Shadow Report Reviewing Progress made in Jordan for Targets Number 4,5,6 and 10 under Goal Number 16 From Sustainable Goals 2019, available at: <https://rasheedti.org/shadow-report-reviewing-progress-made-in-jordan-for-targets-number-456-and-10-under-goal-number-16-from-sustainable-goals-2019/?lang=en> (last visited 27 November 2020) at 11.

⁵⁹ Ibid.

Chapter Two: Jordan's Commitments under the London Summit of 2016

The Anti-Corruption Summit was held in London in May of 2016. The 43 countries that attended in turn submitted 600 commitments regarding anti-corruption effort⁶⁰. The discussion mainly revolved around the following; confidentiality of corporations, state's transparency, enforcing international anti-corruption standards and supporting civil society organisations⁶¹. The discussions resulted in legal commitments concerning a) reacquisition of property b) transparent declaration of beneficial ownership, c) enforcing laws that concern the system of anti-corruption, d) operationalizing the sharing of public statements, e) anti-corruption in public bidding, and f) protection of people who share information regarding corrupt practices with bodies concerned and protection of civil society organisations.⁶²

This rare international initiative was held weeks after the leaking of documents that shed light on the corruption concerning off-shore accounts and tax havens, of which British corporations are greatly benefitting from, as well as highlighting the danger of laws that allow full confidentiality for those in power in transnational corporations. Local laws do not require declaring names of those managing corporations and those who profit off its returns, and some countries protect the privacy of individuals when declared. Some laws may allow the corporation to be registered with the name of people who are not directly tied to the corporation without legal consequences⁶³. As such, when the corporation acquired a legal personality, it can own other transnational corporations which in turn can result in a complex network of corporations without an actual association between those managing the corporation and those profiting off it. It results in a wide gap in the international accountability system which corporations may attempt to camouflage with social initiatives that improves the image of the corporation⁶⁴. This confidentiality aspect plays a great part in coordinating of financial crimes such as tax evasions, money laundering, financing illegal investments made in weapons and drugs, in addition to conflicts of interest in public investment with corporations whose ownership has not been intentionally declared. In turn public sectors lose billions each year, especially in developing countries. On the other hand, such practices are considered contrary to free market trade regulations and a violation of the sovereignty of law⁶⁵. Hence, in response to the danger posed by these practices and its spread amongst international elite, civil society representatives demanded operationalizing laws that

⁶⁰ '43 Countries, 600 Commitments: Was the London Anti-Corruption Summit...?' (*Transparency.org*) <<https://www.transparency.org/en/news/43-countries-600-commitments-was-the-london-anti-corruption-summit-a-succes>> accessed 20 September 2020.

⁶¹ 'Anti-Corruption Summit 2016' (*GOV.UK*) <<https://www.gov.uk/government/topical-events/anti-corruption-summit-london-2016/about>> accessed 1 September 2020.

⁶² 'Advocacy in Action' *supra* n (809809) at 2.

⁶³ 'Guttorm Schjelderup, 'Secrecy Jurisdictions' (2016) 23 *International Tax and Public Finance* 168.

⁶⁴ Burcin Col and Saurin Patel, 'Going to Haven? Corporate Social Responsibility and Tax Avoidance' (2019) 154 *Journal of Business Ethics* 1033

⁶⁵ 'We Need More than Words to Tackle Corruption' (10 May 2016) <<https://www.ft.com/content/9278fdf6-1602-11e6-9d98-00386a18e39d>> accessed 21 September 2020

case light on transparency within corporation registration system⁶⁶. Following the release of Panama Papers, a suggestion was made to require disclosing the names of beneficiaries from corporations⁶⁷.

One of the non-binding declarations addressing beneficial ownership on a transnational level is the G20 High-Level Principles on Beneficial Ownership Transparency, endorsed by states belonging to the G20 in 2015. The principles brings forth a set of normative recommendations to tackle the subject matter, which include: the instatement of a clear definition of beneficial ownerships, which captures the need to identify the persons, who are affiliated with the corporation, context and country specific risks, in order to understand a given state's role in the transnational network facilitating corrupt practices. This process can take the form of a due diligence process by the competent authorities, ensuring the accuracy of registered data on beneficial ownership. States are encouraged to put forth guarantees for speedy and efficient access of public authorities to this information; more generally, such information on beneficial ownership must be registered with expert trustees. The document also encourages the cooperation among states and financial institutions and among international community to fulfil these goals. Lastly, the document refers to the instatement of other preventive measures with regards to share ownership.⁶⁸ During the London Summit, France was the first state to take on a commitment to establish a public register of trusts in efforts to materialize such commitments against beneficial ownership.⁶⁹

Those reaping high profits, which are unaccounted for in their own states, opt for different mechanisms with which to hide or secure their fortune, one common method is laundering the proceeds of corruption through the purchase of assets. The United Kingdom is especially ripe for such forms of money laundry. To answer to this concern, the United Kingdom committed to the instatement of normative constraints, which require foreigners buying assets in the United Kingdom to declare their assets in a public register.⁷⁰ Such efforts are accompanied procedures to enact 'asset recovery', which denotes freezing and confiscating assets acquired through unlawful activities, and redeeming the entities damaged by these unlawful acts through some form of reparations. Asset recovery mechanisms are often interrelated with the larger scheme of anti-money laundry.⁷¹

⁶⁶ Generally refer to: Nicholas Shaxson, *Treasure Islands: Tax Havens and the Men Who Stole the World* (Random House 2011); Gabriel Zucman, *The Hidden Wealth of Nations: The Scourge of Tax Havens* (University of Chicago Press 2015).

⁶⁷ Jenik Radon and Mahima Achuthan, 'Beneficial Ownership Disclosure: The Cure for the Panama Papers Ills' (2017) 70 *Journal of international affairs* (New York) 85.

⁶⁸ G20, 'Level Principles on Beneficial Ownership Transparency' (2015) available at: https://star.worldbank.org/sites/star/files/g20_high-level_principles_beneficial_ownership_transparency.pdf last visited 20 September 2020.

⁶⁹ 'Anti-Corruption Summit Sees Bold Moves in Key Areas, but a Glaring Blind Spot in the Tax Havens' (*Global Witness*) <<https://www.globalwitness.org/en/press-releases/anti-corruption-measures-global-witness-reaction/>> accessed 21 September 2020.

⁷⁰ 'New Global Plan to Recover Stolen Assets' *BBC News* (12 May 2016) <<https://www.bbc.com/news/business-36274302>> accessed 21 September 2020.

⁷¹ Rahul Rose, Susan Hawley, Steve Goodrich and Rachel Davies Teka 'Accountable Asset Return: UK Country level civil society report' (Corruption watch & Transparency International UK, 2017) available at: https://www.transparency.org.uk/sites/default/files/pdf/publications/AccountableAssetReturn_UK-GFAR-report.pdf accessed 21 September 2020.

To the same token, some attention was devoted to the protection of whistleblowers, the act of which is defined as “making of a disclosure in the public interest by an employee, director or external person, in an attempt to reveal neglect or abuses within the activities of an organization, government body or company (or one of its business partners) that threaten the public interest and its integrity and reputation”.⁷² Over the past few years, a number of whistleblowers have uncovered some information that highlighted to the public the deeply entrenched corrupt practices occurring globally. Most well-known among these whistleblowers are the actors behind the leaks of Wikileaks,⁷³ and the Panama Papers. Effective corruption mechanisms should provide protection for those, who are sharing such information with the relevant authorities, such protection can include non-retaliation,⁷⁴ or judicial protection. Over the past decades, the protection of whistleblowers has also become good practice in responsible corporate auditing.⁷⁵

Another point of discussion was open data, the term open data denotes making data about public sector decisions, orders and decision making mechanisms accessible for the public. Such a policy allows public scrutiny to take its course, enabling public oversight of corruption in the public sphere, and *de facto* enhancing governmental accountability, improved public services, and the investment protection.⁷⁶

Such protection of the right to access to information comes hand in hand with the protection of the civil society, who face considerable risks and constraints in their work to uncover, tackle and remedy corruption.⁷⁷ The role taken up by civil society actors in anti-corruption mechanisms includes: (1) acting as corruption watchdogs for decisions and policies made in the public and private sector; (2) raising public awareness to the reality, efforts and mechanisms to tackle corruption; (3) providing consultations and policy suggestions to tackle corruption; (4) reporting on corrupt practices to international organizations as a part of adherence mechanisms for international treaties; (5) protecting and supporting those affected by corruption, among other roles.⁷⁸ The absence of open data, cooperation from the state or the private sector, and bureaucracy are common hurdles faced by the civil society while undertaking these efforts. These hurdles are further exacerbated given the usual involvement of powerful state and business figures in such cases, such figures can lay either procedural,

⁷² Tilly Prior and Catherine Harris, ‘Open Business: Principles and guidance for anti-corruption corporate transparency’ (Transparency International UK, 2020) available at: https://www.transparency.org.uk/sites/default/files/pdf/publications/TIUK_OpenBusiness_WEB4.pdf last visited 20 September 2020.

⁷³ ‘Wikileaks and Whistleblowing’ <<https://cs.stanford.edu/people/eroberts/courses/cs181/projects/2010-11/WikiLeaks/background.html>> accessed 20 September 2020.

⁷⁴ *Ibid.* at 10

⁷⁵ ‘Internal Audit’s Role in Whistleblowing | ACCA Global’ <<https://www.accaglobal.com/gb/en/member/discover/cpd-articles/governance-risk-control/ias-role-in-whistleblowing.html>> accessed 21 September 2020.

⁷⁶ Steve Goodrich, ‘How Open Data Can Help Tackle Corruption: Policy Paper’ (Transparency International UK, 2015) available at: https://www.transparency.org.uk/sites/default/files/pdf/publications/Policy_Paper_-_How_open_data_can_help_tackle_corruption.pdf last accessed 21 September 2020.

⁷⁷ ‘Attacks on Civil Society and Journalists on the Rise in Europe - Press’ (*Transparency.org*) <<https://www.transparency.org/en/press/attacks-on-civil-society-and-journalists-on-the-rise-in-europe-1>> accessed 21 September 2020.

⁷⁸ Geo-Sung Kim, ‘The Role of Civil Society in the Fight Against Corruption’ 14.

legal and even physical hurdles against civil society actors engaging in the fight against corruption. Consequently, the protection of civil actors in specific and the right to freedom of speech for those engaging in investigative journalism in general, are inalienable tools for tackling corruption that must be supported by a normative regime which provides protection against any form of intrusion against their right to scrutinize possible corrupt practices, such protection is stressed in article 13 of the UN Convention against corruption.⁷⁹

Other topics of discussion in the summit included general corrupt practices like the implementation of the general anti-corruption framework, and corruption in public procurement procedures discussed in the first part of this chapter. Overall, what distinguishes the London Summit is the attention paid to the intersection of corruption and the activities of the private sector. Given recent of privatization and deep transnational economic interdependence over the past twenty years, this direction in the anti-corruption agenda is of the utmost importance, and it is expected that more attention will be directed towards this intersection.

Lastly, at the end of the London Summit most participating states made a considerable set of commitments. The implementation of such commitments will prove to be challenging, given the imbedded and structural nature of corrupt practices in international and national economic transactions, for this reason general contextual requirements are also necessary for the realization of these commitments, including: (1) political stability and governmental reforms; (2) the will and capacity of the government to implement; (3) political priorities; (4) existence of institutional mechanisms and legal frameworks to fulfil commitments; (5) agility of government bureaucracy; (6) government sensitivity to public opinion.⁸⁰

Jordan and the Anti-Corruption Summit

The attendance of Jordan at the London summit served to show willingness to undertake efforts to tackle corruption at the intersection of public and private entities. By the end of the summit Jordan had made ten commitments which touch upon different subject matters addressed during the summit. Overall, there is very little data available with regards to corruption at this intersection in Jordan, but the Panama papers provide some leads as to possible corrupt practices as introduced below and further explored in later chapters.

Reports showed that over 1,000 corporations in Jordan have economic activity and are registered with tax havens.⁸¹ Some are associated with well-known local investors and current politicians. For instance, some reports pointed out a number of ex-officials who own companies that share holdings in the British Virgin Islands, which are known as tax evasion refuge. That being said, the report does not show the nature of practices that such companies had. Likewise, the leaked papers also reference well-known business men with prior

⁷⁹ 'Civil Society Participation: An Essential Element in Anti-Corruption Efforts | ECNL' (30 December 2015) <<https://ecnl.org/news/civil-society-participation-essential-element-anti-corruption-efforts>> accessed 21 September 2020.

⁸⁰ Lucia Cirimello, Rose Whiffen 'Advocacy in Action: The impact of advocating for the implementation of the 2016 Anti-Corruption Summit Commitment' (Transparency International, 2019) at 7.

⁸¹ 'Browse by Country Jordan | ICIJ Offshore Leaks Database' <<https://offshoreleaks.icij.org/search?c=JOR&cat=3>> accessed 27 November 2020.

corruption records.⁸² Investing in tax havens is not considered a crime or corruption as such, but as researcher Dawood Kuttab shows, the clear link between the disclosed names in Panama Papers and the businessmen, whose names are well-known as former or current government employees, as well as the absence of government transparency within regards to Panama Papers is an indicator of the presence of corrupt practices.⁸³

Meanwhile, there are also risks of utilizing the secrecy offered by tax havens to avoid public scrutiny, for example the National Electric Power Company which is the main power provider in Jordan, had signed a deal to export gas with NBL Jordan Marketing Limited, an offshore corporation registered in the Cayman Islands and owned by three Israeli corporations: Delek Drilling, Avner Oil Exploration, Ratio Oil Exploration alongside a subsidiary of the US based multi-national corporation Nobel Energy. This agreement touches upon a fundamental service for the public, and signing the deal with a shell company registered in the Cayman islands plays a pivotal role in (1) facilitating tax avoidance; (2) denying the public access to information concerning the deal.⁸⁴

Meanwhile, with regards to money laundry, some reports serve to show that there are common money laundry practices in the asset and car markets of Jordan. The proliferation of money laundry in Jordan is often correlated with the surrounding geopolitical instability that makes Jordan a stop for the processing of proceeds from informal war economies.⁸⁵ Nevertheless, governmental efforts to combat money laundry have been praised by the international civil community.⁸⁶ The Anti-Money Laundry and Terrorism Finance law No. 46 of 2007 had established a specialized committee tasked with investigating any relevant suspicions and conveying its discoveries to the general prosecutor (Article 8), and generating reports which inform the public of the relevant statistics and cases (Article 12). The law also places a duty of cooperation on the relevant entities, and criminalizes certain acts. In 2020, the Anti-Money Laundry and Anti-Terrorism Unit, established by the aforementioned law, released the results of a study conducted in the period of 2017-2019, which concluded that Jordan suffers from high risks of money laundry: the biggest amounts being laundered are

⁸² For example the reports reference some names which were previously prosecuted. Suleiman al-Khalidi, 'Jordan Ex-Minister and Tycoon Go on Trial for Graft' *Reuters* (5 April 2010) <<https://uk.reuters.com/article/jordan-corruption-trial-idUKLDE63409E20100405>> accessed 7 September 2020.

⁸³ IPI-author, 'In Jordan, Panama Papers Shine Light on Possible Corruption' (*International Press Institute*, 11 April 2016) <<https://ipi.media/blog-in-jordan-panama-papers-raise-huge-questions-on-possible-corruption/>> accessed 7 September 2020.

⁸⁴ Shahd Hammouri, 'Claiming "Private" to Evade Democracy? The Leviathan Gas Deal and the Jordanian Constitutional Court' (*EJIL: Talk!*, 12 February 2020) <<https://www.ejiltalk.org/claiming-private-to-evade-democracy-the-leviathan-gas-deal-and-the-jordanian-constitutional-court/>> accessed 20 September 2020.

⁸⁵ Zied al Dibise 'Sketchy money threatening Jordan: 84.5% increase in reports on money laundry' (Al Araby Al Jadeed) 29 August 2017. Available at: <https://www.alaraby.co.uk/%D8%A3%D9%85%D9%88%D8%A7%D9%84-%D9%85%D8%B4%D8%A8%D9%88%D9%87%D8%A9-%D8%AA%D9%87%D8%AF%D9%91%D8%AF-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86-%D8%A5%D8%AC%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D8%AD%D8%AA%D8%B1%D8%A7%D8%B2%D9%8A%D8%A9-%D9%84%D8%AA%D8%B7%D9%88%D9%8A%D9%82-%D8%BA%D8%B3%D9%84-%D8%A7%D9%84%D8%A3%D9%85%D9%88%D8%A7%D9%84> last accessed 21 September 2020.

⁸⁶ Qusai Al Jamal, 'Jordan Ranked first in efforts to combat money laundry and the finance of terrorism' (Al Rai) 26 March 2019 <http://alrai.com/article/10476272> last accessed 21 September 2020.

those stemming from tax evasion, estimated at 695 million Jordanian Dinars, while the amount laundered stemming from bribes and other corrupt practices was estimated at 39 million Jordanian Dinars.⁸⁷ It is estimated that most of the money laundered in Jordan stems from crimes committed locally, while only 135 million Jordanian Dinars have come from abroad (during the timeframe of the research) where laundered in Jordan, and only 85% of this money remained, the rest was moved again outside the borders.⁸⁸ Regarding the commitments of Jordan at the London Summit, Transparency International set the following standards for assessing the commitments made by countries. A) novel; i.e they bring forth a novel way for addressing corruption, B) soundness; that the standards are applicable and can be evaluated and monitored, C) ambitious; that such standards are firm and in congruence with the needs of the participating state. Below are Jordan's commitments according to the aforementioned standards:

- 1) *Establishing a public record of beneficial ownership. As such, Jordan commits to disclosing central public records and data concerned with beneficial ownership for corporations.* This commitment was considered very weak, for its neither Novel nor Ambitious or Sound. Jordan did not provide a clear framework for operationalizing this commitment, and public electronic resources available do not disclose names linked to corporations
- 2) *Working with other countries, civil society and international organisations to support swift enforcing of voluntary laws from the United Nations Convention Against Corruption.* It was considered a strong commitment across the three standards.
- 3) *Establishing a record for foreign corporations that submit bids, public contracts, purchase of property and such practices.* It was considered a good commitment but neither ambitious nor novel.
- 4) *Working with other countries to exchange information regarding projects between public and private sector to guarantee more effective response to international anti-money laundering effort.* This commitment satisfied the soundness standard but was neither ambitious nor novel.
- 5) *Exploring possible methods for information exchange regarding transnational bidders, which would include lists of individual and corporations involved in corrupt practices and who were convicted by law. A such it would be a national and international reference to guarantee not involving those mentioned in procurement and bids.* This was considered a sound but not an ambitious or novel commitment.
- 6) *Enhancing the legal framework for recovering assets and unjustified sources of wealth through the authority to seize which is not based on conviction.* This commitment was considered sound but not novel.
- 7) *Jordan will join Sports Integrity Global Alliance.* This was considered a good commitment but not ambitious enough.
- 8) *Establishing a creative centre to facilitate absorption of novel programs and anti-corruption technologies.* This was considered a strong commitment across all standards, however there is no evidence to the establishment of such a centre.

⁸⁷ Sandra Hadad, 'Report showing high risks of money laundry in Jordan' (Roya) 24 August 2020 <https://royanews.tv/news/222415> last accessed 21 September 2020.

⁸⁸ Ibid.

Nonetheless, a phone application was set up to allow citizens to report news and complaints.

- 9) *Establishing an anti-corruption centre affiliated with OECD to support the coordinator and influence of anti-corruption activities.* This was deemed a very good commitment but there are doubts with regards to the possibility of applying it.
- 10) *Setting up shared principles that govern paying reparations to corruption-affected countries to guarantee that such reparations are fair, just and transparent.* This commitment was deemed strong across all standards.

Chapter Three: COVID19 and the Risks of Corruption

The novel COVID-19 (known as SARS-CoV-2) is an infectious disease that can lead to severe inflammation of the respiratory system, of which the earliest cases were recorded in Wuhan province in China in December of 2019. Soon after, the number of cases exponentially rose across the world.

This disease has several properties such as the longevity of incubation period, which can last around two weeks and that an individual that carries the virus and is in an infectious period can be asymptomatic. The impact of the disease on individuals varies depending on their age, their immunity, history of diseases, and complications can be fatal.

Due to the rapid increase in number of cases and the dangerous complications from contracting COVID-19, the WHO declared an international pandemic on the 11th of March 2020.⁸⁹ Jordan declared a state of emergency in its health system, and it activated a precautionary protocol to test travelers arriving from Asia on 24 January 2020⁹⁰, and this decision was followed by a series of martial laws and laws aimed at limiting the spread of the virus. The government response largely contributed to limit the spread of the virus in its first wave (January to August); indeed, the reported cases were considerably lower than those of neighboring countries. Nonetheless, these different precautionary measures which impacted the whole country led to a serious collapse in local economy and opened the room for new opportunities for corrupt activities in many sectors across the private and public sphere.⁹¹

Transparency International reports that outbreaks are one condition where it is likely for corruption to spread as well. This is especially true in developing countries, where the government body still suffers from the lack of effectively applying governmentality and anti-corruption standards. For instance, it is highly likely that one reason for the spread of SARS virus which is genetically similar to COVID-19 virus is the results of corrupt activities resulting in the maintenance of exotic animal market in China, as the Anti-Corruption Resource Center shows.⁹²

In turn, the protection and deterring system are insufficient to counter the dangers of corruption in such conditions, especially that the current conditions of the pandemic may

⁸⁹ World Health Organisation, 'Coronavirus disease (COVID-19) pandemic' <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/novel-coronavirus-2019-ncov> (last visited 17 August 2020)

⁹⁰ حبر، إستجابة الأردن لكورونا المستجد: خط زمني (1 نيسان 2020) <https://www.7iber.com/politics-economics/%d8%a7%d8%b3%d8%aa%d8%ac%d8%a7%d8%a8%d8%a9-%d8%a7%d9%84%d8%a3%d8%b1%d8%af%d9%86-%d9%84%d9%83%d9%88%d8%b1%d9%88%d9%86%d8%a7-%d8%a7%d9%84%d9%85%d8%b3%d8%aa%d8%ac%d8%af-%d8%ae%d8%b7-%d8%b2%d9%85%d9%86/> (آخر ولوج 17 آب 2020)

⁹¹ International Monetary Fund, Inside Jordan's Fight to Tackle COVID-19, 20 July 2020 <https://www.imf.org/en/News/Articles/2020/07/16/na071620-inside-jordans-fight-to-tackle-covid19> (last visited 17 August 2020).

⁹² Sarah Steingrüber, [Monica Kirya](#), [David Jackson](#) and [Saul Mullard](#) 'Corruption in the time of COVID-19: A double-threat for low income countries' (Anti-Corruption Resource Centre) [Resource centre report] <https://www.u4.no/publications/corruption-in-the-time-of-covid-19-a-double-threat-for-low-income-countries> (last visited 15 August 2020).

encourage governments and corporations to relegate anti-corruption efforts to a secondary status.

Heather Market, a researcher in development studies, explores a number of factors that can lead to exacerbation of dangers for developing countries such as Jordan⁹³. For instance:

- 1) There is a remarkable impact for the factor of time, which imposes hurried decision-making. The absence of steps to monitor and evaluate decisions can increase the likelihood of exploitation for decision-makers and those with access to decision-making system. Possessing information regarding public contracts prior to others can privilege those with conflict of interest. An example of such is in Italy where a bid was blocked because of suspicions of corruption.⁹⁴ In addition to that, there is a danger to overlooking the officials' exploitation of confidential information regarding the states' response to the pandemic. In the USA, for instance, there is a suspicion regarding the exploitation of information by a number of White House officials to sell their shares in companies, who were at risk of declining stock prices once the government announces its response to the pandemic, which clearly indicates a conflict of interest.⁹⁵

The exacerbation of opportunism to exploit the generic panic through selling adulterated goods, raising prices or spreading false information. Several global corporations raised the prices of personal protective equipment (PPE) such as masks and sanitizers.⁹⁶ Several authority figures were able to acquire preventative and assistive equipment in large quantities, which limited others' access to such equipment. For example, several Russian wealthy figures were able to buy a large number of ventilators, which contributed to a sheer shortage in the number available for others in Russia.⁹⁷ One parliamentarian in Uganda tried to promote a cure for COVID-19 without any scientific evidence, which raised public concern.⁹⁸

- 2) Activation of exceptional laws by governments which can lead to the decrease of absence of any opportunity for the people in holding its governments accountable for such decisions. United Nations Human Rights Council asserts the necessity of respecting human rights law and International Convention on Civil and Political

⁹³ Fighting corruption during the coronavirus (Global Initiative) 3 June 2020 <https://globalinitiative.net/corruption-coronavirus/> (last visited 13 August 2020)

⁹⁴ Ben Hallman, Investigating the coronavirus: Who is cashing in? (International Consortium of Investigative Journalists) 24 March 2020 <https://www.icij.org/inside-icij/2020/03/investigating-the-coronavirus-who-is-cashing-in/> (last visited 15 August 2020)

⁹⁵ Maggie Severn & Katy O'Donnel 'House members, Senate aides traded stocks in early days of coronavirus' (Politico) 21 March 2020 https://www.politico.com/news/2020/03/21/coronavirus-trading-house-senate-140260?fbclid=IwAR0r_BDIPQvG5m4I5mDvOUQ-ItsOQPG2UQHsSiAqWhQNTkj6HgS1dmeXLp0 (last visited 15 August 2020)

⁹⁶ Ibid.

⁹⁷ Pjotr Sauer, Evan Gershkovich and Jake Cordell, 'Exclusive: Rich Russians Are Hoarding Ventilators to Protect Themselves Against the Coronavirus' (The Moscow Times) 21 March 2020, <https://www.themoscowtimes.com/2020/03/21/exclusive-rich-russians-are-hoarding-ventilators-to-protect-themselves-against-the-coronavirus-a69703> (last visited 15 August 2020)

⁹⁸ ⁹⁸ Halim al Tuhmani 'Uganda Parliament Speaker's Claim of Covid-19 Cure Sparks Controversy' (VOA News) 17 March 2020 <https://www.voanews.com/science-health/coronavirus-outbreak/uganda-parliament-speakers-claim-covid-19-cure-sparks> (last visited 15 August 2020).

Rights when drafting such laws to avoid the exploitation of government's authority and its representatives.

Such legislation ought to:

- A) Abide by constitutional limits;
- B) The procedures ought to be proportional with the public need as necessitated by the pandemic;
- C) Not limited the fundamental rights except within the limits of enforcing public health standards;
- D) Refrain from racial discrimination;
- E) Provide logical justification for all government decisions made under the exceptional laws;
- F) Commit to transparency;
- G) Refrain from using these exceptional laws in suppressing political freedoms or acts of vengeance.⁹⁹ However, such acts have been reported in several developing countries, where the authorities that favor such exceptional laws also provide opportunity for misuse of authority and avoiding legal and popular consequences. For instance, Article 19 organization reports that these exceptional laws were used to suppress political participation in Kenya¹⁰⁰ and to expand the surveillance systems in the United Kingdom.¹⁰¹

The researcher believes that one way to avoid or deter such dangers lies in encouraging the role of investigative and critical journalism and civil society organizations, in addition to public discussion platforms.

Exploiting economic stimulus programs that aim to redress the economic damages of the pandemic. Several countries offered corporations and citizens alike material and practical aid to avoid economic collapse which could allow for exploitation at decision-making level. Denmark and Poland have not assisted companies that are impacted by the pandemic but rather chose to bail out companies registered in offshore tax havens.¹⁰²

⁹⁹ Office of the high commissioner of the united nations human rights council, Emergency Measures and COVID19: Guidance, 27 April 2020 https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf (last visited 17 August 2020)

¹⁰⁰ 'Kenya: Coronavirus Pandemic Should Not Be Used as Excuse to Stop Protests' (*ARTICLE 19*) <<https://www.article19.org/resources/kenya-coronavirus-pandemic-should-not-be-used-as-excuse-to-stop-protests/>> accessed 3 September 2020

¹⁰¹ 'UK: Government Should Not Use Coronavirus as Cover for Expanding Surveillance Regime' (*ARTICLE 19*) 19 <<https://www.article19.org/resources/uk-government-should-not-use-coronavirus-as-cover-for-expanding-surveillance-regime/>> accessed 3 September 2020.

¹⁰² Bill Bostock, Denmark and Poland are refusing to bail out companies registered in offshore tax havens (Business Insider) 20 April 2020 <https://www.businessinsider.com/coronavirus-companies-tax-havens-banned-denmark-poland-bailout-2020-4?r=US&IR=T> (last visited 13 August 2020)

As for the medical and humanitarian sector, the exploitation due to the pandemic continues.¹⁰³ One such arena where it emerges in the race to develop a vaccine and manufacture of medications, especially in the decision-making processes regarding government bids which are presented as part of the plan to address the pandemic. Transparency International reported on financial squandering that resulting from corruption in these arenas.

On another note, the general state of emergency can lead to an exacerbation in false information regarding finding a cure for the disease in general¹⁰⁴ as well as paying bribes to gain access or preferential treatment when acquiring the vaccine or PPE, in clear contravention with principles of social justice.¹⁰⁵ For instance, during the Ebola outbreak, the Red Cross reported corrupt activities, which led to the loss of 6 million USD from the humanitarian funding in Western Africa that was embezzled by customs employees during the import of medications, in providing receipts for activities that never took place or as a bribe to have an exception from the curfew imposed to contain the virus.¹⁰⁶

Some countries may forge the number of patients and deaths from the virus, such as in the state of Tamil Nadu in India, where it was reported that there was a deliberate reduction in the declared size of cases relative to the actual to present the state in a better image.¹⁰⁷

In addition to the points mentioned above, there is consistently a corruption risk in the medical sector of developing countries, as most need foreign aid in terms of loans or humanitarian assistance to provide the necessary medical equipment to deal with the pandemic. Foreign aid is accompanied with the risk of misuse through corrupt practices. One evidence is shown through independent reviews regarding the dealings of West African countries with material aid that was used for dealing with the Ebola pandemic, which had high levels of squandering and suspicious of corruption.¹⁰⁸

The exceptional situation of the pandemic has exposed millions to growing social, financial, physical and mental health-related risks. In particular, the pandemic exacerbated the risks experiences by average citizens as result of corrupt practices. This can be especially relevant in the medical sector where citizens' access to adequate health care is impacted and its impact can be felt on the state's approach and its social and economic policies. In turn, research in this

¹⁰³ Natalie Rhodes, Coronavirus: The perfect incubator for corruption in our health systems? 7 key COVID-19 points to consider (Transparency International) 13 March 2020, available at: <http://ti-health.org/content/coronavirus-covid19-corruption-health-systems/> (last visited 12 August 2020) [Transparency International on COVID19].

¹⁰⁴ C.Brandon Ogbuno, Don't Be Fooled by Covid-19 Carpetbaggers(Wired) 4 May 2020 <https://www.wired.com/story/opinion-dont-be-fooled-by-covid-19-carpetbaggers/> (last visited 13 August 2020)

¹⁰⁵ Transparency International on COVID19. *Supra* n(**Error! Bookmark not defined.**2**Error! Bookmark not defined.**2)

¹⁰⁶ The International Federation of Red Cross and Red Crescent Societies, IFRC statement on fraud in Ebola operations, 20 October 2017, available at: <https://media.ifrc.org/ifrc/ifrc-statement-fraud-ebola-operations/> (last visited 12 August 2020).

¹⁰⁷ Arun Ram, 'Go, corona, go! Go, corruption, go!' (Times of India) 16 March 2020 <https://timesofindia.indiatimes.com/blogs/chennaiatalkies/go-corona-go-go-corruption-go/> (last visited 15 August 2020)

¹⁰⁸ Resource centre report *Supra* n(**Error! Bookmark not defined.**3**Error! Bookmark not defined.**3)

field requires larger consideration of the well-being of citizens and the benefit of local economic interests.

PART II: ASSESSING JORDAN'S POLICIES DURING THE COVID19 PANDEMIC

Chapter Four: Assessing the Enactment of the Defence Law of 1992

On the 17th of March 2020, the king of Jordan, Abdullah II issued a royal decree, which enacted the Public Defence Law of 1992 that disables a portion of the state's legal regime for the sake of facilitating the governmental response to the pandemic. As discussed in the prior chapter, enacting such an exceptional state of affairs bears considerable risks for direct corrupt practices, or indirect restrictions on corruption deterrence mechanisms such as freedom of expression against corrupt practices by civil society actors and the public. Relevant lockdown measures issues under the Defence Law were eased in early May.

The enactment of the law was accompanied with orders that its implementation ought to be limited to the scope needed to undertake effort to contain the virus, with assurances that the civil and constitutional rights of citizens will be respected, private property will be respected, and that the implementation of the law will be designed to fulfil the purpose of the protection of public health and safety.¹⁰⁹ As such, Prime Minister Omar Al Razzaz stressed that the enactment of the law was necessary to ensure prompt and adequate responses to the pandemic.¹¹⁰

Substantively speaking, the defence law bestows upon the prime minister extraordinary powers, which in turn can be conveyed to any other member of the government by himself, such powers include:

- a. Placing restrictions on the public's freedom of assembly, movement and stay, and to arrest suspects who are deemed possibly dangerous to national security, public order and convict them;
- b. To request tasks or services from anyone within their capacities;
- c. To inspect people, places and vehicles without adherence to other laws, and to resort to proportional power if faced with dissent;
- d. To confiscate movable and immovable goods, and to postpone the collection of debt and any other due obligations;
- e. The prohibition or control of the import, or export, or transfer of certain goods. It is also possible to restrict its use, or to forbid hiding it, or its destruction, or its inclusion in economic transactions, or settings its price;

¹⁰⁹ 'Jordan Enforces Defence Law amid Coronavirus Outbreak' *BBC Monitoring Middle East* (London, 2020).

¹¹⁰ 'Al Razzaz: The Most Important Decision We Took was the Enactment of the Defence Law' (Al Rai) 6 June 2020.

<http://alrai.com/article/10539572/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/%D8%A7%D9%84%D8%B1%D8%B2%D8%A7%D8%B2--%D8%A3%D9%87%D9%85-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D8%AA%D8%AE%D8%B0%D9%86%D8%A7%D9%87-%D8%AA%D9%81%D8%B9%D9%8A%D9%84-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9> last accessed 23 September 2020.

- f. Confiscation of any land, building, road, water or energy resource. The establishment of defence related works on the land, and the removal of trees or prior establishments on the land. To order the administration or exploitation of a given land;
- g. The evacuation or isolation of some areas, or instatement of a lock down;
- h. The determination of business hours, and the closure of shops when needed;
- i. The administration of transport between different areas, the closure or change of roads or water flows. The organisation or outlawing of traffic;
- j. Surveillance over letters, newspapers, publications, cartoons, and all other forms of expression and advertising prior to publication. The capacity to confiscate, administer, stop and close the locations where they are being produced;
- k. The prohibition of picture taking or the conjuring of designs or maps for any place or thing in specific, using cameras or other equipment. And the prohibition of long stay at locations dedicated for the conjuring of such things without a proper excuse;
- l. The annulment of licenses for weapons, or crackers, or explosives, or material that is included in their manufacturing;
- m. The prohibition of selling, production, attainment, transport or handling in any form. Ordering their confiscation, the closure of stores and relevant storage facilities;
- n. The prohibition of the manufacture of mobile communication devices, or their production, selling them, or having them, and ordering their confiscation.

Failure to abide by the orders given under this law is punished with prison for the maximum of three years (Article 7), and contesting criminal procedures under this law is only possible in the high administrative court (Article 8). Contractual obligations, which were not met due to the enactment of this law, are suspended (Article 11).

International law allows the instatement of such derogations on the rights of citizens in times of crisis under article 4 of the International Covenant on Civil and Political Rights, which stresses that such derogations have to be proportional to the situation and consistent with the state's obligations under international law.¹¹¹ Overall, the width of the power conveyed to the prime minister under this law places the citizens in a precarious condition, and while the royal decree had ordered a limitation to the power practices, the estimation of this limitation, both temporally and substantively, was left to the discretion of the prime minister.

As such, substantively speaking, the powers conveyed to the prime minister generally overstep the limitations set out as best practice by the Office of the Human Rights Commissioner discussed in the prior chapter due to the ambiguity of the limitations of power, which goes against the recommendation to clearly define the powers granted, keeping in mind the basic constitutional rights and the duty not to discriminate. Moreover, while Article 3 stipulates that the law has to be temporally limited, it does not refer to any other limitations or specify how the period is to be decided, an issue that was taken up by members of parliament and civil society actors as demonstrated below.

¹¹¹ "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin"

Until the time of the conclusion of this research, the official decisions decreed under the law include (in order of their instatement):

1. Suspension of some of the articles of the Social Security Law to allow the reallocation of governmental funds;¹¹²
2. Instatement of lockdown rules limiting the people's right of movement and closing commercial and public facilities to evade the spread of the virus;
3. Instatement fines for those in breach of lockdown rules including transport restrictions (later amended with decision 12 which placed a more stringent regime of punishments);
4. Establishment the emergency social support fund Himet Watan which will be discussed further on;
5. Halt to temporal procedural frameworks, and halt to corporate law articles relevant to managerial and board meetings;
6. Restrictions on the labour law to facilitate a level of financial flexibility in response to the pandemic¹¹³ (Notably, this decision and that mentioned in point one above were critiqued for their lack of consideration for social welfare);¹¹⁴
7. Measures to instate distant learning in educational systems;
8. Instatement of punishments for those failing to abide by safety precautions such as self-isolation;¹¹⁵
9. Enactment of financial support schemes for the private sector; this included the fund 'tadamon' (solidarity), the fund has different schemes for businesses whose activities were completely or partially disrupted depending on the status of their employees in terms of enrolment in social security, it mainly provides support by paying 50% of the wages of the employees. Records show that a good proportion of the applications received were accepted, but many of the employers still took on deductions that were more than 50% of the employees' wages.¹¹⁶
10. Prolongation of tax due dates;
11. Instatement of safety measures to administer the reopening of commercial and industrial facilities;
12. The facilitation of the reimbursement of guarantees paid by the tourism sector to the government;
13. Placing financial assistance packages facilitated through the social security corporation for business owners in the tourism industry who are unable to secure pay for their employees;

¹¹² النص-الكامل-لأمر-الدفاع-رقم- (19 March 2020) <<https://sawaleif.com/>> 'النص الكامل لأمر الدفاع رقم (1) 540696-1/' accessed 30 September 2020.

¹¹³ يعلن-بعد-قليل-أمر- (8 April 2020) <<https://sawaleif.com/>> 'الرزاز يعلن أمر الدفاع رقم 6 / النص كاملاً' 546026-6-تفاصيل-الدفاع-رقم- accessed 30 September 2020.

¹¹⁴ (2 June 2020) 'العضائية: قانون الدفاع أصبح سلاحاً مؤذياً بيد الحكومة ويجب وقف العمل به' <<https://sawaleif.com/559056-العضائية-قانون-الدفاع-أصبح-سلاحاً-مؤذ->> accessed 30 September 2020.

¹¹⁵ النص-الكامل-لأمر-الدفاع-رقم- (15 April 2020) <<https://sawaleif.com/>> 'النص الكامل لأمر الدفاع رقم "8" 547832-8/' accessed 30 September 2020.

¹¹⁶ Tewodros Aragie Kebede, Svein Erik Stave, Maha Kattaa, and Michaela Prokop, 'Impact of the COVID-19 pandemic on enterprises in Jordan' (ILO, FAFO, UNDP) April, 2020. At 14-15. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_749136.pdf accessed 9 October 2020.

14. Lowering interest rates on the debts of the private sector.¹¹⁷

It is notable that no punishments were instated for public officials who abuse the delegated power or facilitate the breach of the rules. The only restriction of such a level was issued in February prior to the enactment of the defence law, by the Head of the Police Force, who issued a statement warning of the negative effects of nepotism in the police force, stressing on the role of the individual in anti-corruption mechanisms.¹¹⁸

By the 19th of April, 16 thousand people were found in breach of the defence law.¹¹⁹ As of the 11th of July 2020, the enactment of the defence law included 182 decisions and procedures.¹²⁰ To demonstrate to the public the risks posed by the pandemic, and the overall status of the pandemic in Jordan, in line with the decisions undertaken under the defence law, the Ministry of Health established a specific website to update citizens.¹²¹ Meanwhile, the Office of the Prime Minister took on the effort to make all the relevant declarations by the ministers available online via the prime ministry's YouTube account downloading over 200 videos in the period between May and November 2020 at the time of time research¹²², strengthening Jordan's commitment to Article 10 of UNCAC to guarantee access to information that is accurate and accessible.

As the government enacted lockdown, only authorised vehicles were allowed to be on the streets. Several accounts attest to the reality behind claims that some authorisations were attained without due course through nepotism and favouritism.¹²³ On the 22nd of March, the Minister of Ministerial Affairs declared that the names and national numbers of those, who are given such permits will be requested upon their issuance, and that further guidelines that will limit the capacity to issue the permits will be enacted.¹²⁴ Later account in early April, indicate

¹¹⁷ 'رئاسة الوزراء - قائمة أوامر قانون الدفاع رقم 13 لسنة 1992' <<http://www.pm.gov.jo/content/1588758468/%D9%82%D8%A7%D8%A6%D9%85%D8%A9-%D8%A3%D9%88%D8%A7%D9%85%D8%B1-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9-%D8%B1%D9%82%D9%85-13-%D9%84%D8%B3%D9%86%D8%A9-1992.html>> accessed 4 October 2020.

¹¹⁸ 'النزاهة ومكافحة الفساد' تشيد بمبادرة "الأمن العام" لمحاربة الوساطة والمحسوبية" <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/914/news>> accessed 30 September 2020.

¹¹⁹ 'ألف شخص خالفوا أوامر' (18 سوليف, April 2020) <<https://sawaleif.com/16-->> accessed 30 September 2020. 'Al Adyla: a state of uncertainty concerning the application of the defence law' (Sawaleif) 10 September 2020 <<https://sawaleif.com/%D8%A7%D9%84%D8%B9%D8%B6%D8%A7%D9%8A%D9%84%D8%A9-%D8%AD%D8%A7%D9%84%D8%A9-%D9%85%D9%86-%D8%B9%D8%AF%D9%85-%D9%88%D8%B6%D9%88%D8%AD-%D8%A7%D9%84%D8%BA%D8%A7%D9%8A%D8%A9-%D9%85%D9%86-%D8%A7%D8%B3-580149/>> last accessed 23 September 2020.

¹²⁰ Amer Bani Amer 'Performance Report of the Dr. Omar Al-Razzaz Government within 2 Years' (Hayat Center – Rased, July 2020) available at: <http://www.hayatcenter.org/uploads/2020/06/20200624111059en.pdf> last accessed 4 October 2020.

¹²¹ 'وزارة الصحة الموقع الرسمي لوزارة الصحة الأردنية | مرض فيروس الكورونا' <<https://corona.moh.gov.jo/ar>> accessed 4 October 2020.

¹²² 'الإيجاز الصحفي لوزير الدولة لشؤون الإعلام حول مستجدات التعامل مع وباء كورونا' <<https://www.youtube.com/watch?v=F-6ZzIU5Kc&list=PLKE9zeH9w0dr6PZ4778qDf-C186mFtR1Q&index=200>> accessed 4 October 2020.

¹²³ 'هل يجوز محاكمة المسؤول الذي خرق قانون الدفاع .. ومتى؟' (3 سوليف, April 2020) <<https://sawaleif.com/-هل-يجوز-محاكمة-المسؤول-الذي-خرق-قانون-ا-544743>> accessed 30 September 2020.

¹²⁴ Decision number 100, issued on the 22nd of March 2020 by the office of the Prime Ministry.

the possibility that the resignation of the Minister of Agriculture Ibrahim Shahahdeh was related to the 'permits scandal'.¹²⁵ And the lockdown measures were eased out in early June.

Meanwhile, Himet Watan is the emergency fund established by the government in response to the pandemic under the defence law; essentially serving three pillars: 1) aid for governmental efforts to increase the capacity of public hospitals; 2) logistical assistance for public health institutions; 3) allocating funds for affected sectors through public institutions and the civil society.¹²⁶ The fund is split into three branches, which are allocated towards support 'Al Heme', health 'Al Seha', and community charity 'Al Khair'. An administrative committee for each branch of the fund, whose members are chosen by the prime minister as per the recommendations of the Head of the Jordanian Central Bank, is in charge of facilitating the fund.¹²⁷ In a position paper by Al Rasheed we recommended further developing the normative framework defining the tasks of the committee members, and their appointment procedures.¹²⁸

The fund accepts donations from public and private entities, awarding private legal persons with exemptions from a percentage of their income tax in gratitude for their donations. At the time of the research, the website indicates that over 110 Million JOD were received in donations, and it only elaborates how 29 Million JOD are allocated (27 million JD to the National Aid fund which were allocated to the compensation of daily wage workers,¹²⁹ 1 million JD to Tkiyet Um Ali charity, 1 million JOD to the Jordan Hashemite Charity Organization).¹³⁰ The reporting of the Jordan Hashemite Charity for the months of august, September and December indicates that they handed out 380,500 food packages to families whose financial situation deteriorated due to the pandemic.¹³¹ Later reporting indicates that 10

رد على اشاعة
رئاسة الوزراء

أكد وزير الدولة لشؤون رئاسة الوزراء سامي الداود أنّ جميع التصاريح الممنوحة من رئاسة الوزراء والمركز الوطني للأمن وإدارة الأزمات للجهات والأشخاص المصرّح لهم بالخروج ستلغى اعتباراً من مساء يوم غدٍ الاثنين، في حال لم تقم الجهات الحاصلة عليها بتزويد لجنة استمرارية العمل الحكومية بالأسماء والأرقام الوطنية لحاملها. وشدد الداود على أنّ لا تهاون في منح التصاريح، وقد تمّ منحها على نطاق ضيق، بهدف إدامة عمل المؤسسات والقطاعات الحيوية، مؤكداً أنّه ولغايات أمنية بحثة سيتم إلغاء أيّ تصريح لا تقم الجهة الحاصلة عليه بتوثيقه باسم حامله ورقمه الوطني. وأضاف: إنّ هذا الإجراء يهدف إلى ضبط استخدام التصاريح، وضمان عدم خروج الأشخاص، باستثناء المصرّح لهم بالخروج

القدس العربي, 2 'خفايا' إقالة أول وزير أردني في ظل كورونا: وزارة الرزاز تصدعت وأزمة التصاريح تدرجت،¹²⁵ April 2020) <<https://www.alquds.co.uk/أزمة-كورونا-تطيح-بوزير-الزراعة-الأردن/>> accessed 30 September 2020.

¹²⁶ <<http://himmatwatan.jo/>> accessed 1 October 2020. صندوق همّة وطن' (صندوق همّة وطن)

¹²⁷ ibid.

¹²⁸ 11 ورقة موقف بعنوان "مدى حساسية النفقات العامة لمعايير الشفافية والنزاهة" إعداد رنا عيروط الصفحة

¹²⁹ مراسلات ديوان المحاسبة إلى رئاسة الوزراء، عاصم حداد، رقم 12-4-3-5779، (2020-5-31) متاح إلكترونياً على: <<https://ammannet.net/%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%AA%D8%AC%D9%8A%D8%A8-%D8%B9%D9%84%D9%89-%D8%A7%D8%B3%D8%A6%D9%84%D8%A9-%D8%B7%D9%87%D8%A8%D9%88%D8%A8-%D8%AD%D9%88%D9%84-%D9%87%D9%85%D8%A9-%D9%88%D8%B7%D9%86-%D9%81%D9%8A-55-%D8%B5%D9%81%D8%AD%D8%A9-%D8%A7%D8%B3%D9%85%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D8%AA%D8%A8%D8%B1%D8%B9%D9%8A%D9%86>>

¹³⁰ <<http://himmatwatan.jo/>> accessed 1 October 2020. صندوق همّة وطن' (صندوق همّة وطن)

¹³¹ 'نشاطات الهيئة عن الربع الثالث للأشهر 7، 8، 9 / 2020 - JHCO'

<<https://www.jhco.org.jo/subdefault.aspx?pageid=95&NewsId=1291&MenuId=17>> accessed 30 December 2020.

million were allocated to the ministry of health,¹³² and one million went to aid operations intended to help Jordanians abroad wishing to fly back.¹³³

According to government records, the specific sub-branch of the fund allocated for community charity 'Al Khair' received the total amount of 2,340,105 JOD, of which 766,600 JOD were spent on the date of the communication (31st of May) towards aid to different vulnerable sectors of workers who were affected by the pandemic.¹³⁴

Parliamentary member Saleh al Armouti expressed frustration over the absence of systematic knowledge over the mechanism of fund allocation, and the final destination of the funds.¹³⁵ Overall, it seems that the funds were not misplaced, rather there was an absence of systematic reporting in line with clause (4) of the Defence order (8) which states that the name of each donor and the destination of the donation will be published in the official Gazette.¹³⁶ In a position paper by Al Rasheed, we recommended the publication of the audit reports conducted on the fund's spending, and ensuring the systematicity and clarity of the information shared on the fund's website to guarantee public oversight.¹³⁷

On another note, civil actor Al Rased notes that 10 appointments in senior leadership positions occurred during the enactment of the Defence law,¹³⁸ but no specific records indicate the positions and those allocated to them.

All in all, as with many other government responses to the pandemic there was a notable inconsistency and confusion in government decision making that could have opened the door for exploitation, the framework enacted alongside the defence law shows an absence normative safeguards against such possible exploitation. Nonetheless, the government responded

¹³² ملايين دينار لدعم وزارة الصحة من صندوق "همة وطن" (قناة المملكة) 10، <<https://www.almamlakatv.com/news/51793>> accessed 30 December 2020.

¹³³ 'مليون دينار من "همة وطن" لتسيير عودة الأردنيين المتعثرين بالخارج' (Alghad, 24 August 2020) <<https://alghad.com/ال-عودة-ال-ل-تسيير-وطن-من-همة-وطن>> accessed 30 December 2020.

¹³⁴ مراسلات صندوق همة وطن إلى رئاسة الوزراء، ريم ممدوح أبو حسان، رقم 4-12-51 (ش-9756) (2020-5-31) متاح إلكترونيًا على <https://ammannet.net/%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%AA%D8%AC%D9%8A%D8%A8-%D8%B9%D9%84%D9%89-%D8%A7%D8%B3%D8%A6%D9%84%D8%A9-%D8%B7%D9%87%D8%A8%D9%88%D8%A8-%D8%AD%D9%88%D9%84-%D9%87%D9%85%D8%A9-%D9%88%D8%B7%D9%86-%D9%81%D9%8A-55-%D8%B5%D9%81%D8%AD%D8%A9-%D8%A7%D8%B3%D9%85%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D8%AA%D8%A8%D8%B1%D8%B9%D9%8A%D9%86>

¹³⁵ موقع خبرني: العرموطي يسأل عن صندوق همة وطن (موقع خبرني) <<https://www.khaberni.com/news/%D8%A7%D9%84%D8%B9%D8%B1%D9%85%D9%88%D8%B7%D9%8A-%D9%8A%D8%B3%D8%A3%D9%84-%D8%B9%D9%86-%D8%B5%D9%86%D8%AF%D9%88%D9%82-%D9%87%D9%85%D8%A9-%D9%88%D8%B7%D9%86-390318>> accessed 30 December 2020; العرموطي 'العرموطي- (August 2020) <<https://sawaleif.com/>> accessed 30 September 2020.

¹³⁶ Amer Bani Amer, 'Performance Report of the Dr. Omar Al-Razzaz Government within 2 Years' (Rased, June 2020) 21-22. Available at: <http://www.hayatcenter.org/uploads/2020/06/20200624111059en.pdf> last visited 2nd of October 2020.

¹³⁷ 11 ورقة موقف بعنوان "مدى حساسية النفقات العامة لمعايير الشفافية والنزاهة" إعداد رنا عيروط الصفحة

¹³⁸ Amer Bani Amer, '2 Years of the Government's Life and 3 Months since the Enactment of the Defence Law' (Al Rasd, 2020) available at: <http://www.hayatcenter.org/uploads/2020/06/20200624110704en.pdf> (last visited 30 September 2020)

proactively to reports of corrupt practices share publically, and no evidence serves to show other major unattended occurrences.

In June, Parliamentary members,¹³⁹ and civil society organisations,¹⁴⁰ called for the halt of the emergency law. Specific concerns were directed towards the excessive use of power against the right to public assembly, freedom of speech, and judicial independence.

4.1 Freedom of Speech

Having the capacity to challenge governmental decision-making is an important element of institutional safeguards against corruption, limits to such freedoms in times of crisis are permitted with reason and proportionality. The concern during pandemic was the spread of false news, or excessive contestation of efforts to contain the virus, to ensure that citizens have a source to verify news, the government established the platform Hagak Teraf.¹⁴¹

On the 10th of April 2020, public officials arrested Faris Al Sayegh, who is the founder and general manager at Roya TV, one of the major Jordanian TV channels. The arrest was in reaction to a report where he discusses the dire economic conditions resulting from the lock down, the government justified itself saying that such an account undermines the efforts of the government, the arrest was condemned by the association of Journalist without borders.¹⁴²

In another case, reports confirm the arrest of the General Secretary of the Populist Union Party, Said Thyab in June 2020 on the account of publishing an article condemning policies of economic and political dependency.¹⁴³ Official statements by the party also condemn the prolongation of the procedures for his trial, and the lack of due care given his status as a member of groups who are highly vulnerable to COVID19.¹⁴⁴ He was later released on bail.

¹³⁹ June 2020 (سواليف, 24) 'العرومطي يسأل عن موعد إنهاء العمل بقانون الدفاع والمبالغ المحصلة من الاقتطاع' <<https://sawaleif.com/563921-يقان-العمل-إنهاء-عن-موعد-يسأل-العرومطي>> accessed 30 September 2020.

¹⁴⁰ June 2020 (سواليف, 24) 'الوطني لحقوق الانسان يدعو لإعادة تقدير الحاجة لقانون الدفاع' <<https://sawaleif.com/563934-إعادة-تقدير-لإعادة-تقدي-الوطني-لحقوق-الانسان-يدعو-إعادة-تقدي-الوطني>> accessed 30 September 2020.

¹⁴¹ 'حقك تعرف' <<https://haggak.jo/website/>> accessed 4 October 2020.

¹⁴² 'Corona Virus in Jordan: the arrest of representatives of ROYA channel on the background of a report which discusses the economic effects of lockdown' (Journalists without borders) 10 April 2020 <https://rsf.org/ar/news/-239> last accessed 22 September 2020.

¹⁴³ 'The arrest of the General Secretary of the Populist Union: Said Thyab' (JO24) 6 July 2020 <https://www.jo24.net/%D8%AA%D9%88%D9%82%D9%8A%D9%81-%D8%A3%D9%85%D9%8A%D9%86-%D8%B9%D8%A7%D9%85-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%D9%8A%D8%A9-%D8%B3%D8%B9%D9%8A%D8%AF-%D8%B0%D9%8A%D8%A7%D8%A8> last accessed 22 September 2020.

¹⁴⁴ 'Jordan: Trial for the general secretary of the populist union postponed' (Al Hadaf) 5 July 2020 <https://hadfnews.ps/post/70109/%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86-%D8%AA%D8%A3%D8%AC%D9%8A%D9%84-%D8%AC%D9%84%D8%B3%D8%A9-%D9%85%D8%AB%D9%88%D9%84-%D8%A3%D9%85%D9%8A%D9%86-%D8%B9%D8%A7%D9%85-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%D9%8A%D8%A9-%D8%A3%D9%85%D8%A7%D9%85->

On the 15th of July 2020, the Supreme Court decided to shut down the headquarters of Muslim Brotherhood party, which is considered to be the biggest opposition force in the state, on account of ‘not complying with Jordanian Law’ over an ownership dispute of its main headquarters.¹⁴⁵ This was followed by a crackdown on the teacher’s syndicate, who was protesting the government’s decision not to process a pay raise that was agreed upon following the 2019 teacher’s strike. This crackdown included arrests of tens of prominent members of the syndicate under the claim that the syndicate was ‘overpowering the state’.¹⁴⁶ Later on, a massive wave of arrests (reaching over 1000) was undertaken in response to the protests in support of the syndicate, which was viewed by the general public to be a representative of the concerns of the working class, the demonstrations were sometimes dispersed by force.¹⁴⁷ Overall, there was minimal local media coverage of the events, and the arrests . Such dynamics in times where the government has excessive powers under the state of emergency, and defence orders have left the protestors under a precarious position induced by the government’s possible usage of its power outside the scope relevant to the containment of the pandemic.

Human Right Watch expressed concerns that Jordan’s policy has become intolerant to anyone voicing opinions, which are critical of its own COVID19 plan. This intolerance was facilitated by Paragraph 2.2 of Defence Order No. 8, issued on April 15 under Jordan’s state of emergency, which prohibits “publishing, re-publishing, or circulating any news about the epidemic in order to terrify people or cause panic among them via media, telephone, or social media”.¹⁴⁸ Overall, the government took on a very stern position against contestation of its decision making that can be deemed disproportional. Such measures are possibly in contravention to Jordan’s duty to protect freedom of speech as anti-corruption mechanism in Article 13 of UNCAC. To sum up the situation, the deputy middle east director at the Human Rights Watch commented “The Jordanian government has acted decisively to protect its citizens and residents from Covid-19, but recent measures have created the impression that it won’t tolerate criticizing the government’s response to the pandemic”.¹⁴⁹

[%D8%A7%D9%84%D9%85%D8%AF%D8%B9%D9%8A-%D8%A7%D9%84%D8%B9%D8%A7%D9%85](#) last accessed 22 September 2020.

¹⁴⁵ /فرانس 24) ”القضاء الأردني يقرر حل جماعة ”الإخوان المسلمون” بسبب “عدم قيامها بتصويب أوضاعها القانونية” (France 24, 16 July 2020) <<https://www.france24.com/ar/20200716--الإخوان-جماعة-يقرر-حل-جماعة-الإخوان>> accessed 4 October 2020.

¹⁴⁶ ‘Jordan: Teachers’ Syndicate Closed; Leaders Arrested’ (Human Rights Watch, 30 July 2020) <<https://www.hrw.org/news/2020/07/30/jordan-teachers-syndicate-closed-leaders-arrested>> accessed 4 October 2020.

¹⁴⁷ ‘Jordan: Arrests, Forced Dispersal at Teacher Protests’ (Human Rights Watch, 27 August 2020) <<https://www.hrw.org/news/2020/08/27/jordan-arrests-forced-dispersal-teacher-protests>> accessed 4 October 2020; Michael Safi, ‘Jordan Arrests 1,000 Teachers in Crackdown on Union’ *The Guardian* (19 August 2020) <<https://www.theguardian.com/world/2020/aug/19/jordan-arrests-1000-teachers-in-crackdown-on-union>> accessed 4 October 2020.

¹⁴⁸ ‘Jordan: Free Speech Threats Under Covid-19 Response’ (n 143).

¹⁴⁹ Ibid.

4.2 Judicial independence

Judicial independence is paramount to effective institutional system combating corruption. During the pandemic, some concerns were voiced that judicial independence in Jordan was compromised, with concerns over the effects of by the defence law. Such measures are possibly in contravention to Jordan's duty to protect Judicial independence under Article 11 of UNCAC.

A member of the Higher Criminal Court was sentenced to early retirement end of May, after being reviewed by the ethics committee over a Facebook post, where he criticized 'absolute corrupt power' claiming that the current situation 'does not call for disrespect of public right, the rule of law, and private property'. The decision has led commentators including the civil society actor 'The Legal Agenda' to question the independence of the Ethics Committee, the safeguards for judicial independence in Jordanian law, and the instrumentalisation of the defence law for purposes outside of the framework it set out to accomplish.¹⁵⁰ Subsequent allegations of politically motivated dismissals of a number of judges in July, 2020 were not clearly addressed by the government.¹⁵¹ Transparency in the hiring and dismissal process, as well as providing executive paths of remediation for such allegations would have ensured that judicial independence is not compromised.

4.3 The Right to Public Assembly

The right to assembly is often understood as an extension to the right of freedom of expression protected under article 13 of UNCAC.¹⁵² While restrictions on the public right to assembly are justified under efforts to contain the pandemic, there were varying degrees of containment policies throughout the pandemic, where public assemblies adhering to rules of social distancing were not considered to be high risk, and were hence tolerated. As such, there were a number of protests in Jordan during that period of time, for example: on the 10th of June 2020,

¹⁵⁰ (Legal Agenda, 'حتى لا يقال أن القضاة صمتوا صمتوا القبور: ملاحقة تأديبية لقاضٍ تكشف عيوب النظام القضائي الأردني', 2 June 2020) <<https://legal-agenda.com/القبور-صمتوا-صمتوا-القضاة-أن-لا-يقال-أن-القضاة-صمتوا-صمتوا-القبور>> accessed 2 October 2020. <https://al-taleanews.com/index.php/ar-aa/blog-footer/item/5242-%D8%A8%D9%85%D8%A7%D8%B0%D8%A7-%D8%A3%D8%AE%D8%B7%D8%A3-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%AC%D9%87%D8%A7%D8%AF-%D8%A7%D9%84%D8%AF%D8%B1%D9%8A%D8%AF%D9%8A%D8%9F.html>

د هزاع عبد العزيز المجالي، 'أوامر' <<http://alrai.com/article/10539407>> accessed 2 October 2020. (Alrai, 4 June 2020) 'الدفاع إستثناء لا يجوز التوسع بها' <<http://alrai.com/article/10539407>> accessed 2 October 2020.

¹⁵¹ (القدس) 'جدل' السلطات "يتواصل في الأردن و"النائب العام" يقلل نفسه بسبب "ظروف استجدت أحفظ بها لنفسه" <<https://www.alquds.co.uk/الاردن-والنائب-في-السلطات-يتواصل-في-الأردن-والنائب>> accessed 4 October 2020; July 2020/العربي, 15 <<https://www.alquds.co.uk/الاردن-والنائب-في-السلطات-يتواصل-في-الأردن-والنائب>> accessed 4 October 2020; July 2020/العربي, 18) 'التعايش أصبح' أكثر صعوبة" بين سكان المناصب العليا في أردن اليوم | بسام البدارين' <<https://www.alquds.co.uk/المن-بين-سكان-الأردن-أصبح-أكثر-صعوبة-بين-سكان-المن>> accessed 4 October 2020.

¹⁵² 'Everything You Need to Know about Freedom of Expression and Human Rights' <<https://www.amnesty.org/en/what-we-do/freedom-of-expression/>> accessed 9 October 2020.

a big protest took off near Al Hussieni Mosque in Down Town, Amman with no police intervention.¹⁵³

However, evidence shows that the loosening of restrictions was undertaken discriminately with the use of favouritism and nepotism. According to an interview with one of the organisers of a small demonstration early July; around 20 young students aged 18-22 gathered around the Kaaloti Mosque. The students had gathered after having heard of a number of similar peaceful protests, and were adherent to social distancing rules, wearing masks and gloves. In addition, as a precaution the students had notified the local council, and publically announced the protest. Upon arrival, the students were met with a police task force that was disproportional to the risk posed by their small gathering, some of them were arrested on site, while others were called for investigation later on, as the protest was dismantled without due explanation. This reaction was in contrast to the public authorities' handling other similar protests held in the same week, and under the same conditions, but with the element of featuring public figures, who were known to have a good standing with the government as opposed to the students who are not connected to public officials.¹⁵⁴ Such constraints to the right to free assembly showcase a level of discrimination and favouritism that poses a risk to a host of political and civil rights which act as safeguards against corrupt practices.

<p>OHRC Standards for emergency laws</p>	<p>The Jordanian Defence Law of 1992 enacted in the Pandemic, and applications under the powers it bestowed</p>
<p>Legality: The restriction ‘must be provided by the law’... The law must not be arbitrary or unreasonable, and it must be clear and accessible to the public.</p>	<p>As is usual, the law derogates a wide set of human rights and freedoms, abandoning relevant restrictions found in national laws. Yet, its enactment during the pandemic did not include any restrictions on the width of its scope or the time for its enactment. Nevertheless, the decisions enacted were within the law provided. Some decision lacked consistency in policy which had led to considerable confusion among the public. The main public defence decisions were made available to the public online.</p>

¹⁵³ Anwar Zyadat ‘Grand Demonstration in midst of the Jordanian Capital Amman in Condemnation of Israel’s Intention to Annex the West Bank’ (Al Araby Al Jadeed) 10 June 2020 <https://www.alaraby.co.uk/%D8%A7%D8%B9%D8%AA%D8%B5%D8%A7%D9%85-%D8%AC%D9%85%D8%A7%D9%87%D9%8A%D8%B1%D9%8A-%D9%88%D8%B3%D8%B7-%D8%A7%D9%84%D8%B9%D8%A7%D8%B5%D9%85%D8%A9-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86%D9%8A%D8%A9-%D8%B1%D9%81%D8%B6%D8%A7%D9%8B-%D9%84%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%B6%D9%85-%D8%A7%D9%84%D8%A5%D8%B3%D8%B1%D8%A7%D8%A6%D9%8A%D9%84%D9%8A> last accessed 22 September 2020.

¹⁵⁴ Interview conducted by the researcher on the 13th of July, 2020, the organiser asked to remain anonymous. The Account was confirmed by a professional journalist on site in an interview on the 15th of July, 2020, the journalist asked to remain anonymous.

<p>Necessity: The restriction must be necessary for the protection of one of the permissible grounds stated in the ICCPR, which include public health, and must respond to a pressing social need</p>	<p>Most of the official decisions enacted were relevant to the main goal of the protection of public health, in effect they did help minimise the spread of the disease in Jordan as the numbers show. However, there are indications that the delegated powers under the defence law were used to achieve political goals distant from the public health agenda, as evidence shows tampering with judicial independence, absence of due process in some arrests, and overreaching use of derogations to the right of free speech.</p>
<p>Proportionality. The restriction must be proportionate to the interest at stake, i.e. it must be appropriate to achieve its protective function; and it must be the least intrusive option among those that might achieve the desired result.</p>	<p>Decisions to instate lockdown, control of pricing, collection of donations, isolation of areas and so forth were apt in response to the crisis.</p> <p>However, decisions of arrests and media censorship in relation to freedom of speech seem to overstep the limits called for by the crisis as voiced by the Human Rights Watch.</p>
<p>Non-discrimination. No restriction shall discriminate contrary to the provisions of international human rights law.</p>	<p>Evidence of nepotism to dodge the restrictions to movement or gathering indicate possible discriminatory behaviour. But, some efforts to combat such nepotism were undertaken with relevance to the issuance of car permits.</p>
<p>All limitations should be interpreted strictly and in favour of the right at issue. No limitation can be applied in an arbitrary manner</p>	<p>While in theory, all governmental statements stressed such limitations. Yet there are concerns over some unannounced decisions undertaken by the power of the defence law which seem to override the limitations beyond the stated purpose of health control, as in the case of mass-arrests in the protests for the teacher's syndicate.</p>
<p>The authorities have the burden of justifying restrictions upon rights.</p>	<p>The prime ministry made available all press conferences by ministers discussing the rationale behind the decision.</p> <p>However, some concerns persisted as to a level of poor policy making which opened the door for possible exploitation, ex: steep changes in the approach to lock-down and containment policies, poor communication of access to the support packages.</p>

Transparency in the decision making process.

The government instated multiple online platforms sharing with the public: the general statues of the pandemic, the decisions undertaken under the defence law, and the press releases discussing the rationale of the decision.

However, there are was a weakness in the Systematicity of the reporting relevant to the spending in the Himet Watan emergency fund.

Chapter Five: Assessing Governmental Decisions during the Pandemic

5.

1. External Funding Allocation

On the 21st of May, 2021 the International Monetary Fund approved of 396\$ Million emergency fund to Jordan.¹⁵⁵ The fund was allocated for addressing Jordan's balance of payments to allow for higher spending on healthcare, containment, and assistance to households and companies most affected by COVID-19 crisis, with assurance from the government that the spending will be undertaken with transparency and with the review of the Audit Baudit ureau with expenditures published to the public.¹⁵⁶ Upon review of the Audit Bureau's website, no records are found with relevance to how much funds were collected to support the state's financial well-being during the pandemic, nor how such funds were allocated and spent.¹⁵⁷

Nonetheless, in an interview with the Minister of Finance, Mohammad al-Issis, he expressed that: 'For transparency, we have created specific budget lines for this purpose to track and report crisis-related expenditures, and have linked the emergency fund to the Treasury Single Account. The Jordanian Audit Bureau will also undertake ex-post audits of all crisis-mitigating inflows and spending, and will publish the results.'¹⁵⁸

On June 29th the World Bank approved a 100 Million \$ loan to Jordan that will be directed towards supporting the Ministry of Education in adapting to measures of distant learning to COVID19 and expanding access to pre-primary education.¹⁵⁹ Jordan's Ministry of Health also received a public health loan of 50 million Euros from the European Investment Bank on the 27th of August, 2020. No public records show how the money was allocated, but Jordan did sign commitments of responsible spending upon receiving the loan.¹⁶⁰

In a position paper published by Al Rasheed, we recommended an increase in reporting of the allocation of external funding.¹⁶¹

¹⁵⁵ 'IMF Executive Board Approves US\$ 396 Million in Emergency Assistance to Jordan to Address the COVID-19 Pandemic' (*IMF*) <<https://www.imf.org/en/News/Articles/2020/05/21/pr20222-jordan-imf-executive-board-approves-emergency-assistance-to-address-the-covid-19-pandemic>> accessed 5 October 2020.

¹⁵⁶ *ibid.*

¹⁵⁷ 'العطاءات المطروحة حالياً - ديوان المحاسبة' <<https://www.audit-bureau.gov.jo/ar/modules/tenders>> accessed 5 October 2020.

¹⁵⁸ 'Inside Jordan's Fight to Tackle COVID-19' (n 31).

¹⁵⁹ 'World Bank Provides US\$100 Million Top-Up Support to Jordan's Accelerated Education Sector Reforms and Response to COVID-19 Crisis' (*World Bank*) <<https://www.worldbank.org/en/news/press-release/2020/06/29/world-bank-provides-us100-million-top-up-support-to-jordans-accelerated-education-sector-reforms-and-response-to-covid-19-crisis>> accessed 9 October 2020.

¹⁶⁰ 'JORDAN COVID-19 PUBLIC HEALTHCARE LOAN' <<https://www.eib.org/en/projects/pipelines/all/20200381>> accessed 9 October 2020.

¹⁶¹ ورقة موقف بعنوان "مدى حساسية النفقات العامة لمعايير الشفافية والنزاهة" إعداد رنا عيروط الصفحة 10

5.2. Financial Aid offered to the Private Sector

The pandemic has had unprecedented negative effect on all industries, which disrupted the flow of trade in Jordan's fragile economy. The pandemic has had the most severe effects especially on small and medium sized businesses. Reports show that 'two-thirds of the companies saw their revenues decline by more than 75 per cent, and about 6 per cent saw their revenues increase by 75 per cent'.¹⁶² Following the announcement of extraordinary measures to combat the pandemic, the government and the Central Bank of Jordan issued a number of support mechanisms to facilitate the private sector's capacity to withstand the economic effects of the pandemic. The tourism industry was one of the main sectors addressed by governmental policies, as it was one of the industries most affected by the pandemic.¹⁶³ Research indicates that there was little private-public dialogue in the creation of the policies, and as a result, many of the policies were ill-adapted for the needs of businesses.¹⁶⁴

At the side of the government, it offered a number of derogations to ease out financial burdens, which included: permitting delayed payments of sales taxes and customs duties, delayed utility payments, temporarily reduced social security contributions, and support for vulnerable daily waged workers via National Aid Fund cash transfer program.¹⁶⁵ Such reasonable measures allowed in part the deterrence of possible tax evasion.

Meanwhile, the Central Bank reduced policy rates, injected liquidity by reducing reserve requirements on time deposits, and offered support packages of zero interest loans or soft loans. Suspension of debt claims were issued by the Central Bank of Jordan, specifically for small and medium sized businesses,¹⁶⁶ stipulating that those, who take on such loans are prohibited from firing employees during the duration of the loan, promoting equality and fairness of opportunity. However, field research by a number of international organisations including the International Labour Organisation indicates that 'at the end of April, two-thirds (67 per cent) of all enterprises were not aware of any support packages or measures available to help them mitigate the impact of the crisis'.¹⁶⁷

Nonetheless a poll by the research company Analyseize of 345 companies found that around 80% of businesses do not believe that the government had a clear and adequate plan for supporting the economy, indicating overall low trust in governmental response.¹⁶⁸ While a survey by the research company IPSOS shows that most businesses share a negative outlook into the future.¹⁶⁹

¹⁶² Tewodros Aragie Kebede, Svein Erik Stave, Maha Kattaa, and Michaela Prokop, 'Impact of the COVID-19 pandemic on enterprises in Jordan' (ILO, FAFO, UNDP) April, 2020. At 18. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_749136.pdf accessed 9 October 2020

¹⁶³ Ibid. at 28.

¹⁶⁴ Ibid. at 40.

¹⁶⁵ 'Inside Jordan's Fight to Tackle COVID-19' (n 31).

¹⁶⁶ 'Jordan Quick to Shield MSMEs amid COVID-19 Downturn' (*Alliance for Financial Inclusion | Bringing smart policies to life*) <<https://www.afi-global.org/blog/2020/07/jordan-quick-shield-msmes-amid-covid-19-downturn>> accessed 5 October 2020.

¹⁶⁷ 'Impact of the COVID-19 pandemic on enterprises in Jordan' *supra* n(16281628) at iii.

¹⁶⁸ Ibid. at 18,19.

¹⁶⁹ Ibid. at 19.

3. Corruption Cases Prosecuted during the Pandemic

On the 30th of June 2020, three employees at the Financial financial Unit of the Ministry of Endowments and Islamic Affairs and Holy Places were found guilty of embezzlement and sentenced to three years in prison. The case was uncovered after one of the employees transferred a sum of the embezzled money by mistake to the account of one of the ministry's employees, whose measures to return the money led to uncovering the case. The whole amount was refunded to the Ministry.¹⁷⁰ In July, 3 people were arrested under claims of abuse of functions for the purpose of obtaining undue advantage by misplacing energy funds allocated to the Zarqa Governmental Hospital. In another case 6 people were arrested under charges of bribery for allowing the entry of fruits and vegetables found to be improper for consumption.¹⁷¹ In July, one official was arrested on charges of accepting a bribery of 5,000 JOD to cancel all grievances submitted against a given contractor.¹⁷² In the same month, a contractor was arrested for exploitation and providing misguided information.¹⁷³

Concerns over corrupt practices relevant to the import of foal chicken from Ukraine, despite a clear ban against chicken imports from Ukraine since January 2020, eventually leading to mass cases of poisoning in late July after the easing of the restrictions, were addressed with the instatement of an investigation group that did not declare the results at the time of the research, and the commission did not issue any relevant statements on the subject matter.¹⁷⁴

4. Efforts to Protect the Public against COVID19 induced Exploitation

In order to deter overpricing practices, on the 18th of March, the Minister of Trade and Industry issued a warning against overpricing, and a list of prices for basic goods. The Minister also provided citizens with hotlines, where they can submit complaints about any mal-practice of this sort.¹⁷⁵ Moreover, the Commission against Corruption held a conference on the dangers of misinformation, and the Ministry of Education and the Ministry of Culture issued awareness

¹⁷⁰ 'السجن 3 سنوات لموظفين وإعادة 172 ألف دينار في (الاقواف)', <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/921/news>> accessed 9 October 2020.

¹⁷¹ 'توقيف 11 شخصاً في "الجويذة والبلقاء" في قضايا فساد', <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/922/news>> accessed 9 October 2020.

¹⁷² 'توقيف مهندس "بالأشغال" 15 يوماً ارتشى بخمسة آلاف دينار', <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/923/news>> accessed 9 October 2020.

¹⁷³ 'توقيف مغاؤل كبير 15 يوماً بمركز اصلاح البلقاء', <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/925/news>> accessed 29 September 2020.

¹⁷⁴ كيف دخلت شحنة الدجاج الأوكراني الفاسد إلى الأردن ومن المسؤول؟ - وثيقة' (رؤيا الاخباري)', <<https://royanews.tv/news/220713?1596440535>> accessed 9 October 2020; 'كيف كشف «دجاج أوكرانيا» أزمة', <<https://www.alquds.co.uk/كيف-كشف-دجاج-أوكرانيا-أزمة-وعيوب-الج>> accessed 9 October 2020.

¹⁷⁵ 'الحموري- (March 2020) سواليف, 18) 'الحموري والعضايلة يتوعدان من يرفع الأسعار', <<https://sawaleif.com/-/الحموري-540257-الأ-من-يرفع-الأ-540257>> accessed 30 September 2020.

programs to help deter the spread of misguided information.¹⁷⁶ Strengthening Jordan's commitment to Article 10 of UNCAC to guarantee access to information that is accurate and accessible.

As to health concerns, which arose in the course of the lifting of sanctions, in a speech by the Minister of the Economy on the opening of commercial facilities, he confirms that the government is placing public health as the top priority, and that no facilities will be allowed to reopen unless they abide completely by the health and safety regulations.¹⁷⁷ Other announcement put forth measures to combat any overpricing practices.¹⁷⁸

Much like other states, the government of Jordan instated an application to trace possible individuals, who were in contact with people infected with COVID19 prior to showing symptoms. The application 'Aman', constructed by independent developers collects GPS data from user's phones anonymously and notifies them if they had been in contact with someone infected. Concerns as to possible misuse of this data were voiced by civil actors, a review of the application's terms insures that the data is collected anonymously and that data is only shared with the Ministry of Health, when the person contracts the disease.¹⁷⁹ Nevertheless, the civil actor Jordan Open Source Foundation voiced concerns that no legal restrictions have been instated to guarantee privacy rights under the defence law, and that the coding of the application has not been made open source, meaning that the claims of the government as to its functioning are not publically verifiable.¹⁸⁰

¹⁷⁶ <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/929/news>> accessed 9 October 2020. البوابة الإلكترونية ثقنتنا للتربية الإعلامية ، <<https://moe.gov.jo/ar/node/79874>> accessed 9 October 2020. والمعلوماتية | وزارة التربية والتعليم

¹⁷⁷ (2020) حديث وزير الصناعة والتجارة والتموين حول المنشآت الصناعية والتجارية المصرح لها بالعمل <https://www.youtube.com/watch?v=oWJeSa_q2CU&list=PLKE9zeH9w0dr6PZ4778qDf-C186mFtR1Q&index=129> accessed 8 October 2020.

¹⁷⁸ وزير الصناعة والتجارة: سيتم وضع سقف سعري على بعض السلع لارتفاع أسعارها - فيديو (رؤيا الأخباري)، <<https://royanews.tv/news/208852?1584530357>> accessed 9 October 2020.

¹⁷⁹ (حبر | 7iber) تطبيق «أمان» لتتبع المخالطين: أسئلة الفعالية والخصوصية، <<https://www.7iber.com/technology/في-كورونا-المخالطين-في-كورونا>> accessed 4 October 2020.

¹⁸⁰ 'Privacy and COVID Applications: Additional Guarantees Are Required' (Jordan Open Source Association, 30 May 2020) <<https://jordanopensource.org/blog/46/privacy-and-covid-applications-additional-guarantees-are-required>> accessed 4 October 2020.

Chapter Six: Jordan's London Summit Commitments and COVID19

As discussed previously, COVID19 has exacerbated some of the risks against which the London Summit of 2016 was focused. The following section, the research concludes with a general inquiry into the interactions and developments of each of Jordan's commitments in the London summit during the implementation of its COVID19 response plan, as well as, possible alternatives and opportunities that the pandemic has shed light on. To do so, it relies on the aforementioned accounts of Jordan's response to COVID19, and a number of draft laws put forth by the government during the period of the pandemic, while keeping in mind the relevant economic and social context.

a. 6.1 On Beneficial Ownership

Jordan has committed to establishing public records of beneficial ownership. During the pandemic, steps towards this commitment were still underway but not completely fulfilled, as such no public record of beneficial ownership existed, yet there exists a Public Register of Corporations.¹⁸¹ The company registration application requires the names and details of the founders and partners with obligation that meeting minutes of annual meeting be shared with the Ministry of Industry, Trade and Supply.¹⁸² The Companies Control Department also includes an adjoining 'Real Beneficiary Disclosure Form, which is required upon the establishing of a company or amending its the ownership structure.¹⁸³ To identify beneficial owner the Companies Control Department relies on the definition found in the Anti-Money Laundry Law and Terrorism Finance No. 46 of 2007, which defines a beneficial owner as: the natural person to whose interest the financial transaction is undertaken, this also includes those who the transaction was conducted on their behalf, or has overall or effective control over the legal person who conducted the transaction, or has the right to undertake legal action under the name of the legal person.¹⁸⁴ This definition is well aligned with the definition put forth in Principle 1 of the G20 Position Paper of May 2015, as endorsed by transparency international;¹⁸⁵ as it identifies different forms of interest and control in the natural person's relationship

¹⁸¹ دائرة مراقبة الشركات، <<http://www.ccd.gov.jo/bylink12.aspx>> accessed 19 October 2020.

¹⁸² Corporate Registration application, Companies Control Department
<http://www.ccd.gov.jo/documents/namothag1.pdf>
accessed 19 October 2020.

¹⁸³ The Companies Control Department, 'Guide on Beneficial Ownership: The beneficial owner and who to identify them'

<http://www.ccd.gov.jo/documents/%D8%A7%D9%84%D8%AF%D9%84%D9%8A%D9%84%20%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%B4%D8%A7%D8%AF%D9%8A%20%D9%84%D9%84%D9%85%D8%B3%D8%AA%D9%81%D9%8A%D8%AF%20%D8%A7%D9%84%D8%AD%D9%82%D9%8A%D9%82%D9%8A.pdf> –
accessed 19 October 2020.

¹⁸⁴ Article 2 (a) The Anti-Money Laundry Law and Terrorism Finance number 46 of 2007.

¹⁸⁵ "Countries should have a definition of 'beneficial owner' that captures the natural person (s) who ultimately owns or control the legal person or arrangement."

The Inter-American Development bank defines beneficial ownership as: natural persons who ultimately own or control a legal entity or arrangement, such as a company, a trust, a foundation, etc. The Secretariat of the Global

with the corporation. There are also special instructions to facilitate data collection on natural persons whose corporations take part in the securities and stock markets.¹⁸⁶

In addition to its commitment in the London Summit, Jordan renewed its commitment against beneficial ownership in relation to external funding in the commitments made to the International Monetary Fund upon receiving emergency financing to prevent ‘conflicts of interest and corruption by publishing the beneficial ownership information of firms awarded procurement contracts’.¹⁸⁷

And in September 2020, the government put forth a draft Illicit Enrichment Law of 2020; the draft law would apply to government officials in superior positions such as superiors in the customs department, superiors procurement decision making positions, superiors in state-owned corporations including the social security corporation (Article 3). This law further enables Jordan to fulfil its commitment to uncovering corporation beneficial ownership by governmental officials, curbing possible misuse of public position through the exploitation of the legal personality of corporate actors.

Overall, risks posed by the pandemic meant the proliferation of existing risks posed by beneficial ownership.¹⁸⁸ The accounts above demonstrate that no public records of the specific procurement contracts undertaken by the government during the pandemic are available and hence the ownership of the contracting corporations has not been made public; however there was an audit system instated to follow up on financial assistance offered to corporations to ensure that the request is justified by need, thereby including a level of checks on corporate capacity and spending.

Nonetheless, the Panama Papers indicate that prior exploitation of beneficial ownership has deeply inflicted the Jordanian economy. While exact numbers are hard to estimate, but had these exploitative actions been prevented or prosecuted, Jordan’s economy would have been better suited to face the pandemic and avoid some aspects of the economic turmoil it is currently facing.

b. 6.2 Public Procurement

Forum on Transparency and Exchange of Information for Tax Purposes Inter-American Development Bank, ‘A Beneficial Ownership Implementation Toolkit’ (March, 2019) at 3.

¹⁸⁶ Instruction for Anti Corruption and Terrorism Finance in Financial Securities 2010 (Securities Depository Centre)

¹⁸⁷ ‘How the IMF Is Promoting Transparent and Accountable Use of COVID-19 Financial Assistance’ (*IMF*) <<https://www.imf.org/en/About/Factsheets/Sheets/2020/04/30/how-imf-covid19-financial-help-is-used>> accessed 19 October 2020.

¹⁸⁸ OpenOwnership, ‘Five Areas Where Beneficial Ownership Transparency Is Key in Addressing Coronavirus’ (*OpenOwnership*, 19 May 2020) <<https://www.openownership.org/news/five-areas-where-beneficial-ownership-transparency-is-key-in-addressing-coronavirus/>> accessed 19 October 2020.

Jordan has committed to share information about corrupt bidders across borders. The situation posed by the pandemic meant that documenting relevant information for the purpose of sharing gained prominence.

Overall, Jordan's adherence had been ongoing at the time of the pandemic, most notably, Executive Order No. 18 of 2019 on governmental procurement regulated important respects of the operation, in terms of putting forth the offer, competition among bidders and so forth. Notably, the order requires the publication of the result of the procurement (Article 20). In the contexts of emergency, Article 55 allows the authorities to bypass the normal procurement procedures generally, and this is also stipulated specifically with relevance to the procurement of medical supplied by the Royal Medical Services is exempted.¹⁸⁹ The Public Procurement Unit did accordingly make the procedures and the details of the competition among the bidders available online, thereby facilitating access to data and transparency in the procedures.¹⁹⁰ As mentioned above, a number of the proposed draft laws would strength oversight on procurement contracts including officials in high ranks, and would facilitate transparency. Moreover, the Anti-Corruption and Integrity Commission has prosecuted a number of cases relevant to the exploitation of government procurement procedures.

However, the Public Procurement Unit only published 11 records of procurement procedures in the year 2020, and the publications were either early in the year or later in August.¹⁹¹ Published procurements included services in infrastructure, climate change consultation, hospital renovation, school renovation and court renovation. Such absence can be possibly due to the lack of technological capacities at the unit, either in terms of staff training or equipment. Another possible justification is that the procurement procedures were bypassed in line with the aforementioned order.

c. 6.3 OECD Anti-Corruption Centre

Jordan supports the establishment of an OECD Anti-Corruption Center to strengthen the impact and coherence of the OECD existing anti-corruption work. Jordan's efforts to the establishment of the centre were ongoing at the time of the pandemic. Had Jordan opened the centre prior to the pandemic, it would have been afforded professional advice on public integrity and COVID19 to deter some of the policy mal-functions prompted by the pandemic.

d. 6.4 International Sports Integrity Membership

Jordan will join the international Sport Integrity Partnership, and it has accordingly signed to join the partnership in April 2020. The pandemic had meant that all sports activities were halted and hence the effect of the commitment is yet to materialise.

e. 6.5 Anti-Money Laundering

¹⁸⁹ Executive order number 18 of the year 2019 on governmental procurement, Article 3 (C)

¹⁹⁰ دائرة العطاءات الحكومية، <<http://www.gtd.gov.jo/ar/tenders/results?start=180>> accessed 20 October 2020.

¹⁹¹ *ibid.*

Jordan will work together with other countries to share information between respective public-private partnerships to ensure the most effective response to international money laundering. At the time of the pandemic adherence to this goal was still ongoing with the following efforts:

In April 2020, the government approved the Partnership between the Public & Private Sector law No. (31). The law aims to strengthen the partnership between the two sectors enabling joint services, projects, collaboration on infrastructural projects in a manner, which allows efficient harnessing of the capacities of both sectors (Article 3). The law also establishes a record of such projects in the Ministry of Planning and International Cooperation (Article 4). The law delegates a commission to oversee relevant policies, while also assessing and deciding upon possible and current partnerships, the commission in turn communicates possible procurement contracts or collaborations to the ministers for final approval (Article 6). The commission is further assisted by an Administrative Unit in the Office of the Prime Minister (Article 7). This draft law also concurs Jordan's commitment to Article 9 of the UNCAC relevant to the instatement of appropriate public procurement programs, which respect equity and transparency. Overall, the law provides for a better-suited transparent environment, which will encourage foreign investors to engage in such partnerships with the Jordanian government.

In addition, in June 2020, government put forth a draft amendment of the Integrity and Anti-Corruption law, to be considered by the Parliament later in 2020. Article 16 of the proposed law states that the commission is enabled to investigate money laundry relevant to corrupt practice. This addition also strengthens Jordan's commitment to fulfil obligations under articles 14 and 23 of the UNCAC relevant to money laundry.

While the risks of money laundry escalated during the pandemic given the general atmosphere of uncertainty and the lack of capacities to undertake oversight measures, this was countered by restrictions to physical movement and travel across borders.¹⁹² However the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) estimates that specific forms of money laundry saw rise such as fraud, scam schemes and cybercrime.¹⁹³ COVID19 has meant an overall change of financial behaviour as more transactions shifted to electronic platforms and cash dealings were becoming more scarce, it is estimated that the re-opening of borders will pose risk of cash out-flow resulting from crime committed during the pandemic.¹⁹⁴

These changes pose a duty on Jordan to strengthen its online capacities in terms of record keeping, online reporting, conferencing facilities to ensure proper functioning of judicial authorities, better communication with the private sphere and oversight over financial transactions.¹⁹⁵ Such measures have become necessary to fulfil its commitment.

f. 6.6 Asset Recovery

¹⁹² The Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) 'Money laundering and terrorism financing trends in MONEYVAL jurisdictions during the COVID-19 crisis' (2 September 2020) <https://rm.coe.int/moneyval-2020-18rev-covid19/16809f66c3> accessed 21 Oct 2020 at 5.

¹⁹³ Ibid. at 4,6. The committee identified three forms of fraud which proliferated during the pandemic: fraud with medical equipment, fraud related to economic relief measures, and fraud/embezzlement related to public procurement contract.

¹⁹⁴ Ibid. 7-10.

¹⁹⁵ Ibid.

Jordan commits to strengthen their asset recovery legislation, including through non-conviction based confiscation powers and the introduction of unexplained wealth orders. At the time of the pandemic, Jordan's adherence to this commitment was ongoing, Jordan had in place a number of legal mechanisms to enable this commitment and has put forth propositions for further legislation.

Under the aforementioned draft amendment of the Integrity and Anti-Corruption law, to be considered by the Parliament later in 2020. Members of the Anti-corruption committee were included in the drafting process, and the commission endorses the amendments proposed. Most notably, draft Article 4 of the proposed amendment seeks to bestow further powers upon the commission for the restitution of capital lost through corrupt practices in line with commitment number six on 'Asset Recovery' made in the London Summit.¹⁹⁶ As such the article proposes the endowment of the commission with the power to 1) confiscate movable and immovable property; 2) to issue a flight ban against the person concerned, valid for three days, on the condition that the case be delegated to the public prosecutor within two days to decide whether or not to continue the ban. In further effort to enable asset recovery, the proposed amendment on Article 16 allows the commission to negotiate settlement agreements through a judicial body with those found guilty of corruption. The proposed settlement schemes rely on the condition of the recovery of the financial losses incurred by and because of the corrupt act in question, such schemes aim to incentivise effective asset recovery. However, the draft excludes most public officials in administrative, juridical, military, police forces from the settlement scheme, and seems to only be promoted for asset and financial recovery due to corrupt practices by the private sector.

In the interim, the draft Illicit Enrichment law of 2020, put forth by the government enables asset recovery of money lost due to corruption in proposed Article 4. Overall, the purpose of the proposed law is to prevent and criminalise illicit enrichment, enable asset recovery of money lost due to corruption, and ensure that the superiors, who are governed by this law, submit their financial records and that those records are reviewed accordingly (Article 4). The law defines illicit gain as a significant increase in the assets of the given public official that cannot be explained reasonably to her or his position (Article 5). Notably this definition of illicit enrichment mirrors that found in Article 20 of the UNCAC on the same subject matter. To enable the application of the law, the law establishes a new unit at the Anti-Corruption and Integrity commission that is specialised in reviewing financial records of superior officials (Article 6) enabling the commission to issue urgent freezing orders in cases of suspicion of illicit enrichment (Article 11). The law criminalises illicit enrichment (Article 13), and places administrative fines on those failing to produce financial records as per the requirements of the law (Articles 15 and 16).

Moreover, in July 2020, the government put forth a draft amendment of the Audit Bureau Law, which governs the functioning and powers of the unit. The draft instates further protections for the unit as a legal person, alongside further assurances to its financial independence to safeguard it against interference in its work (Article 2). It also endows the head of the unit with

¹⁹⁶ 'معدل النزاهة'.. خبراء يؤكدون بأنه يمنح "مكافحة الفساد" مرونة لإجراء مصالحات لاسترداد الأموال" <<http://jiacc.gov.jo.10-0-0-4.mint.imagine.com.jo/news/919/news>> accessed 9 October 2020.

a level of judicial powers of investigation and prosecution, enabling faster response to corruption suspicions and facilitating prompt asset recovery (Article 16).¹⁹⁷

Likewise, one of the purposes of the aforementioned draft law against illicit enrichment is to enable asset recovery from high-ranking officials.

Returned assets were used in some jurisdictions in the funding of governmental response to COVID19. ¹⁹⁸ Like other challenges posed by COVID19, strengthening the state's technological capacities would further facilitate adherence to this commitment, as well as adapting its laws to this change, as it would reflect on the speed of juridical processes enabling the rule of law. Moreover, researchers at the Basel Institute have noted that re-shaping court procedures in an innovative manner that is more apt for the crisis has become necessary in enabling effective asset recovery.¹⁹⁹

g. 6.7 International Anti-Corruption Architecture and UNCAC Application

Jordan committed to work with others countries, civil society, international organizations to support accelerated implementation of the voluntary provisions of the UN Convention against Corruption. Jordan's fulfilment of this commitment was ongoing during the period of the pandemic, and overall Jordan has shown willingness to engage in such international cooperation, and the will to further strengthen its own anti-corruption mechanisms.

As such, representatives of Jordan have participated in the first national meeting of the Conference of States Parties, the main policymaking body of the United Nations Convention against Corruption, to the United Nations Convention on Preparations for the Special Session of the UNGASS early September 2020. Similar, in the same month, governmental representatives participated in the first resumed 11th session of the Implementation Review Group on Anti-Corruption, and the 11th session of the Open-Ended Intergovernmental Working Group on Combating Corruption via the Internet.

More generally, as to strengthening the rule of law in terms of anti-corruption mechanisms, Article 16 of the proposed draft amendment of the Integrity and Anti-corruption law concerns illicit exploitation of public authorities to enable or attempt to enable a person to obtain a job, or a decision, or a procurement contract, or a service, or any other benefit from public authorities. This amendment strengthens Jordan's commitment to Article 19 of the UNCAC,

¹⁹⁷ 'مجلس الوزراء يقرّ مشروع قانون معدّل لقانون ديوان المحاسبة - ديوان المحاسبة' <https://www.audit-bureau.gov.jo/Ar/NewsDetails/%D9%85%D8%AC%D9%84%D8%B3_%D8%A7%D9%84%D9%88%D8%B2%D8%B1%D8%A7%D8%A1_%D9%8A%D9%82%D8%B1%D9%91_%D9%85%D8%B4%D8%B1%D9%88%D8%B9_%D9%82%D8%A7%D9%86%D9%88%D9%86_%D9%85%D8%B9%D8%AF%D9%91%D9%90%D9%84_%D9%84%D9%82_%D8%A7%D9%86%D9%88%D9%86_%D8%AF%D9%8A%D9%88%D8%A7%D9%86_%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D8%B3%D8%A8%D8%A9> accessed 8 October 2020.

¹⁹⁸ 'Putting Money Recovered from Graft to Good Use against Covid-19' (*The Star*) <<https://www.the-star.co.ke/opinion/columnists/2020-04-13-putting-money-recovered-from-graft-to-good-use-against-covid-19/>> accessed 21 October 2020; Jackson Oldfield, 'COVID-19 and Asset Recovery: An Overview' (*CiFAR*, 16 July 2020) <<https://cifar.eu/covid-19-and-asset-recovery-an-overview/>> accessed 21 October 2020.

¹⁹⁹ Gretta Fenner, 'Asset recovery in the light of covid-19 – five questions open to debate' (Basel Institute, October 2020). https://baselgovernance.org/sites/default/files/2020-04/covid_asset_recovery_analysis.pdf accessed 21 October 2020.

which prohibits the abuse of functions for the purpose of obtaining undue advantage. Moreover, it is well adapted to the high risks of nepotism engrained in the Jordanian context.

As showcased above, Jordan has undertaken efforts to prosecute corruption, and strengthen different aspects of its mechanisms through efforts to combat exploitation during the pandemic, or commit to combating corruption in emergency funding allocation. Nonetheless, one important aspect of this commitment is enabling effective interaction with the civil society. Evidence showcased in the prior chapter suggests that Jordan still needs to strength its freedom of speech regime, and its channels of open and transparent communication with the civil society.

h. 6.8 Compensation in the Asset Recovery Process

Jordan will develop common principles governing the payment of compensation to the countries affected, to ensure that such payments are made safely, fairly and in a transparent manner. Jordan's effort towards this commitment was ongoing during the pandemic.

The primary concern in this process is an effective asset recovery scheme, and anti-money laundry scheme discussed above, as well as the effectiveness of independence of the judiciary system – for which Jordan is often praised but few concerns remain to be addressed as discussed in the prior chapter. On a more general note, the Jordanian legal system provides strong safeguards for the right to compensation found in the Constitution, Implementation law and its amendments of 2007, Foreign Judgments Execution Law of 1952. The pandemic posed no specific risks to this commitment, except that its advancement would have provided further funding for other states possibly injured by assets held in Jordan.

i. 6.9 Public Contracting by Foreign Corporations

Jordan welcomed the establishment of transparent central registers of foreign companies bidding on public contracts and buying property, and demonstrated intentions to explore options for taking similar action. Jordan's adherence to this commitment was ongoing during the pandemic, as the issue is under discussion at the Public Tenders Department and is expected to be addressed before the end of 2020.

The turmoil in Jordan's economy means that its capacity to attract foreign investment has decreased, therein it is anticipated that less foreign corporations have acquired assets in Jordan. Thereby, no specific risks or changes in behaviour were prompted by the pandemic.

j. 6.10 Penalties for the Private Sector in Relation to Tax Evasion.

Jordan committed to reviewing penalties and other action against professional enablers of tax evasion, including for corporations that fail to prevent their employees from facilitating tax evasion. At the time of the pandemic, evidence shows that the government has put forth the required legislation and orders needed to implement this commitment, enabling effective tackling of possible risks of tax evasion posed by the pandemic.

This is evidenced in punishments put forth by Article 15 of the Billing and Oversight Order No. 34 of 2019 for those not filing bills in order, and the amended Income Tax law No. 38 of 2018, especially Articles 29 and 30, which also refer to the responsibility for coding programmes enabling tax evasion, among others. To further its commitment, on the 29th of September 2020, Jordan signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting hosted by the OECD, thus underlining its strong commitment to prevent the abuse of tax treaties and base erosion and profit shifting by multinational enterprises.²⁰⁰

The government’s interaction with the private sector through providing financial aid required the collection of a significant amount of data that facilitated its adherence commitment. Moreover, the tax derogations offered to the private sector facilitated a realistic appeal to avoid misuse of the system. Nonetheless, the confusion in the communication of information, might have led to a considerable lose in revenues. However, the enactment of the penalties will facilitate effective prosecution in the future.

k. 6.11 Innovation

Jordan committed to participating in an Innovation Hub that will facilitate the uptake of new approaches and technologies to tackle corruption. The Innovation Hub has been established within the Integrity and Anti-Corruption Commission, and there is currently a team to review the future vision of the innovation and training project.

Overall, as showcased above, during the pandemic Jordan has shown an appeal to information sharing, and the pandemic has been an opportunity to further develop its capacities in innovation, establishing platforms for sharing information by the ministry, sharing health information, emergency fund allocation and so forth.

Standards	Assessment
General Adherence to UNCAC	<p>The draft partnership between the Public & Private sector Law strengthens Jordan’s commitment to Article 9 of the UNCAC relevant to the instatement of appropriate public procurement programs.</p> <p>The draft amendment of the Integrity and Anti-corruption law strengthens Jordan’s commitment to Article 19 of the UNCAC, which prohibits the abuse of functions for the purpose of obtaining undue advantage.</p> <p>The draft Illicit Enrichment law strengthens Jordan’s commitment against the crime of illicit infringement condemned in Article 20 of the UNCAC.</p> <p>The Anti-corruption and integrity commission took on efforts to prosecute crimes of corruption, but some questions remain as to other cases possibly not caught or reported.</p>

²⁰⁰ ‘Jordan Deposits Its Instrument of Ratification for the Multilateral BEPS Convention - OECD’ <<https://www.oecd.org/countries/jordan/jordan-deposits-its-instrument-of-ratification-for-the-multilateral-beps-convention.htm>> accessed 20 October 2020.

	<p>The government took on efforts to share information with the public via electronic platform in line with Article 10 of UNCAC relevant to access to information.</p>
<p>Adjustment in response to risks prompted by COVID19</p>	<p>Risks relevant to spending of funding: Jordan made commitments to responsible spending practices, but did not publicise exact methods of allocation.</p> <p>Economic aid packages were offered on a just basis relevant to need and no indications show discrimination in their dissemination.</p> <p>There was a lack of clarity and consistency in the policies that opened the door for possible exploitation with no explicit safeguards.</p> <p>The absence of private-public dialogue in the course of economic decision making.</p> <p>Measures were taken to address overpricing practices.</p>
<p>Commitment to the fulfilment of pledges made during the London summit of 2016 with respect to private-public considerations</p>	<p>The draft Partnership between the Public & Private Sector Law number enables Jordan to adhere to its commitment to share information relevant to public-private partnerships.</p> <p>The draft amendment of the Integrity and Anti-Corruption law and the draft amendment of the Audit Bureau Law strengthen Jordan's commitment to enable effective asset recovery in cases of corruption across borders.</p> <p>The draft Illicit Enrichment law strengthens Jordan's commitment against illicit exploitation of beneficial ownership by public officials.</p> <p>Jordan undertook efforts to participate in international conferences towards the fulfilment of its obligation to accelerate the implementation of the voluntary provisions of the UNCAC.</p>