



Distr.  
GENERAL

CERD/C/318/Add.1  
14 April 1998

Original: ENGLISH

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Twelfth periodic report of States parties due in 1997**

**Addendum**

**Jordan\***

[Original: Arabic]  
[10 October 1997]

1. Jordan is among the States that adhere most strictly to the international conventions concerning respect for human rights. Jordanian national legislation guarantees and safeguards public rights and freedoms in order to protect the individual through constitutional and legislative texts. Article 6, paragraph 1, of the Jordanian Constitution explicitly stipulates that: "Jordanians are equal before the law and there shall be no discrimination between them in regard to their rights and obligations on grounds of race, language or religion". Article 7 of the Constitution further stipulates that: "Personal freedom shall be safeguarded". Jordan has never suffered from the phenomenon of discrimination on racial, ethnic or religious grounds, since all its minorities and religious communities enjoy full citizenship rights and participate in all aspects of national life. Under article 6, paragraph 2, of the Jordanian Constitution: "The State shall do everything within its power to ensure the availability of work and education and to guarantee peace of mind and equality of opportunity for all Jordanians". This confirms that there is no racial discrimination whatsoever in Jordan, since all are equal in regard to their rights and obligations.

2. Jordan has complied with the international instruments that are endorsed and secured by its Constitution, its National Charter and its laws and regulations in a manner consistent with the Charter of the United Nations, particularly since His Majesty King Hussein issued his directives concerning the resumption of the democratic process in 1989 when political pluralism and respect for human rights, the rule of law and the independence of the judicial authority became the cornerstones of democratic life in Jordan. Hence, Jordanian legislation, consisting in the Constitution and the laws and regulations, is in keeping with the provisions and principles set forth in the international and regional covenants and conventions concerning human rights and, in particular, racial discrimination. The Jordanian House of Representatives, which is elected in a free and fair manner, promulgates legislation and laws concerning personal freedoms in accordance with the provisions of article 7 of the Constitution, which stipulates that: "Personal freedom shall be safeguarded". Consequently, Jordan has encountered no difficulty in fulfilling this obligation in spite of the delay in the submission of its reports to the Committee on the Elimination of Racial Discrimination.

/...

**Nationality and naturalization**

8. Jordanian nationality is based on the rules concerning nationality as set forth in the Treaty of Lausanne of 24 July 1923, which entered into force on 30 August 1924. Under the terms of that treaty, citizens became *ipso facto*, on the conditions laid down by the local law, nationals of the State to which the territory in which they were residing was transferred. The Arab States that were detached from the Ottoman State promulgated their nationality laws in accordance with the provisions of that treaty. Jordan promulgated a legislative act to regulate its own nationality in 1928 and the enactment currently in force in Jordan is Act No. 6 of 1954, as amended.

9. Under article 3 of the Nationality Act, the following persons are deemed to be Jordanian nationals:

(a) Anyone who has obtained Jordanian nationality or a Jordanian passport in accordance with the Jordanian Nationality Act of 1928, as amended, and Act No. 6 of 1954;

(b) Any nonJews who held Palestinian nationality prior to 15 May 1957 and were normally resident in Jordan during the period from 20 December 1949 to 16 February 1954;

(c) Anyone born to a father holding Jordanian nationality;

(d) Anyone born in Jordan to a mother holding Jordanian nationality and an unknown or stateless father or a father whose paternity has not been legally established;

(e) Anyone born in Jordan to unknown parents (any foundling discovered in the Kingdom is deemed to have been born therein failing proof to the contrary);

(f) All members of the northern nomadic tribes referred to in article 25 (j) of the Provisional Electoral Act No. 24 of 1960 who were actually living in the territories incorporated in the Kingdom in 1930.

10. Under article 4, any Arab who has normally been resident in Jordan for not less than 15 consecutive years is entitled to be granted Jordanian nationality, by decision of the Council of Ministers based on a recommendation by the Minister of the Interior, if he renounces his original nationality in a written declaration, provided that such is permitted under the laws of his country, on the following conditions:

(a) He must be of good conduct and repute and must not have been convicted of an offence prejudicial to honour or morality;

(b) He must have a legitimate means of livelihood;

(c) He must be of sound mind and not afflicted with any disability that would make him a burden on society;

(d) He must take the oath of loyalty and allegiance to His Majesty the King before a justice of the peace.

11. Under the terms of article 5, His Majesty the King may, on the recommendation of the Council of Ministers, grant Jordanian nationality to any expatriate who submits a written declaration opting for Jordanian nationality, provided that he renounces any other nationality that he might be holding at the time of submission of the said declaration.

#### Nationality by marriage

12. According to article 8:

(a) A foreign woman who marries a Jordanian may be granted Jordanian nationality, subject to approval by the Minister of the Interior, if she applies for it in writing:

(i) After three years of marriage if she holds an Arab nationality;

(ii) After five years of marriage if she holds the nationality of a non-Arab State;

(b) A Jordanian woman who marries a nonJordanian and acquires her husband's nationality may retain her Jordanian nationality unless she renounces it in accordance with the provisions of the Nationality Act. She has the right to recover her Jordanian nationality, by submitting an application to that end, if her marital status is terminated for any reason;

(c) A Jordanian woman whose husband acquires the nationality of another State for private reasons may retain her Jordanian nationality.

13. Under article 12, any nonJordanian enjoying legal capacity who meets the following conditions may apply to the Council of Ministers for a Jordanian naturalization certificate:

(a) He must have been normally resident in Jordan for four years prior to the date of application;

(b) He must intend to reside in Jordan;

(c) He must not have been convicted of an offence prejudicial to honour or morality;

(d) He must be able to read and write Arabic;

(e) He must be of good conduct and repute;

(f) He must be of sound mind, unafflicted with any mental illness, and must not be a burden on society;

(g) He must have a legitimate means of livelihood and must not compete with Jordanians in occupations which a sufficient number of them are capable of exercising.

14. A person's acquisition of Jordanian nationality means that he becomes a Jordanian 14: "Anyone who acquires Jordanian nationality through naturalization shall be considered a Jordanian in all respects. However, he shall not be entitled to hold political or diplomatic posts or public functions

designated by the Council of Ministers, nor may he become a member of the National Assembly, until at least 10 years after his acquisition of Jordanian nationality. Likewise, he shall not be entitled to stand as a candidate in elections to municipal and village councils and trade unions until at least five years after his acquisition of Jordanian nationality”.

#### Issue of passports to Palestinians

15. Temporary Jordanian passports were issued to residents of the West Bank affected by the decision to sever legal and administrative links with the West Bank and the instructions promulgated pursuant thereto since, prior to the decision to sever those links, those persons held permanent Jordanian passports in their capacity as Jordanian nationals. Everyone residing in the West Bank prior to 31 July 1988 was henceforth regarded as a Palestinian and not a Jordanian citizen. Residence, as interpreted by the Supreme Court in many of its rulings, means actual residence or property ownership.

16. Temporary Jordanian passports were also issued to displaced residents of the Gaza Strip who settled in the Kingdom in 1968, in order to facilitate their movements and make life easier for them. These temporary passports were valid for a period of two years and did not endow the holders with Jordanian nationality.

17. The holding of Jordanian nationality and permanent passports by Jordanian citizens of Palestinian origin does not preclude the realization of their aspirations in regard to their right to return to Palestine or to receive compensation, since the refugee issue is a political question. Nationality does not invalidate their political and historical rights, since their inalienable and inviolable right to return or to receive compensation is guaranteed by international law and conventions. Jordanians of Palestinian origin will have the right to choose between Jordanian or Palestinian nationality.

#### Palestinians in Jordan

18. Following the announcement of the establishment of the State of Israel on part of Palestinian territory on 15 May 1948, the Palestinians in the West Bank and Jerusalem opted for unification with Jordan. This unification became effective on 14 April 1950 after its proclamation by a parliament elected by the population of the East and West Banks. By virtue of this fusion, the Palestinians in the West Bank and Jerusalem became Jordanian citizens holding Jordanian nationality and enjoying full citizenship rights. The Jordanian State continued to exercise sovereignty and political responsibility over the territory and population of the West Bank and Jerusalem and the Jordanians living in the West Bank governorates enjoyed all the rights and freedoms guaranteed by Jordan's Constitution and laws, including the right to freedom of movement within the Kingdom and the right to reside wherever they chose. They also exercised their right to work, to occupy posts in the official civil and military institutions and to be promoted to the highest grades in the civil service hierarchy. This situation continued until 1974 when, at the Rabat summit, Jordan deferred to Arab and Palestinian demands to declare the Palestine Liberation Organization the sole legitimate representative of the Palestinian people.

19. In 1988, Jordan announced the severance of its legal and administrative links with the West Bank since, in view of the local, regional and international changes, it had become essential to endeavour to assist the Palestine Liberation Organization to assume its responsibilities and proclaim the establishment of the Palestinian State.

20. The Jordanian Government's decision to sever those links meant that a number of measures had to be taken to give effect to the purport and the substance of that decision. The Government decided to regard everyone residing in the West Bank prior to 31 July 1988 as a Palestinian and not a Jordanian citizen. In the interests of our Palestinian brothers, the Government agreed to issue temporary Jordanian passports valid for a period of two years (subsequently extended to five years) to Palestinian applicants. The purpose of these passports (travel documents) was to help their holders to travel freely throughout the world. Although they were recognized as official documents, they did not imply that their holder was a Jordanian citizen holding Jordanian nationality.

21. Instructions were issued to continue renewing the temporary passports of persons from the Gaza Strip residing in Jordan. These displaced persons from Gaza who settled in Jordan in 1967 were treated differently from the displaced persons from the West Bank who held, and still hold, Jordanian nationality since the Gaza Strip, being under Egyptian administration, was excluded from the unification of the two Banks after 1948. However, the successive Jordanian Governments hosted displaced persons from the Gaza Strip, accorded them special treatment and granted them the status of permanent residents of the Kingdom, in which capacity they enjoyed freedom of movement and the right to work and receive health and educational services. These groups, particularly at Gaza camp, are receiving all the various services which the Government provides for the camps, refugees and displaced persons.

#### The situation of the Palestinian refugees

22. In 1948, as a result of the military operations that took place in Palestine before and after the establishment of the State of Israel, about 750,000 Palestinians were forced to leave their land and seek refuge in neighbouring Arab States. Jordan received the largest number of Palestinian refugees, thousands of whom sought refuge in the East Bank. According to UNRWA statistics, at the end of 1996 they numbered 1,389,603, i.e. about 41 per cent of the total of 3,368,330 Palestinian refugees registered with the Agency in its five operational areas (Jordan, the Syrian Arab Republic, Lebanon, the West Bank and the Gaza Strip).

23. UNRWA defines a Palestinian refugee as anyone who was normally resident in Palestine for a period of not less than two years prior to the outbreak of the Arab-Israeli conflict in 1948 and who, as a result thereof, lost his home and his means of livelihood. This definition excludes large numbers of Palestinian refugees to whom its conditions do not apply since they emigrated and were able to secure a livelihood without the need for UNRWA assistance.

24. In 1967, as a result of Israel's occupation of the West Bank and the Gaza Strip, a further wave of about 385,000 displaced persons sought refuge in the East Bank. About half of these were refugees who had been living in camps in the West Bank and the Gaza Strip and were forced to become refugees for the second time in less than 20 years.

25. During the years following the occupation of the West Bank and the Gaza Strip, migrations to Jordan continued due to Israeli occupation policies and practices. Military expulsion orders, the destruction of Palestinian villages and the displacement of their inhabitants caused almost 7,000

Palestinians to migrate every year, i.e. a total of 140,000 Palestinians during the period from 1968 to 1988.

26. Jordan also faced a third sudden migration of about 300,000 Jordanian and Palestinian citizens returning from the Gulf States as a result of the Gulf war which began in August 1990.

27. Jordan is the only Arab State that has treated the Palestinian refugees in a largely positive manner by granting them Jordanian nationality and opportunities to integrate into society as citizens without prejudice to their legitimate rights which, in accordance with United Nations resolutions, and particularly General Assembly resolution 194 (III) of 1948, can be summarized as the right to return or to receive compensation. The Palestinian refugees in Jordan have all the rights and obligations of citizenship and wherever the term "Jordanian" appears in the Constitution, the National Charter or Jordanian legislation it refers to any Jordanian citizen regardless of whether he or she is a refugee or a displaced person, etc.

#### Residence of Palestinian refugees

28. According to UNRWA statistics, the number of refugees registered with the Agency in Jordan on 30 June 1996 amounted to 1,358,706, of whom 258,204 were living in 10 camps supervised by the Agency while the vast majority (1,100,502) were living outside the camps in various towns and villages in the Kingdom. The fact that the largest proportion (81 per cent) of the Palestinian refugees in Jordan are living outside the 10 camps clearly shows that the Palestinian refugees, in their capacity as Jordanian citizens, enjoy full freedom of movement and residence outside the camps in any part of the Kingdom. They also enjoy better conditions and a higher standard of living than the refugees in the other operational areas (Syrian Arab Republic, Lebanon, the West Bank and the Gaza Strip) and benefit from all the government services and programmes that the State provides for its citizens. According to the official estimates, the annual expenditure on the direct services provided for the refugees amounts to \$300 million. From the standpoint of the operations of UNRWA (the organization established by the international community to care for the Palestinian refugees), Jordan is therefore not only the State hosting the largest number of refugees but also the largest donor State, since the amount spent by the Jordanian Government is almost equivalent to the total annual budget of UNRWA for all its operational areas.

29. The services provided for the Palestinian refugees are divided into two types, indirect services and direct services.

30. The indirect services include the following:

(a) One of the principal services consists in Jordan's fundamental political position and the full support that it gives in all the various international forums by upholding the legitimate rights of the refugees and demanding implementation of the United Nations resolutions in this regard;

(b) The economic and financial burdens that Jordan is still bearing due to the abnormal and sudden increases in its population and the consequent increase in government services;

(c) The concentration of most of the refugees and displaced persons in the main towns, which has increased the urban proportion of the population, thereby creating an imbalance in the geographical distribution of the population and contributing to the random growth and development of the towns;

(d) The refugees benefit from all the services that the Jordanian Government provides for its citizens in various fields, including employment services in the public and private sectors, social and health insurance, economic and social infrastructural services, government investment projects for the development plans, programmes to combat poverty and unemployment, government housing projects, programmes to combat environmental pollution, the subsidization of foodstuffs and also the security and stability which are provided by the security agencies and the services rendered by the judicial authority in imposing the rule of law;

(e) Jordan is hosting offices and a number of the principal departments of UNRWA in its territory and is treating the Agency in the same way as international organizations and foreign missions by exempting it from a large number of Customs duties and taxes.

31. The direct services are the following:

(a) The annual rent of the land on which the camps have been established, which is paid from the State Treasury;

(b) Implementation of infrastructural projects and provision of maintenance and other general services at the camps, such as the paving and lighting of roads, water and electricity supply, sanitation projects, installation of concrete drains, construction of public buildings, postal services, etc.;

(c) Maintenance of security and order and payment of the costs of establishing and maintaining public security and civil defence centres;

(d) Maintenance of cleanliness in the camps and provision of pesticides to exterminate insects and rodents whenever necessary;

(e) Monitoring and enforcement of compliance with regulations concerning housing and public utilities and the granting of permits for the renovation or expansion of housing units and the opening of commercial premises;

(f) The Jordanian Government is providing assistance in kind for about 200,000 displaced persons. This assistance includes basic commodities, such as rice and sugar, which are distributed four times per year.

/...

\* This document contains the ninth, tenth, eleventh and twelfth periodic reports, submitted in one document, due on 29 June 1991, 1993, 1995 and 1997, respectively. For the seventh and eighth periodic reports of Jordan, submitted in one document, and the summary record of the meeting at which the Committee considered these reports, see documents CERD/C/183/Add.1 and CERD/C/SR.864.

The annexes to the report submitted by the Government of Jordan may be consulted in the secretariat's files.

The information submitted by Jordan in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.18/Rev.1

-----