



STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO YEMEN'S SEPTEMBER 2006 PRESIDENTIAL AND LOCAL COUNCIL ELECTIONS

Sana'a, Yemen, August 16, 2006

I. Introduction

This statement has been prepared by the National Democratic Institute (NDI) in advance of the presidential and local council elections in Yemen, currently scheduled for September 20, 2006. The purpose of this statement is to provide an assessment of the technical preparations and pre-election political environment as well as to express the support of the international community for a continued strengthening of elections and democratic development in Yemen. The international pre-election assessment delegation conducted its activities in accordance with Yemeni law and the *Declaration of Principles for International Election Observation*, which embraces the principles of non-interference, impartiality and professionalism for international election observers. NDI recognizes that it will be the people of Yemen who will ultimately determine the credibility of the upcoming elections and their meaning for developing democracy in Yemen.

The delegation conducting the assessment included: Aileen Carroll, former Minister of International Cooperation and Member of Parliament in Canada; Matthew Frumin, Special Counsel at the law firm of Steptoe & Johnson and former Special Assistant to the Under-Secretary of State for Global Affairs in the United States; and Dr. Robin Madrid, NDI/Yemen Country Director. From July 22 – 25, 2006, the delegation met with officials from the Supreme Commission of Elections and Referenda (SCER), leaders of the ruling General People's Congress (GPC) and the opposition coalition Joint Meeting Parties (JMP), electoral advisors from the United Nations Development Program (UNDP) and IFES, journalists and representatives of non-governmental organizations (NGOs). The delegation would like to express its deep appreciation to those who took the time to share their views.

This pre-election assessment is part of a larger NDI program designed to contribute to a genuine and transparent electoral process. Since the 2003 parliamentary elections, NDI has been working with political parties and government officials, including representatives of the SCER, to improve their election-related capacity and with NGOs to enhance their election monitoring efforts. These activities have included: organizational development, particularly at the branch level, for political parties; consultations with the SCER on the implementation of the voter registration update and preparations for the September elections; consultations between political party leaders and the SCER on electoral reforms; and support for monitoring of the voter registration period. Prior to the September polls, NDI will continue to support the efforts by political parties and civic groups to participate in the elections and to promote a fair and transparent process.

II. Background

In 2001, Yemen established a constitutionally independent authority, the SCER, to oversee and administer elections. The establishment of an independent election commission marked a significant development in Yemen as well as in the Arab world. In the lead up to the 2003 elections, the SCER showed an improvement over previous elections commissions in impartiality and professionalism, although political opposition leaders raised concerns about its bias in favor of the ruling party. Questions about the SCER's commitment to neutrality have been raised again in the lead up to the 2006 elections. Public criticisms of the opposition by SCER commissioners and statements favoring the ruling party have contributed to the opposition parties' impression that the SCER is not capable of acting in an impartial manner.

Under the SCER, there are three levels of election committees that oversee electoral processes in each of the 21 governorates: the supervisory commission; the main commission; and the sub-commission. There is one supervisory commission per governorate, one main commission for each of the 333 administrative districts and approximately 25,000 sub-commissions. Men and women vote in separate sub-commissions. Historically, these election commissions have been formed from nominees of the political parties, with additional members appointed directly by the SCER.¹ However, due to tense relations between the SCER and the opposition parties, the opposition parties declined to participate in staffing the supervisory, main or sub-commissions during the 2006 voter registration periods demanding a restructuring of the SCER as a condition of participation.

After the voter registration period and a series of inter-party dialogues, an agreement was signed by the ruling GPC and opposition coalition JMP, and endorsed by the government, which addresses many of the issues surrounding the staffing of the elections commissions as well as other electoral reforms of interest to the political parties. Following the signing of the so-called "June 18 Agreement," the opposition parties provided nominees for the election commissions. In line with the first article of the Agreement, on July 3 two opposition members were added to the SCER, increasing the total number of commissioners from seven to nine. One of the new members shares responsibilities for the External Relations department of the SCER and the other oversees the Security Sector.

The September elections will be complicated to administer. One ballot will be needed for the presidential race, 333 different ballots (one for each administrative district) will be needed for the governorate council races and 5,620 different ballots must be printed for the district level council races (one for each sub-district). Doubts have been raised not only about the impartiality of the SCER, but also about the capacity of the Commission to carry out preparations needed by September 20. While the June 18 Agreement responds positively to opposition concerns and potentially improves public confidence in the elections, it also adds to the preparations that must be made prior to the elections.

¹ The formula for the 2002 registration and the 2003 elections assigned 44 percent of total commission seats to the GPC, 6 percent to the National Opposition Council (a loose coalition of parties allied with the GPC), 40 percent to the JMP, and the remainder to other actors, including independents and the SCER.

III. Summary of Observations and Recommendations

The delegation offers the following observations and recommendations in the spirit of international cooperation and in recognition of the sustained efforts of Yemenis to advance the democratic process in their country.

All of the leaders with whom the delegation met stressed three points regarding the upcoming elections and their impact on Yemen's democratic development:

1. elections could increase the confidence of Yemenis and the international community in all levels of government;
2. elections could provide a significant expansion of political space at the local and national level; yet
3. there are widespread public expectations that election administration will be flawed.

While expressing concerns about election administration issues, the leaders indicated that efforts by the SCER to minimize shortcomings in the electoral process could still contribute to increased confidence in the election results and governing institutions. Well run, local elections in particular, could mark the beginning of a new phase of expanding democracy and pluralism in Yemen, diffusing power and increasing the accountability of elected officials.

In order to generate a positive public perception and build the credibility of the elections, the SCER will need to redouble its efforts to ensure that elections are properly organized and impartially managed; and Yemen's political leaders will need to overcome their long-standing distrust of each other and with the SCER. The logistical challenges to holding an election are daunting: Yemen is one of the world's poorest countries; much of its population is dispersed in small and remote villages; tribal conflict is endemic in many parts of the country; and communications infrastructure is limited. Despite democratic progress over the past decade, the country's long history of internal conflict has resulted in a substantial level of distrust between political leaders.

Elections offer a vehicle through which to debate policy differences and resolve conflicts in a non-violent manner. They also offer a means to legitimate authority, share power and increase accountability in a manner that is consistent with the expressed will of the people. The measure of the credibility of these elections will be the degree to which the candidates and the public in Yemen believe that the election process is meaningful. The June 18 Agreement demonstrates an attempt by political leaders to establish acceptable rules and guidelines for political engagement by which the credibility of the election preparations can be measured. The Agreement addresses issues of electoral reform that are important to political candidates, while also reflecting the spirit of compromise and consensus necessary to achieve successful elections. Accomplishing the objective of the Agreement - "to conduct free, fair, transparent and safe elections" - however, will require increased transparency and heightened cooperation from all political players in the short period of time before the polls. Given the potential of these elections to further Yemen's democratic development, the SCER should ensure that the letter and spirit of the articles of the June 18 Agreement, and any subsequent agreements, be implemented and widely publicized.

Capacity and Impartiality of Election Administration

The implementation of the first article put forth by the June 18 Agreement to increase the membership of the SCER is a positive step towards balancing the make-up of the Commission between the GPC and JMP. A more politically balanced Commission should increase transparency in the preparation and administration of elections, thus building public confidence in the process. The appointment of the new members to the External Relations and Security sectors further represents a step in building the credibility of the Commission; these two sectors require interaction with all sectors of the SCER as well as with the general public.

The appointment of commissioners for the Supervisory (Governorate level) and Main (District level) commissions and implementation of commissioner training was also a positive step towards balancing the make-up of the election commissions. The June 18 Agreement specifies 54 percent of election commission seats to the GPC and 46 percent to the JMP. The SCER took appropriate action to negotiate with political party leaders a satisfactory geographic distribution of election commission seats. Now that these commissioners have been properly selected and trained, the SCER should take steps to ensure that these commissioners take their seats during elections and are not replaced with untrained, local community members.

Given the competitive and complex nature of the upcoming elections - both local and presidential elections will be strongly contested while the number of local councils and candidates requires a complex ballot - election commissioners will require extensive training on their administrative roles and oversight by the SCER.

The Voter Registration List

Complete and accurate voter lists are an administrative cornerstone of a fair and orderly elections process. Unfortunately, there are considerable doubts surrounding the integrity of Yemen's voter registration list. Political and civil society leaders, and SCER officials acknowledge that the list contains duplications and tens of thousands of names of underage voters. The process to address these errors in the list has been cumbersome and flawed and many people claim that revisions have generated more controversy than clarity.

The controversy surrounding the review of the voter list centers on 240,000 duplicate and underage voter names identified by the SCER for removal. After identifying these names, the SCER asked the public prosecutor to remove them from the list and file charges against local electoral commission and party members responsible for encouraging improper registrations. Since this process was undertaken unilaterally by the SCER, opposition leaders questioned whether the recommended deletions and prosecutions are the result of an unbiased process or whether the deletions disproportionately favored the ruling party.

In order to resolve the controversy and improve transparency in the voter list review process, the SCER should implement article three of the June 18 Agreement. This article seeks to improve the voter registry through the formation of a professional legal committee to examine the voter list and initiate legal proceedings to purge duplicate names and underage registrants from it. In line with the directive of the article and in order to maintain the credibility of the legal committee, the legal committee should consist of GPC and JMP members approved by the

SCER. The committee should then be tasked with examining the process used by the SCER and reaching agreement on the credibility of that process. If the legal committee determines that the proposed deletions were identified in an unbiased manner, the SCER effort would represent a reasonable attempt to improve the voter lists and increase respect for the rules surrounding the elections.

In the event that the legal team is not able to be formed or the short time period before the elections does not allow adequate time to evaluate the proposed deletions in the manner laid out by the June 18 Agreement, an alternative, pragmatic approach should be determined. This approach should seek to increase transparency in the review process and increase confidence in the voter list itself. One approach could be to provide each of the parties with the complete voter list and the list of deletions in a computer searchable form; the provision of complete voter lists to political parties is a standard procedure in many countries. Such an approach would allow the parties to audit the data and deletions, thus determining for themselves that lists are accurate and the proposed deletions were arrived at through an unbiased process.

Security

Security of polling centers and the role of security forces during the elections were concerns expressed to the delegation. Historically, Yemen's elections have been marred by violence² and allegations of misconduct by military personnel stationed at voting centers. Political leaders expressed concern that the highly competitive nature of the September elections will increase prospects for violent conflict between voters and party representatives at polling centers, as well as interference from security forces.

In order to ensure the security of voters, political leaders and the SCER should collaborate on efforts to prevent conflict from escalating at polling centers. In 2003, the SCER organized a national presentation by party leaders who called on their supporters not to carry weapons and not resort to violence on election day. While fewer violent conflicts were reported than during the 2001 elections, additional measures should be taken to further reduce the potential for violence at polling centers. The Security Sector of the SCER should work with political leaders to develop such measures, which could include the establishment of local multi-party committees to deal with tensions before they break out in violence.

In order to ensure that voters are free from intimidation at polling centers, the Security Sector of the SCER should exert direct control over the training, coordination and deployment of security personnel at voting centers, as called for in the June 18 Agreement. Proper training of security officials, which should coincide with the training of election commissioners, should emphasize the authority of the SCER and election commissioners.

² Forty-seven Yemenis were reported killed during the 2001 local elections. Over 400 incidences of violence, including seven deaths, were reported during the 2002 voter registration campaign. Additional reports of violence were filed during the 2003 parliamentary elections, although work to build inter-party relations appears to have helped reduced the number of complaints.

Media Access

The dispersion of voters across predominantly rural constituencies in Yemen makes dissemination of political platforms difficult for candidates. They are unable to conduct door-to-door outreach efforts across wide geographic areas and communications infrastructures are weak. State-owned media outlets, which make up most of electronic mass and print media in Yemen, afford candidates an effective avenue for communicating with voters. However, in past elections, regulations governing the use of state-owned media by candidates were interpreted in a manner that limited access of opposition candidates and parties; ruling party rallies and candidates were shown to receive a disproportionate amount of airtime. The June 18 Agreement restated the principal of equal access to media. In the spirit of the Agreement, the SCER should develop a media plan that ensures free and equal access for political parties and candidates to present their platforms. Also, coverage of the elections and the candidates by state-owned media should be balanced.

The June 18 Agreement also limits the restrictions that can be imposed on presidential candidates' presentations of platforms and prohibits the use of public office or money for partisan purposes. Political and civil society leaders were highly critical of restrictions during the 2003 elections that dictated how platforms and rallies could be presented; those restrictions were seen as limiting freedom of speech by political parties and candidates. The SCER should encourage programming that attracts viewers' attention, while candidates and parties should endeavor to create issue-based political presentations.

Voter Education

Timely, accurate information is vital to a credible election process and voter education programs should apprise the electorate of voting procedures, acceptable behavior of officials and means of recourse. State-owned media outlets should be seen to facilitate the dissemination of this information as a means to enhance the informed choice of voters. In Yemen, radio is the most widely accessed media forum, with as many as 75 percent of Yemenis owning a radio. While the SCER assured the delegation that an extensive voter and civic education program would take place, plans were not discussed in detail. The SCER should emphasize the use of radio in its civic education programs in order to reach the greatest number of voters.

Political leaders and the SCER are also encouraged to organize multi-candidate debates for the presidential and local candidates. President Saleh has indicated a willingness to allow opposition candidates equal access to the media and to participating in multi-candidate debates. The SCER has expressed interest in receiving information on how candidate debates are organized in other countries and NDI and IFES are sharing their technical expertise in organizing debates with the SCER. Televised debates among presidential candidates and public forum debates at the local level would contribute to civic education efforts, enhance the ability of voters to make informed choices and promote peaceful political competition. They would also help alleviate concerns of opposition candidates who claim to have limited opportunities to gain public profiles.

The Role of Women in the Elections Process

Increasing the political participation of women is central to Yemen's democratic, economic and social development, as women represent one half of the country's population and human capital.

The SCER, journalists and political party leaders all point to the fact that Yemen was the first country on the Arabian Peninsula to enfranchise women and that women's political participation in Yemen in the 1990s was significantly higher than that of other countries in the region. All of the main political parties have women's committees which have equal rank – at least technically – with other committees in the party. In 2002, the SCER took steps to increase women's registration and the number of women registered to vote increased significantly, with 72.4 percent of eligible women registered as compared to 75.4 percent of eligible men. In 2005, the SCER also established a General Unit for Women that is responsible for ensuring that all SCER programs, procedures and materials are designed and implemented in a manner that will contribute to the promotion of women in all phases of the electoral process. Despite these efforts and the increase in registered female voters, Yemeni women and international observers have noted that women candidates are not supported sufficiently by their political parties and the number of women elected to office has declined.

Recognizing the fluctuating numbers of women's participation, the government and the SCER have taken steps to incorporate women into politics and election administration processes. President Saleh appointed two women to the Cabinet. The SCER created a General Unit for Women (GUW) with responsibility to ensure that all SCER programs, procedures and materials are designed and implemented in a manner that contributes to the promotion of women in all phases of the electoral process. The SCER also appointed six women to the governorate level supervisory commissions and over 90 women to the main commissions. By way of comparison, no women served on either level during the 2003 elections. Women themselves have been actively preparing to serve on commissions and to compete in the elections.

However, further steps are needed to increase participation by women and normalize their presence in Yemeni politics. On an administrative level, the GUW needs to receive increased support, access to information and decision making authority within the SCER. While the GUW was initiated with strong backing from the SCER, it does not have sufficient space, equipment or resources to fulfill its role. Political parties need to incorporate women into the nomination process in a way that ensures serious consideration of their candidacies and equal resources for their campaigns. Party leaders should provide clear directives to branch offices on nominating and supporting women candidates

Statements by party leaders that women are not sufficiently qualified to meet the demands of commissions and elected office do not conform to the evidence of women's contributions as commissioners during the recent voter registration period. The SCER's appointment of women to commissions in the registration period is a signal to the parties that there is government support for an enhanced role for women. With support from the General Unit for Women and the SCER commissioners and the backing of their parties, women commissioners can meet the responsibilities of office.

The Role of Observers in the Elections Process

One way of increasing confidence and deterring irregularities in the election process is to establish opportunities for observers to monitor the pre-election, campaign, voting and vote counting process. Yemeni law contemplates such a role for international, domestic NGO and political party observers. In the past, the SCER has welcomed international observers and acknowledged their positive impact on Yemeni electoral processes. The SCER shows every

indication of welcoming such observers again for the September elections and providing them with free and open access to voting and tabulation procedures. The SCER should ensure the same opportunities for domestic NGOs and political party poll watchers.

In previous elections, some domestic observers have faced challenges in securing timely accreditation and full access to voting centers, including during the vote count. Problems with accreditation and access could be ameliorated for the September elections by:

1. increasing the period of time during which observers can apply for accreditation;
2. training election officials on the rights and responsibilities of accredited domestic observers; and
3. providing accredited observers with documents that specify observer rights and responsibilities.

Election officials and domestic observers should be informed that these documents should be referred to in the event that there is any controversy at a polling center. The rights of accredited domestic observers should include unfettered access to the entire process (nominations, campaigning, voting and counting) and access to polling stations throughout administrative districts, as opposed to just designated, individual polling centers.

The June 18 Agreement specifies that political parties may place observers at every polling station and that funding for observation by those political party representatives will come from the government fund for electoral processes. A system should be established by the SCER to distribute those funds in a timely fashion and the parties should use the opportunity afforded by the Agreement to guard against deviations from the laws and regulations, thus building confidence in the process.

NDI will be supporting domestic monitoring efforts by Yemeni NGOs during the nomination and campaign periods as well as on election day. Domestic monitors will be deployed throughout the country on election day to observe the electoral process and provide reports on polling center activities. A statement summarizing the findings of domestic monitors and offering recommendations for future elections will be issued by NDI shortly thereafter.