

**Report on the 2006 Presidential
and Local Council Elections
in the Republic of Yemen**

*Prepared by the National Democratic Institute for
International Affairs*

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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1. EXECUTIVE SUMMARY

The 2006 Presidential and local council elections represent a noteworthy step forward on Yemen's path to democracy. Both the Presidential and local council elections can be described as democratic contests in which voters were presented with credible and diverse candidates from which to choose. The public initially questioned whether the Presidential race would include a real alternative to the incumbent and General People's Congress (GPC) candidate, President Ali Abdullah Saleh; however, the main opposition grouping, the Joint Meeting Parties (JMP), fielded a credible candidate, former Minister of Oil Faisal Bin Shamlan, for president and organized effectively for his election campaign. During the campaign period, Bin Shamlan's election rallies proceeded with few disturbances and received equitable coverage by government media outlets. Within the local council races, over 20,000 party and independent candidates vied for approximately 7,200 seats at the district and governorate levels.

From a technical standpoint, the processes of voting and counting within such large elections, which included approximately 9.3 million voters and 5,620 voting centers, were carried out in a competent manner by the relevant election authorities. The efforts of the Supreme Commission for Elections and Referendum (SCER) are to be commended. The training of main and sub-commissioners, the preparation of the ballots and the distribution of materials were done well, especially in comparison to the 2001 elections. The SCER should also be commended for facilitating domestic and international election monitoring. Domestic monitors in the Election Monitoring Network faced fewer constraints in monitoring voting centers and counting commissions than in previous elections, and when barriers to access did arise, monitors were assisted quickly and effectively by the SCER to enter voting centers. However, the accreditation process for observers and the late issuance of some observers' badges by the SCER did result in some cases in observers – particularly those in remote areas – not receiving their badges in time to observe polling or counting.

The achievements of the SCER were also somewhat undercut by violations in election administration at the local level and by incidents of interference by powerful local figures. The General Elections and Referendum Law No. 13 (2001) provides the SCER with clear rights to enforce the law; however, the SCER continues to narrowly define its areas of responsibility as purely administrative. As a result, citizens and, in many cases, commissioners have little recourse when confronting abuses by powerful local figures.

Hostile relations between the SCER and the opposition parties also had a negative effect on the elections, contributing toward many delays in the pre-election period. The failure of the SCER to provide the opposition with searchable electronic copies of the 2002 Voter Registry and the April 2006 Voter Registry Update contributed to opposition and international suspicion that the registry was not only flawed but that the flaws were biased in favor of the ruling party. The failure to fully implement the principles contained in the June 18th Agreement between the GPC and JMP (Appendix A), which had been intended to resolve some of the points of contention, also contributed to the tensions. In

the period prior to the elections, there were serious concerns that the opposition might fail, as it did during the April 2006 Registration Update, to provide names of party supporters to serve on commissions and that they might even boycott the elections. While the SCER should be held accountable for its shortcomings, the opposition also has a responsibility to temper its aggressive rhetoric in its relations with the SCER.

Despite political tensions, there was a significant reduction in violence on election day. A total of three deaths, resulting directly from election-related violence, were reported during the September elections. In 2001, 47 election-related deaths were reported; in 2003 there were seven. Calls for a violence-free day by political party leaders and the SCER contributed to the reduction in election day violence. In addition, the two-fold increase by the SCER of the number of voting centers over 2002 decreased the number of instances in which local communities hostile to each other were assigned to the same voting center.

To address problems identified during the campaign and election period, NDI and the Election Monitoring Network recommend that the following steps be taken to build confidence in the upcoming 2009 parliamentary elections:

- Parliament and the Government should take steps to clarify the enforcement authority of the SCER;
- Elections procedures need to be simplified;
- Training of security personnel should be increased;
- Training for SCER commissioners and staff should be refined and expanded;
- Deficiencies in the voter registry should be corrected in a manner that is open, transparent and non-partisan;
- Affirmative steps should be taken to ensure women participate in future elections as candidates;
- Enhanced oversight of the official print media should be initiated; and,
- Meaningful steps should be taken to define and enforce campaign expenditure limits.

Yemen is unique in the region in the level of its pluralism and political competitiveness. The 2006 elections represent a positive step in Yemen's political development, and while recommending that concerted steps be taken to correct abuses and to ensure more representative participation by women, we also wish to commend the inspiring efforts of the Yemeni people in pursuing the ideals of democracy and democratic elections.

2. INTRODUCTION

With the support of the Government of the Republic of Yemen and facilitation by the Supreme Commission for Elections and Referendum (SCER), NDI assisted four Yemeni non-governmental organizations (NGOs) in monitoring the presidential and local council elections held in September 2006. In addition, the Election Monitoring Network (EMN or the Network) observed supplementary elections for select district and governorate councils and two open Parliamentary seats, held in December 2006, and those elections are the subject of comments within this report as well. The four Yemeni organizations which comprised the EMN include:

- **Democracy School**, an NGO registered since 2002 whose mission is to provide for human and democratic-rights awareness – especially children’s rights;
- **National Youth Center**, a voluntary NGO founded in 1997 that works to raise general awareness of human rights, to inform the public of democratic principles, to maintain and protect the rights of youth, and to enlighten youth about societal issues;
- **Women Journalists Without Chains**, an NGO licensed in 2005 that advocates for rights and freedoms – especially the freedoms of expression and democratic participation – and aims to raise the efficiency of journalists in general and women journalists in particular; and
- **The Yemen Organization for Development and Social Peace**, the first tribal NGO in Yemen, which works to address revenge killing and development problems in tribal areas.

NDI facilitated this observation project by providing technical advice and materials and by training observers and partner NGO coordinators. This report also draws upon the work of NDI’s long-term staff who are based in Sana’a and have engaged the government, political parties and civil society in the months and years leading up to these elections.

3. METHODOLOGY

The EMN fielded 874 observers and 84 coordinators to observe 312 voting and counting centers (5.5 percent of the total number) in 20 of the 21 governorates for the polling and counting processes. NGO coordinators also monitored the campaigning in 49 Administrative Districts (15 percent). The percentage of observed voting centers per governorate was proportional to the percentage of total voting centers in each governorate. The majority of observed voting centers were selected from a random sample of the complete voting center list published by the SCER. The only adjustments to the random sample were made to ensure a balance of urban and rural voting centers comparable to Yemen’s demography. The Network did specifically select a few voting centers for observation where women candidates for either the local or governorate level councils were running. Priority for observation at the district level was given to those

Administrative Districts where multiple women candidates competed (either against each other or for different seats) and where female candidates who had received training from NDI were running. All voting centers where a woman candidate was competing for a governorate council seat were observed by the EMN.

4. POLITICAL CONTEXT

Since the union of North and South Yemen in 1990, Yemen has held direct elections for parliament (1993, 1997 and 2003), president (1999), and local councils (2001) and established a new and technically more proficient electoral administration - the Supreme Council for Election and Referendum (SCER). Historically, Yemen's elections have been marred by: intimidation of opposition candidates; disproportionate media coverage favoring the ruling party during the campaign period; allegations of misconduct by electoral commissions; military personnel at the polling stations; and election-related violence¹.

The 2001 local council elections revealed a significant shift in relations between the political parties. For the first time neither the Yemeni Socialist Party (YSP) nor Islah negotiated seats with the GPC in advance of the election, and a genuine opposition appeared to be developing. In the run-up to the 2003 elections, seven parties, including Islah and the YSP, formed an opposition alliance: the Joint Meeting Parties (JMP).² That alliance has held through the 2003 elections to the present, including the September 2006 presidential and local council elections.³

Relations between the national election commission, the SCER, and the opposition parties have historically been characterized by a lack of trust and cooperation. Though measures were taken in the year leading up to the 2003 elections to improve the SCER, the relationship remained a contentious one and worsened in the period prior to the 2006 elections. Concerns about the SCER's independence may, in some cases, have been justified, but the opposition could also be faulted for the lack of diplomacy they demonstrated in working with the SCER in both 2003 and 2006.

The 2006 presidential and local council elections were the sixth national elections in Yemen's history and the second presidential and the second for local councils (both district and governorate councils). In the previous presidential election (1999) the incumbent President Ali Abdullah Saleh ran essentially uncontested.

¹ 47 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 NDI's work to build inter-party relations appears to have helped reduced the degree.

² Yemen Congregation for Reform (Islah), Yemen Socialist Party (YSP), Nasserite Unionists Political Party (NUPP), Baath Socialist Party (BSP), Federation of Popular Yemeni Forces (PF), Al Haq (AH), and September Party, a small party which ceased to attend JMP meetings prior to the elections.

³ See NDI's 2003 International Observation report for more detail on the Joint Meeting Parties and the results of the 2003 elections.

5. ELECTION INFRASTRUCTURE

Under the SCER, there are three levels of election committees that oversee electoral processes in each of Yemen’s 21 governorates: the supervisory commission; the main commission; and the sub-commission. There is one supervisory commission in each governorate, one main commission for each of the 333 administrative districts (or 301 parliamentary constituencies for parliamentary elections) and over 27,000 sub-commissions. Men and women vote in separate sub-commissions.

Election Administration Structure

Country Division	SCER Administration
21 Governorates	21 Supervisory Committees
333 Admin Districts	333 District Main Committees
5620 voting centers / local constituencies	5620 1 st Sub-Committees
Approx. 30,000 Polling Stations	Average of 5 Sub-Committees per VC
Average of 350 voters per Polling Station	Approx. 9,300,000 Registered Voters

With the exception of oversight of the national media, the SCER passes most of its authority for administration and oversight of the elections during the campaign period down to the Main Commissions. Responsibilities of the Main Commissions during the campaign period included the assignment of locations and times of rallies, assignment of space for candidate placards, and the oversight of local media coverage and access. The Main Commissions were also responsible for monitoring the campaigns in their districts and responding to party and candidate complaints. Although these lower level commissions are formed of representatives from both the opposition coalition and the ruling party, they have a poor reputation as neutral administrators and arbiters.

In the period prior to the September elections and as a result of a series of inter-party dialogues, the ruling GPC and opposition coalition JMP signed an agreement, which came to be known as the “June 18 Agreement” (Agreement) (Appendix B). Endorsed by the government, the Agreement addressed issues surrounding the staffing of the elections commissions, as well as other electoral reforms of interest to the political parties. The impetus for the Agreement came from a conflict between the SCER and the JMP during the 2006 voter registration update in which the opposition parties declined to participate in staffing the lower level commissions, demanding a restructuring of the SCER as a condition for their participation. Their demands were based upon political inequalities in the composition of SCER commissioners: five were affiliated with the GPC and its allies and two were affiliated with the JMP. Despite the law mandating that commissioners execute their duties in a non-partisan manner, the political imbalance on the commission raised doubts regarding the SCER’s effective neutrality.

Following the signing of the Agreement, two opposition members were added to the SCER, increasing the total number of commissioners from seven to nine, with the two

additional seats allocated to the JMP, and changing the balance of party representation to five GPC commissioners and four JMP commissioners. As in previous elections, the supervisory, main and sub-commissions were formed from nominees of the political parties, with additional members appointed directly by the SCER.⁴ A very high number of the commissioners who were trained by the SCER for the April voter registration to meet the gap created by the lack of JMP nominated commissioners and who had testified that they were not party affiliated were replaced at the local level by untrained personnel.

The September elections were complicated to administer. One ballot was needed for the presidential race, 333 different ballots (one for each administrative district) for the governorate council races and 5,620 different ballots for the district level council races (one for each local constituency).

Due to the different numbers of Administrative Districts in individual Governorates, as well as disproportionate population figures in some Local Council constituencies, the SCER identified 1380 local constituencies as multiple member districts. Voters in these multi-member districts were to be told to vote for the number of members assigned to the district (eg. 2, 3, or 4 candidates) from the list of all candidates on their ballot. The SCER chose this more complicated system for voters rather than resolving the issue of multi-member districts in the counting phase by allocating seats to the commensurate number of candidates in order of total votes received, i.e. the three candidates with the highest number of votes in a three-member district become the winning candidates. A comparison of observer reports for multi-member districts with those from single member districts, noted a higher rate of confusion among voters in multi-member districts, but the reports did not indicate any other significant differences.

The Voter Registration List

Complete and accurate voter lists are an administrative cornerstone of a fair and orderly elections process. Unfortunately, there were considerable doubts surrounding the integrity of Yemen's voter registration list. Political and civil society leaders and SCER officials acknowledged that the list contained "more than 150,000" duplications and names of ineligible and underage voters. However, prior to the elections, the process to address these errors in the list was not carried out in a transparent manner, and many people claimed that revisions generated more controversy than clarity. This flawed process also led to the poor relations between the JMP and the SCER during the pre-election period. The voter registration process itself has been the focus of previous observation reports and will not be treated in this report in any length, except to note where these deficiencies are manifested in the elections themselves.

⁴ The inclusion of party nominees on elections committees helps the SCER meet a number of electoral needs specific to Yemen. First, it gives the parties some oversight of the process, making it more difficult – although certainly not impossible – for committee members to be influenced or coerced. Secondly, it provides a source of individuals who live in the area of the registration center. Third, it provides a significant number of individuals with previous elections administration experience.

6. ELECTION RESULTS

According to official results released by the Supreme Commission for Election and Referendum (SCER), the incumbent GPC candidate Ali Abdullah Saleh received 77.2 percent of the vote (4,149,673 votes) and the opposition coalition candidate Faisal Bin Shamlan received 21.8 percent (1,173,025 votes). In comparison, in the 1999 presidential race President Saleh received approximately 93 percent of the vote; in that election, the only other candidate was a member of the GPC who ran as an independent.

In the local council races, the GPC won 85 percent of governorate level seats and 76 percent of district level seats. Islah, the largest opposition party, won 7 percent of seats on the governorate councils, and 12 percent of the district level seats. The only other party to win significant numbers of seats, the Yemen Socialist Party (YSP), won 3 percent of the governorate council seats and 3 percent of the district level seats. This contrasts with the 2001 elections in which the GPC earned only 58.5 percent of the seats on the governorate councils and 58.6 percent of the seats on the district councils. In the same 2001 elections, Islah earned 20.4 percent of governorate seats and 23.3 percent of district seats and the YSP won 3.8 percent of governorate seats and 3.3 percent of district seats. The decline in the number of seats held by the YSP and Islah appear to be due to an insufficient investment in organizing, training and resources on the part of those parties in supporting local candidates rather than any systemic impediments to opposition candidates.

Despite increased activism by women within the political parties and extensive campaign training for women candidates provided by a number of civil society organizations, including NDI, the nomination and election of women continued to decline over previous election periods. Neither the ruling party nor the opposition demonstrated a willingness to educate or discipline local branches of the parties in support of women candidates. In aggregate, the parties nominated only 27 women out of a field of 1600 total candidates at the governorate level; seven of these women won. At the local council level, only 122 women were nominated out of nearly 19,000 total candidates, and only 28 of them won seats.

7. OBSERVER REPORTS

a. Campaign Phase of Election

The reports by observers of the EMN indicate that the campaigns were lively and mostly peaceful. Yemeni citizens turned out in large numbers for the rallies of both the incumbent and the opposition presidential challenger. The commitment of Yemeni citizens to the electoral process should be an inspiration to democrats throughout the region.

Despite a generally positive assessment of the campaign period, specific abuses were noted:

- The SCER and NDI received reports that pressure was exerted on local candidates, especially women candidates, to withdraw from the elections, from both political parties and local public figures.
- Political rhetoric – for example, GPC accusations that the opposition parties were supporters of terrorism – was very aggressive.
- Arrests of JMP candidates and supporters on what appeared to be politically motivated charges occurred.
- Despite efforts by the newly-created Security Sector at the SCER, in many centers the police and military also failed to act in a neutral manner, openly displaying support for the incumbent and GPC local candidates.

Public Rallies

Yemeni law requires that assignment of public rallies be posted publicly at the Main Commission to allow citizens to verify that the assignment of rallies has been made equitably. Of the Main Commissions monitored by the EMN, observers reported that in approximately one-third information about the time and location of rallies was not publicly posted. In a fifth of the Administrative Districts monitored, all or most of the observers reported that the time and locations were not fairly assigned. More than a quarter of observers felt that the locations assigned to candidates for their posters were not equitable.

Use of Public Resources

Observers noted serious abuse and misuse of public resources, including government facilities, vehicles and employee time. Over one-third of EMN observers reported that campaign events were held in government facilities other than officially designated sites; more than half reported seeing government vehicles used for campaigning and government employees involved in campaign activities during official working hours. Seventy-five percent reported campaign materials posted on government properties which were not officially designated sites.

Misuse of public resources was particularly prevalent at campaign rallies. Out of 198 governorate and district council rallies that observers attended, they reported that 13 were disturbed by security forces and/or supporters of other parties. Over half of these were rallies for Islah; four were rallies for independent candidates. In 55 of the rallies attended observers reported that government employees were staffing the rally during their working hours. In almost two-thirds of these cases, government employees were staffing GPC rallies; in ten of the cases the rallies were for Islah candidates; and in four instances the rallies were for independents. At 53 of the rallies, observers noted army or government trucks or buses near the rally. In 36 of these cases, military or government trucks were near GPC rallies, in six cases near Islah rallies, and in five cases independent rallies.

Reports of Use of Public Resources at Campaign Rallies

Party	Govt. employees staffing rallies		Army or Govt. trucks or busses at rallies	
	Number	Percent	Number	Percent
GPC	34	63	36	68
Islah	10	18	6	11
Independent	4	7	5	9

Of those who reported misuse of public resources, approximately one-sixth of observers reported misuse by Islah of government facilities and over half reported misuse by the GPC. In aggregate, the parties of the JMP coalition were observed to be misusing government facilities in 25 percent of EMN observation reports; and 60 percent of observers reported improper use of facilities by the ruling party.

Notably, the early payment of the Ramadan bonus⁵ just days before the election was widely interpreted by domestic monitors and the public-at-large as an effort to influence the vote. Further suspicion was raised when it was observed that bonuses were given to a large number of government employees who had not previously been eligible to receive the bonus. Again, this payment was interpreted to be intended to generate support for ruling party candidates. NDI also received numerous reports that the amount of the bonus was significantly larger than in 2005.

With respect to political advertising – posters, leaflets, and print media – it was apparent during the campaign that there existed a huge gulf in resources between the GPC and the other active political parties in Yemen. In order to create a more level playing field, Yemen should introduce meaningful and effective systems to limit campaign expenditures and introduce a system which forces all parties to reveal sources of campaign financing. This should apply both to the campaign materials generated by the parties themselves, as well as the significant amount of advertisements and other materials produced by third parties.

Religion and the Campaign

The election law prohibits the use of mosques and religious facilities for election related activities. During the campaign, the GPC regularly accused Islah of using the mosques for illegal electoral activities. While slightly more instances of electoral activities in mosques favoring Islah were reported, observers noted that the GPC also made use of religious institutions in its campaigning. One of the more problematic violations occurred during a televised campaign rally in Marib where a speaker claiming to represent religious scholars stated that incumbent President Ali Abdullah Saleh was the guardian (*wali Ala'amr*) and that it was not permitted to compete with the guardian.

⁵ Workers in Yemen receive the equivalent of one month's salary as a bonus during the holy month of Ramadan.

In addition, the government-owned Yemen Mobile Phone company sent the following SMS (text message) to all of its subscribers on 0136 hrs 20 September 2007: “Yemen Jurists/President Saleh is the one capable of running the state, the one who is trustworthy for people’s resources”. While it can be claimed that the Yemen Jurists (i.e., religious scholars) have a right to campaign for their preferred candidate, the use of this powerful public resource is clearly a violation of campaign regulations.

b. Polling Phase of Election

As NDI observed in the 2003 elections, aspects of the election which the SCER directly oversaw were relatively well managed, but the SCER did a better job of organizing and administering the elections than it did in preventing and correcting political abuses. However, in many instances the SCER’s efficacy as a professional commission was compromised by a tendency to leave the collection of data and the organizing of procedures to the last minute. The SCER needs to shift from an episodic approach with respect to elections preparation to a continuous approach. There were also reports that people who had voted in 2003 found their names had been removed from the registry when they went to the polling stations, which was indicative of the need for an improved and more transparent process for updating and reviewing the voter registry. Overall, however, the most significant problems arose as a result violations and abuses at the local level, and neither the SCER nor the local commissioners appeared willing to enforce the electoral law, e.g. campaign materials were not removed from the areas immediately around or within the voting centers, and security and powerful local figures were not stopped from attempting to intimidate or influence voters.

Access to Polling Sites by Observers and Voters

At the national level, only a very small number of observers reported that they experienced efforts to prevent their entry into a voting center, by either election officials or security. This contrasts favorably with the 2003 elections and the 2006 voter registration when many EMN observers faced barriers to access. A slightly larger number of observers encountered problems in some sub-commissions. These problems included denial of entry into voting centers and limitations on the period of observation.

Instances of Limited Access

Governorates with high percentage of observers reporting no access to a voting center		Governorates with high percentage of observers reporting no access to sub-commissions or limits on observation	
Governorate	Percent of observers reporting problems	Governorate	Percent of observers reporting problems
Amana	17%	Raima	37%
Abyan	17%	Dhale	25%
Taizz	10%	Shabwa	13%
Marib	12%	Marib	12%

The great majority of voting centers were found to be in locations that were reasonably accessible to the majority of voters in the area. However, over a quarter of observers in Sadah reported that the women's commissions were located in areas of the voting centers that were not easily accessible by women, primarily as the commissions were located to the rear areas of the centers and were not properly marked.

Organization and Administration of Elections

While the SCER should be commended for its organizational and administrative achievements, the system of elections was overly complex and, therefore, difficult for even well-trained commissioners to administer and created confusion for voters. In almost two-thirds of voting centers monitored, observers reported that many voters seemed confused by the ballots and/or about how to cast their votes. The multi-member centers were particularly confusing for voters, and almost twice as many observers reported that voters seemed confused by the process in multi-member districts as compared to single-member districts. Despite the complexity of the system, the great majority of commissioners appeared to be able to explain the process and ballots to voters. This speaks well of the administrative training of the commissioners provided by the SCER. It also contrasts with the poor showing of commissioners during the registration process when, due to conflicts between the parties and the SCER, commissioners were appointed from lists of unemployed civil servants who had not received training from the SCER.

Commissioners appeared to execute properly and in accordance with the law procedures for opening voting centers. Observers reported that, in almost every sub-commission they monitored, all three members of the commissions were present for the pre-polling opening procedures. There were a few instances in which the number of ballots delivered to a voting center differed significantly from the number of voters registered for that voting center. Notably, and unlike the local council elections in 2001, the ballots were judged to be correct and easy to read and the ballot boxes were shown to be empty before polling began. In only a small number of cases, observers noted a failure to reseal the ballot boxes after the opening inspection. Voting booths were properly situated, in contrast to the 2003 elections when many booths were positioned such that the open side faced the commissioners). However, almost a sixth of observers noted seeing many voters marking their ballots outside of the booth.

During the voting process, observers identified several areas of weakness in the process of administering the elections at the local level, which include the following:

- While only a few observers reported that sub-commissioners were not ensuring that voters inked their thumbs after voting, about 20 percent noted that the sub-commissioners were not checking thumbs for signs of previous inking to prevent multiple voting.
- Directions explaining the voting process were not posted in locations where they were easy for voters to read. About 20 percent of all observers reported that no

directions posted; the absence of voting directions was most prevalent in the governorates of Al-Jauf, Sana'a, Marib and Lahj. However, ballot boxes were found to be clearly marked, with the exception of Al-Jauf.

- Approximately one sixth of the observers noted that faces of voters were not being checked against their voter identification cards or other IDs.
- Almost 10 percent of the observers noted that voters were still in line when the polls were closed; Al-Jauf and Amanah had the highest rates.

Unlawful Campaign Activity and Intimidation of Voters

The parties, in particular the ruling GPC party, flouted the legal prohibitions against campaigning in and around polling stations. Almost two-thirds of the observers reported that campaign materials were present in the immediate area around the voting center. In 159 voting centers (over half), at least one observer reported seeing party or candidate representatives or locally influential citizens campaigning. In 153 of those voting centers, one or more observers were able to identify for which party or candidate these people were campaigning, with the breakdown by party as follow: in 117 (75%) campaigning was for the GPC; in 43, campaigning was for the opposition.

Over 40 percent of observers reported seeing voters in the voting centers being told for whom to vote. In eight governorates, more than half of the observers noted that voters were being coerced or influenced in their votes inside the voting centers. Observers reported seeing sub-commissioners telling voters for whom to vote or checking ballots themselves; the worst abuses appear to have been in al-Jauf, Sadah, Dhamar, Amran and Ibb. A more extensive problem, however, appeared to be abuse by locally powerful individuals. In almost 20 percent of the voting centers at least one observer witnessed persons attempting to intimidate voters approaching the voting centers. In another 20 percent of the voting centers *all* of the observers reported seeing persons who appeared to be intimidating voters as they approached the voting centers. Observers also reported witnessing some individuals involved in ballot stuffing.

Security and Military Issues

Interference by security in the voting process was a serious problem in previous elections monitored by NDI. The June 18th Agreement called for the creation of a Security Sector in the SCER to address this problem, and for the first time there was a systematic effort to train the military in their security role. The SCER provided training for the head of election security for each of the 333 administrative districts; the head was then responsible for training security personnel for each voting center in the district. Despite these steps, problems with the role of security personnel remained. In 56 of 292 centers, at least one observer reported seeing security personnel campaigning, and almost ten percent of observers reported seeing security personnel telling voters for whom to vote or marking their ballots for them. Sadah, Ibb and Al-Bayda had the highest prevalence of incidents in which security personnel told voters for whom to vote. Almost

25 percent of observers also said that they saw security treating women roughly. Men in military uniform were also reportedly campaigning in more than 10 percent of the centers observed.

The call for a ‘Weapons Free Day’ by the SCER and party leadership was a positive development. Only a few of the observers considered the area around the voting center unsafe, and in only about 10 percent of voting centers did one or more observers witness voters carrying arms.

c. Counting Phase

The Network monitored counting procedures in 268 voting centers (four-and-a-half percent of total counting commissions). Four centers which the EMN intended to monitor during counting had been closed during polling, and seven observers were denied access to the counting commissions.

Access to the Counting Process by Observers

Compared to previous elections, there were marked improvements in the accessibility of the counting process for observers. Training conducted by the SCER for counting commissioners regarding the rights of observers was improved. Despite this progress, some problems with regards to access continued. Twenty percent of the polling observers reported that they were not permitted to accompany the ballot boxes to the counting commissions. Such a high figure merits concern as it opens the process to suspicion that in some instances ballots may or could have been substituted, threatening the integrity of the election process.

In 27 cases (almost ten percent) observers for the country process were initially denied entry into the counting commissions. Of the 21 cases for which further details were provided, 11 observers were denied access by the commission and in seven cases by security personnel, and in three by a candidate representative or others – individuals with no legal authority over the counting commission. Notably, in all but seven cases, the observers ultimately gained entry. However, the fact that almost half the violations of observer rights were committed, not by commissioners, but by local leaders illustrates the failure of commissioners to enforce election law to prevent such abuse. The attempts by security to restrict monitoring indicate a continuing need both to educate security and to bring security under the control of the commissions.

EMN observers noted that only a small number of party agents or candidate representatives were denied access to observe the counting process: five party agents from the JMP and one from the GPC, as well as six candidate representatives, were denied entry to the counting commissions. The fact that, in many cases, only EMN observers and not party observers were denied entry suggests that the denial of access was derived more from an ignorance of the law or confusion over the status of EMN observers than from a desire to limit observation of the process.

Irregularities in the Counting Process

In aggregate, approximately 14 percent of counting commissions contained irregularities adversely affecting the transparency and accuracy of the process. These irregularities included the presence of unauthorized persons in the counting commission, a failure to properly display ballots when tabulating the vote, a failure to announce the decisions clearly and a failure to permit observers to view the minutes.

In almost a third of the counting commissions, observers reported the presence of unauthorized persons. Of the 113 unauthorized persons observed to be involved in the counting process, almost 40 percent were security personnel and 60 percent were candidate representatives. In 10 percent of the centers, observers reported that the commissioners did not hold up the ballots to permit the observers to review their decision. Observers were not able to view the ballot reconciliation minutes for each box in about 17 percent of the centers.

Suspension of Counting

The September elections entailed, on average, counting ballots in 15 boxes for each voting center (three boxes per sub-commission). The counting process in the centers therefore was very long -- in some cases extending until the middle of the following day. As a result, in almost 50 percent of voting centers the counting was suspended, and in 25 percent of the centers where voting was suspended, observers reported a failure to secure the room during the suspension of counting. The suspensions, and in particular the failure to secure the rooms in which ballots were located, opened the counting process to suspicions of ballot stuffing. In 90 percent of the cases the observers were present when the counting rooms were reopened.

8. DECEMBER SUPPLEMENTARY ELECTIONS

On 19 December, supplementary elections were held for district and governorate councils that were not filled during the September national election. Local elections consisted of polling in 152 voting centers, throughout the country; voting in 26 districts was for governorate councils and in 126 local constituencies for district councils. In addition, two by-elections were held for parliamentary seats in Hodeidah and Taizz, where there were open seats as the result of the deaths of sitting MPs. Supplementary elections were required in approximately 30 voting centers because ballots were incorrectly printed, with such critical errors as candidate names matched with incorrect candidate symbols. With many illiterate voters dependent upon symbols to identify candidates, these errors were considered an unacceptable shortcoming by election authorities. However, for the vast majority of the voting centers – over 120 – supplementary elections resulted from polling being postponed due to security concerns.

In these cases, either the centers could not be established due to potential violence in the days leading up to election day (September 20), or, as polling began, clashes occurred which forced officials to stop polling and close the center.

As supplementary elections often do not receive the same scrutiny as regular elections, making them vulnerable to abuses and corruption that go unchecked and unreported, the EMN made the decision to observe the polling and counting processes. The campaign period was not observed as large-scale campaigning did not take place. In total, the EMN fielded 235 observers in 15 out of the 16 governorates in which elections were taking place.

a. Polling Phase

In general, the EMN observers found that the supplementary elections were technically sound, and both improvements in some areas and worsening in others were observed when compared to the September elections. Of note, the following was observed:

Unlawful Campaign Activity in Voting Centers

The presence of campaign materials in and around the voting centers remained a problem; in over half the centers observed, monitors reported materials displayed and/or posted. In addition, in over 30 percent of the centers there were non-official persons campaigning for one or more of the candidates. Most worryingly, 44 percent of the observers reported that they witnessed non-official persons within the polling stations directing voters on how to vote and how to mark their ballots, a level approximately twice that of the September elections.

Security Issues

The behavior and performance of the security personnel significantly improved compared to the September elections. Of the voting centers observed, virtually no campaigning and/or inappropriate behavior by security personnel was witnessed. Similarly, observers reported that in over 90 percent of the voting centers they felt safe or had no significant security concerns. Given that many of the voting centers in the December elections were ones which could not be conducted safely in the September elections, this is significant achievement. However, there were still 30 voting centers in which polling could not take place for various reasons, but predominately because there were threats of violence and security concerns. In several cases, though, there remained the persistent problem of improperly prepared ballots. Disturbingly, there were also at least six cases in which electoral documents or materials were seized by either a sub-commissioner or local figures.

Access Issues

Virtually all observers were given access to the voting centers, with only a few reported cases of interference in monitoring activities. However, again, clear directions for voting were not displayed in a significant number (35%) of polling stations.

Underage Voting

Underage voting appeared to be a large problem during the supplementary elections, with a full 64 percent of the monitors observing underage voting taking place in the voting centers visited. This indicates that both the elections staff must be more vigilant in checking identifications and that the voter registry still has significant problems which must be rectified for future elections.

b. Counting Phase

The presence and activity of non-official persons was also a problem during the counting phase of the December elections. Almost 40 percent of the observers reported that there were armed men – aside from security personnel – present during the counting process. In addition, in at least 48 percent of the case observed, there were non-official persons participating in the actual counting process, either by handling the ballots or by recording the results.

In 12 percent of the centers observed, the counting was suspended before the process was completed, to be continued the following day. In 10 percent of these cases the ballot boxes were not properly secured (locked and sealed with wax). When counting was resumed, there was a problem with proper opening procedures; in 20 percent of the centers observed, not all candidate representatives were present, and in 15 percent not all sub-committee members were present. These irregularities contribute to suspicions of fraud and inaccuracies in counting.

9. RECOMMENDATIONS

In light of the above observations, it is the recommendation of the EMN that the following steps be taken:

1. The Parliament and the government should take steps to clarify the enforcement authority of the SCER. The enforcement of election laws and regulations in the campaign period, as well as on election day, is critical to establishing genuinely democratic election processes;
2. Elections procedures need to be simplified. Complex procedures are more easily manipulated, which can open the legitimacy of Yemen's elections to question. Revisions to the process should take into consideration accessibility for those voters who are illiterate and/or poorly educated;

3. Training of security personnel should be increased, and military leaders should broadcast directives more frequently and widely that remind security forces of their legal obligation to perform their duties in a neutral manner and to refrain from attempts to influence the vote;
4. Training for SCER commissioners and staff should be refined and expanded to address gaps in understanding observed during the elections, especially in light of the fact that new commissioners will be appointed to replace the current members for the 2009 elections;
5. The voter registry was a source of serious tension between the opposition and the SCER and a cause of serious delays in the preparations of the elections. Efforts to clean the registry of duplicates and underage generated more rather than less tensions and delays. Deficiencies in the voter registry should be corrected in a manner that is open, transparent and non-partisan, and there should be provisions for the removal of names from the registry only after a period of publication, and where challenge to removal is possible. In addition, all parties should be provided with a searchable electronic copy of the voter registry;
6. In order to encourage women candidates to run for public office, Yemen's political leaders should consider affirmative steps taken by other countries - such as the voluntary party-based quota system in Morocco, the setting aside of seats specifically for women, as in Jordan and Bangladesh, the requirements for gender parity in candidacies adopted by France, and similar measures in effect in Argentina. Steps should also be taken to secure seats for women on supervisory and main commissions. Likewise, if the interests of women are to be seriously addressed by the SCER, the Women's Department in the SCER needs to be established as a full sector;
7. The Media Sector of the SCER should develop enhanced oversight of the official print media, as there were obvious inequalities in the coverage of candidates that disproportionately benefited the ruling party;
8. Meaningful steps should be taken to define and enforce campaign expenditure limits, in order to bridge the enormous gap in resources between the parties. In addition, consideration should be given to developing a system whereby the source of campaign funding is made transparent;
9. The SCER must demonstrate its commitment to the role of observers in generating public confidence in the overall elections process and make further efforts to facilitate the accreditation process for observers. Administrative procedures at the SCER should ensure sufficient time for accreditation badges to be delivered to observers located in remote areas; and,

10. Finally, there needs to be early and extensive efforts to improve relations between the SCER and the parties of the opposition. The failure of the SCER to provide opposition parties with searchable electronic copies of the voter registry after the 2002 registration contributed to the climate of distrust, as did the manner in which the SCER identified underage and duplicate voters for removal from the Registry after the 2006 registration update.

In conclusion, these elections illustrate that Yemen has made important advances on its path towards a more democratic system since the 1999 presidential elections. However, significant challenges remain to be addressed in order to consolidate these advances and achieve political reform. Specific to these elections, the EMN encourages the GPC and the government to demonstrate leadership by initiating reforms to the election law and procedures that would promote greater fairness and transparency. The Network also calls on the opposition parties to participate actively in constructive discussions with the government and SCER to ensure that these reforms are carried out; boycotting components of the electoral process solves nothing. Lastly, while it should be acknowledged that the SCER has carried out competent elections, there are still serious problems in their operations which must be addressed, and it is critical as an election authority that the SCER becomes much more transparent in its operations and decision-making processes.

APPENDIX A

June 18th Agreement

(Agreement on principles to conduct free, fair, transparent, and safe elections in the upcoming presidential and local council elections between the GPC and JMP)

As Yemen in this stage is up to the most important democratic event in the political life and democratic practice which is the presidential and local council elections... and as political parties- signing this agreement- are aware of the national responsibility they hold in practicing their constitutional right which is built upon pluralism and peaceful transfer of power, and responding to the call of serious dialogue directed by his Excellency the president of the republic Ali Abdullah Saleh, and reinforcing the democratic process, and because of political parties' concern to actively and seriously participate in the upcoming presidential and local council elections to reflect the reality of pluralism and the achievement of the principle of peaceful transfer of power in responsible democratic atmosphere with absolute awareness that competitive elections do not mean antagonism as much as they mean being ready and working hard to serve the people in the best possible manner and deepening the principles of partnership and democracy and confirming that dialogue is a tool of development and transformation in all aspects of life. For that the political parties agreed upon the following:

First: The Supreme Commission for Elections and Referendum:

It was agreed to add 2 members from JMP to the current SCER structure. For that the political parties in parliament should provide a proposal to amend article, 19 Clause "A" of the law no 13 for the year 2001 regarding elections and referendum. The proposal should include amendment request to expand SCER structure from 7 to 9 members from amongst the 15 member list that were already nominated by the parliament.

Second: Formation of the elections commissions:

It was agreed to form the supervisory, main and sub elections commissions according to the law in the upcoming presidential and local council elections based upon 54 percent to GPC and 46 percent to the JMP.

Third: The Voter Lists Record:

It was agreed to form a legal professional team from the GPC and JMP to be approved by the SCER. This team will examine the voter Lists Record and take necessary legal procedures to transfer any legal violations in the Record (voters' lists) to the court aiming at clearing them from the record. The SCER should allow this team to start its mission as soon as possible.

Fourth: Neutrality of State Media:

1. Giving all political parties participating in the elections and the presidential candidates equal and enough space in the state run media to present their platforms and express their opinions. This right shall not be restricted except in matters that come to individuals' private lives or their honor. Any person working

in the public media who shall violate the principle of neutrality shall be fired. SCER should itself observe the neutrality of the state-run media and receive and handle complaints from political parties and candidates and refer those who are proven guilty to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER; and,

2. SCER should make a media plan to ensure neutrality of state-run media according to the Law.

Fifth: Neutrality of Public Office:

The public office should not be used for the interest of a particular political party. All district directors, governors and security and military leaders should be committed to neutrality towards the competition between political parties and candidates in the elections and not perform any campaign activities for or against any party or candidate during the electoral. Any official or person holding public position is prohibited from donating or promising any project from public money during the elections campaign. The SCER itself should monitor the neutrality of public office and receive and handle complaints from political parties and candidates and refer those who are proven guilty to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER.

Sixth: Public Money:

Using public money for a particular political party or candidate during elections is prohibited. The money allocated according to the law for presidential candidates should be distributed equally amongst all candidates under the observation of the parliament. Apart from that it is prohibited to spend public money or from the budgets of ministries, associations, companies and public authorities on elections campaigning. It is also prohibited to use public facilities, mosques and prayers' places for elections campaigning for or against any political party or candidate during campaigning. The SCER itself should undertake supervising and monitoring that. Those who prove to violate this during the elections campaign should be ceased from his job and referred to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER. Local donations should be handled in a transparent way according to the law. Any outside donation is prohibited.

Seventh: Neutrality of military and Security Forces:

The Supreme leader of the Military Forces should issue a directive to military and security forces to confirm the right of military and security forces to practice their political right in running for office and voting. Military and security leaders are prohibited from forcing or compelling the individuals to vote for any political party or candidate. Campaigning is prohibited inside military and security units and locations. This directive should be published in state-run and military media.

Eighth: Security Commissions

The tasks of the security commissions of the SCER and the security commissions under those commissions are limited to protect the security of voting centers. They are

prohibited from interfering in the electoral in any manner. They should report to and receive their directives, orders and instructions from the SCER. They should be headed by a member of the SCER.

Ninth: Political Party Observation Commissions:

Political party observation commissions shall be formed from all political parties. Every political caucus should be represented by one observer in all voting centers. The observers shall not interfere in the electoral process. Funding for this procedure shall come from government fund for the electoral process.

Tenth: Transparency:

1. SCER shall inform the political parties and the public about all the steps it takes related to its tasks; and,
2. Provide electronic versions of the voter lists records archived at the SCER to political parties-upon their request.

Eleventh: The Role of Women in the Democratic Process:

The role of women in the democratic process should reflect the leading Yemeni civilization spirit and renew the human and dynamic balance in the mutual relationship between men and women. For that Yemeni women and their constitutional and legal rights should be supported without any undermining in any manner, morally or financially. That is because women are the sisters of men. All political parties should make women's political participation a national, human and civilized goal.

Twelfth: things agreed to be addressed after the upcoming presidential and LC elections:

The following amendments to the law were agreed upon:

1. Re-forming the SCER so that all its members should be judges who are known for their qualifications, and impartiality. The mechanism of nominating and choosing them shall be agreed upon... their rank should not be less than appeal court judge;
2. Restructuring the administrative and technical body of the SCER according to civil service conditions and criteria. This should include SCER branches in governorates (announcement of vacancy and competition amongst those who meet the conditions);
3. Electoral judicial guarantees; and,
4. Finalizing the process of making a civil record of all administrative units which should be a reference to voters' lists.

Implementation of this agreement shall start as soon it is signed.

Sanaa

Sunday 06.18.06