

# COMPARATIVE ANALYSIS

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In other places in the world, such as parts of Africa and much of Latin America, a dire lack of resources and infrastructure, challenging physical environments, tribal and ethnic divisions, and years of armed conflict have led to major problems in organizing the voter registration process. At the same time, on paper, the process is often fairly inclusive and administered in a nonpartisan manner. The difficulties that occur in the Middle East and North Africa (MENA) region are quite different. Indeed, looking across the case studies included in this report, it would appear that the most significant problems are structural rather than procedural: first, that a number of groups are formally excluded by law; and second, that most of the countries have the Ministry of Interior in charge of elections rather than an independent authority. As an agency of the political party in power—including in countries with more repressive regimes—this presents varying degrees of concern about bias, pressure tactics, and partisanship.

Second-tier issues that are common across the region include: 1) compressed time frames for registering, updating registration information, and verifying information, which can both disenfranchise voters and lead to inaccuracy; and 2) documentation issues, related less to people lacking it, as may be the case in other regions, but more to the fact that requirements for documentation are confusing and often not understood. Of significant note is that, with a few exceptions, registration and turnout numbers in the region are relatively low compared to the rates of participation in other countries.

At the same time, very broadly speaking, the countries examined here actually get fairly high marks in several aspects when compared to other regions: conducting outreach efforts, such as the use of mobile units to reach more remote or marginalized communities; ensuring citizens have identification, whether for voting purposes or other reasons; providing access to the registration process, whether passive or active (there are a few exceptions, such as Lebanon, where registration is at the ancestral village); publicizing voters lists; and having fairly complete voters lists in many countries, if the reports can be believed. Below is a comparative examination of some of the general themes related to the registration process.

*Registration Rates and Turnout*<sup>259</sup>

Country (Year)	Registered Voters	Estimated Voting Age Population (VAP)	Turnout of Registered Voters	Turnout of VAP	Type of System
Algeria (2014)	22.9 million	26.0 million	49.2%	43.6%	hybrid (must get voter card)
Iraq (2014)	21.5 million	16.9 million	60.5%	76.8%	passive
Jordan (2013)	2.3 million	3.8 million	56.5%	34.1%	hybrid (must get voter card)
Kuwait (2013)	440,000	1.9 million	51.9%	12.2%	active
Lebanon (2009*)	3.3 million	2.65 million	54.0%	66.3%	passive
Morocco (2011)	13.5 million	21.0 million	45.4%	28.7%	active
Palestinian Territories (2006)	1.3 million	1.8 million	77.7%	57.7%	active
Tunisia (2014 legislative)	5.3 million	7.9 million	67.4%	45.4%	active
Tunisia (2014 presidential)	5.3 million	7.9 million	60.35%	40.45%	active

\*The EU 2009 observation mission cautioned that “Inasmuch as the Voter Register is passive, deriving directly from the Civil Registry offices which continue to list many Lebanese who no longer reside in Lebanon and who would not normally have registered to vote, and that it also includes those who are not allowed to vote, such as the military and the internal security forces, the number of registered voters does not reflect the actual number of voters” (p. 14). This may account for the registered population being greater than the voting age population for this country.

As is evident from the above chart, registration and turnout rates vary throughout the region. With the possible exception of the Palestinian Territories and Tunisia very recently, rates are not impressive from an international perspective. There can be a multitude of reasons for this beyond structural issues, procedural problems within the system, or efforts to intentionally exclude some parts of the population. Such issues include, most prominently, wide-reaching cynicism in the region about governance, politics and the value of elections. The number of citizens who consciously opt out of the voting process cannot be ignored as a factor.

Another part of the problem may be that virtually all of the countries employ periodic rather than continuous registration, and many have long periods of time prior to elections where information cannot be updated. This means that newly eligible voters may not be able to register in time for an election, while people who have moved or changed their names may also be disenfranchised if they have

259 Reported data cannot be independently verified. Based on International IDEA Voter Turnout website data, accessed May 5, 2015, <http://www.idea.int/vt/>.

not been able to change their information on the list in time.

For example, in Kuwait, the registration list is updated in February every year and this is the only time one may apply to be on the voters list. Jordan also uses an annual list revision. In Lebanon, no changes can be made within a year of revision of the list, and voters rolls are closed as of March 30 for the entire following year. In Iraq and the Palestinian Territories, the system and timing are not entirely clear. Only Morocco comes close to a continuous registration system, with citizens able to register during a 30-day period determined by decree prior to an election, as well as between April 1 and December 31 every year.

While continuous registration may be labor- and resource-intensive, it is advisable for the registration periods to be as close to elections as logistically possible, and for citizens to be able to update their data on a continuous basis to ensure that the principle of universal suffrage is respected.

Low levels of participation must be further investigated. That such large numbers of citizens are not taking part in the decision-making process indicates a failure by the state to meet basic tenets of democracy, which demands an inclusive and broad-based electorate to ensure legitimacy. This analysis attempts to dissect some of the practical measures that may be inhibiting full participation, but cultural and social factors, as well as autocratic tendencies in some places that remove incentive among some citizens to participate, must also be taken into account to gain a full picture of the state of democracy vis-à-vis international commitments in these countries.

### *Authority Responsible for Voter Registration*

Country	Ministry of Interior	Independent Election Management Body
Algeria	X	
Iraq		X
Jordan	X	
Kuwait	X	
Lebanon	X	
Morocco	X	
Palestinian Territories		X
Tunisia		X

As has been noted throughout this report, international obligations, including the International Covenant for Civil and Political Rights (ICCPR), indicate a strong preference for independence in the administration and implementation of elections. The majority of systems in the MENA region are run by Ministries of Interior, which is essentially the government itself. Because it has a stake in the outcome of the election, it therefore may not be trusted to carry out the registration process in a fair, accessible and even-handed manner. While a Ministry of Interior (MOI) in a country may on occasion be given the benefit of the doubt based on a recent competent performance, in the long run it is unlikely such a situation can be sustained.

Iraq, the Palestinian Territories and Tunisia stand out as having truly legitimate independent entities to run the registration and election process, although in the Palestinian Territories it must be noted that the appointments are made by presidential decree, an aspect that has come under criticism. Oddly, Jordan has an independent entity running many aspects of the election, but not the voter registration process, in which observer groups indeed found bias. The latest construction of the ISIE in Tunisia, established in 2014, is particularly promising for the principles of independence, experience, equity, inclusion and competence.

### *Groups Excluded from Eligibility*

Country	Military	Police	Naturalized Citizens	18- to 21- year-olds	Criminal Conviction	Bankruptcy	Ethnicity/ Nationality
Algeria*					X	X	
Iraq							X
Jordan	X	X			X	X	
Kuwait	X	X	for 20 yrs	X	X		X
Lebanon	X	X	for 10 yrs	X	X	X	
Morocco	X	X	for 5 yrs		X	X	
Palestinian Territories					X		X
Tunisia	X	X			X	X	

*\*Also excludes "someone whose conduct during the revolution of national liberation contradicted the nation's interest."*

Broadly inclusive elections are a requisite under a number of international agreements. These documents recognize some room for discretion, but exceptions from the rule must be reasonable and justified. Many of the countries studied here have laws excluding large swaths of society from the democratic process. This is harmful not only because it is contrary to international commitments, but also because it can threaten to undermine the legitimacy of an elected government. Such exclusion creates a reservoir of citizens that feels alienated from the political system, which can lead to cynicism or apathy at best, and sow civil dissension at worst.

For example, at the extreme, although Kuwait is somewhat unique in that it has so many migrant workers, in 2013 only about 440,000 people were registered to vote in a country of over 3 million residents.<sup>260</sup> That means that an uncharacteristically large number of people lives and works in a society and under a government they have no connection to, and a government that is accountable to a very small number of residents.

Moreover, Kuwait disenfranchises young people by making the age of voting eligibility 21, whereas in most countries it is 18. The same is the case in Lebanon.

260 Annual Statistical Abstract: Chapter 3," Kuwait Central Statistical Bureau, 2011; "Factbox: Kuwait's political system and voting rules," *Reuters*, July 25, 2013, <http://www.reuters.com/article/2013/07/25/us-kuwait-election-system-idUSBRE96O0FN20130725>.

Military and other security staff are excluded from the electorate in countries throughout the region. For example, disenfranchisement of members of the armed forces and a wide range of other public sector workers means some 220,000 Jordanians are excluded from the right to vote.<sup>261</sup> While international public law is not wholly settled on this issue, it is widely deemed ill-advised from the perspective of universal suffrage. Algeria, which enfranchises its armed services, is an exception in this regard.

Citizenship issues also are problematic in terms of full suffrage. In Kuwait, the election law excludes naturalized citizens from registering and voting for 20 years. This is contrary to international obligations and creates a two-tiered society. Even more problematic, Kuwait also does not allow any non-Muslims to naturalize, another contradiction of international principles. As a result of another part of Kuwaiti citizenship laws, there are some 100,000 Bedoon, who may have been in Kuwait for many years, in some cases going back further than some Kuwaiti citizens, who cannot register to vote. In Morocco, naturalized citizens cannot vote for the first five years of their citizenship.

Most countries disenfranchise some sector of citizens who have been convicted of a crime. In Algeria, the law prohibits registration to anyone “whose conduct during the revolution of national liberation contradicted the nation’s interests.” Although similar provisions have been debated in other countries in the region, they have been resisted as potentially fomenting resentment in the future.

Of the countries examined here, Iraq is the most inclusive in terms of the law. Inmates, detainees and prisoners are allowed to vote on the basis of registration lists provided by the Ministries of Justice and Interior within 30 days of the election. The law also provides for registration and voting for both internally displaced people and for voters abroad. Internally displaced persons—approximately 40,000 citizens—are identified and added to the voters registry by the Ministry of Internally Displaced Persons.<sup>262</sup> The Iraqi system allows registration for members of the military and other categories of citizens who are often not deemed eligible to participate in other countries in the region.

### *Access to the Registration Process*

The legal right to register to vote is not meaningful unless the registration process is actually accessible to all eligible voters. This requires that registration is active, the process is simple, voters are educated about the process, registration centers are close and easy to reach, and election administrators conduct sufficient outreach to ensure all eligible citizens have the opportunity to participate. If the system is passive, citizens must have reasonable opportunities to update their information and make sure they are included on the list. In this area, most of the MENA countries under review do a better job than many other countries of the world.

For example, in the Palestinian Territories, voters must simply appear at the registration center closest to their home with documentation during the prescribed period, and this has not seemed to be a barrier for most citizens. Tunisia has done well in setting up a large number of voter registration facilities and utilizing mobile voter registration offices to reach rural areas.

261 *Final Report: Parliamentary Elections*, European Union Observation Mission to the Hashemite Kingdom of Jordan, 2013, [http://eeas.europa.eu/eucom/missions/2013/jordan/pdf/final-report\\_en.pdf](http://eeas.europa.eu/eucom/missions/2013/jordan/pdf/final-report_en.pdf), 14.

262 Author interview with UN election assistance mission, December 9, 2013.

Jordan and Lebanon seem to be more troublesome in this area. The problem in Lebanon is plain and results from official policy, not from any failure in procedural implementation: Citizens must register to vote in their ancestral village, which may be very far away from where they currently reside. In Jordan, there have been procedural problems of accessibility in the registration process, which requires voters to travel long distances and involves unnecessary forms, lengthy procedures, multiple visits, and long waits in crowded registration centers.<sup>263</sup>

### *Efficiency and Accuracy*

Differences in time frames and resources, as well as political issues, have led to varying levels of efficiency and accuracy by the entities conducting voter registration in recent elections in the region. Moreover, levels of efficiency have, unsurprisingly, corresponded to assessed levels of accuracy in the eyes of international and citizen observers.

In Kuwait and Iraq, the process has been relatively smooth, although in Kuwait it is undertaken, problematically, by the national government and not an independent authority. Iraq's list is more accurate because it is based on a passive system that uses a relatively reliable and updated database while at the same time allowing for citizens to ensure their registration status is accurate. Voter registration in the Palestinian Territories has been greatly complicated by the political situation. Nonetheless, in 2013, the Central Election Commission (CEC) was able to mount an impressively well-conducted registration exercise in both the West Bank and Gaza, followed by updates in 2014 and 2015; even in 2006, the CEC was praised for its outreach efforts and education.

Jordan and Algeria have had more problems. Jordan garnered criticism for not following up on allegations of elections crimes, thousands of military personnel were impermissibly on the voters list, and there were tremendous issues with voter cards that may have led to disenfranchisement and fraud. Moreover, allowing for proxy registration and for people to choose their own polling place introduced complications that may have compromised the integrity of the list in ways contrary to international obligations.

In Algeria, although outreach has been well done during various electoral periods, the lack of transparency with respect to the list prevented the process from being as effective as possible, and the level of decentralization that the MOI reports to maintain with the lists can lead to inefficiencies and inaccuracy. Indeed, NDI discovered numerous instances of inaccuracies in the list.

In Lebanon, unlike in other countries, the process has been considered to be relatively efficient, but the data being used is out of date. For example, only registration location changes that had been made before December 7, 2007 were included in the update for the 2009 election.<sup>264</sup> It is highly likely that there was inaccurate information in the voters lists.

Tunisia saw a number of complications in 2011 and disappointing registration rates as a result. There was considerable confusion over the process that year, possibly leading to disenfranchisement. Although there is ongoing concern about the ability of the electoral commission to maintain an accurate list from a technical standpoint, the legislature has made attempts to clarify procedures under new laws.

263 Author interview with Lama Khateeb, Resident Program Officer, National Democratic Institute, March 12, 2013.

264 *Final Report on the 7 June 2009 Parliamentary Elections*, European Union Election Observation Mission to Lebanon, 2009, 14.

## Transparency

Principles of transparency and access to information are embodied in both Article 19 and 25 of the ICCPR, which relate to the right to receive information on the voting process and the obligation of the election authority to provide it. The voter registration process, and data regarding the list, can be especially opaque and inaccessible in the MENA region.

For example, even observers close to the process in Kuwait are unclear on the details about how the voters list is compiled and maintained. The voter registration list in Jordan was only provided in password protected PDF files. In Algeria, there is ambiguity in the laws and practices, and the government in the last election would not share the national registration list with outside organizations. In that country, lack of transparency and clarity are among the biggest problems with the election system.

However, especially in comparison with other parts of the world, many of the MENA region countries are taking steps to increase transparency. In the Palestinian Territories, the law is strong, guaranteeing an open registration process and a widely accessible list. Lebanon has made progress in disseminating the registration lists publicly and in educating the voting public about the need to check one's registration status. In the last election, international observers found that the Ministry of Interior and Municipalities (MOIM) performed election preparations in a transparent manner.<sup>265</sup> Morocco has also improved by making registration status available online and through text messaging, and, unusually, providing data that is demographically disaggregated. There is opportunity for public review of the registration list and some party involvement in the computer processing of the registry.

Although Internet access is not as widespread in this part of the world as in some others, usage is widespread and growing in the countries examined. As a result, it now should be customary for the authorities in charge of elections to put the most important election-related information on their websites. This is the case in some of the countries studied, but not others. Below is a chart of information made accessible to voters online in the countries.

Online Availability of Voter Registration Information									
Country Name	Registration Deadlines	How to Register	Where to Register	When to Register	How and Where to Review the Voters List	How to File a Complaint	Data on Voter Registration Rates	How to Contact the MOI or EMB	Voter Education
Algeria	X	X	X	X	X	X	X	X	X
Iraq					X			X	
Jordan		X	X		X	X	X	X	X

<sup>265</sup> European Union, *Final Report*, 12.

Kuwait	X	X	X	X	X	X		X	X
Lebanon	X	X	X		X	X	X (2009) X (2012)	X	X
Morocco	X	X	X	X	X	X			
Palestinian Territories		X	X			X	X	X	X
Tunisia		X	X		X	X	X	X	X (pres.) X (leg.)
Yemen							X	X	X

All sites re-accessed April 2015, except Iraq and Yemen, accessed June 2014; some discrepancies in registration dates and locations may have been related to electoral cycles and pending updates.

Most of the websites lack key information, although it should be noted that Algeria’s site is surprisingly organized and accessible despite the MOI’s lack of transparency in other ways.<sup>266</sup> Jordan’s site<sup>267</sup> is also quite good in terms of access to voter registration statistics, procedures and locations; however, it does not provide relevant dates or deadlines for voter registration. It also provides instructional and educational materials. The Palestinian commission’s website is also very informative, and Tunisia’s ISIE website undertook a significant update prior to the 2014 elections. This is an area in which it is easy for the governments to improve, and doing so will bolster their adherence to essential transparency principles.<sup>268</sup>

### Documentation Issues

As has been pointed out repeatedly in this report, identification requirements for voting that are difficult or impossible for some citizens to meet may violate international norms under Article 25 of the ICCPR. Indeed, states must take affirmative measures to facilitate getting eligible voters the documentation they need to register and vote, including voter education on the registration process.

The problems with identification are not, broadly speaking, of the same nature as one finds typically in developing countries in Africa and Latin America. Many communities in those regions are completely undocumented and have no means to access identification papers necessary to participate in voting or other aspects of life, such as health care and education. In the MENA region, although there are a few cases of these types of problems, such as requiring a fee for documents, the issue is not that people lack identification. It is more that election authorities are often ineffective at communicating how and

266 Ministry of the Interior and Municipalities of Algeria, 2009, <http://www.interieur.gov.dz/Default.aspx?lng=ar>.

267 Independent Election Commission, accessed May 8, 2015, <http://www.entekhabat.jo/public/DefaultAr.aspx>.

268 See National Democratic Institute, “Electoral Transparency, Participation and Accountability,” in *Opening Government*, ed. Transparency and Accountability Initiative, 2011, <http://www.ogphub.org/wp-content/uploads/2013/02/Opening-Government.pdf>.

when identification is to be used, and can even manipulate the dissemination and use of identification cards for political ends. With the confusion around which documents are to be used when, there is potential for disenfranchisement as well as fraudulent practices.

For example, in Lebanon the 2009 election was the first to require a national identification card or passport at the polls to vote instead of a voter card disseminated by the MOIM. It was estimated that 600,000 to 700,000 Lebanese citizens did not have the requisite documentation. Despite the best efforts of the MOIM, there were a number of administrative problems<sup>269</sup> and allegations that the process for dissemination and delivery of the cards was politicized and manipulated by the political parties. There were even reports of parties buying ID cards.<sup>270</sup>

2011 was the first election in which Morocco required the national identity card to vote. Lack of information from the MOI about this change led to widespread confusion about what was required to register, who was required to register, and what one needed to bring on election day.<sup>271</sup> Further, an identity card costs 75 Moroccan dirhams, or US\$9.

On the other hand, because of the strength of certain institutions in some MENA countries, most citizens have identity cards. This is by and large the case, for example, in Kuwait, though it must be noted that if one does require an ID there is an approximately US\$9 fee. Moreover, although the system appears complex, Iraqis almost universally have the necessary documentation for voting, as do Palestinians. It is believed that the majority of Jordanians do have a national identity card, though the process for obtaining one is not simple.<sup>272</sup> Given that these countries, like some others around the world, make possession of a particular identity document a pre-requisite to voting, it is notable that the governments do by and large ensure citizens actually have them, even if for reasons other than elections. This is not necessarily the case in other places where ID is necessary to vote but difficult to obtain, sometimes leading to issues of disenfranchisement.

Another problem worth noting here is the interaction between documentation for voting and citizenship laws. Though a thorough discussion of this issue is outside the parameters of this paper, it is important to understand how rules around citizenship, especially with respect to women and certain ethnic groups, can be used to deny voting rights without strong justification.

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269 *Final Report on the Lebanese Parliamentary Election*, National Democratic Institute, 2009, <https://www.ndi.org/node/16115>, 22.

270 National Democratic Institute, *Lebanese Parliamentary Election*, 23.

271 *Final Report on the Moroccan Legislative Elections, November 25, 2011*, National Democratic Institute, 2012, <https://www.ndi.org/files/Morocco-Final-Election-Report-061812-ENG.pdf>, 5.

272 As noted, according to the website of the Department of Civil Status and Passports (CSPD), to obtain a national identity card, among other requirements, one must present a family book. As also discussed, to get the family book one must present a whole host of documents. The rules require that in order to obtain the family book, one must have birth certificates for all family members, yet another layer in the documentation process. There is one additional problem to this process: A Jordanian woman widowed, divorced or married to a foreigner is entitled to obtain a civil record and family book in her name, although the children of a divorced women or one married to a foreigner are not added to the book regardless of their ages. Hence, the children of a woman married to a non-Jordanian will never be eligible to be voting citizens of Jordan. To register a birth, one must apply in person with the family book and proof from the hospital. Birth registration is required within 30 days under penalty of a fine. Data suggests that nearly all births in Jordan are registered, though 1.2 percent of births are not reported. Though it has not been a major area of complaint, the many layers of required documentation are a potential barrier to full and inclusive participation in Jordan.

## *Gender Equality*

The two countries in which issues around gender come up in the registration process in a more poignant way are Kuwait and Lebanon. Women in Kuwait have been allowed to vote for less than a decade. Some election observers report that women have since been encouraged to register to vote, in some cases by husbands and fathers who see it as a second vote for themselves.<sup>273</sup>

Contrary to several international treaties, including CEDAW, under Lebanese election law married women are required to register in their husband's ancestral village rather than their own.<sup>274</sup> This denies women their own individual voice in their own village of origin, and thus is discriminatory. Moreover, women who marry foreign men cannot transfer citizenship to their husbands or children, meaning their spouse and offspring will never be able to register to vote.<sup>275</sup> This, too, is discriminatory since a Lebanese man can confer citizenship to his foreign wife and their children, and they will become full citizens of Lebanon able to cast a ballot.

Although it was not examined specifically here, it should be noted that it is also important that women play an equal role in the election administration process, including at the registration stage by acting as registrars, serving as members of commissions and holding high-ranking positions within ministries.

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273 Author interview with Ghada Alghanim, board member of the Women's Cultural and Social Society and founding member of Sout Al Kuwait, October 5, 2013.

274 National Democratic Institute, *Lebanese Parliamentary Election*, 17.

275 Doreen Khoury, "Women's Political Participation in Lebanon," Heinrich Böll Foundation, July 25, 2013, <https://www.boell.de/en/2013/07/25/womens-political-participation-lebanon>.