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STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI) PRE-ELECTION ASSESSMENT DELEGATION

Sana'a, March 23, 1997

I. THE DELEGATION AND ITS WORK

This statement is offered by a four-member international pre-election assessment delegation organized by the National Democratic Institute for International Affairs (NDI). The delegation visited the Republic of Yemen from March 16 through March 24, 1997. The purposes of the delegation were to demonstrate the interest of the international community in the democratic process underway in Yemen and to examine conditions prior to Yemen's April 27 parliamentary elections.

The delegation's work was part of NDI's election-related activities in Yemen, which will also include an international observer delegation to the April 27 elections. NDI staff will remain in Yemen until the final results of the election are determined. Additional statements will be released by the NDI election observer delegation, and NDI will issue a final report after definitive election results are announced.

This pre-election assessment delegation included election experts and political and civic leaders from three continents. Delegation members have participated in numerous electoral assessments and international election observer delegations around the world. The members of the delegation included: Maria Leissner (Sweden), former leader of the Swedish Liberal Party and former Member of Parliament; Conny McCormack (United States), who as Registrar-Recorder/County Clerk directs election administration for Los Angeles, California; Guillermo Marquez Amado (Panama), former President of Panama's Electoral Tribunal; and Patrick Merloe (United States), NDI's senior official for electoral programs. The delegation was assisted by NDI program staff, including David Nassar and Margaret Zaknoen.

The delegation was charged with several tasks: (1) to assess the legal framework for the elections in light of international standards for fair electoral competition; (2) to review the state of preparedness of the electoral administration; and (3) to gauge the political environment surrounding the elections and the degree to which the public is being notified about the electoral process and about the candidates so that they may make a free and informed choice. The delegation's activities were conducted in accordance with recognized standards for international election observation, which is now accepted throughout the world. The delegation did not seek to interfere with or to certify the election process, and it recognized that ultimately it is the people of Yemen who will judge the fairness of the elections.



The pre-election delegation conducted meetings in Sana'a with members of the Supreme Election Committee (SEC) and other government officials, including President Ali Abdullah Saleh, Speaker of Parliament Sheikh Abdullah Bin Hussein Al-Ahmar and Prime Minister Abdulaziz Abdulghani, leaders of Yemen's political parties, leaders of Yemeni nongovernmental organizations involved in monitoring the election process, journalists and other Yemenis concerned with the elections, as well as with members of international organizations providing assistance for the April 27 elections. The delegation traveled to Aden and Taiz, where it met with local election officials, political party leaders, candidates, nonpartisan national election monitors and others involved with the upcoming elections.

NDI has conducted programs to assist the democratic process in Yemen since 1993. Since 1995, NDI has provided assistance to Yemen's political parties and party coalitions concerning issues of long-term organizational development and training of pollwatchers for the upcoming elections. NDI's initial activities in Yemen focused on assisting domestic nonpartisan election monitors for the 1993 elections, and the Institute has provided assistance to such efforts in Yemen over the last year. While NDI's election assessment and election observer delegations are distinct from its other programs in Yemen, the visits of NDI staff to different parts of the country over the last several months helped in providing background information for the delegation.

II. FINDINGS AND OBSERVATIONS

SUMMARY

The delegation noted many positive aspects of Yemen's election process and recognized that the April 27 elections are part of a political process aimed at advancing Yemen's democratic development. At the same time, the delegation developed serious concerns about issues that could affect public confidence in the political process and attitudes about the elections.

The legal structure for the April 27 elections compares favorably to that of other transitional democracies. Administrative preparations for the elections, while not without problems and serious challenges, appear to be on course for election day. Political parties and candidates are actively positioning themselves concerning the elections. Most important, Yemenis appear enthusiastic about advancing democracy. The delegation was also pleased to note efforts by election authorities, political parties and nongovernmental organizations to increase women's participation in the election process.

The delegation recognized that Yemen has held only one other parliamentary election since unification in 1990, and it suffered a civil war in 1994. The political leaders with whom the delegation met all stressed the need to carry out peaceful and open political competition. Actions by several political parties, however, present important issues for consideration. These issues include: (1) "coordination" agreements among political parties not to oppose one another in a large number of the parliamentary constituencies; and (2) the announcement of a boycott

of the elections by the Yemeni Socialist Party (YSP), which was the third largest party represented in parliament following the 1993 parliamentary elections and the largest opposition party. The YSP boycott could be joined by one or more of the other parties, while three of the four largest parties and several smaller parties apparently have decided to participate in the elections.

The delegation also was concerned about issues raised by numerous sources regarding the credibility of the voter registration process and additional matters regarding aspects of the election preparations and of the upcoming official campaign period. The delegation has offered several recommendations in the spirit of international cooperation and the hope of providing assistance to Yemeni authorities and to political and civic leaders, who uniformly expressed strong interest in conducting an open election process.

A. Legal Framework for the Elections

In addition to its meetings noted above, the delegation reviewed the Constitution of the Republic of Yemen, the election law and regulations relating to the April 27 elections. The delegation observed that, in general, the legal framework for the elections compares favorably to those of other transitional democracies. In particular, the delegation noted the following points.

- 1) The Constitution requires adherence to international instruments that set standards for observing civil and political rights related to genuine democratic elections, and it provides explicitly for protection of such rights. (Articles 6, 24, 25, 31, 40-42, 47, 50, 56, 57, 63.)
- 2) The Election Law provides for universal suffrage, a secret ballot and voting based on the free will of the voter and calls for the Supreme Elections Committee (SEC) to take affirmative steps to encourage women to exercise their electoral rights. (Articles 3-6, 47, 50, 64, 97, 98.)
- 3) The Election Law calls for the SEC to be independent and politically neutral. (Articles 22, 24, 26, 32, 33.)
- 4) The Election Law addresses a number of issues relating to campaign resources. These include: requiring the SEC to provide equal access to the official media for all candidates to present their electoral programs; placing the official media at the disposal of the SEC for such access and to conduct voter education; providing for equal space for candidates to publicly post their election materials; and banning use of public funds, institutions or organizations in election campaigns for the advantage of a candidate or party. (Articles 35-38.)
- 5) The Election Law provides for political party/candidate pollwatchers, Yemeni nonpartisan election monitors and international election observers, which increases the

ability of political contestants and the public to view and better understand the election process and thereby develop confidence in sound election practices. (Articles 58, 61, 64, 65-67, 70, 104.)

B. Electoral Administration

The delegation noted that administrative preparations for election day, while not without problems and serious challenges, appear to be on course. Election materials are in the process of being distributed; a training program for pollworkers is being initiated; candidate nominations have started, and distribution of voter identification cards is beginning.

Voter Registration: The delegation received reports from all of the political parties with which it met and from Yemeni nonpartisan election monitors that there were serious problems in the voter registration process, the so-called "first phase" of election preparation. Issues raised included: allegations of the SEC not meeting legal requirements for conducting voter registration at each polling station; using mobile voter registration in a manner that disadvantaged localities with strong support for opposition parties; multiple registrations (especially of women and the military); registration of underage persons; and moving military forces in order to register them in constituencies where their presence could affect the electoral balance in favor of the governing parties.

While the delegation could not investigate allegations concerning the registration process, it called on political parties to present evidence of alleged problems in voter registration, and called on the authorities to take steps to address concerns raised about proceeding to the elections on the basis of the present voter lists.

The delegation was made aware of court rulings regarding problems in the voter registration process and was concerned that agreements among political parties led to non-enforcement of some judicial decisions and withdrawal of numerous electoral complaints. Failure to correct problems in the voter registration process in favor of political agreements tends to weaken public confidence in both election and judicial processes.

The delegation noted with regret that incidents of violence took place between supporters of some parties during the registration process, and the delegation expressed hopes that actions by authorities to increase public confidence and actions by parties to control their supporters will be able to prevent such clashes in the immediate run-up to the elections.

Impartiality of the SEC. While the law provides for an independent and neutral SEC, the delegation noted claims by almost all political parties with whom it met that the SEC showed partiality toward one or both of the governing parties during the registration process, in selection of sites for polling stations and in other ways. The delegation also noted actions by the SEC to safeguard its independence from political influence. The delegation encouraged the SEC to initiate and maintain dialogue with the political parties and to allow the parties and the public to view SEC activities in order to increase public confidence in the elections.

Ballot Design and Voter Education. Ballot design is not yet complete, which creates a serious challenge. Yemenis have not accumulated a great deal of voting experience, and for the first time ballots will include symbols for parties and independent candidates. Completion of ballot design is needed in order to conduct sufficient voter education before election day, as well as to complete ballot production for distribution to the polls. The latter task is complicated by the potential need in some constituencies to correct ballots due to last minute withdrawals of some candidates. The short period from the close of candidate nominations to election day leaves little time to produce ballots. It also leaves little time for candidates to conduct voter education about their place on the ballot, which could be complicated in constituencies where an expanded or two-sided ballot is required by a large number of candidates. If these matters are not addressed early, voter confusion could cause problems at the polls.

Education about voting procedures and the importance of voting -- as well as where and when to vote and how to obtain a voter identity card -- is urgently needed. Such education is being conducted by Yemeni nongovernmental organizations concerned with the elections and may be done by political parties and candidates. The SEC, however, is required by law to conduct such educational activities, and the official media is to be at its disposal to do so. This is particularly important given the large number of voters who cannot read. In addition, special messages will be needed to encourage women to obtain voter identity cards and to vote. The delegation was concerned that widespread voter education is not yet taking place across the country.

Women's Participation in Election Processes. The delegation noted the enthusiasm of women about the elections and a genuine desire to participate more actively in the election and political processes. The delegation was encouraged by steps taken by election officials, political parties and nongovernmental organizations to increase the number of women who registered to vote. The increase in women's registration was dramatic in a significant number of parliamentary constituencies. In some constituencies, however, the number of women registered is still quite small. In two constituencies, no women are registered to vote. In addition, the requirement for a photograph on voter identification cards may cause many women who registered not to obtain their cards. This would prevent them from voting. Special efforts will be necessary to avoid this problem, such as voter education and actively publicizing pronouncements by religious leaders that women may be photographed in order to participate in the elections.

Media. The delegation noted that there is a diversity of opinion presented in Yemen's printed press. Radio, television and the news agency are all part of the official media. Given the large number of people who cannot read in Yemen, radio and television play a crucial role in shaping public opinion concerning electoral choices. The absence of private and independent public broadcast media is also important in such circumstances. While the law requires equal access to the official media during the election campaign for political contestants, the shortness of the campaign may not provide sufficient opportunity for parties and candidates to reach voters with adequate information for them to make informed choices. Moreover, the delegation received numerous reports of unbalanced news coverage of issues, parties and personalities of

import to the elections. In circumstances where broadcast media is under official control, steps are required to ensure balanced coverage of parties, candidates and issues of national importance during the entire pre-election period.

C. Election Environment

The delegation noted that political parties are actively positioning themselves for the elections. Candidates are in the process of filing nomination papers and are preparing to begin their campaigns. The news media, particularly the printed press, are covering the elections and political developments from differing perspectives. The delegation also noted the substantial and positive contribution to electoral preparations being made by Yemeni nongovernmental organizations, such as the Arab Democratic Institute and the Election Monitoring Committee, in election monitoring, civic education and encouraging women's participation.

At the same time, the delegation had serious concerns about issues that could weaken public confidence in the political process and the elections. Taken together with problems in the voter registration process and the methods used to settle those problems, the issues merit serious consideration.

Coordination Agreements. Political agreements are being arranged between the two governing parties ("coordination agreements"), and in some cases between one or both of them and other political parties, not to offer candidates against the other party in certain parliamentary constituencies. A large number of constituencies apparently will be affected by such agreements. The delegation was told by leaders of almost all of the parties that the motivations for such agreements are to reduce tensions and avoid the potential of violent clashes in some constituencies and to help ensure seats in parliament for smaller parties.

It is understandable, in light of the potential for violent incidents and experiences in the 1994 civil war, that a desire for stability and inclusiveness towards certain parties could make coordination agreements attractive. Also, coalition arrangements are not uncommon in democracies, before and after elections. Nonetheless, in a country without strong democratic traditions and with weak democratic institutions, such agreements could be perceived by voters as limiting their abilities to make genuine choices at the ballot box, which could weaken public confidence in the elections.

Election Boycott. The YSP has decided to boycott the April 27 elections. They may be joined by one or more other parties in this effort. The decision of a party, or the decision of any voter, to lodge a peaceful protest by not participating in an election is a legitimate form of political expression. Such a decision, however, limits the choice of voters. This is more unfortunate in light of the effects of the coordination agreements and in light of YSP's present position as the largest opposition party in parliament.

The delegation noted reasons for the boycott advanced by leaders of the YSP and heard explanations of the boycott from other political parties as well. The delegation also noted that

several elements of the YSP may find ways to stand for election as independents. The decision to boycott came about after negotiations with the ruling parties over YSP claims of unfair treatment, particularly since the 1994 civil war. The YSP also has negotiated with other opposition parties for their support. The delegation encouraged all sides to continue and heighten dialogue that might lead to YSP's participation in the electoral process.

III. RECOMMENDATIONS

The delegation noted the many positive elements of the pre-election environment, electoral organization and the legal framework for the elections. In addition, the delegation appreciated the openness and serious attitude of government leaders, election officials, party representatives and candidates and civic leaders with whom it met. In the spirit of international cooperation and in light of these positive factors, the delegation offers the following recommendations.

1) **Political Dialogue:** All of the leaders with whom the delegation met expressed a desire for dialogue among the political parties in order to ensure inclusiveness, stability and a peaceful election process. Such dialogue should continue and be heightened by all sides in order to encourage that those boycotting the elections either decide to participate in the elections or otherwise engage constructively in Yemen's political process. At the same time, the delegation also expressed hope that concern for inclusiveness and stability that have motivated the coordination agreements should not be allowed to impact adversely on a genuine multiparty system. Dialogue is also needed among the parties and the SEC to address ways to avoid incidents of violence related to the elections.

2) **Increased Transparency:** The SEC and local election officials are working to prepare for the elections, yet many of the political parties lack confidence in the SEC's impartiality. It is recommended therefore that the SEC actively engage in dialogue with the political parties concerning its activities in the run-up to the elections. The dialogue might include regular meetings with the parties in the period leading to the elections -- to provide information and listen to their concerns -- which could improve confidence in the election process.

3) **Voter Lists:** The political parties participating in the April 27 elections have agreed to proceed with voter lists generated in part from the recent voter registration process. Given the numerous complaints concerning the election registration process and given that most political parties express a lack of confidence in the voter lists, action will be needed to avoid election day problems connected with those lists. The delegation recommends that the SEC set forth clear procedures, after consultation with the parties, to resolve such problems. The procedures should address, among other matters: methods for candidate representatives to challenge persons suspected of impersonating a registered voter and/or challenging persons suspected of being underage. The procedures should also address ways of preventing multiple voting by using indelible ink, tested to the satisfaction of candidate agents and election monitors present in the polling stations.

4) **Voter Education:** The delegation noted plans for a variety of civic and voter education programs to be carried out in the short period remaining before the April 27 elections. Continued and heightened efforts should be made to conduct education campaigns concerning the importance of voting, voting procedures and the need for peaceful electoral competition. The delegation urges the immediate completion of ballot design in order to facilitate education about the use of symbols for parties and independent candidates appearing on the ballot.

5) **Women's Participation:** The SEC should conduct widespread and vigorous voter education aimed at encouraging the participation of women in the elections, including actively publicizing pronouncements by religious leaders that women may be photographed for their voter identity cards. Steps also may be needed to ensure unimpeded access by women to polling stations, which should be incorporated in the election day security plan and should be publicized.

6) **Media Access and Fairness:** Candidate access to the official media, as provided by law, could prove inadequate for voters to receive sufficient information needed to make informed choices at the ballot box. In addition, news coverage in the official media must be balanced in order to provide for a fair election. The SEC therefore should take immediate steps to provide adequate time for political parties and candidates to present messages to the voters. The exact amounts of time, the hour of presentation and the format could be determined upon discussions with the political parties. In addition, the delegation recommends that the SEC use its authority over the official media concerning electoral matters to ensure accurate and balanced coverage of all political contestants. The delegation also recommends that the political parties and Yemeni nonpartisan election monitors observe media behavior leading to the elections and report to the SEC and the public concerning their findings. Following the elections such organizations may encourage public discussion concerning issues of fairness in political coverage in non-election periods and the importance of private and independent public broadcast media.

7) **Public Assurances:** The delegation also recommends that government leaders, the SEC, candidates and other political and civic leaders take further effective steps to assure the public that the elections will take place in a calm and peaceful environment. It would also benefit public confidence if the government and the SEC issue statements reminding the public that the law prohibits anyone from threatening or using official status to influence the way any voter, including any member of the military, casts a ballot.

The delegation greatly appreciates the hospitality extended to it by representatives of the SEC and other governmental officials, political party leaders and candidates, leaders of nongovernmental organizations, members of mass media and civic leaders. The delegation could not have accomplished its tasks without the generous cooperation of those with whom it met. NDI remains committed to assisting those who are working to advance the democratic process in Yemen. NDI will continue its activities in Yemen through the work of its international election observer delegations and staff presence throughout the election and immediate post-election periods. Further reports will be issued as part of these efforts.

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