



STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO YEMEN'S APRIL 2001 PARLIAMENTARY ELECTION

Sana'a, August 6, 2000

I. INTRODUCTION

This statement is offered by a pre-election delegation of the National Democratic Institute for International Affairs (NDI) that visited the Republic of Yemen from July 31 to August 6, 2000. NDI intends to organize two future pre-election delegations, as well as an international delegation to observe Yemen's planned April, 2001 election.

NDI organized a pre-election delegation to Yemen's parliamentary election in 1993, and both a pre-election and an international observer delegation to the subsequent election, in 1997. The Institute also supported the non-partisan monitoring and voter education efforts of independent civil society organizations for both these elections. Since 1997, NDI has conducted a number of democratic development programs in Yemen. These include: work with members of parliament on constituency relations; dialogue with political parties to encourage the participation of women in politics and on the norms of multiparty politics; and the organization, in June 1999, with the cooperation of the Yemeni government and others, of the Emerging Democracies Forum, a conference of sixteen countries in the midst of democratic reforms. In the coming months, in addition to its own monitoring efforts, NDI intends to support election monitoring programs by non-partisan civic associations and to provide assistance to political parties on activities related to the election campaign.

The purposes of this delegation are: to express the support of the international community for a continued strengthening of the election process in Yemen; to assess the evolving political environment surrounding the upcoming elections, as well as the state of electoral preparations; and, to offer an accurate and impartial public statement of its observations. NDI does not seek to interfere in the election process, nor, at this juncture, to make a final assessment of the process. NDI offers these comments in the spirit of friendship and recognizes that, ultimately, it will be the people of Yemen who will determine the credibility of the elections and the legitimacy of legislative bodies that result.

II. SUMMARY OF OBSERVATIONS

The delegation is mindful of the significant progress that Yemen has made over the past decade in establishing working democratic institutions. Since 1990, the country has held three national elections, has given women full legal rights to participate politically, has established a representative parliament and an independent electoral commission, and has created an environment for the growth of a multiparty political system. Yemen's leaders have shown

courage and vision in the past and it is with this history in mind that the delegation conducted its work.

In our opinion, these leaders will need to draw upon this same courage to move the country further down the road to full democracy. It appears to us that Yemen's democratic progress has stalled, that the momentum for reform that existed several years ago has unfortunately diminished. This sense of complacency is most evident in the administration of the voter registration system, which is seriously flawed but does not appear to be the object of sustained political interest. Yemen needs urgently to reform its voter registration procedures to prevent a serious erosion of public confidence in the entire democratic system.

Conducting concurrent parliamentary, governorate council, and local council elections is an enormous undertaking that would overwhelm the capability of most administrative bodies. It appears that not all necessary measures can be completed by next April. We therefore respectfully recommend that governorate council and local council elections be postponed in order to give the SEC and its partner government agencies enough time to ensure that credible local elections are held.

We also see the necessity for continuing reform in the broader political environment. While we understand and respect the need to balance democratic norms with cultural mores, progress on including women in politics appears to be flagging. The rights accorded to women are among the reforms that Yemenis are most proud of and which distinguish Yemen from its neighbors. Decision-makers should consider further measures to open the political arena to women if they are to realize the goals they have set for the country.

Political parties, both in government and in opposition, need to do their part to invigorate a party system that seems to lack real pluralism or vitality. Many opposition parties, in particular, have yet to fully commit themselves to strengthening and expanding their organization at the grassroots. Much of the responsibility for their future success lies with them alone. At the same time, however, in order for Yemen to enjoy a healthy multiparty democracy, certain steps - such as the expansion of media access and an end to harassment of opposition supporters - need to be taken in order to level the political playing field.

III. THE DELEGATION AND ITS WORK

The delegation's observations are based upon meetings with: senior members of the government, the Supreme Elections Committee (SEC), national and local officials of the major political parties, leaders in civil society, business, universities, and the news media, as well as representatives of the international community. The delegation held meetings in Sana'a, Ta'iz, and Aden. NDI would like to express its gratitude to everyone with whom it met for sharing their time and views.

The members of the delegation are: Martha Y. Walker, State Senator from West Virginia; Dr. Omar M. Kader, a Palestinian-American political activist and business leader; Thomas O. Melia, NDI Vice President for Programs; Nick Green, NDI Senior Field Representative in Yemen; and Andreas Katsouris, NDI Senior Program Officer for the Middle East and North Africa. The delegation's work was facilitated by Ahmed al-Yemeni and Hatem Bamehriz, NDI Program Assistants in Yemen.

IV. FINDINGS OF THE DELEGATION

The delegation has benefited enormously from the hospitality and frankness of everyone it met. There is an obvious interest in Yemeni society for continued democratic development. This gives us hope for Yemen's future.

Election Administration

Yemen's political leaders recognized, at an early stage, the importance of ensuring that elections are administered by an independent, politically neutral organization. The Supreme Elections Committee (SEC), established before the 1993 parliamentary elections, remains the only such organization in the Arab world and is one of Yemen's key democratic achievements. Public perceptions of the independence of the SEC, as well as of its administrative capabilities, are important determinants of the public's confidence in the electoral process.

Local government elections, now scheduled concurrently with those for parliament, are going to test the capabilities of the SEC like never before. Indeed, the SEC has been entrusted with a larger number of significant tasks than most of its counterparts in the world. Whereas in past elections the committee was asked to oversee elections for 301 legislative offices, with the addition of governorate and local council elections in 2001, this number will expand to at least 7000. This more than twenty-fold increase will affect all aspects of the SEC's function including: the need for trained staff; logistical arrangements at thousands of new polling places, including a large number of ballots and instructions for their use; data processing technology and software; and the preparation of the voter registry. Further complicating its work, the SEC is being asked to draw boundaries for thousands of local districts with inadequate demographic information and also to meet its legal responsibility to inform and educate the public about two entirely new systems of government. This would be a daunting prospect for even the most experienced elections body.

In the opinion of the delegation, it will be extremely difficult for the SEC to meet this challenge. We cannot see how it is possible to accomplish all that needs to be done unless extraordinary measures are immediately undertaken by the SEC and the government. While its individual members are well-intentioned, the SEC appears not to have adequate resources to address all of the problems described above. The SEC's coordination with the Ministry of Local Administration and other relevant government bodies, with whom it must work closely over the coming months, needs to be expanded and fortified.

Furthermore, the delegation encountered in its travels around the country a widespread and acute lack of confidence in the SEC on the part of political and civic leaders. Steps need to be taken in order to increase the transparency of decision-making in the SEC and to communicate its challenges and accomplishments to a broad Yemeni audience.

Voter Registration

One of the pillars of any democratic election is the mechanism by which eligible citizens register to vote. A functioning registration system ensures that all potential voters are able to participate in the political process, one of democracy's core principles. Likewise, registering to vote is, for most citizens, their first encounter with the electoral system, and thus, often shapes their attitude toward the entire process. When voter registration is efficient and fair, people will

have reason to be confident that votes will be counted accurately and that other basic elements will be safeguarded.

As far as the delegation could discern, confidence in the voter registration system in Yemen is currently very low. Corrective measures are needed in nearly every aspect of the process including: mechanisms to sign up new voters; training of SEC staff; elimination of duplicate or false registration; removal of the names of fictitious persons or those of the dead; the process for changing registration; the adjudication of disputes; and production of lists for use by election-day staff. The need for modern information technology is especially critical since, we are told, the current system is incapable of checking for duplication or of easily generating distribution lists for pollworkers or the interested public.

The SEC has embarked on a program to address some of these shortcomings, specifically by purging the registry of duplicate and erroneous names and has recently cleansed 195,000 of these. Another initiative, we are told, will seek to collect additional demographic information for incomplete entries. These are commendable efforts and will improve the registry to some degree, but the delegation is concerned that this may not be enough to secure public confidence in the system.

One major complicating factor is an apparent legislative consensus to change the electoral law to preclude the registration of new voters before the next election. If enacted, this measure would deny all unregistered, but eligible citizens the opportunity to participate in the election - those who have turned 18 since mid-1999, those who have moved, and the newly politically active, including a large number of women. By the same token, it will also eliminate the possibility that the current list could be publicly reviewed, challenged, and amended, a procedure that is vital to improving a registry that all parties, including the SEC, agree contains the names of a great many ineligible voters. *An electoral system that does not allow for voter registration for almost two years before election day would not meet even minimal international standards.*

Even the current law makes the establishment of an efficient voter registration system very difficult. One especially damaging provision allows voters to register in one of three different constituencies: the one in which they reside, in which they work, or in which they were born. Given poor record-keeping and the absence of a central database, this makes multiple registration all but impossible to detect, let alone prevent, and contributes to a popular sense that the process lacks integrity. It is especially untenable in a political system committed to elected local administration.

Women's Political Participation

Increasing the political participation of women is central not only to Yemen's democratic future, but to its economic and social development as well. Women represent one-half of the human capital upon which the country needs to draw if it is to maximize its potential.

One of the most impressive aspects of Yemen's political progress is the legal inclusion of women. But the political momentum for further liberalization seems to have evaporated. Many women told us that the commitment of senior officials to increasing women's participation is little more than rhetoric. The possibility that new voters will not be allowed to register before the election only underscores this point, since the burden of this provision will fall most heavily on Yemen's millions of unregistered women. Responsibility lies not only with the government.

Political parties too have a special responsibility to act on their stated ideals. Not one of the many political parties with whom the delegation met included a single woman in their often large delegations.

Local Government Elections

The imminent establishment of an elected system of local government - the first in Yemen's history - is a positive step in the country's political development. Decentralization brings decision-making closer to the public, a move which creates the perception that government is responsive to local interests. Elected local government also supports and strengthens the national political system insofar as it provides a training-ground for the next generation of Yemen's political leaders.

The first step in establishing effective local government is the election of councils through a process that is regarded as credible by the people. The conditions for such elections are not present in Yemen today. Preparations for local elections are seriously, and probably fatally, behind schedule. Without detailed demographic information, the SEC cannot accurately determine the population within a prospective local council area. It cannot, therefore, draw local council boundaries. Until it does so, political parties cannot plan for the election nor can essential public education campaigns be undertaken. Given the problems it sees in all the bodies charged with administering these elections, the delegation does not believe that these tasks will be completed in a timely manner. Yemen appears to face an unenviable choice between poor local elections and no elections at all. The latter may be the less destructive option: councils that are seen as illegitimate and are ignored by the public could set back efforts to decentralize rather than advance them.

Political Party Relations

One important measure of a democracy is the strength of its multiparty system. By this benchmark, Yemen appears, in some ways, to have made significant advances. Created from two one-party states ten years ago, the united republic has established an environment, both in law and in practice, for the emergence of dozens of political parties representing a wide spectrum of political opinion. Party representatives generally treat one another with respect and cordiality, a sign that the system is able to hear and consider different points of view.

Yet there are signs that Yemen's political party system has not developed to a point where free and open competition between parties is fully understood and tolerated. The apparent lack of distinction between the ruling party and the government is troubling, for instance. Some say the current administration is formed by the party, but many others see the relationship in the reverse, that the General People's Congress (GPC) is simply the government's political arm. There is some truth in both characterizations. This fusion between party and government is not unique to Yemen, but it contributes to a widespread impression that the scope for fair political competition is limited, as public resources of many kinds - media coverage, finances, the time of public employees - are used to reinforce the GPC's political position.

Many opposition parties complain that, despite open lines of communication with the government, their ability to organize citizens, conduct party activities and campaign for office is restricted by the actions of the army and security forces. The delegation is not in a position to evaluate the accuracy or significance of these reports. Nonetheless, they are concerns that NDI

has heard many times during the past several years and attest, at least, to a political environment which opposition parties say is manipulated to their disadvantage.

At the same time, many opposition parties seem unwilling or unable to establish themselves as an effective opposition and present clear alternatives to the government in a consistent way. The delegation observed that many parties were more content to complain about their current predicament, and to insist on external conditions for their participation, than to organize themselves to expand their membership and influence. Each party needs to assume responsibility for its own situation and to consider the future of a united Yemen instead of nurturing historical grievances.

The frailty of the party system is also evident in the pre-election agreements that political parties say they have made in past elections. In order to ensure the victory of a candidate of a particular party, one or more of its rivals withdrew their candidates in the constituency, sometimes as little as five days before election day. These constituency-by-constituency arrangements were very often part of larger accords between parties to divide up parliamentary seats between them.

To some degree, these arrangements serve positive or useful public purposes, such as keeping social peace and ensuring the representation in parliament of various political forces. In a young democracy such as Yemen's, there is some value in this. The arrangements are also a reflection of a traditional political culture that values consultation, inclusion, and consensus. Nonetheless, in a democratic system, we worry that these agreements deny citizens the opportunity to choose their representatives and therefore, if widely practiced, that they might ultimately compromise the basic objective of democratic elections, which is that citizens choose their representatives in government.

We are also concerned that many opposition parties are actually weakening themselves over the long term by focusing their energies on negotiating safe passage to parliament for a small number of their leaders rather than on expanding their outreach to voters, developing and articulating a persuasive message, and strengthening their internal democratic organization. This approach may have been a good tactic in the early days of Yemen's multiparty era, but as the country prepares for its third parliamentary elections, it seems that if opposition parties remain focused on negotiating a comfortable arrangement with the GPC, they will not present themselves as viable democratic alternatives. Until they are able to establish a genuine base of support among voters, these parties are unlikely to earn a permanent place in Yemen's political arena.

Media Access

Democratic elections require that all political parties and candidates have reasonable access to the media. Print media can be an important means of communication, particularly where, as in Yemen, there exist both independent, privately-owned newspapers and political party newspapers. However, in a country where a significant proportion of the population is illiterate, the broadcast media plays a disproportionately large role in determining the news that is communicated to the public.

All radio and television in Yemen is owned and controlled by the state, and this imposes upon a democratically-inclined government a special responsibility to provide the means for its political rivals to make use of the airwaves. The election law does hold that parties must have equal access to television in order to present their political platforms and obliges the Ministry of

Information to make it possible for the SEC to put this commitment into practice. But the brevity of the official election campaign (two weeks) and the practice of showing political broadcasts infrequently and at off-peak hours, diminish the significance of this formal legal guarantee. In the months before the official campaign period, television and radio news and other programs often feature the activities of senior government officials at length and in exclusively positive terms. This treatment confers a significant political advantage upon the governing party.

Regarding the print media, leading editors and journalists assert that the climate in Yemen today is much improved over earlier years, even though they are subjected to nearly continuous legal action, resulting in fines and imprisonment, for the publication of articles deemed objectionable to government officials or private citizens. All newspapers must receive a government license to print and all (but one) depend on state-controlled presses for publication. These give the government implicit control over the media and may lead to self-censorship even when they do not result in outright restrictions. The Ministry of Information and opposition political figures have also pursued legal action against various newspapers for publishing opinions they do not approve of, opinions that would appear, for the most part, to fall within the boundaries of normal democratic discourse.

V. RECOMMENDATIONS

In light of its findings, the delegation respectfully offers the following suggestions for consideration:

1) Reconsideration of the New Election Law: We recommend that Parliament and the President pause before giving final approval to the new election law. A short hiatus would give the legislature and the SEC the opportunity to publicize the proposed changes, to receive input from various sectors of Yemeni society, including citizens=organizations and political parties not represented in parliament, and to build the necessary public consensus in order for the election process to succeed. NDI, and others in the international community, would also then be able to offer advice and assistance.

In the course of this reconsideration, we strongly urge that Parliament re-introduce language that permits the SEC to conduct new voter registration in the months preceding next year's elections. The delegation is convinced that failure to permit eligible citizens to register to vote for a two year period before the election would constitute a serious breach of democratic principles and would sharply diminish public confidence in the election and in Yemen's democratic reforms.

2) A New Voter Registration System: The current voter registration process is fundamentally flawed. Instead, NDI recommends that the SEC, in cooperation with the Yemeni government, put in place a more modern system to meet current and future requirements. A new registration system might involve, at the outset, the issuance of a national identification card to each Yemeni citizen. Each card, and its accompanying entry in the SEC's records, would contain an identifying number unique to that voter. This system would need to be linked with entirely new data processing software for the SEC, software that would combine all information into a national registry, would include photo identification, would be able to detect duplicate entries, and which would reject entries with incomplete information. The delegation further suggests that the General Elections Law be amended to limit voter registration to the place of residence only.

The delegation appreciates that national re-registration would be a significant logistical and financial undertaking. Nonetheless, potential international donors are reportedly willing to enter a serious discussion about election priorities if the SEC and Yemeni government present a coherent plan and do it soon.

3) Postponement of Local Council Elections: The current plan to hold parliamentary, governorate, and local council elections on the same day does not appear to be tenable in the absence of an extraordinary and immediate mobilization of significant human, financial, and political resources. NDI recommends, therefore, that the local government law be revised to eliminate the requirement that the SEC hold all three elections on the same day. More time to prepare, especially when combined with a new voter registration system, should allow the SEC to organize local council elections that meet recognized democratic standards and fully engage the Yemeni people.

4) Greater Coordination between the SEC and Political & Civic Leaders: In order to build public confidence in its operations, the SEC might wish to consider establishing a regular, formal mechanism for consultation and information-sharing with various interested parties. Greater communication with all sectors of society would allow the SEC to hear the public's concerns first-hand, and would, in turn, allay some of its misgivings. It may be that NDI could help facilitate this process at the outset.

5) Women's Political Participation: All of Yemen's political parties should consider taking immediate steps to identify and register female supporters around the country; to recruit and nominate female candidates; to place more women in positions of responsibility within the party, and; to develop policy positions that appeal to female voters. These measures would not only be good for Yemeni women, but would enhance the political standing of all parties undertaking them. The impetus for women's inclusion in the election process might also come from the President and Parliament, which are in a position to add at least one female member to the SEC.

6) Expanded Media Access: In order to guarantee greater access to broadcast media by political contestants, the SEC and the Yemeni Journalists' Syndicate, which draws together journalists from independent, party-owned and government-controlled media, could be encouraged to work together to develop guidelines on fair and responsible coverage of political events in the two or three months preceding election day. NDI would be willing to facilitate such a discussion.

7) Political Party Development: Those parties interested in playing a role in Yemen's political life in the years to come should reconsider their focus on negotiating political outcomes and, instead, strengthen their contact with and appeal to voters, as well as their grassroots organizations. Again, NDI, through its political party development program, would be in a position to assist political parties undertaking these reforms. We encourage all democratically-minded parties to commit themselves to participation in the system and to working with others to address problems that do exist. For instance, parties could provide names of disenfranchised voters to the SEC and volunteer to cooperate in repairing deficiencies.