



**The April 27, 2003
Parliamentary Elections in
The Republic of Yemen**



-- Prepared by the National Democratic Institute for International Affairs



NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations. NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections. NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability. NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

ACKNOWLEDGEMENTS

The National Democratic Institute for International Affairs (NDI) wishes to express its deep appreciation to the Government of The Republic of Yemen for inviting the Institute to observe these important elections. In particular, NDI wishes to express our gratitude to the many government and election commission officials, political party leaders and election day workers who facilitated the work of the international observers. NDI would also like to thank Antonio Spinelli of the United Nations Development Programme (UNDP) and Enrique Saltos of the International Foundation for Election Systems (IFES) for their cooperation. The collegial relations established and maintained throughout an intense elections-support effort were remarkable. In this vein, we also wish to acknowledge the support of the many embassies who worked under the umbrella of the UNDP to promote electoral democracy in Yemen. NDI also thanks the U.S. Department of State's Middle East Partnership Initiative and the United States Agency for International Development Office of Democracy and Governance for their advice, encouragement and financial contribution to the project, and wishes to extend special appreciation to U.S. Ambassador Edmond Hull and the U.S. Embassy in Sanaa. The Institute also acknowledges the support of the National Endowment for Democracy which allowed NDI to undertake its early work in Yemen. Finally, NDI wishes to thank the delegates who volunteered their time, experience and expertise. Working long hours in fascinating, although sometimes difficult circumstances, each delegate contributed to the success of the observer mission.

Most importantly, we wish to express our admiration and respect for the many men and women who are contributing to the development of democracy and civil society in Yemen. They are an inspiration to democrats throughout the region.



TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION.....	3
POLITICAL CONTEXT	4
POLITICAL PARTIES.....	5
<i>The General People's Congress (GPC)</i>	5
<i>Yemen Congregation for Reform (Islah)</i>	5
<i>Yemeni Socialist Party (YSP)</i>	6
POTENTIAL FOR ELECTION RELATED VIOLENCE	6
ELECTORAL FRAMEWORK.....	8
THE GENERAL ELECTIONS AND REFERENDUM LAW	8
THE SUPREME COMMISSION FOR ELECTIONS AND REFERENDA (SCER).....	8
ELECTORAL INFRASTRUCTURE	10
THE VOTER LIST.....	11
BALLOTS AND TRAINING OF COMMISSIONERS	11
ROLE OF SECURITY FORCES	12
VOTER EDUCATION	13
THE NOMINATION AND CAMPAIGN PERIOD	14
NOMINATIONS	14
CAMPAIGNING	15
MEDIA ACCESS	16
ELECTION DAY OBSERVATIONS.....	17
PREPARATION FOR THE OPENING OF THE POLLS	17
OPENING.....	17
POLLING	18
<i>Privacy of the Vote</i>	18
<i>Underage Voting</i>	19
<i>Campaigning on Election Day</i>	19
<i>Role of Security Forces</i>	20
CLOSING	20
VOTE COUNT.....	21
THE POST-ELECTION PERIOD	23
POST-ELECTION RESOLUTION OF COMPLAINTS	23
RESULTS OF THE 2003 ELECTIONS	24
SOUTH VERSUS NORTH	26
WOMEN'S PARTICIPATION	27
DOMESTIC MONITORING AND THE ROLE OF CIVIC ORGANIZATIONS.....	28
NDI-SUPPORTED COALITION	28
RECOMMENDATIONS.....	30
CONCLUSIONS	33

EXECUTIVE SUMMARY

The April 27, 2003, elections represent an important step on Yemen's path toward democracy. The national voter registration campaign which preceded the elections and the technical administration of the elections were significant improvements over past elections. The efforts of the Supreme Commission for Elections and Referenda (SCER) are to be commended and the largely successful initiatives of political parties and civil society organizations to reduce election day violence also deserve praise. However, serious electoral violations occurred in a significant number of voting centers and sustained and forceful efforts are necessary to remedy persistent flaws in the country's electoral and political processes.

The April elections for parliament were the third national legislative elections since Yemen's unification in 1990. Nineteen political parties fielded 991 candidates, who, along with 405 independent candidates, competed for 301 parliamentary seats. Over 8 million Yemeni citizens registered to vote, and the number of registered women voters increased from 1.8 million in 1997 to 3.4 million for the 2003 elections. In the current database women make up 42 percent of Yemen's registered voters. Women cast 41 percent of the votes on election day. Despite these increases, the number of women in parliament declined from two to one, and the number of women at the highest levels of government also decreased from two to one.¹ Although there are two women in the appointed Shura Council, Yemen is no longer leading the Arab world in the election and appointment of women to national office.

According to official results released by the SCER, the ruling General People's Congress (GPC), the party of incumbent President Ali Abdullah Saleh, increased their majority in parliament, winning 230 of the 301 parliamentary seats. Including ten independents who affiliated with the party immediately after the elections, the GPC now holds 240 seats, up from 226 in the last parliament. The Yemen Congregation for Reform (*Islah*), a pragmatic, relatively moderate Islamist party, saw its seats reduced from 64 to 45. The Yemen Socialist Party (YSP), which ruled South Yemen prior to unification and boycotted the 1997 elections, now holds seven seats. The Nasserite Social Unionist Party won three seats (up one from the previous parliament) and the Baath Socialist Party continues to hold two seats. There were a total of 14 independents that won (including the ten which immediately joined the GPC); four of these remain independent. In sum, the GPC now holds 79.7 percent of the seats in the new parliament and the opposition holds 18.9 percent.

The Yemeni government should be commended for significant improvements in electoral administration since 1997 and the adoption of a greatly improved electoral law. It should also be strongly commended for its receptivity to domestic and international election monitoring. The elections commission registered over 25,000 domestic monitors, and international observers were encouraged and given full access to every aspect of the process. Political parties and independent candidates alike campaigned actively in the run-up to election day, and the environment at the polls was characterized by a sense of excitement regarding multi-party political competition. The decrease in election day violence compared to 1997 was also a very significant aspect of the 2003 elections. Most importantly, these elections were marked by enthusiasm and determination by Yemeni citizens to exercise their right to vote and freely choose their representatives.

¹ In recent years Yemen had one female Minister of State for Human Rights and one ambassador. After the April elections the female ambassador to the Netherlands became the Minister for Human Rights. She is the only woman in the cabinet and there is no longer a female ambassador.

Despite these improvements, however, the atmosphere of anxiety in the run-up to the elections caused by fears of violence, as well as heavy-handed and coercive measures on and after election day by elements of the ruling GPC in many polling stations across the country are troubling. There were credible reports of election law violations including political intimidation, underage voting, improper behavior by security forces, vote buying and obstruction by ruling party counting commissioners. Serious incidents were witnessed by the National Democratic Institute for International Affairs (NDI) delegates in Sanaa, Aden, Taiz, the Hadramaut and elsewhere around the country. There have also been reports of ruling party retribution against supporters of opposition candidates, especially against teachers and other civil servants. By-elections, which were held in four constituencies in July, were particularly flawed, with reports of commissioners actively encouraging or insisting that voters mark their ballots outside the booth, and numerous irregularities during counting procedures.²

Reports of misconduct and manipulation of the vote tabulation and the appearance of judicial bias during the appeal period also cast an unfortunate shadow over the elections. NDI recommends that a careful and open review of the elections law and legal procedures pertaining to election complaints be undertaken. Specifically, the Institute suggests the following steps be taken to build confidence in future elections:

- review of election complaints procedures
- clarification of the enforcement authority of the SCER before the 2006 Presidential and local council elections
- redrawing of political boundaries to bring parliamentary constituencies into compliance with a requirement that they be demographically balanced and equal
- correction of deficiencies in the voter registry
- adoption of impartial guidelines to achieve balanced political coverage in the news media
- review of the role of the military in elections
- a review of election law and procedures to remove or modify those aspects which inhibit women's ability to campaign effectively for public office
- implementation of voter education campaigns stressing the importance of individual decision-making

The 2003 elections represent an important step in Yemen's political development, and while recommending that concerted steps be taken to ensure the integrity of the political process, NDI also notes the inspiring efforts of the Yemeni people in pursuing the ideals of democracy and democratic elections. Yemen is unique among its neighbors in the level of pluralism and political competitiveness that exists in the country. That this kind of civic and political party activity takes place in an impoverished, traditional setting makes it all the more remarkable and hopeful.

² NDI monitored three out of the four by-elections.

INTRODUCTION

With the support of President Ali Abdullah Saleh, the Supreme Commission for Elections and Referenda (SCER), the major political parties and the U.S. Embassy in Sanaa, the National Democratic Institute for International Affairs (NDI) organized a 30-member election observation delegation from April 22-30, 2003. This report is based on their observations. It also draws upon the work of NDI's long-term staff who are based in Sanaa and have been engaging the government, political parties and civil society in the months and years leading up to these elections. The objectives of the NDI observation mission were:

- to demonstrate the international community's support for an open and fair political process in Yemen;
- to provide an accurate and objective assessment of Yemen's 2003 parliamentary elections;
- to help deter electoral irregularities on election day; and
- to encourage Yemeni public participation and confidence in the electoral process.

The observers monitored 77 centers (a mix of urban and rural) in 32 constituencies in seven governorates. Due to security concerns, the observers were unable to monitor in most tribal areas. Approximately half of the sub-commissions they monitored were for women voters. Three of the seven governorates were southern.³

Monitoring by domestic NGOs was also encouraged and over 25,000 domestic monitors were accredited by the SCER, 3000 of whom took part in an NGO program coordinated by NDI.



³ The northern governorates in which they were deployed were Sanaa, Taiz, Ibb, and Hodeida. The southern (former PDRY) governorates were the Hadramaut (Mukalla and Sayun), Aden, and Lahaj.

POLITICAL CONTEXT

The 2003 elections were the third legislative elections in Yemen's history, with previous elections for parliament in 1993 and 1997. The two prior elections were similar in the manner in which they were run, with intense negotiations between the major parties affecting the results of polls. Both were won handily by the General People's Congress (GPC). There were, however significant differences between 1993 and 1997: the Yemen Socialist Party (YSP), which ruled South Yemen before unification and which had gained 63 seats in 1993, boycotted the 1997 elections. Furthermore, although both elections resulted in coalitions between the ruling party and the major opposition party, the percentage of opposition party seats declined significantly in 1997. Nevertheless, both elections were judged as significant steps for Yemen in its short history with representative democracy.

The 2001 local council elections revealed a significant shift in relations between the parties. For the first time neither the YSP nor the Yemeni Congregation for Reform (a moderate Islamist party known as *Islah*) negotiated seats with the GPC in advance of the elections. A genuine opposition appeared to be developing. In the run-up to the 2003 elections seven parties,⁴ including *Islah* and the YSP, formed an opposition alliance: the Joint Meeting Parties (JMP). In a promising step for the emergence of a viable opposition in Yemeni politics, the JMP signed a Memorandum of Understanding, which committed the member parties "to not compete against other JMP members – either directly or indirectly- if the outcome would serve to favor another party's candidate winning the seat." While making some positive statements about the JMP's efforts to strengthen the opposition, the government and GPC took steps that appeared designed to break the alliance, including exploiting rifts between *Islah*'s radical and moderate wings. GPC and *Islah* relations worsened with the assassination of Jaralla Omar, Assistant Secretary General of the YSP, in December 2002 at the *Islah* party congress. The GPC newspapers accused *Islah* of being behind the assassination. Remarkably, the assassination failed to cause a split between *Islah* and the YSP. Both parties worked actively to denounce the assassination and to bring their supporters together around opposition to violence.

Relations between the national elections commission and 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 party-SCER relations, the relationship remained a contentious one. While concerns about the SCER's independence may in some cases have been justified, the parties can also be faulted for the lack of diplomacy they demonstrated in working with the SCER. Additionally, when the parties identified problems in registration and election procedures, they frequently failed to provide sufficient documentation or to follow-up on problems.

⁴ The 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.

Political Parties

Nineteen parties competed in the 2003 elections. Twelve of these have historically worked in coalition with the ruling party and in several cases were considered to be creations of the ruling party. Five have been loosely allied in an opposition coalition and two were considered to be genuine independents.⁵ The largest political parties are the General People's Congress, the Yemeni Socialist Party, the Yemeni Socialist Party. The number of small parties winning seats in parliament has been reduced, from four in 1993 to two in 1997 and two in 2003.

The General People's Congress (GPC)

The General People's Congress, the ruling party of Yemen, was established in North Yemen in 1982 as a forum for reaching a political consensus in the Yemen Arab Republic (North Yemen). Led by President Ali Abdullah Saleh, the GPC is the largest political party in Yemen. It has steadily increased the number of seats held in parliament from 145 in 1993 to 187 in 1997 to 240 (including GPC affiliated independents) in 2003. The party currently holds 58.6 percent of the seats on the district councils and 58.45 percent of the seats on the governorate councils. As compared with *Islah* and the YSP, the GPC has the least defined political ideology, serving more as an umbrella for diverse interests than as an ideologically coherent party. Tribal figures have a strong hand in the party.

After the 2001 elections the GPC began an effort to decentralize, devolving more power to local party branches. *Islah* did better in the local council elections in 2001 than the leaders of the GPC seemed to have expected. The decentralization of the party may have reflected a realization by the leadership that they would have to mobilize greater support at the branch level to maintain the party's dominance in the 2003 elections. Members of the ruling party in discussions relating to campaign and election day violations argued that the party has little ability to control its members and that it lacks the ideological cohesion to influence its candidates and supporters. Decentralization, as implemented by the party, may have exacerbated this problem.

Yemen Congregation for Reform (Islah)

Yemen Congregation for Reform is the largest opposition party. It has, however, seen the number of seats it holds in parliament decrease from 66 in 1993, to 53 in 1997, to 45 in 2003. Members of *Islah* currently hold 23.3 percent of seats in the district councils and 20.42 percent on the governorate councils. Previously in a sometimes contentious coalition with the GPC, *Islah* began to establish itself as a more genuine opposition party in the 2001 local council elections. Ideologically *Islah* is a pragmatic, relatively moderate Islamist party. According to a recent International Crisis Group report, "Despite certain ideological affinities, *Islah* has not lead the Islamist confrontation with the state but instead has played a mediating role between the state and the country's more conservative religious elements. Islamists who joined *Islah* were not joining a radical religious movement but rather integrating a party that was dominated by an individual (Sheik

⁵ In coalition with the GPC are the National Democratic Front, the Nasserite Reformist Party, the Liberation Front, the League Party, the National Social Party, the Unionist Popular Liberation Party, the Yemeni Popular Unity Party, the Democratic People's Party, the September Democratic Party, the Yemen Unionist Congregation, the Social Green Party, the Democratic Federation for Popular Forces and the Democratic Nasserite Party. In the opposition coalition are Yemen Congregation for Reform, Yemen Socialist Party, Nasserite Unionists Political Party, Baath Socialist Party, Federation of Popular Unionist Forces, Al Haq and the September Party. The independents are the Baath National Party and the League of the Sons of Yemen.

Abdallah al Ahmar) who is far more a traditional tribal leader and republican hero than a strict Islamist ideologue.”⁶ *Islah*’s membership consists primarily of social conservatives and religious Islamists of different shades, including the Muslim Brotherhood. If the parliamentary elections are an accurate indicator, *Islah* is undergoing a shift in its membership base from tribal to urban areas.

Yemeni Socialist Party (YSP)

As in the case of *Islah*, the Yemeni Socialist Party is led by pragmatic moderates in the party. Their leadership has suffered challenges in recent years from radicals in the party who called for boycotts of the 1997 and 2001 elections. The leadership successfully opposed the call for a boycott in 2001, but the refusal of radicals in the Hadramaut to mobilize their supporters on behalf of local YSP candidates hurt the party in the 2001 local council elections. The party was also damaged by the assassination of party Assistant General Secretary Jaralla Omar in December 2002.

Party membership is strongest in the governorates of the former People’s Democratic Republic of Yemen, although the party did less well than anticipated, losing votes to *Islah* in many southern urban constituencies. It is also supported by some northerners who feel threatened by Islamists or oppose President Saleh for personal, ideological or tribal reasons. The YSP held 68 seats in 1993, boycotted in 1997 and won only seven seats in 2003. The YSP holds 3.3 percent of the district council seats and 3.76 percent of the seats on the governorate councils.

Potential for Election Related Violence

There was concern in the pre-election period that the elections might trigger considerable violence. In the 2001 local elections over 50 people were reported killed in election-related violence. During the registration period seven people were killed and over 40 wounded as a result of tribal clashes or revenge killings at registration centers. There were also serious clashes between aspiring GPC nominees in some areas. The breakdown of the historic coalition between *Islah* and the GPC may have led to the increased violence in 2001, and the development of the JMP opposition coalition clearly heightened tensions between the ruling party and the opposition.

In response to concerns about election-related violence, the International Foundation for Election Systems (IFES) initiated discussions with the major parties in September 2002 regarding the development of a formal “Code of Conduct” to govern political party practices during the election period. Given the frequent recourse to violence in political disputes, this code could have represented an important step in easing tensions during the election period.

Unfortunately, *Islah* refused to sign the code during the registration period -- ostensibly because of party anger over the decision to permit military personnel to individually choose where to register. The code was reintroduced in January 2003, and NDI began consultations with the parties to develop conflict resolution committees at the local branch level of the major parties. Soon thereafter, President Saleh formed a multi-party committee to develop its own code of conduct. The committee decided to formulate two separate documents: one to address the conduct in the elections, drawn mostly from the document put forward by IFES, and one to focus on the political environment and address issues such as unifying the nation, challenges facing the country, and the

⁶ Yemen: Beyond the Myth of a Failed State International Crisis Group, Middle East Report No TK, Amman/Brussels, December 2002, page 10.

impact of the pending war in Iraq. The election guidelines were signed by all of the major parties before the elections.

The SCER designated April 27 “A Weapons-Free Day,” and NDI, with the financial assistance of the UNDP, produced 100,000 stickers calling upon citizens to not carry guns on April 27. NGOs distributed the stickers throughout the country. Also under the auspices of the SCER, the GPC, *Islah* and the YSP appeared on national television calling upon their supporters to refrain from violence. In contrast to previous elections, violence was greatly reduced with only three documented election-related deaths.

ELECTORAL FRAMEWORK

In the lead-up to the April elections, Yemen initiated an effort of electoral professionalization, which included adopting a new election law, appointing a new national elections commission, and replacing the old voter rolls.

The General Elections and Referendum Law

The April 27 elections were conducted under a new electoral code adopted by Parliament in November 2000 and ratified in a national referendum in February 2001. The adoption of the General Elections and Referendum Law represented a step forward in enhancing the institutional framework for elections in Yemen. Despite improvements, there are still articles in the law and electoral procedures that should be reconsidered. Of continuing concern are the following:

- Provisions which allow voters to choose among multiple voting locations, thus making for greater possibility of vote fraud.⁷
- An appointment process of commissioners which leads to an overly politicized election environment. (The SCER handed over to the parties its authority to establish the formula for party representation on elections commissions. This led to almost three months of bitter fighting between the parties.)
- The requirement that all three election commissioners be present for the counting to begin or continue. (This requirement made it possible for a party representative on the commission if his candidate was losing to stop the count by simply leaving the vicinity.)
- The limited time allocated for parties and individuals to review registration and election data, file complaints, and meet the various requirements for candidate nominations.
- Lack of clarity regarding which government or civil service employees must resign their positions before filing for candidacy.
- Lack of clarity regarding procedures for verifying citizens' eligibility to register to vote. This opened the door to numerous instances of underage registration.
- Legal procedures pertaining to election complaints, including the lack of an appeals process, which contribute to widespread perception of unfairness and mistrust of the system.

The Supreme Commission for Elections and Referenda (SCER)

As part of the government's effort to improve elections in Yemen, a new elections commission – known as the Supreme Commission for Elections and Referenda, or SCER - of seven members was established. This commission received high marks for its technical and administrative steps in administering the 2003 parliamentary elections.

The seven commissioners were selected by the president from a list of 15 candidates nominated by Parliament, with the parliamentary list to be drawn from lists provided by the parties. (Prior to changes to the law in 1996 there had been 11 members, including one woman member.) The members serve a four year term. The chairman and heads of the External Relations and NGO Affairs Departments, the Legal Department and the Technical Department were GPC members; the

⁷ Citizens could register at their residence, their place of employment or the residence of their families.

head of Research was from the YSP; the head of the Media Department was from the Democratic Nasserite Party (allied with the GPC); and the Vice-Chairman was from *Islah*.

The law stipulates that the SCER is to be politically independent and is to remain impartial in its activities. It was NDI's assessment that the SCER was mostly independent. The areas in which the SCER appeared to be less than fully independent were in its oversight of the media and the assignment of commission chairs (both discussed below).

The SCER made considerable strides in developing a more professional electoral administration. A weak administrative capacity and lack of an institutionalized managerial culture compromised, in part, the commission's effectiveness. The SCER was plagued by over-centralization at the national level and over-politicization in the sub-level commissions. Problematically, the SCER espoused a very restrictive view of its own authority to limit election violations, seeing itself as an institution that implemented rather than enforced election laws. No election commissioners were removed or sanctioned despite numerous complaints about their behavior. Nevertheless, the improvements in the administration of elections were significant and were strongly commended by virtually all international staff working with the commission in Yemen.



Despite the substantial improvements in electoral administration since 1997, relations between the SCER and opposition parties were strained during the pre-election period. Mistrust, based on a history of close ties between elections commissions and the ruling party, and the limited transparency with which the SCER worked during the voter registration campaign, hindered the commission's ability to work with opposition parties.

In many instances the SCER's efficacy as a more professional commission was also compromised by the weak administrative capacity of Yemen institutional structures. In most public bureaucracies in Yemen procedures and formal hierarchies are compromised. Work is organized around reporting relations that are vertically structured rather than around work flows. The failure to delegate limits the completion of tasks. Information technology is also underutilized. The SCER commissioners have all expressed a strong desire for international administrative and management support and training.

Electoral Infrastructure

The SCER infrastructure is comprised of 20 three-member supervisory (governorate level) commissions, 301 three-member main (parliamentary level) commissions, and 5,624 voting centers which housed anywhere from two to seven or eight men's and women's sub-commissions. The main commissions have oversight of the nomination and campaign periods as well as oversight of the voting commissions. The main commissions are also responsible for compiling the results of the voting from the voting centers and announcing the results in their constituencies.

One of the first steps taken by the new SCER was to more than double the number of voting centers. The number of centers in a constituency was based on population (no center was supposed to have more than approximately 2000 voters), distance (no voter was supposed to have to travel more than half an hour to vote) and tribal considerations. For example, constituency 279 in Marib had 69 centers, constituency 275 in Aljauf 56, whereas constituencies in urban Sanaa had at most 15 centers. Ease of access was a major factor in the increase in registered voters, particularly of women voters.

The composition of the supervisory, main, and voting center commissions presented a major problem in the elections system. The election law gives the SCER responsibility for "developing criteria to govern the formation of the various election committees in consultation with all political parties and organizations."⁸ The SCER chose not to exert its authority, however, and left the decision on a formula for party representation on the commissions to be negotiated by the parties. NDI, IFES and the technical officers of the UNDP worked with the parties to develop a formula which would promote the de-politicization of the sub-commissions while maintaining equitable representation of the parties to safeguard their interests and build confidence in the elections process. The formula proposed by the international community with the intent of establishing political balance was 33.3 percent of seats to be allotted to the ruling party coalition, 33.3 percent to the opposition coalition, and 33.3 percent to the SCER.

The ruling GPC, however, was unwilling to negotiate such a large drop in its share of seats and the final formula agreed upon assigned 44 percent of total commission seats to the GPC (52 percent including its partners in the National Opposition Council), 40 percent to the JMP, and the remainder to other actors, including GPC allies and the SCER. The JMP seats were allocated 20 percent to *Islah*, 11 percent to the YSP, four percent to the Nasserite Unionist Party and 1.5 percent to the National Baath, with 3.5 percent to others. The SCER was allocated eight percent of seats under the final agreement.

The process of developing a formula for party representation on the commissions was problematic on several grounds. One, it absorbed the attention of the parties and the SCER when other equally important issues required attention. Two, it emphasized the partisan nature of the commissioners rather than their neutrality. Three, the designation of chairs of commissions, especially the important counting commissions, was not made by the SCER in an open and transparent manner and led to suspicion that the assignments went disproportionately to members of the GPC.

⁸ Article 23, paragraph d.

The Voter List

The October 2002 voter registration campaign was the first test of electoral reforms. The registration was considered a successful endeavor on the part of the Yemeni government and elections officials: over 8 million Yemenis were registered to vote during the campaign -- an increase of 66 percent. Women's registration rose significantly to 41 percent of registered voters, compared to 32 percent on the previous voter rolls. Domestic election monitors were given full access to the registration process and fielded over 3000 monitors around the country. Nevertheless, the registration process was marred by allegations of mismanagement, poor training of the higher supervising commissions and a high incidence of violence. Over 400 incidents of violence and seven deaths were reported. Of particular concern was the extremely high rate of underage registration. Estimates range from 100,000 to 400,000 (figures are based on estimates by the SCER and independently-designed statistical models). Some underage registration was the result of overly zealous registration commissioners' efforts to make their centers look effective. Some was the result of armed pressure by local figures. Some appeared to have been orchestrated by the parties themselves. NDI received numerous reports that a minister was actively encouraging the registration of underage high school students.

The SCER initially suggested removing individuals from the voter lists if they appeared in their photos to be underage. NDI and other international organizations advised against such action due to the possibility of inadvertently disenfranchising a significant number of eligible voters. The SCER was unable to find a legal solution within the given timeframe. It should be noted, however, that the SCER was anxious to correct this problem when it was brought to its attention.

Ballots and Training of Commissioners

The SCER took significant steps in the lead up to the elections. In addition to a relatively successful voter registration effort, ballots were printed with a minimum number of errors and the parties were invited to review them before election day. High quality ink was purchased and was tested by the international technical advisors, and new transparent plastic ballot boxes with security ties were purchased. Equally important, with the assistance of UNDP technical officers, IFES and NDI, the training of the commissioners was greatly improved.



Nevertheless, the main commissions and the sub-commissions did not achieve anywhere near the same level of proficiency and accuracy in managing the election operation as the national commission. An additional and serious gap in the elections preparations for the 2003 elections was the failure to train the military for their security role.

Role of Security Forces

National security forces have historically been closely involved in the electoral process in Yemen. The government has in the past explained, with possible justification, that the military is the only institution with the capacity to handle communications on election day, particularly in rural areas. Because the military has been seen to be close to the President and the ruling party, involvement in past elections has raised questions about the appropriate role of the military and what affect this role has had on the reality and the perception of impartiality in the administration and outcome of the elections.

Although the election law stipulates that the security services can assist with the administration of elections -- although only under the control of the civilian election authority -- the department responsible for handling election-related complaints within the SCER was headed by a military general appointed by the President. During voter registration, military personnel also staffed the supervisory-level operations rooms that oversaw problems and communicated complaints to the operations room at SCER headquarters.

In response to concerns raised by the international community in this regard, the SCER committed to the establishment of a committee of civilian staff members from its various departments (legal, technical, media and external relations) at the national level. The SCER argued convincingly, however, that such a step could not be taken at lower administrative levels in time for the 2003 elections, but would be implemented before 2006. The committee was to be responsible for solving issues raised by the main and supervisory commissions and to route problems to the appropriate departments of the SCER for further discussion and action. The role of security forces in the operations room at the national level was to be limited to handling security problems, providing logistical support, and facilitating communications with and from the field. The SCER also announced its willingness to allow trained and accredited observers access to the operations room.

Although it seemed the oversight committee was not set up, the SCER did take positive although still incomplete steps toward removing the military from the decision-making process. Many (although not all) problems were sent up to the Chairman of the SCER for resolution. The decision as to which problems merited response, however, remained in the hands of the President-appointed General. The SCER did, it should be noted, meet its commitment to allow international and domestic observers access to the operations room.

In addition, the SCER sent a directive to all military and security officers serving in the operations rooms of the supervisory commissions. This directive reiterated that they served under the direction of the civilian members of the supervisory commissions and that they were not permitted to make decisions or take any action on their own. While some positive steps to lessen the role of the military in election administration were taken in the pre-election period, the role of the military in future elections and appropriate training of security forces will merit continued consideration.

Voter Education

With UNDP financial and technical support, the SCER initiated broad voter education campaigns for the registration and election periods. In addition, several local NGOs developed campaigns targeting women and encouraging women of voting age to register and vote. The dramatic increase in women's registration suggests that these efforts had a significant impact. Traditionally, the SCER has designated pages in all official newspapers to carry its voter education program. It should be noted that for the first time the SCER, in collaboration with the UNDP, ran its voter education materials in the political party papers as well as in the official media. The voter education efforts focused primarily on encouraging voters to take part in the elections. Yemen is still a very traditional society with high rates of illiteracy. Tribal leaders and social figures have a very strong influence on how Yemenis cast their votes. Therefore, future voter education campaigns should address not only the significance of registering and voting and the mechanics of voting procedures, but also the importance of making one's own decisions about the candidates.

THE NOMINATION AND CAMPAIGN PERIOD

Nominations

The official candidate nomination period took place from March 25 to April 3, 2003. The main commissions of the SCER approved 1,707 applications for nominations during the nomination period – 1136 nominations by political parties and 571 by Independents. Some of these independents were actually party-supported; in contrast, some party candidates were actually independents who chose to run under the umbrella of a party to avoid the nomination requirements of independents.

The nomination filing procedures were one of the more problematic areas in the recent elections. NDI received credible reports of local officials, judges and main commission members who were not fulfilling their responsibilities in an independent and professional manner with regards to nomination and candidacy withdrawal procedures. As in previous elections, there were also credible reports of GPC efforts to force candidates to drop out, including women candidates. Only 13 women were accepted as candidates and by the time of the elections two women had dropped out of the race.

The majority of Yemenis are not party affiliated and there were many independents who ran for office in previous elections. In 1997, 3,700 independents entered the race and 54 won. Women, in particular, have run as independents. In the local council elections in 2001, many of the women, after proving their campaign viability by running as independents, were asked to become a party's candidate. The new election law stipulated that independent candidates, unlike party candidates, must submit a petition signed by 300 registered voters representing the majority of electoral centers in their constituency. The law further stipulates that such voters could not have signed a petition for another candidate. In implementing by-laws the SCER required (1) that local authorities must testify that the signer lives in the district, and (2) that the signer must verify their signature before a judge. These requirements served as a barrier for women since their female supporters had less ability to move outside a restricted area. It also effectively disenfranchised poor and remote voters who lacked the resources to travel to centers to verify their signatures before judges. Given these requirements many genuine independents found it very difficult to collect and verify signatures in the short period allotted.

The requirement that individuals holding certain government positions must resign at least three months before filing for candidacy affected party and independent candidates alike. There was widespread confusion as to which positions fell under the terms of the law and suspicion that main commissioners were interpreting the law differently in different constituencies and for different individuals.

Finally, it should be noted that Yemen law bars some citizens from candidacy on the basis of religion. The electoral law stipulates that a candidate for parliament must be a Yemeni citizen, at least 25 years old, literate and a practicing Muslim with good character and conduct. While the number of non-Muslims in Yemen is very small, this provision does mean that some Yemenis are less than full citizens. (Participation on election commissions in contrast is not legally limited to Muslims.)

Campaigning

The campaign period officially ran from April 8 to April 26. No parties boycotted the elections and no parties were excluded from participating. Campaign activity was spirited, with parties and their supporters actively campaigning for the candidates. Campaign restrictions, such as the prohibition against the use of loudspeakers, were widely disregarded. Election law regulations regarding the posting of campaign materials were also flouted and NDI is unaware of any party or candidate being fined or punished for such violations.

In general, campaign strategies showed a growing sophistication. *Islah* continued to lead in the use of modern campaigning tactics. Local branches used surveys and polls to identify potential candidates and campaign issues. Door-to-door canvassing was used for the first time by *Islah* candidates and reportedly was effective in garnering urban support for the party.

Resources for campaigning by parties derive from a mix of government funds, party membership fees and individual donations. Tracking of funds is virtually non-existent and the only restrictions on campaign funding sources is the prohibition against foreign funding. The Yemen government support to parties is based on membership in parliament. Five hundred million riyals are distributed quarterly.⁹ Twenty-five percent is divided equally between all parties in parliament and the remaining 75 percent is divided based upon popular vote in the most recent parliamentary elections. Opposition parties acknowledge that the formula and timing are followed. They have two complaints, however. One, 130 million from the 500 million is set aside for distribution by the office of the president; and two, the amount has not been increased since it was established 10 years ago, despite devaluation of the riyal.

There were many credible reports during the campaign period of unfair usage of government resources, including the use of public vehicles to transport ruling party supporters to rallies and the issuing of permits to GPC candidates to use public schools for rallies while denying opposition candidates equal access. The 2001 election law clearly stipulates that educational facilities may not be used for campaign purposes unless “the supervisory and main commissions ...authorize in writing equal use ... by all candidates.”¹⁰

Instances of undue influence were also reported, including allegations that principals in government schools were putting considerable pressure on their students to vote for the GPC. In one well-documented case, the principal of a school told the students that he had received instructions from the Ministry of Education to do so. The SCER chairman spoke directly with the Minister of Education in the presence of international representatives and requested a directive be sent to all high schools instructing principals and teachers to refrain from trying to influence voting. NDI also received reports that *Islah* affiliated principals and teachers were pressuring students.

⁹ Approximately 2,717,000 USD.

¹⁰ Articles 41 and 42.

Media Access

Yemen's General Elections Law gave the SCER control over all state run media (TV, Radio and Newspapers) during the entire campaign period. As a related provision, the SCER was responsible for ensuring equal access to all political parties that had at least ten candidates campaigning in the elections. This access included fifteen minutes before and fifteen minutes after the evening news broadcast on national television to present party platforms, as well as space in government-controlled newspapers.

NDI received no complaints about the provision of equal and comparable time. However, the control of content was very restrictive and effectively undercut the spirit of the law. Any criticism of government policies (which by implication meant criticism of the GPC) was cut before airing and parties were not allowed to do anything other than read their platforms during their allocated times; no graphics or pictures of demonstrations or other comparison material were allowed. For independent candidates the only access to official state media was when their names and photos were published in the newspapers and announced on television.

Complaints that election officials were failing to control the official media's reporting of activities surrounding government projects were dismissed with the comment that *Islah* illegally used the mosques to promote its party candidates. Yemen law is very clear: mosques and prayer areas "may not be used for election campaigns in whatsoever form and/or capacity."¹¹ Mosque preachers, whether authorized or encouraged by *Islah* or not, did call on those attending prayer services to not vote for the infidel, the non-believer -- easily interpreted as a rejection of the ruling party candidate. The decision to allow both sides to level the playing ground by ignoring the law, however, was regrettable.

¹¹ Article 41

ELECTION DAY OBSERVATIONS

On April 27, 2003, over six million voters across Yemen reported to their respective voting centers to cast their votes for their national representatives. With approximately 8 million Yemenis registered to vote, official turnout figures were registered at 75.8 percent, although some constituencies reported over 85 percent turnout. Women made up 41 percent of the total turnout, or 72.3 percent of female registered voters.

Preparation for the Opening of the Polls

Sub-commissioners were to be present in each sub-commission by 6:00 am to review the documents and count the ballots in preparation for the voting. Delegates observed that there were no problems with this procedure and no significant delays in voting resulting from the absence of election officials.

Observers watched as the main commission officials distributed materials to the sub-commissions, and noted that in the majority of stations this was done in an orderly fashion without serious problems. The ballots were opened in the presence of observers and candidate representatives; sub-commissioners counted the ballots out loud and compared this to the number of voters on the voter registry. This was also reported to run smoothly in most cases, with only a few delays due to materials not having been distributed early enough to allow sub-commissioners to count the ballots in time, or inconsistencies in the counting requiring re-counting of the ballots. International observers witnessed some disparities in the number of ballots, but no significant differences. The only exception was observed in one sub-commission where there were approximately 60 fewer ballots than voters on the rolls.

Opening

The polls opened at 8:00 am on election day. Observers did not note any significant delays that affected voters' abilities to cast their votes. Many observers arrived at polling stations prior to the official opening and observed that voters were lined up and waiting; some voters did not know what time the voting centers opened and had been waiting since 6:00 am. The lines were, for the most part, orderly and controlled. Delegates observed that despite the wait, most voters seemed eager to cast their votes.

In order to ensure the authenticity of the ballots, official ballots were imprinted with a watermark in the form of the government seal. This was visible on the ballots when held up to the light. Observers in most polling stations asked to see a sample ballot and there were no reports of any inconsistencies with the watermark. There were reports of black marks on some ballots in the Hadramaut, but they appeared to have been random printer ink.



Polling

In general, observers noted sub-commissioners doing a good job of administering the voting. When problems occurred, such as duplicate or inverted registration numbers or a shortage of indelible ink for marking voters' thumbs, the commissioners sought to solve the problems in ways that would permit citizens to vote.

Voting was slower in many commissions than desirable. Older voters appeared to be confused by the voting process; for example, numerous observers noted that older voters did not understand why they could not just tell the sub-commissioners for whom they wanted to vote. It should be noted that the SCER had made an attempt to address the problem of illiteracy through the inclusion of the party symbols and candidates' pictures on the ballot; however, voters' unfamiliarity with voting still caused difficulties and delays. Also, in a number of centers there were more voters than the hallways and rooms could fit and the crowds were handled roughly by security. In some sub-commissions observers noted that women were not lifting their face veils. The unauthorized presence of security men in the commission may have been a factor.

The major problems associated with the voting derived from outsider interference in the process: campaigning within the sub-commissions and centers and intimidation by security. In the by-elections in July, NDI staff observed money being given to voters leaving the voting center. In the instances where such misconduct was observed, election officials failed to take action. This could have been a result of insufficient awareness of their responsibilities or fearfulness about intervening, rather than commissioner collusion with the candidates. Nevertheless, the failure to enforce the law is a serious problem in Yemen and the government should take steps to address this problem before future elections.

Privacy of the Vote

The election law stipulates that each voter is to vote inside a curtained voting booth. In the majority of the voting centers observed on election day this process was followed. However, in one station the polling booths, which had only three covered sides with the open side to be placed towards the wall were turned around and voters marked their ballots in clear view of election

officials, candidate representatives, observers and military personnel. In another polling station domestic monitors told NDI observers that 80-100 persons from the police academy marked their ballots for the ruling party in full view of their superior officers. It is also important to note that security personnel attempted to prevent the domestic monitors from describing this to NDI observers, and that security entered this sub-commission uninited to intervene in the discussion.

During the by-elections in July (which unlike the April 27 elections were not well administered by the SCER) there was blatant misconduct in both the voting and the counting. Commissioners were observed actively encouraging voters to mark their ballots outside the booth. In one center, the voters themselves insisted on showing the commissioners that they had voted for the ruling party. The impression of observers was that these voters had been pressured to cast their votes for the ruling party.

Underage Voting

Although observers could not determine the exact age of voters, all observers noticed voters who appeared well under the voting age. A number of observers also spoke with voters who admitted to being underage, one as young as eight years old. Observers also witnessed voters carrying voter identification cards that did not indicate the month or day of birth. Although this is not uncommon given the lack of official documentation of births in Yemen, especially for older generations, it was more surprising to see this with obviously younger voters.

When approached by one observer, a group of young women who claimed to be in the 10th grade (or approximately 15 years old) admitted that the voting center was in their school, and that their teachers and principals had encouraged them to vote. When asked if they thought that it was correct that they were voting, one answered: "They [our teachers] said we are *all* Yemeni."

The affect of the underage vote on the results of the elections is not fully known. It is an issue, however, that had the potential to influence the outcome in one or more constituencies. NDI wishes to stress that steps should be taken to clean up the registration lists in order to protect the integrity of future elections. However, it is also important to recognize that the SCER did seek to resolve this problem when it was discovered. As noted above, it was unable to do so within the given timeframe and in compliance with the election law.

Campaigning on Election Day

The election law prohibits campaigning on election day. This is a standard regulation in many countries, although in many cases the law is neither followed nor enforced. Yemen's elections were no different; all observers witnessed campaigning on election day. From the perspective of a developing democracy, election day campaigning could be viewed as one example of the truly competitive nature of these elections. However, from NDI's perspective it would be better to change the law than to disregard it. The failure to enforce aspects of the law in one area contributes to disregard of the law in other areas as well. Most international reports observe that the weakness of the rule of law is a major hindrance to Yemen's economic development and social integration.

Of greater concern were reports from international observers of extensive campaigning inside voting centers on election day. Activities included such things as campaigning by candidates inside sub-commissions, sometimes with military escorts; party-specific offerings of food and drink inside voting centers; and campaign posters on the inside walls of centers. In Sanaa¹² observers witnessed GPC teams working within the women's polling areas. Over 30 women activists wearing GPC stickers, and some wearing GPC hats, led women from the polling station entrance to their sub-commission, placed GPC stickers on many of them, campaigned up and down lines from the polling station doors and approached women immediately as they exited their sub-commissions after voting. No election official nor any security official attempted to stop this obvious violation of the election law's prohibitions against campaigning. Similar tactics were seen in other locations in this constituency. Voters in other constituencies around the country also made reference to these GPC "work teams."

Role of Security Forces

Observers witnessed, in almost every voting center monitored, many more soldiers than the three permitted under the law. Soldiers were also seen in almost all the men's and women's sub-commissions where voting was taking place. According to the law, security personnel are not permitted to enter sub-commissions without a request from the chair of the sub-commission.

The presence of military personnel was also very noticeable in areas immediately outside of voting centers. Although not a desirable situation in any election, the presence of these security forces must be considered in the context of the daily prevalence of military personnel in Yemen and the fact that past elections have been marred by violence. It is difficult to quantify what affect the military presence may have had. Increased security is one method of discouraging violence, and it should be noted that these elections saw much less violence than elections in the past, with three deaths on election day and 14 people wounded by gunfire. This is compared to 47 people reportedly killed in the 2001 elections. Many voters and election officials, when asked, seemed unconcerned about the presence of security forces. If they admitted that the security should not be inside the sub-commissions, they also expressed the belief that they were powerless to make them leave.

More worrisome was the fact that observers witnessed plain-clothes security personnel speaking with voters, leading voters from the entrance of the centers directly to polling booths, and involving themselves in procedures on election day, including the resolution of disagreements. These security forces did not have any identification. NDI strongly recommends that this practice be addressed and halted in the future.

Closing

The timing of the closing of the polling stations did not seem to conform to the law in the polling stations where NDI observers were present. Some polling stations closed at 6:00 pm as dictated by law, but many remained open, even if no voters were present. Some members of the sub-commission claimed this was in order to ensure all eligible voters had the chance to cast their votes. There were no observations of long lines requiring polling stations to stay open.

¹² Sanaa, Constituency 10.



Vote Count

Most of the international monitors returned to Sanaa by April 28. With calls coming in to NDI's headquarters from domestic observers and opposition party members of problems with counting procedures, the Institute redeployed observers in Sanaa and in a few centers in Aden in the late evening of April 28 and on the 29. While it is not possible to extrapolate positively to other centers which were reporting counting interferences, it is notable that where these observers were deployed their observations confirmed the reports of problems and the nature of the problem.

The first sub-commission (a men's sub-commission) in each voting center was responsible for counting the votes of the voting center at the end of election day. Inside the voting center, ballot boxes were to be transferred from the sub-commissions to the first sub-commission and the count conducted in front of the sub-commission's polling officials, candidates or their representatives and observers. The law requires that all three members of the first sub-commission must be present for the counting to commence and throughout the counting process.

The laws governing counting were greatly improved prior to the 2003 elections. In previous parliamentary elections the ballot boxes were transferred from the voting centers to the main commissions in the governorate capital, and there were many reports of tampering with the boxes. In almost all cases where NDI observers were present during these polls, the boxes were transferred properly from the sub-commissions to the first sub-commissions. There were credible reports of boxes being removed from observation during the counting, however.

In many cases counting continued long into the night and next day(s), taking 24, 48, and sometimes 72 hours to be completed. Once counting commenced, election officials, candidate representatives, and domestic observers were instructed by law to remain in the room and not enter or exit without the permission of the counting commission chair. Mobile phones were also not allowed in the counting room.¹³

¹³ Domestic observers and opposition party members cited difficulties in communicating problems to their central leaderships due to this restriction. This situation was compounded by the fact that in many areas in Yemen there are no public telephones.

Prior to the counting, the candidate representatives and first sub-commissioners had to come to agreement on various regulations governing the process, for example the standards for disqualifying a ballot (i.e. markings outside of the indicated circle for indicating the choice of candidates). The law stipulates that the voter must make a clear mark inside the circle next to the candidate's name and symbol, and not mark anywhere else on the ballot. However, due to the high rates of illiteracy and unfamiliarity with voting procedures, observers noted that in many cases the candidate representatives and sub-commissioners agreed to a certain amount of latitude in interpretation. For example, if the voter marked the circle and wrote the name of the candidate as well, or marked outside the circle but on the name or symbol, this was generally accepted. This ensured that the voters' choices were respected within the reasonable limits of the legal framework and that no significant number of voters was disenfranchised because of a lack of experience with the voting process. In the counting center where the ballots with the ink spots were being disallowed, a call to the SCER resulted in their inclusion. The SCER should be congratulated on maintaining the enfranchisement of the voter as its priority.

The law required that counting continue without a break, and in most cases counting continued with time out only for prayers or meals. In a few instances, however, observers noted that counting was halted in the night and commenced again in the morning. In one case near Aden, observers noted that the boxes were collected in one location but were not watched during the night. There were reports that in polling stations where the counting did not continue all night, ballot boxes disappeared and reappeared in the morning. In constituency 23 in Aden when the *Islah* candidate appeared to be heavily in the lead, there was a commotion outside the voting center and gunfire was heard. Security personnel ordered the facility cleared of all people. Observers noted that the ballot boxes were not guarded during this time and when they returned to the room it appeared that some ballots had been tampered with and some had disappeared. The constituency was eventually awarded to the GPC.

The law stipulates that security personnel are not to be allowed inside the first sub-commission during the counting process unless requested by the chair of the counting commission. Observers noted almost without exception that uniformed and armed security were present in the rooms during the counting. In one case there were over fifteen armed personnel in the counting room. When queried, some election officials stated that they knew that the military presence had not been requested, but did not think they were in a position to ask them to leave. It should be noted that in another instance the election official did ask the military personnel to leave after being approached by international observers.

Observers noted that in some cases the counting process was also delayed due to the absence of one or more of the first sub-commissioners. The law requires that all three first sub-commissioners be present in order for the counting to commence or continue. Observers witnessed the GPC sub-commissioners leave the counting center when it appeared that the opponent was winning, effectively stopping the counting process. In some cases the count was stopped for 12 hours when sub-commissioners could not be located. Observers noted that vote counting was stopped by GPC counting commissioners in Sanaa constituencies 11, 12, 15, 18, and 19, as well as in several other constituencies around the country.¹⁴ It should be noted that *Islah* won in all the Sanaa constituencies listed above.

¹⁴ NDI monitors were deployed around the country on election day, but most returned to Sanaa by April 28. With increased reports from domestic observers and opposition party members of problems with counting procedures, the Institute redeployed

THE POST-ELECTION PERIOD

In the days and weeks immediately following the elections there were serious and widespread accusations of fraud brought forward by *Islah*, YSP and many of the smaller parties. The opposition parties accused the GPC of, among other things, falsifying ballots and stuffing ballot boxes. It has also accused the judicial system of strongly favoring the ruling party.

Post-Election Resolution of Complaints

A total of 62 voting and counting-related complaints were accepted for review by the Supreme Court. Twenty-five of these were filed by the GPC, 21 of which were against *Islah* and four were against independents. The court accepted 15 cases filed by *Islah* of which 14 were against the GPC and one was against an independent. The court accepted five cases filed by the YSP, all against the GPC. Nasserites filed three cases against the GPC, the Baath one against an independent. The filing fee discourages complaints by all but the biggest parties. It costs 50,000YR (approximately \$270) and is not refundable if the ruling goes against the plaintiff.

All opposition party and independent candidate challenges were rejected; four appeals by the GPC were accepted and re-votes were held in centers in constituency 61 and 63 (Taiz), 75 (Lahaj), and 86 (Ibb). The GPC candidates moved ahead to win the seats in constituencies 61, 63 and 86 and the *Islah* candidate retained his lead in constituency 75.

The integrity of elections depends on the institutional framework for complaints and the independence of the judicial branch as well as the administration of the elections. The judicial system in Yemen does not inspire confidence. Both international and domestic commentators criticize the judiciary for being overly responsive to the executive. That there is no appeals process available is also problematic. Election-related complaints are filed directly with the Supreme Court. Given the high number of election-related complaints brought before the Supreme Court in these and past elections, the appeals process warrants serious review before subsequent elections take place.

observers in Sanaa, and in limited numbers in Aden, on April 28 and 29. Observations of blocked counting are therefore concentrated primarily in Sanaa. As mentioned, however, NDI received widespread and credible accounts from domestic monitors of similar situations around the country. The prevalence of the use of such tactics in Sanaa itself, despite the small number of Centers observed and fierce competition over the constituencies in the capital, is in itself startling and significant.

RESULTS OF THE 2003 ELECTIONS

The ruling party increased its seats from 145 in 1993 to 226 (including independents who immediately affiliated with the GPC) in 1997 and 240 (including GPC affiliated independents) in 2003. Since 1997 the GPC has had sufficient numbers in parliament to amend the constitution without consultation with the opposition parties. The following table shows seats gained and popular vote in the three parliamentary elections.

In the 2003 elections the ruling party received 76 percent of the seats, but only 58 percent of the popular vote. *Islah* received 15 percent of the seats, but 22.5 percent of the popular vote. The YSP received two percent of the seats and five percent of the popular vote. Had Yemen had a list or proportional representation system rather than a “first past the post” system the opposition would hold close to 1/3 of the seats in parliament.

Parliamentary Seats and Popular Vote 2003, 1997 and 1993

	2003		1997		1993	
	Seats	Pop vote	Seats	Pop vote	Seats	Pop vote
GPC	230 (76.4%)	58.2 %	226 (75 %)	43 %	145 (48 %)	
<i>Islah</i>	45 (14.9 %)	22.5 %	53 (17.6 %)	23 %	66	
YSP	7 (2 %)	4.8 %	abstained	-	68	
<i>Ruling Coalition</i>	<i>NA</i>		92.6 %		70.7 %	
Nasserite Social Unionist Party	3		2	4 %	Small parties 22	
Baath Socialist Party	2		2			
Independents	14		18	30 %		

These figures show seats won by individuals as candidates for a party. They do not include independents who affiliated with a party after the elections.

Fourteen independents were elected in 2003. Ten independents (from constituencies 39, 50, 107, 109, 203, 234, 265, 267, 269, 274) are now claimed by the GPC, suggesting that they were not real independents. The list includes five who had been supported by *Islah*.¹⁵ *Islah* actually supported seven. Two of those supported by *Islah* remained independent plus two who ran without the support of any party. *Islah* has no explanation for the realignment of the five independents who they had supported. Current seats in parliament including the independents who subsequently aligned with the GPC are: 79.4 percent GPC, 19.2 percent JMP opposition, and 1.32 percent true independents.

¹⁵ NDI staff was told by one independent that he discovered he had aligned with the GPC only when he read his name in the newspaper. He was hesitant to protest.

Many of the accusations of ruling party violations that were raised by members of the JMP related to constituencies in the south. A review of the SCER data on votes cast, however, suggests that at least in the south, the opposition parties lost to each other rather than to the GPC. (This of course does not preclude the possibility that there were also violations.) The following table includes all 15 constituencies where opposition and independent votes were greater than the winning GPC votes. Eleven of the 15 constituencies where the JMP gained more votes than the winning GPC candidates are in the South. Of these southern constituencies, the combined votes of *Islah* and the YSP were greater than the vote for the GPC in 10 constituencies and of the YSP and the Nasserite Social Unionist in one constituency (119). In five of the constituencies (26, 55, 61, 72, 118) the votes cast for independent candidates could have swung the elections to either the GPC or the JMP, even if the JMP had run only one candidate.

Constituencies in which votes for opposition and independents were greater than winning GPC

Governorate	Constituency	Party	GPC Votes	YSP Votes	<i>Islah</i> Votes	Nasserite Unionists Votes	Baath National Party	Independent 1 Votes
Aden	22	GPC	5122	4892	4714	0	0	3722
Aden	23	GPC	6545	4030	6531	0	0	977
Aden	24	GPC	6613	2822	6609	236	0	0
Aden	26	GPC	3802	3059	2566	0	0	2128
Aden	28	GPC	10941	3112	8726	0	0	674
Taiz	55	GPC	6919	0	6647	0	302	3673
Taiz	61	GPC	8002	927	9827	50	0	3463
Taiz	63	GPC	5670	2157	5925	0	83	159
Lahaj	72	GPC	6881	4000	4098	0	287	4385
Lahaj	74	GPC	5320	4381	5274	0	0	1769
Abyan	118	GPC	8498	7509	0	732	202	822
Abyan	119	GPC	5544	5018	0	2819	0	848
Shabwa	137	GPC	9666	557	9450	0	146	68
Hadrmt	143	GPC	9048	3009	6955	0	0	0
Dhale	299	GPC	9770	3261	8784	0	0	74

Southern Constituencies in which JMP Votes were Greater than GPC Votes

- Aden: Constituencies 22,23,24,26,28
- Lahaj: Constituencies 72,74
- Abyan: Constituencies 119
- Shabwa: Constituencies 137
- Hadramaut: Constituencies 143
- Al Dhale: Constituencies 299

Had the JMP not split the vote, the opposition might have held eight of 10 seats in Aden, seven of 12 seats in Lahaj, three of seven in Abyan, three of seven in Al Dhale, six of 18 in the Hadramaut, one of six in Shabwa, and zero of two in Al Mahra. Twenty-eight of 62 seats (45 percent) of southern constituencies might have been held by the opposition.

Looking at the results of the elections by geographic area, there were significant changes in opposition party bases between 1997 and 2003. *Islah*, which retained only 19 seats from 1997, became a more urban party. In 1997, *Islah* held only one seat in the capital and one seat in Aden, the two largest urban areas. In 2003 it gained 10 seats in the capital and two seats in Aden. Had the opposition not split the vote, *Islah* might have held an additional five seats in Aden. It also increased the number of seats it holds in Taiz city, up from three of six in 1997 to four of six in 2003. In 1997, *Islah* held 19 of the seats in the tribal governorates of Sanaa, Amran, Sadaa, AlJauf, Marib, AlBaida, and Shabwa. As a result of the 2003 polls *Islah* holds only eight seats. Some in *Islah* attribute the party's decline in tribal areas at least in part to a failure to develop a compelling message for rural areas.

South versus North

Looking at the results by region and demography, we find that there was a 6.5 percent difference in turn-out between the north and the south and a .69 percent difference in invalid votes between the north and south. Five governorates are southern and detribalized. Shabwa is southern but very tribal, and Mahra is remote and Bedouin. The following table compares turn-out and invalid votes data between the northern governorates and the five southern governorates.

Regional Comparisons of Turn-out and Invalid Vote

	Turnout	Invalid vote
South	70.9 %	3.70 %
North	77.4 %	3.01 %

The differences between the north and south in turn-out can potentially be explained by cultural differences: tribal leaders can more effectively turn-out their tribesmen. The differences in invalid vote ratio, however, are somewhat unexpected. Given the fact that the southern governorates have a much more literate population than the northern governorates, one might have expected higher invalid votes in the north.

A comparison of tribal and non-tribal governorates in the north shows little difference.

Tribal and Non-Tribal Comparisons Turnout and Invalid Vote

	Turnout	Invalid vote
Tribal	75 %	2.4 %
Non-tribal	76 %	3.5 %

Tribal: Sanaa, Amran, Sadaa, AlJauf, Marib, AlBaida, Shabwa

WOMEN'S PARTICIPATION

Women's political participation in Yemen is significantly higher than that of other countries in the region. Yemen was the first country on the Arabian Peninsula to enfranchise women. In 1993, 21 women ran for parliament and two won seats; in 1997, 17 women ran for parliamentary office and again two women won seats; in the country's first local council elections in 2001, 147 women ran, and 38 won. In the previous government there was one female minister, one female ambassador and a small number of deputy ministers. As noted earlier, registration of women voters increased significantly for these elections, from 1.8 million to 3.4 million voters.

Despite this increase in registered women voters, however, it appears that women's participation in Yemen's democratic political life has been diminishing, rather than growing stronger. Each round of parliamentary elections has seen a decrease in the number of women running for office; only 11 women ran in 2003. In these elections, political parties failed to either set aside seats for women or to appoint them to the electoral commissions. Women who chose to run faced considerable pressure throughout the pre-election period to withdraw. The parties – which failed to nominate women candidates in any significant number – did little to protect the rights of those who were running.



In the lead-up to the parliamentary elections, women's organizations sought to pressure the parties and government to set aside seats for women in certain districts, and NDI worked with the GPC, *Islah* and the YSP, Baath and Nasserites to try to develop a Memorandum of Understanding whereby seats would be set aside for women in some major urban areas. *Islah*, citing problems with traditionalist elements within the party, would not agree to run women candidates. The party was willing to negotiate not running male candidates against women in these constituencies if they were not *Islah* strongholds.

The GPC, however, was unwilling to negotiate with the opposition on a formal agreement, and claimed that the national leadership could not over-rule local choices and nominate women because of recent decentralization initiatives. Given the GPC's predominance in political life, this decision was unfortunate, as the party was in a position to play a leadership role in encouraging women's participation.

Among the larger parties, the YSP nominated two women, and the GPC one; smaller parties ran three women and five women ran as independents. As noted in preceding sections, women faced serious hurdles in the nomination and campaigning period.

DOMESTIC MONITORING AND THE ROLE OF CIVIC ORGANIZATIONS

The relationship between the elections commission and domestic monitors has, in previous elections, been a contentious one. Despite the election law, which after 1996 allowed for the presence of observers in the polls on election day, some observers were denied access to voting centers or were refused accreditation in 1997.

From the beginning of the election cycle the SCER expressed a commitment to full access for international and domestic monitors. In addition and in response to international concerns, the SCER undertook a number of initiatives to see that domestic monitoring efforts were facilitated rather than restricted in these elections. In response to time constraints, the SCER waived the requirement in the law requiring each individual monitor to sign the NGO monitoring application form and permitted the NGOs to use their stamps instead. It also removed the demand that each monitor supply a photocopy of his national ID. Both requirements would have limited monitoring in remote areas because there was insufficient time to collect signatures and photocopies.

The commission also adopted a set of guidelines for observers which formally established observers' rights and responsibilities. Additionally, the SCER chairman addressed local observers at two domestic monitoring trainings emphasizing the importance of the role of domestic monitors in ensuring a free and fair process. Both speeches were televised, sending an important message to local election officials on the rights of observers on election day.

The lack of experience with institutional transparency inhibited SCER outreach and communication with domestic stakeholders and was an obstacle to domestic organizations' engagement with the SCER in preparation for their role as domestic monitors. At the same time, however, domestic organizations and political parties lacked a concrete strategy to engage the SCER and follow up on issues of concern. NDI encourages the SCER and NGOs to enter into discussions well before the 2006 elections on how to best enhance SCER-NGO coordination.

NDI-Supported Coalition

In the lead-up to the 2003 elections, NDI was approached by several organizations interested in mounting a domestic monitoring campaign. With the Institute's technical assistance and funding from the Royal Embassy of the Netherlands, the British Embassy, USAID and the UNDP, a loose coalition of Yemeni civil society organizations organized a comprehensive nonpartisan election monitoring effort for the 2003 elections. This effort included monitoring of the registration period, the campaign period and the voting and counting procedures. The program fielded approximately 3,000 monitors on election day. There were an additional 20,000 Yemeni citizens registered by the SCER under the auspices of other associations and NGOs. While the high number of citizens registered to monitor could be interpreted as a positive sign of civic responsibility, many of the associations and NGOs were political party creations or party dominated.

Groups involved in the voter registration monitoring program supported by NDI included Civic Democratic Initiatives Support Foundation (CDF), School for Democracy (SD), Sisters Arab Forum (SAF), and Yemen Human Rights and Freedoms Foundation (YHR). The civil society organizations in this loose coalition mobilized approximately 3,000 volunteer monitors during the

month-long registration campaign. The groups identified problems during the registration campaign, including the registration of a high number of underage individuals; inadequate training of electoral authorities and security officials; involvement of unauthorized individuals in the registration process; procedural confusions about women's registration; and the absence of women in higher-level election commissions.

A number of the same NGOs – CDF, School for Democracy (SD) – and in addition the National Youth Center, mobilized to monitor election day activities. CDF also monitored the nomination and campaign periods, including the provision of registration data; the scheduling of rallies and marches; assignment of locations for distribution of campaign materials; scheduling of presentations on state-run media; compliance with the electoral law by candidates and parties; and the resolution of complaints. Monitors attended campaign rallies and marches around the country and also conducted a media monitoring campaign.

On election day, these organizations reported that their observers were present in all 301 constituencies for either voting or counting procedures. The coalition of civil society organizations played an integral role in briefing the international delegation on the status of the election environment. A detailed report of their findings will be issued in early 2004.

RECOMMENDATIONS

From NDI's experience in more than 50 countries in transition toward democracy, it is clear that citizen confidence in elections and broader political processes, as well as a perception of fairness, are as important as the letter of the law. The government and ruling party have a special responsibility to ensure not only that the election process is administratively correct and meets at least minimum international standards, but also that the process is free from even the *perception* of unfairness. At the same time, all parties share an obligation to respond to the challenge of entering into constructive partnerships to create real democratic progress. In Yemen, the government, election authorities, political parties and civic organizations have all committed themselves to developing pluralist political competition and an open society. The 2003 elections demonstrated progress in this respect and it is in this context and in the spirit of international cooperation that the NDI offers the following recommendations.

- A careful review of the election law should be undertaken to correct deficiencies which may have negative effects on the integrity of the registration, voting and counting procedures. The process of review should be open and transparent and should include the participation of political party representatives and members of civil society organizations.
- Legal procedures pertaining to election complaints should be reviewed. The lack of an appeals process and the failure of the court to explain the basis of its decisions contributed to a perception of unfairness. NDI noted that all 34 of the cases filed against the ruling party were rejected by the court and only cases filed by the ruling party were accepted. This imbalance contributes to opposition party and citizen distrust. Additionally, the fee of 50,000YR to file a complaint with the court should either be eliminated or greatly reduced, as it discriminates against independents and smaller parties.
- The structure and appointment process of commissioners should be reviewed and an effort made to reduce the politicization of commissions at all levels.
- Parliament and the government should take steps to clarify the enforcement authority of the SCER. The fact that no election commissioners were sanctioned for election abuses – despite reports by candidates and observers of commissioner misconduct – casts a shadow over the recent elections. 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.
- In order to comply with constitutional requirements, a comprehensive redefinition of constituency boundaries is required. To be successful, such a process must not only respect the principle of equality of each person's vote, but it should avoid drawing constituency boundaries that deliberately disadvantage particular political parties. Redistricting, therefore, should be undertaken through an inclusive political process that respects long-term national interests.

- The SCER should take effective steps to correct deficiencies in the voter registry, particularly the appearance of underage voters. Political leaders should consider developing continuous voter registration, perhaps based upon a comprehensive civil registry.
- Effective measures should be taken to achieve balanced political coverage in the state-owned news media. The 2003 elections witnessed improved access to state media for political parties; however, the control of content was so restrictive as to seriously undercut the access provided. Restrictions against political expressions including criticism of political parties and the government should be eliminated. A provision of access to both broadcast and print media for political parties is also necessary beyond the official election campaign period; in this same respect, regulations should be promulgated to eliminate political bias in the state-owned media.
- The role of the military in elections should be reviewed. The military should have no role in decision-making at the national, governorate or local level, except with regard to the provision of security. The steps taken by the SCER to reduce the role of the military in the operations room¹⁶ at the national level deserve credit. The opening of the operations room to international and domestic monitors was also a positive step. However, the military continued to play a role in the decision-making process, particularly at the governorate level. While the role of the military in decision-making at the national level was reduced, military officers continued to be involved in determining which problems deserved intervention by the SCER, raising suspicions that opposition complaints were not handled impartially.
- Security forces should be properly identified, and plain clothes security officials should not be present at polling stations. Security force members should be properly trained to recognize the authority of election officials and they should receive effective training in crowd control tactics. Massive deployments as were witnessed during these elections should be avoided.
- In order to encourage women candidates 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 be taken to secure seats for women on supervisory and main commissions.
- Procedures should be put in place that ensure rapid publication of election data. Six months after the parliamentary elections the data was still not available on the SCER website. Such a delay undercuts other efforts to build trust between government institutions, political parties and civil society organizations. It also makes it difficult for parties and candidates to participate in electoral reform discussions in an informed manner.

¹⁶ The renaming of the operations room to the "Communications and Follow-up Center" was intended to symbolize the reduced role of the military.

- Future voter education campaigns should address the importance of individual decision-making about the candidates and should educate citizens not just in the procedures of voting, but on how to evaluate campaigns and candidates. In some constituencies voter turnout figures of 95 percent in which single candidates received over 95 percent of the votes suggest that many citizens did not understand that their vote should reflect their individual preferences and that their vote was secret.
- Steps taken in the election campaign, including the adoption of a voluntary code of conduct by the political parties and the agreement to publicly call for a non-violent election day, should be furthered in the period following the elections in order to help create an environment that is more conducive to political participation beyond the elections.
- Confusion between the role of the ruling political party and the State in Yemen is highlighted in election periods, as voters may not distinguish between political activity and the proper role of state officials, governmental agency services and security forces. Broad civic education efforts are therefore needed to highlight the separation between State agencies and the governing political party. Laws forbidding the use of government resources to promote ruling party candidates need to be enforced.

CONCLUSIONS

The people of Yemen and the country's political leaders have expressed their commitment to achieving pluralistic political competition, women's full participation in the political process, and democratic governance. The challenge now facing the country is to firmly establish the institutions needed to achieve these goals. The April 27, 2003 elections represent a step forward in Yemen's development as an emerging democracy, illustrating that Yemeni citizens have begun to recognize the importance of the electoral process. There was an increase in voter registration, political parties competed actively for parliamentary seats, the election administration showed a desire to establish its independence, and civil society mobilized thousands of volunteers to monitor the process.

The international observer delegation mission was not present during the campaign period to document pre-election abuses which reportedly included violence and threats of violence, coercion of potential candidates forcing some to withdraw, use of public resources to promote candidates, and unduly restrictive regulations regarding the media. The identification of such incidents by NDI staff and locally based observers during these elections was, however, frequent enough to raise serious concerns.

On election day, the NDI observer delegation documented incidents of underage voting, removal of ballot boxes from observer view, marking of ballots by commissioners, interference by security in the voting process, presence of unauthorized persons in voting centers, intimidation of voters and in some cases, the refusal to allow voting. While NDI observers covered only a small fraction of the 301 constituencies on election day, a wider analysis based on domestic observer reports and an analysis of SCER statistics indicate that similar problems occurred in other areas of the country.

A new development in Yemen politics during the 2003 election period was the signing of a Memorandum of Understanding by seven opposition parties that was intended to improve the opposition's ability to gain more seats by avoiding splitting the vote. Although this was successful in some constituencies, the agreement was not implemented in other areas and opposition candidates competed against each other. However, opposition parties have indicated a desire to continue to refine this agreement in preparation for future election cycles.

Specific to these elections, NDI encourages the GPC and the government to demonstrate leadership to initiate reforms to the election law and procedures that would promote greater fairness and transparency. The Institute also calls on the opposition parties to participate actively to ensure that these discussions are constructive and to take into account the democratic ideals expounded by all of Yemen's political leaders.

These elections illustrate that Yemen has made advances on its path towards a more democratic system since the 1997 elections. However, significant challenges remain in order to consolidate these advances and achieve political reform. NDI would like to express its gratitude for the warm welcome and continuing partnership that has been extended to it by the Yemen Government and party leaders over the past decade. NDI remains committed to assisting those in Yemen who are striving to advance the democratic process.