



**PRELIMINARY STATEMENT OF THE NDI
INTERNATIONAL ELECTION OBSERVER DELEGATION TO
YEMEN'S APRIL 27 LEGISLATIVE ELECTIONS**

Sana'a, April 29, 2003

This preliminary statement is offered by the international election observer delegation organized by the National Democratic Institute for International Affairs (NDI) to Yemen's April 27, 2003 elections for members of its House of Representatives. The delegation, totaling 30 observers from 11 nations in Europe, North America, South America, the Middle East and North Africa, visited Yemen from April 22 to 29. It included political leaders, present and former elected officials and experts in human rights, election processes and Yemeni history and politics.

The purposes of the delegation were to express the international community's interest in and support for a democratic election process in Yemen and to offer an accurate and impartial report on the character of the election process as far as it has developed. The delegation conducted its assessment on the basis of international standards, comparative practices for democratic elections and Yemeni law.

The delegation wishes to emphasize that it at this point NDI does not intend to render a conclusive assessment of the process, given that the tabulation of results for the House of Representatives elections have not been completed and any electoral challenges that may be lodged remain to be addressed. NDI does not seek to interfere in the election process. Ultimately, it will be the people of Yemen who determine the meaning and validity of the elections.

SUMMARY OF OBSERVATIONS

The April 27 elections represent another significant step forward on Yemen's path toward democracy; however, sustained and forceful efforts must be undertaken to remedy critical flaws in the country's election and political processes.

These elections for the House of Representatives are the third legislative elections since Yemen's unification in 1990. They were marked by enthusiasm and determination by Yemenis to exercise their right to vote and freely choose their representatives. This deepening sense of democratic entitlement is an important indication of Yemen's progress as an emerging democracy. The elections also demonstrated a number of other positive developments, which are discussed in more detail in following sections. Nonetheless, the atmosphere of anxiety in the run-up to the elections caused by persistent violence, as well as heavy-handed and coercive measures on election day by elements of the ruling General People's Congress in many polling centers across the country, significant incidents of underage voting and other problems and irregularities are troubling. While the vote tabulation is still underway and electoral appeals that may be lodged cannot yet be addressed, concerted steps to ensure the credibility of this election process and longer-term efforts to ensure the integrity of the political process are essential to further democratic progress.

Positive Developments in Yemen's Election and Political Processes: Among the positive developments surrounding these elections are:

- Election day was relatively violence free with, according to the SCER, 14 wounded and three dead as a result of election day violence. This reduction in violence resulted in part from: improved election administration; the declaration by the Supreme Commission for Elections and Referenda (SCER) of April 27 as a “weapons free day;” the joint press conference of the Chairman of the SCER and the secretary-generals of the three main political parties broadcast two nights before the elections, calling for elimination of election-related violence; and the entering into a voluntary code of conduct by political parties on the eve of the official election campaign period, even though its impact was limited by its late adoption.
- There were significant advancements in the professionalization of the SCER, including development of a professional secretariat and impressive improvements in both logistical preparations and the performance of officials at the polling station level (sub-commissions) compared to past elections.
- A computerized voter registry was completed, with photos on the voter lists that match new voter identification cards. Voter registration of women was increased to over 43 percent of the registry, and electoral safeguards were added, including transparent ballot boxes, counting of ballots at the polling center for the first time, announcing results on the spot and providing copies of results (tallysheets) to candidate agents.
- Generally, voting procedures were well administrated, due to the dedicated performance by thousands of men and women election officials at the majority of polling stations (sub-commissions) observed by the delegation on election day.
- All political parties participated in this election process, as compared to the boycott by Yemeni Socialist Party (YSP) and several smaller parties in the 1997 legislative elections. There was active dialogue between the SCER and the political parties. There also was constructive dialogue among the parties and the SCER in the run-up to the elections, although the dialogue started late in the process.
- A festive atmosphere existed in many places in the lead up to the polls and on election day, which demonstrated a sense of excitement and multi-party political competition, including the participation of independent candidates.
- A generally sound legal framework for elections is provided by the new election law and other election-related laws, although some important modifications are warranted.
- Domestic nongovernmental organizations mobilized over 25,000 accredited election monitors, and three important domestic election observing organizations cooperated in monitoring the voter registry, media monitoring, monitoring the nomination and election campaign periods and election day processes. Also, the SCER was open to and encouraged the role of domestic election monitors.

Flaws in Yemen's Election and Political Processes: A significant number of critical flaws are apparent in Yemen's election and political processes that must be addressed effectively and in a sustained fashion if democratic progress is to be advanced, otherwise public confidence in Yemen's commitment to democracy could be damaged. NDI delegates noted patterns of election law violations including political intimidation, underage voting, inappropriate behavior by security forces, vote buying, and obstruction by GPC counting commissioners. Serious incidents were witnessed in Sana'a, Aden, Ta'iz, the Hawdramowt and elsewhere. It should be noted that it is difficult to assess the electoral effect of the observed violations, and, as of this writing, a number of the problems noted in this statement appear to be being rectified, testifying to the improved nature of the election process compared to 1997. Nevertheless, there are serious problems that must be addressed which include:

- The effect of persistent political violence over the years in Yemen has created a state of anxiety that hinders robust political competition and curtails political participation. Even though there was substantially less violence in the run-up to the 2003 polls, there were seven deaths and 40 people injured during the voter registration period, 14 gun battles with five wounded in the immediate pre-election period and, according to the SCER, 14 wounded and three dead as a result of election-day violence. The relatively high level of apprehension about political violence combines with threats and coercion to increase the potential impact on citizens' decisions about whether to stand for office and how to exercise their choice on election day.
- There was evidence in numerous polling centers on election day of coercive tactics that undermined the integrity of the process, for example:

The actions of GPC "work teams" at the women's polling areas in Sana'a Constituency #10, where over 30 women GPC activists (wearing GPC stickers and some wearing GPC hats) led women from the polling center entrance to their polling station (sub-commission), placed GPC stickers on many of them, campaigned up and down lines from the polling stations' doors and approached women immediately as they exited their sub-commission after voting, may well have had an undue influence on voters, as well as on activists of another party who complained to NDI observers of being intimidated by these work teams. No election official nor any security official attempted to stop this obvious violation of the election law's prohibitions against campaigning on election day and attempting to influence the choice of voters in polling stations; similar tactics were used in other locations in Constituency #10.

In Sana'a Constituency #1, NDI election observers witnessed vote buying which involved underage voters. Outside the sub-commission two individuals were exchanging money and reacted immediately to disassociate themselves from each other when the observers approached. Several minutes later, young men who admitted to being in 10th grade (approximately 15 years old), who had fingers inked from voting, then approached one of the men, holding out their hands, as if requesting payment.

- Troubling examples of improper voting were brought to the attention of the delegation, and it witnessed instances of security forces interfering in the process; for example:

In Sana'a Constituency #10, a domestic election monitor and all three election officials told NDI observers of 80-100 persons from the police academy marking their ballots in the open for the ruling party within view of their superior officers, even though the election officials instructed the voters to go into the voting booths. Security personnel attempted to prevent the domestic monitor from describing this to NDI observers, and they entered this sub-commission uninvited, attempting to interfere with the officials describing this to the NDI team.

In Sana'a Constituency #1, plain-clothes unaccredited security personnel were seen frequently speaking to voters, leading voters from the entrance of the centers directly up to the polling booth, sometimes past waiting voters in long lines, and were highly involved in procedures on election day, including the resolution of disagreements. Although the NDI observers could not determine the influence of these security personnel on the outcome of the election in this sub-commission, their presence and involvement in the process, lack of accreditation and absence of uniforms or security identification does not comport with the law or standards for democratic elections.

- The incidence of underage persons being entered onto the voter registry compromised the integrity of the election process. The SCER estimates that at least 150,000 to 200,000 underage voters were entered on the voter registry. If concentrated more heavily in certain constituencies, these underage voters could have made a difference in the electoral outcome in some constituencies. While it is not possible for the delegation to determine the effect of illegal voting by underage persons, practically all NDI observers noted significant numbers of obviously underage voters.
- At a significant number of vote counting commissions (where all ballot boxes are taken for counting within a voting center) and at constituency level tabulation centers (Main Commissions), the integrity of the election process was brought into question by the actions of appointed GPC commissioners, who blocked the count by walking out when another political party seemed likely to win the vote. This behavior was a blatant misuse of the legal requirement that all three members of the commission must be present for the count to proceed. In some commissions the count was blocked for as many as 12 hours; the counting and tabulation process restarted, which demonstrates corrective action as a result of interventions from national leadership; however, at this time it is not yet known whether the results were affected by the problems.

In just one specific example at a voting center in Aden Constituency #23, vote counting was stopped after gunfire was heard and the center evacuated. At 12:05 p.m. counting resumed, showing *Islah* heavily in the lead. Some time later, the GPC candidate showed up at the commission screaming that a fraud was taking place. A shot was fired outside the commission, and security personnel ordered the facility cleared of all people. NDI observers reluctantly left, but remained outside the center; when they returned they noted that the ballots seemed to have disappeared.

Vote counting was stopped by GPC counting commissioners in Sana'a constituencies 15, 11, 12, 18 and 19, and in several other constituencies around the country.

- State control over Yemen's broadcast media, as well as three national newspapers and all but one of the country's printing presses allows the government to dominate political news reporting. Media monitoring by domestic election observer organizations of national televisions and radio broadcasts in six governorates (provinces) documents pro-government bias that undermines the positive effect of free access to state media provided to political parties in the 19-day official election campaign period. The allocation of access time to broadcast party platforms (provided to each party that qualified more than 10 candidates) is further undermined by the editing from the broadcasts of any criticism of other political parties or the government; the legitimate state interest in preventing hate speech or incitements to violence is thereby overextended to curtail legitimate political expression. This is more troubling in light of the investigating, charging and imprisoning of 30 journalists last year and the closing of three opposition newspapers, according to the US State Department's Country Report on Human Rights Practices.
- While the legal framework for elections is generally positive, a number of important modifications are warranted. For example, Yemen's constitution (article 62) and the election law (sections 24 and 53) require that each of the 301 constituencies for the House of Representatives respect equality of the vote by having equal populations, with a variation of not more than plus or minus five percent; however, the population of constituencies varies far beyond this requirement and generally accepted international practices. In Sana'a alone the constituency populations vary from a low of 18,799 registered voters to a high of 59,707, and the problem has a national scope. While the delegation did not attempt to analyze any political impact of districting issues, the population disparities violate equality of the vote.
- Yemen was the first country on the Arab Peninsula to enfranchise women. Women not only have the right to vote but progress was made this year in increasing the number of women on the voter register to over 43 percent of the total, from 1.8 million to 3.4 million women on the voter rolls. However, the number of women candidates for the House of Representatives has declined from 21 in the 1993 elections to 17 in the 1997 elections to just 11 in these elections. While cultural traditions tend to limit women's participation in public life, this year's added requirements for qualifying independent candidates hindered an important avenue for women candidatures, and the political parties failed to take meaningful steps to promote women candidates within their ranks nor did they successfully complete negotiations to set aside a number of seats for women.

In order to contribute to discourse about both immediate and longer-term steps to remedy flaws and build upon strengths in Yemen's election and political processes, a number of recommendations are offered at the end of this statement. NDI will continue to monitor electoral related developments and will issue its final report on Yemen's 2003 election process in the near future. This and other NDI reports and materials on Yemen can be found on the Institute's website at www.ndi.org.

THE DELEGATION AND ITS WORK

The delegation held a series of extensive meetings with government and electoral officials, political and civic leaders and representatives of the international community in Sana'a. Among the individuals and organizations that the delegation met were: President of the Republic Ali Abdullah Saleh; Chairman of the SCER Khalid Al Sharif, other members of the SCER and members of its lead staff; the general-secretaries of the General People's Congress (GPC), Yemen Congregation for Reform (*Al-Islah*), Yemen Socialist Party (YSP); leaders of other political parties that are members of the Joint Meeting Parties (JMP - a six-party coalition including *Islah* and YSP), the Alliances National Coordination Council for Opposition (NCC, a seven party coalition including the GPC) and other parties; leaders of domestic nonpartisan election monitoring organizations, including the Civic Democratic Initiatives Support Foundation (CDF), School for Democracy and Youth Center (YC); and the International Foundation for Election Systems (IFES), United Nations Development Program (UNDP), the European Union and other representatives of the international community concerned with the elections.

On April 25, NDI observers deployed to the following cities: Sana'a City and Sana'a Governorate; Aden; Ta'iz; Mukalla; Seyoun City; Lahej; Hodaidah; and Ibb. The types of meetings conducted in Sana'a were replicated at the local level by the deployed teams. On election day, the teams observed the voting and counting process around the country in more than 250 polling stations (sub-commissions), counting centers and constituency tabulation centers (Main Commissions). Following the election, the observer teams returned to Sana'a to share their findings and contribute to the assessment and recommendations included in this statement.

NDI believes that an accurate and complete assessment of any election must take into account all aspects of the electoral process, in addition to the political context in which it takes place. These include, among other issues to be addressed in NDI's final report:

- The legal framework for the elections;
- The voter registration process;
- The campaign period, including the campaign environment, media access and coverage and other elements;
- The voting process;
- The counting process;
- The tabulation and announcement of results;
- Resolution of election complaints and appeals and the application of sanctions for election violations;
- The process for the seating of winners of the elections.

NDI's work since 1993 with Yemeni political parties and civic organizations to help them strengthen their participation in electoral processes, the Institute's offering of advice to electoral authorities in the last year to help increase electoral integrity and NDI's observation of past Yemeni elections all contributed to this delegations understanding. Recent NDI activities have included: political party development and campaign training at the local and national levels; ongoing consultations with the SCER on the voter registration campaign and preparations for the

April elections; and support for non-partisan domestic monitoring of the voter registration period and of election day. The activities of this delegation were separate from these other programs but have been informed by them, and the delegation cooperated with domestic monitoring organizations as part of its observation efforts.

RECOMMENDATIONS

From NDI's experience in more than 50 countries in transition toward democracy, it is clear that confidence in elections and broader political processes and a perception of fairness are as important as the letter of the law. The government and ruling party have a special responsibility therefore not only to ensure that the election process is administratively correct and minimum international standards are met, but 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 constructive partnerships to create real democratic progress. In Yemen, the government, election authorities, political parties and civic organizations have all committed themselves to developing an open society and pluralist political competition. These elections demonstrate clear progress in these respects. It is in this context and in the spirit of international cooperation that the NDI offers the following recommendations.

- The SCER and its subordinate electoral commissions should do everything possible to complete immediately the vote tabulation process, announcement of results, and declaration of winners for the April 27 elections. Candidate and political party representatives, domestic election monitors, and others, should be included in every step of this process in order to ensure transparency and to build confidence in the outcome of the elections.
- The SCER should review all incidents of election day problems, and develop measures to eliminate them in future elections, including particularly the enforcement of the prohibition against election day campaigning, especially within voting centers. The SCER should also take steps to ensure the enforcement of the prohibition against the entry by unauthorized personnel, including plain-clothed security officials, from entering the voting centers. The enforcement of election laws and regulations in the campaign period as well as on election day is critical to establishing genuine election processes.
- The SCER should take effective steps to correct deficiencies in the voter registry, particularly the appearance of underage persons. Political leaders should consider developing continuous voter registration, perhaps based upon a comprehensive civil registry.
- 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 processes, for example, the law should be changed so that not more than one member from each political party may sit on an election commission, and commissions should be empowered to conduct their activities even if only two of the three members are present. Further review should be conducted in order to identify additional steps to help eliminate politicization of election commissions at all levels.

- 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 must 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, rather than short-term political gains for any specific party.
- 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.
- Effective measures must be taken to achieve balanced political coverage in the state-owned news media. A provision of access to both broadcast and print media for political parties is necessary beyond any official election campaign period. Moreover, regulations should be promulgated to eliminate political bias in the state-owned media. Restrictions against political expressions including criticism of political parties and the government, should be eliminated.
- Steps taken in the election campaign, including the adoption of a voluntary code of conduct by the political parties, should be furthered in the period following the election in order to help create an environment which 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. This should include increased training and professionalization of security forces.

CONCLUSION

The people of Yemen and the country's political leaders have expressed their commitment to achieve pluralistic political competition, women's full participation in the political process and democratic governance. The challenge now facing the country is to establish firmly the institutions and processes needed to achieve these goals. The April 27 elections represent another significant step in Yemen's development as an emerging democracy. NDI is grateful for the warm welcome and continuing partnership that has been extended to it by Yemen's governmental, political and political leaders over more than a decade. The Institute remains committed to assisting those in Yemen who are striving to advance the democratic process.