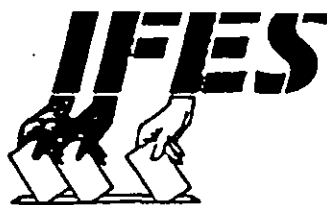


Date Printed: 11/03/2008

JTS Box Number: IFES_13
Tab Number: 9
Document Title: The Republic of Yemen: Pre- Election
Preparations of Report of Delegation 25
Document Date: 1993
Document Country: Yemen
IFES ID: R01951



* C 2 7 B B B C 7 - B E 0 3 - 4 0 1 2 - 8 E 4 4 - 0 8 1 D E 9 3 D A 0 0 6 *



THE REPUBLIC OF YEMEN

Pre-Election Preparations

Report of the Delegation
25 January - 1 February 1993

ELECTORAL
REFORM SOCIETY

*Michael Meadowcroft
Patrick Bradley
Gillian Felvus*

INTERNATIONAL
FOUNDATION
FOR
ELECTORAL SYSTEMS

*Keith Kline
Dr. Ronald Wolfe*

F. Clifton White Resource Center
International Foundation
for Election Systems
1101 15th Street, NW
Washington, DC 20005



ELECTORAL REFORM

Consultancy Services

REPORT OF DELEGATION 25 JANUARY - 1 FEBRUARY 1993

CONTENTS

A.	INTRODUCTION	2
B.	CONTEXT	3
1.	General	3
2.	Unification	6
3.	Economic Constraints	7
C.	UNDERPINNING	10
1.	Electoral Law	10
2.	Political Parties Law	12
3.	Press and Publications Law	12
4.	The Constitution	13
5.	Political Implications	13
6.	Administration	14
7.	Election System	15
8.	Political Parties	15
9.	The Electoral Process	19
	Registration	
	Nomination	
	Campaign	
	Polling Day and	
	Counting of Ballots	
	Recommendations	
10.	Special Cases	34
	Military	
	and Paramilitary	34
	Women	35
11.	Technical Support	36
12.	Observer Teams and the Future	38
	CONCLUSION	38

APPENDICES	A	Information Plan for Media Coverage
	B	Draft Election Publicity Manual
	C	Republic of Yemen Election Law
	D	Republic of Yemen Political Parties Law

THE REPUBLIC OF YEMEN
PRE-ELECTION PREPARATIONS

ERS/IFES DELEGATION 25 JANUARY - 1 FEBRUARY 1993

FOREWORD

So that it could have the maximum effect on the forthcoming Yemeni election we published an earlier draft version of our Report. This final version differs very little from the draft and mainly adds extra text where re-reading suggested that further amplification was necessary. The Report represents the views of us all but, as a minimum of textual analysis would show, it is the result of a number of different pens, particularly that of Keith Klein who drafted a considerable amount of the Report. We have made no attempt to unify the text into either British or American English - a majority vote on such an issue would not necessarily have been an adequate exercise of democracy!

A. INTRODUCTION

1. The unified Republic of Yemen was committed to holding democratic elections by 22nd November 1992, ie within thirty months of the formal date of unification. The Yemeni Government prepared the election law, the law governing parties, and appointed the Supreme Election Committee (SEC). Then, at the beginning of September 1992, the Electoral Reform Society (ERS) was approached by the Government with a view to sending a delegation. At that time, with the election still planned for November, it was to be a "pre-election assessment team" with a relatively narrow brief.

2. By the end of October it was becoming apparent to the Government, and to the SEC, that the detailed preparations for the election could not adequately be completed in time and that the election would therefore have to be postponed. Initially a date in mid-February was chosen but shortly afterwards Tuesday, 27th April, was fixed. Clearly this changed the character and aims of the proposed delegation and a broader "prospectus" was agreed between ERS and Dr Abdulkarim Al Eryani, the Minister of Foreign Affairs:

- status and role of political parties;
- citizen education and training;
- role of the media;
- election official training;
- election observation.

3. The British Foreign and Commonwealth Office and the Westminster Foundation for Democracy agreed to share the costs of the delegation but it was clear that finance would only be available for a three person delegation. The International Foundation for Electoral Systems (IFES) of Washington DC then agreed to share in the delegation and to fund two further members. The IFES portion of the delegation was funded by the US Agency for International Development. The eventual team comprised:

Michael Meadowcroft (ERS) Former Parliamentarian;
Keith Klein (IFES) Director of Programs, Africa and the Near East;
Patrick Bradley (ERS) Chief Electoral Officer, Northern Ireland;
Gillian Felvus (ERS) Conservative Agent;
Dr Ronald Wolfe (IFES) Specialist in legal reform; arabic speaker.

The delegation was in Yemen from 26th January to 1st February and the two IFES members were able to stay for an extra day which proved to be very valuable for its work. There were no restrictions on the delegation and we were able to meet ministers, MPs, officials, parties, media representatives, and diplomats. We should have preferred to travel further afield from the capital, Sana'a, but in the event we only had time to visit Aden, Taiz and villages en route.

We were greeted everywhere by helpfulness and by generous hospitality. We wish to place on record our thanks to the many Yemenis who helped the delegation pack so much into a short time. In particular we appreciated the work of Abdelhameed M Nasser, of the Ministry of Foreign Affairs, who facilitated the delegation's numerous appointments and travel arrangements.

B. CONTEXT

1. GENERAL

Background and early development

The Republic of Yemen, formed on 22 May 1990 when the Yemen Arab Republic (YAR/North Yemen) merged with the Marxist People's Democratic Republic of Yemen (PDRY/South Yemen), occupies about 200,000 square miles in the strategic south western corner of the Arabian peninsula, where the Red Sea meets the Gulf of Aden, separating it from Somalia and Ethiopia. It recently finalised a border agreement with the Sultanate of Oman, but the much longer border with Saudi Arabia remains largely undefined. Hot semidesert terrain separates the Red Sea coast (the Tihama), the Gulf coast, and the eastern desert from the mountainous interior. The newly unified country has a combined population variously estimated at between 11 million and 14 million people (12.5 million being the figure currently cited by the Supreme Elections Committee). The great majority of people are Arabs; most of those living on the Tihama are of mixed Arab and African stock.

Since ancient times, Yemen has enjoyed a rich heritage of various Semitic languages and cultures, including Minaena, Sabean, Himyaritic, and Hebrew. The northern capital, Sanaa, prides itself on having been the home of Noah's son Shem after the great flood of biblical (and Koranic) antiquity. Much later (10th Century BC), the Queen of Sheba (Saba) travelled from her capital at Marib in Hadhramaut to meet King Solomon in Jerusalem. The Himyarites (115 BC onwards) were invaded and influenced heavily by Romans, and later the Ethiopians and Persians. At the dawn of mankind, this corner of the Arabian Peninsula served as a primary transit point into Asia for peoples coming from the Horn of Africa, and it is doing so again today, as perhaps 50,000 Somalis uprooted by the present crisis have recently sought protection there.

The remoteness of Yemen's high mountain ranges from civilisations to the north offered a safe haven from persecution for many groups of people, often Islamic dissident movements, who settled there over the centuries. Security was maintained by extensive fortifications, vigilantes and tribal alliances. Suspicion of the outside world was always high. Yet from the south and east, the picture was somewhat different. Coastal Yemen has been relatively open to outside influences. It has engaged in commercial maritime trade (and overland trade, as well) since earliest times, from as far east as Indonesia, the Indian subcontinent, Persia, Oman, and East Africa on the Indian Ocean, and with Ethiopia, Sudan, and Egypt via the Red Sea.

Not surprisingly, the differing degree of external exposure of Yemen's mountain versus coastal people has resulted in somewhat disparate attitudes between the Northerners and Southerners, particularly with respect to acceptance of change, the desirability of modernization, and the prospects for a peaceful transition of power. The anomaly is that whilst Yemen present a facade of ethnic and cultural homogeneity, the dichotomy of coastal versus mountain attitudes underlies a multicoloured patchwork of other historical, tribal, regional, sectarian, and now ideological, loyalties, affiliations, and interests that present a serious challenge to attempts to administer it from the centre. About 60 per cent of the population are orthodox Sunni Muslims, while the remainder are Shi'ite Zaydi Muslims, who ruled North Yemen until 1962.

The Period of Islamic Rule

Islam originally came to Yemen during the lifetime of the prophet Mohammed, but in 893 AD Imam al-Hadi ila al-Haqq Yahya, the founder of Zaydi Islam and the Yemeni imam, arrived. A sayyid or descendant of the prophet through his daughter, Fatima, and son-in-law Ali, and his grandsons, Husayn and Hasan, he was followed by thousands of other sayyids in subsequent centuries. The sayyids claim descent from the Quraysh tribe of the Hejaz, and are thus considered Northern Arabs (Adnanis), as opposed to the indigenous people of Yemen, who are Qahtanis, claiming eponymous descent from Qahtan. The Zaydis came to dominate the mountainous northern part of the country, while the Sunnis predominated in southern and desert areas. Under the Zaydi system, the latter were unable to qualify for the imamate because they were not of its lineage.

By the 16th Century, Yemen formed part of the Ottoman Empire, which exercised at least nominal sovereignty over the North until the end of World War I. Wahhabism, the puritanical sect of Islam that today controls Saudi Arabia, drove the Zaydi imams out of Yemen briefly early in the 19th Century, but Egypt's Ibrahim Pasha acting in the name of the Turkish sultan returned the favour, expelling the Wahhabis in 1818. The Egyptians remained in Yemen until 1840, when they were replaced by the Turks who gave the Zaydi imams full autonomy in the interior.

When Turkish occupation ended after World War I, Imam Yahya began expanding his area of control, resulting in confrontations with the British in Aden and with Saudi Arabia. In 1934, he signed border treaties with both powers. The border agreement with Saudi Arabia, seen as highly unfavourable by most Yemenis because it cedes important areas that were part of Yemen historically, came up for renewal again in 1992, but remains un-reconfirmed. Concerned by the disruptive potential of a populous democracy on their southern flank, the Saudis are now using lack of fixed borders to challenge ongoing petroleum exploration and production activities by Western companies between the 16th and 17th parallels.

After World War II, Yemen began playing a more active international role, joining the Arab League and the United Nations, and establishing diplomatic relations with other countries, while the Imam continued to serve as both ruler and spiritual leader. This led to growing dissatisfaction, and in 1949 Imam Yahya was assassinated in a palace revolt. His son, Imam Ahmad, replaced him, and took an even more active role in Arab politics, eventually joining a paper alliance in 1958 with Egypt and Syria known as the United Arab States.

The Republican era in the North

Internal strife continued under Imam Ahmed, however, and after surviving a 1961 assassination attempt, he died in 1962. His successor, Crown Prince Mohammed, quickly overthrown by pro-Egyptian military officers on 26 September 1962, nonetheless managed to escape. He organised proroyalist tribes under his command against the new ruling junta, led by Egyptian-leaning Col. Abdullah al-Sallal.

Republican rule in the north before the 1990 merger is divided into three periods: (1) the Sallal era (1962-67), a time of continued civil war characterised by foreign military intervention in which the republicans were supported by Egypt, while Jordan and Saudi Arabia supported the royalists; (2) a ten-year transition period (1967-77) during which the

anti-Egyptian faction among the republicans rose to the forefront of Yemeni politics, yielding a republican-royalist reconciliation in 1970. The Yemeni nationalists were led by president Qadi Abd al-Rahman al-Iryani in a bloodless coup in 1974 and was subsequently assassinated in 1977; and (3) the Ali Abdullah Salih period (1978-), during which North Yemen achieved substantial political stability and witnessed growing prospects for oil-based development. In 1970, the YAR adopted its first constitution and initiated elections to a Consultative Council in early 1971.

British colonialism in South Yemen

The British presence in South Yemen began in 1839, when forces of the British East Indies Company occupied Aden. Over time, the British were able to establish control over what had been a fragmented territory, occasionally through cession as in the case of the islands of Kuria Muria (1854) and Perim (1857), at other times through actual purchase of large tracts on the mainland. From 1886 to 1914, Britain signed protectorate treaties with numerous local rulers. By 1937, the area thus controlled had grown to 24 sultanates, emirates, and sheikhdoms, was designated the Aden Protectorate as a whole, and divided into West and East Aden protectorates for administrative purposes.

In 1959, six states of the West Aden protectorate formed the Federation of the Emirates of the South, later enlarged to 10 members. In 1963, despite strong opposition from its population, the colony of Aden proper was added to this group, which was then renamed the Federation of South Arabia.

Republican rule in the South

Two rival political groups arose out of the opposition to British presence in south Yemen: the National Liberation Front (NLF) and the Front for the Liberation of South Yemen (FLOSY). The NLF led by Qahtan al-Shaabi was able to gain control of the component local governments, defeat FLOSY decisively, destroy the Federation, and force the completion of British evacuation on 30 November 1967, ahead of the scheduled departure of 9 January 1968. Members of the NLF delegation negotiating with the British in Geneva in November 1967 included Ali Salim al-Beidh, now vice-president of Yemen's presidential council. In 1970 the country was renamed the People's Democratic Republic of Yemen.

The 1970s and 1980s were decades of continuing political turmoil in the PDRY. Al-Shaabi was forced from office in 1969, and unscheduled changes in the top leadership occurred again in 1971, 1978 and 1980, when Ali Nasir Muhammad was named as head of state, while retaining his post as prime minister. In 1985 Muhammad resigned from the prime ministership in favour of a new cabinet headed by Haydar Abu Bakr al-Attas, amidst growing opposition to his policies. On 13 January 1986, Muhammad ordered security guards to open fire on political opponents sitting in a meeting he had called, leading to more than a week of bitter fighting in the streets of Aden and elsewhere in the country that left 10,000 to 15,000 people dead. Within a month, Muhammad's supporters had been defeated, he was in exile, and al-Attas was designated chairman of PDRY's presidium, the position he held until the 1990 merger.

2. UNIFICATION

The aim of uniting North and South Yemen had been pursued spasmodically over many years. On occasion the two sides had entered into constructive discussions only to be aborted by violent incidents or by deep-seated political disagreement. Two events catalysed the negotiations of 1988 and 1989 which lead to the eventual unification. First, the end of the Soviet empire had a significant effect on the Marxist regime in the People's Republic of Southern Yemen. Their ideological underpinning disappeared with the collapse of the Soviet regime and the ruling party, the Yemen Socialist Party (YSP), recast itself with a more extrovert and co-operative style. The YSP representatives we met were frank about the shortcomings of the past. Second, though in the desert the boundary between North and South Yemen was hazy, the discovery of the first significant oil deposits were certainly on both sides of that border. There were obvious gains to be made by exploiting these reserves jointly and this would clearly be facilitated by unification.

The unification took most observers by surprise and its relatively smooth accomplishment has kept it out of the headlines. Consequently there is little general realisation in the West of the remarkable achievement. The two halves are very different in background. The north is a clear and committed Muslim region whereas the south, whilst still being Muslim by conviction, does not have the same attachment to visible Muslim formularies. The difference in approach can be drawn from the fact that the north wished the constitution and laws of the new republic to be shari'a, whereas the south insisted successfully that they should be based on shari'a. The north's government was run by the General People's Congress (GPC) which is an amalgamation of numerous interests and which, since unification and the legalisation of parties, has already lost a number of MPs from its ranks.

The unification draws its legitimacy from a new constitution ratified by the two former legislatures and approved overwhelmingly in a referendum in May 1991. To avoid the potentially dangerous problems that excluding ministers from the two governing regimes could bring, the leading positions have been shared between the two parties (YSP and the GPC), the existing ministers have all stayed in office, or been absorbed into the Government at a high level, producing a large and unwieldy Cabinet. The first parliamentary elections are seen as the means of determining who should form the ongoing Government.

When we tentatively suggested to a YSP MP in Aden that unification and democracy were rather a surprise to us, he replied: "When we found we'd gone for democracy, we were surprised, never mind you!" Surprised or not, it is clear that there is a determination that genuine democracy should be part of the unification "deal". The two postponements of polling day inevitably cast doubt in some minds as to the depth of commitment to democracy of the ruling parties. There were even a few who even now questioned whether they would take place in April. Our view, shared by the SEC, though not by all the parties, is that from a logistical point of view, it would have been virtually impossible for Yemen to have been ready for elections last November. No-one in authority even hinted that they were backtracking on their commitment to genuine democracy. Having got over forty legal parties campaigning with varying intensity, and having got the registration process well under way, it would be very difficult - and risky - even to contemplate calling a halt. Our impression is that Yemen is determined to demonstrate its ability to have free elections and to be an example to the Middle East generally.

The delegation was struck by the wide divergence of perception between supporters of the governing parties (GPC and YSP) and that of the opposition, of the possibility of fair elections. The Government and its supporters stress their full commitment to the democratic process and point to the cross party make-up of the Supreme Election Committee, in particular the chairmanship of key committees by opposition party representatives, as evidence of their sincerity. In complete contrast, the opposition appears convinced that the whole process is flawed and that the SEC is incapable of preventing Government manipulation of the media and of the electoral machinery.

The delegation, having done its best to test the declared processes objectively, believes that the governing parties are genuinely committed to multiparty democracy and to an open democratic process but that, by reason of their entrenched political dominance, they have the potential to exert an excessive influence on the campaign. Given the natural desire to maximise electoral success it would be unusual for a party deliberately to refrain from using every available opportunity. The YSP did tell us, however, that, in the interests of consolidating democracy, they would not be putting forward a full slate of YSP candidates but would look for sympathetic independents to back in appropriate constituencies.

One potential indication of the determination of the governing parties to maintain their hold on power at all costs will be the extent to which they co-operate electorally. There is a relatively widespread belief that the GPC and YSP will forge a formal electoral alliance, in effect to put forward a single, united, government candidate against a divided opposition. There were, however, those - particularly in the ranks of the GPC - who expressed themselves to be passionately opposed to any such formal alliance. We accept that the single member constituency, majoritarian, voting system selected, itself encourages cross party tactics at the constituency level but we would be concerned if there were nationally organised candidate withdrawals.

There are two helpful indications of the depth of commitment to the democratic process. First, it is apparent that the members of the SEC, drawn from a wide, though not balanced, cross-section of parties, are working in a consensual way and reaching decisions co-operatively in the general interest of free and fair elections. This is evident in the occasional splits that have occurred between the leading party members on the SEC and their party organisations. Second, it was put to us by opposition parties on a number of occasions that, even if the process was shown to be flawed to their detriment, it would still be important to accept the result in the broader interest of building democracy. No doubt there will be limits to such unselfishness.

3. ECONOMIC CONSTRAINTS

Yemen remains one of the poorest and weakest countries in the Arab world. Illiteracy is high; school enrolments are extremely low; 1987 per capita income was \$420 and \$590 for South and North Yemen, respectively; and most of its inhabitants are engaged in agricultural activities. Roads between principal cities (Sanaa, Ta'izz, Hodeida, Aden and Saada (and towns in between) have improved in the last 20 years, but large parts of the country are still only accessible using four-wheel drive vehicles via a dusty track or dry river bed. Yemen has no railroad or permanently flowing river.

The moist and fertile highlands are the country's chief agricultural region. Major Yemeni crops include cotton, produced in the Tihama, grains, fruits, coffee, tobacco and qaat, a relative of the coffee tree that produces a leaf chewed daily by much of the northern population for its powerful caffeine stimulant effect. Qaat use was banned in the PDRY, except on Fridays until unification. Valuable fisheries exist, particularly in the Indian Ocean, but large-scale exploitation has been difficult to organise. Apart from petroleum, salt and some quality granite and marble, Yemen has no commercially exploitable minerals. Virtually all non-agricultural needs are imported, 80 percent being smuggled.

Until very recently, annual remittances of income by Yemenis working in the Arabian Peninsula, principally in Saudi Arabia, were a major source of hard currency and income. During the 1990-91 Persian Gulf War, however, Yemen's abstention from voting on the U.N. Resolution imposing sanctions on Iraq after Saddam Hussein's invasion of Kuwait, so offended Saudi Arabia, Kuwait and other members of the Gulf Cooperation Council that they expelled hundreds of thousands of Yemeni expatriate workers. The returnees remain largely unemployed. Some are in wretched refugee camps in the Tihama plain, but there are reports that others are beginning to find their way back to their former employers. Large lines are forming every day at the Saudi Arabian embassy in Sanaa, as Yemeni workers queue up for entry visas that will allow them to return to work.

Yemen's agricultural resources are facing significant threats at present. Ground water supplies are being exhausted, and the water table has dropped sharply in many areas, due to poor agricultural practices, including the introduction of bananas and other crops requiring large amounts of water. Coffee export, for which Yemen was once so famous, has been devastated by the substitution of qaat production in areas that were once dedicated to raising coffee. While highly lucrative for producers, qaat production has not only destroyed the foreign currency earnings Yemen once enjoyed, but has converted large areas of land that once grew food for the domestic market, leaving the country increasingly dependent on food imports to feed itself.

For these and other reasons, Yemen's gross domestic product shrunk by 4.8 percent in 1991, unemployment stood at an estimated 26 percent, and parallel market currency rates fell from about 30 rials to the dollar in June 1992 to nearly 48 by January 1993. High inflation rates have been met with domestic disturbances and rioting in late 1992, coupled with 85 percent salary increases to government workers.

Not all of Yemen's economic prospects are negative, however. A large pentup demand for consumer goods exists in the country, which means that investments in local industries engaged in import substitution should thrive. Wealthy trading and industrialist families, usually of southern origin, have arisen in recent years and developed the managerial, commercial and financial skills needed for economic modernization.

Aden, now termed the "economic capital" of the merged country, retains its potential for economic development. During the first half of the 20th Century, its large natural deepwater harbour became one of the world's busiest ports, engaged primarily in refuelling, servicing and entrepot facilities for ships transiting the Suez Canal. The closing of the Suez Canal, coinciding with the departure of the British in 1967, caused the economic collapse of the port. Despite the reopening of the Canal in 1975, the unsettled, restrictive political and economic

climate of the 1970s and 1980s, and changes in world shipping patterns, ensured traffic through Aden would not return to the level of activity it once enjoyed.

The natural advantages and strategic geographical location of the Aden port remain, however. Assuming a successful political transition ensues from the upcoming elections, and given a liberal economic environment, and enlightened, efficient, externally-orientated management, Aden port could once again make a major contribution, particularly as a transit site for container traffic at the Western end of the Indian Ocean and as a free trade and manufacturing zone.

Yemen has also take strides to liberalize investment opportunities. In 1988, North Yemen was ranked 94th on a list of 97 non-communist countries in terms of its investment climate. Since unity, Yemen has attempted to improve its standing by issuing what is now the most liberal investment law in the Arab world and establishing a General Investment Authority (GIA) to facilitate and promote investment. Yemenis own large amounts of foreign capital abroad: one report recently estimated \$32 billion. Having been driven out of the GCC countries, many would like to employ their money at home. During 1992, GIA officials reported approving nearly YR 30 billion (about US\$ *1 billion) in non-petroleum investment applications, greater than the total investment implemented during the entire previous decade. This is partially a result of the pressure of large amounts of pent-up capital that found the earlier investment climate unwelcoming, but is certainly also an expression of general Yemeni optimism regarding the unification process. GIA officials noted, however, that investment applications had slowed somewhat in late 1992, coinciding with the election postponement.

C. UNDERPINNING

1. ELECTORAL LAW

Electoral Registration Process - general comments

A total of 1,890,646 persons were registered to vote at the Referendum on the Constitution held on 15 & 16 May 1991. The official estimate of the population, as at 1 July 1990, was 11.3 million. [Various sources have estimated that at that time some 2.5 million Yemenis were working abroad, mainly in Saudi Arabia, and subsequent to the events in and about the Gulf War many of those returned home]. Assuming that those of 18 years of age and over constitute approx. one half of the population that means that the total number of eligible electors is at least 5 million. Clearly then there is still much to be done to encourage citizens to register. Those registering for the 27 April election totalled 2.7 million, of which about 300,000 are women.

Commendable efforts were and are being made to involve women fully in the electoral process, although the stated aims of the electoral law and of the SEC were not always implemented quite as enthusiastically at the actual centres. We acknowledge the progress made so far whilst urging further efforts to encourage the full democratic participation of women. The stirrings of spontaneous organisation by women keen to exercise their rights should be assisted as, perhaps, the healthiest and most encouraging consequence of the registration process.

Of course there are various reasons why it may well be difficult to obtain as high a registration rate as desired. The relatively high level of illiteracy is one such reason which makes the process that much more difficult. Also the historic constraint on the role of women is one that will take time to overcome. One fear expressed to us, that may more easily be expunged is that perceived lack of real secrecy in the voting process; after all can not an individual's ballot paper be traced? Such unease is not confined to Yemen and additional safeguards can be built into the system to remove such fears.

The forthcoming election is unique in various ways and, in any event, as any changes in the law could not be implemented until after the election it is thus more appropriate to concentrate on the general nature of the registration process and, accordingly, we would make the following comments and suggestions on some of the specific articles of the Election Law.

Article 11 - the annual registration review to be carried out each January

Article 49(b) refers to general elections taking place in November of each election year. That would result in a gap of some nine months between the preparation of the Register and a polling day. The closer the registration period is to the poll the more accurate the register to be used. Conversely the older the register the more inaccurate it will be. Accordingly we would suggest that the period specified for registration be reconsidered if the month of November is to remain designated as the period for future parliamentary general elections. It should at least be possible to register up to the end of the preceding April. Of course, the timing of local elections would also have some influence in the selection of the most appropriate period. The review referred to in paragraph a. of Article 11, of the voters' register could be expanded to include a review of the number and location of the registration and polling stations. A draft list of the proposed locations could be published a month or so

before the canvass is to commence and provision made for the submission of, and the determination of, any suggested amendments received. That would make for a more open selection process and would lessen the potential for serious complaints.

We expect that, as the party system develops, the political parties will play an increasing role in encouraging the public to register to vote. However, the current emphasis is on the individual taking the initiative to register. If effect, this is a "passive" system when, in fact, an "active" system is required if there is to be a significant increase from the present level - particularly in respect of women, only some 20 per cent of whom are currently registered despite strenuous efforts. We recommend that the registration authorities accept a responsibility for contacting potential electors to encourage them to register.

Article 56 - provides for the introduction of a new candidature in the event of the death of an existing candidate after the deadline for the nomination of candidacy. The limitation set by Article 62, requiring the election still to be held on the set date, may well be impractical should the death take place only a day or two before polling day. It would, in such circumstances, be best to provide for an adjourned poll to enable the "late" candidate to have sufficient time to make the public aware of his/her policies and particularly so should s/he be an independent. It would also enable the necessary administrative changes to be made.

Article 65 - provides for the extension of the voting hours to 8pm. We would suggest that this extension be strictly limited to those who are in the polling station at 6pm and unable to vote due to the number of electors awaiting the issue of a ballot paper. Ideally the doors of the station should be closed at 6pm and no further voters to be admitted except those already in the station to be processed. Experience elsewhere would indicate that that procedure helps to reduce the possibility of electoral abuse that otherwise might occur.

Article 70 - to help maintain public confidence in the counting process we would suggest that a copy of the signed report giving the counting details and the result for each electoral district be immediately posted in a public place, in or near the count centre, as soon as the count has been concluded.

That does not preclude the Supreme Election Committee from later challenging any suspect result. It does, however, help to dispel rumour and enables the media to keep the electorate informed as to the progress of the poll. Indeed, it makes for a more interested and informed public and thus helps to get the public more involved. It may be that public security considerations may well indicate that, as least at the forthcoming elections, it would be best to avoid such public tension. It would be desirable for paragraph d. of Article 70 to make it clear that after the deadline set for challenges to the results, the ballot papers and other documentation will be destroyed under the supervision of the Supreme Election Committee.

Article 71 would then indicate, should the above recommendation be implemented, that the Supreme Election Committee would confirm, or otherwise, the results reported by the Counting Committee.

Article 79.4 would thus need to be amended to take that change into account.

Article 83 precludes members of local councils being concurrently members of parliament. We would suggest that, in the light of experience gained over the next number of years, that

constraint be reviewed. Such dual membership has not been found to be undesirable in other countries.

2. POLITICAL PARTIES LAW

Our main concern here is the apparent non-application of the law. That, if it were to continue until close to the election, would present practical difficulties, for example in the verification of a candidature on behalf of a political party as required under Article 53 of the Election Law. Also it runs counter to the construction of the public perception that the forthcoming elections are to be properly and effectively organised. Of course we are aware that the delay in the implementation of the Law is due to technical difficulty as opposed to the lack of determination. However, as mentioned above, the public perception of event, no matter how inaccurate, is just as important as the real position in assuring the public that a fair and free electoral system is in operation. Additionally we are concerned lest the delay in the implementation will lead to the loss, or late payment, of the State's subsidies available under the provisions of Article 17, in Part Four, of the Law. The setting up of parties, and especially so in the run-up to such an important election, is an expensive operation. The early availability of any properly authorised financial assistance, such as State subsidies, is a most important objective. It would, for example, assist in the production of newspapers, as provided for under Article 30, to publicise a party's policy or viewpoint on important issues.

Whilst we do understand that at the present there is the clear need to develop and foster the unity of the country and that need will probably remain a most important one for some time to come, nevertheless we would hope that in the longer term there could be a lessening of the prescribed constraints applying to the formation of political parties. For example Article 11 precludes the involvement of a person born of a Yemeni mother as opposed to a Yemeni father.

3. PRESS AND PUBLICATIONS LAW

Whilst in some ways prescriptive the Law has introduced some significant safeguards or rights. For example Article 18 provides, as of right, for access by journalists to official sources whilst Part Four provides to citizens and others the right of correction and reply. On the other hand Article 29 does constrain non-Yemeni journalists from journeys throughout the country unless the Ministry is informed in advance. There may be in the design of that Article some degree of concern for the security of such persons in certain areas but we feel that overall it would be best not to have such a constraint. Perhaps after the experience of a number of elections in the united country it may be found possible to reframe the law.

At this point we wish to refer to the detailed information plan for media coverage drawn up by the Information Committee of the Supreme Election Committee. It clearly indicates the positive role that the Information Committee perceives for its self not just in relation to the Press and Publication Law but to each and every aspect of publicity relating to the elections. We were most impressed by the determination of the chairman of the Committee to implement the plan in an impartial and equitable manner. A copy of the plan, in its English language format, is attached as Appendix A.

Though the main weight of the press is pro-government there are - in addition to the official party newspapers - some notable independent journals. The healthy concept of a "fourth estate" of independent journalism is beginning to be established.

4. THE CONSTITUTION

The drafting of the constitution of the unified Yemen involved negotiations for virtually the decade from 1971 to 1980. It was then enacted by the parliaments of the then two separate units of Yemen before being put to, and approved by, a popular referendum in May 1991. Part 2 of the constitution prescribes the basic rights and duties of citizens whilst Part 3 enshrines the right of the people to a free, secret and equal franchise. It also covers in good detail the organisation of the House of Representatives as well as the Presidential Council and the Council of Ministers. In these respects it provides substantial safeguards for the democratic process.

5. POLITICAL IMPLICATIONS

Yemen has never had the level of economic resources that oil exploitation in particular has brought to many other Arab regimes in the Middle East. To that extent they have sometimes been regarded as the poor relation of the Arab world. Added to this the northern republic was perceived as a strictly Muslim country whose governing regime had difficulties in ensuring that its writ ran throughout its territory and tended, rightly or wrongly, to be rather suspicious of visitors who might draw attention to or even exacerbate this situation. Unless one had a fairly specialist interest in the region or in Arab affairs, the northern republic did not impinge greatly on the news nor on one's general consciousness.

By contrast, the southern republic had a very high public profile - most of it uncomplimentary to western eyes and ears. The apparent contradiction of an Arab and Muslim country also being a thoroughgoing communist state baffled the external commentators to whom it appeared to be an inexplicable paradox.

The accident of timing which placed the unified Republic of Yemen in the UN Security Council at the time of the crisis over the Iraqi invasion of Kuwait - which Yemen refused to condemn - led to feelings of frustration and even antagonism on the part of the allies. In addition many British people still recall the colonial outpost of Aden and the outbreaks of violence there from time to time.

As is readily conceded by the Yemenis, there is currently no fully democratic Arab country. In the often opaque politics of the region the Yemeni situation is, perhaps, more difficult to discern than most. It appears as if Yemen, having taken the plunge into unification, has been unable to stop there and has been seized with the idea of democracy. Once having embarked on this path the momentum seems to have inexorably carried them on in a determination to build a model democracy for the Middle East. As one Islam leader put it to us:

"Yemen will surprise you we shall have full democracy, not the democracy of the eye dropper. Democracy predates Islam, and the West continued with the concept of the consultative Council while the Arab and Muslim world went to autocracy and was consequently retarded"

The success of the Yemen election is vital for the future status and development of the country but it has a political importance for the whole region.

17
6. ADMINISTRATION

Administration - Committee structure:

SUPREME ELECTION COMMITTEE

Consisting of five members nominated by Parliament and twelve others representing parties and independents. For this transitional committee the provisions of the Electoral Law were amended so that the makeup of the Committee is: three representatives from the GPC, three from the YSP, nine from political parties and two independents.

SIX SUB-COMMITTEES

Technical
Media
Financial
Secretarial
Security
Legal

each consisting of three members.

EIGHTEEN GOVERNORATES

Each with a Supervisory Committee of three people. Those comprising the Committee supervising the Governorates (and the constituencies below) must be multiparty - no more than one member from the same party - no more than two from the same coalition or alliance of parties.

301 CONSTITUENCIES

Each with a "principle" committee of three people.

2000 POLLING STATIONS (approx)

Each polling station has three male and three female supervisory staff. All supervisory staff had to meet certain criteria:

Educated
Literate
Good morals
Ability to deal with problems
Not to be resident in district in which working

7. ELECTION SYSTEM

Every election system has a different effect on the political culture and party system of a country. Party lists produce strong, nationally controlled, parties. Preferential systems - in which voters number the candidates in their preferred order - produce more consensual politics and tend to reward the more able individual candidates. Single member seats, particularly when, as in Yemen (and the UK) there is no provision for a rerun if no candidate secures 50% of the vote, tend to encourage tactical voting against the most disliked candidate rather than freely for one's first choice. To avoid this the parties may feel they need to do pre-election deals over nominations rather than risk "splitting" the vote. In the context of the Yemen, with many powerful, locally based political leaders this system may well have been the price for the support and involvement of these leaders for the democratic process. It is to be hoped that this election system does not produce either so disproportionate result in party terms or so fragmented a parliament as to inhibit the effective working of government and the continued development of democracy.

8. POLITICAL PARTIES

The more than forty registered parties in Yemen are mostly small in size and are centered around a particular individual, family or tribe. While all politics and political affiliation in Yemen is strongly influenced by personality and by personal and family loyalty, there are some parties which do have historical roots that go beyond personality or have a broader level of ideological or organizational coherence. There are currently few means of testing the various parties' grassroots strength and abilities to become permanent, viable political forces. Some indications of popular support and organizational capacity will come with the nomination of candidates, as only the stronger parties are likely to field anything close to a full slate of 301 candidates. The pre-election negotiations on party cooperation and coalition-building will also be a significant indication of relative party strength as reflected in each parties' ability to negotiate favorable terms for itself.

On another level, party strength and visibility have been derived from participation in the current House of Representatives which encompasses the 159 members of the former YAR Consultative Assembly (mostly GPC-affiliated) and the 111 members of the DPRY Supreme People's Council (YSP-affiliated). Some of these members have switched party allegiance since the legalization of opposition parties, with Islah picking up several seats in that way. In addition, 31 members of the current House have been appointed by the government, about half of whom were drawn from opposition groups, including the Democratic Unionist Party and the National Democratic Front.

Eleven parties have been given a further measure of strength and legitimacy through representation on the Supreme Elections Committee. The GPC and YSP both have three members on the 17-member body. Nine other parties have one representative each, namely Islah, Al-Hakh, the Federation of Popular Forces, the League of the Sons of Yemen, the Baathist Party-Iraq, the Democratic Nasserite Party, the Nasserite Corrective Party, the Nasserite Unionist Party, and the Septemberists Party. These latter representatives were elected by groups of parties rather than directly by their own separate parties.

The Political Parties Law (Law No. 66) has not yet been implemented, as the Committee for Political Parties and Organizations which is called for in the Law has not become operational.

Therefore, political parties are operating without formal legal status. They are thus not legally bound by the restrictions imposed by the law, nor are they assured of the rights that the law guarantees them. Without legal status, for example, parties cannot bring suit in a court of law. They also do not receive the State subsidy which is provided for in the Law (Articles 18-19), and parties' access to government-owned media during the election campaign period is not guaranteed as specified in the Law (Article 31). (Instead, the SEC's Information Committee has developed a de facto definition of a party deserving media access as one which is running a minimum number of parliamentary candidates in the April election.)

The ERS/IFES delegation held extended discussions with four parties during its visit to Yemen, the YSP, the GPC, Islah, and the Nasserite Unionist Party. The delegation also met with other parties in group meetings. The following descriptions of political parties in Yemen are based on those meetings as well as other secondary sources. The limited nature of the descriptions is a reflection of the delegation's limited time in Yemen, and not a reflection of any favoritism on the part of the delegation nor of the relative strength or legitimacy of the parties.

The General People's Congress (GPC)

One of the two current ruling parties, the General People's Congress marks its existence as a political party from the beginning of the unification period. Its origins actually go back to the early 1980s when it was created by the government of the Yemen Arab Republic as a loosely structured consultative body made up of local leaders and government officials. The central government used the early version of the GPC as a mechanism of maintaining contact and dialogue with local leaders on issues of both local and national importance. During the 1980s, no other political organization was legal in North Yemen.

The GPC was given formal political party status at the time of unification. Thus, the GPC as political party initially comprised nearly all government and tribal leaders in the north. Their loyalty arose not from ideology, but rather was to the government power which distributed resources, and to some extent to the person of President Ali Abdallah Salleh. The GPC remains the party of "the establishment", still numbering most of its supporters in the north, without a strong party identity or ideology. It has lost significant support in the north to newer, more ideological parties, particularly Islah, and to a lesser extent to the personality-based parties which are mostly GPC offshoots (and sometimes GPC creations).

Since unification, in addition to seeking to give itself a coherent centrist program, the GPC has attempted to broaden its membership from a small "vanguard" of local leaders and government officials to a more broadly based popular organization of card-carrying members. It now claims 1.6 million members. Its policies are moderate in terms of free-market economics with a limited government role, and a secular society that respects the values of Islam in education and elsewhere. It is probably fair to say that a vote for the GPC in April is a vote in support of President Salleh and the status quo.

Yemeni Socialist Party (YSP)

The Yemeni Socialist Party is the former single party in the DPRY and it joined the GPC after unification as a co-ruling party. Because of the former DPRY's much smaller

population if for no other reason, the YSP is clearly a junior partner in the current government. It, like the GSP, has struggled to define a meaningful program in the post-unification, post-Stalinist world. It categorizes itself as a social democratic party, and professes to have differences with the GPC that are more programmatic than ideological. Its leaders include Ali Siad al-Biedh, the current Vice President, and Haydar Abu Bakr al-Attas, the Prime Minister. The YSP stated to the delegation that they now had more members in the north than in the south.

In conversation with the ERS/IFES delegation, two members of the YSP politburo emphasized their party's focus on democracy and modernization. They defined the YSP less in contrast to the GPC than to the fundamentalist parties and others which they claimed not to be fully committed to non-violence, democracy and modernization. They were insistent that their party was not longer radical nor to be feared by other political elements in Yemen. It did not expect to win a majority in the new parliament and would be content to be just one of the voices represented there. The politburo members spoke repeatedly about the importance of the new parliament comprising all parts of the political spectrum in Yemen. The battle that they felt was most important to fight was against those who oppose democracy, not against any of the other mainstream parties.

YSP parliamentary candidates will be chosen by the party's grassroots organs, and ratified by the Central Committee. The politburo members said that the YSP might not run candidates in every constituency and might rather support independent candidates and even those from other parties who were committed to the values of democracy and democratization. They assured the ERS/IFES delegation that the YSP would nominate female candidates, but they could not say how many. Despite their vagueness on YSP ideology, they stated that the strength of their party's candidates will be the YSP program (rather than family or tribal connections).

The YSP and the GPC have been in negotiations for months to find a mutually satisfactory way of cooperating in the parliamentary elections. The apparent goal of these talks is to avoid running candidates head-to-head in the constituencies, which they realize would only aid the smaller parties. Meetings between the parties were continuing at the time of the ERS/IFES visit in late January, with still no apparent agreement. Possibilities included a full merger between the two parties as well as less radical forms for cooperation. Observers reported that factions within the YSP were divided on which strategy was most conducive to the survival of the party or at least the retention of their personal power.

Islah (The Reform Party)

Most observers identify at least three internal strains within the Islah, which is Yemen's largest Islamicist party. One is a primarily northern tribal element of conservative sheikhs and their followers who were formerly affiliated with the GPC (and may still be). The leader of this faction is Sheikh Abdallah ibn Hussein al Ahmar. The second element is the Muslim Brotherhood, a more explicitly religious faction which calls for the institutionalization of Islamic Law but does not appear to oppose the development of multiparty democracy. Its leader is Sheikh Abdul Majid Zindani. The third component of Islah draws primarily from the conservative Wahabi sect of Islam which has its base in Saudi Arabia. The core beliefs of this faction, which is relatively weak within Islah, do not allow for pluralism or a competitive political system.

The IFES/ERS delegation met with Sheikh Abdallah ibn Hussein in Sana'a, along with an Islah member of parliament, Abdullah al-Akwaa. They described Islah as a moderate and democratic party. They said that Islah was committed to democracy and pluralism in Yemen, and to participation in the electoral process despite what they viewed as the GPC/YSP conspiracy to retain power through any means. They objected to the ruling parties' abuse of their current position, in their monopoly on government power, in the districting process, in establishing the makeup of the SEC, in their use of the army as potential voting blocs, and elsewhere. They viewed talks of an alliance between the GPC and the YSP as an attempt to push Islah, and all the smaller parties, out of any role in the future parliament and government. They also emphasized their commitment to full female emancipation and stated that Islah was likely to have a number of women candidates.

Nasserite Unionist Party (NUP)

There are as many as five Nasserite parties in Yemen. The Nasserite Unionist Party claims to be the only one with legitimate historical connection to the pan-Arabist Nasserite movement of the 1950s and '60s. They assert that the other so-called Nasserite parties are recent creations of the YSP and GPC, established to confuse the voter to the detriment of the NUP.

The ERS/IFES delegation met with Ahmed Abdul Rahman Qarhash and other leaders of the party in Sana'a. They expressed dissatisfaction with many elements of the electoral process to date, including the makeup of the SEC and some of their decisions. They expressed grave doubts about the ultimate fairness of the vote. Despite these misgivings, they were willing to accept the flawed process as a step in the direction of true democracy.

They will run candidates in about a third of the constituencies, and expect to be well represented in the new parliament. They planned to use that base to continue to build the strength of the party and of democracy.

Other Parties

About three dozen parties exist in Yemen in addition to the four discussed above. Some have historical roots, but most date their current incarnation from the post-unification period. Any categorization of these parties according to relative strength or by ideology is crude and potentially misleading, but it is possible to generally group them as leftist, centrist, and rightist parties. Among the leftist parties, which would include the YSP, there are: the National Democratic Front (principal figure, Abdullah Salami), the Yemeni Unionist Bloc (principal figure, Umar al-Jawi), the Constitutional Liberals (principal figure, Abdur Rahman Nu'man), and the Baath-Iraq and Baath-Syria parties.

In the center, along with the GPC, one can identify the Republican Party (principal figures, Muhammad Abu Luhum and Sadiq ibn Abdallah ibn Hussein), the Septemberists (principal figure, Col. Ahmad Karhash), and several parties of Hamdists, described as pragmatists who want to go back to the golden days of President Hamdi.

The right-wing parties, in addition to Islah, include the League of the Sons of Yemen (principal figures, Abdur Rahman al-Jifri and Muhsin Farid), and Al-Hakh (the Party of

Truth, principal figure Qadi Ahmad Ash Shami). There are several small fundamentalist Islamic parties which have professed limited commitment to the democratic process.

There has latterly been an attempt to draw a number of opposition parties together in a loose coalition called the National Convention. The guiding spirit behind this is Mohammed Rahman al-Jifri. At the time of the delegation's visit to Yemen there were suggestions that the Conference was having difficulty in keeping its constituent members together.

9. THE ELECTORAL PROCESS

Elections are not new to Yemen, but truly competitive, multi-party elections are. Wisely, the Yemenis are relying on their experience with legislative elections as a guide for preparations for the 1993 election, but they also seem to realize that the April election is significantly different from past elections and therefore the past practices are not a sufficient guide for the organization of the current election. The differences lie in the fact that the April election will be in the context of a pluralistic, multi-party system where a large number of political parties and candidates will be competing for the 301 seats in the new legislature. This competition will provoke a temptation on the part of parties and candidates to go beyond the accepted bounds of campaign practices and to use illegal or unethical means of securing votes. The temptation to resort to illicit practices will be accompanied by a suspicion that the opposing parties and candidates will also resort to illegitimate means of increasing the vote totals. Because of this increased level of temptation and suspicion which is inherent in any newly established competitive system, there must be built into the system additional safeguards that were not necessary in previous single-party elections.

A second difference arises from the fact that the ruling parties have the status of being two out of the several dozen competing parties in the election, yet at the same time, they still control many of the resources of the state. Unlike in previous elections, safeguards must be put into place to ensure that the ruling parties will not misuse state resources to their electoral advantage. Primary among these safeguards is a high level of transparency, where decision-making processes that relate to election administration as well as the use of public funds and other resources are fully open to scrutiny by all citizens. This requires a level of openness to public questioning and criticism that may go beyond the practices of the past.

A third major difference lies in the need for participation in the April elections to be as high as possible in order to provide true legitimacy to the new government. The relatively low participation rates of past elections will no longer be acceptable, because the new government will achieve secure legitimacy only insofar as it is established with the consent of the Yemeni people. Therefore, the SEC must institute policies that are conducive of a high participation rate. Most importantly, the SEC should make it as easy as possible for citizens to register and to vote and should undertake an active program to inform voters and to encourage their participation.

It was evident to the ERS/IFES delegation that the government of Yemen and the SEC are fully cognizant of the special nature of the upcoming election and have made a good start in introducing the needed safeguards and in encouraging voter participation. This chapter of the ERS/IFES report will look more closely at how the Electoral Law and related laws are being put into practice, and at the planned steps in the process leading up to April 27, with a focus on the special needs of a multi-party election. The following section will not describe the

sequence of planned events in detail, but will rather underline areas needing clarification, revision, or monitoring.

a) Registration

Registration Organization

Voters' registration began in Yemen on 18 January at approximately 2,000 registration centers around the country. In each registration center, two branch committees have been established, one made up of three men and the other of three women. These branch committees report to principle or main committees established in each of the 301 constituencies, having a similar structure of one president and two members. Supervisory committees have been formed in each of the 18 provinces or governorates. These three-member supervisory committees have organizational and budgetary responsibility for all registration and election activity in their provinces. They report directly to the Supreme Election Committee in Sana'a.

During the last week in January, the ERS/IFES delegation visited more than ten registration centers in and around Aden, Ta'iz and Sana'a, where registration was proceeding smoothly. Eligible voters come to the registration centers between 0800 to 1300 and 1500 to 1800 any day of the week. They can prove their eligibility to vote by producing their national identity card or two witnesses who will vouch for the information being given. Registration workers fill out three forms, one of which is given to the voter as his/her registration certificate. A black-and-white photo is taken and attached to the certificate. A second photo is retained with the duplicate forms, eventually to be sent to the constituency center. The process as observed by the delegation takes 5-10 minutes per person.

On average, each registration center had an estimated 3,000 eligible voters in its assigned area. If a perfect participation rate was to be achieved, an average of 100 citizens should be registered per day. As Yemen entered the second week of the registration period during the delegation's visit, registration rates were running well below that average.

Review and Revision Process

The registration period is scheduled to end on February 19. Following the close of registration, there will be a period when registration lists for each center will be posted publicly. Appeals may be made to add or delete names from the list before the definitive list is established that will be used on April 27.

Section Two of the Electoral Law includes detailed provisions for this revision and appeal process. In the future, registration will take place in January of each year. In a "normal" year, following a one month registration period, the following steps will be undertaken:

- Feb. 1-15: Voting registers are posted in public places in each constituency.
Feb. 1-20: Application can be made to the district (principal) committees to insert or delete names.
Feb. 1-March 15: Committee rules on deletion and insertion applications.
March 16-20: Committees' decisions are posted.
March 16-April 15: Judicial appeals to the committees' decision may be filed.
April 15-May 31: Court of first instance's ruling may be appealed to the provincial Court of Appeals.

In a normal year, therefore, the registration, review and appeal process takes five months. For this transition election in April 1993, Article 85 of the Electoral Law permits the SEC to establish the time limits for the various steps that are described in Part Two of the Law.

In 1993, all steps leading to the establishment of a final voters' register must be completed by the day on which elections are called, which is March 28 at the latest (thirty days prior to the election date.) Thus, the five-month process must be condensed to a little more than two months. All appeals and revisions to the registers must be completed within about five weeks of the end of the registration period.

The Function of Registration

Among the many functions of a pre-election registration process, two are perhaps the most important. It is perhaps useful to keep these two functions in mind when examining the registration process in Yemen.

The first function of a voters' registration which takes place prior to election day is that it accomplishes the essential and time-consuming task of establishing who is an eligible voter. Potential voters come to a registration center with proof of their citizenship and are given a certificate that attests to their eligibility as voters. Carrying out this task prior to election day allows the processing of voters to proceed much more smoothly and quickly on election day itself. Just as importantly, prior registration allows for the public posting of registration lists, and thus gives all citizens the right and responsibility to participate in ensuring that the lists are accurate.

For a registration certificate to provide reliable identification of the voter on election day, it must be relatively secure from counterfeiting and from being transferred from one individual to another. The primary safeguard that the SEC chose to ensure this reliability was to require that a photograph be taken of each registrant and attached to his/her registration certificate.

The second important function of registration is that it provides a wealth of useful information to election administrators. This is especially true in countries such as Yemen, where voters must vote in the constituency where they are registered. As a result of the registration process, those who are planning the election know with some precision how many voters to expect in each constituency and in each area of the constituency. With this information, the appropriate number of polling sites can be set up, and the correct number of ballots and other materials can be sent to each site.

Registration and the establishment of registration lists for each polling station also contributes to the prevention of election day fraud by making it more difficult for a person to vote more than once.

The advantages of pre-election registration are accompanied by some disadvantages. Most importantly, it puts an extra burden on the voter, who must take part in the first step of the process--getting registered--in order to take part in the second--casting his/her vote on election day. Putting the burden on the potential voter to register some weeks or months before an election means that some inevitably will not or cannot register. And they will not, therefore, be able to vote.

The potentially exclusionary effect of registration makes it incumbent on the authorities to make registration as simple and easy as possible, assuming that the goal is to have as high a percentage as possible of eligible voters exercise their right to choose their leaders.

Strengths of the Registration Process in Yemen

Yemen, as do most countries, has chosen to include a voters registration process in its Electoral Law. In doing so, it has implicitly chosen to bear the very large expense of conducting regular registration campaigns as well as to work against the potentially disenfranchising effect of the registration requirement.

The ERS/IFES delegation was generally impressed by the Government of Yemen's success in meeting both of those responsibilities. The government had already committed several million dollars to the registration process, with most of that money going toward the costs of hiring the thousands of needed registration workers (at 700 rials a day) and of buying two polaroid cameras for each registration center for the taking of photographs of the voters for the registration certificate. The SEC had also established approximately 2,000 registration centers, 5 to 17 centers in each of the 301 constituencies. In principle, no voter would have to travel an undue distance in order to register. The thirty-day registration period also gave adequate time to each voter to register.

In addition, the SEC sought to mitigate some of the inconveniences of the registration process by establishing both men's and women's committees at each of the registration centers. This was particularly important for women, who could produce their proof of citizenship to an all-women's committee, and would have their photograph taken by a woman. In principle, women who wear veils in public, as do a majority of the women in the former North Yemen, would have no reluctance to remove their veils for a female photographer.

The SEC also sought to increase the rate of participation in the registration process by conducting a public information campaign through the government and private media. An information committee was established within the SEC which was given the responsibility of devising and carrying out such a campaign in collaboration with representatives of the various media. A more detailed description of the media campaign follows in a later section of this chapter.

Problems with the Registration Process

The delegation observed several problems with the registration process, particularly in the area of participation, which should be noted. First, in regard to women's participation, the delegation was told that, more than a week into the registration period, women's committees had been constituted only in the cities of Sana'a, Ta'iz, Aden and Hodeidah. While these cities do constitute the largest concentrations of eligible voters, the lack of women's committees in most areas of the country was potentially disenfranchising all women in those areas. The SEC said that the number of established women's committees was growing daily during the second week of the registration period, but the possibility remained that the SEC would not fulfill its legal obligation of establishing women's committees at all registration centers, and that a significant percentage of women would be denied the right to register and therefore to vote.

The requirement of a photograph to be attached to each registration certificate also constituted a major barrier to full participation by women. The delegation was told that women would accept being photographed without veils by other women, and having that photograph be a part of the certificate. The problem arose from the second copy of the photograph, which was retained at the registration center and would eventually be passed on to the principle committee in each constituency where it would be filed with the duplicate certificates. Many women (and/or their husbands, fathers and older brothers) did not want their photographs traveling beyond the local center, where they are liable to be seen by men.

There seemed to be some public misperception that the duplicate photographs would be sent to the governorate level, or even to Sana'a. It was not clear to the ERS/IFES delegation, however, whether an understanding that the photos would not circulate beyond the constituency level would relieve the anxiety of most women.

In the registration centers visited by the delegation during its stay in Yemen, female registration was running at a rate that was approximately 10-20% of that of male registration. It was clear that many if not most women would choose not to register and vote, because of the photograph requirement or for other reasons. Many women were likely to not even have the option of registering unless the SEC worked very quickly in establishing women's committees in all areas of the country.

The public information campaign to promote registration was underway at the time of the delegation's visit. Both the news and program components of government radio and television devoted significant time to registration and to the more general topic of multi-party democracy. Some Yemeni observers complained, however, that this programming was both too little and too late. One reason for that lack seemed to have been the SEC's Information Committee's lateness in issuing the plan and guidelines for media coverage of the election process.

b) Nomination

The nomination of candidates for seats in the national parliament is the next step in the electoral process after the completion of registration. According to the Election Law, in a "normal" year when the election of parliament takes place in November, elections must be

called by the Chairman of the Presidential Council at least one month before the election date (Article 49). Applications for candidacy must be submitted within ten days of the call for an election (Article 52).

Therefore, according to the Election Law, in 1993 the period for the nomination or application of candidates must begin by March 28 at the latest, 30 days before the April 27 election, and extend for ten days, until April 6. However, as noted above, Article 85 of the Election Law permits the SEC to reduce any time period provided for in the law. At the time of the delegation's visit, it was not clear what day has been or will be set by the SEC for the opening of nominations, nor was it clear whether the nomination period would extend for ten days or less.

The lack of clarity in the Election Law, particularly for this transitional election, gives rise to several issues and questions regarding this step of the process. The ERS/IFES delegation was not aware of whether these issues had yet been addressed by the SEC at the time of their visit.

i) The Election Law specifies that applications for candidacy are submitted to the Committee during the ten-day period. It does not specify, however, which Committee receives those applications, the Principle Committee at the constituency level, the Supervisory Committee at the provincial level, or the Supreme Elections Committee in Sana'a. The law also does not specify if the application must be presented to the Committee by the candidate in person. Especially if applications are to be received by the SEC in Sana'a, the logistics of presenting it either in person or through the post may prove to be an undue burden on candidates in constituencies in the far north or east of Yemen.

ii) The Election Law states that candidates' lists are to be posted in public places in each constituency on the day following the end of the 10-day application period. The Law also implies that whichever Committee which receives the applications for candidacy will review them and register them officially only after verifying the particulars included in the application. These requirements also present a logistics and communications challenge no matter which Committee receives and reviews the candidates' applications.

iii) The Law is silent on how a potential candidate might appeal the decision of the Committee if his/her application is turned down. The Law also gives no guidance to the Committee on how disputes are resolved if, for instance, more than one candidate applies in a constituency claiming affiliation with the same political party.

iv) There is no provision in the Law for a candidate to register his/her symbol or color at the time of application. The lack of a symbol or sign associated with each candidate will have implications for the design of the ballot, as described in the following section.

The nomination of candidates was a topic of intense discussion and speculation at the time of the ERS/IFES delegation's visit. Few if any of the political parties had made public the list of candidates who would be running under that party's banner. In some constituencies, however, the likely field of candidates seemed to be public knowledge. Some potential candidates, particularly those who will be running as independents, had made their intentions known. In a country where the person is likely to be a stronger attractor of votes than the

party, there seemed to be considerable maneuvering going on to enlist strong local personalities with a particular party.

The most intense forum for maneuvering and negotiation seemed to be between the two ruling parties, the GPC and the YSP. Discussions were continuing through January and into February about a possible merger of the two parties and about pre-electoral agreements that would fall short of formal merger. There was speculation that the two parties would agree not to run candidates against each other in some or all of the constituencies. While there is nothing illegal or even inherently undemocratic about this kind of pre-nomination negotiation, it was worrisome to the smaller parties and independent candidates who see greater chances for their own success if the two largest parties are competitors on April 27 rather than allies.

c. Campaign

The Election Law does not establish a fixed period for the electoral campaign prior to general elections, but it does allow the SEC to establish the rules governing the campaign, including, presumably, the beginning date for the official campaign period (Article 34). The Law does specify that campaign activity must end on the day before election day.

The rules for campaigning are specified in detail in the SEC's Election Publicity Manual, which was in draft form at the time of the ERS/IFES delegation's visit in late January. (See Appendix B.) This document, drafted by the SEC's Information Committee, elaborates on the guidelines contained in the Election Law in presenting a detailed description of the rights and limitations of a candidate in publicizing his/her candidacy and platform. The Manual anticipates the use of five major media for the candidates' publicity campaign which will be controlled by the SEC, namely public meetings, posters, television, radio, and the government-controlled press. It is anticipated that the manual will have the force of law, and any violation of the guidelines contained therein will be considered an election crime. (See Chapter 1, Paragraph 18 of the Manual.) The general thrust of the Manual is to (1) remove from government control the use of the means of mass communication in the context of election information and electoral campaigning, (2) provide prescribed means for all candidates to use government owned and controlled media on an equal basis, and (3) limit the time period, media and messages that candidates may use in publicizing their candidacy and platforms.

Public Meetings

The Manual specifies that candidates should hold public meetings in their constituencies to present their platforms to the voters. To hold meetings held in public locations, the candidate must apply for a permit to the Election Administration Committee at least one day prior to the planned event. This committee is given jurisdiction to supervise and organize all election rallies in the constituency. (Neither the Manual nor the Election Law describes the membership of the Election Administration Committee or how it is appointed.) The Committee can approve or deny the application, and the candidate may appeal negative decisions to the courts.

The Committee's responsibilities include establishing a number of public sites as appropriate locations for election rallies within the constituency, and allocating the use of these sites fairly to the various candidates. The candidate may use party headquarters or other private property

for election meetings and rallies without applying for a permit from the Committee, but the Committee must still be informed one day in advance of the event.

The Manual does not specify on what date officially sanctioned election rallies may begin.

Posters

According to the Manual, a candidate may hang publicity posters wherever he/she wishes on private property with the permission of the property owner. (See Manual section 2.1.10) The Manual goes on to impose strict limits on where election campaign material may be posted, presumably on public buildings. The Election Administration Committee will establish a group of walls and buildings where candidates may place posters. Each Committee-approved space will be divided so that each candidate will have an equal area for his/her posters. These public spaces will be available for use by candidates beginning the ninth day prior to voting day. In each approved space, the candidate may place only two posters. The subject matter of the posters is limited to the candidate's platform, and announcements of date and place of election rallies.

The Manual does not specify a date on which candidates may begin placing printed publicity material on private property. It also is silent on the publication and distribution of leaflets, brochures, etc. that are used to publicize a candidate's platform and candidacy.

Television

The Election Law states that the government media shall put their means at the disposal of the SEC. (Article 35.) The SEC's Information Committee has used that authority to provide for the media a Plan for their coverage and publicity of the parliamentary elections as well as a Manual on election publicity. The Plan specifies the types of information that should be disseminated by the official media through the six phases of the electoral process, through their news and general programming. The Manual describes how political parties and candidates may use the media as a means of publicizing their candidacy and platform.

Under the supervision of the Information Committee, the two television stations will air two half-hour programs daily of election publicity in the eight days preceding voting day. These eight hours will be made available to qualifying political parties to publicize their platforms. The primary qualifying criterion for parties is that they have at least 30 accepted candidates running in 30 constituencies. The Information Committee will make the determination regarding which parties qualify for television time within five days of the end of the candidacy application period.

Each eligible party will be allotted two ten minute segments to be aired in one of the two evening time slots for election publicity, before and after the 9:00 p.m. news. (With eight hours available, the Information Committee can provide program time for up to 24 political parties.) Television studios will provide a schedule for taping the parties' two segments. All parties will be limited to a set format, giving no technical advantage to any particular party. One person will be designated by each party to present the party's platform, and it can be assumed that the uniform format will be of the "talking head" variety.

The format described above does not permit the publicizing of candidates names, nor does it give access to independent candidates. A second programming format, however, is designed to publicize candidates' names along with their constituencies. In two half-hour installments to be aired each evening during the nine days preceding voting day, an announcer will read the names of constituencies and then the names of all the approved candidates in that constituency. Ten seconds will be allotted to the reading of each candidate's name. As his/her name is being read, a picture of one of the candidate's publications or posters will be shown.

This reading of constituencies and candidates will proceed sequentially through all 301 constituencies, and will be repeated over the course of the nine days as time allows.

Radio

The Election Publicity Manual describes a similar plan for political parties' and candidates' use of government radio. For the publicizing of party platforms, there will be two daily one-and-half-hour programs (as opposed to two daily half-hour television programs), one aired in the morning and the other in the afternoon, during the eight days preceding voting day. Each qualifying political party will be entitled to two half-hour segments (as opposed to two ten-minute television segments). A party's 30-minute segment will be produced as a direct address given by member of the party explaining the party's platform. The primary qualification for a party to be allotted radio time is that it has at least 15 approved candidates in 15 constituencies.

As with television, there will be a second election publicity program on radio, during which the names of constituencies and approved candidates and their political affiliation will be read. This hour-and-a-half program will be aired twice during each of the nine days prior to voting day.

Local radio stations are forbidden to undertake any direct or indirect publicity activity on behalf of any candidate or political organization.

Government Press

The Election Publicity Manual also describes the role of the government-owned press in publicizing parties and candidates during the campaign period. As with radio and television, two formats are planned, one for publicizing party platforms and the second for candidates and their platforms or slogans. Each will be published as election publicity supplements in the government newspapers Al-Thawra, Al-Jumhuriya, and 14 October.

The party publicity supplement will be distributed in the three newspapers during the eight days preceding voting day. Each day, the four-page supplement will carry four parties' full-page presentations. Thus, there will be space for 32 parties over the course of the eight days. To qualify for this publicity, a party must have 30 approved candidates in 30 constituencies.

Each party may layout its page in the format it chooses. The presentation must be limited to an explanation and defense of the party platform, and may not directly criticize other political parties.

In the same three newspapers, the Information Committee will supervise the publication of an 8-page supplement giving publicity space to candidates. This supplement will be issued daily during the nine days prior to voting day. Each of the eight pages will be divided equally into forty boxes, giving space for 320 candidates to advertise in each daily issue. Candidates' boxes will be grouped together by constituency. The candidate can lay out his/her advertisement in the format that he/she chooses, but the presentation must be limited to the candidate's name, political affiliation, platform and/or slogan. Criticism of any other candidate or party is forbidden.

As with radio and television, the Information Committee will supervise the preparation and printing of these newspaper supplements to ensure that they conform to the rules of the SEC and that technical advantage is given to no candidate or party.

Problems and Recommendations

i) The Election Law and the Information Committee's documents seem to provide insufficient guidance regarding when a candidate may begin campaign activities. Are rallies and meetings forbidden prior to a certain date? Can a candidate begin to hold public meetings and engage in other overt campaign activities prior to the end of the application/nomination period? Is the distribution of campaign literature—fliers, leaflets, newsletters - forbidden prior to the end of the nomination period?

ii) The Information Committee Manual strictly limits the format for radio and television publicity on behalf of political parties and candidates. While this is conducive of a level playing field, not giving advantage to a party that might have the resources to make a more sophisticated presentation, it makes for boring radio and television. The Information Committee should search for ways to make both the candidates' publicity and the public information campaign as interesting and innovative as possible without sacrificing the goal of fairness and objectivity.

iii) Much power is given to the Election Administration Committees and to the Information Committee to control the campaign and propaganda activities of the candidates. Because of this, the SEC should establish sufficient safeguards to ensure that the Information Committee and all the Election Administration Committee act in ways that are fair and unbiased, and is perceived as being the same.

d. Polling Day and Counting of Ballots

The critical 24 or 36 hours of the election process will come on April 27 and 28 when the people of Yemen cast their ballots and those ballots are counted and the results announced. Based on experiences with elections in emerging democracies elsewhere, April 27 is not likely to be the occasion of wholesale fraud, vote theft or voter intimidation. The day does present the possibility, however, of more localized, "retail" attempts to manipulate the voting or the counting. More importantly, April 27 and 28 is when the suspicion and fear of large-scale fraud and manipulation will run very high. A major concern of the SEC during this period will be to reduce that level of suspicion and fear.

Other major concerns of these days that must be foreseen and carefully addressed prior to April 27 are the design of the ballot; the design, procurement and distribution of other election material; the organization of the voting process itself at the thousands of polling stations; the potential for violence, and the need for adequate security; and the efficiency and transparency of ballot counting procedures. These will be the topics briefly discussed in this section.

Ballot Design

Article 25 of the Election Law gives the SEC the responsibility of preparing the ballot papers, but the law provides very little guidance on how the ballot is to be designed. There is even a lack of clarity over whether the candidates will be identified on the ballot with the aid of signs or symbols (see Article 64). The law does imply that the voter will be asked to record his/her vote on the ballot paper, and specifies that that act be done in secret. Therefore, the law seems to rule out the use of a French-style multiple ballot system, where there is a ballot paper for each candidate.

The SEC's Information Plan for Media Coverage assumes a more definite ballot design when it instructs the media to include in their informational programming instructions on how the voter is to write the name of his/her candidate on the election ballot. If indeed the ballot is designed so that the voter indicates his/her choice by writing in the name of his/her chosen candidate, this seems to present an significant hurdle for the majority of Yemeni voters who are illiterate.

In many countries where illiteracy is high, political parties and candidates are identified on the ballot with a symbol, color and/or flag in addition to their written name. Some ballots also include a photograph of each candidate. The visual symbol or color is part of the candidate's campaign literature and posters, so that voters are familiar with the symbol of their preferred candidate. The act of voting then is simplified as the illiterate voter can put his X or fingerprint next to the symbol of his candidate, without needing to recognize the candidate's written name. In this way, many illiterate voters can vote without assistance, and thus maintain the secrecy of their vote.

This type of ballot design, however, present many complicating factors. First, all candidates in a constituency must choose a unique symbol or sign that they register with the Election Committee at the time of their candidacy application. Currently, this step is not required in the Election Law. Moreover, this system requires that different ballots be printed for each of the 301 constituencies. Therefore, ballots could not be printed until the nomination process is completed, which may be less than 20 days prior to election day. Even if ballots were being printed in Yemen, this would be an imposing task. The ERS/IFES delegation was told, however, that ballots were to be printed by the British-based company Thomas De La Rue Ltd, with financing from the European Community. The single-member district electoral system, the brief campaign period, and the choice to have the ballots printed in Europe together make it nearly impossible for unique ballots to be printed for each constituency that will identify each candidate by name and symbol.

It may, therefore, be necessary to use the design implied in the Information Plan, where the voter is presented with a ballot on which he/she must write the name of his/her candidate. In this case, all reasonable efforts should be made to enable voters, both literate and illiterate, successfully to write out the name of their candidate so that they can cast a valid ballot, as

often as possible without assistance. It might be suggested that a list of approved candidates be posted in each voting center so that literate and semi-literate voters can copy the name of their candidate onto the ballot. We also hope that the counting committees will accept written names that are clear in intent even though mis-spelt.

Other Election Material

The other essential items to be distributed to each polling center include ballot boxes and indelible ink, along with the many required forms for recording the processes and procedures of voting day. Another item which is often used is a voting booth or screen, which may be produced locally or may be distributed by the central election committee. Because voting screens help to ensure the important right of a secret ballot, it may be worthwhile to purchase and distribute uniform screens to every polling station, so that voting secrecy is not abridged by local practices.

The Election Law says little about the design of the ballot box. Article 66 implies that it should have a slot for ballots that can be locked and sealed at the end of the voting day. Other specifications might be recommended. It should be large enough to hold all the ballots expected to be cast at the polling place of each branch committee. In other words, one ballot box should be provided for the men's committee and one for the women's committee, and the boxes should be large enough so that there is no need for second box at any committee. It should be possible to seal and/or lock both the lid to the box and the ballot slot. Commonly used materials for ballot boxes are wood, metal, plastic or cardboard. Cardboard ballot boxes are by far the least expensive, and can be as secure and durable as other models. For psychological reasons, however, a stronger appearing material may be required, such as metal or plastic. Ballot boxes should be marked with serial numbers to aid in the tracking of specific boxes and in ballot security.

The Election Law specifies that the ballot slot be sealed with sealing wax at the close of the voting day. The SEC might consider other simpler methods of sealing both the lid and the slot, such as adhesive-backed paper or plastic seals. Either of these options is inexpensive, easy to use, and provide the same type of security that sealing wax does: it reveals if the lid or slot has been tampered with. Both plastic and paper seals are commonly made with serial numbers to provide added security.

The Election Law instructs the SEC to provide an indelible substance that will be placed on the thumb of every voter once he/she has voted (Article 31). Most commonly, an indelible ink is used, for the purpose of preventing a person, who may illegally registered in more than one place, from voting more than once. Several manufacturers produce an ink that cannot be washed off for at least 24 hours. In many countries where indelible ink is used to mark voters' fingers, however, there have been complaints that the ink can be washed off. The SEC should carefully test ink samples before choosing one to purchase. In addition, it should carefully test the actual ink, once it is delivered from the supplier. The active ingredient in indelible ink is usually silver nitrate, which tends to sink to the bottom of the container. Unless the container is frequently shaken by the pollworkers during the voting day, the solution may become too diluted to be indelible. It is also important to apply ink to the nail part of the thumb, because it is in the cuticle that the ink is best absorbed and from which it is most difficult to be removed. A further safeguard is the use of UV lamps, which are now available in battery form, to check whether efforts have been made to remove the ink.

Voting Procedures

Procedures to be followed at polling stations on election day are outlined in Articles 58-66 of the Election Law. It is the understanding of the ERS/IFES delegation that the voting process will be administered at the polling stations by three-member branch committees, similar to the branch committees which administered the registration process. As with registration, there will be a men's committee and a women's committee.

In general, voters will vote at the same location where they registered. The SEC admits, however, that there will not be a perfect correspondence between those two locations, for two reasons: (1) in some cases, the SEC will determine that the building or room used for registration is not suitable for voting, because it is too small or has some other disadvantage; and (2) there will probably be a need for more voting stations than there were registration centers. Ideally, the number of registered voters at any one branch committee should not exceed 600-700, so that all voters can be processed during the available 10 hour period. Therefore, if more than 700 men or women have registered at one center, that registration list should be divided among two or more election branch committees. If possible, it would probably be preferable to locate the two or more committees who are sharing a registration list in the same general location, for example in adjoining classrooms if the voting were taking place in a school. Voters must then be well informed in the days before election day where they should go to vote.

The Election Law specifies that voters who have lost their registration certificate may vote if their name appears in the register and if they are able to verify their identity by means determined by the SEC (Article 63). Often, this verification process requires that the voter obtain a certificate from a local community leader, or that s/he bring one or more witnesses to the voting station who are well known in the community. This inevitably slows down the processing of voters, but it is a desirable means of not disenfranchising eligible voters. The law does not, however, provide any means for someone to vote if his/her name has been inadvertently left off the registration list. This fact should be well publicized in the SEC's information campaign, to encourage citizens to check the registration list during the review period to make sure that their names appear on the list.

Article 64 of the Law gives instructions to branch committees on how they can assist illiterate voters. According to the Law, an illiterate voter may be assisted by another eligible voter whom s/he trusts and by a member of the branch committee. It is not clear whether the illiterate voter must be assisted by both of these individuals. The SEC should clarify that questions and issue clear instructions to the branch committees. While an element of ballot secrecy is lost, it is essential that assistance not be provided by the committee member alone, as that could give rise to the suspicion that the member is influencing the illiterate voter or misrepresenting his vote when the name is written. Voters must be well informed of their rights in this matter through the SEC's information campaign.

Because the branch committee members will be called upon on election day to interpret and carry out the provisions of the Electoral Law and many other regulations and procedures set by the SEC, and because they are the "face of democracy" that will be presented to all Yemeni citizens on that crucial day, it is essential that they be well trained in their task. It

is recommended that at least the branch committee chairmen and women be given a one or two day training course covering the election law and procedures, as well as other issues that they will have to address in the course of their duties, such as crowd control and security. Training sessions should include a simulation of the voting station set-up and of the processing of voters, to give committee chairmen practice at resolving the types of problems that will arise on voting day. We noted, incidentally, that because branch committee serve in a different area to that in which they are registered, they are effectively disenfranchised.

One important element that is sometimes neglected in training election officials is the physical arrangement of the room where voters are processed and cast their vote. A well-organized and one-way flow of traffic through the polling station will greatly contribute to the efficiency with which voters can be processed, and also adds to the security of the system. As often as possible, voting should take place in a room with both an entrance and an exit door.

The Law specifies that voting will begin at 8:00 a.m. (Article 65). In order to begin processing voters by 8:00, the branch committees should begin to set up the voting room by no later than 7:00 a.m. If ballots, ballot boxes and other materials are stored at the constituency level before voting day under the supervision of the principle committees, the branch committee members must arrive at the constituency headquarters early enough on the morning of April 27 so that they can return to their polling site by 7:00. Experience has shown that the disbursement of election materials to branch chairmen often takes longer than is anticipated, as it is a process that must be done carefully to ensure strict accountability of the ballot papers and other material.

Article 61 of the Election Law states that candidates may be present in the polling stations, and that they may appoint representatives to monitor the election process in their place. The rights and duties of the candidates' representatives are not specified in the law. It is recommended that the SEC issue explicit guidelines for these representatives in their role as monitors of the voting and counting process.

At the time of the ERS/IFES visit to Yemen, the SEC was also beginning to consider the issuing of credentials to non-partisan domestic monitors and to international observers. The SEC is to be commended for its willingness to open the voting and counting process to the scrutiny of both domestic and international observers. It is recommended that guidelines for both types of observers be issued by the SEC, specifying their role, and their rights and responsibilities. The SEC should also be prepared to issue badges or other forms of credentials to both domestic and international observers.

Security

Yemen has conducted elections in the past several years that have not been accompanied by a disruptively serious amount of violence on polling day. However, the danger exists that individuals or groups will want to disrupt the voting process on April 27, or, more likely, will violently express their displeasure with the results when they are announced during the night of April 27 or on April 28. An adequate level of security must be provided at every polling site, to assist with controlling the crowds waiting to vote, and to ensure that violence is not used to disrupt the voting process. Adequate security must be maintained also during the crucial periods, likely to occur after nightfall, when the polling stations are closed, the

ballot boxes are sealed, the boxes are transported to the constituency center, and the counting of the ballots takes place.

Article 61 of the Election Law states that firearms or any other weapons are not allowed to be carried within a polling station precinct. Presumably, it will be the security forces that are assigned to the polling station who will enforce this article of the law. Two areas of ambiguity remain, at least in the minds of the ERS/IFES delegation, regarding weapons in the polling stations. First, does the term "weapon" include the knife (gambia) that many Yemeni men traditionally carry in their belt? Secondly, the definition of a polling station precinct is not specified in the Law. It is recommended that the SEC issue clear instructions regarding where the perimeter of the precinct is to be drawn. The SEC should also address the issue of the gambia. Only with clear guidelines will the security forces be able to enforce this part of the law fully and fairly.

Counting Procedures

The procedures for counting ballots are described in Articles 67-68 of the Election Law. After the closing of polling stations, the branch committee completes a form that includes the number of registered voters who have and who have not voted, and the number of ballot paper issued. This form is signed by the committee members and by the candidates' representatives. Then, the entire committee and the representatives transport the ballot box to the seat of the principle committee, the constituency center, for counting. Although the electoral law prescribes the above procedure it was suggested to the delegation that counting of the ballot papers will take place in each precinct. The situation should be clarified.

Article 67 specifies that counting will not begin until all committees and all boxes in the constituency have arrived at the center. Because some polling stations may stay open until 8:00 p.m., and because some branch committees may have to travel a significant distance, it is likely that the counting of votes will not begin until 10:00 p.m. or later in many locations. Counting is done under the supervision of the Counting Committee, which is, presumably, the same as the principle committee, though the Law does not make that clear. The counting of each box is done separately, presumably by the branch committee chairman and members (although this too is not specified in the Law). The individual box totals are added up on a statement that is signed by all branch committee members and the candidates' representatives. The Principle, or Counting, Committee announces the winner of that constituency as soon as the count is complete.

The counting process described is straightforward, and only a few comments need to be made. (1) It is recommended that standard forms be issued to the branch committees for their accounting of ballots, voters, etc., and to the counting committee for the statement recording the vote totals. (2) In the rush to count the ballots and to see the result, counting officials are often lax in following the required ballot accounting procedures. The record of ballots and voters must be kept scrupulously throughout the day, especially in these final steps, as this is the only way of definitively resolving questions of vote fraud. (3) Access to the counting room must be tightly controlled so that only the appropriate people have access to the ballots as they are being counted. At this stage, a chaotic and crowded counting room leaves open the possibility of lapses in ballot security. (4) After the results are announced at the constituency, ballots will be packed into several ballot boxes and transported to the SEC in Sana'a. The SEC will review and certify the results. Adequate security

measures should be put into place to ensure that the ballot boxes reach Sana'a safely without being tampered with. It may be necessary to allow candidates' representatives to accompany the boxes to Sana'a, particularly in the case of a close vote.

e. Recommendations

i) Ballots should be designed to facilitate as much as possible the unassisted voting by literate, semi-literate and illiterate voters. The SEC should work closely with the De La Rue Company in the design of the ballot to ensure that the design is appropriate to the needs and conditions of Yemen.

ii) The SEC should consider providing standardized voting screens or booths for every polling station as a means of helping to guarantee a voter's right to cast a secret ballot.

iii) Enough polling stations and branch committees should be established so that each branch committee has a registration list that contains no more than 600-700 voters.

iv) The SEC should clarify the process for assisting illiterate voters, and that process should be one of the focuses of the public information campaign.

v) Branch committee members, or at least the chairmen and women, should receive a thorough training in their duties prior to election day. The training should include a simulation of the voting process and guidelines on the physical arrangement of the polling station.

vi) The SEC should issue guidelines on the roles, rights and responsibilities of candidates' representatives, non-partisan domestic poll monitors, and international observers.

vii) The SEC should clarify the definition of a polling station precinct and the policy on whether a gambia is weapon that may not be carried into a polling station precinct.

viii) The counting process should not be neglected in terms of providing adequate training to the counting and branch committees on count procedures and in terms of providing adequate controls and security until the ballot boxes are received by the SEC.

10. SPECIAL CASES

a. Military and paramilitary

By the very nature of their occupation, military personnel, and specifically army personal, pose special operational difficulties to both the electoral registration and voting processes. their duties may require them to be transferred at very short notice from the location where they are registered as electors to some distant place. Even if not so transferred they may have difficulty, due to the need to provide continuous security throughout the time the poll is open, in being released from their duties to go and vote themselves.

It was of some concern that no special arrangements appeared to have been made for military personnel to vote, i.e. postal or proxy voting.

Having spoken to service personnel in Sana'a Aden, and Taiz it became obvious that at the point in which we were in Yemen there had been no particular orchestration of the military vote. Of those interviewed some had registered where they lived with their families, i.e. in villages away from camp, some had registered in their camps, and some had not bothered to register at all. Fears were expressed to us, however, as indeed we have also experienced in various other countries, that the military personnel would be influenced by their officers in the casting of their ballots. It was also perceived by some that the election results in certain electoral areas could be unfairly influenced by the inclusion of a significant number of registered military votes who had been transferred into the areas during the registration period. This is significant in a constituency based majoritarian election system.

We expressed concern to the Legal Committee regarding the movement of military personnel and, therefore, the disenfranchisement of troops, and the logistical problem of releasing military personnel from camps to their home villages to cast their vote.

We were advised by the Legal Committee that a soldier's "place of work" for registration purposes had been defined as the camp at which he is stationed and that Registration/Polling Stations had been set up in some camps. It was unclear whether this was on a large scale or only in certain Governorates. We were also advised that safeguards were in place to prevent there being any undue influence of officers over the troops in their command. We were further advised that a new committee was being set up to monitor the whole question of military voting.

b. Women

Registration Committees

It was disturbing to note that in some areas, particularly in the Sana'a Governorate, women's registration committees were not in place by the ninth day of registration.

We were told in one registration centre that they did not expect a women's committee and would only send one should the demand be great enough.

When this point was raised with the Legal Committee we were assured that the law would be followed and committees set up within days. We were not in Yemen long enough to check that this had been followed through.

Photographs

The need to ensure the security of the register at this first multi-party election understandably led to the decision to append photographs of the elector to the register and to his/her retained document. This requirement for photographs for registration was causing a certain number of problems:

- a. Some women did not want to remove their veils for the photographs to be taken.
- b. Some women objected to a second photograph being kept with the election committees. This occurred especially in the urban areas.

Attitudes

One of the greatest problems with women's registration was the attitude of the men. We found in some areas that although the women had no objection to the registration system the men, whether husbands, fathers, or brothers, did not agree with women registering to vote, and therefore, kept the women away from the registration centres.

Media/Publicity

We were told on many occasions, in different Governorates, that the publicity surrounding the registration of women had not been adequate. Centres had not displayed notices stating that separate registration committees were available for women and in one centre particularly, which was normally used as a military officer's club, the women were most reluctant to enter premises which would normally be for men only. When these points were raised we were assured that the television would be used at peak viewing time to publicise both the locality of registration centres and the availability of women's committees. Assurances that notices and posters would be displayed locally outside registration centres clarifying the position of women's registration committees were borne out by on site observation by the delegation.

Conclusions

Although it is probable that the registration of women will be relatively low, the Supreme Election Committee have made efforts to ensure a fair system as far as possible, and have taken into account the special needs of women in the Yemen. Whilst it is apparent that some areas are not as well organised as others, it is appreciated that this is a first election and important foundations have been laid to build upon in the future.

11. TECHNICAL SUPPORT

At the time of the ERS/IFES delegation visit to Yemen in late January, preparations were well underway for the April 27 election. The SEC had been in operation for about five months, and was to all appearances working well as a body, able to make compromises and arrive at decisions in a timely manner on the many large and small political and administrative matters involved in the process. Its six subcommittees, which include Technical, Legal, Information, and Security subcommittees, had chairmen elected from the full SEC, and were apparently functioning effectively. Under the direction of the Technical Subcommittee, the registration process had been implemented, including the recruitment and training of most of the needed registration workers, and an impressive communication system had been put into place which would continue to function throughout the electoral period. The Legal and Information Subcommittees were working together to resolve contentious issues and to disseminate policy decisions around the country. In short, the Yemenis were effectively and resourcefully negotiating their way around the many potential pitfalls that can disrupt any democratic electoral system, especially one which is being established for the first time.

No one in Yemen will make the claim that they have achieved a perfect democracy, although it can justifiably lay claim to being a model for the Arab world. Even though the preparations for elections are currently proceeding fairly smoothly, there are ways in which external donors can assist the Yemenis in making their experiment in multi-party democracy a model of success rather than failure. The ERS/IFES delegation has identified areas of need in both material support and technical support.

The implementation of multi-party electoral process is a very costly project, and this cost can create significant budgetary strain for a country of limited resources such as Yemen. The government, through the SEC, has already spent millions of dollars on the registration process alone, most significantly for the purchase of cameras for the registration centers, and the salaries of the thousands of temporary workers who are members of the supervisory, principle and branch committees. It is suggested that external donors might assist with the purchase of other supplies and materials that can be anticipated. This list would include ballots, ballot boxes, voting screens, and indelible ink, and, possibly, battery operated UV lamps.

External donors could also effectively assist the success of this electoral process through several areas of technical support. Foremost is pollworker training, which has been seen in other countries as a essential step in ensuring that election day proceeds as smoothly and as free of fraud as possible. More than ten thousand pollworkers will eventually need to be trained. This should begin with a thorough training of central and provincial election officials, and possibly continue with the training of a traveling group of core trainers. External donors could assist by providing experts in the design and implementation of pollworker training.

Another area that is too often neglected at the time of first multi-party elections is voter education, as carried out by the government or the election commission. In Yemen, the Information Subcommittee of the SEC has planned, and already begun, an impressive program of voter information using the government-controlled mass media. To be effective, it is important that the Information Subcommittee have the resources to carry out its program as planned. It is also important that the program be imaginative and interesting, and that it reach out to all sectors of Yemeni society in all areas of the country. External donors might consider providing technical assistance in this crucial area.

The credibility of a electoral process, particularly in the context of both inter-party suspicion and a newly-established system, can be heightened through a program of election monitors and observers. The most effective election monitors are local citizens who have a vested interest in a successful outcome. Their interest can be in the success of democratic elections in general, that is, a non-partisan interest, or in the success of a particular party or candidate. Either type of domestic monitor can play a very important role in reducing the chances of fraud during the voting and counting process, as well as in reducing the fear of fraud and of other abuses of the system. To be effective, both partisan and non-partisan domestic monitors must undergo a training on the electoral law and regulations, and on their roles, rights and responsibilities. This is an area where external donors might assist by providing trainers, and possibly advisors from other newly democratizing countries who have acted as election monitors.

The SEC and the Ministry of Foreign Affairs in Yemen have indicated their willingness to welcome international observers of the April elections. International observers, like domestic monitors, can play a useful role in reducing both fraud and the suspicion of fraud. Just as importantly, observers from outside Yemen can assist both Yemenis and the international community in assessing the legitimacy of the electoral exercise. Donor countries, therefore, can give assistance to Yemeni democracy by sending observer delegations. A further need that is best met by an external donor or non-governmental group is the coordination of the briefings and deployment of observer delegations, so that they are used as effectively as possible.

12. OBSERVER TEAMS AND THE FUTURE

We are delighted that the Yemeni Government has formally invited the presence of international observers at the forthcoming election. We hope that our respective Governments will send teams to contribute to a co-ordinated international team. We also note that the Yemeni Government is encouraging the participation of domestic monitors. Whilst we are keen to encourage the development of independent organisations similar to our own in each country, we believe that it is vital to state clearly the role of such bodies and the specific tasks to be undertaken by each individual accredited observer on election day.

CONCLUSION

The delegation was impressed with the expressed determination of everyone we met to make these elections as democratic and effective as possible. Whilst undoubted technical problems - not least in the registration process and particularly the registration of women - will inevitably detract from the overall impact of the election, the party representatives we spoke to had no naïve or exaggerated idea of the level of democracy it was feasible to expect by 27 April. There was no apparent complacency, nor unwillingness to continue the developmental process after polling day, but the general acceptance was that this election will represent massive progress towards democracy. In our view, if the SEC is strong enough to enforce its decisions, and if the parties are able to campaign wholeheartedly and intelligently, there is every chance that Yemen will have a successful election on 27 April.

We repeat our warm thanks to all those who gave of their time to assist our mission and to help make it a memorable visit to Yemen. We state our willingness to help further in any way possible to ensure that the citizens of the new Yemen are able to grasp the opportunities now opening up to them to influence their future - individually and collectively.

ISBN 0 903291 15 0

APRIL 1993

Published by:

**Electoral Reform Consultancy Services
6 Chancel Street
London SE1 0UU**

Tel: (+) 71 620 3794

Fax: (+) 71 928 4366