

# Yemen: An Emerging Independent EMB

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The Republic of Yemen emerged as a result of the unification, on 22 May 1990, of the Arab Republic of Yemen in the north and the Socialist Republic of Yemen in the south. After the new constitution was approved in a referendum held in May 1991, parliamentary elections were held in 1993, 1997 and 2003. The first presidential election took place on 23 September 1999. In addition, a referendum on a number of constitutional amendments and the first local elections were held simultaneously on 28 February 2001. In August 1992 the first Supreme Elections Commission (SEC) of 17 members was appointed by the Presidency Council of the Republic. A seven-member SEC replaced it in July 1993, and a fresh SEC, with a new board of seven members, was appointed by the president in November 1997, based on a list proposed by Parliament. This same system was used for the appointment, in December 2001, of the current permanent Supreme Commission for Elections and Referendum (SCER).

## The Legislative Framework

The constitution provides details of the main conditions for voting or standing for election. The electoral legal framework is mainly based on the Election Law, no. 13 of November 2001. It replaces Law no. 27 of 1996 which, in turn, replaced the first election law of the unified country, of 1992. The new law deals extensively with the establishment, responsibilities and operations of the SCER, as well as its independence and its financial and administrative autonomy. By-laws based on drafts proposed by the SCER, and a number of secondary legislative instruments approved by the SCER itself, complete the legal framework.

## Institutional Structure

As the exclusive electoral authority, the SCER exercises full responsibility for the conduct of all elections. Its board includes a chairman and a deputy elected by the commission. Commissioners are appointed by the president of the republic from a list of 15 candidates proposed by a two-thirds majority of Parliament, for a six-year term. A secretary general, who is the chief electoral officer (CEO), is also appointed by the president from a list of three candidates proposed by the SCER. The commission appoints supervisory committees for the 20 governorates, main

committees for the 301 parliamentary constituencies, and basic committees for the 326 local electoral districts. Ad hoc committees are formed to manage voter registration, voting and vote-counting. The electoral administration is headed by the CEO and comprises the National Elections Office and a branch office for each governorate.

## **The Powers and Responsibilities of the SCER**

The SCER is in charge of organizing, administering and supervising all elections. Its responsibilities include:

- issuing regulations and procedures for the organization and conduct of elections, including regulations on access to the media;
- determining parliamentary constituency boundaries and dividing them into polling centres, based on principles of demographic equity and other geographic and social considerations;
- organizing and conducting all electoral operations, including nomination, voting, counting and the announcement of results;
- calling by-elections whenever and wherever required, as well as fully or partially annulling election results as the case may require;
- registering political parties and independent candidates' logos; and
- proposing amendments to the electoral law, and issuing secondary electoral legislation.

## **Financing**

The SCER prepares its own annual budget, which is included in the government budget as one item. It is fully responsible for the management of its funds, through independent accounts. It also prepares specific budgets for each election, which are fully funded through governmental resources. The timely disbursement and flow of sufficient funds for electoral operations have generally been a distinctive aspect of elections in Yemen. Nevertheless, increased commitments and donors' support are still needed to acquire and apply new technology in elections, and to implement capacity-building and public awareness programmes.

## **Accountability**

The law does not establish specific accountability requirements for the SCER. Its selection and appointment mechanism means that the SCER reports to both the executive and the legislative branches. Despite the incipient control that is occasionally exercised by relevant committees of the Parliament, specific regulations would be necessary to introduce mechanisms of systematic oversight by the Parliament.

## **The Professionalism of Electoral Officers**

Although Yemen's electoral history is only short, the SCER benefits from the accumulated and relatively good experience of a reduced core staff team that manages key components of the

electoral process at the central level. However, the larger group of electoral officials at both the central and other levels still lacks consolidated skills: this could be the next area of attention for future efforts to strengthen professional capacity. At the decentralized levels, the SCER has not yet succeeded in building a core team of permanent and skilled staff. For the implementation of field electoral operations the SCER relies on temporary staff, usually teachers, who are civil servants. With donor support, human resources development and capacity-building programmes are constantly on the SCER agenda.

## **Relations with Political Parties, Other Institutions and Stakeholders, and the Media**

For the 2003 parliamentary elections the SCER made efforts to make its work, and the electoral process in general, more transparent. Consultations were held with stakeholders to develop and apply a Political Parties' Code of Conduct. However, opposition parties continued to criticize lack of communication by the SCER and the too-close relationship with the governing party, which compromises its independence.

Despite constant demands, meetings of the SCER are not public. Representatives of stakeholders are, however, occasionally invited to attend special meetings, usually to discuss designated matters.

The SCER has managed to build a promising relationship with NGOs through the implementation of coordinated or joint public awareness initiatives, but this has not yet changed the mixed feelings of NGOs about the quality of such relations. Good relations with the executive branch and the legislature are increasingly being complemented by enhanced cooperation with donors who support the democratic process in Yemen.

The state media are put under the control of the SCER during elections, as part of its regulatory responsibilities regarding the use of the media during the electoral campaign. The privately-owned media in Yemen are weak and confined to the print media (which are also required to observe the relevant SCER rules). The SCER's ability to effectively guarantee free and equal access to the media to all stakeholders needs to be further strengthened. Measures are needed to moderate the traditional tendency to release information slowly, selectively and late.

## **Electoral Reform Management**

The SCER has become a key actor in initiating and managing electoral reform. A new long-term UN-led Electoral Support Project, with input by other international agencies and donors, envisages specific assistance to the SCER to review the electoral arrangements and to handle the necessary electoral reform. The introduction of an inclusive, consultative approach is a key element of this support project.

The financial sustainability of the electoral process and of the SCER as a permanent body can be guaranteed through local resources. Nevertheless, elections need to be gradually made more cost-effective, mainly through more stable decentralized structures that help rationalize expenditure. The support of donors is needed, mainly for capacity building and the application of new technologies. Alongside the decentralization and modernization process, periodic assessments would enable continuing confirmation of the sustainability of the process.

Yemen is progressing towards the consolidation of responsive institutions and democratic practice. The SCER can play an important role in stabilizing the sometimes convulsive political environment in the country. Its main strength lies in its demonstrated capacity to deliver credible elections the results of which are accepted by stakeholders. Its main constraints are the weak professional skills of its middle management staff, its incomplete decentralized structure, and the need for electoral reform to enhance the electoral arrangements and practice. Bold efforts by donors to strengthen and consolidate the capabilities of the SCER, and a more genuine interest on the part of Yemeni officials to benefit from donor support, are positive signs that such constraints will be remedied.