



**Human Rights Information &
Training Center**



State of Local Democracy in Yemen

First Step Towards Local Government with Full Powers



GOBIERNO
DE ESPAÑA

MINISTERIO
DE ASUNTOS EXTERIORES
Y DE COOPERACION



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REPORT ON THE LOCAL DEMOCRACY IN YEMEN

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A comprehensive summary of the National Report on Local Democracy in Yemen

April 2009

Assessment of Local Democracy in Yemen

Introduction:-

The strengthening of democracy and cooperatives through local councils is truly one of the achievements of the Yemeni Revolution. This has been strengthened by Law No. (4) for the Local Authorities in the Republic of Yemen which stipulates the creation of local bodies on the basis of financial and administrative decentralization. This step is close to the limited decentralization which combines appointments to some of the local authority's bodies and the elections of the majority of the members of such an authority. This law calls for the expansion of public participation in the decision-making process and the management of local affairs, especially in social, economic and cultural development. This is to be achieved through the establishment of local councils combining the two methods outlined above -appointments and elections. The local councils enjoy full powers for proposing programs, plans and investment budgets for fields within the scope of the local administrative unit. Councils are also responsible for the implementation process

This report aims at providing a realistic view of local democracy in Yemen. It also diagnosis the points of strength and the points of weaknesses .

of the development plans and programs. To examine the extent of democracy in practice at the local level, four Yemeni governorates were selected to implement the assessment of local democracy in Yemen. The assessment was made in four districts, one in each governorate.


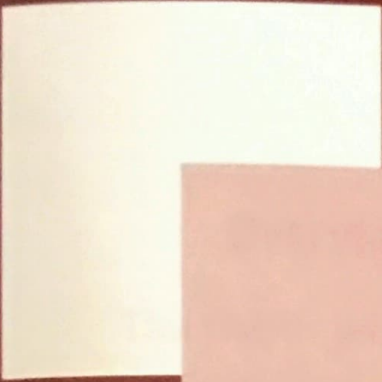
This report aims at providing a realistic view of local democracy in Yemen. It also diagnosis the points of strength and the points of weaknesses while providing recommendations that aim at developing and enhancing democratic institution for the attainment of better and more sustainable development which interacts with the needs of the local communities in Yemen. The report comprises of four chapters:-

Chapter One: - Overview of the Republic of Yemen

Chapter Two: - Representative Democracy

Chapter Three: - Participatory Democracy

Chapter Four: - Conclusions and Recommendations.



Chapter One

Overview of the Republic of Yemen





Chapter One Overview of the Republic of Yemen

This chapter provides an overview of the Republic of Yemen, in terms of topography and other relevant aspects such as demography, composition, social relations, demographic diversity, the socio-economic base, municipal development and social indicators. An approach to identify such aspects seems to be a good entry point for dealing with issues related to local democracy in the Yemeni society.

The Republic of Yemen (ROY) is an Islamic Arab country whose area is about 555,000 km, and is located between latitude 12 and 20 degrees north of equator line and the longitude 41-45 degrees east of Greenwich line. The country's currency is the Yemeni Rial. The Republic of Yemen comprises 21 governorates, including the Capital City of Sana'a.

This program, the Assessment of Local Democracy, has been carried out in four districts of four governorates - Ma'een district in the Capital City of Sana'a, Mukkala district in Hadhermout governorate, Al Sheikh Othman district in Aden governorate and Al Qahira district in Taiz governorate.

Capital City- Sana'a:

Sana'a is the most important historical city of Yemen. It's the political capital and was called in the past as the city of "Shem" and the historical city of Azal in attribution to Shem, the son of Noah. The city is famous for its old historical architecture. Sana'a is listed in

Sana'a is the most important historical city of Yemen. It's the political capital and was called in the past as the city of "Shem" .

UNESCO's "World Heritage List". The city's population is (1,747,834) people distributed over 19 constitu-

encies and ten districts. Ma'een is one of the districts of the Capital City and is located in the western part of the city. Ma'een district is made-up of 100 zones and has a harmonious so called modern architectural style. As far as the population mix, Ma'een district hosts a mixture of people coming from all governorates due to rural - urban migration. The district is heavily-populated and is continuously expanding geographically. It continues to attract local migration from other governorates of the country.

Governorate of Taiz:

Taiz combines two natural features , one bordering the Red Sea (Al Makah town and Dhubab) and the other the green plains and valleys which go through the mountains of Hujariah, Mawiah, Shara'ab and Habashi Mountain. Taiz has the highest population density with 2,393,424 inhabitants according to the 2004 census. The area of Taiz is 10,677 km comprising 23 districts, which constitute its administrative division. There are 234 Ozlas and 2,200 villages and 14,000 Mahalas; all of them are within 39 constituencies for parliamentary elections and 488 local elections constituencies.

- Al Qahira district is one of the three districts which have recently sprung up in the city of Taiz, the capital of the Taiz Governorate. The district is bordered from the north by Al Taiziah district and from the south Sabr Al Mawadem, from the east is Sa-lah district and to the west is Al Mudhafar district. It consists of two con-

stituencies (32-35). The district's total area is 17 km² with a population of 146,856 people according to 2004 census. The number of male population is 76,727 while the female population is around 70,129 with a total number of households of 23,088. The population growth rate during the last ten years of the city has been at 6.6% while the normal growth rate is 3.30%. This is attributed to the internal migration from the countryside to the city for living or studying at universities. Most of the male population live individually in the city and leave their families in the countryside as they cannot support them. The poverty rate in the district is 16% and the district population under 15 years old is 58,972 while the population over 65 is about 5,708.

Governorate of Aden:

Is situated along the Gulf of Aden 363 km from Sana'a. For a long time, it has been famous as an important international harbor. The strategic port of Aden gained importance after the opening of The Suisse Canal in 1869. Shortly after that, it became the second major international port. The city is bordered from the north and the west by "Lahj" governorate, from the east "Abyan" governorate and from the south the Gulf of Aden. The coasts extend from "Qa'wah" district northwards to "Al Alam" in the east. The governorate's total area is about 750 km², distributed over eight districts which are: Sirah, Khor Maksar, Al Tawahi, Al Mualla, Al Mansourah, Al Buraiqah, Dar Sa'ad and Sheikh Othman districts. The population of the governorate according to the 2004 census is 589,419 people with an annual growth

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rate of 3.77%. Its population constitutes 3% of the total population of the Republic of Yemen.

Sheikh Othman district is located in the area which connects the Aden Peninsula and Minor Aden Peninsula (Al Buraiqah district) with its center the "Sheikh Othman" district. The total population of the district is estimated at (117,803) people distributed by gender as follows: - (65,120) males and (52,683) females according to estimate included in the 2007 Annual Statistical Yearbook/Aden. In the 2004 Census, the population of the district were (105,333), (58,227) are males and (46,120) are females. The statics also show that families living under the poverty threshold make-up 34.9% of the population of the district.

Governorate of Hadhermout:

it is located in the eastern part of Republic of Yemen along the coast of the Arab Sea, 794 km to the east from the capital city of Sana'a. The population of the governorate constitutes (5.2%) of the total population of the Republic of Yemen. Mukkla comprise 30 districts. Hadhermout is the Republic's largest governorate, area wise, at 193,032 Sq km. While the population of Hadhermout according to the 2004 census is 1,028,556 people with an annual population growth rate of 3.08%. Mukkala, the capital of the governorate, is located along the Arab Sea and is the largest city in the Governorate of Hadhermout.

The vast area and diverse topography has contributed to diverse activities by the residents in between the coasts of the Arab Sea and the springs at Ghail Ba-Wazir who have been involved in fishing, agriculture, and trade and honey production in Dawa'an area. History

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testifies to the residents of Hadhermout for having helped in spreading Islam in Asia, especially its South-eastern part through their trade missions to these areas. Hadhermout is famous for its mosques, schools and libraries of the town of Tarim, the forts and gardens of the town of Seyoun and the adobe skyscrapers in the town of Shibam. Mukkala district is the bride of Arab Sea and the capital of Hadhermout Governorate. The city had been called various names in the past, mainly (Al Qaisah, Bandar Sheikh Yacoob). It is a quiet town and has an international airport and seaport and enjoys features which have become attractions for tourism. The city of Mukkla consists of three old quarters: Mukkala, Sharj and Al Dees, and new zones in the suburbs like the zone of Fawah and Rawkab. Construction is spreading and expanding the city further to more than thirty kilometers along the sea coast in a 2-5 km wide strip. The city has public parks along the beach and some public areas which are used for public gatherings and festivals. The town is inhabited by more than 210,000 people, 65% of males and 38% under the age of 15. Some of residents work in trade, fisheries and free professions, as well as, civil servants.

Demography, Composition, Social Relations and Population Diversity

Population statistics in Yemen are quite recent. The process started only in the 1970s. Estimates which preceded these statistics put the population of Yemen at 4, 3 million people in 1950, which increased to 5, 2 million in 1960 and 6, 3 million in 1980 then to 12, 2 million in 1988. In the 1994 census, the population of Yemen was 15,831,757 people. The latest census in 2004 put the population at 19,685,161 people.

The assessment process has given us a real image that confirms the increasing concentration of population in certain districts and governorates. It is apparent, through the local reports of districts, that there is a major movement of internal migration, especially from rural areas to cities. Taiz report indicated that the population of Al Qahira district is 146,856 people according to the 2004 census. Males are 76,727 and females are 70,129 people in 23,088 households. The rate of increase over the past ten years is 6.6% while the normal growth rate is 3.30%. The population of the district under the age of 15 is about 58,972 and population above 65 years old is 5,708. The same situation has been reported in Ma'een district in the Capital City of Sana'a. The report indicates that the district consists of 100 neighborhoods and has a homogenous architecture which has been described as modern. But as far as the homogeneity of the pop-

The assessment process has given us a real image that confirms the increasing concentration of population in certain districts and governorates.

ulation is concerned, Ma'een district has a mixture of people coming from all governorates. This is at-

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tributed to the internal migration from the countryside to the city. It's one of the heavily-populated areas of the city and is expanding geographically. Ma'een is one of the districts which are continuously receiving the influx of local migration from rural areas in the neighboring governorates, creating a continuous cycle of population increase. This matter requires that services and service programs keep-up with the growth rate in the district to meet the needs of the increasing population. The Mukkala report, meanwhile, indicates that the city has about 210,000 people, 65% of males and the rate of population growth is 3.1% per annum.

The situation is not that much different in the Sheikh Othman district in Aden which has a population of

All the four districts reports state that there are no religious or racial minorities, except for a marginalized group called Al-Akhdam.

about 117,803 people. According to the 2007 Annual Statistical Yearbook /Aden, the district's population is distributed as follows: (65,120) males and (52,683 females), while the 2004 Census puts the population at (105,333) people - (58,227) males and (46,120) females. Local migration from rural areas or other governorates has a large impact on the social relationship in the city which has a number of pull factors; most important are: stability and the availability of basic services - education, health, electricity, water, infrastructure, construction, tourism and other trades.

All the four districts reports state that there are no religious or racial minorities, except for a marginalized group called Al-Akhdam. The Mukkala report states that there are no racial or religious minorities in the city except for a group of migrants returning

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from the African Horn who are the descendents of emigrants from the governorate. There are a number of families descendent of Indian emigrants to Yemen who have been integrated into the community and do not constitute an ethnic group having any specific demands. Likewise, the Sheikh Othman report confirmed the same situation. It states that the district experience a high degree of ethnic and sectarian harmony. Therefore, there is no need to work on such classification. Moreover, there are no differences, confrontations or clashes within the community or a group suffering from persecution. One cannot even talk about a rich minority in the real sense of the word nor a particular group having special privileges or one constituting a striking phenomenon. However, this doesn't prevent disputes which have an impact on the social structure such as conflicts and disputes over the ownership of land which, at times, can turn violent, especially since the process of litigation is slow and complicated and, at times, biased favoring one party against the other.

The same has been confirmed in Al Qahira district's report in Taiz. The report indicates that there are no ethnic or religious sects in the city. The residents of the district are of one race and of religion. However, there is a group of people called "Al Akhdam". Likewise, this group of people also lives in the district of Ma'een in the Capital City of Sana'a with an estimated population of about 6,000 people. All in all, it can be said that "AL-Akhdam" is a group of people who are not marginalized by the government or by the legislative framework of the country, but suffer from social marginalization because of their physical features which are different from the rest of the population. Their physical features are closer to Africans with

black complexion, curly hair and small nose. At the same time, this group of people has been taking the type jobs which the rest of the society consider demeaning. Moreover, the group isolates itself from the rest of the community. In recent years, the government, some civil society organizations and international organizations developed programs to integrate them into the mainstream society. However, the group does not exercise any significant control over the aspect of their lives, but this doesn't mean the existence of any significant differences or conflicts. The Yemeni Constitution stipulates that all citizens are equal in rights and obligations without any discrimination or exception. In addition, the group has a non-governmental organization and rights organizations and is involved in the political parties. According to a report by the Yemeni Observatory for Human Rights' on human rights and democracy in Yemen, April 2007, the group's population is estimated at 800,000 people, distributed all over Yemen and live mostly in isolated outskirts of cities, slums and in tin-built shanties.

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Third: Socio-Economic- Municipal Finance Base:

The local reports state that the people of the districts covered by the assessments work in various activities and professions, such as trade, industry, and fishing, as well as, on various crafts. Al Qahira report states that trade is the most important activity in the district, This includes imports and exports, wholesale and retail, construction, real estate, gold trade, banks and exchange businesses etc, There are also activities in food processing, crafts, leather manufacturing, windows, embroideries, antiques and daggers (Janmbiahs)⁽¹⁾...etc. and various other service activities. In Al Qahira district, businesses dominate all other economic activities. This actually affects the division of the local community into the well to do the poor and the lower class. The Sheikh Othman district's report states that the main business activity is trade, wholesale and retail, small plants, workshops and markets, where most have obtained their business licenses from the district Municipal Administration. The district has witnessed a notable increase in the number of Internet cafes, local and international telecom centers and English language institutes. According to the Ma'een district's report, this district's strategic location within the Capital City and its dense population have contributed to the diversity of economic activities and the increase in the number of migrants from other governorates.

In Ma'een district, there are about nine large official (Souqs) markets, like Qat, commercial stores, commercial centers, banks,

(1) Janbias is plural for dagger. This is a symbolic dagger which is worn by men around their waist to symbolize manhood and social status .

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restaurants, hotels, Internet and International and local telecoms. For the industrial part, there are some plants, like stone crushers and cement block workshops. A water bottling factory-Shamlan is also located in the district. As for Mukkala district according to the district's report, considering that the districts is situated along the Arab Sea, the most important sectors of the economy in the city are fisheries industries - fishing, marketing, cold storage, manufacturing and exporting. There are also some other commercial activities and government institutions.

By looking at the living standards of the population, we find that a large percentage of Yemenis can be classified as poor if we mean that poverty is a lack of sufficient income to meet the basic human need such as food, shelter and healthcare. Reports by the United Nations have revealed that there is an increasing number of Yemenis who live under the poverty threshold and that there is a heavy concentration of poverty in rural areas. A UNDP report on food prices in Yemen has shown that the percentage of people unable to meet their daily food requirements has increased to 20% while Yemenis living under the poverty threshold have increased to 45%. These increases have undermined all achievements in reducing poverty during the period from 1998-2006.

It can be said that poverty in Yemen represents the biggest challenge for the country's social and economic development process and has become a major

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concern for both the government and the donors' community. Poverty is no longer restricted to the level of income and the ability to secure the minimum amount of food, clothing and housing, but it extends to include the other aspects of life such as education, health and other basic social services. This has led to the magnification of the other dimensions of poverty. The poverty issue is strongly linked to the poor economic performance and internal and external shocks to the country's economy, especially during the first quarter of the

From the social perspective, the number of poor people has increased in Yemen as a consequence to such an economic situation.

nineties reflected in the set of economic difficulties faced by the country. These are the deficit in public

budget, deficit in the balance of payment, inflationary pressures, and deterioration of foreign currency reserves and the reduction of the purchasing power of the national currency; notwithstanding the gaps in the organizational and administration aspects. From the social perspective, the number of poor people has increased in Yemen as a consequence to such an economic situation. The rate of population growth which is at 3.7%, considered among the highest rate in the world, compounded the problem and eaten up any improvements which might have been made. A slight improvement was in 2000 which reduced the population growth rate to 3.5%. However, despite such a reduction, the rate is still one of the highest. According to international organizations the Yemeni population is one of the poorest in the world ranking 133 out of 162 developing countries, i.e. placed within the poorest countries in the world.

For crime incidences, the rates vary from one district to another. In the report on Al Qahira district in Taiz, there is a disparity be-

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tween the numbers of registered cases in various law enforcement agencies. The Security Department's statistics section recorded 160 cases, while the district's security department only shows 120 cases on their records. It seems that the police stations are reporting the information directly to the governorate's security department bypassing the district's security department. The lack of an integrated statistical section in the district may be the reason. Efforts by the local authority to manage and resolve land tenure disputes focus on referral of such disputes to the judicial authority.

As far as violent and non-violent crimes are concerned, data show that such crimes represent less than 1% for every 1000 people. There are cases of premeditated murders and non-deliberate killings due to foul play with weapons, robberies and various other offences. Rights organizations have recorded cases of murders, deaths caused by playing with weapons and human rights offences, as well as, the cases officially reported to the authorities; the number of corruption cases which have been reported to the Public Funds Prosecution is 424 cases over the past three years. Decisions and verdicts have been issued on 358 cases while the remaining 66 cases were carried forward to the following year. The Aden report states that the study team has faced real difficulties in obtaining access to accurate information on the rate of violent crimes, domestic violence, violation of human rights and political violence. Some officials consider that such information should not be made available for confidential reasons, because they do not want such information to be circulated outside the competent authorities. Nevertheless, the study team strived hard to obtain such information and the result of such efforts is as follows:

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ADEN

Crime	No. of Cases	Crime	No. of Cases	Remarks
Premeditated harassment	126	Attempted Murder	9	
Light	2	Thefts and Larceny	37	
Premeditated murder	47	Intoxication	75	
Car hit	82	Rape	5	
Traffic accidents	2	Mistaken injury	2	
Adultery	2	Domestic violence	18	At the City Center police station only
Theft of Public Funds/properties	4	Damage of Public property	-	
Pickpockets	-	Hold-ups	3	

MUKKALA

No.	Crime or Felony	Number of cases	Remarks
1	Murder	-	
2	Attempted Murder	1	
3	Theft and Larceny	370	
4	Rape	4	
5	Damage of Public Property	18	
6	Fraud and embezzlement	29	
7	Resisting authorities	5	
8	Trespassing	68	
9	Intimidation	25	
10	Assault	15	

According to crime statistics in Yemen, firearms topped the list of weapons used to commit crimes in 2008. These weapons were responsible for more than 6,348 crimes committed in the Republic's various governorates. One has to mention that weapons are widespread in Yemeni society. The competent agencies exert major efforts to control and ban people from carrying and roaming the street with such weapons. A law exists banning the carrying of weapons in public. The Ministry of Interior, for its part, has made an effort to curb the number of weapons in the street by buying out large quantities from individuals. However, there is still a need for efforts to raise social awareness on the danger of carrying weapons and the serious consequences they can impart.

The Makkala district's report mentioned that the annual budget for the Makkala district depends on the following: local revenues, common shared revenues, public common revenues and central government support.

As far as the finances of the local authority are concerned, steps for preparing local budgets and plans are regulated by the Law on Local Authority No. 4 for 2000, the law's executive

regulations, the financial regulation of the local authority and amendments. Article (129) of the Law and article (246) of the regulations stipulate that each administrative unit should have its own annual plan and budget including all resources to be collected and spending for the fiscal year. The article outlines the steps for preparing the proposed budget of the administrative unit in the following manner:

For example, the assessment team in Al Qahira district reported the sources of income and revenues of the district for 2007 as follows: Local revenues, which are collected in the district, consist of 27 types and were estimated at YER 105,245,925.

Central support allocated by the State as an annual central financial support to the district was about YER 29,706,236.

The public commonly shared resources, centrally collected under the name of cooperation, local councils and local development funds were estimated at YER 4,703,886.

Common resources which are collected in the districts of the governorates on behalf of the governorate as a whole consist of 28 types and the share of the district which is (25%), was estimated at YR 67,146,403.

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The Mukkala district's report mentioned that the annual budget for the Mukkala district depends on the following: local revenues, common shared revenues, public common revenues and central government support. However, the central support allocated by the central government is negligible in comparison with local and common revenues which are collected directly within the district. However, there is a major difference between actual amounts collected by the district and what gets to be allocated for the council. The lower revenues of the district are attributed to the lack of a clear-cut policy for collections of all available instruments as provided for in the Local Authority Law and the decision by the Council of Ministers which determines the values of local resources. The annual conferences of the local authorities have been discussing the issue of poor collection. It adopted a decision to provide collectors a 5% collection incentive. However this decision has yet to be implemented. The Investment Program for the district of Mukkala allocated an amount of YER 422,419,000 for development projects in 2008. The projects cover various service sectors.

Fourth: Development and Social Indicators

To identify the status of development and social indicators, one can take stock of economic and social development indicators through the following:

1. Standards of living, poverty, and per capita income:

a- Rate of Unemployment and Poverty

Statistics and academic research estimated that the rate of unemployment in Yemen in 2008 was between 27-35% of the total workforce. The rate of families living under the poverty threshold is 34.9%.

A survey carried out by the World Food Program in mid 2008, revealed the impact of rising prices of food on poor families in Yemen, which compelled families to spend 65% of their income on food.

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On the other hand, a report by the Food and Agriculture Organization in 2006 also revealed that Yemen is facing a highly insecure food situation.

More than the third of the population suffer from chronic malnutrition. According to the report, the number of people suffering from hunger increased from 4.2 million during 1990-1992 to 7.1 million in 2001-2003 and an increase among those suffering from malnutrition from 34% to 37% during the same period.

b- Infant Mortality Rate

A report issued by the Shoora Council's Rights, Freedoms and Civil Society Organizations Committee revealed that high infants mortality among children under the age 5 of 100 deaths/1000 children. This rate represents the highest worldwide according to the report. The report states that only 50% of children in Yemen have access

In a recent report by UNICEF on the situation of children in Yemen for 2006, infant mortality rate was put at 82 for every 1000 live births.

to adequate health services. This means that half of the population lack adequate health services. The Committee's report also states that the number of children under the age of 15 make-up 45.7% of the total population of Yemen.

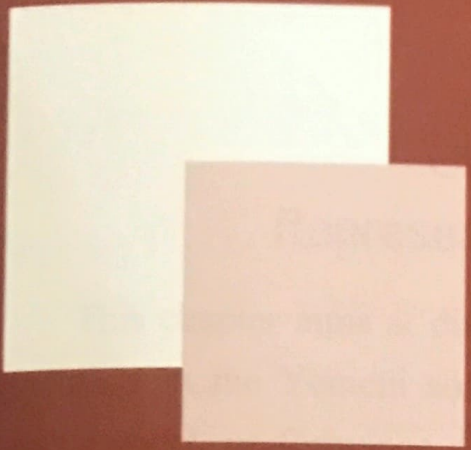
Yemen recently ranked 43 out of 130 in infant mortality rates of children under 5 with a total reaching 111 deaths/1000 live births.

In a recent report by UNICEF on the situation of children in Yemen for 2006, infant mortality rate was put at 82 for every 1000 live births. Since the annual births in Yemen are estimated at 826,000 live births, it means that 92,000 cases of child mortality occur every year, using the 2004 population census data.

C. Illiteracy and Incidence in the Community:

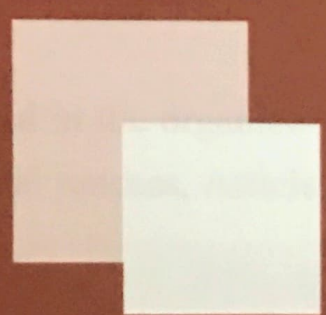
A report prepared by the High Council for Education Planning has shown that illiteracy among the population among the age groups of 15 years and above reaches 5.5 million. 67.1% of that is females. The report states that most illiterate people live in rural areas. This can be attributed to a number of issues. However, poor ser-

vices in the countryside, non-application of the compulsory basic education policy, lack of efficiency, and prevalence of poverty among rural women in particular, limited number of literacy centers, low financial allocation coupled with non-implementation of time-bound stages of the strategy and the absence of a media role in raising awareness are all major factors contributing to this situation.



Chapter Two

Representative Democracy





Chapter Two Representative Democracy

This chapter aims at diagnosing the status of representative democracy in the Yemeni society in terms of the national and legal frameworks, performance of the electoral system, the political parties system, elected officials, elections management, voters participation and the people's views of democracy, political parties, services provision and the economic situation

First: The national and legal framework

Local elections are held every four years pursuant to article (13) of the Local Authority Law, which was amended to 3 years by Law No. 25 for the Year 2002. According to legislations, parliamentary elections are held every six years and the presidential elections are held every seven years. However, the first local councils' term was extended to six years (2001-2006). Recently the term of the current local councils, elected in the year 2006, has been extended to four more years, as it has been scheduled to coincide with the parliamentary elections in April 2009.

As far as constitutional provisions are reflected in the organizational structure of local democracy and the electoral process, Article (149) of the Constitution stipulates the following: "The administrative units shall be considered a legal body having freely elected local councils at the level of

Recently the term of the current local councils, elected in the year 2006, has been extended to four more years, as it has been scheduled to coincide with the parliamentary elections in April 2009.

the governorates and districts. The law shall determine procedures for nomination, elections of local councils, system of work, financial resources and the rights and obligations of its members". How far do electoral legislations meet international standards, with regards to representation of woman? The legislations do not have any particular consideration for the representation of woman, in terms of allocating seats or adopting the system of the closed list, despite the fact that women unions and many civil society organizations have been continually demanding it. Likewise, there are no special provisions to raise the level of representation for other groups, such as people with special needs and youth groups. However, the Constitution stipulates that all citizens are equal in rights and obligations. Everyone can participate and whoever gets the majority wins. Parties do not push women and people with special needs through nomination and backing with the few exceptions where some parties have nominated women in council's elections. The General People's Congress and the Socialist Party top the list on this, although their efforts are still rather limited. Therefore, a legal provision to make it obligatory for all parties to have woman representations in the local councils is needed. Civil society organizations should work at raising awareness on the importance of women representation in the elected councils while the women themselves should actively participate in the elections and start demanding what is rightfully theirs considering that the law does not exclude them.

On the legal position of foreign nationals who have acquired Yemeni citizenship with regards to voting rights in local elections, the law regulates this according to Article (3) of the Elections Law

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which states: " Everyone who is 18 years or above is eligible to vote, except for those naturalized citizens who have not completed the legal time requirement as provided for by law".

As far as electoral disputes resolutions are concerned, it can be done through mutual consensus and amicable resolution; otherwise, the courts are the venue for resolution of such disputes. The Taiz report states that within the constituencies of the city of Taiz, especially in Al Qahira district, no electoral disputes have risen requiring recourse to the Judiciary. Most electoral disputes have been over people voting in polling centers out of their electoral domicile, voters registration such as du-

plications of names of voters, legal age (registering the underage), including names in the list of persons from outside the constituency,

For the district of Sheikh Othman-Aden, that district's report states that there have been some electoral disputes resolved by the judiciary.

voting forms and counting (unclear symbol, or ticking more than one symbol), voting for absent or dead people. For the district of Sheikh Othman-Aden, that district's report states that there have been some electoral disputes resolved by the judiciary. In the Mahariq area adjacent to the Dar Sa'ad district, elections disputes involving the candidates of the General People's Congress took place, but they were resolved through the competent court. Some political parties' leaders, who participated in the election, have said that in attempts to control the outcome of the elections, elections problems like registration of soldiers in constituencies far from their original electoral domiciles have taken place along with other problems such

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as registration of underage youths and attempts to rig the votes. However, they say, all these issues are solved by either the judiciary or through the early intervention of local and international observers.

The Elections & Referendums Law includes a set of procedures for submission of contestations and grievances, which court is authorized to handle the case and the time frame for submission.

Yemen is administratively divided, under the local authority system, into (21) governorates, including the Capital City (Secretariat), and the governorate of Raimah, which was created in 2004. The governorates are sub-divided into districts. There are 333 districts in total in the whole country. The districts are further subdivided into Ozlahs and neighborhoods or zones. There are 2,200 Ozlahs and neighborhoods, as well as 36,986 villages and 91,489 mahalas and neighborhoods. Population requirement for a local constituency is 5,626 people and is called an "electoral center". Every center in-

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cludes a number of polling boxes for males and females', one for every 350-500 voters

The election system adopted in the local elections is First Past the Post. For the impact of electoral system on the political parties in terms of advantage to the large parties at the cost of smaller parties or vice versa, large parties actually have an advantages where they have won the majority of seats. The impact of First Past the Post system is that it favors large parties over smaller parties. Since the winner is the one who gets the highest number of

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votes, smaller parties will not be represented and will be unable to compete and win seats. Therefore, some see the need for amending the law to adopt the proportional list system. But, others argue that the real issue lies on the level of awareness of voters, their confidence in parties programs, the level of services provided and the credibility; where all these factors contribute to the way voters cast their ballots.

As for the division of the local and parliamentary constituencies, many people interviewed are saying that it has created many imbalances. They say that the division has caused a lot of confusion for voters. Some will go to vote for candidates in another constituency then the original constituency of the candidate. This happens, in particular in the parliamentary elections. Therefore, people are now demanding reconsideration of distribution of voters in the local council's elections.

The electoral system is the subject of debate between the ruling party, the General People's Congress and the opposition parties, the Joint Meeting Parties. The opposition wants the adoption of the proportional list system.

Second : Electoral system and its performance

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Third: Political Parties system

To achieve peaceful transfer of power, the Constitution of the Republic of Yemen stipulates that the political system in Yemen should be based on political

pluralism. The Law on Parties and Political Organizations defines the rules and procedures needed to form a political party or organizations and how political ac-

However, due to tensions between the two partners in the reunification process, the General People's Congress and The Yemen Socialist Party, the law was sidelined. The executive regulations of the Law were only passed after the 1994 civil war.

tivities can be exercised. It also defines the requirements parties have to meet in order to be registered as political parties or organizations. Available information indicates that 46 political parties were formed within the first few months of the country's reunification. However, due to tensions between the two partners in the reunification process, the General People's Congress and The Yemen Social-

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ist Party, the law was sidelined. The executive regulations of the Law were only passed after the 1994 civil war. Likewise, The Political Parties and Organizations Affairs Commission was only set-up in 1995. After the Commission was established, it required that all political parties and organizations must register. Currently, there are a total of 22 political parties and organizations registered to participate in the elections:-

- * The General People's Congress party
- * The Yemen Congregation for Islah
- * The Arab Socialist Rebirth Party
- * The Nasserite Democratic Party
- * The National Democratic Front
- * The Nasserite Reforms Organization,,
- * The Liberation Front Party
- * The Sons of Yemen Association Party
- * The Nasserite Popular Unionist Organization
- * Al-Haq Party
- * The Yemen Socialist Party
- * The Federation of Yemeni Popular Forces
- * The Nationalist Socialist Arab Rebirth Party
- * The Yemeni Association Party
- * The National Social Party
- * The Unionist Popular liberation Party
- * The Popular Unity Party

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- * The Peoples Democratic Party
- * The Septemberist Democratic Organization's Party
- * The Yemeni Unionist Congregation
- * The Yemeni Green Social Party
- * The Democratic Union of Popular Forces.

Some of these parties compete in the presidential, parliamentary and local councils. Normally, the political parties pay particular attention to the local elections where they make many promises to the voters in order to gain their votes. This issue, in particular, was one of the questions raised during the field assessment of local democracy in Yemen, especially on the political platform of each party-plans, promises, and issues related to their visions for local administration. For each of the main parties, the majority of response received during the field assessment of local democracy is that most platforms focus on the following issues: - Improvement of education, expansion of technical education, reducing poverty and unemployment, addressing the water crisis, more attention to health services and more powers for the local councils. These are very similar programs since everyone knows the importance of these issues to the people.

All parties' visions for local administration are also identical. All parties assert the need for more powers for the local councils in both the financial and administrative aspects to enable them to properly manage development services and local affairs. They also stress on the need for governors and district directors to be elected directly by the people. Recently, on the 17th of May 2008, governors of the governorates were elected by electoral colleges composed of all

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heads and members of the local councils in districts and gubernates. The elections took place following amendments of articles in the Local Authority Law to allow for such action. However, the gubernatorial elections were boycotted by the opposition parties who argued that the governors should be directly elected by the people and not by the local council members.

For the rules governing the funding of political parties at the local level, the Law on Political Parties and Organizations defined the sources of funding in Article (17) of the law as follows: "The resources of the party or organization consists of the following:

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- a. Membership fees and contribution by members;
- b. State's subsidies;
- c. Returns from investment in non-commercial activities. Investment by the party or organization in publishing a party newspaper and the utilization of a publishing houses or printing press, if the main purpose for having such an investment is to serve the needs of the party or the political organization.
- d. Grants and contributions.

As for democratic practices within the political parties themselves, this is subject to each party's statute and its internal regulations. The assessment has shown that the practice of democracy within the parties varies from one party to another. Mukkala district's report confirmed major difference among political parties in the district. In particular, the party's relation with its leadership in

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Sana'a with regards to subordination and the extent of political independence in the local and the governorates levels. This is an indicator of how much democracy has developed within these organizations for managing their local affairs independently from the party's headquarters. Such a disparity in the independence of the chapters from their parties in the center, especially in managing local affairs, reflect on the essence of democracy within the local organizations and, subsequently, on the performance of the local administration of State's local agencies and the elected councils.

Taiz's Al Qahira district report points to the way candidates are chosen where parties comply with their internal regulations. A member of the ruling GPC said that the selection is made at the level of the party base, where they, along with leaders in centers and the constituencies, take part in the process through secret balloting. The candidate who wins the highest votes will represent the GPC in the elections. The Nasserite Party and the Yemen Socialist party carry out the same process in selecting their candidates. However, there are other views which basically state that the selection of candidate is based on the character, popularity and influence; while an independent candidate would depend on hi/her popularity and capacity to compete. As far as the role of party officials at the national level in the selection process, some of the responses received assert that there are interventions and play a role in the selection process. The vast majority, however, say party officials do not intervene or play a role in the process. Party candidates have corroborated this. The candidate's evaluation and the decision on whether they are qualified have a support base, their character and how they interact with others is done through polls within the constituency.

The Nasserite Party and the Yemen Socialist party carry out the same process in selecting their candidates.

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Aden's Sheikh Othman district's report asserts that "democratic" political parties do exercise democracy within the party. They elect members in the various secretariats of the parties and up to party leaderships. The parties also nominate their members to run in local and national elections.

The report contained the following table showing the selection process for the candidates in the local elections:-

Subject	Opposition parties leaders participating in elections	Local council members
How to select candidates for local elections.	According to "popularity" and qualification and potential	Through sitting with the heads of centers and consulting with social personalities and cultural forums.
Is there a role for the national level in selection	Yes, a candidate is to be introduced to higher leadership for approval, if there are justified objections then this should rule.	Consultation should be made with officials and supervisions (coming from the national level).
Rules of party financing at the local level.	Financing the parties centrally and not locally	There is no government funding, but according to the party's financial capacity.

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In general, it can be said that the process of selection of candidates for local and parliamentary elections differ from party to another depending on their statutes, the particular circumstances of the party and according to each party calculations of the situation. However, the selection of party leaders is done in party conferences held at the local and national levels in the run-up to the general conventions where the senior leadership is selected.

On assessing the impact of the political parties system on the performance of the local council chairman, the elected council and the local administration in general, some say that the political parties system has no impact on the performance of the head of the local council since this post is subject to central government appointments. Moreover, there is no impact on the head of the local council since he is chosen by the majority party and has to carry-out his party's policies and directives. Meanwhile, there are others who think that this post is not affected because there is a system in place as provided for by the Local Authorities Law and the Executive Regulations of the Law. Yet, others think that there is a gap between the appointed head of the council and elected members who want to achieve real development within the district. While the rest believe that evaluation is exercised through party control over the performance of the chairman of the local council through their elected members in the council. They say that any deviation or mistakes are corrected in the periodic meetings of the council.

Women Political Participation

Women have a distinctive presence in Yemen even if such presence does not often live up to aspirations of women or some of the political parties and civil society organizations concerned with woman issues. A casual poll on political participation of women will actually show a retreat. In 1990, eleven women were elected in the parliamentary elections. That figure went down to only one woman in the 2003 elections. Moreover, no one knows what would be the situation in upcoming elections; even though there is a major controversy and a move for allocating specific number of seats for women within a "Quota" system. This is as far as the parliamentary elections are concerned. However, for the local elections, the number of female candidates was higher. In the 2006 elections, there were 22 female candidates for the governorate level councils and 125 female candidates for district level councils, but only seven candidates won

No one knows what would be the situation in upcoming elections; even though there is a major controversy and a move for allocating specific number of seats for women within a "Quota" system.

seats in the governorate level local council and 31 in the districts level councils.

In Al Qahira district's report, its stated that the rate of participation of women as candidates in the district level elections during the two consecutive rounds, 2001-2006, represent about 4% only, since there was only one woman amongst 26 candidates running for the local council seats and all of them represent the General People's Congress. Other parties did not nominate a single woman in both the first and second rounds of the local elections. In the

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entire governorate of Taiz, there are 6 women members in the local councils from both rural and urban districts and all represent the General People's Congress. In Sheikh Othman, the local council consists of 26 members; all of them except one are males. The female member represents the GPC. Likewise, the same is relevant to candidates. The numbers of male candidates outnumber females who represent only 5% of the total number of candidates. No woman was able to win a leadership position in any party in the district. As for Ma'een district, in the Capital City of Sana'a, a single female candidate was nominated by the Green Party, but unfortunately didn't win. In the district of Mukkala in Hadhermout, the district's local council has an all male membership. It comprises 26 members and the chairman. Out of those members, fourteen are from the Yemeni Congregation for Islah Party; seven from the GPC and the remaining five are independents. 79 candidates had competed for the council's seats one of them was a woman.

Most women interviewed have said that the reason for the low participation of women is attributed to the perception of politics by relatives, society's perception of women and the economic status of women. Therefore, blocking a certain number of seats for women is considered a positive step for allowing them to participate in the decision-making process.

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Four: Elected Local Officials:

- The District local council has a chairperson and a secretary-general; the latter is elected from among the elected members while the first is appointed by a decree issued by the Prime Minister on the basis of a nomination by the Minister of Local Administration - a non-elected chairman for an elected council. Article (83) of the Local Authorities Law number (4) for the year 2000 and article (72) of the Executive Regulations of the Law set certain conditions for the appointment of a council chairperson- District Director , but in some cases, these conditions are not observed.

Relations between the chairman and the secretary general are governed by rules defined by the Local Authorities Law and the Executive Regulations for the Law which outlined the responsibilities of both the local council and the responsibilities of the chairman.

The Law made it clear that the chairman of the local council exercises

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tasks and responsibilities under the oversight of the local council. The chairman is accountable to the local council for the exercise of tasks and responsibilities pursuant to article

(70) and article (190) of the Executive Regulations of the Local Authorities Law.

As far as the monitoring powers of the local council of the activities of the executive bodies, the council is responsible for control and supervision of the progress of work of executive bodies. It has

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the right to hold directors of the executive bodies accountable and withdraw confidence in accordance with the law and executive regulations. The administrative body is obligated to submit a detailed report to the council's sessions showing progress of work of the executive bodies. The report should include details of the positive as well as the negative aspects and what actions have been taken to address the negative ones. The council has ability to examine and acquire information on the activities of executive bodies through monthly reports, reports by the specialized committees and committee's set-up by the council for field visits to look at progress of work in services agencies. However, the powers to hire, fire or promote the administrative staff in the local authority is not vested in the local council, where such staff fall under the responsibility of the Ministry of Civil Service and Insurance at the governorate level and its offices.

A point worth-mentioning is that the governorates local councils have the power to monitor implementation of recruitment policies for the staff of local administration units within the governorate. However, the actual implementation of such policies is by the office of the Ministry of Civil Service and Insurance at the governorate level. The office's activities are conducted under the supervision and control of the local councils of the governorates while the Ministry of Civil Service and Insurance is responsible for monitoring performance of the offices. According to the Local Authorities Law, the general director of a district is the line manager of all civil servants within the district and supervises their

The governor has the power to make appointments throughout the governorate as per Article (43) of the Law.

performance of their tasks and responsibilities. He has the powers to propose appointments, transfers and promotions, as well as, order an investigation of misconduct and disciplinary actions and assign administrative penalties in accordance with the provisions of existing laws and regulations, (article 89).

The governor has the power to make appointments throughout the governorate as per Article (43) of the Law.

Fifth: Elections Management:

The country's constitution stipulates that a higher neutral commission should be responsible for managing, monitoring and supervising general elections and referendums. Article (19) of the Elections Law calls for the formation of a nine-member independent commission to ensure neutrality. The members of the commission are to be appointed by a decree by the President of the Republic on the basis of a list of nominees submitted by the parliament. The list shall consist of 15 names chosen by a two third parliamentary majority. In turn, the High Commission for Elections and Referendums (SCER) forms supervising committees in governorates and main committees as well as sub-committees. It also forms voting (ballots) committees in electoral centers while maintaining a supervisory and monitoring role over these committees.

The members of the commission are to be appointed by a decree by the President of the Republic on the basis of a list of nominees submitted by the parliament.

During the field assessment of democracy, various responses were received on elections managements by the local

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elections administration set-up by the SCER. The range of comments received cover the first and second stages of the elections, the voter registration process and the voting process, as well as, voter's awareness and campaigning and the endorsement of the results of the elections. Some are of the view that the committees, which are made-up of members of the political parties, had performed their role well, despite the fact that there violations during the registration process, especially with regards to the registration of underage children and people who are not residents in the constituency, but this is a nationwide problem which will continue to be a contentious point for the political parties. While, there are others who think that discrepancies in the voters registers are attributed to the political parties and their representatives in the committees. Recently, teachers were called upon to staff the registration committees. The SCER resorted to the teachers after the opposition lead by the Joint Meeting Parties refused to submit the names of their nominees to these committees. This was an unwelcomed decision for political circles. Even the SCER was not satisfied. The SCER Information Sector Chief, in a television interview, conceded that the process produced major discrepancies. Many members of the committees (the teachers) allegedly committed many mistakes including registration of underage children and duplication of registration. The SCER estimates that at least 165,000 names were duplicated in violation of the law.

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Sixth: Voters Participation

Promotion of new ideas on democracy has led to the expansion and increasing numbers of voters' participation in the elections. The eligible voters, or those registered in voters rosters according to the statistics of 2006, were 9,247,370 (nine million, two hundred forty seven, three hundred and seventy), distributed as follows: Male voters registered in the electoral register 5,346,805 (five million, three hundred forty six eight hundred and five), while female voters were 3,900,565 (three million, nine hundred, five hundred sixty five).

The SCER is responsible for raising voter's awareness, as specified by law. There are education manuals on the importance of elections, how to cast votes and importance of registration. The SCER uses official Radio and Television and the press as well as theater. Some civil society organizations also take part in voters' awareness

On the procedures designed to assist people with special needs to enable them to exercise their democratic rights such as the senior citizens and the physically handicapped.

by publishing posters and organizing meetings. The political parties competing in the elections also play a role during meetings with the public. Likewise, the candidates themselves play a role by using sound amplifiers. On the procedures designed to assist people with special needs to enable them to exercise their democratic rights such as the senior citizens and the physically handicapped. The political parties provide assistance to these voters to help them cast their ballots since they are competing for the votes. Moreover, there are reception teams which assist the voters in casting their ballots. The tasks are also for the elections administration to select the appropri-

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ate venues which would enable the biggest number of voters to easily cast their ballots.

The Elections & Referendum Law took into consideration the special situation of the blind and the illiterate. Article (100), Para (b) allows the blind or the disabled voter to ask for the assistance of a person they trust to tick the symbol of their desired candidate. Voting is conducted through secret ballots. The head of the committee gives every voter a voting card and screens are made available in the hall to provide privacy for the voters. After the voter ticks on the choice of candidate, the card is to be inserted into the ballot box before the watchful eyes of the head and members of the balloting committee, as well as, the candidates or someone representing them but none of them have the right to know the choice of the voter.

For procedures designed to ensure the full participation of voters without any discrimination, the law se-

The Elections & Referendum Law took into consideration the special situation of the blind and the illiterate.

cured such right for everyone whose name is on the voters register and carries an electoral card, ID or an official identification document with a photo affixed to it. The Law also provides for penalties for anyone who attempts to prevent anyone from exercising this constitutional right. However, the exercise of this right is purely voluntary as proscribed by the law which states that the registration and casting of ballots are to be done on a voluntary basis.

Local reports covered aspects relevant to the rates of participation in the electoral process and the number of registered voters in the electoral registers. The report of Al Qahira district in Taiz states

Local reports covered aspects relevant to the rates of participation in the electoral process and the number of registered voters in the electoral registers.

that the number of registered voters in the 2006 local elections was 75,145. The total number of voters who actually cast their bal-

lots is 44,755. This means that the rate of registered voters who cast their votes made up 59.55% of the total voters in the voters roster. However, given that the number of eligible voters over 18 for the year 2006 was 87,288, the rate of voters verses the number of eligible voters would be 51.27%. When comparing voters' participation in the local election verses the parliamentary elections, participation in the 2006 local elections was 59.55%. The participation rate in the 2003 parliamentary election was 75% of the total registered voters. There is a difference of 16% despite the fact that the number of registered voters is much higher in 2006 than the previous elections. Likewise, the difference between participation of men and women in the local elections was 6.54% in favor of the male voters. This rate seems to be consistent with the previous elections, a matter, which requires further work to raise awareness amongst women and the community, especially on the importance of the role of woman in political participation and decision making.

In Sheikh Othman district, in Aden, the report states that the number of eligible voters or registered in the voters register, according to the local council's 2006 statics, is 38,662 voters, of which 22,071 are males and 16,591 are females. The number of voters who actually cast their votes is 20,639 or 53% of the total registered voters. The rate in Sheikh Othman district is in line with the national

average for participation in the national elections. There are no distinctions in the statistics between males or females voters who participated, a clear weakness in the 2006 statistics on local councils. While in the district of Mukkala in Hadhermout, the district's report indicates that the 2006 voters' rolls show 84,000 people registered. This shows an increase of voters from the 2002 elections rolls by nearly 8%, In Ma'een district in the Capital City of Sana'a; on the other hand, the report shows the number of people registered in the district's voters rolls at 112,055 voters of which 71,361 are male voters and 40,694 female voters.



Chapter Three

Participatory Democracy





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Participatory Democracy

This chapter aims at providing a factual image of Participatory Democracy from the perspective of the local authority and the participatory democracy process, civil society, the private sector, international groups, the media, modes of communication with the public and referendums and public initiatives.

First : Local Authorities and Participatory Democracy

Openness is a fundamental feature for enhancing popular participation. However, this tradition or feature has not been achieved yet where the sessions of the local councils remain closed to the public and where debates are not made public to the local voters. National television broadcasts parliamentary sessions, but in general, local voters have a very weak link to the meetings of their elected council, the council's activities, programs or policies. With the exception of the individual meetings between some elected members and their constituents or some forms of communication through meetings in public forums or afternoon sessions or through programs broadcast by the public radio and television system, there are no systematic efforts at creating a climate of openness. In cases, where the public needs to channel their views on issues related to the local administration, they resort to the following: Direct contact with the member of the council from their constitu-

National television broadcasts parliamentary sessions, but in general, local voters have a very weak link to the meetings of their elected council, the council's activities, programs or policies.

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ency, attend in person in the local council, non-official meetings between the members of the council and the public, such as afternoon sessions or through the press etc.

The public access to the Local Authorities Law or decisions by the council is through the various traditional media, since the local councils have no electronic websites. This is true for some council at the governorate level and the majority, if not all, of the districts local councils. Announcements of available civil service jobs is a respon-

For rules and systems applied by the local authority to ensure transparency in the public decision-making process and other processes such as tenders and purchase contracts.

sibility of the local authorities organs, since the local councils are responsible only for monitoring the sound implementation of

recruitment policies, while the actual hiring is done by the office of the Ministry of Civil Service and Insurance at the governorate level under supervision of the governorate level local council. The results of the selection process for new hires are announced through the official press.

On the public access to documents, there are documents related to public interest such as geographical, natural and population information, as well as, economic and social information which the local authorities are obligated to provide access to the public, together with plans and investment budget plans. There are certain types of information which the local authority maintains, but doesn't make them accessible to the public. For rules and systems applied by the local authority to ensure transparency, especially during the debates for the adoption of the local budget, the local council is provided

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with periodic progress reports on the level of implementation of the budget.

For rules and systems applied by the local authority to ensure transparency in the public decision-making process and other processes such as tenders and purchase contracts. These rules are laid out in the Executive Regulations of the Local Authorities Law, and the Government Procurement and Auctions Law. This is done through identification of the project. Specialists prepare the study, project documents and the tender documents. The tender is announced in the press for a period of three days. All terms and conditions and the schedule for opening of the bids are stated in the announcement. The opening of bids is done in an open session attended by contractors or their representatives during which amounts of each bid is read out to everyone. The bids technical analysis committee then analyzes the bids and provides a technical opinion. The contractor to be awarded the contract should survey the projects site before signing the contract. The contract is then signed by the chairman of the local council. A committee is formed to handover the site to the contractor.

For systems and procedures implemented to receive and handle concerns and complaints by the public on municipal services and other matters under the responsibilities of the local authority, it's evident that no complaint handling mechanisms exist or even complaint boxes. Moreover, complaints are not recorded in a dedicated

The opening of bids is done in an open session attended by contractors or their representatives during which amounts of each bid is read out to everyone.

register and no mechanism for tracing them is in existence. Complaints are received by hand and then referred to the competent officer who processes them based on their priority, but because there are so many complaints and no recording is done, it's difficult to determine the actual number of complaints received by any particular council or government organ.

Second: Civil Society, Private sector, International Organizations and the Media

Within the process of assessment of participatory democracy, the process of observation of partnership and cooperation between

In Yemen, there are more than six-thousand civil society organizations and associations.

local officials, civil society organizations, parties' leaders and the private sector is highly significant. This is so, because success of the local authority in leading the local community and achieving progress is, to a large extent, dependent on this.

In Yemen, there are more than six-thousand civil society organizations and associations. To a certain level, these organizations contribute and participate with the local authority in the formulation and implementation of local policies. However, they do not intervene in the evaluation of the public policies of the local authority because their contribution is dependent on the space allowed by the same local authority. The role of most civil society organizations, often time, focus largely on charity and providing assistance to the poor and microfinance, while there are very few of these organizations involved on rights issues, education and awareness or training and qualification.

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As far as cases of partnership between the local authority and the private sector are concerned, there is no lasting partnership in the right sense of the word. The private sector may participate in building a school, a university, and rehabilitation of some of the classrooms or coordination for the distributions of food assistance to the poor during the month of Ramadan, but this remains fragmented. Its real contribution has been in the creation of new jobs in the factories. Such participation is welcomed and praised, at both the official and public levels, but they remain very few and irregular.

Partnership between the local authority and the civil society organizations in service provision or response to public needs is also non-existence. This exists only in cases where a charity organization needs to coordinate with the local council for the distribution of food aid to the poor during Ramadan or at the start of the school year. Such coordination is highly welcomed and praised by the officials, despite the fact that some of the assistant may not be satisfactory to some and are, at times, criticized by certain individuals who complain about the distributions mechanism.

Power and water supply are services still under public domain. These services have not been privatized and private sector involvement in this field is non-existence and remains under State's control.

Partnership between the local authority and the civil society organizations in service provision or response to public needs is also non-existence.

The Mukkala Report highlighted the role of the private sector in the city. It states that the private sector plays a major role in the development process and job creation, especially in industrial, commercial and contracting projects. The private sector also contributes

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to sustainable development through support for civil society organizations. The private sector provides support to the health and education sectors and played a major role in the relief effort during the floods which inundated the city in October of 2008 where the Chamber of Commerce and Industry in the city set-up a local relief committee for the purpose. However, the role played by emigrants is one of the highlights in the city's development. This role is evident in the activities of charity organizations and associations, the support given to education and health, the qualification of students in the city and the funding of training and vocational centers and model schools in the city. Investors, likewise, sponsor local development projects through either the local or central authorities at the governorate level

The private sector, however, complains about weak performance of the local authority, especially in the regulation of markets, sanitation and high tariffs of power and water supply. A recurring complaint is also about the randomness of tax and fees collection, as well as, the bureaucracy in the State's organizations.

An important point to highlight: The local authorities should assist investment projects by providing incentives, cooperation and a

The private sector, however, complains about weak performance of the local authority, especially in the regulation of markets, sanitation and high tariffs of power and water supply.

climate of confidence, so that the public can benefit from such cooperation and reduce the burden on the local authority.

Efforts by the local authority to strengthen partnership with civil society and non-governmental organizations are done through meetings, but these are very few and sporadic. Some of these organiza-

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tions have many community-based activities, especially targeting women and children. There is a lack of a clear mechanism for coordination with the local authorities, specifically in dispute resolution which can lead to violence. Overall, it can be said that achievement of real development and prosperity for the society can only be achieved through concerted efforts; most importantly, between the three main actors, the State, Civil Society and the private sector.

International organizations, in most cases, have concentrated their activities in the capital city. However, this doesn't, at all, mean that these activities do not cover other governorates. There are many organizations active in more than one filed and cover quite few places in the country.

The private press enjoys an important degree of independence and the public consider them the most important source of news.

On the media: According to a special supplement on democracy published by Al-Gomhoriyah Newspaper in Taiz on June 5th, 2008, there are 162 publications being published throughout the country. These publications can be divided into three main categories: - The State owned press- Al-Thowrah, Al-Gomhoriyah and 14 October newspapers, the party press and the private and independent press, in addition to the State owned Radio and Television system. The law doesn't allow the private sector to own radio or television stations. The private press enjoys an important degree of independence and the public consider them the most important source of news. These newspapers depend largely on their own sources and, in many instances; this press criticizes the government organizations because

their editors are independent and have no connection to the official media. The private press contains pages devoted to publication of complaints and criticisms received from the public against the performance of the authorities. However, the local authorities' response remains rather weak.

Third: Forms and Means of Communication with the Public

Local authorities provide general information to the public through the distribution of printed materials (leaflets, periodic, etc). According to members of the councils, this form is being used

According to members of the local councils and individuals, presentations and public exhibitions are not used. But in Aden, some councilors said they have used this form of communication.

from one to three times during the year. However, some councilors have said that this form of communication is not used at all. For regular meetings with the

media, and the open programs in the local radios, some administrative bodies of the local councils participate directly in talk shows with audience. Some individuals have said this form of communication is used from one to three times, but others said that this is used more than three times a year. Yet some have reported that this form of communication is not being used at all.

According to members of the local councils and individuals, presentations and public exhibitions are not used. But in Aden, some councilors said they have used this form of communication. As far as scheduled programs in the local media, some have reported that they have used them at times. Some have also reported that they use information technology, Internet and email, but others have said they

do not use this form. Others have said that they use other mediums such as unofficial meetings with the public, but no accurate figures on the frequency of use of this form of communication exist.

On consultations with the public: Some councilors said they have used these consultation meetings from one to three times, while others said they have never used them. Some have admitted that they never use social forums, while others, especially in Taiz, said they have used it from one to three times. In Aden, more than seven times. For Opinion polls, the majority responded by saying that they have not used them while some say that this has been used from one to three times.

Methods of participation in the decision-making process:

- 1- Focus groups on specific issue: The majority said they have not used this method while some said they have used it from one to three times.
- 2- Public Workshops: Some of the responses state that they have been used from one to three times while others have said they have not used them at all.
- 3- Other methods: "A study to analyze public opinion": the majority said they have not used it.

The Process of Communications with the Public:

This part of the report describes the level of partnership between local officials and civil society leaders, as well as, their sense of the responsibility attached to a public office in government administration, through their cooperation in the search of effective means to

address social issues and to benefit from the opportunities available.

On this regards, the local authorities are working to incorporate evaluation techniques into the process of public communication. Here, they depend on seminars, meetings in public squares and forums, as well as, Qat chew sessions for males. These techniques have been evaluated as most effective and have the most impact over other mediums such as leaflets. These public meetings are, sometimes, scheduled within the local councils program and some are done casually on top of the schedule of the local council. Civil society doesn't take part in the evaluation process with the local authorities, but, from time to time, civil society organizations have contacts with segments of the public through social forums and open public seminars, as well as, newsletters and publications, considered by them to be the most effective means.

Some of the constraints preventing some segments of the public from participating in such meetings are:-

- * Cultural and social factors which prevent women from participating in public places, especially in the congested male Qat chews.
- * In General, people do not interact with these events because of the economic pressure they face. They spend most of the day in search for a living. In addition, the high rate of illiteracy, a matter which has a major impact on the awareness of people on the need to participate and communicate with their councils.

- * Some members of the local council shy away and, at times, they are inexperienced in projecting the right image to the public and raising the profile of the local council.
- * Inability of the local authority to provide efficient services. This increases cases of public apathy and contributes to the loss of confidence on the decentralization process in general.

Referendums and Popular Initiatives

- * Referendums are not used in general, but some expanded meetings are held. The main issues tackled by such meetings are prepared by the local council. These meetings are not held in parallel with the regular elections since they are scheduled on a monthly and annual basis for the local councils. No voting is used in these meetings as they are considered to be part of a consultation process.
- * The voting public does not have the right to introduce issues for voting or referendums, since a referendum is only organized for constitutional amendments. No referendum has been held on social issues or problems, either at the local or national level, because the voting public and the political parties and civil society organizations have never imitated any public debate on difficult issues.

People's opinions on democracy, political parties, services

- * On the extent of understanding of democracy by the people and whether they are satisfied with the democracy practiced in their district? Some described the process as an expansion of

popular participation, peaceful transfer of power and people governing themselves. While others have given descriptions such as "chaos". Some are in the middle of the road and say, it's better than nothing. As for the people's satisfaction on the kind of democracy practiced in their district, the majority responded by saying that they are satisfied. They add, however, that it still needs further development and improvement because the process is not perfect yet. There are also those who have said they are not satisfied. On how people view political parties? Some say that their existence is a good thing on condition that they make the interest of the nation their overriding objective and shouldn't engage in political maneuvering and bickering. Some commented that the majority of the political parties only serve their own interest. Yet others also say that all parties are working against the people and are in existence only to serve the interest of the party leaders and consider even their most loyal members as insignificant and unimportant.

* On how frequently the people have met with their elected official

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after the elections, the majority reported they meet with them often, while others say they have never met with them after the elections. As for the people's satisfaction on the service provision, the ma-

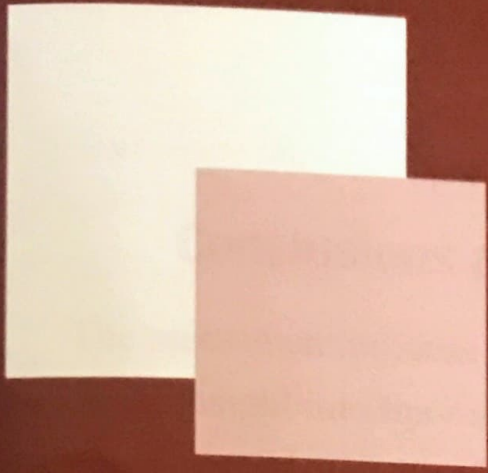
majority say that the services provided by the councils were simple services such as street pavement and asphaltting of some of the streets and some sanitation projects. A poll of people's satisfaction with the services provided by the local council show that the majority are dissatisfied because such services are very limited. They add that the local councils are unable to respond to people's needs, because the needs are diverse and huge and most fall outside the responsibilities of the councils. There are people who have also expressed their dissatisfaction with the quality of implementation of projects by the councils. Some have complaints that street pavements projects were not implemented properly due to bad supervision by the council's engineers. Most of the complaints focus on preaches of the specifications by the contractors, bad water drainage levels and pavements being higher than the level of the shops. They say that the contractors are left to implement the projects in the way that pleases them without any supervision or control. Most say that the majority of pavement

Most of the complaints focus on preaches of the specifications by the contractors, bad water drainage levels and pavements being higher than the level of the shops.

projects do not last for more than 1-1.5 years before requiring maintenance work. The most acute problem people complain about is the problem of sewerage. Some visit the local council in an attempt to find a solution, but faced with limited means, these issues often go unresolved. There are times, when local councils have to resort to spend money from the budgets allocated to other projects to solve the sewerage problems.

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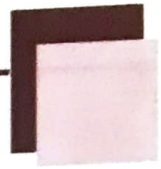
- * On the people's assessment of the economic and security situation, the majority described the economic situation as very bad and continuously deteriorating. The security situation is considered Ok by many, but some think that it's also deteriorating. As for corruption in the district, the majority said corruption is rampant and exists in nearly all government organizations. Corruption, as they view it, is not only breaking the law and regulations, taking bribes and embezzlement, but goes even beyond that to compromising the rights and issues of the individuals for personal gain.



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Conclusions and Recommendations





Chapter Four Conclusions and Recommendations

The assessment process and the report produced provided a very important insight into the reality of local democracy in Yemen given that the assessment covered only four districts in four governorates and that many difficulties and constraints obstructed this work. These were mainly:

- * Delays in responses from some local council on the issues raised by the assessment.
- * Total lack of detailed information in the social and economic aspects of this study.
- * The large variety and diversity of the study questions paused difficulties for the target groups.
- * The short life of the democratic experience and the poor documentation situation and difficulties in accessing accurate figures on: The number of legal issues related to land tenure disputes, distribution of issues on annual basis and on how many cases for each one thousand people. This is due to the scarcity of information on this issue or on domestic violence and sexual harassments; violation of human rights and political violence, since reporting of most of these types of cases is very rare due to cultural reasons. This is coupled with officials hesitating in talking about these issues because they consider them too sensitive.

The large variety and diversity of the study questions paused difficulties for the target groups.

- * Teams were not able to access information on financial and administrative corruption cases due to lack of transparency and to the weakness of information systems in some of the local authorities organizations and institutions in the districts. The information networks, which one can rely on to reference information for such studies, are totally lacking.

However, this unique experience on self assessment has enabled us to come-up with a set of indicators and conclusions which we hope will professionally and objectively reflect the status of local democracy in Yemen in a reasonable light. This experience also enabled us to provide a set of constructive recommendations. We must stress that the only aim for this is to contribute to the development of democratic institutions and to enrich the practice of democracy in our country.

General Indicators

1. Yemen is known for the disparities existing in the economic and educational levels of its citizens, as well as, levels of income. This definitely leads to different living standards, people's aspiration and how they manage their lives and how they think and views things. This is a matter which has a strong impact on the level of democratic awareness and degree of development.
2. Population density in Yemen has more than doubled since 1975. The last population census conducted in 2004 shows Yemen's population density at 19.72 million people an increase of more than 35% since the 1994 census.
3. The rate of unemployment is growing on an annual basis. This matter is exacerbating the poverty levels in Yemeni society. There is now doubt that this leaves a negative impact on the level of participation in the democratic process. Unemployment levels in Yemen reached 27-35% of the total workforce in 2008.
4. There is a noticeable retreat in women's participation in public life and political activities, as well as, non-equitable roles and representations in public affairs management in general including the local level.

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5. There is a clear weakness in the field of education in all stages of education, particularly in the preschool stage (kindergartens) as well as adult

There is a clear weakness and lack of sufficient numbers of health workers in health units in many of the districts .

education. According to the United Nations, adult illiteracy rates were 29%

for males and 70% for females in 2003. This clearly shows the major disparity between males and females which requires intensive effort to eradicate illiteracy and to target the women population in particular through increasing girl's education program.

6. There is a clear weakness and lack of sufficient numbers of health workers in health units in many of the districts.


General Conclusions:

1. Election legislations for regulating the electoral process, specifying the duration and guaranteeing the right of participation for all citizens without discrimination do exist.
2. The Local Authority's Law and the Executive Regulations have identified the number of local council members in both the governorate and district levels. The task of delineation of the constituency was left to the SCER.

The appointment of the district's general director should be reconsidered by legislations to mandate that the general director is to be directly elected by the public.

This matter requires changes to legal provisions and procedures to ensure equitable distribution of the population amongst the local electoral constituencies.

3. The first past the post system currently in place in the country provides better opportunities for larger political parties on account of smaller and independent ones. It also obstructs the chances for women to achieve decent representation. The system is being criticized by the opposition and some civil society organizations.
4. The appointment of the district's general director should be reconsidered by legislations to mandate that the general director is to be directly elected by the public.
5. There are legal provisions which organize relations between the appointed chairman of the council and the elected council members, as well as, define the tasks and responsibilities and functions of the council and the decision-making procedures.

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6. Political parties exercise some form of democracy within their structures, especially large parties. This involves the selection of candidates through their support base using secret balloting and whoever wins represents the party in the elections, but some choose a candidate on the basis of an evaluation while others exercise no democracy within their structures.
 7. The nature of electoral disputes which have occurred between actors in the political process are mostly in election management, voters register, balloting and vote counting. Therefore, the SCER must be given additional powers to be able to exercise better control and to involve the judiciary in the resolution of such disputes.
 8. Women candidates in local elections, especially in the last two rounds of the elections, are far fewer when compared to male candidates and to the number of women registered voters.
 9. Indirect elections of the mayor of Sana'a and the governors of the remaining governorates of the country on May of 2008 are an election using an Electoral College system made-up of the elected members of the councils. However this falls short of the direct elections demanded by the opposition, The Joint Meeting Parties, which boycotted the elections.
 10. The management of local elections is the responsibility of the SCER in accordance with the law.
 11. Presidential, parliamentary and local elections are scrutinized by international and local monitors who observe any wrong doing in the electoral process. In fact, elections monitoring specifically by international groups have actually reduced such violations.

12. Disputes and contestations presented to the main committee in the constituency are dealt with through consensus. If no agreement is reached, the case is referred to court. Some people have doubts about the independence and neutrality of the judiciary, especially on electoral disputes.
13. The voters register, the nomination process and the vote counting process need to be reviewed to develop and improve the electoral process.
14. There are legal provisions which guarantee the right of participation in voting and to achieve easy access to enable the largest number of people to participate in the process. The Law takes into consideration people with special needs and the illiterate to enable them to exercise their voting rights.
15. The sessions of the local councils are held behind closed doors and not open to the public as proscribed by law.
16. The local authority gives access to the public to some information and documents relevant to public interest when needed. However, available means are insufficient and impracticable requiring reconsideration to adopt more appropriate means.
17. Transparency exists within the local councils between council members and the administrative board, especially during the debates on the annual development budget and on decision related to tenders and auctions. However, the announcement of available local jobs is a responsibility of the Office of the Ministry of Civil Service in the governorate which publishes the announcement in the official press according to a plan. This action is done under the supervision of the local council in the governorate.

18. There are no clear procedures or systems for receiving complaints from the public on service provisions and other issues. Therefore, such cases cannot be measured. Likewise, the public satisfaction with the services provision of the local authority cannot be accurately measured.
19. The existence of a large number of civil society organizations indirectly contribute to the process of formulation and implementation of local policies either through studies or recommendations.
20. The most effective medium of communications with the public, for civil society organizations, is direct meetings followed by open discussion forums, publications and newsletters.
21. Some of the reasons for the lack of public participation and interaction with the civil society are low awareness of the role of such organizations, poverty and people's daily concerns to make a living.
22. Referendums and public initiatives are not used since this process requires some times to allow the democratic experience to take root in the local community.
23. Tourism and investment opportunities exist in a number of districts, but have not been used as a supplement to the local economy.
24. There are cases of land tenure disputes officially recorded and some are not. Such cases are very serious and require an active response by the security forces and the judiciary to find quick solutions before they get out of hand.
25. Rates of crimes and offences of all types in Yemen are on the rise

Recommendations

First: Short-term Recommendations:

1. There is a need for the local authorities to create an information database on the district to facilitate referencing when needed, in a transparent manner and to give the public access to such database including research and studies.
2. Enhance confidence and bridges of communications between the local authorities and the public. This can be done through the formulation of a communication plan and coordination with the local media, as well as, implementation of programs on issues and problems faced by the public.
3. There is a need to enhance training and workshops and to provide local council's members guidelines and manuals to enable them to exercise their monitoring role in the councils and districts.
4. Develop local financial resources and put collection mechanism in place for all revenue sources to cover the cost of implementation of infrastructure projects in the district.
5. *It's important for the local administration to refer all cases of land tenure disputes to the judicial authorities for action within the law.*
5. It's important for the local administration to refer all cases of land tenure disputes to the judicial authorities for action within the law.
6. Continue actions to prevent the carrying of weapons in public in urban areas through security operations and patrols. This should be accompanied by awareness and media activities to warn people of the risks involved in the wrong-handling of firearms
7. Invoke all legal texts that guarantee the protection of rights and freedoms of the public from government organizations.

8. The local authorities should put in place complaint mechanisms to receive, process, follow-up and documents public complaints

Second: Medium - Term Recommendations

1. Create a community partnership between the local councils, civil society organizations and development projects and funds. This partnership should aim at reducing poverty and unemployment through formulation and implementation of local strategies that would include training, qualification and credit facilities for income generating microenterprises.
2. Follow an active policy in the creation of partnership between the local councils and the private sector to contribute to the service and development projects which respond to the needs of the local communities and promote sustainable investment.
3. There is a need to accelerate the proposed amendments to the Local Authorities Law to allow the direct election of the district's local council chairman.
4. Review the system of election of the governors so that governors would be elected directly by the public instead of an electoral college.
5. Grant local councils and local executive organs broader powers to be able to manage local affairs effectively and to strengthen the level of confidence.
6. Implementation of media and awareness programs in the various media with the aim of strengthening local democracy values within the society and to boost the number of voluntary voter's participation in the elections.
7. Support for the motherhood and childhoods centers by providing qualified and specialist cadre and supplies needed for mothers and children. Programs aiming at reducing child mortality should be established

8. Implementation of training programs for retraining teachers, build their capacities, pay more attention to the schools, allocate sufficient operational and maintenance expenses and pay greater attention to the entire educational process, as well as, establishment of literacy centers.

9. Local authorities should fight corruption and curb its spread by acting on reports by the Central Control and Audit Organization and refer cases to the High

Work for building appropriate roads which would facilitate the harnessing of potential tourist sites to help achieve tourism development.

Commission for Combating Corruption and the Prosecution for Public Funds. The councils should work for raising awareness on the consequences of corruption, spread the culture of integrity and humiliate and marginalize those convicted of committing corruption offences.

10. Address the issues of slums and shanty towns and adopt measure to curb the spread of haphazard construction which undermine architectural planning.

11. Work for building appropriate roads which would facilitate the harnessing of potential tourist sites to help achieve tourism development.

12. Pay particular attention to the family and family planning in public hospitals and health centers which should be supplied with healthcare products needed, as well as, implementation of population education programs using various available media.

Third: Medium- Long term Recommendations

- 1- Come-up with legal solutions for border disputes over constituencies for the parliamentary and local elections and the setting the number of seats within each local constituency.
- 2- Draft a legal provision for increasing women representation

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by following the Quota system or any advanced system which would guarantee that women would win seats in the elected councils or set aside certain seats.

- 3- Take action on the possibility of replacing the first past the post system with another system that would allow political parties and independents to gain decent representation in the elected councils.
- 4- Enhance the role of the electoral administration in working for building the level of confidence on its capacity and neutrality and the ability to work in a transparent and effective manner which is clear to observers.

Take action on the possibility of replacing the first past the post system with another system that would allow political parties and independents to gain decent representation in the elected councils.

5- Find a legal solution to put in place clear procedures for receiving complaints and contestations on elections and identify the responsible body for receiving them, as well as, the courts which would

have jurisdiction over such cases.

- 6- Carry-out a review of the voters register and make the necessary corrections by committees to be set-up through consensus which would work to weed-out duplications and ineligible voters in compliance with legal provisions.
- 7- The elections administration to implement measures and procedures for elections campaigning, the electoral publicity manual and to work at preventing the use of public resources or funds in election campaigns to achieve parity for all candidates. Control over the conduct of the elections campaigns should be toughened and legal actions brought against those who violate them.

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- 8- Find legal solutions to commit the State-owned media to give all candidates equal treatment.
- 9- The penalties for elections violations should be commensurate with the type of violation. There should also be a specific penalty for cheating in vote counting.
- 10- Improvement and development of voting and vote counting procedures to ensure free and fair elections. Monitors should receive training on such procedures.
- 11- There is a need for the civil society organizations to play a greater role in spreading local democracy awareness. Long term programs should be adopted using available local media to contribute in the achievement of a real democratic transition.

Find legal solutions to commit the State-owned media to give all candidates equal treatment.