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THE SHURA COUNCILS IN THE PERSIAN GULF

Number 3: January 2020

**Yemeni Parliament: Functioning Legislature in a Failed State**

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# Introduction

The scholarly literature on the legislative branch of political systems often disregard the Middle East region and specifically the Gulf countries (Iran, Iraq and the GCC states). The traditional approach, based on the classical political science division of executive authority between presidential, semi-presidential and parliamentary systems, and the focus on the representation criteria makes any analysis of this complex region of a revolutionary republic (Iran), a reconstituted republic (Iraq since 2003), and a group of Arab monarchies with very distinct traditions and governance styles and political cultures, difficult. These countries' governance systems feature a variety legislative practices and different degrees of accountability and balance between the legislative and the executive branches of government, and certainly some work better others, but they do not as a rule enjoy consolidated or semi-consolidated democratic systems. The fact that the Gulf region has remained, broadly speaking, in the grey zone of the hybrid political regimes, without a clear definition of the attributions granted to the legislative/shura/consultative councils, has made this project necessary in order to explore and understand what is the actual role, function and performance of the elected and appointed chambers in this particular region and under what institutional structures do they function.

Scholars attribute to the legislative chambers three main roles within the political systems:

1. Linkage, representation, debate and legitimation;
2. Oversight and control, mainly on the executive branch;
3. Policy making.

Bearing in mind these commonly accepted attributes, the objective of this project is to use comparative elements to analyze the different case studies that compose the Gulf region in the three roles, and to address the following questions:

Which is the primary role of the councils within the political system in the Gulf region?  
Which grade of autonomy the councils have regarding the executive branches of government?

How influential the councils can be in the policy making process?

What makes a legislative body efficient?

How representative and accountable they are?

What is the perception from the civil society about the role and performance of the councils?

To fill the gap in the literature, this 'Majlis in the Gulf' project gathered a distinguished group of scholars and specialists from within the region, equipped with the necessary methodological and comparative tools, to discuss and assess the role, function and performance of every one of the legislative/consultative chambers in the Gulf region. The project was initiated within the Gulf Studies Center at Qatar University, led by Dr Luciano Zaccara, and supported at its launch by the Konrad Adenauer Foundation (Gulf Office). The project has reached the publication phase of the wide-ranging research generated by its participants with the support and collaboration of the al-Sabah

Programme in International Relations, Regional Politics and Security at Durham University.

The results of the many debates and discussions, and the findings of our team will be captured and disseminated in a new monograph series – *The Shura Councils in the Persian Gulf Sub-region* – jointly published by the Qatar University Gulf Studies Center and the al-Sabah Programme at Durham University. These publications will be available free of charge through the two universities' websites for interested parties to consult and download.

The coordinators of this project and the publications series would like to thank the authors for their participation in this project, as well as the unyielding support of the Gulf Studies Center directors, Drs Mahjoob Zweiri and Abdullah Baabood, and the rest of the team, Arwa Kamal Eldin Gaf Abbas, Farah Anwar AlQawasmi, Ashleen Williams, Amjed Rasheed and Juline Beaujoun. Without them and their input this project and monograph series would not have been possible.

Luciano Zaccara and Anoushiravan Ehteshami

Doha and Durham

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# Introduction

The current chamber was established when North Yemen and South Yemen were unified in 1990. Since then, the country has witnessed three consecutive parliamentary elections, a referendum, and four presidential elections. The next parliamentary election is still uncertain as the incumbent Parliament is existing since 2003 when it was elected; followed by a constitutional amendment that extends the tenure of the chamber into six years instead of four. Parliamentary elections should have taken place in 2009, but for political circumstances beyond the scope of this paper, extensions have been granted for this chamber up-to-day. Notwithstanding, state in Yemen has failed and all state institutions are either frozen or divided while only the parliament remains legitimately existing and functioning.

This paper presents how has the Yemeni Parliament performed and explores the dynamics and mechanisms that facilitate or weaken the role of the Parliament. The findings reinforce the importance of placing the Parliament in its context that shows how it reflects its socio-political surroundings.

## 1. Political Context

Depending on the level of tension between different parties, power distribution, and the impact on the Parliament, the political arena since the unification can be divided into five different phases: 1990-93, 1993-94, 1994-97, 1997-2011 and since 2011. The first covers the interim period 1990-93 that was intended to provide a space for resolving the outstanding problems of unity and preparing for parliamentary elections.<sup>1</sup> The second phase extended from 27 April 1993, the date of the first parliamentary election, to the start of the May-July 1994 civil war.<sup>2</sup> The third phase began shortly after 1994 war, which eventually broke out on 5 May 1994. By 7 July 1994 the GPC and its allies had swept through the south and destroyed the military and security capabilities of the YSP.<sup>3</sup> The fourth phase started with the 1997 parliamentary election, which resulted in a sweeping victory for the GPC. Finally, the fifth phase started with the advent of protestations in 2011 that followed by the GCC Initiative in which Salih stepped down and Hadi replaced him as the president of the republic in a sole candidate presidential elections in February 2012.

### 1.1 Constitutional Structure

Since the unification in 1990, there were three constitutions of 1990, 1994 and draft 2014. The joint committees that drew up the constitutions were influenced by four factors. The first factor was foreign experiences; they were always aware of major systems in other countries. The second was the past Yemeni constitutions. The third

was the prevalent culture and religion, and finally was the different perceptions of the various parties toward state building.<sup>4</sup>

Table 1: The Special Committee for Considering and Drawing up the Constitution

Party Representatives	1994 Constitution	2014 Draft Constitution
GPC	8	5
YSP	4	2
Islah	4	3
Ba'ath	2	1
Nasserite	1	1
Rashad (Salafi)	DE	1
Independents	2	-
Ansarullah (Huthis)	DE	2
Southern Harak	DE	2
Total	21	17

Keywords: DE: Did not exist.

## 1.2 Parliament's Control

Traditional corporatism based on kinship, patronage, loyalty, and client-master relations has created dominant, closed bureaucratic networks.<sup>5</sup> Restructuring the economy and a largely free media have increased the transparency of government's policies. This suggests an increasing in Parliament's activities, in particular its oversight function, which has not happened so far for the following reasons. The Parliament has not become institutionalized because of its brief existence. Secondly, it has been argued that data is available for the MPs, but the problem related to the requirement for massive political reform including a genuine local governance and the patch-up tactic does not work anymore.<sup>6</sup> Others have argued that the Parliament often receives vague and ambiguous reports. For example, whilst discussing the state budget of 1999, the independents withdrew from the floor protesting the skewed figures, the vagueness of the budget, and the reloading of the budget with figures that had already been loaded last year.<sup>7</sup>

Thirdly, although Law No. 6/1995 regulates procedures of impeachment and trial of executives, its enforcement is beyond the control of the Parliament. For example, the report of the Standing Committee for Public Services and the Central Organization for Control & Auditing (COCA's) annual report of 1996/97 disclosed fraudulence and embezzlements worth 27 billion riyals (\$ 200 million) in five ministries; in spite of this no one has been impeached or tried.<sup>8</sup>

Finally, the Parliament finds it difficult to establish or abolish a governmental body. For example, the Parliament called for the abolition of the Ministry of Information and to associate the COCA to it not to the president, but to no avail.<sup>9</sup>

## 1.3 Electoral and Party Systems

General Election Law No. 27/1996 has adopted the first-past-the-post (FPP) system with single-member constituencies.<sup>10</sup> All election affairs are organised technically by the Supreme Election Committee (SEC). This system, however, was greatly criticised.<sup>11</sup> Opponents instead call for proportional representation (PR), claiming that it minimizes personal and financial influences, allows political parties to form coalitions, gives priority to programmes, and enables parties to choose the most qualified, not the most socially influential, candidates,<sup>12</sup> which was eventually adopted in the new draft constitution of 2014.

After the unification in 1990, Yemen had over forty political parties, later decreased to fifteen in order to meet the requirements of Law No. 66/1991, on governing organization and political parties, and back again today to twenty-five parties, only nine of them pre-date the existence of the Parliament. The prominent feature is the fluid status of most of these parties. The parties are weakened by the traditional context, fragmented social structure, paternalism, and personification of politics that affects parties' organization and cohesion. Yet most large parties in Yemen did not originate in legislative bodies. They had their roots in local organizations or in the nationalist movement. So these parties, mainly the GPC and the YSP, emerged as single dominant ones benefiting from their links with the founders of the state. By comparison, most of the newly created parties had to start from scratch and appeal to a floating electorate,<sup>13</sup> resulting in marginalization of the small parties, as shown in (Table 2).<sup>14</sup>

Table 2: Parliamentary Seats by Party

Party	Parliamentary Elections 1993		Parliamentary Elections 1997		Parliamentary Elections 2003	
	Seats	%	Seats	%	Seats	%
GPC	123	40.9	187	62.1	241	80
IND.	47	15.6	56	18.6	8	2.7
YSP	56	18.7	B	B	7	2.3
Islah	63	20.9	53	17.6	41	13.6
ANB	7	2.3	0	0	-	-
ASB	NE	NE	2	0.7	2	0.7
Haqq	2	0.7	0	0	-	-
CN	1	0.33	0	0	-	-
DN	1	0.33	0	0	-	-
PUNO	1	0.33	3	1	2	0.7
Total	301	100	301	100	301	100

Keywords: B (boycotted); NE (did not exist then)



## 1.4 Executive-Legislative Relations

The starting point is to compare the power of the president and the Parliament as illustrated in (Table 3) and then evaluate the relations between the two branches and the patterns they adopted. The real power of the executive was held by the Presidential Council and later by the president after 1994. The presidency has leverage over the Parliament. The power of the presidency fluctuates according to a number of factors, such as the coalition in government, the number of parties in the Parliament and their cohesion, MPs' professionalism, economic circumstances, cleavages in the executive leadership, and the constitutional arrangements.

Table 3: Presidential and Parliamentary Powers

President		Parliament	
Powers	Conditions	Powers	Conditions
Dissolve Parliament	Nation-wide referendum and calls to elect a new one	Withdraw confidence	After interpellation, 1/3 vote of Parliament to uphold.
Appoints Premier and ministers	Cannot be dismissed	Inquisition	For grand treason, violation of law or Constitution. 1/2 vote of Parliament to uphold and verdict needs 2/3 vote.
Appoints Supreme Court	Needs Parliament approval	Impeachment of the President	Motion needs 1/5 vote and verdict needs 2/3 vote
Appoints judges and Prosecutor General	Only during Parliament recession and required Parliament approval after resuming its sessions	Place Premier and ministers under investigation	
Appoints army commanders	If the requested review is not heeded, the bill is then approved once again and be considered a law		
Announces state of emergency			
Decrees legislation 'presidential ordinances'			
Asks Parliament to Review a bill approved by the Parliament			

The Parliament business is handled in different ways. All bills and presidential ordinances, loans, and Parliament statements have to be referred to the standing committees after the first reading. Treaties, public issues, resolutions, and recommendations may have been referred or decided by the chamber simultaneously, as suits each single case.

### 1.4.1 Relation Pattern during the First Parliament

The 1990 constitution created a collective presidency in the form of a five-member council. This combined with forming a coalition government made up mainly from two parties (GPC 17, YSP 12, Ba'ath 1, and 3 independents). This was based on an agreement of power sharing, which is reflected also in the minority Parliament (GPC 159, YSP 111, and 31 independents). This was accompanied by an increase in the prominence and power of the Parliament.

The disputed top executive leadership, balance of power, and exacerbated economic situation gave a great deal of manoeuvring room to the Parliament. This was enhanced also by professional MPs. Unlike the 1993, 1997 and 2003 Parliaments, the MPs in the 1990 Parliament were appointed, so ruling parties were concerned with both expertise and loyalty. Party loyalty entails, by virtue, disciplined MPs that provides weak parliament. The case was different in Yemen because the rival executives delegated considerable power to their representatives in the Parliament. The government thus succumbed to both a relatively strong Parliament and a fragmented presidency. As an appointed chamber, the Parliament was less representative but was effective because of the fragmentation of the executive. Among the MPs 62.4 per cent depicted the Parliament as strong and only 37.6 per cent said it was representative.

Among 32 presidential ordinances, only 7 were approved by the Parliament and three of them were initially rejected.<sup>15</sup> They were reintroduced and approved a month later. The remaining 25, which all centred on the budget, public resources, the army, and security forces were rejected or withdrawn by the government. The Parliament passed 30 bills, 2 were submitted by MPs and the rest by the government. All government bills were amended before being passed.

During the tenure of the Parliament from May 1990 till April 1993, it held 317 sessions and approved 34 treaties (11 oil, 19 loans, and 4 bilateral international treaties). It addressed the government by 15 binding resolutions and released 6 statements, all directed to international politics. The attendance of executives on the floor responding to Parliament's request was reasonable: the president attended once, the Prime Minister on 14 occasions, and ministers 27.

Table 4: Activities of the 1990 Parliament

Type	Passed	Rejected or Withdrawn	Other	Number
Presidential Ordinances	7	25	Resolutions	16
Gov. Bills	28		Inquisitions	41
Mem. Bills	2		Declarations	6
Treaties	34			
Total	71	25		63
Number of sessions held 317, average time per session 3 hours.				

## 1.4.2 Relation's Pattern during the Second Parliament

Unlike the first Parliament, this was the first to be elected. It was characterized by eight parties entering the Parliament: the GPC won 124 seats, the Islah 62, the YSP 56, the Arab Socialist Ba'ath 7, al-Haqq 2, the Nasserite factions 3 and the independents 47. Despite the accumulation of disputed issues since the union in 1990, grievances were mitigated in the hopes of securing victory through the ballot box. In light of the military power they had, stability depended to a large extent on co-operation between the GPC and the YSP. Therefore, the GPC raised the divisive issue indirectly through its ally, the Islah. On the other side, the five small parties formed a front with the YSP.

The political agenda was dominated by constitutional reform, merging of the two armies, and economic and administrative reforms. The Parliament was able, until the war in 1994, to establish a balanced, effective, and representative chamber. Loss of balance after the war explains the flux of the passed measures (Table 5). Among the MPs, 89.9 % asserted that it was the most representative Parliament in Yemen, and 61.7 % said it was moderate in its strength while 26.8 % said it was strong.

Table 5: Activities of the 1993 Parliament

Type	Before the War of 1994		After the War of 1994	
	Passed	Rejected or Withdrawn	Passed	Rejected or Withdrawn
Presidential Ordinances	5	-	57 23 new and 9 amendments	5
Gov. Bills	-	-	50	-
Memb. Bills	-	-	-	-
Treaties	2	-	36	-
Inquisitions	10	-	-	-
Declarations	5	-	8	-
Total	22	-	151	5
Number of total sessions held 481, average time per session 2.5 hours.				
Important Decisions Taken				
<ul style="list-style-type: none"> <li>• March 26, 1994 Released a decision binding the government to the DPA.</li> <li>• May 5, 1994 Declared state of emergency and waived the legitimate status of the vice-president, the YSP Secretary General.</li> <li>• May 29, 1994 Suspended parliamentary immunity of 6 MPs (YSP members) based on a request by the Prosecutor General.</li> <li>• September 28, 1994 Approved the constitutional amendments.</li> <li>• October 1, 1994 Elected the president by the MPs for another five-year term.</li> </ul>				

## 1.4.3 Relation's Pattern during the Third Parliament

The GPC used different means to influence the electorate by financial handouts to societal leaders,<sup>16</sup> to influence the political parties by bilateral agreements,<sup>17</sup> and to influence the election process itself by dominating the SEC and using mobile military

camps to vote in uncertain constituencies.<sup>18</sup> The boycotting of the election by the YSP and the other three small parties enhanced the GPC's opportunities to win a sweeping victory, though the boycotting limited the credibility of the election.

The GPC won 187 seats, Islah 53, independents 54, Popular Union Nasserite Organization 3, Ba'ath 2, and 2 constituencies were postponed. By defeating the YSP in the war, the threat imposed on the GPC and Islah decreased; therefore, policy issues dominated.<sup>19</sup> Only the Islamic faction of the Islah MPs and the other MPs representing the Ba'ath and Nasserite parties have showed disciplinary behaviour, while other MPs have created a fluid Parliament. The fluid nature of the Parliament stems from a number of factors. The first is the consolidation of the constitutional power of the president. The second is the diminishing threat of the YSP. Finally, there is the low level of discipline within the GPC, which is enhanced by socially powerful MPs either nominated by or affiliated later to the GPC. This means the vital issue to the GPC and the president in particular is the GPC's MPs vote in accordance with party interests. On other issues, the MPs of the GPC vote according to their own predilections.

Table 6: Activities of the 1997 Parliament

Type	Passed	Rejected or Withdrawn
Presidential Ordinances	13 (12 new)	1
Gov. Bills	26, 6 amendments	-
Mem. Bills	6	-
Resolutions	4	-
Declarations	8	-
Treaties	30	-
Total	87	1
Number of Sessions 247, average time per session 2.3 hours.		

Compared with the previous Parliament, the table above shows a decrease in the number of presidential ordinances and an increase in the members' bills. This, however, does not mean an increase in Parliament's strength, for two reasons. First, the GPC majority provides a comfortable alternative for presidential ordinances, which explains the increase in members' bills. Secondly, pro-system opposition of the Islah party supports the system, while it opposes specific measures related mainly to policy issues. In contrast, the YSP opposition in the second Parliament was anti-system and disagreed with the basic norms of the political system, and therefore concentrated on constitutional arrangements.<sup>20</sup> This is why 71.1 % of the MPs said this Parliament is weak, while only 24.8 % said that it is reasonably representative.

## 1.4.4 Pattern of Relations during the Fourth Parliament

Winning 241 seats made the GPC enjoying a dominant bloc to the extent that frontbenchers emerged as opposition. Besides that, Islah, with 41 MPs, represented the main opposition in the parliament. Generally speaking, however, the fourth parliament at large resembles the third one in many characteristics.

Table 7: Activities of the 2003 Parliament

Type	Passed	Rejected or Withdrawn
Presidential Ordinances	17	1
Gov. Bills	54, 10 amendments	-
Mem. Bills	14	-
Resolutions	10	-
Declarations	11	-
Treaties	49	-
Total	155	1
Number of Sessions 560, average time per session 2.4 hours.		

## 2. Internal Dynamics

A well-structured, well-equipped and highly professional legislature provides effective participation in the policy process. However, as Olson and Norton argue, if a legislature is closely controlled externally, it does not matter how it is organized internally. But if there is some room for independent action, the ability of a legislature to benefit from this to promote its role is affected by its internal characteristics.<sup>21</sup> Therefore, the internal properties of the Yemeni Parliament will be mainly measured by looking at MPs, parliamentary parties, the chamber, standing committees, and constituency relations.

### 2.1 The Members of Parliament

The Parliament's output is the sum total of the action of its members, which stems from their background and environment. The MPs are motivated or constrained by different factors, *inter alia* their perceptions of their roles, their aspirations, and their careers. A universal generalization is that microcosm and macrocosm are never identical; the Parliament never mirrors the population at large. All research into the composition of Parliaments shows a discrepancy with the population that elects them.<sup>22</sup> The backgrounds of Yemeni parliamentarians reveal over-representation of some social groups and under-representation of others; this is the outcome of the electoral system, the political culture, and the pattern of recruitment. The following indicators can highlight the distortion in representation.

On average, Yemeni MPs are in their forties. However, 50.28 % of Yemen's population is less than 15 years old.<sup>23</sup> The most extreme distortion in the representative process occurs to gender. Whilst 48.8 % of the population are women,<sup>24</sup> only 1.3 % of the MPs are women. Again, this is a universal feature of Parliaments, but it is exacerbated in Yemen by the strong traditional culture and misinterpretation of religious texts. Education is also a contributing factor. Nonetheless, NDC stipulates 30% quota for women in the forthcoming legislatures. It is a constitutional requirement that Yemeni MPs must be able to read and write.<sup>25</sup> However, the educational level of MPs varies from readers and writers to holders of doctoral degrees. The majority are aggregated in the middle. Within the parliament,<sup>26</sup> the main three groups are employees with 25.5 %; *shaykhs* (tribal leaders), 19.5 %; and professionals 12.1 %.

Two points are worth noting. The first is that this data was taken from the parliamentary records, which are based on information provided by the MPs themselves. Some groups, such as the *Shaykhs*, politicians, businessmen, and professionals are recognisable and can easily be verified, whilst other groups, such as employees and farmers, are hardly verifiable.<sup>27</sup> The second point is the intersectional grouping; for example, an employee who is at the same time a son or relative of a *shaykh* may owe his winning of a seat to his social status even though he is categorised as merely an employee. In sum, the non-or under-represented groups are the workers, peasants, and the marginalized outcast *Akhdam*.

Not surprisingly, there is a strong relationship between occupation and party more than that with educational factor (Table 8).

Table 8: Previous occupation of Members of Parliament

Political affiliation	MP's previous occupation										Total
	Student	Businessman	Shaykh	Military	Farmer	Employee	Clergyman	Academic & Professional	Politician	Missing data	
Independent		2	4		2	4	1			2	15
GPC	2	7	19	9	3	20	2	10	5	5	82
YSP				5	3	10		2	6	1	27
Islah		1	6		1	1	4	6		1	20
Ba'ath (Arab Socialist)				1							1
Ba'ath (National Arab Socialist)						1					1
Unionist Popular Nasserite						2					2
Al-Haqq							1				1
Total	2	10	29	15	9	38	8	18	11	9	149

Businessmen as a group are looking for profit, protection, and preferential dealings with the state; it is therefore logical to find 80 % of this group affiliated with the ruling parties, the GPC and Islah. None of the businessmen were affiliated with the socialist or nationalist parties. Likewise, all politicians and military men were affiliated with the GPC and the YSP. They benefited from their proximity to the centre of power and from practising power from within state institutions. The majority represented in 75 % of clergymen, as expected, came from Islamic-oriented parties. Farmers, employees, and professionals were distributed mainly between the three big parties, the GPC, YSP, and Islah. The *Shaykhs*, as cultural conservatives, were mainly distributed in the GPC *with* 65.5 %, but the important point here is the ability of the GPC through rewards to recruit them after they won their seats. However, 20.9 % of the *Shaykhs* were still affiliated to the Islah party as genuine tribal/Islamist representatives, while 13.6 % maintained their independence as purely tribal representatives.

Eulau *et al.* designate three types of legislators: the trustee, who is concerned with issues of national scope; the delegate, who promotes strictly local issues; and the politico, who combines both styles.<sup>28</sup> Ainsworth argues that most new Parliaments produce legislators who adopt the ‘delegate’ style of representation.<sup>29</sup> Personalism and localism in Yemen are the prevalent patterns in recruiting most of the MPs. Only 45.6 % of the MPs said they ran the election according to party instruction, whilst 78.5 % maintained that the major motive behind their candidacy was to serve their people, and this has an impact on their relations with their constituencies, as will be seen. ‘Serving people’ here means the general population and not a particular constituency, since only 18.8 % said that their main concern was local.

With regard to stability, a lower turnover is useful for the new Parliament. This would lead to a larger number of full-time professional MPs with limited options for employment outside of Parliament and therefore, as Norton and Wood argue, these MPs will work more diligently.<sup>30</sup> Membership stability is measured either by turnover or by average number of years of service.<sup>31</sup> It has been found that 64 MPs had served since the pre-unification period and some of them were incumbent since the first Parliament in 1969. Sixty-seven of the 301 elected MPs in 2003 (22 per cent) were related to one or more present or former MPs. The political base is easily inherited through family connections. Since the first Parliament of 1969 up to the current one, sons or relatives of deceased MPs filled most of the vacant seats caused by death.

Among the MPs there are 39.6 % incumbents and the higher incumbency rates were among independents (because of their established social power base) and ideologue parties (because of their internal rigidity). This means the turnover rate during 1990-2016 was 60.4 %. By comparison, during the 1950s-60s the turnover percentage in the USA was 10-19 %, while in Canada 20-25 %, and in Switzerland 28 %. The history of legislatures suggests that turnover tends to decrease over time.<sup>32</sup>

## 2.2 Parliamentary Parties

Four characteristics are especially important in formulating the main pattern of parliamentary parties: the number of parties in the Parliament, their origins, their internal unity and cohesion, and the electoral system. In all the four Parliaments during 1990-2016, only eight parties have had representation out of twenty-five existing parties. Three parties are distinguished in terms of number of MPs and the role they play in politics: the GPC, the YSP, and the Islah. The remaining five parties were represented in total by only twelve MPs in the second Parliament, by five in the third Parliament, by four in the fourth Parliament and by none in the first appointed Parliament. The conventional hypothesis supposes that less party discipline and more parties in the Parliament are associated with a more prominent Parliament.<sup>33</sup> The low number of representatives of these parties has substantially reduced their effect. Thus, for simplification, analysis will mainly be confined to the three major parties.

All Yemeni parties stipulate that party leaders have to be selected by a bottom-top process that culminates in a national convention, in which the election of leaders takes place. In spite of the fact that all parliamentary parties convene their conventions somehow regularly after unification, it was only the Popular Unionist Nasserite Organization and YSP that elected new leaders. Other parties either experienced the persistence of the same leaders or the leaders were changed by dissidence or death.

The MPs have little say in the selection of their party leaders and usually a party leader's power increases when he occupies an executive position. In this case, the leader becomes strong enough to settle disputes that arise between MPs and party bodies. Generally, the parties have little say in the nomination of their candidates for Parliament. The social structure and electoral system decrease the efficacy of tools available to a party in controlling the selection of its candidates. Moreover, in the case of availability of a role for a party, the local party organization has leverage in selection over the national party organization. The MPs maintain a great influence over party organization at the local level.

Within the same party, public office holders differ from MPs in approaching policy matters. Those in office have the basis for policy-making authority and are accountable for outcomes before different bodies such as the Parliament, the president, courts and so on. By contrast, MPs base their claim on responsibility to their electorate. These two different bases and views may conflict, not over ideological or normative questions of control, but over specific policy issues and opinions.

It was found that the MPs of the GPC were extreme critics of the GPC's policies in the Parliament. The policy agenda of the GPC was mainly drawn up by its top leadership (the General Committee or *politburo*), and its MPs and other party bodies ratified the agenda only in the national convention. That is why many MPs of the GPC complain that the party and the government have ignored them when making policy,



thus, MPs do not commit themselves to supporting the government in Parliament.<sup>34</sup> The GPC has mitigated the opposition of its MPs by different means. It provides facilities through state agencies for business groups, development projects to constituencies for career groups, and preferment promises and financial handouts for aspirants.<sup>35</sup>

## 2.3 Committees

Over a century ago Woodrow Wilson stated, “It is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work”.<sup>36</sup> A mass meeting of MPs is not the optimum place to get things done; parliamentary committees on the other hand provide a specialised and institutional context in which to work on different issues.<sup>37</sup>

In the Yemeni Parliament, there are nineteen standing committees (SCs). All bills, presidential ordinances, loans, and parliamentary statements have to be referred to the SCs after first reading. Moreover, the state budget, Parliament’s budget, and government programmes have to be referred to special ad hoc committees. Thus, the workload is mainly laid on the SCs. As (Table 9) demonstrates, parliamentary activity revolves primarily around the committees.

Table 9: Parliamentary Activity in the Chamber and the SCs (May 1990 - September 2014)

Parliaments				
Number of Sessions Held				
Location	The First	The Second	The Third	The Fourth
In Chamber	317	481	247	1, 202
In SCs	1, 959	2, 932	1,740	7, 311

The average of hours spent per session in both chamber and SCs is roughly the same, about 2.5.

### 2.3.1 Standing Committees (SCs) Membership

Eulau defines the assignment process as “the interaction between leaders and their strategies and members and their career aspirations.”<sup>38</sup> There is no rule of seniority by which committee membership is awarded to members with long-standing service in the Parliament. Despite this, there are two patterns of assignment to SCs. The first is assignment based on party preference, by which a party’s most loyal members compete for committees that are perceived to be important by the party.<sup>39</sup> For example, the GPC has ensured that its loyal members control the SCs of Defence, Finance, and Foreign Affairs. The Islah, by contrast, has ensured its members are assigned to the Education, Constitution, Justice, and Islamic Codification of SCs.

The second pattern of assignment is based on member preference. For instance, for each committee session each attending member receives YR 5,000; therefore, MPs incline to SCs that hold more sessions, such as Finance, Economic and Development,

and Trade. Some MPs prefer the prestigious committee of Foreign Affairs, in which they can enjoy both frequent travel and generous allowances. Yet, the committees most preferred by MPs are still the Public Services and the Local Governance, not only for their numerous sessions but also for the frequent contacts with state agencies that enable MPs to form connections to garner construction and developmental projects for their constituencies.

By dividing SCs into technical committees, such as Public Services and Transportation, and more political committees, such as Foreign Affairs and Defence, the pattern of assignment becomes clear. Findings show that party preference assignment goes mostly with political committees, whereas member preference assignment mostly goes with technical committees. The explanation is simply that the outcomes of technical committees have a direct impact on constituents' demands, whilst outcomes of political committees tend to deal with more abstract policies that have less direct impact on constituents' demands and involve policy choice reflecting the political division in the country.<sup>40</sup>

### 2.3.2 Dynamics of the SCs

SCs cover all government departments and they are permanent throughout the duration of the Parliament. SCs are not allowed to work while the chamber is in progress.

From the referred measures to different committees shown in (Table 10) the domination of institutional issues in the first Parliament and of constitutional issues in the second Parliament, where political rivalry was reflected in the composition and outputs of SCs. The controversial political issues between the YSP and the Islah party found an outlet after the share of the YSP was diminished in the second Parliament. This caused an increase in the passage of the disputed issues in the following SCs: Higher Education and Youth, Justice and Religious Endowments, and Islamic Codification. In spite of its importance, the committee of Local Governance produced the lowest output throughout the three Parliaments because the three big parties perceived local governance as a threat to their power at the centre. Apart from the committee of Petition and Complaints, the three favoured committees of Economic Development and Oil, Finance, and Public Services scored the highest rate of sessions held.

Table 10: Standing Committees' Activities

Standing Committees	First Parliament, 1990					Second Parliament, 1993					Third Parliament, 1997				
	members	% of attendn.	No. sessions	referred issue	passed issues	members	% of attendn.	No. sessions	referred issue	passed issues	members	% of attendn.	No. sessions	referred issue	passed issues
Constitutional	12	58	149	14	7	15	60	225	34	30	15	45	85	20	14
Econ. Dev & oil	13	65	238	29	23	15	45	243	37	30	17	56	126	32	22
Trade & Indust.	9	55	91	11	8	15	41	140	11	9	16	59	121	11	6
Finance	17	51	347	29	18	16	37	227	53	32	15	54	137	37	12
Education	15	39	96	3	3	14	52	120	4	3	15	64	114	10	6
H. Edu.&Youth	12	36	93	5	5	15	45	172	18	18	15	52	87	6	3
Inform. Culture	9	57	14	3	1	14	35	102	8	7	14	63	122	9	5
Public Services	14	32	146	25	15	15	29	298	32	28	15	71	124	25	10
Health & Envir.	Did not Exist					Did not Exist					13	Newly Created			
Transp. & Com.	Did not Exist					Did not Exist					13	Newly Created			
Agriculture	14	39	139	9	4	15	34	65	8	6	15	42	99	18	13
Workforce	11	41	106	9	4	14	41	127	18	16	14	58	94	15	11
Foreign Affairs	14	53	50	5	4	15	42	63	3	2	15	45	36	8	3
Justice	10	47	73	2	1	15	33	287	18	10	15	49	130	11	5
Islamic Codific.	7	58	21	8	1	11	61	194	28	22	15	52	99	16	11
Defence, Security	18	44	80	19	10	16	39	90	16	14	15	48	80	12	6
Local Governm.	16	28	30	2	1	14	46	57	3	1	15	58	48	3	-
Petition, Comp.	16	19	231	990	990	15	26	426	1916	1916	15	50	150	762	762
Human Rights	12	41	55	6	5	16	41	96	7	5	15	51	88	4	3
Total	219	45 %	1' 959	1' 169	1' 100	250	41.6 %	2' 932	2' 214	2' 149	282	54 %	1' 740	999	892

The data for the current four parliament could not be found completed on this issue

Another significant statistic is the increase in number of sessions, referred measures, and passed measures over the three Parliaments as illustrated in (Table 11).

Table 11: Average Activity of SCs (per month)

Category	First Parliament	Second Parliament	Third Parliament
No. of Sessions	54	61	96
No. of Referred Measures	32	46	55
No. of Passed Measures	30	45	49

The data for the current four parliament could not be attained on this issue

Table 11 reveals the correlation between the activity of SCs and the external political environment. Increasing stability of the political system leads to increasing the standing committees' production.

Measures are commonly referred to a single committee. Multiple referral, however, is used. The most frequent multiple referral type is the sequential, where a

measure reported to a committee is then assigned to one or more additional committees. Joint referral is mainly used when assigning a bill related to more than one committee; this type is less frequent, while split referral is rare. The committee of Constitutional Affairs is the one that most often receives multiple-referred measures because of its broad jurisdictional mandate. The chances of passage for multiple-referred measures were less than for single-referred measures because of the use of the multiple referral mechanism as a tool to defeat, modify, or delay the measure.

SCs are expected to perform a variety of functions ranging from scrutinizing legislation to overseeing the government. However, they perform four major functions. The first is to scrutinise a bill and report on it to the floor. The second is to provide an opinion on a measure under consideration in the chamber. The third is to provide an opinion on a measure under consideration in another committee. The fourth is to examine and oversee a policy and gather facts on it. Findings suggest that activities of the SCs consisted of 65 per cent legislation, 20 per cent overseeing, and 15 per cent policy sessions. The predomination of legislative sessions means the SCs have been diverted from other functions.

## 2.4 The Chamber

### 2.4.1 Types of Chambers

The chamber's activity is governed by rules of procedure that are stated in the Parliament's by-law. Parliamentary procedure governs a variety of businesses such as passage of legislation, allocation of debating time, voting, oversight of the government, and methods of raising grievances. Parliamentary business to a great extent still reflects politics external to its precinct. The electoral and party systems have also influenced the chamber in terms of making it fluid or disciplined, and balanced or unbalanced.

Therefore, we have seen four different chambers distinguished from each other by political changes that took place externally and also by the internal characteristics of each chamber; that has been reflected on chambers' productions as illustrated in Table 12.

Table 12: Chamber Production

Measure	First Chamber, 1990		Second Chamber 1993		Third Chamber 1997		Fourth Chamber 2003	
	Total	Per month	Total	Per month	Total	Per month	Total	Per month
bills and presidential ordinances passed	71	1.97	150	3.13	75	3.4	155	0.9
bills and presidential ordinances rejected	25	0.69	2	0.04	1	0.05	1	-

## 2.4.2 Chamber's Traditions

The chamber has held its sessions regularly since the establishment of the Parliament except after *Ansarullah* seized the capital. For the period from May 1990 to September 2014, it held 1605 sessions and worked approximately 120 days each year.<sup>41</sup> In spite of this, there is a modest accumulated parliamentary tradition of practising business in the chamber. Despite the presence of the parliamentary standing order and by-law, and the efforts made by some MPs to encourage the adherence to these rules for the creation of common traditions, the achievement of this is still below the desired level. There are many informal practices irrelevant to the nature of parliamentary business or even to the democratic norms. Some of these violations have been generated by the MPs themselves and others by the government. Based on the parliamentary record, the attendance for the period of time between May 2003 and September 2014 shows poor attendance.

## 2.4.3 Legislative Production

The dynamics of the legislative process comprise three related actions: discussion on the floor, billing, and voting. Though the length of time allocated for an individual speaker is considered reasonable (89.9 % of MPs said it was about right), it is not the same for discussion. Amongst the MPs 51 % expressed dissatisfaction with the management of discussion on the floor like turning off the power to a particular microphone.<sup>42</sup> The Speaker has also often ignored an MP raising his hand for a point of order.<sup>43</sup> Moreover, the Speaker has suspended sessions on his own discretion and against MPs' will.<sup>44</sup>

For billing, on the other hand, the legislative procedure and time spent to pass a bill are significant. Since rules govern the conducting and pathway of parliamentary, legislative procedures have been handled satisfactorily. Among the MPs, 87.9 % expressed their agreement with legislative procedures. On the one hand, this could indicate, though it is still early, that some degree of institutionalization is in progress. But on the other hand, this does not account for the problem of legislative duration.

Table 13: The Average Length of Time for Parliamentary Production (days)

Parliaments	Presidential Ordinances	Bills	Conventions	Average
First	25	56	4	28.4
Second	80	63	10	51
Third	10	20	2	10.6
Fourth	13	26	4	14.3
Average	32	41.25	5	26

With regard to (Table 13) it is worth noting that taking the average duration of the outputs is not very reliable because some outputs were produced very quickly, requiring only one day, such as the legislation for the Flag, National Anthem, and National Day. By contrast, more complicated legislations took longer, such as the Law of Education, which took 341 days. To avoid a misleading evaluation, it would be necessary to single out each piece of legislation, which is beyond the scope of this research.

In terms of professional MPs and their levels of education, the first chamber is more qualified than the last three, which would suggest less time spent in the first than that in the last, but reality says the opposite. This leads to the conclusion that the problem of duration is mainly political rather than technical. To elaborate further, for example, 143 of the 150 pieces of legislation of the second Parliament were produced after the 1994 war.

Looking at the duration time for each category of the presidential ordinances, bills, and conventions, the conventions took the least time. Conventions are mainly related to loans and oil agreements and they were less controversial because all of the rival parties needed money desperately to buttress their supporters and to alleviate economic difficulties; therefore, conventions have tended to be easily produced in a short period of time.

Presidential ordinances come in second in terms of time consumption. Two factors account for this. The first is the nature of ordinances, which are decreed by the president during the parliamentary recess. The second factor is the influence of the presidency over the MPs and the continuous pressure applied on the MPs by the presidential office to get the ordinances done. The second Parliament was exceptional for presidential ordinances taking the longest time. This was because escalated political tension had created three levels of bargaining. The first level took place between the rival ruling coalition within the executive. The second level was between different tendencies within the Parliament, and the third level was between the executive and the Parliament. This prolonged the legislative process.

The third category of legislative output is bills, which have consistently reflected the external environment. Bills have always taken a long time to be passed. In the second chamber, bills did not take a short time, but this was the effect of delaying presidential ordinances. The reason behind the lengthy process has been in part whether the bill is controversial. On some occasions, the government was required to provide written answers to the chamber and frequent attendance for further elaboration at both the chamber and committee level. The government was also responsible for the long duration of the parliamentary stage by frequently submitting and withdrawing the same bill. Moreover, the government deluged the Parliament with bills, and on several occasions when a bill was about to be submitted for voting, the government either withdrew it or requested a delay. The government hastily drew up the bills that later

required several amendments. On the other hand, the government probably aimed to keep Parliament busy solely with legislation, thereby distracting it from other functions, in particular oversight. Moreover, even after the bill had been passed into law as Finance Law No. 8, the government requested amendments on six separated occasions.

#### 2.4.4 Flow of Information and Voting Behaviour

The flow of information is important in influencing MPs' behaviour. The unsophisticated mechanism for providing information to MPs and given the low educational level of the MPs, they lack any reliable source of information and the ability to decide on voting independently.

The MPs were highly dependent on their fellow members in committees to get information to decide on voting. This means the MPs did not have the time or expertise to become familiar with the details of all legislation. Technical bills, in particular, became especially complex, such as financial bills containing a lot of statistics. MPs tended therefore to rely upon summaries or evaluations of their colleagues.

Academic works and official reports were given the second and third sources, but considering the external influence exerted on specialists in committees, who in turn influenced non-specialists MPs, the importance of sources needed to be re-ordered. Thus, administrative agencies and political parties would more or less influence specialist MPs through lobbying. Because of this, many MPs have voted irrationally for bills they did not understand under the persuasion of their specialist fellows. Most blind voting took place on technical bills, which are more difficult to understand than political ones.

Constituents were rated the least reliable sources of information. This, however, is misleading because it ignores the type of bill. The MPs have paid more attention and given priority to constituents and the street whenever the bill under consideration has had a direct and clear impact on people.

#### 2.4.5 The Principle of Discontinuity

In the legislative process, only presidential ordinances can remain pending; all other parliamentary business lapses at the end of the four-year parliamentary term. All lapsed bills or conventions have to be reintroduced to the next Parliament. The advantage is to clear the accumulated work in the chamber from time to time and to prevent one Parliament from influencing the next. The point here is the waste of time involved in starting all over again.

Lapsing puts the chamber under pressure to speed up the legislative process. The means that has been used in the Yemeni Parliament for limiting the loss of time is using a shortened procedure for reintroduced bills. The government also deems

reintroduced bills as urgent, and they are debated first. In this way, the government influences the parliamentary agenda. Paradoxically, discontinuity did not speed up bill legislation as was presumed. On the contrary, discontinuity led the government to increase the number of bills presented and to draft them hastily. This created a poor quality of legislation that led the government frequently to withdraw a bill for further deliberation. Another consequence was that MPs in some cases did not start working on bills because they thought they would not finish them in time. Therefore, in the end/eventually, the legislative process took longer than necessary.

## 2.5 Constituency Relations

Constituency relations consist of demands and responses. This mechanism is not systematic in terms of an input-processing-output procedure; rather it consists of formal and informal demands and responses. Deviation from a systematic flow is determined by political context, the electoral and party system, MPs' conception of their roles, and the citizenry's awareness of policies.

With regard to the fragmented party system and single-constituency electoral system, some candidates with strong social ties have been unrivalled and have not been worried by re-election uncertainty. Thus, those candidates were not concerned about providing projects for their constituencies. Other constituencies, by contrast, were contested between partisans and less socially influential candidates, where the securing of a seat by a particular candidate was not certain. Therefore, providing projects and services to constituents was important for re-election.

Two factors are particularly important: the perception MPs have of their roles and citizens' political awareness. One aspect of MPs' roles is the interpersonal relations between individual members and political outsiders. The other aspect is their representational role in serving their constituents. Whilst all MPs play a representational role, 78.5 % reported that serving people was among the major motives for their candidacy. Because the organised interests are weak and the country is in a transitional political and economic situation, linkage with constituents becomes important for local support. There were 41.6 % of MPs who communicate with their constituents frequently and 58.4 % do so often.

## 3. Policy Outcomes

Parliaments are most commonly associated with law making.<sup>45</sup> However, they also serve as a check on the conduct of administration; they educate the public about political issues; represent the interests of constituents, localities, and special groups, perform judicial functions, and contribute to the selection of leaders.<sup>46</sup> The Parliament in Yemen has become a central part of the political system and established a strong



base for providing legitimacy. In spite of its relative weakness, parliament has proven it cannot be easily overlooked. In 2012, the GCC Initiative downgraded the parliament; nevertheless, it was inevitable to call the parliament to provide confidence to the government of Khalid Bahah in November 2014. More bluntly, in September 2014, the Huthis seized Sana'a and in May 2015 dissolved the parliament in their constitutional declaration in favour of what is called the Supreme Revolutionary Security Committee. However, paradoxically found it inevitably necessary to call the parliament in 13 August 2016, after the failure of Kuwait negotiation, to legitimize the newly established presidential body which is the 'political council'.

### 3.1 The Dynamics of Public Policies

The way that the government and the Parliament work varies according to the type of issue. The Parliaments, as shown in (Table 14), were active on issues affecting distribution of benefits, such as public works, and were less active on security and foreign affairs.<sup>47</sup> This was because of the feasibility of distributive policies and their direct impact on people, and Parliament responded positively, especially to collective demands expressed through the media or in the street by demonstrators.

In terms of policy content, the four Parliaments, in general, differ by the major inclinations that characterised each of them. The first Parliament (1990) contended to legislate for the establishment of basic foundations for the newly created state. Therefore, reshaping the old regime and institutional issues dominated its activity.

Table 14: The Most Legislated Issues (No. of Laws Passed)

Issues	Parliaments			
	1990	1993	1997	2003
Finance	2	18	6	16
Taxation	1	13	10	14
Trade and Supply	3	10	4	12
Agriculture	1	6	4	8
Public Works	16	25	16	33
Social Affairs	3	20	10	18
Economics	14	18	13	25
Environment	-	7	3	5
Justice & Crime (Courts)	3	14	1	8
Defence & Security	7	7	1	4
Political Regulations	9	10	2	6
Foreign Affairs	4	2	1	6
<b>Total</b>	<b>71</b>	<b>150</b>	<b>75</b>	<b>155</b>

The second Parliament (1993), by comparison, witnessed two factors that made it active on constitutional legislation. The first was the declining power of the YSP after the 1993 election, which enabled the coalition of the GPC and the Islah to pass the necessary constitutional amendments. The second factor was the deterioration of the

economic situation to its worst state in terms of budget deficit, economic recession, unemployment, and inflation.

In the third Parliament (1997) broad policies have dominated parliamentary output. The removal of the YSP from power, forming a single-party (GPC) government for the first time since unification, and having a parliamentary majority have combined to shift the Parliament towards public policies.

The fourth current parliament has had two features. The first is the resemblance of the third parliament between 2003-2011. The second feature is shaped by the events since 2011 up to end of 2016 that somehow makes it similar to the first chamber.

The Yemeni Parliament does not usually get involved in early stages of the preparation of policy proposals made by the government, which diminishes parliamentary input. Parliamentary review of policies after their implementation would therefore create less change to the policy than scrutiny at earlier stages.

Linking Parliament's properties with policy output (Table 14) suggests a certain degree of relationship. For example, the first Parliament was appointed among loyal partisans, so that the MPs often knew what the government's policies would be through their parties in power. This led to most government policies being submitted to parliamentary scrutiny before implementation, thereby delaying, and sometimes impeding, policy implementation.

By contrast, because of the electoral and party system, many MPs in the next three Parliaments came from the non-partisan pool and when they affiliated to a party, they were less committed to the party policies. This made parties in general exclude their MPs from the process of policy making. Though MPs were still active, their activity became less effective in bringing about change, especially if the policies had been implemented during the parliamentary recess, using device such as presidential ordinances.

Another factor related to policy circumstances is the type of policy. The four Parliaments have responded actively when the policy is new or controversial, but passively when the policy is less controversial. For example, unification and democratisation represented both new and controversial issues in terms of how to approach them; therefore, the first Parliament was more active on these policies. Economic reform, on the other hand, represented the new and controversial issue for the next three Parliaments, so their activities were mostly shifted to this area. For further elaboration, many bills and presidential ordinances that were rejected by the first Parliament were reintroduced and passed during the next Parliaments.<sup>48</sup> This was not only because of changes in the political context, but also because these measures became less controversial politically and publicly, therefore, MPs became less interested in them.

## 3.2 Policy Effectiveness and Implementation

The importance of policy output depends on the degree of responsiveness of these policies to public need. Alleviation of poverty, providing fundamental services such as health care and education, and promoting the productive sectors such as agriculture<sup>49</sup> are the most urgently required policies. Effectiveness of policies approved by the Parliament can, therefore, be measured by their closeness to public needs.

Effectiveness means producing or approving the required policies and must be enhanced by implementation of the policies and relevant decisions taken by the Parliament. Implementation, however, is the task of the government, the bureaucracy, and the courts, and depends on the Parliament's power in relation to the executive. The four Parliaments differ in this regard according to their external context, strength or weakness of the executive, and cohesion of parliamentary parties as shown in (Table 15).

Table 15: Parliaments' Efficiency and Autonomy According to MPs' Attitudes (percentages)

Parliaments	Degree of Efficiency	Degree of Autonomy
1990	62.4 strong 20.1 moderate	58.4 high autonomy 20.8 reasonable degree of autonomy
1993	26.8 strong 61.7 moderate	48.3 high autonomy 40.3 reasonable degree of autonomy
1997	71.1 weak 12.1 moderate	47.0 low autonomy 22.8 reasonable degree of autonomy
2003	78 weak 5.2 moderate	54 low autonomy 15.8 reasonable degree of autonomy

However, two criteria have been adopted here in order to evaluate the degree of policy effectiveness and implementation: the type of policy output and the amount of money allocated for different categories of substantive policy.<sup>50</sup>

The balanced Parliament, a fragmented executive, and popular support all gave the first Parliament a reasonable level of efficiency in producing policies and pressing for their implementation. However, the completion of the merging of key institutions, in particular the armies, failed because it was beyond the capacity of both the government and the Parliament.

After the parliamentary elections in 1993, a new government presented its programme to the Parliament on 4 July 1993. On 2 August 1993, the Parliament requested the government to enforce the system of local governance, deal with widespread corruption, stop economic deterioration, reform the judicial system, and merge military and security forces.<sup>51</sup> The government failed to deliver all of these requests and it was soon replaced when the war broke out.

After the 1994 war, a new government was formed and presented its programme to the Parliament on 31 October 1994. On 15 November 1994, the Parliament bound the government to the following: to improve living standards; protect the environment;

solve the problem of confiscated properties in the south, which originated before unity; eradicate corruption; decrease government expenditures; annul the fees added illegally to electricity and water bills; submit the organization of Intelligence to the approval of Parliament; and pay special attention to health, education, and agriculture.<sup>52</sup>

During the course of the third Parliament and based on the FYDP, the government programme that was approved in June 1998,<sup>53</sup> and the state budget of 1999 showed that efficiency and implementation of public policies had further deteriorated. The Parliament formed an ad hoc committee to scrutinize the state budget of 1999. The committee concluded that the government was incompetent to administer the country,<sup>54</sup> finding that the government ignored the Parliament's decisions on financial, economic, social, and administrative issues.<sup>55</sup>

More seriously, the committee reported some revenues that never appeared in state budgets and that were spent for political ends.<sup>56</sup> In the same vein, there were non-itemised articles in the budget representing 30 per cent of the total expenditures; these came under 'central credit', an ambiguous category used as a loophole.<sup>57</sup>

The fourth Parliament has shown also a reasonable response to public demands and called in 2007 under a high media pressure to combat corruption and bring corrupt officials to justice. More importantly, in 2010 it forced the government to cancel the contract with Dubai over operating Aden seaport for alleged corruption, unjust contract and poor performance. Furthermore, in 2013 the parliament forced the government to review the price of Yemeni liquefied gas sold to the United States and South Korea under high public resentment for accusations of corruption, bribery and inappropriate contracts.

The four Parliaments were reasonably responsive to people's demands as reflected in the public policies they produced, though they differed in the pressure they exerted on the government for the implementation of the approved policies. The means of pressure on Parliament to influence public policies were voting, timetable of the chamber, and scrutiny in standing committees. In addition, each of the Parliaments used different means of oversight – reports, inquisitions, and questions. Despite this, implementation of the approved policies was a problem.

Nevertheless, since 1990 not even one government bill has been passed without amendment, and standing committees usually influence the government indirectly through providing information to the chamber and public media. For example, when the government submitted the local governance bill to Parliament, the loopholes in the bill found their way into the media, which led extra-parliamentary opposition to publish an alternative proposal, aiming that the government withdraw its bill.

Although the degree of Parliament's responsiveness to broad policies seems reasonable, the third and fourth Parliaments incline more to policy issues and have been less effective than their predecessors. However, all four Parliaments showed a lack of effectiveness on foreign and security issues. The implementation of approved policies

and decisions depends on the type of issue and the degree of weakness or strength of the executive. On security issues, the government has been unrivalled, especially on matters dealing with the core of power. On public policies, by contrast, there has been an inverse relationship between government response and the solidarity of the executive. During the first Parliament, when the executive was fragmented, the government responded to and implemented Parliament's decisions more frequently than it did during the followed three Parliaments, when the executive was more united.

### 3.3 Instability

The problem of implementation refers in part to the quality of legislation. Usually the government accepts Parliament's decisions but most laws produced by the Parliament need detailed explanatory by-laws, a task left to the executive. This gives the executive a very important tool with which to interpret the law and to play on words and manipulate the legislation. Time pressures and an overload of various bills also lead to superficiality and inconsistency in much legislation, which has had to be amended later, and this has created instability and confusion in the process of implementation. On the other side, as Carapico has noted, the government does not possess sufficient financial and administrative capabilities to exercise both hegemony and autonomy from domestic and foreign interests in order to implement national capitalist development.<sup>58</sup> Deviation of policies, redirection of resources, political instability, and the weakness of the state have led to growing corruption and further worsening of people's quality of life.

Regardless of the reasons behind the poor implementation of various policies, this has distorted the image of the Parliament and increased public frustration; therefore, the stability of the whole political system is threatened. Over time, this has provoked anti-parliamentary feelings. The people's support of the Parliament is linked to the satisfaction they obtain from the system's response to their demands. Support increases with increasing degrees of socio-economic improvements.

Attachment of support in Yemen to specific returns to people goes along with the character of parochial representation, which is compatible with the political structure, education and levels of development at large. In this sense, support can be measured by public support for the Parliament when it conflicts with the government over certain issues. Because of the political disputes that have occurred in Yemen since unification, issues have overlapped, and it is difficult to single out an issue without its being influenced by political dispute outside the Parliament. Therefore, it is better instead to measure people's support for the Parliament here by election turnout.<sup>59</sup>

Election turnout measures indicate that the support for the Parliament is declining not increasing. In comparison, the turnout of the three parliamentary elections held in Yemen were 84 per cent of eligible voters in 1993, 61 % in 1997 and 54 % in

2003. Declining public support is a dangerous indicator. If the decline continues, a move to curtail the Parliament by the executive would receive passive popular support, as happened in Sudan in 1989. The observation is that turnout was consistent with the degree of efficiency in the first three elected Parliaments; the turnout in the next parliamentary election remains to be seen. So far, the third and fourth Parliaments show less effectiveness than their predecessors. If this continues, assuming that other variables remain the same, the next turnout is expected to be less than 54 %.

## Conclusion

The Yemeni Parliament is dominated by poorly-educated, middle-aged, upper and upper-middle strata males. Personalism and localism predominate; however, because of economic austerity and political instability, national issues appear to be pre-eminent. Parochial characteristics are represented by the inherited political base and by the serving of local communities from outside Parliament through personal connections with bureaucracy. The Parliament did less than it could have done to consolidate its efficiency in public policy matters. There was clearly a missed opportunity during the first Parliament, when the fragmented executive gave it relative autonomy. The Parliament failed to free its own agenda from government influence and was deluged with poorly drafted government bills that impeded the Parliament in conducting balanced functions, where legislating preponderated over other parliamentary functions.

Though the Parliament in general was active on public policy, this activity depended on the type of issue and the degree of feasibility. Responsiveness, however, was greatly affected by selective implementation. Though policy implementation is the task of the government, the Parliament did not use different means of pressure effectively and had little experience in influencing the government in this aspect. The ability of Parliament to exert adequate pressure on the government for implementing the approved policies has also been decreased in proportional with the increase in power and solidarity of the executive.

The chamber was affected by exogenous and endogenous factors that reduced its autonomy and efficacy. Some practices of both the parliamentary presidium and the MPs have impeded the creation of common parliamentary traditions. The weak party organization and the pattern of recruitment to the Parliament provided little help in forming distinct parliamentary blocs. Consequently, it was difficult to predict the voting. Though this allowed room for individual discretion, it deprived the MPs of the power of collective bargaining against the government. In terms of legislative production and duration of billing, the chamber showed a strong co-relation with the political situation external to it.

The committee system enjoys little party control because of the prevalence of personal relations among MPs and weak party cohesion. This gives SCs room to do most of the work of the Parliament. However, although congenial personal relations are commonplace, personal influence is sometimes applied to redirect a committee's output by using rewards and sanctions. The activity of SCs is proportionate with the political stability of the country.

The link between the MPs and their constituents is based in essence on cultural and social principles that transcend and precede the Parliament. Historically, social figures used to act as intermediaries between citizens and the government. Since most MPs have a distinguished social and/or political status, they have continued to play the same role that they had before becoming MPs. Most demands were personal and responses to them were through informal channels via personal contacts with government officials outside the Parliament. The MPs have reproduced the traditional social and political intermediary role between the state and society.

As Parliament's efficiency decreases, policy implementation becomes distorted and socio-economic conditions worsen. In addition, public perception has become that the Parliament produces what it wants, and the government implements what it wants. In sum, to legitimize the political system, all disputed parties maintain the Parliament as it is today the only existing functioning legitimate body in the failed state.

## Notes

<sup>1</sup> For details of the power struggle see Ahmed A. Saif, *The Politics of Survival and the Structure of Control in the Unified Yemen 1990-97*, MA Dissertation, University of Exeter, 1997. Also Interview with Yasin Sa'id Numa'n, Speaker of the Parliament 1990-83 (former Prime Minister of the PDRY 1986-90), London, 12 February 2016.

<sup>2</sup> According to Ali Salim al-Baydh, the YSP Secretary General, 150 members of the YSP had been assassinated by late 1993. Quoted in Gerd Nonneman, 'The Yemen Republic: From Unification and Liberalization to Civil War and Beyond'. Chapter Four in Haifa A. Jawad (ed.), *The Middle East in the New World Order*, London: Macmillan, 1997, 2<sup>nd</sup> edn., p. 79.

<sup>3</sup> For details on the war see the BBC, World Broadcasting Summary (WBS) April 27-July 7, 1994. Also see Joseph Kostiner, *Yemen: the Tortuous Quest for Unity 1990-94*, London: Royal Institute of International Affairs, 1996, pp. 79-85.

<sup>4</sup> Interview with Mr. Justice Nageeb Shamiri, Cairo, 25 January 2016.

<sup>5</sup> *Al-Watheiqah*, issue 72, 15-30 June 1998, p. 9. To see, for example, the power and degree of the bureaucratic corruption, refer to the following official reports of the Central Organization for Control & Audit (COCA): report no. 2810, 28 August 1993, about financial embezzlements in the Ministry of Civil Services; report no. 37, 1 January 1997, to the Prosecutor General about faked salary lists in the Tax Council and; report no. 2930, 18 August 1998, about disappearances of 80,244 custom manifestos. The same report states that 98 parties have refused to present tax information in six governorates. In all these cases no single legal action has been taken against those who violated the law. It has been observed that the executive is being responsive to public interests whenever that does not harm the core interests of the ruling corporatist establishment. The president responded positively in many cases to the Parliament and the COCA, and he addressed the government to enforce the law against violations. For example, see the following president's letters to the Prime Minister: letter no. 839, 23 February 1995, regarding financial infringements in the Yemeni Oil Company; letter no. 6244, 24 August 1996, regarding administrative transgressions in the Yemeni Airways Company; letter no. 1655, 16 February

- 1997, regarding law violations during construction of (al-Asbahi city) housing project; letter no. 8933, 4 September 1997, regarding embezzlements in the Public Electricity Enterprise; and letter no. 11614, 27 November 1997, regarding administrative and financial violations in some public agencies.
- <sup>6</sup> Interview with Yasin Sa'id Numa'n, the Speaker of the Parliament 1990-93, London, 12 February 2016.
- <sup>7</sup> Interview with Abdullah Mahdi Abdo, leader of the independent parliamentary bloc, Sana'a, 20 December 1998.
- <sup>8</sup> *Al-Shura*, issue 296, 1 November 1998, p. 7. Also see COCA, *The Annual Report 1996/97*, Sana'a, 1998.
- <sup>9</sup> Interview with Abdullah A. Ghanim, Minister of Legal & Parliamentary Affairs, Cairo, 26 January 2016.
- <sup>10</sup> In this regard it does not differ from General Election Law No. 41/1992.
- <sup>11</sup> Robinson, Chris, *Voting Behaviour and Electoral Systems*, London: Hodder & Stoughton, 1998, pp. 63, 65. Also Interview with Sultan al-Barakani, leader of the GPC's parliamentary bloc, London, 24 August 1999.
- <sup>12</sup> Interview with Abdul-Rahman al-Jifri, Head of the RAY (League of the Sons of Yemen) party and President of the National Front for Opposition, London, 14 February 2016.
- <sup>13</sup> The Islah party, founded in 1991, is an exceptional case. It is organised along tribal and religious lines and had a well-established organization (Muslim Brethren) within the GPC during the pre-unification era. It also benefits from huge financial affluence provided by Saudis and is protected by influential tribal figures. Its financial capabilities and religious and tribal appeal all provide the Islah a broad electorate.
- <sup>14</sup> Toka, Gabor, 'Party Appeals and Voter Loyalty in New Democracies'. In Richard Hofferbert (ed.), *Parties and Democracy*, Oxford: Blackwell, 1998, p. 168. formula of electoral volatility in Yemen is:  $( [62.1-40.9] + [18.6-15.6] + [18.7-0.00] + [20.9-17.6] + [2.3-0.00] + [0.7-0.00] + [0.7-0.00] + [0.33-0.00] + [0.33-0.00] + [1-0.33] ) / 2 = 51.23/2 = 25.61\%$
- <sup>15</sup> These three presidential ordinances were: No. 62/1991 for establishment of the National Defense Council, No. 63/1991 for diplomatic passports, and No. 1/1992 for foreign trade. The published Parliament documentary series no. 1, 1998, mentioned that there were only two presidential ordinances submitted to the Parliament. However, based on the Parliament's records and the sessions minutes it has been found that there are another five passed presidential ordinances, which are listed in the Parliament series as bills. Moreover, the rejected or withdrawn 25 presidential ordinances had been ignored completely in the published documentary series.
- <sup>16</sup> To compare the GPC's standards for free and fair elections and democracy safeguards with those accepted universally see Guy S. Goodwin-Gill, *Codes of Conduct for Elections*, Geneva: Inter-Parliamentary Union, 1998; Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice*, Geneva: Inter-Parliamentary Union, 1994; The Inter-Parliamentary Union, *Democracy: Its Principles and Achievements*, Geneva: Inter-Parliamentary Union, 1998; and Michael Saward, *The terms of Democracy*, Oxford: Polity Press, 1998.
- <sup>17</sup> There were several bilateral party agreements, some to organize competition in determined constituencies, as the case was with the agreement signed on 25 January 1997, between the GPC and the Islah. Others provided guarantees of conducting free and fair elections, as the agreement signed on 8 March 1997, between the GPC and the YSP.
- <sup>18</sup> The National Democratic Institute for International Affairs (NDI), *The 1997 Parliamentary Election in Yemen*, Washington, DC: NDI, 1997, pp. 24-6.
- <sup>19</sup> The Prime Minister and the Minister of Religious Endowments resigned later for the same reasons. They said that bureaucratic interests impeded them of doing their tasks. See *al-Watheiqah*, issue 72, 15 June 1998, p. 9 and *al-Umah*, issue 70: 3 September 1998, p. 1.
- <sup>20</sup> For the argument of pro and anti system opposition, see Fred W. Riggs, 'Legislative Structures: Some Thoughts on Elected National Assemblies'. Chapter Two in Allan Kornberg (ed.), *Legislatures in Comparative Perspective*, New York: David McKay, 1973, p. 58.
- <sup>21</sup> Olson, David M. and Philip Norton, "Legislatures in Democratic Transition, *Journal of Legislative Studies*, 1:1, Spring 1996 (Special issue), pp. 1-15, p. 9.
- <sup>22</sup> See for example Blondel, J., *Comparative Legislatures*, New Jersey: Prentice-Hall, Inc., 1973, pp. 77-8, and Eliassen, Kjell A. and Mogens N. Pedersen, "Professionalization of Legislatures: Long-term Change in Political Recruitment in Denmark and Norway", *Comparative Studies in Society and History*, 20, 1978, pp. 286-318, p. 286.
- <sup>23</sup> The 1994 Census, quoted in Nasser, Abdo M. and Abdoraboh A. Garadah, *The Demographic and Social Characteristics of the Population in Yemen*, a paper presented at Conference on Yemen 'The Challenges of Social, Economic, and Democratic Development', University of Exeter, 1-4 April 1998, p. 1.



- <sup>24</sup> Ibid. Loc. Cit.
- <sup>25</sup> The 1990 Constitution, Article 42 (3), and the 1994 Constitution, Article 63 (2C). Despite this constitutional stipulation, the researcher came across an MP who failed to fill in his copy of the distributed questionnaire because, as the MP simply admitted, he does not read or write.
- <sup>26</sup> Businessmen are those who secure large commercial and industrial businesses; military men are those who are still ranking within the military forces but have suspended their status and will resume it after leaving the Parliament; employees include clerks and officials of the state and private sectors; professionals include lawyers, doctors, teachers, lecturers, and accountants; and politicians are full-time politicians. The *Shaykhs*, clergymen, and employees are intersectional groups and some MPs combine more than one occupation, but they were categorized based upon their primary occupation.
- <sup>27</sup> A phenomenon in Yemen for unemployed people or those who never hold job to say they are either farmers or employees.
- <sup>28</sup> Eulau, Heinz, *et al.*, "The Role of the Representatives", *American Political Science Review*, 53, 1959, pp. 742-56.
- <sup>29</sup> Ainsworth, Scott H., "Representation and Institutional Stability", *Theoretical Politics*, 9:2, April 1997, pp. 147-65, p. 148.
- <sup>30</sup> Quoted in Michael L. Mezey, "New Perspectives on Parliamentary Systems: A Review Article", *Legislative Studies Quarterly*, 19: 3, August 1994, pp. 429-41, p. 437.
- <sup>31</sup> Squire, Peverill, "Career Opportunities and Membership Stability in Legislatures", *Legislative Studies Quarterly*, 23:1, February 1988, pp. 65-82, p. 66.
- <sup>32</sup> Blondel, J., *Comparative Legislature...*, Op. Cit., pp. 86-7.
- <sup>33</sup> See Mezey, Michael L., "New Perspectives on Parliamentary Systems: A Review Article", *Legislative Studies Quarterly*, 19: 3, August 1994, pp. 429-41, p. 436.
- <sup>34</sup> Interview with Ahmed al-Kuhlani, a GPC MP and the rapporteur of the Public Services Standing Committee, Dead Sea, Jordan, 24 March 2016.
- <sup>35</sup> For example, the chairman of the Financial Standing Committee (GPC) has been rewarded by being appointed the governor of Lahij province for his efforts to pass the state budget 1998-99.
- <sup>36</sup> Wilson, Woodrow, *Congressional Government*, Gloucester, MA: Peter Smith, [1885] 1973, p. 69.
- <sup>37</sup> Eulau, Heinz and Vera Mccluggage, 'Standing Committees in Legislatures: Three Decades of Research', *Legislative Studies Quarterly*, Vol. 9, No 2, May 1984, pp. 195-270, p. 196.
- <sup>38</sup> Eulau, Heinz, 'Legislative Committee Assignments', *Legislative Studies Quarterly*, vol. 9, no. 4, November 1984, pp. 587-633, p. 599.
- <sup>39</sup> The party parliamentary bloc plays a crucial role in this regard.
- <sup>40</sup> This phenomenon was emphasized by a number of interviewees from different political parties: Yasin Sa'id Numa'n (YSP), Speaker of the Parliament 1990-93, London, 12 February 2016; Abdullah al-Ahmar (Islah), Speaker of the Parliament 1993-2007, Sana'a, 9 December 1998; Ahmed Sharaf-al-Din (Ansarullah), chairman of the Trade & Industry SC, Sana'a, 21 December 1998; and Muhsin R. Abu-Luhum (GPC), chairman of the Public Services SC, Sana'a, 2 January 1999.
- <sup>41</sup> By comparison, the average number of days of sittings per annum in the British House of Commons (1962-69) was 160, the US House of Representatives (1968) was 139, the French National Assembly (1966) was 75, and the Lebanese House of Representatives (1966) was 38. See Blondel, J., *Comparative Legislatures*, Englewood Cliffs, N. J.: Prentice-Hall, Inc, 1973, p. 156.
- <sup>42</sup> Researcher's observations from the public balcony of the chamber during December 1998 and January 1999.
- <sup>43</sup> Ibid.
- <sup>44</sup> Abdullah Mahdi Abdo, leader of the Independent parliamentary bloc, pints out that on 24 April 1995, the government's MPs withdrew from the chamber and the opposition then requested to vote in confidence, but the Speaker refused and suspended the session. Interview, Sana'a, 20 December 1998. See also al-*Wahdawi*, issue 175, 2 May 1995.
- <sup>45</sup> In reality most laws are made by the executive, the bureaucracy, the courts, and other bodies of the polity, and the Parliament contributes in making a bill become a law. This process of converting a bill into law may involve reconstructing the bill by amendments. The Parliament may make an important, even decisive, contribution to the performance of law-making for the whole polity, especially by legitimizing the law-making process.
- <sup>46</sup> Keefe, William J. and Morris S. Ogul, *The American Legislative Process*, Englewood Cliffs, N. J.: Prentice-Hall, 2<sup>nd</sup> ed., 1968, pp. 11-28.
- <sup>47</sup> Apart from border disputes and the release condemning and supporting statements, foreign affairs were among the least areas handled by the Parliament. Interview with Abdul-Aziz al-Dali, Minister of State for Foreign Affairs 1990-93, and Foreign Minister of the PDRY 1986-90, Abu Dhabi, 7 December 1998.

- <sup>48</sup> For example, the following measures were rejected but were later passed after re-introduction in subsequent Parliaments (square brackets indicate the date of re-introduction and passage of the measures): Prison Regulation was rejected in 1991 [1996]; Insurance Law 1991 [1996]; Telecommunication Law 1991 [1996]; Regulations for Residency of Foreigners 1991 [1996]; Law of Commercial Registration 1991 [1996]; Law of Intellectual Property 1994 [1996]; and Law of Juvenile Sponsorship 1992 [1996].
- <sup>49</sup> The agricultural sector employs most of the population. In 1996 (56.1 per cent) of the population worked in this sector. See the Food and Agriculture Organization of the U. N. (F.A.O), *The Annual Book*, 50, 1996.
- <sup>50</sup> See Council of Ministers, *The Government's Programme and the Parliamentary Review*, Sana'a, June 1990, pp. 51–69 and The Parliament, *Tagrir al-Lijnah al-Khasah bi-Dirasat Muwazanat al-Dawlah li-l-Sanah al-Maliyyah 1992* [Report of the Ad Hoc Committee on the Scrutiny of State Budget for the Fiscal Year 1992], parliamentary records, 2 February 1992, p. 1.
- <sup>51</sup> The Parliament, *Bayan al-Hakoumah al-i-Itilafiyah wa-Ta'geeb Majlis al-Nuwab* [Programme of the Coalition Government and the Parliamentary Review], parliamentary records, Sana'a, 2 August 1993, pp. 7–112.
- <sup>52</sup> The Parliament, *Barnamij al-Hakoumah al-A'am wa-Ta'geeb Majlis al-Nuwab* [General Programme of the Government and the Parliamentary Review] parliamentary records, Sana'a, 15 November 1994, pp. 73–95.
- <sup>53</sup> The new government of al-Iryani has the confidence of the Parliament based on its programme, which was approved by the Parliament in June 1998. See the government programme in 26 September, issue 806, 4 June 1998, pp. 8–9.
- <sup>54</sup> *Al-Wahdawi*, issue 351, 8 December 1998, p. 1, and *RAY*, issue 139, 8 December 1998, p. 7.
- <sup>55</sup> The Parliament, *Tagrir al-Lijnah al-Khasah bi-Dirasat Mashari'i al-Muwazanat al-A'amah 1999* [Report of the Ad Hoc Committee on Scrutiny of the Proposal of State Budget for the Fiscal Year 1999], parliamentary records, Sana'a, 3 December 1998, p. 7.
- <sup>56</sup> *Ibid.*, p. 23.
- <sup>57</sup> *Ibid.*, p. 24.
- <sup>58</sup> Carapico, Sheila, "Autonomy and Secondhand Oil Dependency of the Yemen Arab Republic", *Arab Studies Quarterly*, 10: 2, 1988, pp. 193–213, p. 209.
- <sup>59</sup> Legislative support could also be measured by apportionment index, legislative conflict, decision centralization, political opportunity, welfare expenditure, and political party competitiveness. See Samuel C. Patterson, John Wahlke, and G. Robert Boynton, 'Dimensions of Support in Legislative Systems'. Chapter 12 in Allan Kornberg (ed.), *Legislatures in Comparative Perspective*, New York: David McKay Company, INC., 1973, p. 306.