

# Teim



## OPEMAM Analysis

### ELECTION REPORT:

### OMAN/Consultative Council

15 October 2011

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#### Observatorio Electoral

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## Background to the elections:

Oman's Consultative Council elections were the third with universal suffrage to be held in the country, after those of 2003 and 2007. They took place following popular protests earlier in the year - the widest the Sultanate had experienced since the end of the Dhofar war in the 1970s. In a country where political associations are banned and civil society is notably less organised than in Bahrain or Kuwait, the 'Omani Spring'<sup>1</sup> was marked by the death of two protesters in the Northern town of Sohar in February and April. Repeated demonstrations and a series of two month-long peaceful sit-ins all over Oman called for pro-active measures to curb endemic unemployment and corruption among top officials, but also for the promulgation of a constitution replacing the current Basic Law and leading to a constitutional monarchy. These demands expressed the depth of the social and economic malaise of a country where 48 per cent of the nationals are under 20. In an initial attempt to appease the protests, arbitrary gestures of goodwill (an increase of the minimum salary by 43 per cent in mid-February; Sultan Qaboos' orders to establish a monthly allowance for individuals registered as job seekers and to create 50,000 new public sector jobs in late February) preceded two reshuffles of the Cabinet in early March and the removal of long-serving ministers widely perceived as embodying corruption and obstacles to reform. The Sultan also announced his intention to grant the bicameral Council of Oman greater legislative and regulatory powers.

Even if positively received, these measures had little impact on dulling the protesters' resoluteness. After the Saudi and UAE forces' entry in Bahrain on March 14, it became clear that the ruler did not intend to accept to break the absolute taboo on key political issues. The months of April and May showed that repression remained an active strategy to choke off dissenting voices: several hundreds of protesters were arrested; repeated intimidations and arrests of journalists and human rights activists occurred; Internet discussion forums were closed and a creeping militarisation of the territory was decided, as shown by the transformation of Sohar into a fortified city and the drastic increase of police controls on roads to the UAE. Also the sentence to jail terms of more than one hundred individuals (on charges of 'possessing material with the intention of making explosives to spread terror' or 'sabotaging and destroying public and private properties') were evidence of the dignitaries' incapacity to accept the legitimacy of the expression of alternative opinions (without accusing them of breaching public order).

Activists announced in July their intention to suspend their action during Ramadan but protests resumed on a smaller scale in September to demand the release of people arrested earlier. The election campaign itself coincided with the trial of the editor-in-chief and a reporter of the independent newspaper *al-Zaman* for publishing an article giving evidence of corruption in the Ministry of Justice.<sup>2</sup>

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<sup>1</sup> For more details, see S. al-Hashimi, 'The Omani Spring: Towards the break of a new dawn,' *Arab Reform Brief* 52 (November 2011), available here: <http://www.arab-reform.net/IMG/pdf/Omanenglish.pdf>.

<sup>2</sup> The Primary Court sentenced on September 21 Ibrahim al-Ma'amari, the editor-in-chief, and Yousef al-Haj to jail for five months for 'insulting the Minister of Justice and his undersecretary' and ordered the closure of the newspaper for one month. On December 31 the Appeal Court upheld the verdict.

## Quantitative indices of democracy:

Oman was classified in the following democratic performance rankings just before these elections:

Measurement	Name and year of report or database	Institution	Index	Points, ranking and classification
Political rights and freedom	<a href="#">Freedom House Report 2011</a>	Freedom House (FH)	PR: political rights CL: civil liberties	PR: 6, CL: 5 (Scale of 1, free to 7, not free) <b>Classification: Not free</b>
Degree of democracy in earlier elections	<a href="#">Polyarchy 2.0 2004 (referring to 2002)</a>	Peace Research Institute of Oslo and Tatu Vanhanen	ID: Synthetic democracy index, Part: participation, Comp: competition	ID: 0, max. 49 Part: 0, max. 70 Comp: 0, max. 70 (Democracy minimum: ID: 5, Part: 10, Comp: 30) <b>Classification: No open election held until latest report</b>
Consolidation of authoritarian and democratic institutions	<a href="#">Polity IV 2010</a>	Center for International Development and Conflict Management, Univ. of Maryland	Democracy: consolidation of democratic institutions Autocracy: authoritarian consolidation Polity: synthesis of both	Democracy: 0 Autocracy: 8 Polity: -8 (Scale of +10, very democratic to -10, very authoritarian) <b>Classification: Strongly authoritarian</b>
Perception of corruption	<a href="#">Transparency International Corruption Perception Index 2011</a>	Transparency International (TI)	TICPI: corruption perceptions index	TCPI: 4.8 points out of 10 (Scale of 1, very corrupt to 10, not at all corrupt) Rank: 50 out of 182 countries
Management of political and economic change	<a href="#">Bertelsmann Transformation Index(BTI) 2010</a>	Bertelsmann Foundation	MI: Management Index, quality of transformation management	MI: 4.58 points out of 10, Rank: <b>76 out of 128 countries</b> Classification: management with moderate success
Democracy, including press status and corruption	<a href="#">World Democracy Audit Dec. 2011</a>	World Audit	World Democracy Rank: political freedom (FH) + press and corruption (TI)	World Democracy Ranking: <b>85 out of 150 (division 4 out of 4)</b>

## Definition of the political system

Oman is a hereditary absolute sultanate in which the ruler holds concurrently the positions of Head of State, commander in chief of the armed forces, Prime Minister,<sup>3</sup> Minister of Defence and Minister of Foreign Affairs. According to the Basic Law promulgated in November 1996 by royal decree, the

<sup>3</sup> Except for a short period of time (1970-71) since he overthrew his father to access the throne in 1970, Oman has not had any other Prime Minister than Qaboos himself.

Sultan is “the symbol of national unity as well as its guardian and defender” (Art. 41). He promulgates and ratifies laws, appoints all judges and can grant pardons and commute sentences. His person is inviolable, respecting him is a duty, and his orders must be obeyed.

The Basic Law established that he is helped and advised by the Council of Ministers, to which is given the task of implementing general state policies determined by the Sultan. The Consultative Council of Oman, composed of an elected Consultative Council (*Majlis al-Shura*) and an appointed State Council (*Majlis al-Dawla*), can question service ministers and submit legislative proposals to – and amendments to laws prepared by – the Council of Ministers. The ruler can dissolve the Consultative Council and call for new elections within four months from the date of dissolving. Freedom of association is very strictly limited (Art. 33 of the Basic Law) and the establishment of political parties is prohibited.

## Electoral system

Oman has a plurality/majority electoral system, requiring a simple majority (First Past the Post).<sup>4</sup> No minimum percentage of votes is required as a threshold.

The Candidature registration period extended between March 26 and April 12.<sup>5</sup> All candidacies had to be registered at the *wali's*<sup>6</sup> office and receive the agreement of the election committee. Any national had the right to stand, provided that he/she is a native Omani (*bi-l-asl*) who has reached the age of 30 on the day of opening of nomination, is a “native of the *wilaya*” (*min abna' al-wilaya*) in which he/she is a candidate or owns a residence there and holds an academic degree not inferior to a general certificate. Former members of the Council can be nominated again without limits to the number of terms.

Voting is not compulsory in Oman. Any Omani over 21 who wished to exercise their right to vote had to register their ID card in the elections e-system before September 28. The local election committees drew up the lists of voters registered in each *wilaya* and submitted them to the Central Election Committee which was responsible for reviewing, approving and publishing the final lists.

Polling stations were organised on a uniform model all over the country. They were composed of several voting rooms (between 10 and 20, with one ballot box in each room). When voters presented their ID card (with fingerprints embedded on them) in the voting room, election staff<sup>7</sup> connected to the Ministry of Interior records electronically verified their inclusion on the voters' list of the *wilaya*. Then voters were asked to give their electronic footprint to see if they matched with the Ministry records. If not, they were asked to go to a special room where an official from the Ministry would accomplish necessary checks. Then they were given the ballot and signed the voters' list. In each room, there were confidential voting spaces where the voters could tick the name and picture of the

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<sup>4</sup> The names of the electoral systems are those used by IDEA, International Institute for Democracy and Electoral Assistance. For details, see the Electoral System Design on their webpage: <http://www.idea.int/esd/world.cfm>.

<sup>5</sup> An initial registration period was organised from January 22 to February 2. But due to the political tension in February and March, the Ministry of Interior decided the re-opening of applications, stressing that the candidates who already applied during the initial period did not need to apply again.

<sup>6</sup> The *wali* is the highest representative of the Ministry of Interior in the administrative district (*wilaya*).

<sup>7</sup> In order to avoid fraud, all election staff were working in a polling station in another *wilaya* than the one they are native of.

candidate on the ballot. After casting the folded vote in the ballot box directly, without an envelope, they left the voting room and the polling station.

When the polling station was closed in the evening, all boxes were sealed by an official from the Ministry of Justice (*qadi*) and sent to the Ministry of Interior in Muscat, where votes were counted electronically. Appeals could be submitted in a period of 10 days from October 15.

### **Impact of the electoral system (process) and size of the constituency:**

The 84 seats in the Consultative Council are elected in 61 administrative districts (*wilayas*). *Wilayas* with fewer than 30,000 inhabitants (38 in total) have one seat while those with more than 30,000 inhabitants (23 *wilayas*) have two representatives. In each *wilaya*, the (two) candidate(s) who obtain(s) the most votes is (are) elected.

The 30,000-inhabitant threshold which separates the one and two-seat *wilayas* remains very low. Thus, *wilayas* like Seeb (185,000 nationals) and Izki (36,000) send the same number of delegates each: two. On the contrary, Wusta (19,000) and Musandam (22,000) rural regions, composed of four *wilayas* each, are represented by four delegates. Without doubt, the Council remains a chamber where rural regions are dramatically over-represented because of the way its members are chosen.<sup>8</sup> A clear illustration is the Dhofar governorate (164,000 nationals), where nine out of eleven delegates are elected outside the town of Salalah, which hosts two-thirds of the total population of the governorate.<sup>9</sup>

There were 105 polling centres (at least one per *wilaya*) around the country open from 7am to 7pm. Omani citizens living in GCC countries were allowed to exercise their right to vote. Six Omani embassies and consulates in the GCC conducted the election process on October 8 from 8am to 6pm.<sup>10</sup> Members of local election committees and election staff were asked to vote on October 8 too.

### **Results**

Since political parties are illegal, all candidates stood in their own names, which appeared as such on the ballot: first name, father's first name, grandfather's first name, great grandfather's first name, tribe's name. Only 26 out of 51 candidates seeking re-election secured seats. Na'ama al-Busa'idi (Seeb *wilaya*) was the lone female winner.<sup>11</sup>

The final list of the winners of the elections can be found at ["Poll outcome shows tribal affinity" \(TEIM Election Watch, 17 October 2011\)](#).

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<sup>8</sup> This gerrymandering was implicitly acknowledged after the elections by Mohammed bin Sultan al-Busa'idi, chairman of the Election Supreme Committee, who, answering a question on why a *wilaya* like Seeb had the same number (two) of delegates representing it as *wilayas* having 30,000 inhabitants, said: 'We will do a survey and submit our findings to the authorities' (*Times of Oman*, 17 October 2011).

<sup>9</sup> Another extreme example is the *wilaya* of al-Sinayna (in Buraimi governorate), where 306 nationals live and one representative was elected.

<sup>10</sup> The authorities explained that it was not practical and feasible to open election centres in non-GCC countries due to the small population of Omanis residing outside the Gulf.

<sup>11</sup> Two female candidates were elected in 2003 and none in 2007.

## Qualitative analysis of the elections

### Participation:

The number of registered voters was 522,093 (but only approx. 518,000 had their ID card registered in the Ministry's e-system on the election day – 45% of them women), i.e. more than 60% of the nationals eligible to vote.

The Head of the Elections' Supreme Committee, Mohammed bin Sultan al-Busa'idi, announced that the turnout was 76.6%, with 397,000 voters actually taking part in the elections.<sup>12</sup> However this rate is misleading. Given that only 60% of the nationals eligible to vote registered, the effective total turnout can then be estimated at 46% – compared to 28% in 2007. A call on Internet to boycott the elections initiated by a fraction of political activists attracted low attention. The turnout was higher in rural regions, where solidarity and patronage networks are still strong, and among women and old people. Turnout rates appear to be more disappointing in the capital and in other urban areas, among men in general, and particularly among the younger generation and the educated. Only 3,993 and 7,720 people cast their vote in Bawshar and Seeb *wilayas* respectively, areas of rapid urbanisation inhabited by 73,000 and 185,000 nationals.<sup>13</sup> Voters residing in the capital were strongly encouraged to vote in their tribe's native *wilaya* through the organisation of the voting on a working day, and the granting of a day off without loss of pay on presentation of a certificate obtained in the polling station.<sup>14</sup>

### Competition:

In theory, the degree of competition for these elections was very high. A total of 1,306 candidates, 82 of them women, had initially filed in July their nominations for the elections. 1,133, including 77 women, were finally in the running for the seats. Seeb and Nizwa *wilayas* had 57 and 48 candidates respectively.<sup>15</sup> Nevertheless, these figures are misleading. While some of the candidacies were not approved by the election committees, a very significant number of candidates withdrew voluntarily. This was the result of agreements reached between candidates belonging to the same tribe in order to avoid the splitting of the group's vote. Even some 'primary' elections were conducted to choose the most popular candidate for the group and gather all the community's vote in his/her name. In many rural *wilayas*, at least half of the candidates had not campaigned at all. A total of 179 registered candidates received either one (55 of them) or zero vote (the remaining 124).<sup>16</sup>

### Transparency and fairness:

These elections were held in the presence of very few international media representatives and the government did not allow international observers to monitor the elections. The vote count was done using electronic machines

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<sup>12</sup> 'Lone Woman Elected to Oman Council,' *Agence France Presse*, 16 October 2011.

<sup>13</sup> The authorities never published figures for registered voters in each *wilaya*. This lack of transparency makes the calculation of the exact local turnout impossible.

<sup>14</sup> Interestingly, as the room where voters could get this certificate was accessible without the possibility to control if the vote had been actually cast, a number of individuals managed to get the certificate without voting.

<sup>15</sup> The *wilaya* of Shalim wa Juzur al-Hallaniyat (Dhofar governorate) had 39 candidates for 3,000 inhabitants.

<sup>16</sup> In Wusta region, only 12 candidates (out of a total of 60) received more than 3 votes. In Dhofar governorate (Salalah excluded), 77% of the candidates received less than 10 votes.

provided for this purpose. This system, which had been used in earlier elections, was supposed to guarantee the speed and efficiency of the vote count. Nevertheless many voters complained about delays in voting given that ID cards were not functioning because of scratches on the chip or non-registration of cards. The head of the Election Supreme Committee himself recognised that votes were counted manually in some wilayats due to technical snags; for instance “some of the ballot papers were not folded like they should have been. So we had to manually count them.”<sup>17</sup> A number of irregularities were observed, like the frequent violation of the ban on candidates being present near polling centres; the candidates’ teams of volunteers, who were allowed to assist voters, frequently took advantage of it to campaign. The Appeal Committee announced later that 39 candidates had filed applications to contest the results.<sup>18</sup>

Contrary to 2003 and 2007, when only the number of votes the elected candidates obtained was published, the vote cast for the defeated candidates was announced in 2011.<sup>19</sup> Nevertheless the authorities in 2011 never published official figures for turnout in each wilaya.

Many reports attest to the existence of bribes in order to attract undecided voters; these could be cash (up to 100 Omani Rials<sup>20</sup> for a person’s vote in Barka) or gifts (cell phones in Sur, etc.).<sup>21</sup> Candidates organised electoral tents where they distributed food for lunch and dinner for several weeks before the elections. Some also organised bus services, bearing their photo on the windscreen, to convey voters from their homes to the polling station on the election day. One human rights activist considers that, after their tribal or ethnic affiliation, the second most determinant element in the choice of the voter is the money distributed by the candidates.<sup>22</sup> The authorities turned a blind eye to these widespread practices.

#### Candidates’ representation and campaign debate:

Like in 2007, candidates were allowed to publish pamphlets and to place billboards, banners and posters announcing their candidacies in streets and public places. These advertisements were not allowed outside the *wilaya* from where the candidate was contesting. Advertisements and brochures could only have the picture of the candidate, his full name, address, CV, and academic and practical qualifications. The maximum number of billboards for each candidate was 20. They were also allowed to publish advertisements in the local press and on TV, and for the first time in 2011, to hold public meetings, in farms, halls or electoral tents. Many women candidates used the Oman Women’s Association local halls for the purpose. SMS, GPS mediums and Internet could be used to campaign.

Roundabouts and public places were decorated with banners, portraits and slogans of candidates, especially outside Muscat, but the attendance at campaign meetings and the number of electoral tents were extremely low. Campaigning

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<sup>17</sup> ‘14% Rise in Turnout Signals Poll Success,’ *Times of Oman*, 17 October 2011.

<sup>18</sup> ‘39 Appeals Filed Contesting Oman’s Shura Elections Results,’ *Gulf News*, 28 October 2011. At the time of writing, the Appeal Committee had not delivered its decision yet.

<sup>19</sup> The detailed results (with each candidate’s number of votes) can be found on the website of the Omani Ministry of Interior: <http://www.shuraelection.gov.om/ar/results.aspx>

<sup>20</sup> 1 Omani Rial = 1.95 euros.

<sup>21</sup> In some cases, candidates’ teams of volunteers had collected ID cards from voters days in advance and returned them to the individuals, in exchange for money, in front of the polling centre on the election day to be sure that they had not forgotten to come to vote (Author’s personal observation, Muttrah, 15 October 2011).

<sup>22</sup> Author’s personal interview, Muscat, 11 October 2011.

took place largely through door-to-door and personal networks. While newspapers were flooded with advertisements, even government ones usually did not dedicate more than one page to the elections over the last week of the campaign (except on the election day). Like in 2007, it was forbidden to tackle any general topic (like the role of the religion in present society, or that of the Council in the division of powers) or to present public promises or campaign together with a candidate from another *wilaya*. These limits prevented the elaboration of political strategies.

The lack of political divergence between candidates logically led voters to resort to tribal or ethno-linguistic solidarities, especially in rural areas where choice mainly followed lines of tribal belonging. Clientelism and personal relations were among the most important determinants of choice. The candidate's name itself conveyed his programme and defined by itself the social and political symbol the candidate embodied. Whereas old sheikhs have grown fewer and fewer in the new Council, their sons and nephews still occupy numerous seats in the assembly, especially among the representatives from the interior (Dakhliyya, Dhahira, Wusta) and from Musandam.

#### Openness:

The degree of openness in these elections was limited. Interestingly however, a series of activists who took part in the protests in Spring were elected, among whom are Taleb al-Ma'amari, in Liwa (Batinah region) while Salim al-'Oufi won the Izki seat (Dakhliyya) and Salim al-Ma'ashani won in Taqa (Dhofar governorate). Moreover, new members are more educated than in 2007 and better placed to engage in the technical work of considering the files submitted to them, and, for some of them, possibly more inclined to promote a more active role of the Chamber in the political system.

#### Significance:

The political significance of these elections was rather limited, especially because the practical implementation in the Basic Law of the Sultan's promises to grant the Council of Oman wider prerogatives, was only announced after the elections. Revealing is the absence of any members of the royal family, noble lineages of the ruler's tribe, or leading merchant families among the candidates.<sup>23</sup> This was due both to reluctance to involve the royal name in a 'vulgar' electoral game with popular voting and to the regime's unwillingness to face the implications of symbolic overinvestment in such candidatures: voters and observers would be tempted to interpret the results as a referendum on the authorities' general policies, which was inconceivable for the regime, especially after the Spring's events. These elections do not, in any case, question the legitimacy of the ruler, but instead that of all the local political elite.

#### **International political reaction and implications:**

As 'Britain's oldest friend on the Arabian Peninsula'<sup>24</sup> and an ally of the United States in the Persian Gulf, Oman under Qaboos has always enjoyed preferential treatment by the leaders of these countries. Unsurprisingly, like in

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<sup>23</sup> A notable exception is the winning candidacy in Sur of Sa'ad Bahwan, the chairman of OTE Group of Companies and youngest son of one of the leading Omani businessmen.

<sup>24</sup> *The Times*, 18 November 1974.

2007, international political reactions abroad to these elections were extremely rare, and the coverage of these elections in the international press was insignificant, apart from in the press of the Persian Gulf. This leniency has been a crucial element in the Omani government's strategy to legitimise, in both the international and the local political arenas, its more-than-slow reform path.

## Conclusions

Despite the lack of enthusiasm shown by Omanis in previous consultations and the widespread disenchantment towards a consultative body without real power, the turnout in 2011 proved much better than expected. Indeed, in order to calm the sustained mobilisation of intellectuals and human rights activists calling for the implementation of a constitutional monarchy, but also to emphasize his attentiveness to people's aspirations, the Sultan appointed in March seven former members of the Consultative Council to the Cabinet and promised to grant the Council of Oman wider legislative and regulatory powers. Unfortunately, like in 2003 and 2007, clientelism, tribal or ethnic affiliations and money offered by candidates were the most important determinants of voters' choice in 2011, due to the impossibility to tackle political issues.

One week after the elections, the ruler appointed by decree the new Upper Chamber, composed of the same traditional elite, chosen in their majority among the noble branches of the most prestigious tribes. It came two days after the long-awaited reform of the Council of Oman's prerogatives, which unfortunately fell far short of the expectations that it be transformed into a legislative body. The reform only expanded the consultative powers of the Council of Oman and decided the election of the Consultative Council chairman by the members of the chamber.

Both decisions have definitely illustrated the Sultan's unwillingness to allow questions of how the country will fare after him and, despite his promises, to go beyond what he fundamentally considers the red line - i.e. the centre of political power (combining executive and legislative powers) which remains his personal prerogatives, closed off to contestation. More generally, they have also consolidated the deep disillusionment of many 'Omani Spring' activists at the current leadership's capacity to answer the demands of youths and to take the full measure of the challenges that Oman is facing.

## References to other Internet analyses of these elections:

"Election See Record Turnout and Three Protesters Elected," *Economist Intelligence Unit*, 9 November 2011, available at:

<http://country.eiu.com/article.aspx?articleid=1818590366&Country=Oman&topic=Politics&subtopic=Recent+developments&subsubtopic=The+political+scene%3A+Election+sees+record+turnout+and+three+protesters+elected>

Ra'id al-Jamali, "Oman: Kind of Not Quiet?," *Foreign Policy*, 7 November 2011, available at:

[http://mideast.foreignpolicy.com/posts/2011/11/07/kind\\_of\\_not\\_quiet](http://mideast.foreignpolicy.com/posts/2011/11/07/kind_of_not_quiet)