



## MENA-CLS Project

The Arab Center for the Rule of Law and Integrity (ACRLI) is a regional, non-governmental and not-for-profit organization that works to strengthen the rule of law and integrity in the region through research, capacity building and advocacy.

With the support of the Middle East Partnership Initiative (MEPI), ACRLI is implementing the MENA Commercial Law Strengthening Project (MENA-CLS) in four MENA project countries: Lebanon, Tunisia, UAE, and Yemen, during the period 2008-2010.

Project activities include the preparation of a thematic study for each project country depending on the reform needs and priorities that have been identified in the earlier phase of the project. Each study is expected to focus on a specific commercial law theme with a view to contributing to related reforms through analyzing existing regulatory frameworks and examining the state of implementation. Ultimately, the study shall put forward a series of reform recommendations.

In order to ensure a comprehensive picture, ACRLI will work with specialized institutions to develop and implement a user-survey on each theme in the project country; this survey will inform the development of the study, and provide it with primary information on the subject matter

In the case of the Yemen, the study and the survey will focus on "contract enforcement".

The target audience of the survey will include four different categories: concerned government officials, members of the business community, members of the legal community, and users from the public.

Your response to the below questionnaire would serve as a main source of information to the drafting process of the thematic national report. Any information that you disclose will remain confidential and shall be used solely for professional purposes.



With the Support of the Middle East Partnership Initiative



**Section 1: Identification Sheet - Interviewer**

- |                           |                            |                        |     |
|---------------------------|----------------------------|------------------------|-----|
| 1.1. Country:             | _____                      | 1.2. Country Code:     | ___ |
| 1.3. Serial Number:       | ___/___/___/               | 1.4. Sub-sample Code:  | ___ |
| 1.5. Interviewer Name:    | _____                      | 1.6. Interviewer Code: | ___ |
| 1.7. Date of completion:  | ___/___/2009<br>DD/MM/2009 | 1.8. Number of visits: | ___ |
| 1.9. Supervisor Name:     | _____                      | 1.10. Supervisor Code: | ___ |
| 1.11. Data entry officer: | _____                      | 1.12. Data entry Code: | ___ |

**General comments:**

*(Please provide any useful information on the interview process: from initial contact until completing the questionnaire)*

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**Section 2: Identification Sheet - Respondent**

- 2.1. Name and Title of Respondent: \_\_\_\_\_
- 2.2. Gender  Male  
 Female
- 2.3. Address and contacts: \_\_\_\_\_  
*(email, telephone, mobile, address: city, street...etc)*  
*Business cards are required*
- 2.4. Age of Respondent:  less than 24  
 [25-34]  
 [35-44]  
 [45-54]  
 55 and above
- 2.5. Highest educational level achieved  Doctoral degree (PhD)  
 Post-graduate degree(MA/MS)  
 Under-graduate degree (BA/BS)  
 Other
- 2.6. Nationality: \_\_\_\_\_
- 2.7. Profession: \_\_\_\_\_  
*(provide a detailed description)*
- 2.8. Years of experience in this field: \_\_\_/\_\_\_/ years
- 2.9. Sector:  Private sector  
 Public sector  
 Other (NGOs, etc.), specify: \_\_\_\_\_
- 2.10. Sector of activity of your agency \_\_\_\_\_  
*(provide a detailed description)*



**Section 3: Business/Commercial Laws**

3.1. To what extent do you think that a culture of Business/Commercial Laws and Regulations exists and is respected in your country?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.2. To what extent are you familiar with Business/Commercial Laws and Regulations in your country?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

3.3. Do you consider your country's Business/Commercial laws to be business-friendly?

- Very unfriendly
- Somewhat unfriendly
- Neutral
- Somewhat friendly
- Very friendly
- No Answer or don't know

3.4. In your opinion, how often are Business/Commercial Laws and Regulations enforced?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.5. To what extent do you agree or disagree with the following statements?

*Use the coding system presented in the Show Card #1, here below:*

*Show Card #1*

<i>Strongly disagree</i>	<i>1</i>
<i>Disagree</i>	<i>2</i>
<i>Neither agree nor disagree</i>	<i>3</i>
<i>Agree</i>	<i>4</i>
<i>Strongly agree</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>



	Statements	Code
3.5.1	Access to information related to Business/Commercial laws and regulations is easy	___/
3.5.2	Interpretations of Business/Commercial regulations are consistent and predictable	___/
3.5.3	Business/Commercial Law reform is a priority for the national government	___/
3.5.4	Rarely do people have to resort to courts to resolve business disputes	___/

Using the provided show cards (Show Card #2 and #3), please give importance and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

3.6. To what extent are these factors important for economic growth and development?

Use the coding system presented in the Show Card #2 here below:

Show Card #2

Very low importance	1
Low importance	2
Average importance	3
High importance	4
Very high importance	5
No Answer or don't know	9

3.7. What is your degree of satisfaction of the status of current these factors in your country?

Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4
Very high satisfaction	5
No Answer or don't know	9

Factors	3.6. Importance	3.7. Satisfaction
1 Cooperation by central/local government with businesses	___/	___/
2 Simplicity of business licensing procedures	___/	___/
3 Transparency of laws and regulations	___/	___/
4 Enforcement of contractual and property rights	___/	___/
5 Customs (signing trade liberalization agreements)	___/	___/
6 Foreign trade regulations	___/	___/
7 Business friendly labor regulations	___/	___/
8 Business friendly environmental regulations	___/	___/
9 The level of income and profit tax rates	___/	___/





**Section 4: Thematic Section – Contract Enforcement/Debt Recovery in Yemen**

4.1. In your opinion, how important is Contract Enforcement/Commercial Debt Recovery for protecting investment and growth in Yemen?

- Very low importance
- Low importance
- Average importance
- High importance
- Very high importance
- No Answer or don't know

4.2. In your opinion, how often are arbitration laws enforced?

*Use the coding system presented in the Show Card #4, here below:*

*Show Card #4*

<i>Never</i>	<i>1</i>
<i>Rarely</i>	<i>2</i>
<i>Sometimes</i>	<i>3</i>
<i>Often</i>	<i>4</i>
<i>Always</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

4.3. Considering your country's legal system, how often do you associate the following descriptions with the court system in resolving business related disputes?

*Use the coding system presented in the Show Card #4, here below:*

*Show Card #4*

<i>Never</i>	<i>1</i>
<i>Rarely</i>	<i>2</i>
<i>Sometimes</i>	<i>3</i>
<i>Often</i>	<i>4</i>
<i>Always</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

	<b>Court System descriptions</b>	<b>Code</b>
4.3.1	Fair and impartial	___/
4.3.2	Honest/Uncorrupt	___/
4.3.3	Prompt	___/
4.3.4	Affordable	___/
4.3.5	Consistent/Reliable	___/
4.3.6	Able to enforce its decisions	___/



4.4. To what extent do you agree or disagree with the following statements?

Use the coding system presented in the Show Card #1, here below:

Show Card #1

Strongly disagree	1
Disagree	2
Neither agree nor disagree	3
Agree	4
Strongly agree	5
No Answer or don't know	9

	Statements	Code
4.4.1	Rarely do people have to resort to courts to enforce a contract	___/
4.4.2	I am confident that the legal system can redeem outstanding debt	___/
4.4.3	Interference impedes contract enforcement and complicates the debt recovery process	___/

4.5.1 In your opinion, where do you classify the contract enforcement legal framework in Yemen in comparison to Arab/neighborhood countries?

4.5.2 In your opinion, where do you classify the contract enforcement legal framework in Yemen in comparison to industrialized countries?

Use the coding system presented in the Show Card #5 here below:

Show Card #5

Near the bottom	1
Below average	2
Average	3
Above average	4
Near the top	5
No Answer or don't know	9

	Factors	Code
4.5.1	Contract enforcement legal framework in Yemen in comparison to Arab/neighborhood countries	___/
4.5.2	Contract enforcement legal framework in Yemen in comparison to industrialized countries	___/

Using the provided show cards (Show Card #2 and #3), please give importance and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

4.6. To what extent are these factors important for economic growth and development in Yemen, in terms of protecting investment and attracting foreign direct investment?

Use the coding system presented in the Show Card #2 here below:



*Show Card #2*

<i>Very low importance</i>	<i>1</i>
<i>Low importance</i>	<i>2</i>
<i>Average importance</i>	<i>3</i>
<i>High importance</i>	<i>4</i>
<i>Very high importance</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

4.7. What is your current degree of satisfaction with each of these factors?

*Use the coding system presented in the Show Card #3 here below:*

*Show Card #3*

<i>Very low satisfaction</i>	<i>1</i>
<i>Low satisfaction</i>	<i>2</i>
<i>Average satisfaction</i>	<i>3</i>
<i>High satisfaction</i>	<i>4</i>
<i>Very high satisfaction</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>



Factors	4.6. Importance	4.7. Satisfaction
1 A specialized commercial court (division)	___/	___/
2 Computer-aided case management	___/	___/
3 Judges limiting the number or length of adjournments	___/	___/
4 Alternative Dispute Resolution mechanisms	___/	___/
5 Electronic filing of cases and trial documents	___/	___/
6 Minimum threshold to appeal first instance judgments	___/	___/
7 Resorting to the cassation court does not suspend the execution of a verdict issued by the appeals court	___/	___/
8 Simplified procedural rules for uncontested cases or for cases with low financial value	___/	___/
9 Legal restriction on a judge's ability to engage in commercial activities	___/	___/
10 Legal obligation for judges to disclose their personal assets or business interests	___/	___/

4.8. *Contract enforcement is usually composed of the following three phases:*

- *Phase 1: Filing and service, which extends from the moment the plaintiff decides to sue until the defendant is served with process*
- *Phase 2: Trial and judgment, which extends from the moment the defendant is served with process, through the judgment, until time for appeal has expired*
- *Phase 3: Enforcement of judgment, which extends from the moment the judgment becomes final at the end of the appeal period until the moment the plaintiff obtains payment*

For each of the above mentioned phases of contract enforcement, please rate your degree of satisfaction with the number of procedures required, the length of time required, and the costs involved.

*Use the coding system presented in the Show Card #3 here below:*

*Show Card #3*

<i>Very low satisfaction</i>	<i>1</i>
<i>Low satisfaction</i>	<i>2</i>
<i>Average satisfaction</i>	<i>3</i>
<i>High satisfaction</i>	<i>4</i>
<i>Very high satisfaction</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>



	Contract Enforcement Phases	Code
	<b>Phase 1: Filing and Service</b>	
4.8.1	Number of procedures	___/
4.8.2	Time required	___/
4.8.3	Attorney's fees	___/
4.8.4	Direct and indirect general expenses (registration, ...)	___/
	<b>Phase 2: Trial and Judgment</b>	
4.8.5	Number of procedures	___/
4.8.6	Time required	___/
4.8.7	Attorney's fees	___/
4.8.8	Direct and indirect general expenses (expert fees, ...)	___/
	<b>Phase 3: Enforcement of judgment</b>	
4.8.9	Number of procedures	___/
4.8.10	Time required	___/
4.8.11	Attorney's fees	___/
4.8.12	Direct and indirect general expenses (registering judgment, organizing public sale, ...)	___/

4.9. Which instance do you prefer resorting to for contract enforcement?

- courts
- arbitration



4.10. We now want to ask your opinion about ‘unofficial payments’ to officials in this country. Please be assured that:

- We are interested in your opinion in a personal capacity
- We do not imply in any way that your company makes unofficial payments
- We recognize that your company as well as ‘name of implementing company’ neither approves of nor condones the use of unofficial payments
- The responses that you give will be aggregated and presented in purely statistical terms; any comments you give me cannot be attributed to either you or your company.

To what extent do you agree or disagree with the following statements?

Use the coding system presented in the Show Card #1, here below:

Show Card #1

Strongly disagree	1
Disagree	2
Neither agree nor disagree	3
Agree	4
Strongly agree	5
No Answer or don't know	9

	Statements	Code
4.10.1	It is common for parties to have to pay some irregular ‘additional payments’ to obtain the enforcement of their contracts	___/
4.10.2	Parties usually have previous knowledge regarding the amount of ‘additional payments’	___/
4.10.3	If a party pays the required additional payment, the service is usually delivered as agreed.	___/
4.10.4	If a government agent acts against the rules, I can usually go to another official or to his superior to get the correct treatment without recourse to unofficial payments.	___/
4.10.5	Refusing to pay ‘additional payments’ is costly for business	___/
4.10.6	Providing a paid legal option of expedited processing of transactions removes the incentives for bribery	___/

4.11. Please rate your degree of satisfaction regarding the following factors pertaining to the Yemen Center for Conciliation and Arbitration.

Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4



<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

	<b>Factors pertaining to this structure</b>	<b>Code</b>
4.11.1	General Performance	___/
4.11.2	Independence from political interventions	___/
4.11.3	Technical competence	___/
4.11.4	Enforcement authority	___/
4.11.5	Human and financial resources	___/
4.11.6	Coordination with the International Chamber of Commerce	___/
4.11.7	Coordination with regional Arbitration Centers	___/
4.11.8	Coherence between YCCA and Commercial Arbitration Laws	___/
4.11.9	Speed and prompt performance	



