



مؤتمر الحوار الوطني الشامل
— بالحوار نضع المستقبل —

Final Report for the Second Semester of the Working Groups
For the period from July 13- September 18, 2013

Submitted to the Final Plenary of the All-Inclusive National Dialogue Conference

(Independent Institutions and Special Issues)



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To The Conference's Plenary

Subject: Final Report of the second session of the Working Groups

Greetings...

The Independent Bodies and Special Issues Working Group wishes you all the best and sends you its high regards. The WG is happy to attach, herewith, the final report for the second term of the working groups which were conducted from July 13 - September 18, 2013.

Therefore;

Kindly peruse the report and issue a decision by the conference for the adoption of the decisions contained herein.

Best wishes

Fahed Kafayeen, Rapporteur

Ma'een Abdul-Malik Saeed, Ph.D, Chair



In the Name of God the Most Merciful, the Most Compassionate

Introduction:


The Working Group on Independent Bodies and Special Issues commenced its activities following the Mid-term Plenary of the NDC by developing a plan for the WG for the final session. Special activities for the preparation of the final report continued from July 13-September 18, 2013. All comments of the members and the constituencies made on the Mid-term report of the WG were accommodated. The WG also prepared a plan to complete the themes to be considered by the Working Group.

The WG focussed on setting guidance for the sub-working groups aimed at drawing conclusions for appropriate constitutional and legal guidelines for the establishment of effective institutional structure for independent bodies and to revive the existing institutions through legal provisions and recommendations reached by the WG. Following a series of intensive workshops, the WG hosted a number of experts and specialists in areas given to each sub-WG. The WG heard local experts in constitutional law which contributed to the arrangement of the outcomes of the working group in line with constitutional and legal frameworks in addition to a number of important recommendations.

Based on the pivotal role that national independent level bodies will play in the future to protect democracy and strengthen integrity, transparent and good governance, the WG developed a number of constitutional and legal guidelines as well as recommendations for the media, public service, endowments, Zakat, Ifta House, control organizations, the high elections commission, the political parties affairs commission, special bodies for specific groups and the human rights commission. The decisions reached developed legal determinants to organize the functioning of these bodies to ensure effectiveness of the role of these bodies within the State's administrative structure.

The WG also touched on environmental and social issues in-depth. The WG hosted experts on the environment, water and Qat considering that these are vital national issues. The WG reached a number of constitutional and legal guidelines and recommendations on these issues. These are considered a start for handling one of these important dossiers which will determine the future of development in Yemen. On issues such as guns, revenge and armed groups, The WG reached a number of decisions that puts a framework for solutions in a matrix of actions and recommendations. This is in addition to legal and constitutional provisions that will establish the foundations of a state of rule and law.

In conclusion, we would like to point out that the report finalized by the WG is a completion of previous efforts made during the first sessions using the same approach. However this time, details pertinent to each agency were inserted in addition to decision for the creation of



new independent bodies which received the consensus of the WG to create them due to the importance of enhancing their independence.

Goals of the Working Group

1- Overall Objectives

- Defining the basis and principles for the independence of bodies of special nature in constitutional and legal provisions.
- Defining the features of the overall vision and constitutional and legal direction to deal with social and environmental issues.

2- Special Objectives

- Strengthen the independent of bodies according to the laws regulating their functions.
- defining the tasks of independent bodies to ensure their effective performance as official bodies.
- Ensure clarity of functions of independent organization based on specific laws and legislations.
- Enhancement of transparency and partnership with society
- Develop frameworks to address water, Qat and environmental issues.
- Develop frameworks for addressing revenge, guns and armed groups issues.

Decisions by the WG presented to the Final Plenary of the NDC

The WG reached consensus on the guidelines, determinants and recommendations and agreed to submit them to the Final Plenary for confirmation and adoption by the conference.

1. General Provisions

1.1 General Provisions - Constitutional principles

1. The number of leadership posts in the independent bodies shall not exceed seven members. They are to be elected for one term and the adoption of a mid-term confirmation. The membership should be specializations, efficiency, integrity and experience. This should be regulated by law.
2. Ban on joint membership in the leadership of an independent body and any other positions.
3. Women shall be represented by at least 30% in the leadership of an independent body provided they have the required conditions and criteria.
4. It is permissible to establish independent bodies whenever there is a need and becomes necessary.

2.1 General Provisions - Legal determinates



1. Abolish all ministries of which powers are performed in their entirety by an independent body.
2. The future shape of the state shall be considered when establishing independent bodies.


3.1 General provisions- Recommendations

1. The specialized staff of the ministries to be abolished shall be distributed amongst the alternative independent bodies to be established according to needs and the remaining staff shall be distributed to other State's organs with full entitlements.
2. Regular monitoring and evaluation of performance is a necessary precondition for the development of the work of independent bodies.

2- The Media

2.1- Legal directives

1. The High Council for Press and Media shall be comprised of representatives of the public and private media organizations, specialized academics and relevant media CSO's. It shall be established in line with the general provisions for independent bodies and the law shall define its functions.
2. The High Council for Press and Media shall be responsible for formulating policies and develop strategic media visions, reform of the press and media sector (printed, visual, audio and electronic) and shall be keen to provide all legal and ethical guarantees to protect freedom of expression and freedom of the press and media, the right to access information and to protect diversity of the media, neutrality and professional integrity to ensure protection for democracy and human rights and national and religious values guaranteed by the constitution.
3. Grants full professional independence to the administrations of public media organizations.
4. The Council shall be responsible for the performance of the following tasks:-
 - a. Formulation of media policies in cooperation with various media organizations in a manner that supports economic, social, and cultural development and preserves democracy, human rights and national and religious values guaranteed by the constitution.
 - b. Restructuring and reforms of the public and media organizations, development of legal regulations that deals with description and classification of the journalistic and media profession and develop mechanisms and criteria for the selection of heads of press and media organizations - that takes into account qualifications, integrity and experience.
 - c. Follow-up on the implementation of the code of conduct and develop controls to ensure implementation and respect thereof.

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- d. Oversees the budgeting process of public press and media organizations, ratification and control over their financial and administrative reporting.
 - e. Regulates and issues licenses for newspapers, television channels and other mass-communications mediums and the right to take legal action against media organization violating existing laws and the code of conduct.

2.2 Recommendations - Media

1. Organization of a general convention for the press and the media engaging all stakeholders in the media to discuss all issues pertinent to the media and the press and to discuss suitable solutions with all parties in the media equation(printed, audio and visual and electronic media) to produce a code of conduct for the media.
2. Review the press, media and publications law to align it with the democratic change and transformation and the outcomes of the NDC.

3. Public Service

1.1 Public Service - Constitutional principles

1. Establishment of a fully autonomous civil service commission to maintain the efficiency and effectiveness of the public administration, the public service and to achieve fairness in the public service, through equal opportunities and development of the administrative organization. The law shall organize its make-up and function
2. A public pensions and social security public authority shall be established. It shall be fully independent to maintain the rights of the insured and develop them. The law shall organize the make-up, responsibilities and competencies of this body.

2.2 Public service - Legal determinates

1. The scope of competency of the public service commission shall be the civil service in all sectors of the State.
2. The national number shall be a pre-request for recruitment to the public service in the state in all its civilian, military and security institutions.
3. Amendment of the service law to include senior positions and shall determine the terms and conditions for filling vacant jobs, duration of the service and wages.
4. The commission shall take stock, classify and develop job descriptions for the public jobs according to its competency and responsibility, scientific terms for occupying such posts and in accordance with the organizational chart and objectives of each administrative body.
5. The law shall provide for movement of the salary structure to keep up with new economic development in society and to ensure a decent life for all staff indiscriminately. The government shall abide by that.
6. A job is a right for each citizen in accordance with the criteria for qualification, expertise, capacity integrity and education set-forth for the occupation of a public



service job. The principle of open competition shall be adopted in filling vacant posts in the light of such criteria.

7. Criminalization and punishment of those convicted of corruption or fraud related to job levels available.
8. Criminalization of politicization of the public service and partisan appointments.
9. The public service law shall include the following provisions:
 - a. Protection of the public servant from long-reach of the administrative leadership.
 - b. Accountability and prosecution of administrative leaders in violation of the law.
 - c. Protection of whistle-blowers and witnesses in reporting violations.
10. The General Social Security and Pensions Authority should be merged with the Social Security Corporation to make one organization. The new body shall take into consideration the structures of the new State.

3.3 Civil Service- Recommendations

1. The Government shall commit to speed-up the completion of the civil registry within a specific timeframe not to exceed three years in order to prevent double-dipping and to create a national database.
2. Use of ICT in the management of human resources of the State.
3. Activate the internal control system to implement the principle of reward and punishment and the evaluation of performance of the staff.
4. Development of a national strategy for the development and qualification of human resources to improve performance and efficiency in a manner that responds to the needs of the local labour market and capacities to compete in regional job opportunities.
5. Development of modern administrative systems of all state institutions and organization to meet the needs of society in service provisions and facilities.
6. Conduct a study on how to accommodate all pension funds in the Social Insurance and Pensions Authority to consolidate efforts and responsibilities and reduce financial costs.
7. Organization of a workshop to draft the law for the Public social insurance and Pensions Authority in which specialized experts shall take part in the light of international experiences in this area.



4. Endowments - Legal Guidelines


1. The Functions of the independent Endowments commission shall include the following:-
 - a. Protection of all funds, properties and endowments throughout the Republic, maintenance and repair of the damaged and dilapidated and managements in a manner that ensure the biggest benefit from endowments to fulfil the terms of the endowments as made by philanthropists.
 - b. Investment of the surplus revenues from public endowments in investment fields permissible by Islamic Shariya'ah for the growth and development of the financial resources to achieve an economic and social return to benefit endowments.
 - c. Increase awareness, enhance confidence and disseminate the endowment culture in society.
 - d. Spending of one fourth of endowments in development in a manner that doesn't contravene the intent of the philanthropists
 - e. Compile, register and document all endowments properties in an accurate and professional manner and require what has been plundered.
 - f. Create an opportunity for private contributions in endowment activities one of g new endowments, identifying the needs of the benefactors from endowments services, monitoring of performance of endowment institutions or maintenance of properties from neglect and mismanagement.
 - g. Construction of Mosques, up-keep, restoration, provision of furnishing and improvement of the status quo of the staff and remove the Mosques from use for partisan and sectarian conflicts.
2. Consistency of the law with the provisions of the Shariya'ah relevant to endowments and that the law shall provide for terms and conditions for endowment estates, exercise control over them and the need to comply with the terms and conditions of the philanthropists where such endowments are not to be mixed with other public or private endowments.
3. The law shall include clear provisions to enable the endowments to regain usurped properties in the past irrespective of the time that such acts have been committed.
4. Establishment of effective oversight, management and control structures in the endowment commission which will be responsible for the management of endowments affairs and protection by using modern and transparent methods and means to enhance confidence.
5. The commission should seek the advice of an advisory committee solely responsible in giving Shariya'ah opinions on the work of the Commission whenever sought.
6. The board of directors of the Endowments Commission shall be made up of specialists in economics, accountings and law and shall have members from the private sectors in accordance with the law.



5. Zakat Duties

5.1 Zakat Duties - Legal determinates

1. The Functions of the independent Zakat commission shall include the following:-
 - a. Achievement of the intents and provisions of the Shariya'ah for the Zakat duty with respect to revenues and spending.
 - b. Collection of all types of Zakat and spending on Shariya'ah spending items based on a contemporary and modern vision aimed at realizing real development ion society in a manner that attains the real intents of Shariyaah for this religious duty.
 - c. Oversee the activities of local Zakat organizations and how they collect Zakat resources and monitor and control the soundness of the management of such resources.
 - d. Propose the annual government support for social welfare in the public budget and how to distribute the support amongst Zakat bodies at the local level.
 - e. Collection of Zakat revenues from precious metals and business and the rest of the duty bearers who exercising their activities within the geographical scope of the headquarter and the branches located within a geographical area that covers more than Zata body and the distribution of the collected resources amongst the concerned local Zakat bodies.
 - f. Address problems and constraints facing local Zakat bodies and to circulate the Shariya'ah Fatwas(edicts) in the field of Zakat following their endorsement from the Board of Directors of the Authority and to follow-up on their implementation.
 - g. Enhance the development role of Zakat and invest surplus funds to attain the real intents of Zakat and the areas for spending as proscribed by the Shariya'ah as well as the social development objectives.
2. Alignment of the law with the provisions of the Islamic Shariya'ah provisions on Zakat and prevent Zakat funds with other public or private funds by activating controls.
3. The Board of Directors of the Zakat Authority shall be made up of specialists in the management, economics and representatives of the private sector(Zakatpayers) on terms and conditions to be specified by law. This composition shall apply to the local Zakat bodies in accordance with the law.
4. Criminalization of acts of abuse of Zakat funds for purposes such as partisan activities or nepotism towards parties or social figures or the like.
5. Government mechanism at the centre and at the local level working in social welfare and social security should be merged into the Public Zakat Authority or the local Zakat authorities with due consideration to reforms of current gaps in those mechanisms.

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6. The local Zakat bodies shall enjoy legal personality and shall be financial autonomous with branches at the district level.
 7. The authority should seek the advice of an advisory committee solely responsible in giving Shariya'ah opinions on the work of the Authority whenever sought.

2.5 Zakat Duty- Recommendations

1. Reform of the mechanisms and tools used for collection and spending Zakat funds to ensure growth and investment using a modern vision aligned with the provisions of the Islamic Shariya'ah and the causes to be covered by the expenditures.

6. Ifta (issuance of Fatwas -edicts.

Legal Directives

1. The independent House of Edicts shall include the following:
 - a. Issuance of religious and Shariya'ah edicts related to beliefs worshipping and daily transactions between people and other matters as provided for by the Islamic Shariya'ah.
 - b. Clarification of the Shariya'ah provision in matters presented to it and any other development in all facets of life.
 - c. Development of programs and plans needed to develop the issuance of edicts and Islamic research on public affairs aligned with the spirit of the times with preservation of the deep-rooted Islamic traditions.
 - d. Research, deduction and understanding of the facts with due consideration of the tolerant Islamic Shariya'ah intents which are fit for all times and places and reflection on the differences on Fatwas in changing times and place without violating the inherent principles of the Shariya'ah and by deduction of all views of the accepted schools of through.
 - e. Support for the unification of ranks amongst Muslims and highlight the tolerance and spirit of Islamic which is unique in moderation and fairness.
2. The Dar Al-Ifta should be made-up of Islamic Shariya'ah scholars representing various jurisprudence of Islamic schools and utilization of expertise from various fields such as (the economy, law, medicine, social sciences and others taking into account representation of women).
3. The law shall define the conditions required of a member in Dar Al-Ifta which amongst other conditions shall include:
 - a. Is adept to terms of diligence.
 - b. Shall posses higher education degrees in Islamic studies and Shariya'ah scholarship.
 - c. Should not be a member or affiliated to any political party or political organization or any political objective.
4. The Dar Al-Ifta shall have a general secretariat to comprise a number of administrative units and male and female researchers. The appointment shall be made




- by decree of the Dar Al-Ifta board in accordance with the terms and conditions of employment in the public services and through a vetting process.
5. An Islamic research complex shall be established to be attached to Dar Al-Ifta which should be informed by people with expertise and specializations and shall function to achieve the objectives of Dar Al-Ifta specifically:
 - a. In-depth and broad research in the various sections of Islamic studies.
 - b. Work for renewal of Islamic culture and to weed out the distortion with the objective of present the core and inherent values of Islam.
 6. Dar Al-Ifta shall take into consideration the special cultural characters of Maharah and Socotra.
 7. Fatwas issues by Dar Al-Ifta shall be collective and shall be subjected to discussion by all members.
 8. Criminalization of Fatwas that accuses Muslims of heresy whether they are individuals or groups.
 9. It is not permissible for any individual or body to issue Shariya'ah Fatawas on public matters other than Dar Al-Ifta and the law regulating this matter.

7. Control Organizations

7.1 The Central Control and Audits Organization- Legal Directives

1. Establishment of a tender and procurements control sector at the Central Control and Audits Organization(COCA) and dissolve the High tenders and Procurements Control Board. A mechanism for monitoring government procurement and tenders shall be installed and should be compatible to the shape of the future State.
2. Reconsider the control legislation framework and remove and conflicts between such legislation, specifically the laws of COCA, the Supreme National Authority for Combating Corruption(SNACC) and the Public Prosecution. Remaining legislation should undergo the same review.
3. The law should regulate complementation and coordination of functions of control organizations to enhance the strength of financial and control systems, specifically between COCA and SNACC
4. Establishment of a High Council on Accounting and Audits Standards to contribute to the development of the accounting and auditing profession.
5. Creation of regulatory bylaws that require planning and strategies where visions, missions, objectives and responsibilities shall be defined and anticipated role and outcomes are set-out for leaderships to enhance the principles of accountability to serve as a reference for any objective evaluation.

7.2.1 The Supreme National Authority for Combating Corruption- Legal Directives

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1. Reformulation of the national strategy to enhance values of integrity, transparency and accountability first and foremost and fighting corruption with effective national community participation.
 2. Lift restrictions on the confidentiality of financial disclosures and assessing them during change of postings. Specialized anti-corruption courts should be established to be staffed with judges with known integrity and courage and guarantee the enforcement of its judgements to achieve the needed deterrent.
 3. Remove the duplication in investigation of cases between SNACC and the Public Prosecution.
 4. Issuance of the law on witnesses and informants protection

7.2.2 The Supreme National Authority for Combating Corruption- Recommendations

1. Activation of the Right to Access Information Law to enhance the role of the media in fighting corruption within professional and ethical controls.

7.3 The Yemeni Central Bank- Legal Directives

1. Separation of the treasury functions from the Central Bank and the application of the public treasury system.
2. Repeal any legal provision in conflict with the Central Bank Law.
3. Assignment of an independent auditor from outside the government to audit the work of the Central Bank.
4. Criteria for nominations to the board of directors of the Central Bank of Yemen:-
 - a. The candidate should possess a university degree or a post-graduate degree in finance, economics and at least thirty years of experience for the governor and fifteen years for the members of the board.
 - b. Should have experience in leadership, should have held a leadership post and has an in-depth understanding of economic, fiscal and monetary policies, particularly governance and experience in financing, accounting, banking operations, payment systems, strategic planning, risk management, internal controls and instructions of the Central Bank.
 - c. Commit to professional practice and shall have no self interest that conflicts with duties and impact on neutrality in deliberations and decision-making.
 - d. Shall possess leadership skills and capacity to manage disputes, dialogue and communications with everyone, particularly relevant banking and economic institutions.
 - e. Criteria for selecting leaders for independent bodies shall apply to the candidate for these posts.
 - f. Shall be proficient in the English Language.

7.4.1 The High Authority for Education, Training and Scientific Research- Constitutional guideline


Establishment of an independent high authority for education, training and scientific research.



7.4.2 The High Authority for Education, Training and Scientific Research- Legal guideline

1. The High Authority for Education, Training and Scientific Research is responsible for the development and determination of the national policy for education, training and scientific research. It should translate public policy into integrated sub-strategies to cover all types and stages of education, training and scientific research and follow-up on the implementation of policies, strategies and sub-strategies. It should put in place national mechanism and standards to ensure quality education, training and scientific research in a manner that ensures sustainable development of human capital.
2. The Executive Authority shall be responsible for the implementation of strategies and polices determine and evaluated for educational, training and scientific research institutions by providing funding and required investment and to diversify sources of funding for the,. It should create effective community participation programs with the community on the one hand and with educational training and scientific research institutions on the other.
3. The Authority should prepare and monitors the implementation of a system and a framework for certification and qualifications by defining different tracks for enrolment in educational institutions and scientific research with a focus on continuous education.
4. The Authority will develop policies and implementation mechanism to implement scaling up of scientific, technical and professional competencies through the establishment of universities and colleges specializing on applied sciences and technology.
5. The Authority should develop policies and mechanism to promote and fund scientific and applied research linked to development and to share in financing the scientific research Fund managed by the Government and the private sector and society at large.
6. The Authority should development policies and mechanisms to strengthen board of trustees of higher educational institutions and shall have representatives of civil society and the private sector in its board based on their qualifications.
7. The Authority has the Academic certification and Quality Assurance Council under its supervision.
8. The Authority shall develop and monitors selection criteria for the heads of educational and research institutions which should be based on a good reputation, leadership and professional capacities which enable them to perform the role entrusted to them.
9. Merger of all agencies responsible for sending students abroad.

7.5.1 The High Authority for Specifications, Measurements and Quality Control- Constitutional guideline



Establishment of an independent authority for specification, measurements and quality control having the appropriate infrastructure to ensure the health and safety of consumers and the environment and supports the national economy.

7.5.2 The High Authority for Specifications, Measurements and Quality Control- Legal guideline

1. The Executive Authority shall commit to the establishment of branches and offices for the Authority at customs posts and equip them with required laboratories for testing and evaluation.
2. The Executive Authority shall be responsible for control over markets and monitors the extent of compliance to specifications and measurements.

7.6.1 The High Authority for Food and Drugs- Constitutional guideline

Establishment of an independent Authority on Food and Drugs to take up the responsibility of food and drugs policy formulation and ensures the quality and safety of food and drugs.

7.6.2 The High Authority for Food and Drugs - Legal guideline

1. Issue a law on pharmaceuticals and medicine.
2. Coordination of efforts together with executive authority to control food and drugs.
3. Issue a law that criminalizes the smuggling of all types of food and drugs.
4. Criminalization of offering or selling expired food or drugs.

7.7.1 The Central Statistics Organization - Constitutional guideline


A central organization for statistics should be established. It shall be responsible for statistical data collection and presentation to end users and decision-makers in a credible and objective manner.

7.7.2 The Central Statistics Organization - Legal guideline

- Foster a unified statistical system that fulfils the needs of decision0makers and data users.

7.8 The Yemeni Council for Transparency in the Extractive Industries- Legal guidelines

1. The annual budget of the Yemeni Transparency Council should be covered by the States budget and any support to the council should flow into the State's Public Budget.
2. The law shall define the scope of detailed disclosure in the Yemeni report on transparency in the extractive industries to ensure full application of the decree establishing the Council.
3. The Council shall be established from amongst qualified staff of experience and integrity for a three years term with a maximum of two terms in service.

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4. The Council shall submit its report to control organizations, the legislative authority and the Council of Ministers. It shall make its reports available to the public.

7.9 Control Organizations- Recommendations

1. Fostering modern financial systems for the State's Public Budget that shows the return, net and benefit of budgetary expenditures such as performance budgeting and project-based budgeting.
2. Activation of the Internal Control Law number 5 for the year 2010.
3. Review of the establishment of autonomous funds and their laws.

8. The High Elections Commission

8.1 The High Elections Commission- Legal guidelines

1. Oversee media activities during elections and referendums to ensure neutrality.
2. Introduce a cap on spending by candidates on their elections campaigns
3. Oversees and monitors the spending of public funds and to prevent illegal funding for use in campaigning.
4. Periodic updating of the electronic voters registration system by relying on the national number.
5. The High Elections Commission shall be given the right to select its own staffing on the basis of qualification, integrity, independence and non-partisanship. It should advertise vacant posts and select the staff on the basis of a vetting process under the oversight of the public service organization.
6. The High Elections Commission shall develop the criteria of selections of members of oversight and main committees by choosing persons who possess the right qualifications, integrity, independence and neutrality.

8. The High Elections Commission - Recommendation


- Preparation for a workshop to explore the importance of establishing a sector in the Commission for overseeing and exercise control over elections campaign and elections spending.

9.1 The Party Affairs and Civil Society Organizations Commission- Constitutional guideline

1. An autonomous authority shall be established for political parties and civil society organizations affairs.

9.2 The Party Affairs and Civil Society Organizations Authority- Legal guideline

1. The Authority shall comprise two departments: The political parties and organization department and the civil society organizations department.

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2. The authority shall be responsible for screening of applications for the establishment of political parties and organizations and the registration of civil society organizations to verify that they meet required conditions as specified by law.
 3. The Authority shall be responsible for following-up on compliance of political parties and organization to the legal controls and the standards of integrity and transparency in accordance with the law.
 4. It's not permissible to dissolve any political party or organization or a civil society organization unless by a conclusive court judgement.
 5. The Authority shall be responsible for capacity building of civil society organizations to enable them to perform their role as an effective partner in community development.
 6. The Authority shall work to create a national database of all political parties and organizations and civil society organizations.
 7. A ban on the establishment of any political party or organization on the sectarian, regional or factional ground.
 8. Put in place controls and criteria and monitors the funding of political parties and organizations and civil society organizations internally and externally.

9.3 The Party Affairs and Civil Society Organizations Commission- Recommendations


1. Organization of a special workshop to review the civil society organizations law. Specialists and experts should participate in the workshop to formulate the main outlines of a law to regulate the organizations by avoiding restrictions and regulates the funding of these organizations.
2. Amendment of the political parties law to allow freedom for the formation and establishment of political parties removed from any form of arbitrariness.

10 Special Commissions for relevant groups

10.1 The High Council for Youth - Legal guideline

The High Council for Youth shall be responsible for:-

1. Formulation and development of a national youth policy aiming at building a capable, effective and active Yemeni generation that participates in the building and development of society.
2. The National Council shall consult and coordinate with the Executive Authority to development and fund interim strategies and national programs for youth to achieve the development goals defined by the High Youth National Council within the framework of implementation of public policies.
3. The Council should follow-up on the role of the Executive Authority to implement related strategies and programs and report on progress periodically. It should evaluate such strategies and programmes on a timely basis at all levels.

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4. The High National Youth Council shall guarantee equal representation of male and female youth on the basis of qualification.

10.2 The High Council for Youth - Recommendation


1. A special workshop should be organized to prepare the law for the establishment of the High National Youth Council which should include the structures of the council, conditions for nominations and defines the age of youth which would be targeted by the Council.

10.3 The National Women Authority - Legal guideline

1. The National Women Authority shall guarantee equitable representation of youth on the basis of the qualification.
2. Tasks of the National Women Authority:-
 - a. Formulation of public policies in the area of women affairs development in constitutional and legal institutions and follow-up on their implementation with competent authorities.
 - b. Propose amendments to legislations dealing with women and comment on draft legislations and decrees needed for the advancement of women.
 - c. Follow-up on the enforcement of legislations, regulations, decrees and international agreements relevant to women which have been ratified and the programs adopted in government plans and programs to ensure that they are implemented.
 - d. Ensure representation of women in all commissions and international circles on women affairs.
 - e. Formulation of a draft national plan for the advancement of women and to address the social, political, economic and cultural issues women face.

10.4.1 The National Authority for Persons with Disabilities - Legal guideline

1. Tasks of the National Authority:-
 - a. Suggest laws, formulates policies and determines strategies for the welfare of persons with disability and to follow-up on implementation at all levels.
 - b. Follow-up on the implementation of international and regional agreements on the affairs of persons with disabilities.
 - c. Guarantee the rights of persons with disabilities and ensure equal opportunities and effective political and intellectual participation in society without discrimination under any justification whether gender, age, color, type of disability, sect or any other justification.
 - d. Pass a law that criminalizes beggary by using and exploiting persons with disabilities.

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- e. The need to engage persons with disability- those with qualification and experience - by at least 50% in the administrative board and the executive board of the authority.
 - f. The Authority shall accommodate the classes of disabilities (mobility, mental, audio and visual impairments, and war veterans) in the specialized departments and shall work for the welfare of these classes in an equitable and balanced manner.

10.4.2 The National Authority for People with Disabilities- Recommendations

- a. Coordination between all rehabilitation centres, organizations, unions and federation working in this area with the objective of unifying welfare and rehabilitation effort for persons with disability.
- b. Creation of a national economic policy to be submitted to the State for the provision of local qualified staff and training and qualification centres as well as specialized hospitals for persons with disability. The Authority has the right to oversee the implementation and progress of work in these institutions.
- c. Review the special law on the welfare Fund for Disability so that the Authority would have the legal basis for oversight over the Fund.
- d. Obligate the State to facilitate access to persons with disabilities in all State institutions and facilities.

10.5.1 The High National Authority for Motherhood and Childhood - Legal determinates:-

- 1. The Authority shall be responsible for:-
 - a. Formulation of public policies relevant to motherhood and childhood affairs in all areas (educational, cultural, health, social and psychiatric) and follow-up on implementation in the light of reports submitted from the competent agencies and issuance of recommendations.
 - b. strengthening of moral values which embodies the status of mothers and the family and role in society through raising social awareness on the needs, issues and challenges of motherhood and childhood to promote support by public opinion on these issues.
 - c. Coordination and cooperation with all official sectors and civil society organizations concerned with motherhood and childhood locally, regionally and international with the objective of creating the required balance and integrations between these sectors.
 - d. Creation of a database for the provision of information, statistics and studies on motherhood and childhood affairs at the national level and evaluate indicators and results reached.
 - e. Contribution in the provision of family stability for women and children through the provision of guidance and counselling services on family matters to address problems faced by women and children.



10.5.1 The High National Authority for Motherhood and Childhood - Recommendations:-

1. Criminalization of violence against women in any form or shape as well as children since violence degrades the human soul and produces a battered generation.
2. Establishment of rehabilitation institutions to support the family units and make pre-marriage tests mandatory (physiological, social and psychological tests) to protect the family from being infected from different hereditary diseases and family disintegration.
3. Define a safe age for marriage to protect minors.
4. Creation of study tracks for family medicine specializations in universities.

11. The National Human Rights Authority

11.1 The National Human Rights Authority-Legal determinants

Functions of the Authority:

1. Exercise a control role on the performance of the executive branch or any other relevant agency in the area of human rights.
2. monitor local conditions of human rights including (monitoring the performance) of security agencies, the police and the judiciary to verify compliance in the application of national and international standards for human rights. It should be granted powers for inspection.
3. Receives complaints and reports on human rights abuses and follow-up on such cases with the Public Prosecution and the Judiciary if such complaints and reports involve abuses of rights and freedoms.
4. Play a bigger role in special situations and extraordinary crisis and evolving emergencies that maybe experienced by the country with respect to human rights.
5. Submission of recommendations to competent authorities, specifically on amendments and reforms of legislations, regulations, and administrative practices, particularly if they are the source of the challenges faced by those petitioning the Authority in their attempts to assert their rights.
6. The Authority shall be responsible for coordination between the society and its organizations and the State and shall be a neutral forum for serious dialogue to ensure the protection and promotion of human rights.
7. Provide accessible means of communication with the Authority and its offices and educate the public on the services it provides and how they benefit them.
8. It should assist the state to fulfil its international obligations through actions adopted by the Authority to ensure that the States implements its international obligations and commitments with respect to human rights.
9. Submit an annual report on human rights abuses to be published in the media and to be presented to the legislative authority.



11.2 Recommendation- For the Human Rights Commission

1. Affirmation of the link between human rights and rule of law and administer justice and reparation for victims to prevent impunity and reform of judicial and security institutions including the police and prisons system. An accountability mechanism should be created to ensure compliance with international standards of law enforcement.
2. Organization of workshops for specialists and workers in this area to suggest mechanisms for the formation and functioning of the Authority, structures and regulatory legislations.
3. Raise awareness of individuals in Yemeni society on human rights as guaranteed by Islam thorough the various mediums.
4. Follow-up on Yemeni emigrants cases with rights dimensions.

12. Environmental Issues

12.1.1 Water- Constitutional principles

- Water is fundamental human rights. Each citizen has the right in obtain safe water in sufficient volume for drinking purposes at reasonable prices and for domestic use. The State shall be obligated to realize that.

12.1.2 Water - Legal determinates

Legislate a water law that provides for:

1. The State fosters the water issue as a strategic issue of national security significance.
2. Water is a nature resource owned by the State and consequently carries a price.
3. Criminalization of drilling of water wells without an official license.
4. The State's administrative division should take into account the hydrological structure.
5. Equity of water allocations and priority for drinking water and food security crops.
6. Linkage between sanitation projects and improved water systems.
7. Criminalization of the depletion of water and pollution of water.
8. Foster a strategic planning method in planning, policy-making and implemented through fully funded plans and programs.
9. Consolidation of water resources management responsibilities.
10. Establishment of specialized research institutions. Adoption and benefit from their outputs and which shall be entered into a database.

12.2.1 Environment- Constitutional principles



1. The Authority shall be responsible for oversight and control over the environment system and shall guide human behaviour to meet the needs of environmental protection. It shall have the capacity to identify and categorize violations and abuses against the environment and collect evidence of such violations. It should enjoy the right to control and impose immediate penalties on simple violations
2. The State shall guarantee environment protection and preservation of its elements, ecosystems, natural balance and the preservation, development and sustainability of its natural resources and biodiversity.
3. The environmental legislative framework should regulate institutional action and define its role in environmental protection. It should ensure the introduction of the principal of economic cost of environmental degradation in national accounts. The legislative system should be practical and clear to meet the need for environmental protection.
4. The islands of Socotra have a unique environmental and cultural distinction. The State shall protect such distinction and diversity and shall protect it through legislations.

12.2.2 Environment - Legal determinates


1. The Authority should have control tools to ensure effectiveness.
2. Establishment of special court departments specializing in environmental cases.
3. Criminalization of import and smuggling of poisonous pesticide or trade in such substances.
4. Criminalization of allowing entry and burial of poisonous waste in the country.
5. The establishment of factories, power stations, high voltage towers and telephones shall be prohibited in population centres. Industrial zones shall be established outside population centres where home construction should be prohibited.
6. Criminalization of acts of pollution of the environment using the principal of pollutant pays.
7. Development of national buildings laws to include (green code) compatible with the controls and conditions for the application of the minimum standards of green buildings and alignment with regional legislations and standards in these areas. The aim is to protect water and save energy, water and natural resources to achieve sustainable development.

12.3.1 Qat- Constitutional principles

Qat is a social, economic and health plague. The State shall commit to banning its cultivations or the cultivation of any other harmful crop. It shall get rid of any cultivated areas by replacing it with crops that contribute to food security.

12.3.2 Qat - Legal determinates

1. Organization of the Qat markets outside the peripheries of cities.

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2. Ban consumption of Qat in public place and places of work, transportation, universities and security and military institutions. etc.
 3. Partial replacement of Qat cultivation at a rate of (10%) annually with other viable cash crops.
 4. Ban use of pesticides in Qat cultivation.
 5. Gradual increase of taxes and adjustment of the collection mechanism.
 6. Ban Qat cultivation in water basins where the water situation is critical and to get rid of cultivated areas immediately and in an urgent manner.


12.3.3 Qat- Recommendations

The State shall adopt an integrated national strategy to do away with Qat. The implementation of the strategy should start with a gradual plan introducing measures and actions during fixed and specific timeframes as follows:

1. Ban expansion of Qat cultivation
2. make it compulsory for farmers to use modern irrigation systems.
3. Compensation to farmers and workers in the sector.

12.4 Water and Qat - Recommendation

1. Benefit from the remote sensing technology and GIS to update data and information on crops, local water resources and national water resources to increase the accuracy of water indicators in the future.
2. Establishment and development of a comprehensive and unified database to be accessible to everyone that supports planning and monitoring water resources and crop production.
3. Launch a program for smart information and communication technology (advanced) to support farmers and those providing consultant services to farmers on irrigation management in the farms.
4. There is a need to focus on capacity building to support planning for water resources management and the fostering of a clear and specific working mechanism for the management of foreign funding.
5. Political parties shall be obligated to include water and environmental issues in their programs.
6. Engage the private sector and civil society in the funding of water resources development programs.
7. Foster modern irrigation methods and water harvesting programs and recycling of waste water.
8. Adoption of a national strategy for agriculture to be based on a restructured national economy.
9. Include environmental legislation as a study stream in the faculties of laws.
10. Establishment of a cooperative agricultural and fisheries community and engage agriculture, fisheries and handicrafts societies in the process.

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11. Include the concept of environmental and architectural balance in the national architectural development strategy to become a defining element of national policy and develop indicators to measure the extent of compliance at the central, regional and local levels.
 12. (In line with the future shape of the State), each region shall have the right to a set a timeframe for getting rid of Qat.
 13. The duration shall not exceed the time set in the national strategy for the eradication of Qat.

13. Social Issues

13.1.1 Revenge - Constitutional Principles


1. Revenge is a social phenomenon that threatens social peace and obstructs development. The State shall address the impact of this phenomenon and adopt deterrent actions to eradicate this phenomenon and its root causes.

13.1.2 Revenge - Legal determinates

1. Criminalization of road blocking and kidnapping and anything that would provide harbouring of criminals under any justification.
2. Consider the revenge motive to commit a crime as a cause for tougher sentencing.
3. Establish fast judicial tracks and legal aid to address revenge issues in courts including the setting of committees to assist the judiciary in settling individual and collective disputes and conflicts to achieve justice and equality in a manner that doesn't contravene Islamic Shariya'ah. Revenge cases should be settled within a brief timeframe.
4. Establishment of an interim national authority to address revenge cases to consist of people with experience and specializations in the judiciary, tradition and law to clear accumulated cases prior to the establishment of the authority within the framework of a scheduled time frame to pave the way for the established of rule of law and justice.

13.1.3 Revenge- Recommendations

1. Rapid intervention by the State to put an end to family and tribal disputes, report of any break out of dispute and carry out a set of security, military and mediation effort designed stop or end the dispute through direct verification. The State should provide direct solutions or guide such solution through the judiciary while putting in place the required guarantee to control the dispute by providing all financial and moral resources needed to carry out the task within the scope of law and order.
2. Reform the judicial organs (Prosecution and the courts) and work for quick action to settle issues by citizens and enforcement of judgements, anyone found to obstruct the enforcement of judgements should be tried.
3. Constant awareness raising on the seriousness of revenge by committing various media outlets and offices of breaching and guidance as well as educational



curriculum to work for strengthening the values and concepts promoted by our faithful religion which prohibits taking lives or usurpation of people's properties and to eradicate factionalism.

4. Issue a decision for general conciliation between groups of society suffering from revenge tendencies that includes:-
 - a. An assurance of general peace for all citizens
 - b. Punish anyone violating such conciliation in accordance with the Shariya'ah and law.
 - c. Revive the noble values and virtuous tribal traditions and those that prohibit assaults on cities, roads and markets and protect their sanctity.
 - d. Mandatory arrest by the security forces and Public Prosecution and the Judiciary of any one charged and to hold accountable anyone who is an accessory of a crime.

13.2.1 Guns - Legal determinates


1. Regulation of possession of personal firearms (machine-gun or guns) through a license and in accordance with legal controls that defines the source of possession, the type and serial number of the weapon.
2. Regulation of trade in personal firearms under the oversight and control of the State.
3. Vacating cities and population centres from military bases and arms depots.

13.2.2 Guns- Recommendations

1. Closure of all markets, workshops and factories producing or modifying weapons, explosions or mines.
2. Taking stock, serialization and establishing the custody of weapons given to military and police personnel.
3. Disarmament and reacquisition of weapons from constituencies, groups, political parties and individual which have been plundered or seized and are originally owned by the State at the national level concurrently within a specific timeframe.
4. Increase awareness of the community of the negative aspects and risks of weapons through the various media and educational outlets and Imams of the Mosques.
5. Cancellation of previous or later facilities related to importation of weapons and trading on weapons and to withdraw all licenses given out.
6. Ban the use and import of fireworks of all types considering that they are a source of tension and hazardous and uncivilized phenomenon.
7. Prevention and control of any matter that would promote the culture of violence and carrying of firearms amongst children in school curriculums and the toys trade and media program.

13.3.1 Armed Groups- Constitutional Principle

1. Criminalize the establishment, formation or organization of any armed group, militia or military wings for any political party against any justification.

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2. The granting of any foreign agency a right to violate national sovereignty and the use of land, air or regional waters to carry military acts or combat missions shall be strictly prohibited under any justification.

13.3.2 Armed Groups - Legal determinants

1. Criminalize acts by any class, party, group or organization to exert authority over or control any part of the nation or society under any circumstances.
2. The State shall commit to the provision of protection for women and children in disputes, conflicts and war areas.
3. Criminalization of the exercise of State's terrorism against opposition or those holding peaceful views.
4. The Law shall regulate entry of Arab or foreign nationals to ensure that they don't engage in political activities or combat operations and shall take legal actions against those who have done so.

13.3.3 Armed Groups - Recommendations

1. Identification of armed groups and militias, subordination, what they subscribe to, as well as, their whereabouts and address the root causes leading to their creation.
2. Take stock and identify the types of weapons possessed by such groups and militias and to disarm them in accordance with a scheduled strategy.
3. Dismantling of all armed group and militias and rehabilitate their members to integrate them into public life.
4. Incorporate the risk of involvement in armed organizations in school curriculums and educational and awareness programs.
5. Reinstatement of all those who have been given furloughs or forced out of the armed and security forces to their units.
6. Put in place required measures and plans to harness and employ the capacities of both male and female youths to ensure a decent living and to eradicate unemployment.

14.1.1 The Aden Ports Authority - Constitutional Provision:

An Authority for the Ports of the Gulf of Aden shall be established. It shall enjoy legal personality and financial, administrative and technical autonomy to manage the activities of the ports within the scope of free enterprise. The Authority should be responsible for the free zone, customs, industrial zone, marine affairs and all other official bodies working in the areas. It shall be regulated by law.

14.1.2 The Aden Ports Authority - Legal determinants:

1. Legislation of a special law to establish the Gulf of Aden Ports Authority. It shall define the powers of the ports and shall make all relevant government



facilities in the port under the powers of the port authority regulating relationships between them

2. The law shall define the boundaries of the port, the coastal area within the free zone area, the master plan for the port making provisions for any future expansions up to the Bab Al-Mandab area.

14.1.3 The Aden Ports Authority - Recommendations:

1. The Government shall prepare a strategic plan for the development of Yemeni ports,
2. Restitution of all lands and properties of the port of Aden which were given away by government agencies or thorough squatting and remove all new constructions on areas allocated for the port.
3. Establishment of a specialized maritime court to consider maritime cases.
4. Review and correction of any gaps in the Yemeni maritime law to align it with international agreements and conventions.
5. Development of the maritime training centre and to upgrade it to become a regional training centre and open a branch for the Arab Academy of sciences and technology in the centre.

15.2.1 Aden Refinery - Legal determinates:

1. Promulgate a law that regulates the work of the Aden Refinery to establish it as a company with legal personality and financial and administrative autonomy.
2. Merger of the agencies responsible for the collection of customs and taxes.

15.2.2 Aden Refinery - Recommendations:

1. The Government should support the refinery and empower it to modernize and develop given its significance in economic development and job creation.
2. Ban actions by any government agency or any other agency at all levels from issuing lease contracts or title or any other benefit from the land owned by the refinery to preserve the remaining vacant areas for use in its development and expansion projects. The executive authority should act to reacquire lost refinery land.

Annexes