



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

(Working Group on Good Governance)



Table of Content:

1. Introduction.....3

2. Objective of the WG.....4

3. Decisions of the WG submitted to the Final Plenary Session.....6

First: Constitutional guidelines.....6

Second: Legal Determinants.....11

Third: Recommendations.....29

Annex (1) List of names of members of the WG.....32

Annex (2) Workplan of the WG.....

Annex (3) WG’s Report presented to the Second Plenary.....

Annex (4) Minutes of signatures by the members of the WG of the report...

Annex (5) any other annexure.....



To The Conference's Plenary

Subject: Final Report of the Second Semester of the Working Group on Good Governance.

Greetings...

The Working Group on Governance 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

Dr. Halimah Jahaf, Rapporteur

Judge Afrah Ba-Dowailan, Chair




Introduction:

- 1- The Working Group commenced work during the second semester on 13/7/2013 corresponding to the 5th of Ramadan, 1434 H.
- 2- During this phase, the WG was divided into three sub-working groups based on the issues deferred to this semester from the first as follows:-
 - a. Rule of Law
 - b. Foundations for Foreign Policy
 - c. Management Efficiency and Balance between Power and responsibility.
3. A plan with a timeline was prepared for the second semester. This plan was amended by additions made by the sub-working groups in line with the nature of work in the concerned sub-group (annex 2).
4. Some of the sub-groups made field visits to the following institutions:
 - Ministry of Civil Service
 - Ministry of Foreign Affairs
 - Ministry of Emigrants Affairs
5. The Working Group organized a number of hearings as shown in annex 5.
6. The Working Group adopted 52 constitutional guidelines, 157 legal determinants and 38 decisions and recommendations.
7. The Working Group produced 19 outcomes covering constitutional guidelines, legal determinants and recommendations related to the shape of the State. These were submitted in the report in annex 6 with a covering letter addressed to the Presidium of the Conference.


Objectives of the Working Group

1. Development of an effective and sustainable mechanism to eradicate corruption.
2. Enforcement of information dissemination and right to access financial and administrative information from government agencies and related parties
3. Application of the principle of accountability and responsibility on those conducting corruption in all its forms and at all levels.

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4. Study of the current situation in political parties and civil society as well as level of public participation. Identification of positive aspects and weaknesses, constraints and challenges and identification of opportunity to be utilized.
 5. Arrival at conclusions:
 - a) Development of knowledge and awareness of various segments of civil society to play an effective role. Improvement of its capacity as pressure group to realize the principle of good governance and to promote the effectiveness and function of political parties.
 - b) Constitutional and legal outcomes that realize efficiency for political parties and civil society organizations and governance. Creation of an effective role for society to monitor various State's institutions and bodies.
 - c) Development of strategic visions and recommendations that contribute to revival of the required role for political parties and organizations and to development of public participation in attaining good governance.
 - d) Building of a constitutional and legal framework to achieve justice, equality and equal opportunities in the Republic of Yemen.

Detailed objectives of the Working Group:

1. Realization of balance and non-interference between powers and responsibility
2. Development of criteria and foundations for application to achieve coordination and sound control at the organizational level of the various States' unit.
3. Establishment and uplift Islamic values, principles of integrity and realization of that amongst Yemeni citizens.
4. Development of foundations for foreign policy that reflects the Arab and Islamic identity and promotes the geo-political and strategic standing of the country.
5. Development of an effective mechanism for running the States foreign policy at the regional and international level.
6. Development of general principles for the management of foreign policy.
7. Current Situation Analysis for the rule of law.
 - a. Identification of the problem of rule of law.
 - b. Analysis of the imbalances and gaps of the law in the legislative system and its relations to the Judicial Authority.
 - c. Analysis of the situation of the judicial system in implementation of rule of law.
 - d. Analysis of the imbalances and constraints resulting from interferences in the application of the law.

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- e. Analysis of the current situation of security control.
 8. Engage the society and State's institutions in discussion of mechanism of application of the rule of law.
 9. Formulation of suggested provisions for the constitution on the rule of law.

Detailed Objectives:

1. Assessment and analysis of the legislations which grants powers and its relations to the local authority in the centre.
2. Identify the job description system in the State
3. Identify causes of lack of balance in power and responsibility and the overlaps.
4. Analysis and assessment of the status of the State's authorities (legislative, Executive, and Judicial) and determine the relationship between them and the local authority.
5. Identify the imbalances in the balance of authorities of the State.
6. Analysis and assessment of institutional performance for the public management and means of monitoring and control.
7. Identify the best practices in foundations and standards for institutional performance of public administration and controls.
8. Assessment and analysis of the status of public management in the governorates and districts.
9. Analysis of the status of the public budget of the State and implementation.
10. Assessment and analysis and the status of transparency in State's institutions.
11. Identify the causes of weaknesses of values of integrity.
12. Identify religious and educational legislations relevant to integrity.
13. Identify the criteria and controls for integrity in the various States' institutions.
14. Determination of the elements of national security in Yemen.
15. Study the constitutional and legal standing of the foreign policy of Yemen.
16. Identify the abuses and gaps in the current foreign policy.


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17. Diagnosis of aspects of Arab, regional and international cooperation of Yemen in the, political, economic, and security areas.
 18. Determination of the role of the Foreign Ministry in issues of foreign aid and migrants.
 19. Assessment of international and regional agreements including border agreements.
 20. Assessment of the tools used to implement foreign policy, especially diplomatic tools.

Decisions of the Working Group presented to the Final Plenary

The Working group reached a consensus on constitutional guidelines, laws and recommendations and agreed to submit them to the Final Plenary for adoption by the Conference and as a follows:-

First: Constitutional Guidelines:-

1. The State shall commit to a foreign policy that protects Yemeni national security, maintains sovereignty of the nation and its independence.
2. Adherence to a balanced foreign policy that serves regional peace and security and fosters the principle of good neighbourliness, cooperation and partnership to serve the common interest; in a manner that doesn't undermine Yemen's principle obligations towards Arab and Islamic issues.
3. The State shall adhere to respect of the UN Charter and the Charter of the Arab League as well as the Universal Declaration of Human Rights and international covenants and agreements which Yemen has signed in a manner that doesn't contravene the Constitution.
4. Foster economic diplomacy as one of the foundations of the Foreign Policy of the State.
5. Freedom, dignity and rights of a Yemeni individual inside the country or abroad are protected and shall not be undermined. The State, in its foreign policy, shall endeavour to protect and defend them.

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6. The State shall work to develop and expand Arab, Islamic and International external relations in a manner that realizes the national interest. The Arab and African neighbouring States are the strategic depth of Yemen.
 7. Foreign policy shall be based on institutions, rules of good governance. The head of the Executive Authority and the Foreign Minister are responsible for implementation thereof.
 8. Some of the basis of foreign policy shall be Yemen's rejection of aggression, occupation, seizure of land of others by force. The Palestinian issue shall be a constant principle of the foreign policy of Yemen.
 9. The Constitution shall provide for criminalization of partisan activities in the diplomatic corp. and shall reaffirm the features of the cadre of the foreign ministry as a special cadre.
 10. The State shall adhere to the policy of non-intervention in the internal affairs of others and shall reject any violations or foreign interferences in the internal affairs of Yemen.
 11. The Constitution shall provide that the rule of law is the foundation of governance of the State.
 12. The Constitution shall provide that the legislative authority is the only body authorized to pass legislations and that no legislation shall conflict with any constitutional provision.
 13. The Constitution shall provide for the full autonomy of financial and management control bodies and shall not be subject to the oversight of the Executive Authority.
 14. The Constitution shall provide that a prerequisite for any candidate to top posts in the higher authorities to enjoy integrity and efficient within the framework of an integrated national integrity system.
 15. The Constitution shall provide for the need for equality before the law.
 16. The Constitution shall provide for the promotion of the principle of independence of the judiciary and rule of law. The Judiciary to have a judicial police to carry-out its judgements and to enforce the law in a manner that protects freedoms, civil, personal and public rights and human rights.
 17. The Constitution shall provide criminalization of partisanship in the judiciary, the security forces and the armed force.



18. The Constitution shall provide for the responsibility of the Supreme Judicial Council for the determination of mechanism of selection of judges, holding them accountable, dismissal and the strengthening of the Stature of the judiciary by establishing model courts and police stations.
19. The Constitution should provide for the full partnership with the civil society sector and its organizations to promote community participation in development effort and to develop its role in public monitoring as a pressure tool to achieve public interest under the balance and integration of its role with the public and private sectors.
20. The Constitution should provide for the right of defence of oneself or through an attorney and in a manner which promotes the application of the principle of heavy fines on the parties of litigation before the judiciary in arbitrary cases. It should ensure the provision of funds for those unable to afford the cost of defence to realize the principle of legal assistance to the poor.
21. The Constitution should provide that the State will work to prevent revenge and put in place needed measures to eliminate this plaque and prevent its return.
22. The Constitution should define the subordination of the legal assistance organizations (the judicial police, the Prisons Authority, the Land Registry, Criminal evidence and Forensic Medicine) to the Judicial Authority.
23. The Constitution should provide for the prohibition and criminalization of all armed militias, the nullification of the legal standing of any party or block that forms a militia or any armed formation and to regulate carrying of personal weapons and possession thereof.
24. The Constitution should provide that the criminal responsibility is personal and no crime or punishments unless by law.
25. The Constitution should provide for the criminalization of handing over any Yemeni citizens to a foreign state with the exception that the individual has committed war crimes, crimes against humanity or abused human rights if it a trial in the country proves impossible.
26. The Constitution should provide that the State guarantees the personal freedom of citizens, maintains their dignity and security and that the law defines situation when a citizen's freedom would be restricted.



27. The Constitution shall provide for preventing non-judicial State institution from objecting to final courts judgements.
28. The Constitution should provide for criminalization of non-disclosure of the presence of detainees in the various security organizations irrespective of the charges brought against them.
29. The Constitution should provide for the definition of the term of precautionary detention for a period not to exceed 72 hours and shall define the bodies authorized to do that. It shall prohibit forced confession during an investigation and shall prohibit the detention or arrest a person in any other place than legal prisons. Torture and inhuman treatment shall be criminalized during arrest, detention or imprisonment.
30. The Constitution shall provide that the Constitutional Court is a higher judicial body and enjoys financial and administrative autonomy with an independent budget part of the budget of the judicial authority. The members shall be elected by a general assembly of judges.
31. The Constitution shall provide for the principle of separation of the three powers and shall make it a fundamental rule for the Constitution to regulate the powers and mandates of the three authorities on the basis of the principle of balance, integration and cooperation between them.
32. Inclusion of a provision in the Constitution stating that the constitution is the noblest form of expression of the will of the people and that everyone is equal before the law.
33. The Constitution should provide for equality in accessing justice and shall provide specific provision to promote defence through an attorney or the provision of legal assistance to those who cannot afford a lawyer.
34. The Constitution should provide that the Executive Authority and all of its organizations are legally and judicially responsible for all its actions and mandates.
35. The Constitution shall provide that the balance between power and responsibility is a governing rule.
36. The Constitution shall provide that no power without responsibility and no responsibility without accountability and that each authority is responsible



- before the people and the law for all its actions and behaviour at all levels of leadership and management.
37. The Constitution shall provide that all States authorities are subject to the principle of good governance and functional and moral code of conduct in the public service.
 38. The Constitution should provide that all resources and expenditures are subject to control and audit to achieve public transparency and to define areas of allocations and expenditures.
 39. The Constitution shall provide for the formulation of a charter for a national integrity system (Code of Conduct) in all States' institutions and determine punishments for violators and the establishment of an body for management control.
 40. The Constitution shall provide for the definition of tasks and responsibilities of the senior leadership in the three authorities and define the responsibility of each one of them in a manner that realizes the principle of good governance.
 41. The Constitution shall provide for the control role of the legislative authority and activates it and place the Central Audits and Control Organization under full oversight of the Parliament and a subordinate.
 42. The Constitution shall provide for the accountability of the President of the Republic, The Prime Minister in case anyone of them commits an act in violation of the Constitutions or impedes any of its provisions or the provisions of any law in force or perjury of an oath performed before the bodies authorized by the Constitution.
 43. The Constitution should provide for the prevention of monopoly in all investment sectors.
 44. The Constitution should provide for the criminalization of anyone who has been convicted, through a court judgement, of being guilty of a corruption offence, plundering public properties or public funds or abused power for personal gains or assuming public office negligence towards the destiny of the nations, sovereignty or undermining its security and stability.
 45. The Constitution shall provide the prerequisite for any candidate to the post of President, Presidents of Political parties and political organization, general



secretaries and all the political and leadership posts in the State shall meet the following conditions:

- 1- A Muslim in religion
- 2- Born to both Yemeni parents
- 3- Shall not be married to a foreigner
- 4- Shall not be in possession of another non-Yemeni nationality.
- 5- Shall be a university graduate.
- 6- That he/she not previously assumed the post of president of the Republic, a head of a political party, speaker of the Shoora Council, or Prime Minister for two terms.
- 7- Shall not be less than forty years old (the President of the Republic).
- 8- Not found guilty, through a final court judgement, of any crime which violates trust and honour or corruption or any major crime, unless acquitted.
- 9- Shall not be a person which the judiciary can't hold responsible for any violations due legal restrictions that would impede due process.
- 10- Shall not have been engaged in major human rights offenses, violation of the international humanitarian law, in accordance with international conventions, covenants and international laws (war crimes, genocide, or crimes against humanity).
- 11- Shall not be affiliated to the military or security institutions unless he/she left the military or the security institutions ten years prior to nomination (the GPC refused the 10 year period).
- 12- Shall furnish a financial disclosure report for him, his children and wives and shall declare all moveable and non-movable assets inside the country or abroad and shall transfer the amount back to the country before nomination.
- 13- That the oath he would perform shall contain compliance to the constitution, respect of human rights, abide by the rule of law and good governance and to uphold integrity and responsibility in the performance of all acts for the public good and not for personal gains.
- 14- Shall be known for integrity, efficiency and good behaviour.
- 15- Shall not practice any business activities during tenure. (The youth constituency registered a reservation against this provision and maintained [reference for the original draft of the political exclusion clause]).



46. The Constitution shall clearly states that no immunity will be given to senior State leadership in the three powers for any conduct in public finance, the public service or the resources of the State or rights of the citizens.
47. The Constitution shall states that the legislative councils are to be prohibited for issuing legislations or law that allow forfeiture of the State's properties or awards or sold to freehold to any body and under any circumstances.
48. The Constitution shall provide for guarantees of free enterprise and free competition and equal opportunities for all citizens to promote social justice.
49. The Constitution shall criminalize the assuming of any other sovereign power for anyone who carries another nationality besides the Yemeni nationality.
50. The Constitution shall provide for the criminalization of possession or use of electronic interception devices or uses them to conduct surveillance of citizens.
51. The Constitution shall provide for the freedom and confidentiality of communications in all its forms. It shall render, surveillance, inspection or disclosure of its content, delay or confiscation unless by judicial order.
52. The Constitution shall provide for the prohibition against legislatures promulgating laws that detracts, restricts or degrades rights and freedoms.

Second: Legal Guidelines

1. The selection of ambassadors shall be subjected to professional standards and controls according to the diplomatic Corp. Law and the need to have equitable representation of all Yemeni areas with due consideration to the fifty-fifty shares of the North and the South.
2. Economic issues shall be top priority of the foreign policy. Yemen's external relations should be utilized to serve the national sovereignty and issue of development and construction.
3. The Ambassador is the head of the diplomatic mission and all attaches in the embassy are to be under him.
4. Regulations of relations and communications with the outside world under the lead of the Foreign Ministry.



5. Develop legal controls for the issuance of diplomatic passport to maintain the reputation and stature of the diplomatic passport and review of passports already issued to verify the compliance with the law.
6. There is a need to formulate clear and specific objectives for the Yemeni foreign policy.
7. The powers of the President of the Republic, the Prime Minister and the Foreign Ministers in the formulation of foreign policy should be defined.
8. There is a need to establish a monitoring and inspection unit in the Foreign Ministry to oversee the performance of Yemeni diplomacy and to ensure that it achieves its tasks in a manner that realize the objectives.
9. The head of the Yemeni diplomatic mission and all mission staff don't represent their political affiliation and orientation but rather the interest of the Yemeni State.
10. The diplomatic missions shall deal with all political, economic, cultural, military and health relations within the framework of foreign relations.
11. Some of the objectives of the Yemeni foreign policy are to work for the broadening of potential economic cooperation between Yemen and the States concerned.
12. A review in the distribution of the diplomatic map on the basis of economic, political significance and the number of emigrants.
13. Diplomacy should work to protect the Yemeni identity and deepening of national loyalty.
14. The State should work to rehabilitate and take care of emigrants in a manner that achieves their competitive qualification.
15. The State should work to combat child smuggling and human trafficking including joining international agreements in this area.
16. Review the border agreements, exploration agreements and agreements for the sale of natural resources and oil and gas in a manner that doesn't damage the interests and sovereignty of the nation.
17. Review and assessment of the structures of the security and intelligence organizations to ensure the rule of law.
18. A judge is prohibited from assuming another position while on active duty. Prohibition of any forms of influence or attempts to attract them through secondment or administrative or political positions in the various States organizations.



19. Every citizen has the right to resort to their natural judge, the judge with jurisdiction, and all forms of special or extraordinary courts should be abolished no matter under what title they are. The State shall ensure bringing judicial institutions closer to the people and to speedup dispute management.
20. Immediate abolishing of the Tribal Affairs Authority because it promotes the tribal authority on the account of the States Authority and infringes on its sovereignty.
21. Take required actions to reissue the legislation previously issued through a presidential decree and give it the formulation that signifies its passage through the legislative body.
22. Promote the awareness role of the media, civil society and political parties in a manner that ensure the spread of legal awareness and respect for the law.
23. Promote the role of the Judiciary in administrative law enforcement in a manner that achieves full accountability and responsibility of the administrative and executive e organizations and to guarantee the rights of the public, private and mixed sectors employees.
24. The need for the presence of representatives of the Public Prosecution in the Police stations to refer the cases to courts (the Judiciary) on a timely basis.
25. Develop guarantees for the protection of policemen and staff of the judiciary and the Public Prosecution to empower them to arrest criminals and to perform their legal duties in accordance with the law.
26. Accelerate the issuance of the law to regulate possessions of personal firearms.
27. Carry-out suitable actions to impose the Stature of the State over all parts of the country, regional waters and airspace and not to allow any other body to replace the State.
28. To confine the role of military courts for military personnel only and shall not be extended to civilians trials.
29. Restructuring of the judiciary, the Public prosecution and the performance of the judiciary management in a manner suitable for a right based civic State.
30. Compliance with international standards in building an independence judiciary.
31. Issuance of the explanatory and executive regulations for all legislations to ensure sound interpretation of their provisions.
32. Advancement of standards of judicial inspection to cover health efficiency both physical and mental.



33. Each citizen, male and female, the right to physical safety and compensations for harms resulting from armed conflicts and arbitrary detention.
34. Freedom of movement in the country is guaranteed for each citizen (male and female). It shall not be restricted unless in cases provided by law. Freedom of entry or exit from Yemen shall be regulated by law. No citizen is to be expelled from Yemeni territories or prevented from returning such territories.
35. For each citizen (male and female), the right to a fair judiciary and free and fair elections.
36. Inclusion of mechanism to broaden qualification and training of judges and members of the prosecution by establishing judicial institutes, improvement and development the quality of education in the faculties of law to ensure sufficient enrolment in the judicial institutes.
37. There should be a legal provision that obligates the authority to develop the structures of the administrative units to achieve the principle of governance and to ensure prevention of abuse of power.
38. Passage of a law that defines job descriptions for all public posts in the State and defines mandates and responsibilities of each post to prevent overlap and negligence of functional duties.
39. Legal provisions that the civil service legislations should be simple and clear containing deterrent provisions and controls.
40. Legislate a law that defines the criteria for appointment and hiring on the basis of educational, professional and behavioural qualifications and ensure that there are operational manuals for work and job and neutralizes the public service.
41. Legislate a law providing for entrustment of public management posts to specialized management professionals for specific time period and foster a policy of job rotation to ensure refreshment of professionalism in these units to increase productivity.
42. Legislate a law that makes it mandatory to connect and consolidate the States public plans with the independent plans of ministries, organizations and public corporations and compliance with the implementation of adopted plans.
43. Legislate a law that obligates the neutralizations of political influence in the States administrative organ and adopt qualification, professionalism, integrity, experience and capacity in staffing of public service jobs and adoption of the principle of open competition for staffing in the light of such criteria.



44. Passage of a law that prohibits the implementation of projects through direct contracting (commissioning) and the adoption of transparency and openness in the implementation of projects and application of the Procurement law.
45. Passage of a law that guarantees the development of a comprehensive national strategy for the State administrative organ and the public and mixed sectors where the functional role and relationship with society, private sector and civil society should be defines to ensure the development of management efficiency.
46. Issuance of a law that prohibits the senior authorities from issuing direct appointment decrees in the public service jobs in contravention of the management controls provided by the Job description law.
47. The law should provide that the State will assume development of national programs that responds to the administrative and functional needs to improve skills and qualifications of the staff in accordance with recognized criteria.
48. Legislate a law that obligates the State to advance the efficiency of the administrative organ in a manner that realizes utilization of the human and financial resources and absorbs the support, aid and grants presented by other States and international organization and to utilize them in the best possible manner.
49. A legal provision that calls for application of the severest penalties proscribed by law against corrupt persons including deprivation from public jobs.
50. A legal provision that precise criteria will be used in promotion and legal entitlement of a public servant.
51. A legal provision that considers a public service job as a right to all male and female citizens, the formulation of a job description and adjustment of the wage and bonuses ceiling.
52. Legislate a law that makes mandatory to comply with performance indicators and criteria for all administrative organs of the State.
53. The law shall provide for the establishment of an organization specializing on following-up on the quality of management performance in State institutions and the private sector that evaluates progress and identifies points of weaknesses and strengths and disseminates such concepts.
54. Legislate a law that makes mandatory for the State to develop required programs for the training of unqualified staff, professional and educationally and the creation of job opportunities for them.



55. Issuance of laws and legislations that promotes and encourages the contributions of the private sector to comprehensive development.
56. The law should provide for the formulation of a mandatory partnership strategy between the State, the private and mixed sectors and civil society.
57. Issuance of a law that regulates the mandates of the State's ministries and corporations and prevents conflicts between them and the precise definition of the tasks and responsibilities of the public servant.
58. The law shall provide for the issuance and activation of internal regulations for all government ministries and facilities that regulates administrative and financial operations, control over all appointments and spending and subjects them to legal and judicial accountability.
59. The law shall provide for measures and penalties for abuses in the administrative organ of the State.
60. The law shall provide for the establishment of an organization responsible for the absorption and regulations of spending of foreign aid in accordance with principles of good governance.
61. The law shall provide for the definition of the powers and responsibilities of security and military staff that doesn't give them absolute powers to achieve efficiency in the public administration and principles of good governance.
62. The law shall provide an emphasis of the role of various educational institutions in embedding integrity values through periodic awareness and educational programs in all stages of education and obligate them to develop curriculums that promote the principle of integrity and commendable Islamic values.
63. The law shall provide for making it mandatory for the Authorities to formulate a national strategy for the protection of national integrity and ethical and behavioural values for both employees and citizens that promote Islamic values and the combating of corruption.
64. The State shall guarantee full protection for witnesses, informants and law enforcement officers.
65. The law shall provide for formulation of controls that promote the role of the mosques in the dissemination of values of integrity, urge citizens and youth to apply and comply with the provision of needed support.




66. Activation of the role of the media in guidance and education in the revival of the moderate Islamic culture and activation of the faith-based and patriotic inhibitions in forsaking, combating and eliminating corruption.
67. Affirmation of the right of women to equal opportunities in all areas, active participation in public and political life and to be given at least 30% in control organizations in the same manner as in the other State's authorities.
68. The law shall provide for empowerment of youth, educationally, professionally, politically and economically and the provision of suitable conditions for the utilization of their energies and development of their skills to play their role in the service of the nation and its issues.
69. Administration of justice in the approval of comprehensive and sustainable development projects and the prohibition of selective dealings with regions and bodies.
70. Formulation of legal rules and foundations that prevents crises and political conflicts which are considered factor of renewed confusion that impedes the State from performing its obligations and limits the community participation, the private sector and civil society from working in building and comprehensive and sustainable development.
71. Formulation of legal rules and foundations that prevents the predominance of the tribe and interference in the States authorities and their mandates for the sake of building a civic State.
72. Formulation of legal foundations and rules that deepen the sense of belonging and loyalty to the nation, keenness towards its destiny and reputation, revival of tolerance, brotherhood and conciliation in society, forsakes hate, conflicts, vengeance and reprisal and combats calls that glorify regionalism and fanaticism or propagate them.
73. Development of clear and transparent legal rules to ensure equal opportunities for all citizens in business and investment and to benefit from the wealth of the nation.
74. The law shall provide for support for public opinion polling centres, expansion of social studies including research and promotion of specialized centres that provide advisory services and carry-out field studies on priority issues.
75. The law shall provide for the revival of a culture of self- responsibility, support and care for volunteer and charitable work, embed such values in the consciousness and



behaviour of citizens and promotion and care for community initiative to increase level of community participation in public life.

76. The law shall provide for mandatory separation between political parties and State structures, especially the ruling party or parties, prevent the exploitation of the States institutions resources and buildings to serve special interests of the party/s and develop deterrent punishments to guard against that.
77. Development of legal rules and foundations that guarantee the freedom and independence of civil society organizations, labour unions and federations, professional and creative organizations, student organizations and various cooperative associations.
78. Relationship between civil society organizations and government stakeholders must be regulated so as to define the legal status of those institutions and a reassertion of the need to have full transparency of funding resources and spending on activities carried out by those institutions.
79. A national program must be adopted for the uplifting of the State and society to be developed in partnership between political and community forces with integrated implementation by the State's administrative organ, the private sector and civil society organizations.
80. Utilization of public upbringing mediums(family, educational institutions, youth and community organizations, media and cultural institutions and guidance and education media) to promote the principle of coexistence and acceptance of others within the one nation and promotes a culture that respects the law, constitution, protection of public funds, properties and public facilities.
81. The law shall provide guarantees to access of information by citizens, CSO's and the media, use of such information and to perform a role in monitoring and enhancing aspects of transparency in public policies, administrative actions, especially those related to finance to enable the citizens, political parties and stakeholders of performing their role in the process of control and accountability.
82. Remove Yemen, through its foreign policy, for slippage into axis and regional and international polarization.
83. Develop legal rules and foundation to publically confront past problems in a transparent manner and to reach a consensus on how to deal with them so that they don't remain a hindrance to reforms and the building of a new Yemen whenever they



remerge. This should be done, both through full amnesty and by forgetting the past and rise above all the wounds or by truth telling and reconciliation, or through partial amnesty or any other visions where people have consensus.

84. Issuance of a law to protect informants, witnesses and investigators in corruption cases.
85. Criminalization of intermediation, nepotism and bribe-taking to ensure equal opportunities for all.
86. Restructuring of the Supreme Commission for combating corruption and attach it to the parliament. Specialized courts and prosecution office on corruption crimes should be established.
87. The law shall provide for a financial disclosure law and criminalization of refusal to furnish financial disclosure and making them public.
88. Establishment of a high council for standards and accountability in line with international standards.
89. Development of a law for the independence and neutrality of the employees of control organizations.
90. Develop a law that provides control organizations full required powers to access information and documents in government bodies and facilities.
91. Develop a law for public, local and foreign debt, and grants that defines the responsibilities of concerned ministries.
92. Development of a procurement law that ensures transparency and integrity in a manner that protects public funds and interest.
93. The law shall provide for the alignment of anti-corruption laws and legislations with international agreements.
94. The development of legal rules and foundations for the review of economic feasibility of economic projects funded through foreign aid and determines the responsibility of control over them.
95. The law shall provide for fostering transparency in loans and assistance and areas of spending through the various media channels.
96. Legislate finance law to suit the new shape of the State and a State's public budget that transforms the budget from chapters to programs.
97. The law shall provide for the restructuring of all ministries on top of which the revenue ministries.



98. Legislation of a law that supports control organization in required technical disciplines that enables them to perform their role as appropriate.
99. Development of a general oil law aligned with international standards to ensure the rights of concessions to the residents of the producing area.
100. The law shall provide for prohibiting senior public officials in the State and their first degree relatives, as well as, officials of the legislative and judicial authorities from participating in States public tenders and those of the public and mixed sectors.
101. Issuance of a law for the establishment of a national commission for financial and administrative reforms to put an end to waste of public funds, politicization of the public service and grants powers in line with good governance standards.
102. The law shall provide for the reform of the wage and bonus structures for the State and private sector employees with the objective of improving their living standards and the meet the level of sufficiency to eliminate corruption.
103. The law shall provide for obligating all public government institutions to publish documents and information on their activities within one month of their writing, especially those related to public spending.
104. The law shall provide for obligating government bodies, including control organizations, to make their budgets and final accounts public for debates on the various media outlets.
105. The law shall provide for the adoption of the principle of transparency with relations to national wealth, public income and various revenues.
106. The law shall provide for the adoption of the principle of transparency with respect to the conclusion of treaties, agreements and deals.
107. The law shall provide for the presentation of the public budget to the parliament within the constitutional deadline and prohibition on any complimentary budgets.
108. Review of the Central Bank's law and the laws of banks owned jointly between the public and private sectors in a manner that eliminates corruption and protects public funds. The Central Bank should be given full autonomy.
109. Develop legal rule that makes it mandatory for the government to develop a clear monetary policy to be used for reducing the public debt.




110. Adoption of mandatory legal provisions for the State to develop a long-term strategy for combating corruption.
111. Adoption and spread the use of code of conduct that regulates ethics in employee's dealings with the public and the application of the principle of rewards and punishment.
112. Development of legal rules and foundations that guarantees the principle of partnership between the State, the private sector, civil society and the local authority in the identification of development needs and then establishment of mechanisms to meet those needs.
113. The alignment of the role of the State and capacity to promote institutional capacities by reviewing the State's function in a manner that would lead to downsizing the State's administrative organs and restructuring of its administrative units.
114. Development of legal foundations for the enhancement of the institutional capacity of the State to secure economic and social necessities that would enable it to fulfil its development obligations.
115. The law shall provide for the adoption of a fiscal and economic policy that ensures maintaining economic stability and the realizing of encouraging growth rates for investment.
116. Development of legal foundations and rule that would lead to restructuring and designing the structures of public management. Current structures shall be reconstituted and redesigned in a manner that serves the basic functions of the State in the economic area, policy-making function, the development function and the designing of programs to combat causes of poverty and secures conditions for prompting the growth of the private sector.
117. The adoption of the principle of merit, entitlement and professional standards in hiring and promotion in the civil service.
118. The law shall provide for the establishment of special police unit to combat tax and customs evasion.
119. The law shall provide for the development of a balanced plan for development and investment programs to secure sustainable economic and social development.
120. The law shall provide for the application of the principle of equality in the public administration and criminalization of any discrimination in promotions, hiring,



and entitlements resulting from joining the public service whether on basis of gender, area, political affiliation or colour.

121. The law shall provide for the cancellation of all illusory tax numbers which have been obtained for trade and investment firms that wastes public fund and the adoption of a fixed rate in ports to be levy the tax and customs rates, where tax assessment on large taxpayers would be based on imports from abroad.
122. The law shall provide for the inclusion of gender budgeting in the State's public budget.
123. The law shall provide for the establishment of an international government commission to re-evaluate and review the contracts and oil producing firms as well as exploration firms.
124. The law shall provide for the establishment of a joint judicial-parliamentary committee to re-evaluate the performance of the services ministries on top of which the Ministry of Electricity and Energy.
125. Issuance of a law that protects media personnel and journalists and guarantees their independence to protect freedom of expression to enable them to play their role in the solidification of democracy, values of integrity and good governance.
126. Development of legal rules for the activation of the work of control departments inside each government unit to ensure compliance of the public servants to sound administrative procedures and the performance of their functions performance.
127. The political parties and organizations law shall provide for the following:-
 - a. The renewal of partisan bodies through direct periodic elections and refrain from the use of endorsements, open balloting or closed lists.
 - b. Activation of accountability and the role of the control bodies inside the political parties and organizations.
 - c. Political parties and civil society organization should comply with absolute financial transparency and the provision of needed information on party or organizations resources to the public.
128. Explicit provision in the law for the criminalization of attacks on political parties and organizations offices.
129. The law shall provide for the following:-

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- a. Empowerment of women in political parties and organization by giving women at least 30% representations in their governing bodies.
 - b. Partisan programs and visions shall include women rights and advancement of women role and social status.
130. The law shall provide for the empowerment of youth below the age of 40 in governing bodies of political parties by at least 20 %.
 131. The law shall provide for the rationalization of government, partisan and private media along professional lines and constitutional provisions.
 132. Emphasis in the legal provisions which bans the use of mosques, educational institutions and government buildings for partisan activities or campaigning or propagating the agenda against any party or political organization, group or individuals by avoiding incitement of sectarian, doctrinal or factionalism strives.
 133. The law shall provide for obligating the private sector to commit to the principles of good governance.
 134. The law shall obligate the government to develop a strategy that would guide the civil society and private sector within the framework of sustainable development.
 135. Reformulation of the political parties and organization and civil society organizations law to aligned it with the new constitution.
 136. The law shall provide for engaging society in the rationalization of political parties and organizations policies through questionnaires, public opinion polls and public consultations.
 137. The law shall provide for the criminalization of illegal funding of political parties and organizations, groups or individual given that it embodies financial and political corruption.
 138. The law shall provide for the compensation and restitution for affected political parties, groups or individual whose properties and documents were looted.
 139. The law shall provide for the reforms of the State's administrative organ, review of all functional appointments and promotions and adjust the status of those who were affected according to the law and code of good governance removed from criteria of partisan affiliations and loyalties.
 140. The law shall provide for treating all victims of the political conflict as martyrs and strivers.



141. The law shall provide for disclosure of the fate and whereabouts those who have forcibly disappeared and the remains of victims of the political conflict.
142. The law shall provide for the reinstatement of those affected and dismissed as a result of the political conflict to their jobs and to grant them fair compensations.
143. The law shall provide for the amendments of tax and fiscal legislations to ensure that they contain temporary and regulated tax exemption for projects that aim at economically empowering women and youth.
144. The law shall provide for the provision of loan facilities to women and youth.
145. Development of legal controls for the simplification of legislations, application of standards of efficiency of the public service, the development of deterrent provisions and control, full definition of the public service and development of operational and functional manuals.
146. The law shall provide for the designing and strengthening of an internal control unit to be attached to the highest administrative authority.
147. The law shall provide for actions to grant public service management posts to qualified specialists in management who enjoy good reputation for a fixed term to ensure the refreshment of efficiencies in these units and increase productivity in a manner that enhances the principle of job rotation.
148. The law shall provide for the State to guarantee free legal assistance to enable those unable to pay for judicial services to protect their rights.
149. Development of a law that allows the leasing of State land for specific periods for housing and investment. Contracts shall be renewed in accordance with the economic situation (variables) on condition that this doesn't harm the public rights and that it shall revert back to the ownership of the State after the expiry of the lease.
150. The law shall provide that the parliament shall not ratify any budgetary allocation in the Public budget as a lump sum, that doesn't comply with line items of the budget, and makes it illegal for the parliament to ratify any additional allocation that exceeds the allowable percentage.
151. The law shall provide that all government bodies and institutions shall maintain records of official documents and paperwork for a period no less than 35 years instead of the current five years requirement.



152. The law shall provide for obligating the State to establish a national library, the mandate of which to maintain official State and public records and prevents the destruction of any document.
153. The law shall provide that the Ministry of Finance and subsidiary financial units should not be allowed, under any circumstances, to conceal any information or data or present false data with respect to the public finance, its fiscal or monetary policy to the parliament and its specialized committees or the control bodies, or the local councils, other stakeholders, the media or anyone with interest; where the law shall criminalize such acts.
154. The law shall provide for the criminalization of all operation designed to set-aside or conceal any type of revenues or part thereof, in cash or in kind, from the State public budget.
155. The law shall provide for the criminalization of money laundering operation and such criminalization shall include any one who acted, participated, encouraged, or assisted in carrying out such acts. This includes money resulting from those in senior public jobs for the purpose of trade in contravention of the law, either directly, indirectly inside the country or abroad.
156. Issuance of a law that defines the tasks and responsibilities of the Central bank, given that it is the responsible body for control over cash flows, issuance of the currency and the return to the treasury system.
157. The law shall criminalize all types of violations related to public procurements, contracts, public works, supply contracts and financial violations and embezzlements.

Third: Decisions and Recommendations

1. Elimination of illegal fees levied by Embassies and consulates abroad and set a committee to investigate the illegal levies collected by consulates and diplomatic mission. The Government should provide sufficient resources for the Foreign Ministry to ensure effective diplomacy.
2. Formulation of a law that guarantees the uniformity and efficiency of Yemeni diplomacy.




3. The State shall commit to the development of a political, economic and media strategy to advance the level of performance of foreign policy and to support the effectiveness of Yemen's presence in regional and international bodies and organizations.
4. There is a need to conduct urgent legislative and administrative reforms in the Foreign Ministry, Diplomatic Corp and Consular missions in a manner that realizes the principle of good governance.
5. Setting up of a committee to review administrative and financial decisions in the Foreign Ministry.
6. Establishment of economic facilities to be attached to prisons, where prisoners, males and females will serve their sentences by working in them to be able to support their families and payback their debt. The Government should be responsible for those in prison and males and females prisoners who can't payback their debt. It shall tack actions to ensure that their problems are resolved and be released immediately upon serving their sentences and to compensate them in case they are held longer illegally.
7. Establishment of educational and rehabilitation centre in prison to prevent the spread of illiteracy and to ensure that the prisoners become active citizens to integrate them into society.
8. The WG recommendations the abolishing of the press court.
9. There is a need to start education and awareness in security units on their legal competencies and on principles of human rights so that their behaviour is governed by that.
10. There is a need to review curriculums and to adopt rights and legal principles in the curriculum.
11. Establishment of women police stations and separate prisons for women to include kindergartens for the children who are in prisons with their mothers.
12. Establishment of model courts in urban centres of the governorates.
13. Any member of the judiciary shall be punished, when found to have affiliation to a security organization or a political party, or when is proven to work for any those agencies. If found guilty, the person should be stripped of his/her judicial immunity.
14. Establishment of a national body for civil service to be financially and administratively autonomous and enjoys efficiency and neutrality.



15. Obligate all the ministries to implement the general economic, social and cultural plan of the State in a concerted and integrated manner.
16. The creation of any department is prohibited without any economic or administrative need for it.
17. Establishment of required controls to downsize the overblown civil service, elimination of double dippers through the application of the retirement law and completion of electronic biometric procedures for both the civilian and military sectors within one year.
18. Strengthen transparency, accountability and allow access to information on administrative procedures in the administrative organs of the State.
19. Ministries and administrative units shall be obligated to develop a structure that includes simplification of procedures and to reduce the number administrative steps and levels to facilitate service delivery to the citizen.
20. Emphasis on the importance of the role of the private sector in economic and social development. Development of a national plan that would change the negative image of various handicrafts and to abolish the perception of degradation involved in such handicrafts.
21. There is a need to increase salaries and wages of employees in line with a systematic financial plan linked to productivity and rate of increase in the salaries as well as on the minimum poverty threshold.
22. There is a need to provide food, housing and transport by the State to residents of rural areas who wish to finish their university or professional education in main governorates where colleges and technical institutes are located.
23. Assertion of the need to link financial and moral incentives to productivity and satisfaction of the employees during work and the application of the principle of rewards and punishment.
24. Close all the loopholes used for administrative, functional and organization deviations by the employees during performance of their duties and to have regular and periodic reviews.
25. There is a need for activation of the legislative authority in the aspect of maintaining balance between power and responsibility and to stop any constitutional amendments that may affect such balance.



26. There is a need to activate the role of the judiciary in maintain general principles linked to power and responsibility and concurrence between them.
27. The establishment of a national information system capable of responding to the needs for planning, control and accountability.
28. All special funds in ministries and government facilities shall be subject to law and shall be regulated and controlled. Any disbursements from such funds for personal gains or illegally shall be criminalized. Anyone violating such rule shall be subjected to legal and judicial accountability without any exceptions.
29. Development of regulations and systems for punishments to include all rules regulating rights and duties of the staff and organizations actions to enable discrimination between those who work and those who don't and objective accountability. Adopt the latest information systems (administrative automation) in enhancing public management.
30. There is a need for due diligence in selecting the staff handling public fund in line with controls and standards that ensures efficiency and integrity and to toughen punishment against violators.
31. There is a need to benefit from the experience and expertise of other countries in administrative efficiency and human resources.
32. There is a need to modernize and develop performance in all State institutions, civil society organization and the adoption of an economic and fiscal policy that increases national resources and utilization in the best possible manner, rationalization of public expenditures and to achieve a balance between revenues and expenditures.
33. There is a need to create an attractive investment environment by removal of all the barriers to allow the private sector to fully participate together with the public sector and civil society.
34. There is a need to prevent interference and overlap of competencies between various ministries to achieve efficiency of public management.
35. Work to restructure the revenue authorities (tax and customs) in a manner that ensures eradication of financial and administrative corruption and efficiency of public management.
36. Restructuring of the Ministry of Oil and the establishment of a Yemeni Oil and Gas Company and the merger of all companies in the Ministry into this new company to be under the Ministry. The Ministry of Public Works shall be restructured to curb



financial and administrative corruption and conduct the needed changes in a manner that realizes efficiency of the public management.

37. Assertion of the need to separate between the public service and private business.
38. Obligate the government to implement the local authority's matrix for the governorate of Hadhermout related to the development projects and the matrix of the consultative meeting which was held with oil companies in 2010 to be reflected in development programs with a clear timeline.

Annexes:

[Annex \(1\) names of members of the WG](#)

[Annex \(2\) Workplan](#)

[Annex \(3\) report of the WG to the Mid-term Plenary](#)

[Annex \(4\) Minute of signatures of the members of the WG on the Final Report.](#)

[Annex \(5\) Hearing sessions](#)


[Annex \(6\) Provisions relevant to the shape of the State](#)


Annex 6: Provisions prepared by the WG and delayed by the Presidium of the Conference because of their relevance to the shape of the State.

- 1- The Constitution should provide for vesting the responsibility for revenue collection to the region provided that the region commits to give the central government its share.
- 2- The constitution shall determine the shares of each tiers of government from the revenues of natural wealth, tax rates, customs and zakat and other resources to be collected between the center and the region: As an initial suggestions, we propose the following:
 - 60% for the region and 40% for the center
 - 75% for the region and 25% for the center
 - 70% for the region and 30 for the center
 - 25% for districts, 25% for the governorates, 25 for the region and 25% for the center.



- Set an extra percentage for the producing regions.
3. The law of the regions shall define the concurrent responsibilities between the federal, the center and the regions.
 4. The constitution shall define the powers of the center and the region to ensure balance of power and responsibility and avoids overlap to achieve administrative effectiveness.
 5. The constitution shall provide for the right of the local authority (region) to oversee and monitor companies working in production of natural resources in areas under their jurisdiction and to share in the consummation of production agreements.
 6. The constitution shall provide for the establishment of a body at the governorate level to be headed by the governor to be a forum for all local government bodies in the districts, another body at the regional level and a third at the national level to be headed by the president of the Republic for all local governments of the regions and to be directly responsible over all things relevant to the outcomes of the local government bodies.
 7. The constitution shall provide for the elections of local government bodies through free and fair direct elections by the voters for two election terms only.
 8. The constitution shall provide for the legislation of a law that regulates peaceful transfer of power at the central (federal) level and shall determine the posts which shall be subject to this rule and those which shall be subject to competition to ensure a fifty fifty share for the North and South and to prevent inheritance of leadership positions and the holding of multiple posts by one person.
 9. A legal provision that obligates the State to develop political, economic, social policies during the establishment of ministries, regions and administrative units that includes an assessment of needs of society for that and shall define the roles and responsibilities of new institutions.
 10. Issuance of a law to establish a high national body for governance in the regions which will constitute a forum for all regional governing bodies. The president of this body shall be the president of the federal republic and shall be responsible for all relevant matters to local government at the States level.

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11. Issuance of a law that considers international ports (land, sea and air) as sovereign ports belonging to the federal central government. An estimated share of revenues from such ports shall go to the regional government treasury where the port is located.
 12. The law shall provide that an action for hiring and appointments in non-sovereign posts shall be the responsibility of the local government bodies (the region).
 13. The law shall provide for the formation of a body from competent agencies in the central authorities (federal) and local authorities(region) to be responsible for monitoring the allocation of the proceeds of grants, loans and foreign assistance to ensure transparency and equity in the distribution of such proceeds in accordance with the entitlement formula for development programs.
 14. Issuance of a law that considers services fees such as: electricity, water, telecommunications and others) as local revenues (owned by the region). The law shall define how such revenues are to be distributed between the provinces in the region.
 15. Development of required legislations to ensure that the residents of natural wealth producing regions implementation of logistical and services activities for producing companies and priority in hiring. No service company should be allowed to work in the region unless it receives authorization from the authorities of the region.
 16. Review of the definition of the State, the role of civil society and the role of the private sector in development in response to the youth revolution and the Peaceful Southern Hiraak.
 17. Transfer to the regions all financial allocations approved in the public budget once ratified in line with the chapters of the budget to the branches of the central Bank in the regions. The local authorities shall be responsible for expenditures. The region should also receive transfers from the central government from the one basket system.
 18. Strengthen the principle of integrity in administration in a manner that achieves better performance for the administration.

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19. All general directors of the finance offices and general directors of the civil service shall be transferred and under the authority of the local administrations units in the region.

[Annex \(7\) Provisions submitted to the Consensus Committee.](#)

Annex 7 articles submitted to the Consensus Committee for the second semester of the All-inclusive National Dialogue Conference

- 1- The constitution shall provide that the State has monopoly on the use of power and force in accordance with the powers vested on them by law and in pursuant to the constitution. The armed forces shall be a tool in the hand of the elected civilian executive and legislative authorities.
- 2- The constitution shall provide for full independence of the media through the establishment of an independent media Commission to be part of the State and in a manner that promotes the media stature as a fourth authorities responsible for molding an enlightened public opinion to serve the principle of transparency, rule of law and the development and promotion of the exercise of democracy.
- 3- The constitutions shall provide for the independence and uniformity of the judiciary as the only body responsible for adjudicating disputes.
- 4- Prevention of discrimination between resident ambassador in Yemen except on the basis of a principle of reciprocal treatment and the criminalization of acts by any ambassadors outside the diplomatic and political norms.

[Annex \(8\) Report on the field visits by the sub-working groups.](#)

[Annex \(9\) Minutes of the Second Semester sessions.](#)

Dr. Halimah Jahaf
Rapporteur of the WG

Judge/ Afrah Badowailan
Chair.