

**OUTCOME OF THE SUBCOMMITTEE OF THE SOUTHERN WORKING GROUP
AGREEMENT ON A JUST SOLUTION TO
THE SOUTHERN QUESTION
Sana'a, 23 December 2013
20:00**

I. ADDRESSING THE PAST

Based on the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism (Transition Agreement signed in Riyadh in November 2011) and Security Council resolutions 2014 and 2051, which states that the political transition requires the participation and cooperation of all groups, including those groups that were not party to the GCC Initiative and Implementation Mechanism, and pursuant to the conclusions of the Working Group on the Southern Question adopted by the Second Plenary of the National Dialogue Conference (NDC) and the Rules of Procedures of the Conference, and after discussing all visions and proposals since 10 September 2013, we the political and social constituencies participating in the National Dialogue have reached this agreement that achieves the highest possible degree of consensus. In this agreement we commit to a just solution of the Southern Question within a unified State, on the basis of federalism and democracy, pursuant to the principles of a State that upholds rights, law and order, and equal citizenship through the creation of a new state structure and social contract that will establish the unity of the new federal state, its sovereignty, independence and territorial integrity. This new federal state shall represent a complete break from the history of conflict, oppression, abuse of power and monopoly of wealth.

While we recognize the contributions and sacrifices of the peaceful Southern Hiraak movement and the struggle of the Yemenis for change, we anticipate that the new federal state will need to be built in full recognition of the grievous errors and injustices that have been committed in the South. Accordingly, the Government of Yemen shall redress these injustices, including through the full implementation of the 20+11 points within the period of transition to the Yemeni federal state, and this is an integral part of our collective endeavour to build a new federal Yemen.

In particular, redress for past injustices must be achieved without delay, subject to a timetable to be specified in the follow up to the implementation of the NDC outcomes. Obligations of restitution, including return of seized land, restoration of confiscated properties and compensation must be fully funded and fully delivered in accordance with the principles of transitional justice without discrimination in order to lay the foundation for a future that overcomes all past grievances and achieves national reconciliation. Those who have suffered most must be given the highest priority. Overall, the South must be assured that there will be no return to the past or abuses of power and wealth, above all with respect to security, stability and development.

We are all committed to a full and just resolution of the Southern Question, which will lay the foundation for a new Yemeni state, federal in character, founded on popular will and

designed to ensure the freedom and prosperity of its sons and daughters. To this end, we will apply the following principles.

II. PRINCIPLES

- (1) A new constitution shall be drafted requiring that the will of the people, equality and compliance to the highest international human rights norms and standards shall be the basis for the authority and legitimacy of the federal state at all levels, as expressed through representative, participatory, and rotating democracy to ensure political plurality and the peaceful transfer of power.
- (2) The people in Yemen shall freely determine their political status, and freely and peacefully pursue the achievement of their economic, social and cultural development through institutions of government at each level in accordance with the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, which Yemen has signed and ratified.
- (3) Powers, functions and responsibilities shall be allocated to each level of government, either exclusively or concurrently, as best serves and is closest to those affected. Each level of government shall have sufficient powers to function effectively and shall bear its fair share of common responsibilities.
- (4) The division of powers and responsibilities shall be clearly defined in the constitution of the federal state. The central authority shall not interfere with the exercise of authority of the executive, legislative, judicial and administrative bodies of the other levels of government in their areas of exclusive responsibility, except in exceptional circumstances as regulated by the constitution and law, and only for purposes of ensuring collective security, essential common standards or to protect one regional authority from interference by another.
- (5) Powers unallocated to the federal authorities shall be presumed powers of other levels of government as provided for by the federal constitution. The competent judicial body defined in the federal constitution shall adjudicate on any dispute over the competencies of the central government, regions and wilayas.
- (6) Each region shall have a leading role regarding its regional economic development. The federal system shall ensure adequate standards for a decent life for all people and ensure an equitable sharing of national wealth.
- (7) Each level of government – central, regional and wilayat – shall enjoy constitutionally defined autonomous executive, legislative (and representative in wilayas), administrative and fiscal authority, including the appropriate power to tax.
- (8) Natural resources are the property of the people of Yemen. The management and development of natural resources, including oil and gas, and the award of exploration and development contracts, shall be the responsibility of the authorities of producing wilayas, jointly with the regional and federal authorities, in accordance with the provisions of a federal law. In accordance with the same federal law, contracts for local services shall be the responsibility of the authorities in the producing wilaya in coordination with the region. The supreme national interest shall be taken into account to ensure that natural resources are managed in a transparent, efficient,

effective and sustainable manner. Pursuant to the same law, an independent national institution shall be established to include all concerned authorities at the wilayas, regional and federal levels for the development of policies and to empower the producing wilayas and regions to manage the natural resources efficiently.

A federal law developed in consultation with the regions and wilayas shall define the criteria and formula for the sharing of revenues from natural resources, including oil and gas, in a transparent and equitable manner to all the people of Yemen, with due consideration to the specific needs of the producing wilayas and regions and the allocation of a share of the revenues to the federal government.

- (9) During the first electoral cycle after the adoption of the federal constitution, the South shall have a 50% representation in all leadership structures in the executive, legislative and judicial bodies, including the armed and security forces, and in levels where appointments are made by the President of the Republic or the Prime Minister. Similarly, the South shall have a 50% representation in the House of Representatives. Inequality in civil service and the armed and security forces in the central level shall be addressed through legislation and institutions that ensure elimination of discrimination and achieve equal opportunities for all Yemenis. For the purpose of addressing the disparities in employment, Southerners shall have priority in employment in vacant posts and qualification and training in the civil service and armed and security forces. Appointments shall respect relevant public service requirements in terms of the skills and qualifications needed. No employee shall be forcibly dismissed.

The federal constitution shall provide for executive, judicial and parliamentary mechanisms to protect the vital interests of the South after the first electoral cycle. These may include special veto rights or special voting rights on issues related to the vital interests of the South and special representation based on the formula of population weighted by territory. No amendments shall be made to the constitution that affects the South or changes the structures of the state unless through the agreement of the majority of the representatives of the South in the Parliament. Moreover, the federal constitution shall define arrangements to realize power sharing.

- (10) The federal constitution shall require all governments and state institutions in the federal state of Yemen to promote equality through legislation and other measures, including real steps to achieve representation of at least 30% women in high offices, elected bodies and in the civil service.
- (11) All the people of Yemen, irrespective of their native region, shall belong to one shared nationality and shall have equal rights and responsibilities. Each citizen of Yemen has the right to reside, own, trade, work or pursue any other personal legal matters in any wilaya or region of the federal state without discrimination.

III. DEFINING THE REGIONS

Authorized by the National Dialogue Conference, the President of the Republic in his capacity as the President of the Conference, shall establish and chair a committee to define the number of regions. The committee's decision shall be binding.

The committee shall consider the option of six (6) regions (four (4) in the North and two (2) in the South), the option of two (2) regions, and any option between these two options that can achieve consensus.

IV. ARRANGEMENTS FOR CONSTRUCTION OF THE NEW FEDERAL STATE OF YEMEN

The federal constitution shall provide for a period for building the federal state of Yemen to commence after the adoption of the constitution, and shall adhere to a timetable that ends within a period as defined in the constitution. The full and effective transition to a new federal State of Yemen, as envisioned above, will require the development of new institutions, capacities and legislation in every wilaya and region, as well as other reforms that include the South's "rights dossier", ensuring the full implementation of the 20+11 points and establishing a trust fund for the South.

As such, investment and on-going efforts will be required to secure and develop the human and material resources necessary for responsible governance serving the indicated aims effectively and efficiently.

Priority shall be given to enhancing the capacity of every wilaya and region of the federal state, the responsibilities of their elected officials, and the appropriate devolution of powers.

To these ends, the constitution shall establish a body that will monitor the full implementation of the tasks of this period. The body shall develop a plan, work in a transparent manner, and shall be fully empowered and sufficiently funded to carry out the following tasks:

1. Establish a timetable to implement the arrangements for building the federal state.
2. Oversee implementation of the outcomes, timetables and standards to be included in the plan.
3. Provide guidance on and monitor the government's capacity-building programme.
4. Provide recommendations to the relevant authorities, as appropriate.
5. Report publicly on progress on implementation at least every six (6) months.

The body shall be dissolved at the end of this period, unless the constitution provides otherwise.

V. ROLE OF THE INTERNATIONAL COMMUNITY

We request the international community to support the implementation of the outcomes of the National Dialogue Conference, and the transition process in Yemen, especially the Gulf Cooperation Council (GCC), the League of Arab States, the European Union, the United Nations, the five permanent members of the Security Council (P5), the Friends of Yemen, as well as other supporting States and organizations.

We request the Secretary-General to continue to provide his good offices, as mandated in United Nations Security Council resolutions 2014 (2011) and 2051 (2012). We request the

Security Council, through the Secretary-General, to support Yemeni efforts to implement the outcomes of the Comprehensive National Dialogue Conference and to monitor progress of the transition process, especially the implementation of this agreement. We further request continued UN assistance, including coordinating the efforts of the international community, in support of building the new federal state of Yemen.

We request the Security Council and the GCC to adopt resolutions to support this agreement.

VI. SOLEMN COMMITMENT

The undersigned declare their full faith and confidence that this agreement constitutes a reasonable compromise and an accurate reflection of our collective understanding. We believe this agreement advances the general interest of the people of Yemen. We commit to respect and promote this agreement in good faith on the basis of a forward-looking perspective, aiming to build together a new, democratic, federal state of Yemen and preserve its unity, sovereignty, independence and territorial integrity.

Name	Signature	Constituency
Ahmed Obaid Bin Dagher		GPC
Ahmed Mohamed Al-Kohlani		GPC
Mohamed Mohamed Qahtan Qaid		<i>Yemeni Congregation for Islah</i>
Ali Hussain Othman Ashal		<i>Yemeni Congregation for Islah</i>
Abdul-Rahman Omar Al-Saqaf		Yemeni Socialist Party
Qadari Ahmed Haider Qassim		Yemeni Social Party
Mahmoud Abdulqader Abdullah Al-Gunaid		Ansar Allah
Abdullah Noaman Mohamed Al-Qadasi		The Unionist Popular Nasserite Organization
Nadiyah Abdullah Al-Akhram		Youth
Ibrahim Malik Shuja-Aldeen		Civil Society
Mohamed Ali Abdullah Abu Luhood		Justice and Construction Party
Khaled Baras		The Southern Peaceful Hiraak Movement
Mohamed Salem Al-Shaddadi		The Southern Peaceful Hiraak Movement
Riyadh Yassin Abdullah		The Southern Peaceful Hiraak Movement
Ali Shalma Al-Awadi		The Southern Peaceful

		Hiraak Movement
Moqbel Lakrash		The Southern Peaceful Hiraak Movement
Ghaleb Motlaq Masaad		The Southern Peaceful Hiraak Movement

Done in Sana'a on/December 2013