

Chapter IV: Guarantees for the Implementation of the Outcomes of the Comprehensive National Dialogue Conference

Introduction

The Gulf Initiative and its Implementation Mechanism as well as Security Council resolutions 2014 and 2051 required the implementation of a package of tasks and entitlements to ensure the creation of a process of change desired and agreed upon by Yemenis, on top of that a solution for the South issue; a fair solution that ensures the security, stability and unity of Yemen.

Accordingly, the following document reflects the awareness and commitment of the political and social constituencies which participated in the Comprehensive National Dialogue Conference (NDC) on the need to complete the tasks contained in the Gulf Initiative and its Implementation Mechanism, which started with the signing of the Initiative and ends in general elections.

The completion of the tasks and entitlements of the Gulf Initiative and its Implementation Mechanism constitutes the foremost guarantee for the success of the NDC and its transformation into a tangible reality to be felt by all Yemenis.

This document also contains mainly specific guarantees which were the subject of consensus between the participants in the NDC for the implementation of the outcomes of the Conference.

Principles

Based on the visions by the political and social constituencies in the NDC on political and social guarantees, a consensus was reached on the following set of principles:

1. **A Broad National Partnership:** Based on the principle of (partners in laying the foundations, partners in implementation).
2. **Consensus:** The political transition was based on consensus, thus consensus shall be the norm up to the organization of general elections.

3. **Good Governance:** The most important condition for this stage is the principle of establishing a system of good governance as a governing framework for all Institutions and bodies guarantors of the implementation of the outcomes of the NDC.
4. **On-going Review:** On-going review and evaluation of progress to accomplish the tasks for each stage to ensure that they are implemented as intended.
5. **Real Change:** A change with an impact reflected in the political process and on the lives of citizens in a realistic and concrete form.
6. The political process shall people people-contred for meeting the aspirations and goals of the people: Increase the level of confidence of the citizen in the transitional process and encouragement of the people in ensure their participation in the political process, especially in the South.
7. Commitment of the parties involved in NDC to seriously work for the implementation of the outcomes of the Conference in their policies, activities and different events.
8. The official media institutions and parties involved in the NDC shall commit to a constructive, positive and supportive media discourse on the political process in general and on the outcomes of the Conference in particular.
9. Adoption of the guarantees contained in the reports of the working groups and outcomes of NDC.
10. The continued support of the international community to the political process in Yemen and the development needs are crucial to ensure stability of the situation and completion of arrangements for the organization of the referendum on the constitution and elections thereafter.

Required Executive Tasks Required for the Preparation for the Referendum and Elections.

The following tasks shall be implemented within a specific timetable for a period not to exceed one year from the closing of the NDC.

First Milestone: Referendum on the Constitution

- a. **Procedural tasks package**
 - Establishment of the Constitution Drafting Commission.

- Completion of the Electoral Registry.
- Drafting of the Constitution.
- Oversight over the drafting of the Constitution and the adoption of the draft.
- Preparations for the referendum on the Constitution by the current Supreme Committee for Elections and Referendums.
- Referendum on the Constitution.

b. Package of Tasks to for Public Mobilization

- Completion of the implementation of the 20+11 points.
- Intensification of the awareness campaigns :
 - During the constitution drafting period, members of the NDC shall be assigned to implement a field community awareness program on the outcomes of the NDC; considering that they are the main torch bearers and have an in-depth understanding and faith on the outcomes.
 - Awareness and media campaigns on the outcomes shall be carried out by media outlets, organizations, foundations and institutions.
- Clear legal and administrative instructions shall be given to the public prosecutor, the police departments, prisons and security forces to act in accordance with the law and international standards, and for the release of those who are in illegal detention.
- Work to end all armed conflicts.
- Completion of the process of returning the armed forces and other military formations to their camps, end to signs of militarization in public in the capital city of Sana'a and other cities and evacuation of militias, armed groups and irregular formations from the city of Sana'a and other cities.
- Adoption of necessary steps, in consultation with all other stakeholders, to ensure a cessation of all forms of violence and violations of the International Humanitarian Law, disengagement between the armed forces, armed formations, militias and other armed groups, ensuring that they are returned to their barracks and guarantee of freedom of movement for everyone in all parts of the country , protection of civilians and other necessary measures to achieve security, stability and the extension of state control .

- Completion of removal of roadblocks, checkpoints and fortifications created in all governorates.
- Complete of actions for the restructuring the army and security forces.
- Take steps designed to achieve transitional justice and national reconciliation and necessary measures to ensure that no violations of human rights and the International Humanitarian Law are not repeated in the future (Passage of the Transitional Justice law in accordance with the outcomes of the NDC).
- Completion of the formation of the commission of enquiry into the 2011 violations.
- Release of the change revolution's youth and peaceful members of the peaceful Southern Movement who were arrested outside the law.
- Facilitate and secure the deliveries of humanitarian aid where needed.

Second Milestone: Constituting the State and Organization of Elections:

The timeframe for the constituting period of the State's regional and federal authorities shall be determined. General elections shall be held in accordance with the provisions of the Constitution adopted in the referendum.

Legislative and Procedural Tasks to be Implemented:

- Issuance of the Judiciary Law and the formation of the Constitutional Court.
- Issuance of the necessary legislations to pave the way for the transition from a unitary state to the Federal State structure in accordance with the new constitution , including:
 - Law of the regions.
 - Regional legislations.
 - Local Administration laws in the regions.
 - Laws to divide the regions to local units.
 - Civil Service Act to regulate the work of the State.
- Constituting the regions (Design of institutions and procedures required in the regions).
- Issuance of the new elections law in line with the new shape of the State.

- Formation of the Supreme Elections Commission.
- Preparation for the elections.
- Elections.
- Initiate legal and management instructions to all branches of the government sector to comply with standards of good governance, rule of law and respect for human rights that ensure reforms. These must be initiated in the following priority bodies: Civil Service, the Ministry of Finance, the Central Bank, the Central Control and Auditing Organization, the media, the Public Prosecutor, the Office of the Presidency, the Presidency of the Council of Ministers and local administration.

Any other legislation relevant to combating of corruption and rights and freedoms; such as the political parties law, CSO's law, anti-corruption law, the finance and financial disclosure law and the law on protection of the State (these legislations should be given priority).

- Work to ensure that the government functions in an orderly fashion, including local administration in accordance with the principles of Good governance, rule of law, human rights, transparency and accountability.
- Initiate re-training for those who do not meet conditions of service in the armed forces and Security services.
- Any other action that would prevent the occurrence of an armed confrontation in Yemen.
- Take legal measures and any other mean for enhancing and protection of vulnerable groups, their rights; including children and the advancement of women.

Institutions Responsible for the Implementation of the Tasks at this Stage

Ruling Executive and Legislative Institutions for the Transition:

- The Presidential Institution
- The Government
- The legislative Institutions

Consensus was reached on the following:

First: The presidential Institution.

The elected Yemeni President derived legitimacy from the Yemeni people who went to the polls, in such a large turnout, to elect a new president for Yemen.

Based on the Gulf Initiative and its Implementation Mechanism, the executive mandate of the President ends at the time of the inauguration of elected president in accordance with the new Constitution.

Second: Government

The President of the Republic exercises his constitutional powers to achieve change in the government by ensuring competence, integrity and national partnership, as well as other executive agencies at the central level and the governorates to ensure national partnership and efficiency.

Third:

1. Expansion of the Shura Council to ensure representation of all constituencies and political and social actors who took part in the NDC. Representation shall be in the same percentages as that in the Conference to include youth, women and civil society, while ensuring 50% representation for the south.
2. Expansion of the Consensus Committee, which shall function as national body where all political and social actors which took part in the NDC shall be represented using the same ratios and the same criteria agreed upon in the NDC. Each constituency should have at least two seats. 50% should be given to the South, at least 30% to women and 20% for youth. Selection of representatives selection should take into account that those chosen have no other position in the cabinet, parliament or the Shura Council so that their other obligations do not hinder their performance in this national body which shall have the following functions:-
 - Supervision and follow-up on the implementation of the outcomes of the NDC.
 - Follow-up and supervision over the work of the Constitution Drafting Commission; review the draft constitution document and approve it before submission to the President of the Republic for the required constitutional actions for a referendum.