



Next Steps in Yemen's Transition

Middle East and North Africa

International Foundation for Electoral Systems

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Introduction

In the wake of uprisings in Tunisia, Egypt and other countries in the Middle East and North Africa (MENA) in early 2011, protests in Yemen against the rule of then-President Ali Abdullah Saleh began in early February and continued through the end of the year. Political crisis escalated into an armed conflict, with many protestors and members of the security forces killed or injured. There was fighting between government forces and tribal fighters in several governorates, some involving the powerful Hashed tribal federation that sided with protestors. Clashes between rival factions within the military increased speculation that Yemen's fragile state could collapse into civil war.

Although Yemen's uprising followed those within the region, it has taken its own path in response to its unique, complex social and political environment. The following are likely influences on the way Yemen's future will unfold:

- Prior to the 2011 uprising, the Yemeni government was trying to deal with a number of major security issues. A rebellion by followers of dissident cleric Hussein al-Houthi in the northern governorate of Sadaah began in 2004. There was a secessionist movement in southern governorates that echoed a similar uprising in 1994 that led to a brief civil war won by the northern forces, although underlying resentments continued. There is international concern about the presence of Al Qaeda in Yemen, particularly in some southern governorates, given Yemen's strategic position at the entrance to the Red Sea.
- Yemen is a very poor country with high unemployment, widespread illiteracy, high malnutrition, a rapidly growing population, a declining water supply and diminishing known reserves of oil and gas. Yemen's economic survival will increasingly depend on international aid.
- On paper, Yemen appears to have all the elements of a functioning democracy. The constitution adopted in 1991 contained groundbreaking provisions for the region, including an independent and impartial judiciary and election management body. In practice, however, adherence to rule of law and support for an independent judiciary have not been strong. There were signs of improvements before the 2011 uprising. In recent years, elections for the president, parliament and local councils have been reasonably free and fair, although parliamentary elections, due in 2009, have been postponed twice. There has been a recent commitment to protecting human rights and improving the status and well-being of women. In some areas of Yemen, strong tribalism means the authority of the central government is weak. There is widespread corruption and the 2011 uprising exposed serious divisions within the military.
- The 2011 uprising was mainly led by young people frustrated at the lack of jobs and economic development and the heavy hand of what amounted to one-party rule. Although removing President Saleh has taken time and has come with a considerable loss of life, expectations remain high about what can be achieved. However, different groups have competing interests and agendas. Finding ways to reach consensus on these issues will be one of recently-elected President Hadi's most challenging tasks.

This briefing paper outlines the agreement brokered by the Gulf Cooperation Council (GCC), discuss the early presidential election held in February 2012 and analyze the transitional process after the election.

The GCC Initiative and the Implementation Agreement

The political settlement in Yemen was brokered by the GCC with the support of the five permanent members of the United Nations Security Council and the European Union following 10 months of protests in 2011. The negotiations resulted in two agreements: the GCC Initiative and the Agreement on the Implementation of the Transitional Process in Yemen in Accordance with the Gulf Cooperation Council Initiative (the Agreement; see Annex 1). The ruling party, the General People's Congress (GPC), and the coalition of opposition parties, the Joint Meeting Parties (JMP), were signatories to the Agreement.

The Agreement envisages a transition period until 2014, divided into two phases. Phase I covered the early presidential election held on February 21, 2012, and ended with the inauguration of the new president. Phase II covers the remaining period until 2014 and will include consideration of changes to the constitution; a constitutional referendum; reform of political and electoral laws; parliamentary and local council elections; and presidential elections, if required.

In signing the Agreement, then-President Ali Abdullah Saleh agreed to resign from the presidency and to delegate presidential powers to Vice President Abed Rabbo Mansour al-Hadi until the early presidential election could be held. In January 2012, parliament passed a controversial law granting President Saleh complete immunity from prosecution and offering his aides partial protection from prosecution over "politically motivated" crimes committed while conducting official duties, except those considered "terrorist acts."¹

Paragraph 8 of the Agreement requires that decision making in parliament be consensual during the transition period. If consensus cannot be achieved on some matter, then the final decision will be made by the vice president and the newly-elected president during Phase II. The JMP nominated the prime minister and a multi-party National Consensus Government (NCG) was formed, with half of the ministers from the GPC and half from the JMP. Paragraph 12 of the Agreement requires the NCG to make decisions by consensus, with the vice president in Phase I and president in Phase II making the final decision if consensus cannot be reached. Paragraph 13 of the Agreement sets out the immediate tasks the NCG must address, and the responsibilities of the vice president and the NCG during Phase I.

Paragraph 16 of the Agreement requires the vice president to form and chair a Committee for Military Affairs and Achieving Security and Stability, and sets out the committee's responsibilities. Paragraph 17 requires the committee to "take necessary steps to achieve integration of the armed forces under a unified professional national leadership structure" within the context of the supremacy of the law.

¹ "Yemen parliament approves immunity law," *Al Jazeera*, January 21, 2012, <http://www.aljazeera.com/news/middleeast/2012/01/201212064413492432.html>

Paragraph 4 of the Agreement states: “Agreement on the Gulf Initiative and its Implementation Mechanism shall replace any constitutional or legal arrangements in effect, and they shall not be challenged in government institutions.” Examples of where the Agreement appears to override the constitution are as follows:

- Paragraph 8 of the Agreement requires decisions of parliament to be consensual during the transition period. If consensus cannot be reached, the vice president, during Phase I, and the president, during Phase II, makes a final, binding decision. This is contrary to Article 66 of the constitution, which stipulates the House of Representatives determines its own procedures, and Article 71 which says the House of Representatives must make its decisions “by an absolute majority of the attending member except in cases where the constitution, or House regulations demand a specific majority.”
- Paragraph 10 of the Agreement specifies the composition of the National Consensus Government, whereas Article 130 of the constitution says the Prime Minister, in consultation with the president, chooses members of the cabinet.
- Paragraph 18(b) of the Agreement allows unregistered voters to vote in the early presidential election. This overrides Article 5 of the General Elections and Referendum of 2001, as amended in 2010, which requires voters to be registered before they can vote in a presidential election or referendum.
- A presidential election with a single candidate is contrary to Article 108(d) of the constitution and Articles 63(a) and 65(d) of the 2001 General Elections Law.

These examples underscore the fact that the Agreement is a political document and some aspects of the transition in Yemen will lie outside the rule of law.

The Early Presidential Election

Paragraph 6B of the Agreement required the vice president to issue a decree calling for a presidential election within 90 days of signing the Agreement. The GPC and the JMP agreed to endorse Vice President Hadi as a joint presidential candidate at the February 2012 election. No other candidate was nominated.² The president elected in February 2012 will hold office until a newly-elected president is inaugurated following a future presidential election held in accordance with a new constitution that has been approved in a referendum.

The state of the voter register was a major problem for the election. The Supreme Commission for Elections and Referendum (SCER), an independent body currently composed of nine judges, is responsible for conducting the February 2012 presidential election and registration of voters during the

² The last presidential election in Yemen was held on September 20, 2006. President Ali Abdullah Saleh was re-elected with 77.3 percent of the valid votes. The other four candidates received 22.7 percent, 0.5 percent, 0.4 percent and 0.2 percent of the valid votes, respectively. Turnout was 65.1 percent of registered voters, and invalid votes were 3.2 percent of all votes cast.

voter registration update (VRU) period. The VRU is normally held every two years and before each electoral event. The last VRU was in 2008-2009 before parliamentary elections scheduled for April 2009 that were subsequently postponed. There were 10,334,000 registered voters at the conclusion of that VRU.

The SCER did not have time to conduct a VRU before the early presidential election. It was estimated there were about 2 million eligible but unregistered new voters for the February 2012 election, plus about 250,000 internally displaced persons who would not be able to go to the voting center at which they were registered. Additionally, the lack of a VRU meant that internal migration by an unknown number of registered voters would prevent many of them from voting at the center at which they were registered.

Paragraph 18(b) of the Agreement provided that, for the early presidential election:

- Any citizen, male or female, who has reached the legal age for elections and can prove that using an official document such as a birth certificate or national identity card, has the right to vote based on this document.
- First-time voters were able to register and vote at any polling station in the country as long as they had an approved form of photo identification. Internally displaced persons were able to vote at special voting centers established by the SCER in urban areas and close to camps for displaced persons. Voters who could not go to their designated voting center were able to vote at the nearest voting center.

Although there was never any doubt that Vice President Hadi would be elected, the real importance of the election lay in the extent of the mandate he would receive to deal with the challenges facing Yemen. The official election results released by the SCER (see Annex 2) suggest that his mandate is substantial. The estimated turnout was 55.2 percent,³ which compares well with turnout in the contested presidential election in 2006. The rate of spoiled ballots was low. Indicative figures for participation was very low in Sadah (13.3 percent) and in some southern governorates, notably Lahj (29.3 percent, excluding five districts where voting was not held due to security issues) and Hadhramout (16.1 percent). However, overall indicative participation in other southern governorates was high; Aden was 45.2 percent, Abyan was 59.9 percent (excluding one district where voting was not held because of security issues) and Shabwah was 36 percent.⁴

³ 6,666,705 votes were cast out of an estimated 12,080,910 eligible voters (10,080,910 registered voters in the districts where the election was held, plus an estimated 2 million first time voters). 24,404 votes were not for Hadi, were invalid or spoiled.

⁴ There were, however, significant variations among the districts within these governorates. In Sadah, the range was from 4 to 33 percent, Lahj 5 to 49 percent, Hadhramout 3 to 81 percent, Aden 9 to 72 percent, Abyan 34 to 93 percent and Shabwah 15 to 48 percent.

The Transitional Process after the Presidential Election

The Agreement envisages a transition period from 2012 until 2014, divided into two phases. Phase I covered the February 2012 presidential election and ended with the inauguration of President Hadi. Phase II will last until 2014. The Agreement outlines the following steps during Phase II:

National Dialogue Conference

Once inaugurated, President Hadi and the NCG will convene a National Dialogue Conference (NDC):

For all political forces and powers including the youth, southern movement, Houthis, all political parties, civil society representatives and women sector. Women shall be represented among all participating parties. (Paragraph 20)

The Agreement does not contain any provisions about the appointment process or how the NDC will conduct its business, including whether it will make its decisions and recommendations by consensus or by majority.

Paragraph 21 of the Agreement requires the NDC to discuss the following topics:

- The process for formulating the constitution including the creation of a committee for this purpose and determining the number of its members
- Constitutional reform; repair of government structure and political system; and proposing constitutional amendments to the Yemeni people in a referendum
- The southern issue; develop a fair national solution which maintains unity, stability and security for Yemen
- Various national issues that impact the country including the reasons for tension in Sa'dah
- Steps toward building a complete democratic system, including reform of civil service, justice [system] and local administration
- Achieving national reconciliation through transitional justice and development of necessary procedures to avoid violations to human rights and laws in the future
- Enhancing protection of rights of vulnerable and under-represented populations such as women and children
- Defining priorities related to sustainable construction; economic and social development programs to provide better work opportunities; and economic, social and cultural services for society

Many of these issues are important for the future of Yemen and will be hotly contested within the NDC and the wider community. Nevertheless, Paragraph 22 of the Agreement seems to require the NDC to complete its work within six months – an ambitious timetable, given the importance and complexity of the issues to be considered; wide range of groups involved; likelihood of increased levels of political and civic activism throughout the transition process; the need for a participatory and transparent approach to the reform process; and the high public expectations surrounding political reform in Yemen. International technical advice and support requested by the NDC and the National Consensus Government are also likely to be important in helping the NDC work through the options it will have to consider.

Constitutional Referendum

Once the NDC concludes its work, the National Consensus Government will appoint a committee to draft the constitutional amendments within three months. A constitutional referendum to approve the changes will then be held.

It appears the Constitution Committee's task will be technical, as it will draft the constitutional amendments needed to implement decisions of the NDC. It is likely, however, that there could be issues about how to turn some of the NDC's decisions into constitutional language and ensuring consistency throughout the constitution when incorporating the changes recommended by the NDC.

Once the amendments have been drafted, a referendum will be held to approve the new constitution. The referendum will be conducted by the SCER.

There are likely to be five main issues in relation to the referendum:

- Voter registration: Due to the short lead time, no VRU was held before the 2012 presidential election and the Agreement mandated the SCER to implement special procedures to allow an estimated 2 million unregistered eligible voters to register and vote. Additionally, Paragraph 23 of the Agreement requires a new voter registration system to be implemented after the new constitution has been approved.
- Voter list: Yemen's voter lists have long been a source of political controversy and have been a primary reason for the JMP's lack of political confidence in the integrity of the electoral process. Although previous efforts by its predecessors to address concerns were not effective, the current SCER has an opportunity to deal with some of the most significant issues before the constitutional referendum and subsequent elections.
- Possible boycotts: The NDC is required to examine issues relating to Sa'ada and to the separatist movement in the south. If proposals made by the NDC do not satisfy those groups, it is possible they will decide to boycott the referendum. Similar measures could be taken by other groups who are dissatisfied with the reform proposals.

- Security: There are also likely to be security issues at the referendum. This was the case during the February presidential election, arising from opposition by groups in the north or the south. Opposition may also rise as attempts to disrupt the reform process by groups linked to Al-Qaeda.
- Voter information: The SCER will need to develop and implement a voter information campaign to explain the constitutional referendum to voters and encourage them to participate. Community-based voter information activities conducted or supported by local and international NGOs will help reinforce the SCER's media campaign.

Parliamentary and Other Elections

Within three months of adopting a new constitution, the Agreement requires parliament to enact a law concerning parliamentary elections.

Under the current Yemeni Constitution, the House of Representatives consists of 301 members elected using a first-past-the-post system in single member districts. The upper house, the Shura Council, consists of 111 members, all of whom are appointed by the president. It is likely the NDC will consider changing the electoral system for the House to introduce some form of proportional representation. The NDC could also consider making the Shura Council an elected body, in whole or in part.

The last elections for the House of Representatives were held in 2003. Despite requirements of the constitution and election law, the SCER has not revised the boundaries of parliamentary constituencies since 2003 to ensure that each constituency has a total population within ± 5 percent of the legal quota.⁵ As a result, it is certain that a substantial number of parliamentary constituencies do not comply with the current statutory requirement.

If constitutional changes retain a constituency-based electoral system for the House and there are similar statutory provisions concerning population per seat, population changes are likely to require a reallocation of parliamentary seats between governorates and major adjustments to the boundaries of many of the existing parliamentary constituencies. Either process is likely to be politically difficult. However, there will be limited time to do so before parliamentary elections should be held. Moreover, Yemen's next population census will be held in 2014, so any delimitation of parliamentary constituencies before then would need to be based on projections from the populations determined in the 2004 census.

⁵ The SCER is also responsible for determining the boundaries of the local electoral constituencies used for local council elections, and those local constituencies have been used as the building blocks for parliamentary constituencies.

Presidential and Local Council Elections

The election law will also cover presidential elections, if required, under the new constitution. It is also possible that it will cover local council elections to be held at some stage, although this is not explicit in the Agreement. The last local council elections were held in 2006, in conjunction with the presidential election.

Other Matters

According to Paragraph 21 of the Agreement, the new election law will reform the SCER and voter registration will be rebuilt and will later be the subject of review by the newly elected parliament.

The current judicial members of the SCER were appointed by former President Saleh in December 2010. There have been suggestions that they could be replaced shortly after the 2012 presidential election because of their appointment by the former president. However, the success of the early presidential election is a good argument for maintaining continuity in the SCER's membership throughout the transitional period. In any case, it is crucial that prompt decisions are made in order to avoid hiatus in the SCER's activities, as occurred when there were no SCER commissioners from November 2007 to August 2008.

The details of rebuilding the VR system are unclear. Although the Civil Status Authority in the Ministry of Interior has been developing a civil registry for some years, the project is not well advanced, in large part because of significant underfunding. The SCER has been cooperating with this project with the expectation that a comprehensive and accurate civil registry database will allow the creation of voter lists without the need for time-consuming and expensive VR updates. An amendment to the elections law passed in 2010 required the government to work on completing an electronic civil registry capable of producing the voter register for elections held after 2011. It seems unlikely this will apply to the elections held during the transition period, ending in 2014.

On the other hand, the transitional period provides an opportunity to remedy known defects in the VR database and in VR procedures before the constitutional referendum and subsequent elections. These improvements should be regarded as high priority and could be done while ensuring compatibility with the civil registry database in case that project makes significant progress in the next few years. The transition period also provides an opportunity to review the internal structure of the SCER at the national, regional and local levels and to update the SCER's organizational by-laws, policies and manuals.

Conclusions: Yemen's Transition and Beyond

The timetable for Yemen's transitional process from 2012 to 2014 requires the resolution of major issues in a relatively short period of time. It is clear that the objectives of the Agreement will not be achieved without significant international support.

The range and complexity of the issues to be discussed by the NDC suggest there is potential for some slippage in the six month timetable specified in the Agreement. If so, that could delay the process of

drafting constitutional amendments, the referendum and subsequent elections. Firm leadership within the NDC will be necessary if the proposed timetable is to be met. This will need to be tempered by the need to provide opportunities for a range of perspectives to be presented and discussed, particularly concerning ongoing issues concerning the Houthis and the southern separatists. Policy agreements between the GPC and the JMP could help the NDC keep to the proposed timetable. It can be expected, however, that politics will never be far away from the NDC process, as both party groups will also be considering political implications of the NDC's proposals for the elections to be held during the transition, the immediate post-transition period and beyond.

The transitional period includes several significant electoral events from 2012 to 2014: a presidential election, a constitutional referendum, parliamentary elections and perhaps presidential and local council elections. The SCER's budget for the early presidential election was 9.7 billion riyals, about USD \$43 million at the current exchange rate. Support for procurement of some electoral materials by the international donor community can be added. Electoral events during the transitional period will put great pressure on the finances of the NCG and the resources international donors can provide.

The constitutional referendum and subsequent elections will face other issues similar to those encountered at the early presidential election: the need for voter education, a voter registration update and ensuring security of the process. However, fears about low voter participation at the early presidential election proved largely unfounded, which bodes well for forthcoming events. It will also be important to maintain the capacity of the SCER as an independent and impartial election management body, both in terms of the membership of the SCER and continuity among its senior and experienced staff.

While President Hadi has a strong personal mandate for the transition period, he will need to be seen as making a difference to Yemen's socio-economic situation and ensuring that security forces are clearly under the authority of the National Consensus Government and its successors.⁶ In order to avoid accusations that the old regime is still in control, President Hadi will also have to deal with Saleh loyalists, members of the former president's family who are still in key positions in the military and perhaps with the presence of Saleh himself.⁷

The formal transition period ending in 2014 will only be the first step in what may be a long process; particularly if there are significant changes in personnel, structures and processes of government. Yemen's social and economic problems will not be solved during the transition period. Security issues

⁶ See "Concerns over Hadi's ability to reconstruct military and security services," *Yemen Times*, February 23, 2012, <http://yementimes.com/en/1550/>

⁷ See, for example, "Yemen new President sworn in and former president Saleh returns as normal politician and head of his party," *Yemen Observer*, February 25, 2012, <http://www.yobserver.com/front-page/10021931.html>; "Hadi sworn in as Yemen's new president," *Al Jazeera*, February 25, 2012, <http://www.aljazeera.com/news/middleeast/2012/02/20122257134171112.html>; "Saleh hands over Yemen reins to successor," *Al Jazeera*, February 27, 2012, <http://www.aljazeera.com/news/middleeast/2012/02/201222774749787487.html>; "Yemen's president Ali Abdullah Saleh cedes power," *BBC News*, February 27, 2012, <http://www.bbc.co.uk/news/world-middle-east-17177720>; "JMP to boycott Hadi's inauguration ceremony," *Yemen Times*, February 27, 2012, <http://yementimes.com/en/1550/news/470/JMP-to-boycott-Hadi%E2%80%99s-inauguration-ceremony.htm>

are also likely to continue, particularly if the Houthis and/or the southern separatists – or factions within those movements – are not satisfied with the outcomes of the NDC process. The government after 2014 is also likely to have to deal with the continued presence of Al Qaeda. The strong influence of tribalism in some areas will continue. The decisions made in the next two years will be vital to securing Yemen's future, as will the nature of the decision making process.

Annex 1: GCC Implementation Agreement⁸

In the Name of Allah Most Gracious Most Merciful

Agreement on the Implementation of the Transitional Process in Yemen

In Accordance with the Gulf Cooperation Council Initiative

Part One – Preamble

1. Both parties recognize:
 - a. The impasse that the political transition process has reached exacerbated the political, economic, humanitarian and security situations which continue to deteriorate quickly while the Yemeni people suffer of many difficulties.
 - b. Our people, including the youth, have legitimate aspirations for change.
 - c. This situation requires that all fulfill their responsibilities toward the people by the immediate commitment to a clear path of transition to a prudent and democratic governance in Yemen.
2. Both parties express their profound gratitude to the Gulf Cooperation Council, Ambassadors of the five permanent members of the United Nations Security Council, Ambassadors of the Gulf Cooperation Council and European Union for the efforts they exerted in supporting the agreement for the peaceful transition of power and the adoption of this mechanism based on the Gulf Cooperation Council Initiative in full compliance with United Nations Security Council Resolution 2014 for 2011.
3. Following definitions apply in this agreement:
 - a. The term “Gulf Cooperation Council Initiative” points to the Gulf Cooperation Council Initiative for the solution of the Yemeni crisis in its version dated 21/22 May 2011.
 - b. The term “mechanism” points to this agreement associated with the process of implementation mechanism for the transfer of governance in Yemen based on the Gulf Cooperation Council Initiative.
 - c. The term “both parties” points to the National Coalition (General Peoples Congress and its allies) as one of the two parties, and to the National Council (Joint Meeting Parties and their partners).
4. Agreement on the Gulf Initiative and its Implementation Mechanism shall replace any constitutional or legal arrangements in effect, and they shall not be challenged in government institutions.

⁸ Unofficial translation.

Part Two – Transitional Period

5. Both parties consider that the President has delegated authority to the Vice President, according to the Decree number 24 for 2011, granting him an irrevocable authority with all necessary Presidential powers to negotiate this mechanism, sign and implement it in addition to all constitutional powers associated with its implementation and monitoring. Powers extend to include calling for early elections, and all necessary decisions to form a The National Consensus Government including the appointment of its members, and other entities indicated in this mechanism.
6. Transitional period shall be implemented as follows:
 - a. In accordance with the United Nations Security Council Resolution number 2014 for 2011 which “observes the commitment of Yemeni President to sign the Gulf Cooperation Council Initiative immediately, and encourages him or whomever he designates to act on his behalf, to do so and conduct a political settlement based on it. According to the Presidential Decree number 24 of the current year 2011, the President, or Vice President on his behalf, will sign the Gulf Cooperation Council Initiative simultaneously with the signing of the two parties.
 - b. Simultaneously with the signing of this mechanism, and using the power granted to him by the President in Decree number 24 of 2011, the Vice President will issue a decree calling for early presidential elections during a period not exceeding 90 days from the effective date of this mechanism. Based on relevant constitutional provisions, the decree will go into effect 60 days prior to elections (draft of the decree is attached to this mechanism).
 - c. This mechanism shall go into effect as soon as the President, or Vice President, signs the Gulf Initiative and all parties sign this mechanism in accordance with this clause and the issuance of the decree mentioned in the clause (6b) above.
7. The transitional period shall start with the effective date of this mechanism. After that, the transitional period shall be made up of two phases:
 - a. The first phase shall start with the effective date of this mechanism, and end with the inauguration of the President following the early presidential elections; and
 - b. The second phase which is two years long shall start with the inauguration of the President following the early presidential elections, and end by holding general elections according to the new constitution, and inaugurate the new President of the Republic.
8. During the first and second phases, decisions in Parliament shall be consensual, and in case consensus on any subject cannot be reached, the Speaker of Parliament shall submit the matter to the Vice President during the first phase, and to the President during the second phase, who will decide the issue, and what he decides shall become obligatory to both parties.
9. Both parties will take the necessary steps to ensure the Parliament’s approval of legislations and other laws necessary for the full implementation of commitments associated with the guarantees the Gulf Cooperation Council Initiative and this mechanism pledged.

Part Three – First Phase of the Transitional Period

Formation of a National Consensus Government

10. As soon as the Gulf Cooperation Council Initiative and its Implementation Mechanism are signed, the opposition shall name their candidate for the Prime Minister position who will be charged by the Vice President through a Presidential Decree, to form a National Consensus Government. Formation of the government shall take a period not exceeding 14 days from the date of tasking. A Presidential Decree signed by the Vice President and Prime Minister shall be issued on this matter:
 - a. The National Consensus Government shall be composed of 50 percent for each party with the obligation to consider the participation of women in it. Dividing the ministerial positions, one of the parties shall prepare two lists of those ministerial positions which shall be turned to the other party who will have the right to select one of them.
 - b. The Prime Minister-select shall name members of his government as proposed by both parties. After that, the Vice President shall issue a decree containing members of the government agreed upon on condition that those nominees are of a high degree of integrity, respect human rights and international human rights laws.

11. Members of the National Consensus Government shall swear the constitutional oath before the Vice President, and within ten days, the government shall submit its agenda to Parliament so it may be granted the confidence within five days.

Running the National Consensus Government

12. The National Consensus Government shall make all its decisions on a consensus basis. If a full consensus cannot be reached on any issue, the Prime Minister shall consult with the Vice President, the President after the early presidential elections, in order to reach a consensus. If consensus cannot be reached between them, the Vice President, the President after the early presidential elections, shall make the final decision.

13. Immediately after its formation, the National Consensus Government shall do the following:
 - a. In consultation with all other entities, take the necessary steps to ensure ceasing all forms of violence, violating humanitarian laws, resolve clashes among the armed forces, armed formations, militias and other armed groups, ensuring their return to their garrisons, and guaranteeing freedom to travel across the nation for all, protecting civilians and other necessary arrangements to achieve security and stability, and enforcing government control;
 - b. Facilitating and securing the arrival of human assistance wherever needed;
 - c. Issuing suitable legal and administrative instructions to all government sector branches to immediately abide by the prudent governance standards, supremacy of law and respect for human rights;

- d. Issuing specific suitable legal and administrative instructions to the Public Prosecution, Police Stations, Prisons and Security to act according to the law and international standards, and releasing those who were illegally detained; and
- e. The National Consensus Government commits to all Security Council Resolutions, Human Rights Council Resolutions, and related international traditions and pacts.

Authorities of the Vice President and the National Consensus Government

- 14. In implementing this mechanism, the Vice President shall exercise the following constitutional authorities in addition to the authorities of his position:
 - a. Calling for early presidential elections;
 - b. Exercising all presidential duties pertaining to Parliament;
 - c. Announcing the formation of the National Consensus Government during the first phase and inaugurating it;
 - d. All matters pertaining to the tasks of the Committee for Military Affairs, and Achieving Security and Stability;
 - e. Managing foreign affairs to the extent necessary to implement this mechanism; and
 - f. Issuing the decrees necessary to implement this mechanism.

- 15. During the first phase, the Vice President and the National Consensus Government shall exercise the executive authority including the implementation of all matters related to this agreement including the following points side by side with Parliament, as necessary:
 - a. Creating and implementing an initial program to achieve economic stability, economic development and fulfilling population's immediate needs in all regions of Yemen;
 - b. Coordinating relations with donors in the development field;
 - c. Ensuring the organized government performance including the Local Administration in accordance with the principles of prudent governance, supremacy of law, human rights, transparency and accountability;
 - d. Approving a temporary budget, overseeing the management of all government finances and ensuring full transparency and accountability;
 - e. Taking the legislative and administrative steps necessary to ensure holding presidential elections within 90 days from the effective date of this mechanism;
 - f. Creating the following entities in accordance with this mechanism:
 - i. Committee for Military Affairs and Achieving Security and Stability
 - ii. National Dialogue Conference
 - g. When forming the National Consensus Government and the Vice President's undertaking the formation of the government, a Liaison Committee effectively assumes contacts with youth movements of various parties in squares in various parts and the rest of Yemen to publicize and explain details of this agreement, initiate an open discussion about the future of the nation which will continue through the Comprehensive National Conference and partnering with the youth in determining the future of political life.

Committee for Military Affairs and achieving security and stability

16. Within 5 days after the effective date of the Gulf Cooperation Council Initiative and its Implementation Mechanism and during the first transitional period, the Vice President shall form and chair the Committee for Military Affairs and Achieving Security and Stability which shall ensure:
- a. Ending the division within the armed forces and treat [eliminate] its reasons;
 - b. Ending all armed conflicts;
 - c. Return of the armed forces and other military formations to their garrisons, ending the armed manifestations in the capital Sana'a and other cities and vacating the capital and other cities of militias and illegal armed groups;
 - d. Removing newly created road barriers, checkpoints and trenches;
 - e. Retrain those who do not fulfill requirements of armed and security forces; and
 - f. Any other procedures that would prevent armed confrontations in Yemen.
17. During the transitional phases, the Committee for Military Affairs and Achieving Security and Stability shall prepare circumstances and take necessary steps to achieve integration of the armed forces under a unified professional national leadership structure within the context of law supremacy.

Early Presidential Elections

18. Early presidential elections shall be held in accordance with the following rules:
- a. Early presidential elections shall be held within a period not exceeding 90 days from the date of signing the Gulf Cooperation Council Initiative and its Implementation Mechanism.
 - b. Early presidential elections for the position of the president shall be held under the management and oversight of the current Supreme Committee for Elections and Referendum using the current voter registration records as an exceptional measure. Any citizen, male or female, who has reached the legal age for elections and can prove that using an official document such as a birth certificate or national identity card, has the right to vote based on this document.
 - c. Both parties of this agreement commit not to nominate anyone to run in the early presidential elections, or recommend any candidate other than the consensual candidate, Vice President Abdu Rabbu Mansoor Hadi.
 - d. By a request from the Secretary General of the United Nations, provide election assistance and coordination to help ensure organized and timely elections.

Part Four – Second Phase of the Transitional Period

Tasks and authorities of the President and National Consensus Government

19. After the early presidential elections, the President-elect and National Consensus Government shall perform all ordinary functions tasked upon them according to the Constitution and, in

addition to that, they shall exercise the specific necessary functions related to the implementation of the first phase, and additional tasks in the second phase of transferring power which include the following:

- a. Ensuring the convening of the National Dialogue Conference, forming a preparation committee for the Conference, interpretation committee and other entities created by this mechanism;
- b. Establishing a constitutional reforms process to deal with the structure of government and political system and present the Constitution, after its amendment, to the Yemeni people in a referendum;
- c. Reform the electoral system; and
- d. Hold presidential and parliamentary elections in accordance with the new constitution.

National Dialogue Conference

20. With the start of the second phase of transition, the President-elect and National Consensus Government shall call for convening a Comprehensive National Dialogue Conference for all political forces and powers including the youth, southern movement, Huthis, all political parties, civil society representatives and women sector. Women shall be represented among all participating parties.
21. The Conference shall discuss the following:
 - a. The process of formulating the Constitution including the creation of a committee for this purpose and determining the number of its members;
 - b. Constitutional reform, repair of government structure and political system and proposing constitutional amendments to the Yemeni people in a referendum;
 - c. The dialogue shall examine the southern issue leading to a fair national solution maintaining unity, stability and security for Yemen;
 - d. Examine the various issues of a national dimension including the reasons for tension in Sa'dah;
 - e. Taking steps to move forward toward building a complete democratic system including the reform of civil service, justice [system] and local administration;
 - f. Taking steps aimed at achieving national reconciliation and transitional justice and necessary procedures to avoid violations to human rights and human laws in the future;
 - g. Taking the lawful and other measures to enhance the protection of the weak category and their rights including children and advancing women; and
 - h. Participate in defining priorities of sustainable construction, economic and social development programs to provide better work opportunities, economic, social and cultural services for society.

Constitutional committee

22. The National Consensus Government shall create a constitutional committee as soon as the National Dialogue Conference ends in a period not exceeding six months. Its task shall be the formulation of a new constitution within three months from the date of its creation. The committee shall propose the necessary steps to discuss the constitution project and submit it for a referendum in order to ensure maximum transparent popular participation.

Managing elections under the new constitution

23. Three months after approving the new constitution, the Parliament shall approve a law to hold national parliamentary and presidential elections if the constitution indicates so. The Supreme Committee for Elections and Referendum affairs will be re-formed, new voter registration rebuilt in accordance with the requirement of this law which will later be the subject of a review by the newly elected parliament.
24. In accordance with provision 7 of this mechanism, the term of the President-elect will come to an end when the newly elected president is inaugurated according to traditions and the new constitution.

Part Five – Settling Disputes

25. Within 15 days of the effective date of the Gulf Cooperation Council Initiative and its Implementation Mechanism, the Vice President and Prime Minister-designate of the National Consensus Government shall create the Interpretation Committee so it serves as a reference for both parties to resolve any difference in the interpretation of the Gulf Initiative and Mechanism.

Part Six – Concluding Provisions

26. Women shall be appropriately represented in all institutions mentioned in this mechanism.
27. The government will provide sufficient funding for institutions and events created based on this mechanism.
28. To ensure effective implementation of this mechanism, both parties shall call upon the Gulf Cooperation Council and United Nations Security Council to support its implementation, and request the support of the Gulf Cooperation Council, permanent members of the United Nations Security Council and European Union and its member countries for the implementation of the Gulf Initiative and this mechanism.
29. In cooperation with other agencies, invite the Secretary General of the United Nations to provide continuous assistance to implement this agreement. Also by a request from him,

coordinate the assistance provided by the international community to implement the Initiative and its mechanism.

30. Signing shall be attended by the Secretary General of the Gulf Cooperation Council, Secretary General of the United Nations, or their representatives, representatives of the Gulf Cooperation Council, permanent members of the United Nations Security Council, European Union and Arab League.

Signatures and dates

Pursuant to authorities granted to me by the President in the Presidential Decree number 24 for 2011, I hereby officially call for elections for the position of President of the Republic on 00/00/2012. This decree shall go into effect today, and the elections the Decree calls for are irrevocable. The call for elections is in effect in accordance with this mechanism without the need for further steps sixty days prior to holding elections as this mechanism indicates.

This Decree shall be published in the official newspaper.

Annex 2: Results of presidential election held on February 21, 2012

Governorate	No. registered voters	No. votes for Hadi	Spoiled votes	Total no. voters	Indicative turnout %*
Sana'a City	935,058	740,240	4,755	744,995	79.7
Aden	307,595	138,625	268	138,893	45.2
Taiz	1,338,132	862,825	2,472	865,297	64.7
Lahij	381,597	68,587	239	68,826	18.0
Ibb	1,147,136	873,732	2,171	875,903	76.4
Abyan	241,304	129,916	496	130,412	54.0
Al-Baydha	295,992	219,253	696	219,949	74.3
Shabwah	221,719	79,503	228	79,731	36.0
Hadhramout	528,009	84,591	403	84,994	16.1
Maharah	54,668	16,003	154	16,157	29.6
Hudaidah	1,034,200	671,504	2,793	674,297	65.2
Thamar	663,922	505,470	798	506,268	76.3
Sana'a	537,574	396,940	1,714	398,654	74.2
Mahweet	275,879	206,336	376	206,712	74.9
Hajah	726,658	651,732	2,513	654,245	90.0
Sadah	345,221	44,570	1,314	45,884	13.3
Al-Jawf	148,128	133,179	219	133,398	90.1
Mareb	139,377	125,407	599	126,006	90.4
Amraan	508,072	433,184	1,331	434,515	85.5
Al-Dhalae	244,409	119,094	556	119,650	49.0
Raymah	176,791	141,610	309	141,919	80.3
TOTAL	10,251,441	1,642,301	24,404	6,666,705	65.0

Source: Supreme Commission for Elections and Referendum

* Indicative figure based on the total number of registered voters in the governorate. The actual turnout in a governorate is likely to be lower, depending on the number of unregistered voters and internally displaced persons who voted in the governorate. The estimated actual overall turnout was 55.2 percent, excluding the six districts where the election could not be held for security reasons.