



Yemen National Dialogue and Constitutional Reform Trust Fund (YNDCRTF)



Project Document

Cover Page

**Participating UN Organization(s) (*specify
Coordinating Organization*)**

Office of the Special Adviser to the Secretary
General on Yemen (OSASG) (coordinating
agency)

UNOPS, OHCHR, UNICEF

Priority Sector/Cluster(s):**Project Manager:**

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**Priority Sector/Cluster Group Leader(s) (if
any):**

Name:
Telephone:
E-mail:

Programme Title:

Yemen Constitution-Making Process

Programme Number:**Programme Costs:**

YNDCRTF:	\$9,824,146
Govt. Contribution:	\$10,017,480.00
UN Organization Core:	
Other:	
TOTAL (USD):	\$19,869,960.00

Programme Location:

Provinces(s): Country wide
Governorates(s):
District(s):
Town(s):

Programme Description (limit 200 words):

The project will support the peaceful political transition process in Yemen. It builds upon the lesson learned from the previous programme funded under the YNDCRTF that provided support to the National Dialogue process. The project will support the Implementation of a Constitution Drafting Process (CDP) in accordance with agreed timelines and steps and on the basis of coherent technical, financial and administrative support to CDC Secretariat (CDCS) and to the constitutional process. International experts will inform the CDC with high-quality technical support and best practises in constitution making including federalism, protections for minorities, structure of the state, and good governance.

Public education, outreach and consultation throughout the constitutional drafting phase and referendum will be coordinated by the CDCS and a large part of this activity will be funded through this Trust Fund project. Yemenis in different regions will receive information about the CDP and be offered opportunities to engage with the process in ways accessible to their own circumstances. NDC outcomes, including those with reference to minorities, women and youth will be observed and protected through public engagement and technical support to the CDC to help them be adequately reflected in the constitution. Through this project the UN agencies and CDCS will ensure the outcome of the CDP reflects an inclusive, transparent, meaningful and participatory process.

Line Ministry / Authority Responsible:

Constitutional Drafting Committee
Secretariat

Programme Duration:

Total duration (in months): 12 months

Expected Start date¹: 1st February 2014

Expected End date: 31 March 2015

Review & Approval Dates

Line Ministry/ National Authority Endorsement Date: 23 Feb 2014



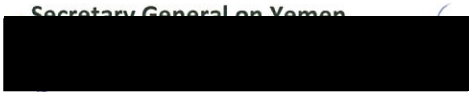
Date:

YNDCRTF Secretariat Review Date: 23 Feb 2014

Steering Committee Approval Date: 23 Feb 2014

¹ The official start date of any approved project/programme occurs when funds are transferred by MPTF Office.

Signatures of Participating UN Organizations and Steering Committee Chair

I.	Name of Representative	Niels Guenther, Programme Director,
	Signature	
	Name of UN Organization	UNOPS Yemen
	Date	10 Mar 2014
II.	Name of Representative	George Abu Al-Zulof, Country Representative
	Signature	 11/3/2014
	Name of UN Organization	OHCHR
	Date	
III.	Name of Representative	Julian Harpaz, Country Representative
	Signature	
	Name of UN Organization	UNICEF
	Date	
IV.	Name of Steering Committee Co-Chair (UN)	Jamal Benomer, Special Adviser to the Secretary General on Yemen
	Signature	
	Date	10.03.2014
IV.	Name of Steering Committee CO-Chair (GoY)	Dr. Ahmed Bin Mubarak, YNDCRTF Co-Chair
	Signature	
	Date	10/3/14

Relevant GoY Goal(s):

A per the relevant programmatic document Area Outcome:

**Programme Budget Breakdown
by
Source of Funds and Participating UN Organization**

Total Programme Budget (in US \$): _____

Participating UN Organization	YNDCRTF (US \$)	GoY Funds (US \$)	Participating UN Organization Funds (US \$)	
			Core Funds	Non –core
UNOPS	\$9,324,242.17			\$9,324,242.17
OHCHR	\$249,845.00			\$249,845.00
UNICEF	\$250,059.00			\$250,059.00
Total Budget (US \$)	\$9,824,146	10,000,000		\$19,824,146

Budget Breakdown by Source:

1. Introduction

The project proposes activities that will support the peaceful political transition process in Yemen. It builds on the experiences gained through the implementation of the previous programme funded under the Yemen National Dialogue and Constitutional Reform Trust Fund that provided support to the National Dialogue process and contributed to its successful conclusion.

Yemen's evolving political transition is at a critical juncture. Nearly two years after the signing of its Transition Agreement, on 23 November 2011 in Riyadh, Yemen's political transition has realized a successful presidential election (February 2012), and is well into its second phase with the ending of the National Dialogue Conference (NDC) in January 2014. As called for in the Transition Agreement, the Secretary-General through his good offices continues to provide assistance to the implementation of Yemen's transition in close cooperation with the international community. This includes the establishment of a Constitution Drafting Commission (CDC) and overall support for the constitution-drafting process (CDP).

This proposed project will provide critical support to this agreed next step in the transition process. It will provide logistical support to the administration of the CDP, including the establishment of the Constitution Drafting Commission Secretariat (CDCS). The programme will continue to source world-class expertise, according to the demands of the CDC, to support translating the outcomes of the NDC into a draft Constitution, with particular concern to assist protecting the NDC outcomes in favour of improved governance, women, youth and minority groups. In a second set of activities the project will dedicate resources and attention to enhancing the scale and effectiveness of public participation and consultation efforts during the CDP.

At a time of significant opportunities and high stakes for Yemen's future, the proposed project represents the UN's commitment to deliver support as one, including the use of pooled resources, for stronger unity of purpose, increased effectiveness, and lower transaction costs from Yemeni partners and donors alike.

2. Country Context

Yemen is in the midst of a challenging and comprehensive political transition process. In November 2011 President Ali Abdullah Saleh stepped down after 33 years in power upon signing an agreement that had been brokered by the Gulf Cooperation Council (GCC). His resignation followed 11 months of widespread national protests that were spearheaded by mainly unemployed young women and men. The GCC-brokered agreement provided a roadmap for a political transition process in which power was initially transferred to Vice President Abdu Rabbu Mansur Hadi, who was elected president in February 2012. The transition process continued with a comprehensive National Dialogue Conference (NDC), comprising 565 delegates representing major segments of Yemeni society and politics, which concluded in January 2014. The NDC established consensus on a range of issues that will feed into the development of a new Constitution to be followed by a referendum. The political transition process is designed to conclude with nationwide elections.

The Security Council has been closely monitoring the situation since the start of the uprising in 2011 and has adopted unanimously two resolutions, 2014 (2011) and 2051 (2012), supporting the transition. In its resolution 2014 (2011), the Security Council called for a political settlement and

10. Legal Context

This section specifies what cooperation or assistance agreements form the legal basis for the relationships between the Government of Yemen and each Participating UN Organization. In case of a joint programme (JP), the legal text specific to each Participating UN Organization should be cleared by the respective UN Organization.

The Implementing Partners/Executing UN Organization agree to undertake all reasonable efforts to ensure that none of the funds received pursuant to this JP/Project are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by Participating UN organizations do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999) and 1989 (2011). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this project document.

11. Work plans

Each Participating UN Organization will submit a tranche request form, which will reflect the specific outputs and activities, or work plan for which it will be responsible, within the framework of this programme document. The work plan will provide in detail the activities that the Participating UN Organization(s) will carry out for each relevant output with timeframes, associated inputs and the responsible implementing partners. Additional management arrangements that may be set up by Participating UN Organization(s) to manage respective component(s) under their respective responsibility may be detailed in Annexes as needed.

12. Budgets

The budget in the table below must be prepared for the YNDCRTF only and be accompanied by a detailed budget for each line item, providing a description of the item and the calculation of cost.

PROJECT BUDGET (YNDCRTF Funds only)

YNDCRTF PROJECT BUDGET*	
CATEGORIES	Total
1. Staff and other personnel	3,931,237
2. Supplies, Commodities, Materials	640,300
3. Equipment, Vehicles, and Furniture (including Depreciation)	111,800
4. Contractual services	3,479,265
5. Travel	318,543
6. Transfers and Grants to Counterparts	150,000
7. General Operating and other Direct Costs	579,740
Sub-Total Project Costs	9,210,884
8. Indirect support Costs	613,262
Total Project Costs	9,824,146

* Budgets must adhere to the UNDG Harmonised Budget Categories as approved by the High Level Committee on Management (HLCM) and Chief Executives Board for Coordination (CEB).

**Indirect support cost should be in line with the rate of 7%, as specified in the YNDCRTF TOR and MOU and SAA, Section II- Financial Matters.

requested the Secretary-General to continue his good offices. Resolution 2051 (2012) reaffirmed the need for the full and timely implementation of the Transition Agreement.

Notwithstanding Yemen's successful pursuance of its transition thus far, the political, economic, social and security environment remains fragile. Structural deficits and imbalances that brought the country to the edge of civil war in 2011 persist, and will intensify as the country approaches the referendum and elections.

State institutions are weak and violence continues to be prevalent in many parts of the country. A history of poor service delivery (security, justice, basic services) and corruption has weakened citizens' confidence in the state and their political leaders. Buttressed by an often partisan and weakly regulated media, this has fostered an environment in which rumours are prevalent and few dependable sources of information for citizens exist.

3. Rational of proposed project and comparative advantage of the UN system

The NDC succeeded in bringing in participation from all significant stakeholders, including previously marginalized groups such as the Houthis, small political parties, civil society representatives, youth, women, and some elements of the Hiraak Southern Movement. It has witnessed a genuinely open dialogue in which major political forces have shown willingness to sit together and amend their positions on key issues in response to discussions in the NDC. The support provided by the previous Joint Programme funded under the YNDCRTF proved to be highly valuable in facilitating the complex NDC process and is an established model that should be followed for the CDP.

The NDC succeeded reaching consensus on a number of important issues that will inform the CDP. While there are welcome signs of convergence on fundamental issues, some matters, notably the structure of the state, have been passed on to the CDC to articulate these specifically in the Constitution. Given the fragility of the political consensus and the need for expert advice that draws on international best practice and lesson learning on technical and process matters, international support to the constitution drafting process, on the logistical and the substantive levels, will be critical to bring the national process to a sustainable outcome. Continuous public participation efforts will be an important element to build on the nation charter of the NDC and help maintain consensus on the NDC outcomes.

The UN, under the leadership of the Special Adviser to the Secretary General, is mandated by the UN Security Council (S/RES/2014 (2011); S/RES/2051 (2012)), the Transition Agreement and Presidential Decree to lead international support to Yemen's transition. The Office of the Special Adviser to the Secretary-General (OSASG) has provided operational and political facilitation support to implementation of the Transition Agreement since its signature November 2011. It supported the operationalization of the Technical Committee, which established the framework for the NDC, and provided logistical assistance in the administering of applications to the independent women, youth and civil society constituencies of the NDC. OSASG continues to provide expertise and advisory support on all aspects of the transition, including on transitional justice, comprehensive inclusivity and participation, and the development of the CDP.

Under the first Joint Programme funded under the Yemen NDCR Trust Fund, UNOPS supported the establishment of a national body to implement the National Dialogue Conference. Within three months of the National Dialogue Secretariat (NDS) being initiated by Presidential Decree, UNOPS supported the NDS to become fully operational and able to launch the NDC successfully on 18 March

2013. This track record and the experiences gained under the first Trust Fund-financed project will enable UNOPS to support the CDCS successfully from the beginning.

Within the wider UN system there are established thematic/technical competencies the project can draw upon, such as elections (UNDP), transitional justice (UNDP, OHCHR); and women and youth (UNFPA, UN Women).

4. Project Description

4.1 Strategic Objective:

The strategic objective of the project is the implementation of Yemen's democratic transition in a peaceful and inclusive manner.

4.2 Summary of Components:

The objective will be achieved through the following components:

Component 1: Technical, financial and administrative support to the Implementation of the Constitutional drafting process (CDP)

The project will provide logistical support to the administering of the CDP, including the establishment of the CDCS and thus transform from the previous model and structures of the NDS into an appropriate model of support to manage the CDP. It will also support the establishment of the CDC and fund its holding of nationwide consultations in order to develop a draft constitution. It will also support facilitation (e.g. to agree on a format for the CDP, build consensus around politically sensitive issues, and help facilitate the strengthened engagement of key groups into the CDP), and the provision of expertise on constitutional issues.

Component 2: Public Communications and Outreach in support of the CDP

The project will provide assistance to enhance the scale and effectiveness of public participation and consultation efforts during the CDP. The project will assist the Constitution Drafting Commission Secretariat (CDCS) to develop a "CDP Communications and Public Participation Plan" that builds on the successful model of communications, developed by the NDS during the NDC outreach phase to the regions. The plan will adopt a range of techniques to access targeted populations, including:

- Outreach to more educated, urban and informed citizens, organized groups and political parties, and opinion formers: through print media, social media (Twitter, Facebook, YouTube), a new CDCS website, distributing copies of the draft constitution, provision of experts to televised and radio discussion programmes;
- Outreach to target less literate and rural populations: through town hall meetings, field visits, televised debates, public information broadcasts on TV and radio, TV and radio talk shows, integration of Constitution themes into televised dramas, field polling and surveys, SMS civic education messaging;
- Participation from organized groups and informed citizens: through receiving submissions via the website, formal consultation meetings and hearings with civil society and governmental organisations, interactive SMS platform;
- Participation from less literate and rural populations: through interactive discussions with groups during field visits, partnerships with civil society organisations, radio and television Q&A discussions, outreach to community (social and religious) leaders, heads of *Lijna Shabia* (community based groups) and influential women, youth and other activists, local artists; and

- Targeting of less accessible groups including internally displaced persons (IDPs) and people with disabilities: where possible utilizing the networks and support of the entire UN Country Team.

There will be three distinct strands to the public communications and outreach:

- 1) Media engagement and outreach: initial publicity to gain awareness that the CDP is taking place, and then to give media access to the constitution-making process and its progress so as to ensure they are able to correctly inform the public.
- 2) Civic education to develop and prepare messages and education pieces that help citizens understand the process and the issues that the Constitution will seek to address.
- 3) Public participation (once the draft is published): to give citizens the opportunity to express their views on the process.

5. Coordination with other donor financed initiatives/activities

5.1 Trust Fund and non-TF donor activities

It will be essential for this project and the Constitution Drafting Commission Secretariat (CDCS) to work effectively with complementary programmes promoting public participation in Yemen's transition, including NDI, Berghof Foundation, Max Planck and Friedrich-Ebert-Stiftung. A number of bilateral programmes directly support the constitution-making process, including non-Trust Fund donors, such as France.

Experience from the NDC process indicates that while complementary activities by non-Trust Fund donors will be considerable, these institutions will focus on particular target regions and population groups. It will therefore be important that the CDCS retains the flexibility to adapt its plans to ensure that it can 'smooth out' the geographical and social group coverage to ensure that all citizens are enabled to participate in the CDP.

In order to maximise the value of these other activities, the CDCS will present the CDP Communications and Public Participation plan to international implementers to ensure coordination and offer a common platform for receipt and processing of public views on the draft Constitution.

5.2 UN System activities

A number of UN System initiatives relate to the proposed project and synergies will be realized in project related areas.

Elections: UNDP is implementing a multi-donor programme of support to elections in the Yemeni political transition. The programme contains three interrelated outputs: 1) electoral administration enhanced; 2) participatory electoral reform initiated; and 3) enhanced society participation in electoral process.

Transitional justice: The UN draft Peacebuilding Priority Plan commits funding and support to a multi-agency set of activities on transitional justice. UNDP, in collaboration with OHCHR, has established a programme. OSASG has provided support to the Government of Yemen to draft transitional justice legislation and has further plans to support national efforts to resolve long-standing disputes in the southern regions of Yemen.

Security Sector Reform: UNDP implements a multi-donor emergency capacity-building programme that includes support, in collaboration with the EU, to the national efforts of security sector reform.

Women and Youth Forum: With resources from the UN Peacebuilding Fund, UNFPA, UN Women, OSASG and UNOPS are collaborating to strengthen the participation of women and youth in the

political transition and to canvass the views of women and youth across Yemen to inform the CDP and other transition processes.

6. Results Framework

6.1 Summary of Results Framework

The programme has been designed to integrate several related interventions funded through the UN Peacebuilding Fund.

Strategic Project Objective: The implementation of Yemen's democratic transition in a peaceful and inclusive manner.

6.2 Expected Project Outcomes:

Outcome 1: Implementation of the CDP advanced according to agreed timelines and steps, on the basis of coherent technical, financial and administrative support

The programme will assist the transformation of the existing NDS structures into support to manage the CDP. It will also support the establishment of the CDC and fund its holding of nationwide consultations in order to develop a draft document. It will also support facilitation (e.g. to agree on a format for the CDP, build consensus around politically sensitive issues, and help facilitate the strengthened engagement of key groups into the CDP), and provision of substantial expertise on constitutional issues.

Expected Outputs:

- 1.1 Well-resourced CDCS provides the administrative, logistical and technical support to the Constitutional process.
- 1.2 The CDCS is provided with administrative budget, technical and political support, including lessons learned and comparative analysis and mediation / facilitation assistance when requested.
- 1.3 Work of the CDC is informed by high-quality international expertise and best practice in Constitution-making and on specific issues including – but restricted to – federalism, protections for minorities, the structure of the state, good governance, and improved political participation of women and young people.
- 1.4 International assistance to the NDC (communication of NDC outcomes) and the CDP is well coordinated, with limited transaction costs for national actors and efficient allocation of resources.

Outcome 2: The outcome of the CDP reflects an inclusive, transparent, meaningful and participatory process.

The Secretariat and a number of independent entities will be supported to strengthen public communications and capabilities to achieve broader participation in their activities, with particular regard to participation of women, youth and minorities.

Expected Outputs:

- 2.1 Yemenis in the different regions of the country receive information about the CDP and can input their views, in ways accessible to them.

- 2.2 Protection of NDC recommendations with regard to: The Legal Age of the child (and its myriad manifestations), and right to Safe Water. Through public engagement and technical support to the CDC in reflecting the issues as relevant to the constitution.
- 2.3 NDC outcomes with reference to rights of minorities and respect of international standards on human rights are protected. Through public engagement and technical support to the CDC in reflecting the issues as relevant to the constitution.
- 2.4 NDC outcomes with reference to women and youth are protected. Through public engagement and technical support to the CDC in reflecting the issues as relevant to the constitution.

7. Management and Coordination Arrangements

7.1 Steering Committee

The management of this programme will be overseen by the Steering Committee for the Yemen National Dialogue and Constitutional Reform Trust Fund. The Steering Committee is co-chaired by the Special Adviser and a senior government official (designated by the President of Yemen); it also includes representatives from national authorities, participating UN Agencies, the UN Resident Coordinator, and contributing donors. The Administrative Agent of the UN Trust Fund (UNDP MPTF Office) is an ex-officio member².

The Steering Committee will provide the strategic orientation and oversight for the programme, and will assume the following functions:

- Allocate Trust Fund resources to the programme
- Review progress reports from UN agencies
- Review the consolidated Annual progress report provided by the Administrative Agent
- Coordinate efforts, assuring the complementarity of the Fund.

7.2 Programme Coordination

The Steering Committee will be supported through the Projects Coordinator within OSASG. The Projects Coordinator will provide coordination and day-to-day management of the Yemen Trust Fund, in close coordination with Participating UN Organizations. She/he will perform her/his duties under the authority of the Special Adviser.

The Project Coordinator is responsible for receiving detailed programme work plans and budgets from implementing agencies and consolidating reports for the Steering Committee. Reports and all documentation related to the programme will be posted publicly on the MPTF Office GATEWAY page of the Yemen Trust Fund.

7.3 UN Technical Working Group on National Dialogue and Constitutional Process

Technical coordination of the programme within the UN will be undertaken within the UN Working Group on National Dialogue and Constitutional Process, chaired by OSASG. This Working Group brings together all UN entities involved in the design and implementation of the Programme. It may also, when required, include other partners, such as the World Bank, to ensure complementarity of efforts and efficient information sharing.

² Terms of Reference for the Trust Fund available at: <http://mptf.undp.org/factsheet/fund/YEM00>

7.4 Donors Forum

A broader donor forum will be supported to ensure coherence of international support to the Constitutional Process, including donors not represented on the Steering Committee.

7.5 Allocation of Programmatic Responsibilities

Within this overall framework, management of specific interventions will be the responsibility of appropriate entities.

OSASG will lead the overall UN response. UNOPS will support implementation of Outcome 1. UNOPS and other UN agencies (OHCHR, UNICEF) will support implementation of Outcome 2. Each entity will be responsible for the recruitment of their programme staff under their respective components as well as for the purchase of expendable and non-expendable equipment unless otherwise stated. Each UN entity will receive separate funds for the portion under its responsibility upon submission of fund transfer requests to the Trust Fund.

All UN agency activity under the entire programme will be implemented under the coordination of the CDCS. This includes development of all work plans in cooperation with the CDCS, and regular updates to the CDCS on activities funded by the programme.

8. Feasibility, Risk Management and Sustainability of Results

Risk	Probability (H/M/L)	Impact (H/M/L)	Mitigation
1. Movements, groups and political parties withdraw from the CDP or boycott referendum	M	H	OSASG ongoing monitoring of commitment to CDP. Political facilitation of serious disputes/issues. Briefing to G-10, UNSC, and other forums which contain actors able to support strengthened political will/participation. Focus on an inclusive, transparent and participatory process.
2. Failure of CDC to reach full agreement on a Draft Constitution	M	H	Integration of the CC into the CDP to help resolve impasses. OSASG facilitation, including away-days/retreats on specific topics moderated by experts.
3. Delays to electoral administration prevent referendum taking place on time	M	M	Close cooperation and risk management with the UNDP-led technical programme on electoral support. Facilitation of cross-political agreements to manage possible delays.
4. Sharp decline in security environment hampers public participation efforts	M	H	Investment in public communications and outreach that do not require physical contact with all citizens (e.g. public information on radio and television). Close monitoring of security situation to identify early locations where access will be constrained and develop alternative strategies for outreach.

5. Programme fails to receive sufficient donor contributions	M	M	Close coordination with non-Trust Fund donors to keep aware of all alternate sources of funding. Prioritization of the programme towards activities under Outcome 1.
6. Insecurity in some areas threatens programme implementation and staff safety	M	M	Close coordination with UNDSS and national security authorities to monitor conflict and security trends.
7. Timely funds disbursement, programme implementation and recruitment of quality expertise	L	M	Trust Fund Steering Committee has already approved fast-track selection procedures. Steering Committee has also established a mechanism for rapid virtual consideration of tranche requests where appropriate.
8. Complicated and sensitive issues, especially relating to girls/women's physical and economic security	L	M	Close consultations with national partners, and women's groups in particular, to ensure appropriate handling of gender issues in targeted communities.
9. False or unsubstantiated stories, and leaks through formal media and social media undermine public confidence in the Constitutional process	M	M	CDCS continues to monitor all media and counter false stories. Focus on enhancing transparency of the CDP, including posting as much information to the public domain as is possible.

The 'exit strategy' for the programme is the timeframe of Transition Agreement. Once the Constitution is drafted and put to referendum, the programme's outputs will be deemed concluded. Should the timetable of the Transition Agreement be subsequently amended, the targets and timeline for this programme will be amended accordingly (revisions submitted to the Steering Committee, in accordance with requirements in the Trust Fund rules of procedure).

9. Monitoring, evaluation and reporting

Monitoring and Evaluation of the programme will be undertaken in accordance with the rules and regulations of the UN Trust Fund. As such the Projects Coordinator will be responsible for collecting quarterly narrative reports from Participating UN Organizations and preparing the final programme report, for onward submission to the Steering Committee and the Administrative Agent.

The monitoring process will be based on the indicators provided in the programme Results Framework (Annex 1).