



Republic of Yemen

Partnership Framework
between
the Government of Yemen
and
Civil Society Organizations

September 2013

Translated from Arabic

Foreword by the Minister of Planning and International Cooperation

The Government of Yemen is proud to put forward this Document of partnership between the Government and civil society organizations, which plays a vital role in advancing and strengthening partnership, for the benefit of Yemeni citizens. The role of civil society has become more important following the 2011 revolution; this revolution gave people new space for freedom of expression, as well as opening the way for emerging civil society organizations to engage in formal and informal civil society activities and public dialogue.

The Government believes that the role of civil society, as a strong and independent partner, is very important in furthering developments goals, improving the level of service provision and making them more responsive to the needs and expectations of citizens. Building a strong partnership with civil society is a top priority for the government, which regards this partnership as a cornerstone in the country's plans for sustainable development. This was the context for the Government's commitment to create this framework for partnership during the Friends of Yemen meeting in Riyadh in September 2012.

The formulation of this document is a fulfillment of the government's obligations. It is a historic step towards achieving democratic change, instilling the concepts of transparency and accountability, empowering civil society organizations and opening new opportunities for cooperation. However, it also challenges the way in which the Government of Yemen (GoY) works with civil society organizations. The main objective of the partnership is to help lay down the foundation for a successful and sustainable partnership to deliver better outcomes for the citizens of Yemen. Nonetheless, the real indicator of success will be when the Government and civil society organizations no longer require a partnership document, because partnership with civil society should be a second nature to the Government and its institutions.

On behalf of the Government of Yemen, I am grateful to the United Nations Development Programme and its Emergency Capacity Development Facility program, and to the Technical Committee and the Taskforce Group for the tremendous effort and hard work they put into producing this document. During last year's Yemen Donor Conference in Riyadh, the GoY expressed its strong commitment to building a sustainable partnership with civil society. This convention is the first step in creating this partnership.

We have successfully delivered on this commitment with the help of the civil society organizations. It is now time for us to work together to ensure the implementation of the partnership and that it is successful in achieving its goals.

Dr. Mohammed Saeed Al-Sa'adi
Minister of Planning and International Cooperation

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Introduction

Since the unification of Yemen in 1990, successive Yemeni governments have drawn up development plans in different areas. Despite the effort made, these plans did not achieve the intended goals because the government relied on its own resources and did not involve the private sector or the civil society sector; particularly as civil society has not been able to convince the government of the importance of its role in development.

The fast pace of political, economic and social changes around the globe, brought about by globalization and the information revolution, and with the growing needs of Yemeni society, the government fall short in responding to the development needs of its citizen. This showed the critical need to engage the private sector and civil society organizations (CSOs) in the efforts made to achieve comprehensive development. On a number of occasions, the Government has emphasized the importance of partnership with civil society. Several government programs and plans have referred to such partnership. However, cooperation between the two sectors remained limited and never reached the level of a real partnership.

As Yemen entered the transition phase following the 2011 youth revolution and the ensuing increase of freedom of expression, civil society found an opportunity to play an effective role in development and service delivery and engage in official and non-official community activities and public dialogue. The GoY has recognized the critical role of these partners, especially following the deterioration of the political, security and economic situation and the decline in the level of services offered to the citizen. The government confirmed this in the donors' conference held in Riyadh in September, 2012.

In line with international experiences that have laid down the groundwork for similar partnerships between the government and CSOs, there has been a need in Yemen for a number of constitutional, legislative, developmental and administrative measures and actions aimed at involving the community in the planning, implementation and follow-up of public policies; and in making decisions relating to the management of public affairs, the achievement of comprehensive development and the implementation of good governance. The aim is to promote the concept of participatory democracy and community participation as applied by a number of countries. This concept has become one of the most appropriate pillars of the political systems in the countries of the Arab Spring Revolution since it relies heavily on the promotion of broader public participation.

In light of the above, a dire need of real partnership between the GoY and CSOs has been revealed. In collaboration CSOs and with the UNDP Emergency Capacity Development Facility program the government has led the effort to development a partnership framework between the GoY and CSOs to serve the objectives of comprehensive development in the Republic of Yemen.

For that purpose, a taskforce team was formed comprising of a number of UN international and local experts and representatives of government stakeholders as well as civil society organizations and international organizations. The team was given the task of (i) preparing the partnership document and the general framework of the partnership between the GoY and the CSOs; (ii) developing an action plan to implement the general framework of the partnership; and (iii) producing a monitoring and evaluation plan to follow-up on the implementation of the partnership between the two parties. All this was accomplished as detailed below:

Preamble

On the basis of the government's recognition of its responsibility to achieve a comprehensive development, improving the level of public policy making and service provision to the people, the GoY believes that this can only be attained through a practical and an effective partnership with CSOs. A partnership based on cooperation, complementarity, trust and mutual respect between the two sides in a manner that recognizes the full independence of civil society.

On the basis of CSOs' recognition that their role is complementary to the role of the state in achieving sustainable development and that it can only exercise this role through a practical partnership with the Government regulated by law and protected against political and partisan influences.

In line with the constitutional provisions that ensure the right of citizens to organize themselves politically, professionally and in unions and to establish CSOs and national federations to serve the aims of the constitution, and the government's commitment to guarantee these rights and to take all necessary measures to enable citizens to exercise it, and to guarantee all freedoms for political, professional, cultural, scientific and social institutions and organizations.

In light of the national unity government's program, which affirmed the role of CSOs in realizing effective participation in development management and service delivery in such a way as to achieve the stated goals.

In implementation of the Mutual Accountability Framework (MAF), signed between the Yemeni Government and the Donors in Riyadh in September 2012, and on the basis of numerous meetings, consultations and workshops as well as the results of surveys and joint discussions between government and civil society actors, and in light of a review of previous experiences in this field, the GoY decrees the following:

First: The Concept of Partnership

The Concept of Partnership according to this Document means: the involvement of the parties to the partnership in organized, complimentary and sustained efforts, which are obligatory for both parties. The purpose is to efficiently and effectively improve the formation, implementation and evaluation of public policies in order to achieve the goals of comprehensive development and

humanitarian work. This partnership shall be based on the effective distribution of roles between the parties to ensure efficient utilization of available resources.

Second: Definition of Civil Society Organizations

The Concept of Civil Society Organizations according to this Document means: CSOs are these non-governmental organizations established by citizens, pursuant to the constitution, the laws and legislation in force, with the purpose of contributing to the public good and expressing the concerns and values of a segment of community members on the basis of ethical, cultural, political, scientific, and religious or charity considerations without seeking to make a profit or achieve political power.

Third: The Importance of the Partnership:

The importance of this partnership between the Government and CSOs lies in:

1. Improving the quality of formulation, implementation, monitoring and evaluation of public policies to broaden community participation and to embody the concepts of democracy and participatory planning through the cooperation of both sides and by benefiting from the technical and practical experience of CSOs.
2. Engaging with the government to achieve the desired objectives of sustainable development and to respond to the numerous and increasing needs of the community, especially as the government's capacities to achieve these objectives on its own is very limited, while at the same time political, security, economic and social situations have deteriorated in a large way.
3. Promoting and developing CSOs to play an effective role in the partnership and to support its role in developing local and national policies given that they represent the voice and needs of the community.
4. Empowering the government and CSOs to increase their reach and presence in rural areas that still suffer from a lack of basic services, particularly that most organizations are concentrated in main cities. This will allow rural areas benefiting from the experience of CSOs and other international experience in this area, especially in areas affected by war, natural disaster and conflict.
5. Promoting and supporting voluntary and community action and the principle of the right of access to development amongst individuals in the community to serve development objectives. This is given that voluntary work is linked, to a large extent, to the conviction of citizens that they have a right to sustainable and comprehensive development.
6. Contributing to the creation of new job opportunities to respond to the increasing number of job-seekers and the declining capacity of the state to employ them. Projects generated by the partnership will increase employment opportunities.

Fourth: Principles of the Partnership:

The most important principles governing the partnership according to this Document are as follows:

1. **Mutual Partnership:** The government shall be an essential support and partner in the institutional development of CSOs. These organizations in turn shall be an essential partner for the government in achieving sustainable development while ensuring sector and geographical representation.
2. **Mutual Monitoring:** The Government shall monitor the performance of CSOs, while the organizations will act as monitors of Government performance in accordance to the law. CSOs shall become part of the official monitoring mechanism for monitoring the performance of government institutions.
3. **Transparency:** Ensure access to information and facilitate the exchange of information between the government and CSOs on one hand, and between civil society organizations themselves on the other hand. Additionally, transparency means clear procedures related to the partnership between the two parties.
4. **Accountability:** This is one of the principles of good governance and it means that the government and CSOs are accountable before the society for activities and decisions linked to the public good and responsibilities that both parties have shouldered in various development areas mandated by the partnership.
5. **Independence:** This means that CSOs should manage themselves independently from the government and political parties within the framework of the laws regulating them, while observing complementarity and coordination with the government in the effort to achieve comprehensive development.
6. **Objectivity and Impartiality:** The government and CSOs shall be objective and impartial in all their affairs, in accordance with specific, clear and transparent standards, and avoid discrimination in a manner to realize the public good.
7. **Judicial Reference:** The judiciary system is considered to be the last resort in the settling disputes that may arise between the parties to this partnership.
8. **Sustainability:** The government and CSOs shall work to strengthen and promote the partnership to ensure its sustainability and growth to serve the citizens and to achieve the desired comprehensive development. This requires a review of this document two years after its initial production and subsequently every four years.

Fifth: Objectives of the Partnership

The objectives of this partnership as per this Document are as follows:

1. **To provide the appropriate climate for the functioning of civil society organizations as an effective partner for the government and to build confidence and trust between both.** This will be attained through:

- a. Establishing a national and independent institutional framework in which CSOs and the government are represented and which will oversee and implement the partnership between the two parties.
 - b. Constitutionalization of the partnership: The constitution shall include provisions that explicitly confirm and refer to the partnership between the government and civil society, and consider CSOs as a third partner next the public and private sectors. The constitution shall explicitly provide for participatory democracy to be integrated with representative democracy in a manner that ensures freedom of representation and freedom to vote so as to embody real community participation.
 - c. Reviewing of laws in force to address shortcomings, remove inappropriate provisions, which may hinder the partnership, and suggest amendments attuned to the requirements of the partnership in accordance to international standards and to facilitate easy administrative and legal registration procedures in accordance to clear, transparent and equitable standards.
 - d. Legislative Reforms: This requires the passage of new legislation to regulate the relationship between the public authorities and the elected authorities on the one hand and CSOs on the other. It shall include a definition of how and under what terms civil society would participate in this partnership, what areas it shall participate in and what roles it shall play. A legislative law shall be issued identifying the bodies authorized to propose draft legislation and suggest amendments as well as specifying mechanism of submitting draft legislation done in such a way as to empower civil society organizations to propose draft legislation, amendments or reforms of existing legislation.
 - e. executingintensive and systematic awareness campaign through a strategic communication plan using different outlets to introduce the importance of CSOs' role as the government's partner. Space shall be allocated in official media outlets to allow the organizations to highlight their diverse roles in serving society and to increase the support of public opinion for this role.
2. **Improve and strengthen decision making, implementation and evaluation of policies, programs and service delivery to respond to the needs of society and achieve sustainable development.** This will be attained through:
- a. Involving CSOs in drawing up, implementing and evaluating public policies by including CSOs representatives in relevant official committees.
 - b. Considering CSOs recommendations when reviewing and evaluating public policies, plans and programs.
 - c. Showing commitment by CSOs to work accordingly with the government's development plans to achieve full coordination and integration and to share development needs with the government.
 - d. Producing clear procedures by the Government and CSOs handling foreign funding offered to organizations in a manner that channels funds to areas for which they were allocated in accordance with agreed priorities.

- e. Allowing CSOs' participation in conducting studies and surveys to identify the needs of various social services and projects.
3. **Bolster the culture of public participation, and strengthen the principles of democracy.** This will be attained through:
 - a. Networking between CSOs according to sector, geographical concentration and specialization and supporting exchange of expertise between organizations so that they are able to play a more effective role and facilitate communication and coordination with the government. The Government on its part shall reconsider the legal framework regulating networking and networks of CSOs.
 - b. Producing a code of conduct to regulate the work of organizations, specify the roles and mutual responsibilities of the government and CSOs, and to gauge organizations' fulfillment of their principal and ethical obligations.
 - c. Supporting CSOs to use social accountability mechanisms and tools while participating with government institutions in service delivery at the governorate level.
 - d. Utilizing principles of transparency and information sharing in various areas related to CSOs' activities and allow CSOs to easily access this information.
 - e. Using of peaceful democratic mechanisms in managing disputes.
 - f. Organizing capacity building programs targeting government officials working with CSOs to create an environment that supports the partnership and instills concepts and values of community participation as well as acceptance of the other.
 - g. Disseminating, circulating and promoting democratic values and human rights concepts.
 - h. Disseminating a culture of volunteerism and encouraging youth and community initiatives.
4. **Build the capacity of civil society organizations and raise their professional level to enable them playing the role envisioned in the partnership framework.** This will be attained through:
 - a. Conducting a comprehensive survey of CSOs, and update the database of CSOs and make it available for use by various agencies. Organizations shall be reclassified to accommodate new forms such as networks and initiatives.
 - b. Providing financial support to CSOs to enable them meeting their work requirements, while also include an item in the national budget to support these organizations in promoting their work as well as supporting community, youth and women's initiatives that contribute to development.
 - c. Strengthening the principles of good governance within CSOs by analyzing their current state and building their institutional and management capacities with the aim of enabling them to introduce appropriate rules to meet the criteria of transparency, accountability, audits, internal controls and self-inspection.
 - d. Establishing specialized centers to provide advisory services and technical support to CSOs, while also organize capacity building programs in various areas to make their roles more effective and to enable them to engage in the partnership.

Sixth: Fields of the Partnership:

In general, all areas of development are possible fields for the partnership between the GoY and CSOs. The most pressing areas for partnership are: youth empowering; women, motherhood,

and childhood issues; poverty reduction projects; health and community development; water, environment and conservation issues; education and human development; political development; awareness-raising; human rights; issues relevant to vulnerable groups in society; humanitarian relief; support for internally displaced people and refugees; promotion of the pillars of good governance; local development and citizen-related security issues, especially those relevant to human rights.

Seventh: Criteria for Partnership

The criteria for CSOs to become a partner with the government in accordance with this Document are as follows:

1. The organization shall be officially registered with the relevant ministry.
2. The organization shall be specialized in or have experience in any of the areas relevant to the partnership.
3. The organization shall demonstrate experience in good governance; i.e. regulations, approved and applied internal procedures, democratic practices, personnel capable in the administrative and technical areas necessary for the organization to function, accountability and transparency of information exchange, and accounting systems.
4. The organization shall have a head office and effective communication channels.
5. The organization shall have a record of activities and achievements for the past two years.
6. The organization shall have financial and accounting system and provide approved financial records.
7. Priority is given to networks comprising of a large number of organizations.
8. Consideration will be given to all various areas of CSOs fields of expertise and their different geographical locations.

Eighth: Institutional Framework for the Partnership

According to this Document, the partnership requires an institutional framework represented in a Supreme Council, which shall enjoy full financial and administrative autonomy and legal entity. The council shall be entrusted with the task of coordinating and implementing the partnership framework with due consideration for the following:

1. **Representation:** The Supreme Council shall be elected according to prior set professional criteria and conditions, with 40% of the members representing the government and 60% representing various CSOs including representatives from the different sectors, and different geographical areas.
2. **Formation of a preparation committee:** The committee set up to prepare for the establishment of the Supreme Council shall have oversight over the implementation of the partnership framework until the council is established. The committee shall prepare the legal and organizational framework needed for the functioning of the council and shall oversee its establishment. The two parties of the partnership shall be represented in the committee using the same ratios as in the Supreme Council.
3. **Functions of the Council:** The Council shall have the following functions:
 - a. Supervise the implementation of the partnership framework action plan, and the monitor and evaluate plan; present regular/annual reports to the parliament and the cabinet and disseminate them.

- b. Develop CSOs by offering technical and advisory support, and capacity building programs to strengthen the pillars of good governance and improve the way they operate to achieve the requirements of the partnership.
- c. Propose amendment to laws or suggest draft legislation relevant to CSOs activities.
- d. Collect and analyze data required to evaluate CSOs' condition based on specific, clear and transparent criteria.
- e. Solve disputes that may arise between the government and organizations during the implementation of this partnership. In the case that a resolution is not attained, the matter shall be referred to the court.
- f. Provide an updated database of CSOs in coordination with the Ministry of Social Affairs and Labor and other relevant government agencies.
- g. Organize an annual conference to examine the condition of the partnership, deal with the challenges facing the partnership and discuss future prospects.
- h. Present information relevant to foreign funding to avoid duplication and overlap and to contribute to the best use of these funds in the service of development objectives. Find mechanism to ensure CSOs' access to information about development projects provided by donor states and organizations to promote and encourage honorable competition between the organizations, and to ensure a just distribution of development programs and projects.
- i. Propose new areas and opportunities for cooperation and partnership between the two sides and expand community participation to rural and remote areas.
- j. Prepare good governance guidelines for CSOs and produce a generic model of code of conduct.
- k. Coordinate between the government and CSOs regarding the implementation of development plans.

Ninth: The Main Reference for the Partnership Document

General references for the partnership document are set out in the following annexes. Articles, provisions and content are part and parcel of this partnership document.

- 1. Annex 1: Action Plan for Implementing the Partnership
- 2. Annex 2: Monitoring and Evaluating Plan
- 3. Annex 3: Reference Study of the Partnership
- 4. Annex 4: Legal Study of the Partnership.

Annex 1: Action Plan for Implementing the Partnership

Introduction

This Action Plan is presented to the Government of Yemen (GoY) to guide the government in implementing the Partnership framework with civil society organizations (CSOs). This Action Plan covers the period from October 1, 2013 until December 31, 2015. Below are the matrices of goals, objectives, activities and timetable of the Action Plan.

Project Goals and Objectives

The overarching objective of this plan is to create a partnership in which GoY and CSOs can collaborate according to clear and well-identified principles to help advance sustainable development and improve service delivery in the country. The project's four core goals are to:

1. Provide the appropriate climate for the functioning of civil society organizations as an effective partner for the government and to building confidence and trust between both.
2. Improve and strengthen decision making, implementation and evaluation of policies, programs and service delivery to respond to the needs of society and achieve sustainable development.
3. Bolster the culture of public participation, and strengthen the principles of democracy.
4. Build the capacity of civil society organizations and raise their professional level to enable them playing the role envisioned in the partnership framework.

Project Tasks

The Action Plan revolves around four major sets of activities: (i) establishing the Supreme Council and providing a suitable environment for the partnership; (ii) involving CSOs in policymaking; (iii) developing and strengthening the principles of public participation; and (iv) building the technical and professional capacities of CSOs.

Task I: To Establish the Supreme Council and Provide Suitable Environment for the Partnership

The relationship between the GoY and CSOs has been regarded as inconsistent or nearly nonexistent, and lacks transparency, with the exception of a very limited number of organizations that have been able to establish partnership with the Government to implement projects. To mend relationship, build trust and liaison between the GoY and CSO, the first major task is to establish a Supreme Council to oversee the implementation of the partnership. The Supreme Council should be established with a government directive and should be independent and freely-elected body of representatives from the GoY and CSOs. Aside from building trust between the GoY and CSOs, the Supreme Council will take on the responsibility of reviewing laws and bylaws and recommend new legislations to strengthen chances for a successful partnership. Additionally, in the effort of promoting the partnership, the Supreme Council will organize awareness campaigns and draft a strategic communication plan. The Supreme Council is considered the main artery of this plan and will be responsible of implementing this plan (see matrices below).

Task II: To Involve CSOs in Policymaking

The concept of partnership between the GoY and CSOs in Yemen is a new initiative that should aim at empowering and engaging CSOs in policymaking. Previous Yemeni governments followed traditional approach to development by disregarding the role of CSOs and the private sector in drafting the country's development policies. Nonetheless, the GoY now realizes that development requires the participation of multi-stakeholders including CSOs and the private sector, which has been agreed on by the GoY during 2012 donor conference in Riyadh. This task will build mechanism and channels of communication to involve CSOs in policymaking, implementation, and evaluation, while also encourage CSO to commit to implementing programs recommended in the Government's strategic plans to ease the burden of development off the shoulders of the government. To produce informed policies, tools will be built to consider recommendations and reports issued by CSOs when government is reviewing and evaluating policies, plans and programs.

Task III: To Increase and Strengthen the Principles of Public Participation

Public participation is a process in which those who are affected by a decision should be able to be involved in the decision-making process. Public participation is a two-way communication that aims at advancing and enhancing more effective decisions and policies. This task is designed to strengthen public participation by empowering CSOs to create coalitions and networks between each other, and to play wider and more effective role in persuading the Government of its development agendas; strengthening social accountability and transparency as part of the organizations' programs and service delivery; instill the culture of volunteering and encourage youth and community initiatives.

Task IV: Build the Technical and Professional Capacities of CSOs

Building the capacity of CSOs is a cornerstone of the partnership implementation. The aim in the short-term will be promoting and integrating tools of social accountability into development projects. In the medium-term, this task aims at remapping and surveying CSOs across Yemen to identify CSOs' and sectors' needs; and provide financial incentives to CSOs to enable them to meet their work requirements. The long-term objective is to encourage CSOs to incorporate concepts of good governance in their programs and service deliver.

Action Plan for Implementing the Partnership between the Government of Yemen and Civil Society Organizations

Objective 1: Provide the appropriate framework for CSOs to function as an effective partner to the government and to building confidence and trust between both.

Expected results	Planned Activities	Timeframe			Responsible Party	nned BudgetPla	
		100 day	2014	2015		Funding Source	Amount USD
1. Establishment of the Supreme Council to oversee the partnership between the government and CSOs	a. Submit a recommendation to establish the preparation committee for the establishment of the Supreme Council.	Q4			Taskforce Group	GoY and interested donors	300,000
	b. Appoint a committee to propose the legal and organizational framework of the Supreme Council	Q4			Ministry of Planning + Ministry of Social Affairs and Labor		
	c. Consult with relevant government entities and CSOs on the composition of the Supreme Council.	Q4			Preparation Committee for the Establishment of Supreme Council.		
	d. Organize 2 workshops to review the legal and organizational framework for the functioning of the council and finalize the draft decree.	Q4			Preparation Committee for the Establishment of Supreme Council.		
	e. Submit the draft decree to establish the Supreme Council to Council of Minister	Q4			MoPIC, MoSAL		
	f. Organize two fora in two governorates to engage CSO in policymaking on development for 2014	Q4			Preparation Committee for the Establishment of Supreme Council.		
	g. Organize two conferences in two different governorates to officially launch the partnership.	Q4			Task force for the preparation of the Partnership Framework/Supreme Council/MoSAL/MoPIC		
	h. Establish, staff, and equip the Supreme Council to oversee the implementation of the partnership		Q1,Q2		Task force for the preparation of the Partnership Framework/Supreme Council/MoSAL/MoPIC		
2. Incorporation of the Partnership principles in the Constitution	a. Present proposals that asserts the partnership to the NDC for inclusion in the outcome of the Conference.	Q4			Task force for the preparation of the Partnership Framework	GoY and interested donors	40,000
	b. Follow-up with the constitution draft commission to include texts asserting this partnership in the new constitution.	Q4	Q1		Preparation Committee for the Establishment of Supreme Council/Supreme Council.		
	c. Advocate with the General Secretariat of the Cabinet, and concerned ministers for the inclusion of the provisions related to the partnership in the constitution.	Q4	Q1		Preparation Committee for the establishment of the Supreme Council + MoSAL +MoPIC+ the Prime Minister's Office.		

	d. Organize fora in two governorates to ensure support for inclusion of the texts relevant to the partnership in the constitution.	Q4			Preparation Committee for the Establishment of Supreme Council.		
3. Revision of existing legislations and proposal of required amendments	a. Appoint a legal team of experts to review the relevant legislation.	Q4			Preparation Committee for the Establishment of Supreme Council+ MopiC/MoSAL + The Prime Minister Office	GoY and interested donors	50,000
	b. Review Law No. 1 /2001on the Private Associations and Foundations; Law No.5/ 2002 on Labor Unions; and Law no. 39/ 1998 on Cooperative Associations.	Q4	Q1		Legal Team		
	c. Present a report containing the results of the review and suggestions for required amendments to the cabinet for action. Amendments to the private association and foundations law should allow the recognition of networks and CSO coalitions		Q1		The Legal team + The Ministry of Legal Affairs		
4. Adoption of new legislations regulating the partnership between government and CSOs	a. Organize awareness and outreach activities on the required legislative reforms through the organization of 10 presentations by international experts to concerned bodies and CSOs. Organize two national symposiums with relevant CSOs and Government parties on the proposed legislative reforms.		Q1, Q2		Preparation Committee for the establishment of the Supreme Council + the legal team.	GoY and interested donors	60,000
	b. Prepare and present a report on the proposed legislations to the concerned bodies in the government for endorsement.		Q2		Legal Team +Supreme Council		
5. Increased public awareness of the partnership.	a. Develop a strategic communication plan targeting the government and community groups to introduce the partnership and its objectives.		Q1		Supreme Council	GoY and interested donors	120,000
	b. Implement the strategic communication plan through traditional and social media and other means of communication		Q1,2,3,4	Q1,2,3,4	The Supreme Council + the Prime Minister's Office + The Ministry of Information.		
	c. Incorporate CSOs and volunteerism culture in school and university curriculums.		Q1,2,3,4	Q1,2,3,4	The CSO Supreme Council + the Supreme Council for Education Development		
	d. Organize an annual meeting to evaluate the progress achieved in the implementation of the partnership		Q4	Q4	The CSO Supreme Council		

Indicative Sub-total Objective 1	570,000
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Objective 2: Improve and strengthen decision making, implementation and evaluation of policies, programs and service delivery to respond to the needs of society and achieve sustainable development.								
Expected results	Planned Activities	Timeframe			Responsible Party	Planned Budget		
		100 day	2014	2015		Funding Source	Amount USD	
1. Active CSOs engagement in the formulation of general policies and contribution to the elaboration of national development plans and their implementation	a. Select CSOs representatives to participate in relevant Government and Parliamentary Committees focusing on development with consideration for sector, geographic and group representation.		3,4Q	Q1,2,3,4	The Supreme Council, Policymaking Ministries	GoY and interested donors	240,000	
	b. Train CSOs on leadership, and strategic planning skills needed for policy formulation and support internal CSOs mechanisms of consultations to prepare and inform participations in the above committees		3,4Q	Q1,2,3,4	The Supreme Council			
	c. Promote the participation of CSOs in sector groups and in the elaboration and review of national development plans		Q1,2,3,4	Q1,2,3,4	The Supreme Council/MOPIC			
	d. Promote the participation of CSOs representatives in local budget committees at the district and governorate levels.		Q4	Q4	The Supreme Council, Governorates, Districts			
	e. Create a web portal including an online database with all reports issued by CSOs to facilitate the exchange of information between CSOs and the government and among the CSO community		Q4	Q1,2,3,4	The Supreme Council+ Organizations			
	f. Utilize CSOs' recommendations and findings for policymaking, plans and public programs.		Q4	Q1,2,3,4	The Supreme Council, Organizations			
	g. Prepare media programs to highlight development plans and programs of the government.		Q4	Q4	The Supreme Council, The Ministry of Information			
2. Transparent and accessible information about local and	a. Disseminate available information related to local and international funding		Q1,2,3,4	Q1,2,3,4	The Supreme Council	GoY and interested	120,000	

international funding opportunities	b. Train CSOs in preparing project proposals and competing for available funding		Q1,2,3,4	Q1,2,3,4	The Supreme Council	donors	
3. Active CSOs involvement and participation in surveys and situation assessments conducted by government and international partners.	a. Collect and disseminate the information related to planned assessments and surveys		Q1,2,3,4	Q1,2,3,4	The Supreme Council, The Ministry of Social Affairs, Ministry of Planning	GoY and interested donors	100,000
	b. Identify existing expertise in the CSOs community and maximize the use of relevant CSOs to conduct assessments and surveys		Q1,2,3,4	Q1,2,3,4	The Supreme Council, The Ministry of Social Affairs, Ministry of Planning		
Indicative Sub-total Objective 2							460,000

Objective 3: Bolster the culture of public participation, and strengthen the principles of democracy.							
Expected results	Planned Activities	Timeframe			Responsible Party	Planned Budget	
		100 day	2014	2015		Funding Source	Amount USD
1. Creation of functional coalitions and networks of CSOs based on sector specialization and geographical areas	a. Update the directory of CSOs including a classification by sectors		1,2Q		The Supreme Council, The Ministry of Social Affairs	GoY and interested donors	80,000
	b. Support the informal exchange of experiences and the creation of CSO coalition and networks through workshops		Q3	Q4	The Supreme Council		
2. Formulation of code of conduct guidelines	a. Set up a committee to draft guidelines for the formulation of a code of conduct adhering to accepted international standards.		Q3		The Supreme Council	GoY and interested donors	40,000
	b. Organize workshops in five governorates to present and revise the draft code of conduct guidelines		Q4		The Supreme Council		
3. Elaboration and utilization of mechanism of social accountability and transparency	a. Train CSOs on social accountability mechanisms and tools		3,4Q	Q1,2,3,4	The Supreme Council, The Ministry of Social Affairs	GoY and interested donors	110,000

	b. Promote the inclusion of social accountability in the internal CSOs regulations and programs.		Q4	Q1,2,3,4	The Supreme Council, Organizations		
	c. Publish and disseminate annual reports including the administrative, technical and financial performance of CSOs		Q4	Q1,2,3,4	The Supreme Council, Organizations		
4. Conflict resolution methods applied at local level	a. Train CSOs and government staff on the methodologies and principles of conflict analysis and resolution and the application of conflict-sensitive development approaches to development initiatives.		Q1,2,3,4	Q1,2,3,4	The Supreme Council + Relevant International Organizations	GoY and interested donors	100,000
	b. Train CSOs and government staff on national reconciliation methods and their application to development initiatives.		Q4	Q1,2,3,4	The Supreme Council + Relevant International Organizations		
5. Volunteerism and youth community initiatives.	a. Organize awareness campaigns to promote volunteerism and its significance for the society.		Q1,2,3,4		The Supreme Council + Government + Organizations	GoY and interested donors	120,000
	b. Provide financial and other incentives to volunteers		Q1,2,3,4	Q1,2,3,4	The Supreme Council +CSOs		
Indicative Sub-total Objective 3							450,000

Objective 4: Build CSOs capacities and improve their professionalism to enable their effective participation in the partnership							
Expected results	Planned Activities	Timeframe			Responsible Party	Planned Budget	
		100 day	2014	2015		Funding Source	Amount USD
1. Baseline assessment of CSOs needs and capacities	a. Appoint an assessment team to conduct a baseline survey.		Q1		The Supreme Council, The Ministry of Social Affairs, Ministry of Planning	GoY and interested donors	150,000
	b. Collect data through field visits; conduct analysis and evaluation of CSOs' institutional capacities		Q1,2		Assessment team		

	c. Publish the findings of the assessment in the electronic website of the Supreme Council		3Q		The Supreme Council		
2. Allocation in the national budget of financial support for CSOs' organizational development and improved service delivery	a. Decide and announce a yearly budget allocation for CSO development		Q1	Q1	The Supreme Council, The Ministry of Social Affairs	GoY and interested donors	50,000
	b. Identify clear criteria, priority areas, and mechanisms for the allocation of public support to CSO		Q1,2		The Supreme Council, The Ministry of Social Affairs, Government Agencies		
	c. Advertise and allocate funds for 2014		Q4		The Supreme Council		
	d. Collect and analyze annual financial reports of beneficiary CSOs			Q4	The Supreme Council, beneficiary CSOs		
3. Strengthened CSOs internal governance and accountability	a. Prepare guidelines to strengthen CSOs internal governance and accountability		3Q		The Supreme Council, The Ministry of Social Affairs	GoY and interested donors	150,000
	b. Organize ToTs modules on the use of the governance and accountability guidelines.		Q4	1Q	The Supreme Council		
	c. Train CSOs on the use of the governance and accountability guidelines.			Q1	The Supreme Council		
	d. Revise CSOs’ internal governance and accountability mechanisms			2,3,4Q	CSOs		
4. Specialized national training facilities on civil society and democracy	a. Support existing institutions (i.e. Aden and Sanaa University) to develop training modules and academic curricula focused on the role and functioning of civil society in democratic systems.		Q1,2		The Supreme Council, Ministry of Higher Education, Ministry of Technical Education	GoY and interested donors	200,000
	b. Promote the establishment of similar units/centers in other governorates.		3,4Q	Q1,2,3,4	The Supreme Council, Ministry of Higher education, Ministry of Technical Education		
	c. Provide financial support to implement these training programs via government funds such as the Vocational Training Fund, donors, and the private sector		Q1,2,3,4	Q1,2,3,4	The Supreme Council, Ministry of Technical Education, Donors		
Indicative Sub-total Objective 4							550,000
Indicative Grand Total							2,030,000

Annex 2: Monitoring and Evaluating Plan

The overarching objective of the partnership between the Government of Yemen (GoY) and Civil Society Organizations (CSOs) is to create an environment for collaboration according to clear and well-identified principles to help advance sustainable development and improve service delivery in the country. The implementation of an effective partnership between the GoY and CSOs relies on monitoring and evaluation (M&E) as a foundational element that underpins the partnership's four objectives. Accordingly, the Action Plan reflects the application of rigorous yet practical M&E techniques to continually assess and refine the partnership framework. In this context, the Supreme Council, which is responsible for the implementation of the partnership framework, will oversee the M&E Plan.

The M&E Plan will use action research to measure the direct, near-term and long-term consequences of the implementation of the partnership as outlined in the Action Plan. The plan utilizes action research evaluation approaches by engaging CSOs and the government as beneficiaries of the partnership for four reasons: (i) to ensure the validity of the results by enabling all parties involved in the partnership to critically analyze impacts and attribute them to the project's activities; (ii) to facilitate immediate learning among the parties to the partnership; (iii) to enable immediate application of results; and (iv) to build technical capacity among CSOs and government officials involved in implementing the partnership so that they can conduct evaluations independently even beyond the project's timeline. Below is a summary of the outputs, outcomes and impacts that the M&E Plan will measure for each of the four goals.

Measurement and Data Management Methods

Due to the large number of activities involved in creating the partnership, results will be measured based on a number of data collection methods: including interviews, desk-review of government and CSO reports and published materials, surveys and focus groups. Data will be collected based on each activity and will be disaggregated and reports will present results at the following levels: (i) aggregate changes in relations between the Government and CSOs, (ii) changes in CSOs' priorities and management of its programmes and service delivery, (iii) changes in government behavior and use of good governance in implementing the partnership. Data will be saved in a standard format, including field notes, accessible by the public through the Supreme Council online portal.

Collecting and Responding to Concerns

It is expected, and hoped for, that the Supreme Council will receive feedback regarding any concerns during the implementation of the partnership. This information will be incorporated into the activities that are under implementation when the concerns are raised, and in the future redesign and implementation of the partnership.

Informing Partnership Implementation Decisions

The goal of this M&E Plan, which will be conducted as part of each of the activities relating to each goal, is to improve the implementation of the partnership framework design and inform all management and implementation approaches throughout the course of project. Monitoring and evaluation results will be included in all project reports and will be used to refine existing

implementation plans that are being monitored and in the implementation of future plans for the partnership.

Monitoring and Evaluation Plan Matrix

Objective 1: Provide the appropriate climate for the functioning of civil society organizations as an effective partner for the government and to building confidence and trust between both			
Outcomes	Indicators	Verification Tools	Assumptions and Risks
1. Establishment of a supreme council as an autonomous national institutional framework, in which CSOs and the government are represented, and is in charge of overseeing the implementation of the partnership between the two parties	<p>(a) The Supreme Council is established and does include fair representation of GoY and CSO's.</p> <p>(b) The Council is financially and administratively autonomous</p>	<ul style="list-style-type: none"> • Formation of a committee to prepare for the establishment of the Supreme Council of the Partnership. • 10 meetings with the Ministries of Planning, Social Affairs, Legal Affairs, Finance and Local Administration as well as a number of CSO's • 15 meetings with CSO's, respecting geographical, sectoral and group representation • Organization of 5 workshops by the Preparatory Committee to review the legal and regulatory frameworks for the Supreme Council. • Issuance of the Decree to establish the Supreme Council. 	<ul style="list-style-type: none"> - Completion of the requirements for the establishment of the Council and the Preparatory Committee, the provision of the infrastructure needed for the work of the council. - Delays in the procedures involved in the establishment of the Council such as delays in the formation of the Committee and the issuance of the decree.
2. Include provisions in the constitution referring to the partnership, review existing legislation and pass new legislation.	<p>(a) Incorporate the partnership between GoY and CSO's in the constitution.</p> <p>(b) Review of laws and regulations.</p>	<ul style="list-style-type: none"> • The Constitutional Drafting Commission has incorporated the provisions confirming the partnership in the Constitution. • Organization of two symposiums in two different governorates to ensure the required support for integration of the constitutional provisions affirming the partnership. • Formation of a legal team to review existing legislation.. 	<ul style="list-style-type: none"> - Delay of outcomes of the National Dialogue Conference which may lead to delay in incorporating the partnership into the Constitution

		<p>Submission of the proposed necessary amendments to the cabinet and the bodies involved.</p> <ul style="list-style-type: none"> • Organization of 10 awareness-raising lectures on the legislative reforms by international experts. 	
<p>3. Strengthen public support for the partnership.</p> <p>.</p>	<p>(a) Survey of information published about the partnership in traditional and social media</p> <p>(b) Strategic communication plan produced</p>	<ul style="list-style-type: none"> • Organization of two conferences in two different governorates to launch and publicize the partnership framework in the presence of representatives of the government and CSOs, as well as donors • Development of a strategic communication plan targeting the government and social groups to introduce the partnership and its objectives. • Allocation of space in media and communication channels to highlight the partnership and its role in serving society and to mobilize public opinion in support of this role. • Incorporation of the subjects of CSO's and the culture of volunteerism in school and university educational curriculums. • Organization of an annual conference to discuss topics relevant to the partnership and evaluate the level of implementation and the major challenges facing implementation together with suggested solutions. 	<p>- Given that the partnership is new in Yemen, it may require more time for the concept to be absorbed.</p>

Objective 2: Improve and strengthen decision making, implementation and evaluation of policies, programs and service delivery to respond to the needs of society and achieve sustainable development.			
Outcomes	Indicators	Verification Tools	Assumptions and Risks
1. Involve CSO's in the formulation, implementation, and evaluation of public policies.	<p>(a) Number of CSOs represented in the official policy-making committees</p> <p>(b) Number of CSOs or CSOs' staff trained in the area of public policy .</p>	<ul style="list-style-type: none"> • Presence of representatives of CSO's in official planning and programming committees. • Organization of workshops and seminars with the participation of representatives of CSO's and government agencies to inform the work of official committees. • Training CSOs staff on formulation of development policies. • Organization of workshops and seminars to discuss reports of CSO's and the production of comprehensive recommendations to be presented to the committees and relevant agencies. • Participation of CSO representatives in budget preparation committee at district and governorate levels. 	<ul style="list-style-type: none"> - Confusion amongst CSO's about the concept of policy formulation and their expected role. - The shape of the future government and the type of political system may impact the concept and mechanisms for formulating policies in the future.
2. Identification of social development needs	<p>(a) Conduct a study of CSO needs</p> <p>(b) Include reports, information and the results of the surveys on the Council's portal.</p>	<ul style="list-style-type: none"> • Formation of a team of local and international experts to conduct studies and surveys of community needs • Hold workshops and seminars involving all governorates to review and discuss the outcomes of the field surveys • Establishment of a web portal by the Supreme Council to contain a database of survey results and information relevant to the partnership. • Submission of recommendations and conclusions of the studies and surveys to the concerned government agencies to be incorporated in public policies. 	<ul style="list-style-type: none"> - Inability of the research team to access remote areas to collect accurate information from these areas.
3. Coordination and integration between the CSOs and the government to support	<p>(a) Inventory of CSOs projects related or in line with government</p>	<ul style="list-style-type: none"> • Hold annual meetings to review and discuss development priorities of the government which are distributed to the CSOs. 	<ul style="list-style-type: none"> - Unclear development vision by the Government may negatively reflect on the possibility of

comprehensive development efforts	development plans	<ul style="list-style-type: none"> • Review and evaluation of progress reports on the achievements of organizations and the extent to which they are in line with government priorities. • Media programs to highlight the government's development plans and programmes. 	<p>coordination of efforts with CSOs.</p> <ul style="list-style-type: none"> - Inability of the Council to convince a large number of CSO's to work in alignment with the Government plan.
4. Transparency of information about foreign funding and its alignment with development plans	(a) Updating of information on foreign funding through the Supreme Council	<ul style="list-style-type: none"> • Coordination between the Supreme Council, the government and donors to access sufficient information on the size of available funding, priorities and requirements. • Dissemination of this information in a transparent manner through the portal. 	<ul style="list-style-type: none"> - Lack of interest of donors to commit in furnishing information on available funding. - Non-alignment of development priorities with those of the Government

Objective 3: Bolster the culture of public participation, and strengthen the principles of democracy.

Outcomes	Indicators	Verification Tools	Assumptions and Risks
1. Improvement of level of community participation and integration between CSO's as well as dissemination of the culture of voluntarism and the encouragement of youth and community initiatives.	<p>(a) Inventory of newly created CSO coalitions and networks.</p> <p>(b) Number of voluntary initiatives and programmes implemented.</p>	<ul style="list-style-type: none"> • Survey of CSO's and networks currently operating, categorized along sector, geographical and group lines. • Networks established between CSOs • Workshops and training sessions on networking implemented. • Hold an annual conference for these networks to discuss and evaluate the networking process. • A committee to prepare a draft of a standard code of conduct in the light of successful international experiences in the field. • Organization of community awareness-raising programs about voluntary work and the promotion of youth initiatives. 	<ul style="list-style-type: none"> - Confidence building between the organizations to strengthen networking and creation of a broader space for community participation.
2. Use of the mechanisms of social accountability and the principle of transparency	(a) Number of CSOs and CSOs' members trained in mechanisms of social	<ul style="list-style-type: none"> • Organization of training programs and symposiums to develop the skills of CSOs relating to the concepts of social 	<ul style="list-style-type: none"> - The concepts of social accountability and crisis management are new concepts

amongst CSOs; and the use of peaceful democratic mechanisms in crisis management.	<p>accountability.</p> <p>(b) Level of skills obtained by CSOs staff and government agency officials in the fields of conflict resolution, dialogue and reconciliation</p>	<p>responsibility and the principle of transparency.</p> <ul style="list-style-type: none"> • Publication of reports on the administrative, technical and financial performance of the organizations through appropriate communication channels and the inclusion of reports and information issued by all parties on the portal of the Supreme Council. • Incorporation of the concepts and mechanisms of national and community reconciliation in the objectives and programmes of CSOs. 	to Yemeni society, which poses a challenge when trying to implant and use them.
3. Capacity building for the leadership and staff of official institutions involved in the work of CSOs to build mutual confidence and to promote a pro-partnership culture.	(a) Number of training programs held.	<ul style="list-style-type: none"> • Incorporation of the concepts and principles of partnership and social accountability into the training plans of government agencies involved with CSOs • Organization of awareness-raising lectures by experts for staff of government agencies to highlight the new framework of partnership and community responsibility. 	- Quality of programs incorporated in training plans may not be of the level required.
Objective 4: To build CSOs' capacities and raise their professional level to enable them to play the part envisioned for them in the partnership framework			
Outcomes	Indicators	Verification Tools	Assumptions and Risks
1. Development of financial resources of the organizations to enable them meeting work requirements and the inclusion of a funding item in the state's Public Budget. to support these organizations.	<p>(a) Size of financial support allocated to CSOs by the government.</p> <p>(b) Number of CSOs receiving financial support</p>	<ul style="list-style-type: none"> • Identify the size, areas and forms of government support allocated annually in the state budget. • Organize workshops and seminars to include government and CSO representatives to define clear criteria and mechanisms to support CSOs • Organizations to submit annual financial reports showing the areas in which the government aid has been spent. 	- CSOs' knowledge of the size and criteria for government support and ways of effectively benefiting from it.

2. Instilled principles of good governance amongst CSOs.	<p>(a) Production of a good governance reference manual.</p> <p>(b) Number of CSOs and CSOs members trained in the use of the manual.</p>	<ul style="list-style-type: none"> • Preparation of a CSOs good governance manual. • Organization of training programmes for the CSO's in accordance with the manual and the establishment of a clear methodology for self regulation of CSOs along with the drawing up and application of criteria for their operation. • Train trainers specialized in good governance 	- Non-compliance of CSOs with the principles of good governance or lack of understanding of them.
3. Technical, financial and administrative support to CSOs to enable them to engage in the partnership.	<p>(a) Number of centers established or reequipped to undertake the task of building the capacity of CSOs.</p> <p>(b) Number of programmes implemented in these centers.</p>	<ul style="list-style-type: none"> • Support and development the role of existing specialized centers in capacity building of CSOs • Establishment of similar centers in other governorates, according to the needs, to carry out the task of capacity building. • Provide financial support to prepare and implement training programmes through different channels such as: benefiting from part of the budget of the Vocational Training Fund, donors and encouraging the private sector to support these efforts 	- Delays in to the procedures involved in establishing the specialized centers and replicate them to other governorates.

Annex 3: Reference Study of the Partnership

Introduction

In the last two decades, the Arab region has witnessed numerous changes influenced by globalization and the information revolution. This has led some Arab states to move towards democracy in its different forms. The most striking development is the change in the role of the State from being the main actor in formulating policy, drawing up plans and implementing them to that of the first among many partners such as the private sector and civil society. These partners have gained an increasing large role in influencing public policy, and drawing up and implementing national development plans, especially since the attempts to achieve development through the public sector alone have stumbled.

In Yemen, comprehensive development issues were at the center of attention of successive governments since the country's reunification in 1990. The government formulated a number of development plans covering various areas and made extensive efforts to implement those plans and to realize the objectives of comprehensive development. In spite of this, the impact of these efforts remained limited at all levels: politically, economically, administratively, socially and culturally, especially in the absence of local development partners, the private sector and civil society, in the processes of formulating, implementation and evaluation of those plans.

With the accelerated pace of change around the globe in the political, economic and social spheres brought about by globalization and the information revolution, the needs of Yemeni society grew, revealing the government's inability to respond to such needs. This showed the dire need to engage the private sector and CSOs in the efforts to achieve comprehensive development. The Government, on a number of occasions, has emphasized the importance of partnership with civil society. A number of government programmes and plans adopted by the government have called for such partnership. However, cooperation between the two sectors remained limited and never reached the level of a real national partnership.

Following the 2011 youth revolution, civil society found an opportunity to play the role of an effective party in development and service delivery to the public. The government has recognized the critical role of this partnership, especially following the increasing severity of the political, security and economic situation and the deterioration of the level of service provision to citizens. The government confirmed this in the donor conference held in Riyadh in September, 2012.¹

In accordance with the Mutual Accountability Framework (MAF), signed by the GoY in Riyadh, the GoY in cooperation with the UNDP Emergency Capacity Development Facility program

¹ Economic Studies and Forecasting Sector. "Partnership in Development: Government, Private Sector and Civil Society."

sought to prepare the partnership framework between the GoY and CSOs in a manner that serves the objectives of comprehensive development in the Republic of Yemen.

A team was set up comprising a number of UN international and local experts representing government stakeholders as well as a number of local CSOs and international organizations. The team was given the task of preparing a draft of the partnership framework between the GoY and CSOs, developing an implementation plan for the partnership framework and a monitoring and evaluation plan to monitor the implementation of the partnership between the two parties.

I. Methodology:

The process for developing the partnership framework relied on methodological integration in order to arrive at better results. The following approaches were used:

1. The establishment of a taskforce group to oversee the draft of the partnership framework made up of 25 members: four international and local experts, and nine representatives of the parties to the partnership from the government agencies involved – the Presidential Office, the Prime Minister Office, the Ministry of Planning and International Cooperation, and the Ministry of Social Affairs and Labour; eight from active local CSOs, two from international CSOs working in Yemen, two coordinators and a secretariat (see the list of names of the Partnership Document Preparation Team annexed to this study).
2. A detailed survey designed to collect data, conduct a needs assessment and evaluate partnership requirements was sent to 30 CSOs and government agencies.
3. A desk-review of available literature was conducted to analyze current relationship between GoY and CSOs, assess CSOs' development capacities, and review current legislations governing the work of CSOs.
4. Interviews were conducted with 10 CSOs leaders and 10 senior government officials to solicit their professional views and perception of the existing level of partnership.
5. Two workshops were organized in Sana'a and Aden in which a total of 65 government officials and CSOs' representatives discussed, commented and suggested revisions to the proposed partnership framework document.

II. A Brief Historical Overview of Civil Society Development in Yemen

Over a long period, Yemen has known various forms of humanitarian and charity action. This phenomenon is deeply rooted in the heritage and culture of Yemeni society and has been manifested in various forms of cooperative works such as: the construction of dams, reservoirs, mosques, helping poor families, constructing homes and other types of work. These early collaborative activities make up the early core of collective action and were the precursors to modern community collaboration.²

² Yemeni Centre for Social Studies and Labour Research *Field survey of private associations and foundations in Yemen Ministry of Social Affairs and Labor*, 14.

Despite these early efforts, organized cooperative community action did not emerge until the start of the twentieth century in the forms of associations, clubs and youth federations. These organizations first began in the Southern governorates.³ The establishment and development of civil society organizations in Yemen has passed through a number of stages, which can be detailed as follows:⁴

Phase 1: Pre-independence phase

This phase began at the start of the 20th Century when a number of CSOs emerged as one of the mechanisms of opposition to British colonial rule in the South and against the rule of the Imamate in the North. Their main aim was to make the opposition's voice heard in society, as well as the cooperative objectives they espoused. Dozens of associations, organizations, clubs and unions were established, whose work was linked to the traditional awareness that prevailed at the time. A total of 47 organizations were established in this phase.

Phase 2: Post-independence phase

This phase was characterized by the newly created State leading the modernization and development drive following independence. It played a leading role in supporting the establishment of CSOs under two different political systems that existed in the two parts of Yemen at the time. Both parts used different approaches in dealing with civil society and linking them to official State institutions. During this phase, Yemen witnessed an early manifestation of popular social action in the form of national cooperative bodies. These bodies were established at the beginning of the 1990s. They made a distinguished contribution into development. The total number of NGO's estimated to have been established in this phase up to 1989 was 424.

Phase 3: The Post-Unification Phase, 1990

This phase was marked by democratic change, political pluralism and multi-party system. This led to the development of a legislative framework giving citizens the right to organize themselves in political, social, economic and cultural institutions or organizations independent of the government. This new openness created an environment conducive to the establishment and development of many NGOs. This coincided with increasing international support for civil society, which further encouraged the establishment of a large number of NGO's. In 2011, there were 8,317 registered organizations with the Ministry of Social Affairs and Labour, according to the latest statistics available in the Ministry. Meanwhile, other sources indicate that there are nearly 4000 NGOs that are not officially registered with the Ministry.

Phase 4: The Post-Youth Revolution phase: 2011

A new phase began to emerge following the 2011 Youth Revolution. Yemen's entry into the transitional phase created an unprecedented opportunity for CSOs to take up their natural

³ Yemeni Centre for Social Studies and Labour, "The Annual Social Report, Second Theme, The Situation of Yemeni Society and Challenges of Globalization". 55

⁴ World Bank, "Yemen Civil Society Organizations in Transition: A Mapping and Capacity Assessment of Development-Oriented Civil Society Organizations in Five Governorates," 9.

position as an effective partner for the Government in comprehensive development, especially with the convening of the Donors Conference in Riyadh in September of 2012,⁵ the GoY's commitment to establish a partnership with CSOs and the strong support CSOs are receiving from international organizations,⁶ in addition to the convening of the National Dialogue Conference in Sana'a and the effective participation of CSOs in the proceedings of the Conference, during which the features of a new Yemen were drawn.

III. The Nature of Current Relationship between the Government and CSOs

The relationship between the GoY and CSOs⁷ during the past two decades has seen noticeable development. They have partnered together in the preparation of a number of strategic development plans, and a bigger space has been given to CSOs to work in the fields of development and service provision. In spite of this, the level of partnership remained below what was required.⁸ It can be said, in general, that the relationship between the two parties fluctuated and lacked clarity, with the exception of a very limited number of exceptions where CSOs were able to establish partnerships with the government to implement a number of projects. Perhaps the most prominent features of these partnerships were characterized as follows:

- a. The Government used to look at these organization as being weak and having no capacity to carry-out effective work. At times, it looked at CSOs from a political perspective as a political opponent and so it dealt with them as followers and attempted to exercise control over them.
- b. CSOs on the other hand, looked at the Government as trying to always undermine their work and obstruct any opportunity for real partnership. Arguments often made were that the Government only supported a limited number of organizations that had good relationships with, particularly political relationships, and that it had never given them any assistance or

⁵ Social Development Sector, NGO Information Department, "NGO Statistics for the Year 2011"

⁶ The Mutual Accountability Framework between the GoY and Donor Countries and Organizations, Donors Conference, Riyadh, September 2012.

⁷ UNDP defines CSOs as "non-state actors whose aims are neither to generate profits nor to seek governing power. CSOs unite people to advance shared goals and interests. UNDP collaborates with CSOs whose goals, values and development philosophies accord with its own."

UNDP, *UNDP Strategy on Civil Society and Civic Engagement*.

Meanwhile, The World Bank refers to the term of civil society organizations as "the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations".

World Bank, "Civil Society - Defining Civil Society."

⁸ Yemen's Ministry of Planning and International Cooperation defines Partnership as: "the involvement of all parties in the field of development in ongoing negotiating processes in the decision-making process, which entails binding agreements for efficient distribution of agreed roles between these parties to ensure utilization of all available local resources."

Economic Studies and Forecasting Sector. "Partnership in Development, Government, Private Sector and Civil Society". 3.

strengthened their capacity. Many of the organizations made an effort to be effective partners with the Government in development and to monitor government's performance rather than becoming followers.

IV. Role of CSOs in Development

In spite of the fact that the general political climate in Yemen indicates the presence of a broad space for establishing CSOs and involving them in achieving the goals of comprehensive development, actual data confirms that the role of the majority of CSOs in development was limited in most areas, even though that CSOs played rather an effective role in some areas of development such as: human development, political development and community development. Their limited effectiveness can be attributed to a number of factors, some of which are involve the government while others involve the organizations themselves. The most prominent factors are described as follows:

Factors Involving the Government:

- a. Lack of a clear vision and limited capacities of the government to formulate integrated strategies in various areas of development that would receive the support and agreement of development partners, such as donors and CSOs, and that would guarantee the complementarity of the efforts of all parties to achieve the objectives of these strategies. This has led to fragmented and conflicting efforts in many cases, which in turn has led to the frustration of development efforts in a number of areas, something that has reflected badly on the role of CSOs.
- b. Lack of clear, specific and transparent criteria for dealing with these CSOs and qualifying them to contribute to the development process. This has left the majority of organizations with limited capacities and, therefore, limited contributions to development.
- c. Lack of an official initiative to form a partnership between the Government and CSOs that would define the nature and the role of these organizations as well as their boundaries in development. Relationships therefore continued to fluctuate and remains weak, especially since the government continues to be convinced that CSOs lacked the capacity to become a viable partner in development; irrespective of the many assertions in government's programmes and strategic plans that CSOs are a key partner in those programmes and plans.

Factors Involving CSOs

- a. Lack of essential elements of good governance at the majority of organizations, and lack of qualified personnel and strong reliance on the "individual or family" work. This has had a negative impact on the performance and credibility of CSOs and weakened the confidence of the Government in the capacity of this organization to contribute effectively in the field of development.
- b. Lack of a clear vision and mission of these organizations, making their work sporadic, seasonal and lacking strategy. This was especially true since most CSOs had scarce financial resources and were limited in their ability to draw up their own sustainable strategies in

different fields. Moreover, CSOs lacked transparency and stringent financial controls, which led many organizations to adjust their priorities in accordance with donors' requirements.

- c. Some organizations interest in development work is merely superficial, concentrating on quantity and not on quality, and is heavily influenced by the donors' concerns to achieve quantitative results.
- d. Lack of coordination and networking between CSOs and dependence on the principle of competition and not complementarity, which has reduced opportunities for cooperation, exchange of expertise and coordination of efforts to achieve better results.

V. Analysis of the Current Situation of CSOs

1. Data and figures

Official statistics from the Ministry of Social Affairs and Labour show that there were 8317 organizations officially registered with the ministry in 2011.⁹ In addition, some sources state that there are 4000 unregistered organizations.

Through analysis of the data collected from the Ministry, it becomes clear that the majority of these organizations are concentrated in the capital city of Sana'a and a number of provincial capitals of major governorates such as Hadramout, Ta'izz, Aden and Hudeidah. This can be attributed to the fact that the majority prefer to establish organizations in the capital due to easy access to decision-makers and donors in comparison with those organization established in other governorates.

Large number of CSOs have outdated data, while also is difficult to communicate with them due to incorrect contact information. This can be attributed to the lack of an effective mechanism to ensure continuous communications between the Ministry of Social Affairs and CSOs.

Financial support provided by the Ministry of Social Affairs to CSOs is very limited and insufficient to even cover the basic needs these organizations have in order to function. There is also a lack of equitable and transparent criteria for awarding grants. Moreover, the support has been suspended for all organizations established within the last five years.¹⁰

2. Points of weakness and strengths of CSOs

Previous studies have shown that CSOs in Yemen suffer from many weaknesses, as well as enjoying a number of strengths. Here are some of both:¹¹

a. Weaknesses

Many CSOs suffer from various weaknesses including:

⁹ Social Development Sector, NGO Information Department, "NGO Statistics for the Year 2011."

¹⁰ World Bank, "Yemen Civil Society Organizations in Transition: A Mapping and Capacity Assessment of Development-Oriented Civil Society Organizations in Five Governorates."

¹¹ HTSPE Limited, "Civil Society in Yemen: A National Participatory Review."

- Lack of confidence amongst the organizations. In addition, competition over support and resources has reduced opportunities for cooperation and complementarity amongst them and is considered a major challenge to networking given the political, tribal, and religious loyalties of a large number of these organizations. This has a negative impact on exchange of information and is impeding the coordination effort.
- lack of good governance including lack of transparency, accountability, appropriate management of financial resources and weak democratic practices.
- Scarcity of CSOs' own resources and heavy dependency on support from donors despite the challenges involved in obtaining donors' funding. This led to the absence of strategic vision, while also leading these organizations to constantly adjust their priorities and their fields of work to align with those of the donors.
- Weak technical skills: especially communication skills, project development, team management, strategic planning, etc. Additionally, the high rate staff change in these organizations due to low wages, has a negative effect on performance.

b. Strengths

There has been a number of strengths identified among CSOs:

- Diversity of areas of expertise: organizations are now involved in political and social development as well as service delivery, awareness-raising, advocacy and monitoring and evaluation, etc. Moreover, they are widely spread through different governorates, including remote areas, which has enabled them to have easy access to target groups and to establish good relationships with these groups.
- Many CSOs currently have motivated youth leaderships interested in community action, especially amongst women. This reflects the transformation in society's attitudes towards women's participation in community activities, particularly in urban areas, which gives opportunities for wider participation to develop the effectiveness of their organizations.
- A number of organizations have been able to gain a good reputation through the services they provide and the efforts they make to serve citizens in their situations. This is especially true with the decline in the government's role in service provision in the last few years, which has coincided with a number of political, economic and security crises in the country.
- Ease and flexibility of decision-making in comparison with government agencies. Moreover, CSOs can draw from a pool of volunteers working with a number of organizations enabling them to undertake their activities and their roles at a lower cost.
- CSOs' Participation in capacity building programs, either using their own resources or through donor support, has helped their leadership and staff to acquire the basic skills necessary for these organizations to carry out their activities and carry out their roles at a reduced cost.

3. Opportunities and challenges for CSOs

The analysis of the working environment of CSOs in Yemen reveals the existence of a number of opportunities and challenges relating to their activities, including:¹²

a. Opportunities

The following are the main opportunities for CSOs:

- Increased local and official interest in the role played by CSOs in various areas. This is evident in government development programs, strategies and plans, which describe CSOs as a partner in the achieving comprehensive development objectives, in addition to the National Unity Government's commitment to this partnership in during Riyadh donors meeting in 2012¹³.
- During the last few years, Yemen has been affected by a number of political, economic, social and security crises that have overwhelmed the government and weakened its ability to meet its development commitments in various areas. This situation has shown the critical need for the roles and efforts of CSOs in service provision and to fill the widening gap in this area .
- Increasing world interest in the role of CSOs in various development areas and pressure on the government to engage in a meaningful and constructive partnership with CSOs, coupled with a bigger commitment by the donors to provide technical and financial assistance to CSOs.
- Technological development and the information revolution have allowed CSOs to benefit from international experiences and lessons learned. It has also facilitated communications with other similar organizations, locally and internationally, so as to exchange information and expertise in community action.

b. Challenges

The most prominent challenges faced by CSOs can be summarized as follows:

- Weak coordination with the donors, challenges in securing funding and slow decision processes in providing funding, in addition to lack of clear criteria for funding by donor. Moreover, many donors often impose their own agendas on local organizations when providing grants, giving no consideration of the priorities of the organization.
- Skepticism and lack of confidence between the government and CSOs, prevailing for a long time and caused by a number of factors, has led to a weakening prospect of partnership between the two sides.
- The existence of a sense of competition and conflict amongst CSOs causing fragmentation and duplication of efforts, especially since the culture of networking between CSOs is still an

¹² World Bank, "Yemen Civil Society Organizations in Transition: A Mapping and Capacity Assessment of Development-Oriented Civil Society Organizations in Five Governorates."

¹³ The Mutual Accountability Framework between the GoY and Donor Countries and Organizations, Donors Conference, Riyadh, September 2012.

emerging phenomenon. This has reduced opportunities for coordination and integration and the exchange of expertise between these organizations and limited the capacity of CSOs to play an effective role in the various areas.

- Administrative and financial corruption in government institutions, the complicated bureaucratic procedures relating to CSOs and the weak role of the judiciary have created a climate which is not conducive to the work of CSOs.
- Increased presence of international NGOs in Yemen, implementing development projects and obtaining funds from donors, has cramped the activities of development and reduced the opportunities for local CSOs to build up experience in their area of expertise.
- Existing laws do not accommodate new developments in the nature and areas of CSO activities. There are new forms of organizations and interactions that have emerged recently, such as CSOs network, youth initiatives and others that have no exact description in existing legislation; leading to a large number of CSOs not registered with relevant agencies and no accurate data about them.
- Lack of an updated database on CSOs and lack of a precise categorization of these organizations, as well as confusion and ambiguities relating to the concept of civil society. Moreover, there is a lack of monitoring mechanisms and effective communication between government agencies and CSOs.
- Public awareness of the role of CSOs is still limited. This has led to a lack of interaction between citizens and CSOs leaving negative impact on CSOs' capacities to play an effective role in the various fields.

4. The Most Prominent Needs of CSOs

CSOs in Yemen requires strong support to be more effective in their partnership with the Government, including:¹⁴

- Review of legislation regulating the work of CSOs so as to accommodate new developments at the national, regional and international levels and to keep up with the new policy of building a real partnership between the government and CSOs. Legal texts providing for CSOs to be granted privileges, such as custom and tax exemptions, should be drafted. Increased privileges should be granted in particular to organizations working in rural areas to strengthen their presence and activities.
- Capacity building of these organizations through a comprehensive strategy prepared jointly by the government, the CSOs and the donors so as to enable these organizations to attain the level required for the desired partnership. The most important areas for capacity building are: team building and management skills, communication skills, negotiation skills, fundraising and development, project implementation, community research and surveys, M&E, advocacy and mobilization, strategic planning and networking.

¹⁴ World Bank, "Yemen Civil Society Organizations in Transition: A Mapping and Capacity Assessment of Development-Oriented Civil Society Organizations in Five Governorates."

- Application of principles of governance within the organizations, especially in: Completion of the internal legal structure, development and application of administrative and financial systems, strengthening of democratic practices within them, enhancing transparency and accountability.
- Strengthening the culture of networking between CSOs, promoting the establishment of networks between organizations at the national and local level to enhance their development and monitoring roles.
- Highlighting the role of CSOs in development, awareness-raising and service provision to create a climate of support for their role within society. Developing the capacity of CSOs to work in collaboration with the various media outlets.
- Review and evaluation of current funding mechanisms and sources for CSOs and action to secure needed funding to enable CSOs to perform their role towards society in accordance with equitable, clear and transparent criteria.
- There is an urgent need to survey and assess existing CSOs and to identify effective organizations and ineffective ones in accordance with clear and transparent criteria. In addition, there is a need to build an up-to-date database of CSOs, classifying them and identifying level of expertise of CSOs that would like to participate in the partnership with the government.

VI. Challenges Facing the Partnership

Despite the fact that the anticipated partnership between the government and CSOs is expected to produce fruitful outcomes in different aspects of development, there are a number of challenges that may impede this partnership including:

- Wide-spread of financial and administrative corruption in government organizations and the lack of good governance, especially as regards transparency, accountability and the rule of law. The lack of an honest judiciary due to outdated work methods, the prevalence of corruption and interference with the judiciary by influential bodies.
- The shortsighted and critical view of the government towards CSOs and the low level of trust existing between the two parties, which requires great effort to create a culture of support for the partnership amongst the officials of government agencies concerned and to create a type of mutual confidence between the two sides to create an environment conducive to the partnership.
- limited financial support provided by the government to these organizations and the lack of transparency and clarity in the criteria for dealing with CSOs.
- Lack of community awareness of the importance of the role played by CSOs in various development areas. This requires serious effort by all parties to improve community awareness of this role and to create a culture supportive of volunteerism and of the roles played by CSOs.
- The short period allocated for the preparation of the partnership framework. The GoY signed the Mutual Accountability Framework at Riyadh Donors Conference in December 2012.

However, work on the partnership framework between the government and CSOs only started in June 2013. This may be seen as an inadequate period for the preparation of the framework, which might generate some reactions in opposition to the partnership framework due to the failure to widen the circle of participation to include other groups and stakeholders.

- Lack of effective guarantees for the actual implementation of the framework in the future. This may reduce opportunities for implementation on the ground and a missed opportunity for Yemen to benefit from this partnership between the two parties to help sharing the burden of development in a number of areas.
- Limiting the scope of the partnership to the centre rather than transferring it to the local level of governorates and districts. This will limit the possibility of delivering the outcomes of this partnership to rural areas, which are in greater need for this partnership especially since they are facing increased rates of poverty, illiteracy and health issues.
- The lack of an updated database that includes details about CSOs numbers and capacities in Yemen, including both CSOs that were established in the past and registered with the Ministry of Social Affairs and Labour and those which have emerged in recent years but haven't been registered.
- The politicization of the work of some CSOs may undermine their independence in playing their role.
- Poor financial, human and institutional resources and lack of the components of good governance in most of the organizations, which may make it difficult for them to play their role in these areas.

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Annex 4: Legal Study of the Partnership

Introduction:

Partnership experiments between government and CSOs in many countries have been based on a set of measures and procedures aiming to promote community contribution in formulating, monitoring and implementing policies and taking decisions relating to the drawing up of policies and administering public affairs, achieving sustainable development and enforcing principles of good governance – transparency and accountability in particular. These experiments indicate that reaching an effective partnership should be based on new approaches embodied in constitutional, legal, legislative, regulatory and administrative requirements, known nowadays as ‘participatory democracy’,¹⁵ or ‘social partnership’, which is guaranteed by many countries’ constitutions or imposed by the de facto situation in other countries.¹⁶

For the Government of Yemen, it can start at the point where other countries’ government ended in order, on the one hand, avoid the shortcomings and errors that accompanied these experiments, and on the other hand, to reduce costs and achieve high returns, especially as the country is expecting wide and complex developmental, economic, social and political entitlements. This paper will review the foundations necessary to launch an effective partnership for CSOs which have become a basic partner in development in many countries. These countries’ experiences have confirmed that the discussions between partnership stakeholders and the main steps taken have tended towards formulating the constitutional and legislative foundations and the legal, regulatory and administrative rules of partnership as follows:

I. The Constitutionalization of Partnership

Recognizing the constitutional roles of CSOs is the basic condition for establishing partnership in practice, by including constitutional provisions for partnership between the public authorities and CSOs based on the recognition of the right to found and establish them and define their areas of specialization and their geographical and sector scope. This has become known as participatory democracy, which is complementary to representative democracy. This gives the CSOs the position of the third partner alongside the public and private sectors.

In those countries that have a constitutionalized partnership between the government and CSOs, the dialogue has moved from constitutionalization to drawing up a body of legislation and laws aiming to activate the constitutional requirements relating to partnership between the government and civil society and its new roles¹⁷.

For instance, the Brazilian Constitution 1988, made participatory democracy as one of the forms of government at the national and local levels. This was supported by a number of provisions¹⁸ regarding the partnership of professional interests in discussions and decisions, and the right of associations to reject violations and reporting them, involvement of producers and rural workers

¹⁵ The concept of participatory democracy in this document refers to a set of means and procedures which provides for the institutionalization of the participation of civil society in all stages of public policy, scheduling it, drawing it up, formulating it, applying it and evaluating it.

¹⁶ ESCWA, Promoting Participatory Democracy in the ESCAW Region, 8

¹⁷ De Souza, “Participatory democracy in Brazil”

¹⁸ “The Brazilian Constitution”: Articles relating to the 1996 Reforms (8, 23, 60, 10, 73, 89, 74, 103, 187, 174).

in planning and drawing up agricultural policy, partnership of opposition minorities in the two chambers in being members of the consultative and presidential councils, in giving opinions on the non-constitutionality of laws, partnership in education, combating illiteracy, and protection of the environment, and in approving local funding and budgets¹⁹.

Like Brazil, many Latin American and African countries²⁰ have advanced on constitutionalizing partnerships between the government and CSOs, especially after the success realized in the Brazilian experience. In the Arab World, some countries such as Lebanon, Algeria, Jordan and Tunisia, are working towards partnership with CSOs. Most remarkable of all is Morocco with its new Constitution in 2011, which made participatory democracy one of the pillars of the constitutional system of the state as mentioned in Article One of the Constitution, “The Constitutional system of the Kingdom is based on the separation, balance and cooperation of powers, democracy, citizenship and participation, on the principles of good governance and the linkage between responsibility and accountability”.²¹

In Yemen, the existing constitution contains a number of articles that oblige the public authorities to care for the other sectors, the private, the cooperative and civil society. However, these articles do not rise to the level of partnership or participatory democracy²².

The current situation in Yemen is favorable to the constitutionalization of participatory democracy, as the comprehensive national dialogue is going on about issues relating to the structure of the state and good governance. A new constitution is being drafted, which provides an opportunity to draw up constitutional provisions for partnership between the government and CSOs. It is well known that the incorporation of constitutional provisions about partnership after the constitution is issued is a long and complicated process. Constitutions are rigid legal documents that need political agreement and lengthy procedures as well as requiring specific conditions and majorities in order for amendments to be passed. Partnership between the Yemeni government and CSOs is one of the provisions contained in the Mutual Accountability Framework signed by the government in Riyadh in September of 2012. Including the partnership in the constitution will represent a constitutional protection of the right of citizens to partner in managing, discussing and approving policies relating to public affairs through CSOs. It also ensures judiciary guarantees that prevent the issue or implementation of laws that violate the

¹⁹ ESCWA, Promoting Participatory Democracy in the ESCWA Region- 7-8. Among lessons learned from the Brazilian experiment are that citizen participation in drawing up the budgets of about 80 municipalities during the period 1989-1996 has raised the level of residents’ sanitation services from 46% to 85% and increased drinking water provision from 80% to 98%. Education enrollment has doubled, and the tax rate has increased by 50%, reflecting the satisfaction of residents with the services provided.

²⁰ Republic of Ghana, “Draft National Action Plan for the Republic of Ghana”.

²¹ The Kingdom of Morocco, “The Constitution of the Kingdom of Morocco. Articles 12,13,15,14 and 139, affirm the strengthening of civil society governance in managing internal affairs and also in partnership relations with state institutions, enabling civil society to contribute to the preparation and evaluation of decisions and projects along with elected institutions, to create consultative bodies in order to involve different social actors in preparing, implementing and evaluating public policies, to take legislative initiatives by legislating the right to submit legislative petitions, and strengthening the regulatory role of civil society by legislating the right to submit petitions.

²² Republic of Yemen, “The Constitution of Yemen, Articles 7, 25, 125. The first workshop in Yemen about democracy was held in October 2011, organized by the Ranin Foundation in collaboration with the Bait Al Nur Foundation and Friedrich Ebert Foundation and the Canada Fund for Local Initiatives. Fifty young people from five governorates participated in it. The first vision for partnership was prepared by Dr. Fuad Al Sulahi and the former Dean of Journalists, Abdul Bari Taher, on 2 August 2009.

constitutional provision and make it liable to annulment, it also requires the review of existing laws that hinder community partnership in development and the formulation of policies relating to public affairs at the central and local levels.

Therefore, the Constitution shall include, beside the general provisions relating to this partnership, general principles laying down some rights of CSOs, such as the right to prior discussion of the decisions of elected councils and bodies and the right to oblige them to take the suggestions of residents into account when drawing up policies. In case this is rejected by the concerned authorities, they are obliged to justify their rejection. In addition, CSOs should also have the right to participate in the implementation and evaluation of policies²³.

II. Partnership Framework Document:

The Partnership Document contains general principles by virtue of which the government is committed to develop and strengthen partnership with CSOs and to create institutional mechanisms and frameworks to coordinate and regulate cooperation to implement the partnership. This document also forms an initial obligation by virtue of which the government and CSOs agree to play mutual roles to achieve developmental objectives at the local and central levels. This document, provides for the implementation of a set of constitutional, legislative, legal, administrative and regulatory reforms and governance principles based on the distribution of roles and mutual monitoring between the parties and the sectors involved in realizing the partnership sought in order to reduce the burdens on the public authorities; to provide and improve services and facilitate access to them; to formulate public and national policies, and take decisions; to achieve decentralization and develop social facilities; to have access to information and practice transparency and accountability²⁴.

Some countries have issued partnership frameworks under the name of charters, document or strategies. There is no uniform form or name for documents of partnership, however, the content is similar and the intentions and objectives are the same. They specify the basic obligations and rights of all partners, distribute roles among them and highlight a number of principles of good practice in partnership.²⁵ The partnership framework can define the tools and mechanisms for achieving, implementing, monitoring and evaluating partnership, and for taking decisions and making proposals so that they can achieve joint management of facilities in accordance with the laws and regulations applicable²⁶.

III. Legislative and Legal Reforms and the Governance of Relations and Mutual Roles

Partnership needs legislative and legal reforms that include the review of existing laws, making new laws, establishing specialized institutions and regulating partnership relations according to

²³ Proposals and Demands presented by Academics and Activists from Algerian civil society organizations, March 2013.

²⁴ Daimner, Leaf, "Guidelines for Preparing Charters".

²⁵ Nilda Bulian and Radust Tufista, A comparative analysis of European policies and practices in cooperation between non-government organizations and the government, summary article.

²⁶ Morocco is one of the countries that were interested in partnership from an early date. In 2003, the Prime Minister issued a publication on partnership between state institutions, associations and non-government organizations. This helped to increase the number of organization up to 98,000 organizations. The number is expected to grow by 10% per year. In May 2013, the National Committee for Dialogue on Civil Society and Constitutional Roles was formed, It consisted of 65 members, and will draw up new laws and amend existing ones.

legal foundations that define the mechanisms, areas, priorities and responsibilities according to the principles of good governance. This requires the following:

Reviewing and Amending Laws

Over the past years and especially since CSOs started to discover the shortcomings of legislation when dealing with the constraints and obstacles that hindered its activities, many associations and CSOs have made proposals to improve the legal environment of their work and address the shortcomings²⁷. These proposals included the addition of new articles and amendments or the suppression of other articles that affected their activities and prevented them from raising their level of cooperation and partnership with the government and other actors in society. These demands focused on the review of the Private Associations and Foundations Law No. 1/2001 and its executive regulations issued by Prime Minister's Decree No. 129/2004 and Law No. 35/2002 on Unions; and inviting the government agencies involved to consider the comments and suggestions put forward. Meanwhile, experts from the International Centre for Non-profit Organizations considered, analyzed and commented on these suggestions and demands, in the light of authoritative standards reached on the basis of much research and many debates on the best legal foundations for the activity and growth of CSOs and increase their participation in different development areas²⁸. By returning to these laws and regulations, and the opinions and suggestions which were proposed by these bodies, and by studying them and comparing them to the international standards,²⁹ which are intended to enhance opportunities for partnership, we list the following:

A. Law on Private Organizations and Foundations No. 1/2001 and its Executive Regulations

Though the International Center for Non-Profit organizations has praised the Yemeni Law and considers it as one of the best laws in the region, it has been described as non-ideal³⁰. As for the

²⁷ Reforms were presented from an early date under the title, the Organizations Initiative of the Civil Society Coalition, which was presented to the Conference of the Coalition for Democracy and Political Reform, consisting of: Arab Sisters for Human Rights, Journalists without Frontiers, the National Authority for the Defence of Rights and Freedoms, The Media Club, the Yemeni Organization for the Defence of Human Rights and Freedoms, the Political Development Club, the Social Democratic Club, the Union of Teachers, the Yemeni Observatory for Human Rights, the Yemen Students' Union, the Democratic School, the Union of Doctors and Pharmacists, the Cultural Institute of the East, and the Yemeni Institute for Social Studies. It stressed a number of facts: the spread, division and the duplication of CSOs, like Journalists without Bounds, the Union of Teachers and the Union of Doctors and Pharmacists, by giving licenses to equivalent organizations, the confiscation of the main office of the Union of Engineers and its prevention from holding its conference until now, the plundering of the possessions of the Union of Doctors, the distribution of the government grant – meager as it is – only to organizations and unions that support the government.

²⁸ The Democratic Civil Support Foundation has submitted a vision to amend the law as a summary of a number of discussions and workshops that it organized for this purpose, starting from 2006. and the National Authority for the Defence of Rights and Freedoms has presented its proposals, and experts from the ICNL have analyzed, reviewed and commented on the draft amendments, as well as the draft from the Ministry of Social Affairs and Labour and the draft decree of the cabinet on regulating Arab and foreign non-government organizations in Yemen.

²⁹ The international standards for laws of civil society organizations and associations are: Article 20 of the International Declaration of Human Rights, Article 22 of the International Convention on Civil and Political Rights, Article 8 of the International Convention on Economic and Cultural Rights, Decision of the General Assembly of United Nations No. 144/53, 1 Dec. 1998, on the protection of the defenders of Human Rights, the Amman Declaration of 1999 on the principles and standards for the freedom of Arab Associations, the Sana'a Declaration on the Freedom of Civil Society, 24 Feb. 2008.

³⁰ Irish, Cushin and Saymon, A manual of Laws affecting Civil Society Organizations.

evaluation of the draft amendments proposed by the government, it said that instead of improving the legal and regulatory environment for civil society, it would lead to more constraints being imposed on it.

Today with the trend towards approving a general framework for partnership, the amendments of the law in accordance with the standard conditions that have begun to govern these laws are inevitable. Moreover, it is a preparatory step towards strengthening the capabilities and independence of the CSOs sector. Amendments should focus not only on the conclusions of those developments, but also on evoking the bureaucratic and administrative and political reality in which these laws are applied so that the needed amendments can be popular among those who are involved in strengthening the role of CSOs. This is what we will try to develop in this paper, as follows:

- The current law must contain provisions enshrining and encouraging commitment to partnership and define the obligations of the parties, especially that the current law and its executive regulations do not contain any provisions for partnership.
- For registration of organizations, the current law and its executive regulations specify one month for deciding on an application; if it is not decided within one month, it will be accepted with force of law. This provision is excellent and in accordance with the international trend, however, obstacles do not appear after the acceptance of the application, according to the experience of organizations, but before it is accepted. In order to reach the stage of the application being accepted by the officials of the ministry, the applicant has to go through complicated administrative procedures, such as asking for subliminal documents, applications and a copy of the obligatory statute for guidance³¹. Although the Ministry and its offices have standard statute templates, its acceptance in a form acceptable to the departments concerned are usually subject to the discretion of the official. Such procedures take a long time and might result in procrastination by the administrative officials concerned.

Therefore, the system of licensing and registration³² currently operated should be replaced by the system of notifying the ministry. The aim of registration and licensing is to grant legal personality to an organization or an association. This invests it with the right to take legal and financial actions and the right to operate as a person independent of individual people. Licensing is not mentioned in the law and is often used in a way that hinders the declaration and registration of organizations. Therefore, the notification by founder(s) of the declaration of the association or the organization with the ministry is equivalent to registration and an adequate procedure, because it is the expression of the birth of a new corporate person responsible for its legal and civil actions towards third parties who can be prosecuted according to the laws and

³¹ Abdullah Khalil, "The right to establish associations and peaceful assembly in the Arab States". The requirement of an obligatory statute for guidance is applied in Egypt, Yemen, Libya, Syria, Emirates, Bahrain, Kuwait. This trend is classified as in violation of International Standards and expressing the desire to extend government control and surveillance over the establishment of associations. It results in the suspension of an organization's enjoyment of corporate personality and it is described as a totalitarian authoritarian trend.

³² The current law links the acquisition associations and organizations' acquisition of corporate personality simply with registration. However, the ministry has linked obtaining legal personality with being licensed, which has no legal basis in the aforementioned law. Associations or organizations are also obliged to present a form of standard statute. Therefore, a separation must be made between the acquisition of corporate personality simply by registering and the exhausting procedures one has to go through to be granted a license certificate.

legislation in force. This was the legislator's intention when drafting the law, which is described as being contrary to the principles followed and the laws in force in the Middle East in that it does not require that a license must obligatorily be obtained.³³

Proposal:

- Replace license with notification process; and offices of the ministry must be authorized to accept notifications in all governorates, whereas at present there are authorized offices only in five governorates.

Concerning the annual renewal of licenses (registration certificate): This is an annual, new registration (license) which contradicts the call to facilitate the registration of organizations and is in violation of the current Associations Law itself, in which there is no authorization to the supervising agency to grant licenses or registration certificates. However, it has been included in Executive Law No. 149/2004, which comes lower in the hierarchy of legal documents, because it is issued by an executive authority (the Ministry of Social Affairs), and is governed by its conformity to the law and must not be in violated. It must not impose or complicate administrative procedures for the registration or declaration of associations or organizations that are referred in the executive law. Here, especially Article 3/1, the procedure is changed from simple submission of a written application for registration and declaration into a requirement for a registration³⁴ certificate, which the authorities concerned can grant or refuse as they see fit.

Further, it is by virtue of international charters and judicial interpretation³⁵ cannot be subject to any prior control or intervention that prevents people from exercising it. Nor can one be prevented from exercising an inherent right because of a suspicion that it might be misused. Only the judicial branch can take such a decision. Moreover, the executive law already contains provisions that give the Ministry other administrative and judiciary means to exercise its control over activities, but not to control the exercise of rights. It has given it wide powers to control and supervise the application of the law and oblige associations and organizations to maintain records of their activities according to standards of accountability and to keep an annual budget recording their expenditure and income.³⁶

Proposal:

- Cancel the annual renewal of the registration certificate (license) because it is not mentioned in the law. It is sufficient to submit annual accountability and financial reports and to grant a certificate stating that the accountability and financial reports are in order simply to the

³³ Karim Al-Bayyar, "Non-Governmental Organization Laws in Selected Arab Countries".

³⁴ Compare the provisions of Law No. 1/2001 on Private Associations and Organizations and the provisions of the law's executive regulations.

³⁵ Al-Balak, Administration, "Establishing Private Associations by simple Notification." The right to establish associations cannot be subject to prior intervention by the administrative authority or even by the judicial authority. This is what is stated in the international charters and the principle that is followed in jurisprudence. In addition, the French Constitutional council, in a decision on 16 July 1971, and the Egyptian constitution provide for the establishment of associations by notification. The same is true for the new Egyptian Law Code on Associations, as well as the Palestinian and the Moroccan. Egyptian administrative jurisprudence follows the same approach.

³⁶ Articles, 57, 55, and 43 of the Law on Associations. .

organizations that receive support from the Ministry or are in the process of requesting it or who are requesting tax and customs privileges and incentives³⁷.

Concerning the number of founders: The current law sets the number of founders at registration to 21 and the number when the first meeting is held to 41 naturalized persons required to register an association. It is to be noted that it does not include legal persons. On the basis of real experience in Yemen this number has resulted in conflicts and disputes, which has led to divisions or to the dissolution of some associations and organizations or to their disappearance. Further, it is forbidden for categories and groups that cannot collect this number of people to form an association of their own. The international trend³⁸ is to reduce the number and not to increase it, which is what the government wants to do in its proposed amendment, which sets the number of members at registration at 51 and the number at the holding of the first meeting at 101. This is in contrast to some countries that are in a similar position to Yemen, who are moving towards reducing the number to between 3, 5, or 7 persons to establish an association.³⁹

Proposals:

- Reduce the number of people required to establish an association in accordance with the international trend and with the requirements of partnership, one of which is to motivate citizens to be more expansive in establishing associations and CSOs.
- Cancel the attendance of a representative from the Ministry to oversee the founding meeting. This is because it is mentioned in the executive regulations and is not mentioned in the law itself. It is interference and could influence the will of those voting for the administrative board and the oversight and inspection committee.
- A precise legal definition of both an association and an organization.

Concerning responsibility: There is confusion between the personal responsibility of founders and staff and the legal responsibility of the organization insofar as it enjoys legal personality, as mentioned in Article 74 of the law in its current formulation, which contradicts Article 48 of the constitution and the laws in force, which make criminal responsibility personal.

Proposal:

- Cancel the legal contradiction with the Constitution and other laws concerning civil and criminal responsibility.

³⁷ Also the license contradicts the provisions of the Yemeni civil code, Articles 90-94 on Associations and Foundations. These do not refer to registration by declaration.

³⁸ As regards the founders of an association, Yemen is classified as one of the Arab governments that require a large number of people at its foundation, contrary to international standards. The countries are Yemen, Libya, Qatar, Saudi Arabia, the Sultanate of Oman and Algeria.” Abdullah Khalil, op. cit.

³⁹ E.g. The Moroccan Law for the Establishment of Associations of 2002 reduced the number to two persons according to Article 1, which states: An association is an agreement to achieve continued cooperation between two people or a number of persons to use their information or activity for a purpose other than the distribution of profits between them. The Algerian Law was modified by a new law in 2012 which set the number of natural persons at foundation at 10 at the municipal level, 15 at the provincial level, 21 persons at inter-state level, provided that they include people belonging to at least three states.

Concerning penalties: The law contains criminal penalties for the acts specified in Articles 67-70 (forgery, blackmail, money squandering, fundraising etc.), though these acts are criminalized in other law codes, such as the Code of Offences and Penalties and civil law. Therefore, the Law on Associations is not a suitable place for regulating this. Furthermore, governments which have moved to build partnerships with CSOs have legislated for and regulated the collection of donations either within the Law on Associations itself or in other laws. This is because donations are one of the most important sources of finance for CSOs. Moreover, these penal provisions pose a basic problem of law when applied following the commission of misdemeanors. It opens the door for the harshest and most severe penalties to be applied on political or party pretexts or vice versa.

Proposals:

- Remove the articles referring to penalties mentioned above and be content in the penalties mentioned in the criminal and civil law.
- Replace penalties of imprisonment with cancellation of tax privileges and incentives and deprive them of support.
- Regulate the method by which CSOs can benefit from donations and gifts, which are criminal acts according to the current law, though they are in many countries an important source of funding.

Concerning the political activity of organizations: Article 19 of the law prohibits associations and organizations from being involved in party political activity or participating in electoral campaigns or allocating its funds for such aims. This prohibition in its current formulation is inaccurate because the prohibition could be interpreted as a ban on pursuing activities in defense of rights and freedoms or on the expression of opinions regarding public policies and political issues.

Proposal:

- Amend the article mentioned to give a precise definition of the nature of the prohibited activities because its current formulation is vague and could be interpreted in a way harmful to organizations.

Concerning the formation of federations: The law and its executive regulations have dedicated a number of articles to branch and general federations, whether the divisions are on the basis of specialization or geography. Acquiring legal personality for them is linked to compulsory registration in the same way as it is for associations and organizations. However, the dominant trend today is voluntary networking between organizations based on specialization or geography, which do not need to go through registration procedures.

Proposal:

- Remove the word ‘federation’ (*ittihad*) mentioned in Articles 59-66 concerning federations and replace it with the phrase ‘network based on sector, gender or geography’; and break the link between networks acquiring legal personality and their obtaining a registration certificate, except at the national or governorate level. It should be sufficient to notify the Ministry or its offices, because the founders are originally from associations or organizations

that are legally registered. Therefore, obliging their networks and alliances to be subject to the same registration procedures only means putting more complexities in front of the voluntary involvement of organizations in alliances and networks, which are one of the necessary means for making partnership a success.

Concerning tax exemptions: Tax exemptions included in the law and its executive regulations are mentioned in a general manner and are not connected to the classification of the association as to whether it is a public benefit or a joint benefit association, and no criteria are set for benefiting from the exemptions. Instead, it is left to the discretion of the department.

This point requires establishing criteria, which, if the organization has met, allows it to receive the applicable exemptions through a swift and flexible mechanism that is not subject to the qualms of the departments involved. This is because practice confirms that while associations and organizations obtain tax relief, they are no more than a front for influential and corrupt people who use the returns from this tax relief to further personal interests and carry on their personal business.

Proposals:

- The percentage of exemptions should be defined exactly. The ceiling for financial support should be raised and linked to the application of the principles of good governance and the submission of annual reports and the establishment of swift and flexible mechanisms for obtaining them through one and the same office window.
- Review the tax, financial and custom laws to remove contradictions among these exemptions and their percentages.
- Incorporate provisions into the law to benefit from and to utilize public property, and enable organizations to have contracts for defined services with a defined ceiling set at a known amount that varies according to the requirements of the partnership.⁴⁰
- Incorporate into law provisions that lay down preferential treatment incentives and encouraging privileges for rural organizations and those in remote areas regarding the percentage for tax exemptions and financial support. This will encourage local communities to form associations and organizations in these areas, especially in the following areas: supporting those with special needs, providing drinking water, health and education, and combating poverty.
- Establish a standard form for organizations to check and audit their accounts.

Concerning self-regulation and inspection: Though the law, in Articles 36 and 37, requires organizations to establish oversight and inspection committees for a term of three years, whose members shall not be members of the board of the association so as to prevent conflict of interest, the law has referred the definition of the tasks of oversight and inspection to the statute of the association. This has led some organizations to ignore these oversight mechanisms, which could constitute an internal exercise for associations and organizations in self-regulation and thus prepare them to apply the principles of governance and help them to draw up annual financial reports.

⁴⁰ Morocco has set a ceiling for the contracts awarded to associations and CSOs of 50,000 dirhams. The aim of this is not to damage the principles of competition between them and between private sector companies.

Proposal:

- Consider oversight and inspection by the organization's committees as a means to implement the principles of governance. The law should contain provisions defining mechanisms and guarantees to ensure that these principles are being applied.

Concerning multiple ministries overseeing CSOs: The law provides that each ministry shall oversee organizations within its competence. This creates many problems such as the lack of unified database and weak or no coordination between government efforts, in addition to the overlapping of competence with the Ministry of Social Affairs. It also contradicts the principle of the 'one window' principle.

Proposal:

- Eradicate duplicate and multiple bodies overseeing CSOs and confine oversight to the Ministry of Social Affairs.

B. Law No. 35/2002 on the Labor Unions.

Labor and professional unions play pivotal role in partnership between governments and CSOs. However, this role depends upon the legal and legislative environment in which it works, one of which is Law No. 35 on Labor unions. In order for unions to contribute and enter into partnership, many countries have moved to bring the legislation governing unions into line with international standards for union freedoms. In order to discover how this law is developing and how it can be made to keep abreast of international standards, we have made a survey of some professional and government opinions.⁴¹ It became apparent that there is an urgent need to amend the law and bring it into line with international standards, because it will help to activate the role of this type of organization, which is classified within the civil society. Through reading the law and by comparing its provisions with the standards of the International Labor Organization (ILO) in accordance with Agreement No. 87/1948 and decisions issued by the Union Freedoms Committee of the ILO Board (Geneva 1996) we conclude the following:

Concerning exclusions: It has become common knowledge that the existence of unions in the public sector can expand the concept of civil society and contribute to establishing partnership with civil society. However, the current law states that its provisions do not apply to civil servants, though Law No. 91/1991 on the Civil Service confirmed that right for government officials in the civil service. This contradiction prevented the existence of a competent agency authorized to register the unions, which led to a duplication of registration between the Ministry of Social Affairs and the General Federation of Labor Unions. In addition, this is in conflict with international standards, which exclude the police and the military.

Proposal:

⁴¹ Based on the plan and methodology of the Partnership Framework Preparation Team and with the aim of establishing agreed principles, some meetings were conducted with the first under-secretary at the Minister of Social Affairs and Labor, and the Under-secretary for Labor Sector and a meeting was held with the under-secretary at the Ministry of Planning and International Cooperation and with the officials concerned in those ministries and with activists in CSOs, unions and professional organizations.

- Cancel the exclusions that violate international standards.

Concerning partnership with workers in drawing up workplace policy: The current law does not refer to this.

Proposal:

- Insert an amendment to the law stipulating partnership in the formulation of decisions related to the productive process in the labor, production, services and environment sectors in accordance with participatory democracy and on the basis of employers' social accountability.

Concerning union pluralism: The law stipulates the unity of union activity at the level of committees, organizations, branch federations and general federations. All of these are to be under one branch or central union and all of them are under the supervision of the general federation. This is in conflict with union pluralism according to International Labour Organization (ILO) standards and with the idea of freedom and democracy.

Proposal:

- Abandon the principle of having one union and enshrine union pluralism at the level of committees, organizations and union federations.

Concerning the principles of negotiation, mediation, arbitration and litigation in disputes about work relations: The current law states that arbitration committees to settle the disputes of work shall consist of three members representing the government, the federations of employers, and the Federation of Labour. Despite its judicial role in settling disputes, its rulings are appealed before courts of first instance. This deprives such committees of their importance and the purpose for which they have been established. In addition, they do not receive the financial and professional privileges that court judges receive. This has a negative effect on the administration of justice and the protection of rights arising from labour relations.

Proposal:

- Issue a labour law regulating the activity of labour arbitration committees and to expand their activity to include the three levels of litigation in a unified body (*majlis* or *hay'a*) as done in some countries (e.g. Egypt), resulting in financial and administrative autonomy, or establish specialized and autonomous labour courts in their three levels.
- Provide financial, administrative and legal rights for these committees in such a way as to ensure that they can settle disputes in a swift and flexible manner, because the labour issues are urgent.

Concerning registration: The current law requires a union to register with the General Federation of Unions and enshrines the right of the union to resort to the courts in case it is denied registration within 30 days.

Proposal:

- Stipulate that it is forbidden to dissolve the union while litigation is continuing.

Concerning professional and specialized unions: The Law excludes such unions from the scope of its provisions. It leaves the legislator to regulate them with special laws. These unions cover lawyers and journalists, which according to the international standards are considered one of the most important components of CSOs in making the partnership process successful. Although the Union of lawyers is regulated by a special law, the union of journalists has no special law to regulate it. This will have an effect on the regulation of its role in the anticipated partnership.

Proposal:

- Issue a special law for the union of journalists as it is a professional specialist union and the above-mentioned law is not applicable to it.

Concerning some existing laws: In recent years, several laws have been issued containing provisions that stipulate the partnership of CSOs in appointing members to some new bodies and empowered them to participate in managing them, such as Law No. 47/2005 approving the UN Convention against Corruption and Law No. 39/2006 on Combating Corruption and its executive regulations and Law No. 23/2007 on Tendering, Bidding and Government Warehouses.

Although these laws for the first time contain provisions for the involvement of CSOs in nominating and managing the oversight bodies, the Anti-Corruption Commission, and the Supreme Authority for Oversight of Bidding and Tendering, this partnership has not achieved the intended objectives. This is because it depends on participants from CSOs being identified and selected by the House of Representatives and the Shoura Council. These bodies select representatives from organizations that are loyal to the parties they belong to or for purely political considerations. Furthermore, the provisions for involving CSOs were general and did not give an exact definition to the percentage of civil society participation. This left the determination of this percentage to the House of Representatives and the Council of Shoura. This in turn led to the aim of involving civil society in overseeing the public purse and the fight against corruption since it was governed by party-political relationships and family, clan, tribal and regional considerations. The agencies that were supposed to be subject to oversight were the same bodies that were selecting the CSOs to oversee them, which naturally nullified the principle of separating those who direct and spend public funds on the one hand from those who participate in oversight in order to protect public funds on the other. This system has weakened the anti-corruption mechanism and the application of principles of good governance in public bidding and tendering as laid out in the UN Convention against Corruption and the laws referred to that stipulate the partnership of civil society in general according to Article 9 of the Anti-Corruption Law and Article 43 Paragraph A of Law No. 23/2007 on Bidding and Tendering. It left the definition of the percentage to the discretion of the authorities involved. They in turn have allocated one member in the Anti-Corruption Commission out of a total of 11 members and one member in the Supreme Authority for Oversight of Bidding and Tendering out of a total of 14 members.

Proposal:

- Amend the above-mentioned laws and regulations and define a specific percentage in accordance with the size of CSO representation in each authority, thus strengthening the oversight role of these organizations.

Legislative Reforms

The term ‘legislative reforms’ here means the issuance of new laws that for the first time meet the requirements of partnership and strengthen the implementation, monitoring and evaluation mechanisms and lay down the special means and procedures relating to empowering CSOs to be involved in drawing up policies, enacting legislation and making proposals relating to the needs and aspirations of the population. legislative reforms will also allow the groups and categories affected by these laws to make their proposals and determine how they should be presented through CSOs, unions or cooperative and professional associations; and how the relevant authorities should deal with such proposals when they receive them, obliging them to respond to them and in case of rejection, justify their decision. Lessons can be learned from the experiences of Hungary, Estonia, Brazil, and India.⁴²

Proposals:

- Issue a law regulating participation in the discussion of public policies and local budgets and improving services for the population and for groups.
- Issue a law regulating the submission of proposals, petitions and requests to the elected authorities and public authorities at the national and local levels in a way that empowers CSOs to participate in proposing and enacting legislation and reviewing or amending it according to the concept of open legislation.
- Issue a law relating to the regulation of consultation between authorities and CSOs.
- Issue a law relating to the joint management of some services like water, the environment and the improvement and evaluation of the quality and effectiveness of these services.
- Establish new legal principles for funding given to organizations and associations or a law establishing a National Financing Fund.
- Issue a law establishing an annual prize to be granted to organizations that are outstanding in the field of partnership in order to encourage them and stimulate competition between them; or include provisions regulating them in the Law of Associations and Private Organizations.
- Issue a law ordering and regulating fundraising for CSOs by all the different means, including electronic.
- Issue a law relating to public benefit and the methods and criteria for assessing it.
- Issue a law for student and sports associations.

Regulatory and Administrative Measures

These procedures realize the importance of laying out a vision of how to create an independent institutional framework to coordinate the partnership. both CSOs and the government should contribute to it so that the government will be responsible for selecting a percentage and the CSOs for selecting a percentage. There are also proposals to grant the power to appoint high councils to the legislative authority – the House of Representatives.⁴³ It is worth mentioning that the experience of having some bodies selected by the House of Representatives in Yemen has proved that this way leads only to enshrining the dominance of the majority and depriving opposition minorities in the House of Representatives and in civil society from participating in

⁴² Daimner Leaf, “Guidelines to prepare charters”, 21-25.

⁴³ For example, the National Authority for Defending Rights and Freedoms, has suggested in its draft proposal that a council to coordinate the relationship between CSOs should be selected by the House of Representatives and the paper from the Yemeni Islah Party on the media proposes that the higher council for the media should be selected by the House of Representatives.

the formation of these authorities. This also leads to the continued dominance of the traditional elite in determining the form of these authorities (the Anti-Corruption Commission and the Supreme Authority for Oversight of Bidding and Tendering). Assigning selection to the legislative authority can only lead to the dominance of the majority and the marginalization of other components and parties like the parliamentary minority and independents in the House of Representatives. The most appropriate way is to follow the method of pluralist appointment that fixes a certain number for each authority, in order of the President, the Government, the House of Representatives, the Shoura Council, the Judicial Council, opposition minorities in the two chambers, and special provision for CSOs. This pluralist method for the appointment authorities ensures balanced representation for all parties in government with its executive, legislative and judicial branches as well as unions and civil organizations.

The legal framework of the Council should detail its terms of reference, its powers and its functions in a precise manner and should ensure its administrative and financial independence in a way that enables it to coordinate, develop and manage the partnership and monitor and evaluate its implementation and performance. The legal nature of this framework should be determined in accordance with the procedures followed in the countries that have implemented them, draw ideas from particularly successful experiences⁴⁴ and be based on equal consideration of the points of view of government and CSOs.

Proposal:

- A supreme council for the partnership should be established between the government and CSOs. This is the preferred framework because its legal status grants it relative independence and places it close to the presidency. Its activities should be limited to coordinating and drawing up the policies of the partnership, consulting concerning them, and monitoring and evaluating. It should also be responsible for granting the appellation “of special public benefit” to outstanding associations and organizations. This requires the establishment of a comprehensive legal framework defining how it is constituted, the proportions of representatives granted to the government and CSOs, and should detail its terms of reference, its powers and when its sessions are to be held. Government representation shall take into account the government departments and sectors involved in the partnership between it and CSOs.

IV. The Governance of Partnership

A development partnership between the government and CSOs requires the creation of means and mechanisms for mutual oversight between the two parties in a way that achieves the public interest and leads to the success of development policies, the oversight of public organizations, the protection of public funds and property against corruption, the application of transparency, the evaluation of the quality of services and ensures that they are improved. All these functions can be achieved in reality only by combining oversight from the top of the state and oversight from the bottom by CSOs and working on the basis of complementary roles aiming to develop public policies relating to public affairs.

⁴⁴ Girasimofa, “An overview of the experiences of the Central European, Eastern European and Baltic countries.”

Proposal:

- A national transitional strategy needs to be drawn up aiming at requiring institutions, government agencies and CSOs to observe the rules of governance so as to strengthen mutual responsibility, oversight, accountability and auditing, and so as to have access to information in a way that leads to the application of standards of governance. These steps should be preceded or accompanied by the application of a program to build the capacity of the civil society sector and train CSOs on applying principles and rules of governance in managing its institutions, in a manner that enable it carry out its functions.

Summary

It is clear that the nature and the expansion of areas of partnership and its multiple objectives, insofar as partnership is a successful means of promoting development and reaching wide sectors of Yemeni society, which suffers at the same time from insufficient resources and the squandering of those resources requires a set of measures and actions, especially on the legislative and legal levels. These are not limited to legislation and laws, but extend to the creation of an integrated system of legal rules and the distribution of responsibilities between public and elected authorities at the national and local levels, and between CSOs themselves and between the latter and citizens based on an understanding that restores relations between citizens and institutions. This should lead to regaining their trust, which has been shaken by long decades of mistrust resulting from the domineering manner in which the government and political forces have handled social issues and needs.

The dominant obsession with politics has made relations between the public authorities and communities erratic and disturbed, shrouded in mutual doubts which only can be dispersed by an laws, which ensure that citizens achieve the development they are entitled to and are able to live in peace and harmony through their non-government organizations, which can play their vital and important roles as has been and is being confirmed by pioneering experiments in partnership in many countries.

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Taskforce Group in Charge of Preparing the Partnership Framework

#	Agency	Name	Title
1.	Presidential Office	Abdul Hakim Rayshan	General Manager of the Civil Society Organization
2.		Ali Abdullah Jassar	General Manager of Rights and Freedoms
3.	Prime Minister Office	Ishraq Al Judairi	Chairman of the Civil Society and Human Rights Department
4.		Dr. Hamid Allahbi	General Manager of International and Regional Cooperation
5.		Fuad Al Sharabi	Legal Consultant
6.	Ministry of Planning and International Cooperation	Mansour Ali Al Bashiri	General manager of Economic Studies
7.		Ahmed Hussein Al Jawi	General Manger for Non-government Organizations
8.	Ministry of Social Affairs and Labour	Abdul Kader Al Hiliali	General Manager of the Legal Department
9.		Nasser Al Qahri	Manager of the Information Department for Non-government Organizations
10.	Civil Society Organizations	Intisar Al Adhi	Chairman of the All Girls Development Foundation
11.		Mustafa Nasser	Head of the alliance of Civil Society Organizations in Support of Dialogue
12.		Qubul Al Mutawakel	Youth Leadership Development Foundation
13.		Sultana Al Juham	Civic Democratic Initiatives Support Foundation – CDF
14.		Dr. Fatima Ali Qahtan	SOUL for Development Organization
15.		Yehia Al Duba	Charitable Society for Social Welfare (CSSW)
16.		Ali Abdul Rahman Al Akwa	Executive Manager of the Saleh Development Foundation
17.		Fuad Saeed Qasem Al Ramisi	Secretary General of the Yemen Nama Network
	INGOs	Dawood Mohammed	The Country Manager of CARE
19.		Khaled Ghalian	Islamic Relief Organization
20.	UNDP	Dr. Rawhi Afaghani	Strategic Communication Expert
21.		Dr. Ahmed Al Mawri	Civil Society Expert
22.		Dr. Abdulkareem Salam	Legal Expert on Civil Society Regulation
23.		Abdullah Al- Duraibi	Project Manager of the Yemeni Youth Observatory
24.	Coordinators and Secretary	Zubaidah Mohammed Al Awadi	Coordinator for the Emergency Capacity Building Facility – Prime Minister’s Office
25.		Mahmoud Shahra	Director of Ceremonies at PM Office – Prime Minister’s Office

Action Plan for the Taskforce Group

July, August and September/2013

	Task	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	Month/20113			Required Decision or Support	Responsible party
			Jul	Aug	Sept		
1.	Collect preliminary data	- Identify preliminary principles of the CSOs-GoY partnership framework: <ul style="list-style-type: none"> Group members to fill in the survey before coming to the meeting Members discuss the survey during the group meeting Divide tasks among the group's members according to this work plan 	24				Group members Dr. Rawhi Dr. Ahmed
2.	Start drafting the partnership document	- Produce first draft of the partnership framework document based on the survey and present it to the group - Review process: <ul style="list-style-type: none"> Conduct review of laws and regulations related to CSOs Conduct review of CSOs' current conditions and needs 	31				Dr. Rawhi , Dr. Ahmed, Dr. AbdulKareem, Intisar, Sultana, Gabool, Dr. Hameed, Ali, AbdulQader
3.	Start awareness-raising activities	- Start awareness-raising activities to garner government's and CSO support for the partnership framework: <ul style="list-style-type: none"> Government group members to start rallying support for the partnership framework in their institutions: <ul style="list-style-type: none"> Hold meetings with appropriate parties, write memorandum to their staff and management, send press releases, etc. CSO members to start disseminating information about the initiative through their networks to CSOs <ul style="list-style-type: none"> Announce the initiative on their websites and through their networks, write articles about the partnership, participate in events related to CSOs as well as the partnership, send updates to their field office, etc. <i>Note: Awareness-raising activities will continue until the end of September</i>		7*			Group members Media Office at PMO
4.	Present two reports on regulations and condition of CSOs	- Produce report recommending effective regulations and statute reforms - to be presented to the group - Produce report reviewing CSOs' current condition and needs - to be presented to the group - Start preparing for two workshops in Sana'a and Aden to include CSOs and Government members		14**			Dr. Ahmed, Dr. AbdulKareem, Intisar, Sultana, Gabool, Dr. Hameed, Ali, AbdulQader Zubaidah/Mahmoud

5.	(a) Refine draft document (b) start drafting implementation action plan and monitoring and evaluation plan	<ul style="list-style-type: none"> - Refine draft document: <ul style="list-style-type: none"> • Edit draft document based on feedback from work team, and the two reports on CSOs and the review of regulations • Submit for Internal peer review (UNDP and work team) - Present document to work team - Discuss with the group preliminary draft of Action Plan and Monitoring and Evaluation Plan 		21			Dr. Rawhi , Dr. Ahmed, International Consultant , Sultana, Gabool, Dr. Hameed, Ali, Abdullah
6.	Present first draft to Technical Committee	<ul style="list-style-type: none"> - Meeting with the technical committee at Ministry of Planning - Technical Committee to provide feedback on the draft 		24			Dr. Rawhi , Dr. Ahmed, International Consultant, Dr. AbdulKareem
7.	Hold consultation workshops	<ul style="list-style-type: none"> - Present the draft document in two workshops with GoY and CSOs in Sana'a and Aden for feedback - Present Executive Action Plan and Monitoring and Evaluation Plan 		28			Dr. Rawhi Dr. Ahmed Intisar, Sultana, Peter (INGO) Gabool, Ali, AbdulQader, Abdullah Zubaidah/Mahmoud
8.	Produce and evaluate Final document	<ul style="list-style-type: none"> - Edit the document based on feedback from the workshops <ul style="list-style-type: none"> • Submit the document for peer review by work team and UNDP/UN agencies - Present final document to work team and external audience (CSOs, UNDP) - Prepare a draft decree for endorsement of the framework by the GoY 			4		Dr. Rawhi, Dr. Ahmed, Peter (INGO), International Consultant, Sultana, Dr. Hameed, Ali, AbdulQader , Abdullah
9.	Endorsement of the CSO-GoY Partnership	- Submit final document for endorsement by the government			11	decree submitted by MoSAL/PO to PMO	MoSAL/MoPIC/PO/PMO
10.		- Launch of the Framework with a national event in Sana'a			25		
11.		- Work team recommends members of an implementation committee to start the implementation of the Action Plan and the M&E plan			30		Group members

* No meeting - Eid Al Fiter starts on the 7th of August. The outreach activities should be an ongoing process.

** Dr. Rawhi will be out of the country. Dr. Ahmed will lead the meeting.