

P. Yemen

1. Background

In events related to the so-called Arab Spring, there were also a large number of protests in Yemen as of January 2011. The police and military took violent action against the demonstrators, with government troops and tribal fighters engaging in violent skirmishes. On 23 November 2011, President Ali Abdullah Salih signed an agreement signalling his resignation within 30 days.

On 22 January 2012, Ali Abdullah Saleh formally handed over power to Abed Rabbo Mansour Hadi and travelled via Oman to the USA, where he received medical treatment. The presidential elections took place on 21 February 2012. The only presidential candidate, Abed Rabbo Mansour Hadi was elected president of Yemen. The southern part of the country called for a boycott of the election. With the election, a two year transitional period began in accordance with the Gulf Cooperation Council Initiative. The new president is obliged to initiate a structured National Dialogue, and the future state is to be founded according to the consensus on the degree of decentralisation, the future political system and other principles. This consensus is to be codified in the form of a new constitution, a law on local government and administration ("Local Government Law"), an electoral law and other necessary laws by February 2014. The task of composing these laws will be in the hands of a subcommittee of the National Dialogue.

It is expected that the future state will be based on a parliamentary democracy and a high degree of decentralisation, potentially even with federal structures.

2. Projects

The project follows the study visits made by a Yemeni delegation to Karlsruhe, Berlin and Heidelberg in February 2012, organised by the Max Planck Institute. The project's components were discussed and developed together with the representatives of the Yemeni delegation during the study visits. Subsequently, a regular exchange took place, including exchanges via the German Embassy in Sanaa. Due to the pre-project, the team at the Max Planck Institute is aware of the needs of the Yemeni partners in the context of the National Dialogue. This prior knowledge means the team can cater the project activities to Yemeni needs.

The aim is to equip the participants with sufficient knowledge to make the decisions required for the construction and reconstruction of the state. The key players should be put in the position to choose – in their opinion – the best state structures for Yemen on the basis of the abstract knowledge given to them. Therefore, it will be necessary for Yemen to develop a reconciliation strategy for the north and south of the country, for example. In this central process of reforming state structure, the institute's task consists of highlighting the south's options for political participation, presenting the experiences of various countries in this area and transferring the potential implications to Yemen. Arab states whose experiences could be useful include Libya, Iraq and Sudan. A central topic will be the designing of federal models and their effects on the coherence of the political system.

The project also aims to encourage approaches that correspond to the principles of democracy, rule of law, human rights and compliance with international law. This will be achieved through intensive capacity-building at workshops. The Max Planck Institute will assist the key players in an advisory capacity for the entire duration of the project.

The ultimate aim of the project is to make a positive contribution to Yemen's transition into a democratic, constitutional state. This can only be achieved if the practices of relevant players are brought closer to international standards (e.g. human rights, which Yemen is bound to as a

member of the international community) and if these standards are demonstrated to them. Anchoring the Yemeni constitutional process in the events of the transition process from the whole region (Egypt, Libya, etc.) also seems wise. The project is part of a regional strategy that includes the regional project “Constitutional Reform in Arab Countries” and further national projects (Libya, Tunisia, Jordan) and aims to promote constitutional dialogue in the region.

In February 2012, a study visit from a Yemeni delegation to Germany took place. Firstly, the delegation took part in the working group’s CRAC conference before visiting the Federal Constitutional Court in Karlsruhe. Judge Mrs. Baer presented German constitutional tradition and reported on the court’s current work as well as some relevant judgements made by the court recently. This was followed by a visit to Berlin. During their three-day stay, the Yemeni delegation was received by members of the German *Bundestag*, including the chairman of the Committee on Foreign Affairs. A round table discussion with experts on the situation in Yemen took place in the Federal Foreign Office. Finally, the delegation visited the Federal Council, where they received an instructive introduction to the German bicameral system.

Continuing from the study visits, workshops are taking place in 2012 in Sanaa where the foundations are being laid for a comprehensive understanding of the important topics during the transitional phase. The foundations of the political system are to be put across in a way that is based on comparative law. This includes the concrete implementation of the principles of rule of law, democracy and protection of fundamental rights, amongst others. It will be important to communicate the idea that adhering to fundamental rights in this reform phase is particularly important, especially to maintain legitimacy in the eyes of the public. Finally, at the end of the National Dialogue, a state structure should emerge that has the widespread approval of the people. As it concerns controversial issues amongst religious and social interest groups (who, in light of the existing tension and conflicts in Yemen, should be treated with caution), close consultation and analysis of content with the Yemeni

partners is imperative before these topics are introduced into the project activities curriculum.



Max Planck Team during the workshop on Civil and Political Rights in Sanaa, Yemen

3. Further planning

A series of workshops is planned in Sanaa for the second half of 2012. The institute will provide long-term, sustainable support for the constitutional reforms within the framework of the “National Dialogue”.