

THE UN CONSTITUTIONAL

A Newsletter on United Nations
Constitutional Support



Issue 2
Spring/Summer 2014

FOREWORD

“The UN Constitutional” team is pleased to publish the second issue of its newsletter featuring articles by constitutional experts, reports from the field, and a digest of recent constitutions-related publications. With the adoption of Tunisia’s new constitution in January 2014, a milestone in the country’s transition process, we also questioned H.E. Mustapha Ben Jaafar, on his unique experience as the President of the Tunisia National Constituent Assembly.

“The UN Constitutional” is a manifestation of the collective desire of 6 UN entities to raise awareness around the UN of constitutional issues and themes, share information, and strengthen the provision of constitutional assistance.

The UN Constitutional Team:

- UN Dep. of Political Affairs (DPA)
- UN Dep. of Peacekeeping Operations (DPKO)
- Office of the High Commissioner for Human Rights (OHCHR)
- UN Development Programme (UNDP)
- UN Children’s Fund (UNICEF)
- UN Women

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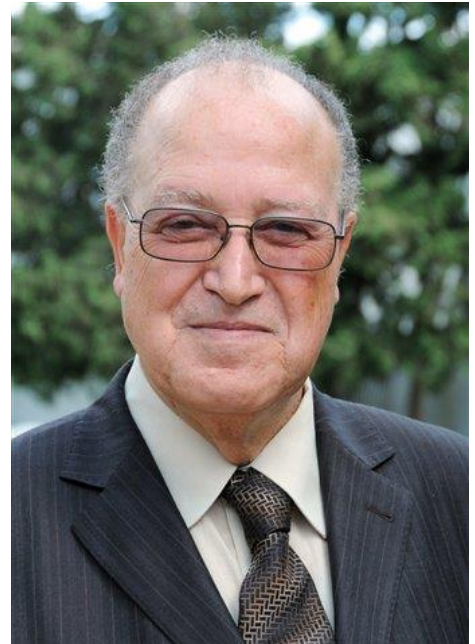
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Interview with His Excellency, Mustapha Ben Jaafar, President of Tunisia's National Constituent Assembly

Questions by "The UN Constitutional"

Following the 2011 election - Tunisia's first since the revolution that overthrew former President Ben Ali - a three-party governing coalition headed by Ennahdha led the new National Constituent Assembly. The Assembly concluded a sometimes tumultuous drafting process by approving the new Tunisia Constitution on January 26, 2014. H.E. Ben Jaafar, President of the Assembly, agreed to be interviewed by the UN Constitutional about his experience presiding over the Assembly during this historic moment in Tunisia's democratic transition.



H.E. Mustapha Ben Jaafar

H.E. Mustapha Ben Jaafar is president of Tunisia's National Constituent Assembly, which was elected in October 2011 with the task of writing a new constitution. A radiology professor at Tunis University in El Manar, H.E. Ben Jaafar also directed the Radiology Department at La Rabta Hospital in the capital, until he was demoted due to his activities as a human rights campaigner in opposition to the authoritarian rule of former Tunisian President Zine el-Abidine Ben Ali. For the past 20 years he has led the social democratic party Ettakatol (Democratic Forum for Labour and Liberties).

Q. Thank you for giving us some of your time, your Excellency. What lessons might others drafting new constitutions take from the Tunisian process?

A. I would say you have to give it time. And I would say you need a great capacity to listen to others, that is, to respect people's differences and not regard criticism as being always motivated by a desire to block the process or inflict damage. You need to work with transparency, because the writing of a constitution is a process of interest to all the citizens of a country. There's no reason to hide anything at all from public opinion. One philosophy we had was to engage in dialogue, to consult with everyone, to try to have as many citizens and experts as possible participating in the process. And another strong idea we had was to seek compromise or consensus. Those two ideas guided us.

Q. This was a time when some opposition voices were insisting that experts in constitutional law should play a leading role in drafting the new Constitution, rather than it being written by the 217 Assembly members.

A. At the beginning there was an idea that we at the Assembly would be presented with a constitution already drafted by experts, for debate in the Assembly. Certain people even suggested we could go back to the constitution of 1959 and merely revise it, just changing some articles, adding some others and the problem is resolved! That's why throughout the work of the Assembly they were complaining that we were wasting time. In the end, however, there was no conflict over beginning with a blank sheet of paper, as it were.

Q. In what ways was UN support helpful in developing Tunisia's Constitution?

A. One of the most important ways UNDP helped was in the stage of organising a national debate about the Constitution. We were able to hold public meetings with citizens in all the constituencies, including those abroad. Delegations were invited and their travel costs covered. These were very important moments, as Assembly Members presented their work and responded to concerns raised by citizens.

At the end of the tours of the constituencies, we held two open days here at the Assembly. We welcomed a few hundred NGOs who had registered to take part in debates, chapter by chapter, with presidents of the six Assembly Commissions [that were drafting various parts of the constitution]. These sessions of input from NGOs and all the various parts of civil society, as well as the input from constitutional experts, were an absolutely fantastic experience in participative democracy.

During the plenary sessions, something that made our lives a lot easier was the electronic voting system that UNDP had supplied. It made management of the debates easier - more transparent and less personalised. It lessened tensions between those of us directing the plenary sessions and the Assembly members, as the system would interrupt a speaker automatically [by cutting out the microphones after their allotted speaking time had ended].

Q. What unexpected challenges did you encounter as Assembly president?

A. Sometimes we were in the middle of a debate about one constitutional issue that was on the agenda, and there would be a deputy who demanded the right to speak on another issue, on some incident that was happening in his constituency. As he knew the camera was on him, he wanted to address his own public opinion. It was a process of learning how to operate in a democracy, and in a learning process you can find yourself faced with totally surprising situations.



The President of the Tunisian Constituent Assembly Mustapha Ben Jaafar, the President Moncef Marzouki and outgoing Prime Minister Ali Larayedh after signing the new constitution (27 Jan. 2014). Credit: Anis Mili/Reuters



Members of the Tunisian National Constituent Assembly celebrate the adoption of the new constitution. Credit: European Pressphoto Agency

Q. Why did you create the Consensus Committee [a body of equally represented political parties that negotiated compromises on deadlocked issues, ed.] in June 2013?

A. We found that all these issues raised by the opposition were almost impossible to solve in the framework of [the Joint Committee for Co-operation and Drafting] that was composed along the same lines of proportional representation [as the

Assembly itself]. There would always be a dominant Ennahdha group, and a minority opposition. So we needed to find a formula where everyone would feel involved and represented. In the Consensus Committee we gave more seats [than in previous committees] to the opposition 'Democratic Bloc' and there was also a small group of independent Assembly members. We really wanted everyone to participate, to be sure that the draft constitution would secure approval from at least two-thirds of the Assembly.

Q. What did you learn about yourself during this period of chairing the National Constituent Assembly?

A. This wasn't my first experience of managing a group. But this was my first experience managing a parliament of such importance, with so many members for such a long period, and with its own internal regulations. The lesson I learned from it is that with the help of patience and some capacity to listen one can move

beyond even the most intractable conflicts.

Q. And was there a specific quality of the Tunisian people that was in evidence during this constitution writing?

A. Yes. Moderation always prevails. In spite of the period of tension, it was moderation that prevailed. ■

Questions prepared by The UN
Constitutional Team.

FEATURED: TECHNOLOGY & SOCIAL MEDIA

The Use of Social Media and Technology in Constitution-making

By Brendan Ballou and Jason Gluck

As technology keeps advancing, the imperative for constitution-makers and assistance providers is to discover ways to utilize them to make constitution-making more inclusive, participatory, transparent, deliberative and nationally owned.

Traditional approaches to promoting inclusive and informed constitution-making include, among other initiatives, town hall meetings and questionnaires for consultations; posters, mobile theatre, print, radio, and television for civic education; and study tours as well as in-person expert consultations for advice. While often effective, such traditional methods have limitations. They can be cumbersome and costly, requiring extensive travel by organizers and participants.

They can also still result in failure to remedy exclusion, especially when time or budget



requires prioritizing larger cities at the expense of more remote areas, where cultural taboos inhibit women or minorities from speaking in public, or where illiteracy prevents access.

Unstable security environments may also make public outreach impossibly dangerous, a challenge currently faced in Somalia. Weather can also render public participation all but impossible – Sierra Leone, Liberia, and South Sudan are three countries currently engaged in constitutional reform where heavy rain makes large portions of the country inaccessible for three to six months of the year.

Recent breakthroughs in technology access mean that the web and mobile phones can increasingly be used to augment traditional outreach methods to reach a greater number of people and in greater depth. New technologies may not radically transform the nature of how constitutions are politically negotiated, but innovations may still improve the way officials, the public and experts participate in constitution-making to agree on a new national social and political compact.

Education

The web and social media give constitution-making officials new outlets to educate citizens and increase transparency. Official web sites have been used by such a diverse group of countries as Bolivia, Egypt, Fiji, Ghana, Nepal, Tunisia, Sierra Leone and Zambia. These sites allow officials to provide the public information about, among other things, the constitution-making process, key issues, and constitutional drafts.

Social media is also increasingly being used. Egypt's 2013 constitutional committee, for example, has both "official" and "unofficial" Twitter

accounts used to disseminate information about the process. Egyptian commentators and activists published leaked copies of the draft constitution on Twitter, literally photographing and sharing individual pages as they were released. NGOs in Libya, Morocco and Tunisia use both dedicated websites and social media (most notably Facebook) to share their work and information.

Participation

Websites and social media are also very useful in supporting direct individual participation in constitutional debates and drafting. One of the most robust uses of technology in eliciting public opinion on constitutional reform was in Iceland, where the constitutional drafting committee posted draft constitutional provisions online for comment. The commission received over 3,600 comments from citizens online (from a population of just over 300,000), increasing the public ownership and legitimacy of the proposed amendments.

Some of the constitutional websites mentioned above allowed visitors to post comments on constitutional matters, while almost all included an email address for communication with the drafters. Egyptian, Libyan, and Tunisian officials and civil society organizations utilized Facebook and organizational web sites to mobilize and elicit views on constitutional matters. In Libya, the Prime Minister-elect used Facebook to poll citizens on whether they preferred the constitution-making body to be appointed by the parliament or directly elected by the people.

Mobile technology is also being used to reach and engage otherwise inaccessible citizens. In Somalia in 2012, Google Ideas and Voice of America (VOA) organized a national public opinion poll on the proposed constitution. The survey team randomly dialled Somali phone numbers and asked key questions on the draft constitution. The results of the survey were broadcast on VOA radio into Somalia and shared via printed hand-outs to constitution



#SomaliaSpeaks amplifying Somali voices using SMS: a joint project of Al-Jazeera, Ushahidi, Souktel, Crowdfunder, the African Diaspora Institute. Credit: Al-Jazeera

drafters. Al Jazeera and an NGO named Souktel led a similar polling effort through their program "Somalia Speaks."

Expert Guidance

Web technology has enabled constitutional assistance providers to augment constitutional support with less time intensive and costly approaches. For example, in an effort to assist Iraqis with their 2005 constitution-making process, the United States Institute of Peace (USIP) created an online discussion forum to allow constitutional experts from around the world to discuss specific issues arising in Iraq's constitutional debates. This information was then conveyed to the UN Assistance Mission in Iraq and Iraqi counterparts. The UN has also begun to use video teleconferencing to connect constitutional experts with their national counterparts. Though no substitute for long-term sustained assistance, these videoconferences provide an outlet for immediate consultation on time-sensitive issues or when an expert simply cannot be 'on the ground.'

Web technology is also starting to be used to assist in constitution drafting

itself. *Constitute*, a new online resource developed by the Comparative Constitutions Project and Google Ideas, is a repository of the world's constitutions, searchable by country, year, and topic. Such a tool, along with resources produced by organizations such as Interpeace, International IDEA, and USIP, can be invaluable to both practitioners and drafters in identifying key constitutional matters and deriving constitutional formulations and text.

What's Next?

Looking forward, four areas in addition those discussed above are especially promising for leaders to use technology to improve how constitutions are drafted and discussed. First, new "sentiment analysis" technologies may soon assist with processing and analyzing public feedback on constitutional proposals. Second, vote-by-phone and online voting technologies may help improve the breadth and accuracy of public referenda. Third, videoconferencing technologies may soon broaden constitutional dialogues and facilitate conversations between divided or previously hostile communities. Fourth, mobile phones are and will continue to help citizens share daily



challenges and aspirations with constitution drafters.

Technology is Not a Panacea

New technologies are not a replacement for traditional modalities and approaches; they complement them. They should be viewed as tools in the same way their predecessors have been. Their use should be determined by national actors, and should be contextualized so as to meet local needs without violating social or cultural norms. Additionally, their use should fit within the larger social and political context in which the constitutional reform occurs, which includes recognizing and addressing any risk of harassment, surveillance or censorship when using online tools. The “do no harm” principle must be respected. Strategically used, however, new technologies can help constitution-makers and assistance providers make constitutional reform more inclusive, participatory, transparent, deliberative and nationally-owned. ■

This article is an excerpt of a paper published by the U.S. Institute of Peace at: www.usip.org/publications/new-technologies-constitution-making

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'Constitute,' launched in September 2013, offers access to the world's constitutions and allows users to compare across a broad set of topics.



Gender responsive constitutional reforms: is the glass half full or half empty?

By Beatrice Duncan, Jonathan Murphy, Muriel Kahane, Shelley Inglis and Suki Beavers

Tunisia. Wall covered with posters of candidates to the Constituent Assembly elections. Credit: TF1/LCI

Enshrining gender equality in constitutions matters because their provisions can facilitate, or limit, the available opportunities for advancing gender equality as contemplated under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The United Nations Entity for Gender Equality and Women's Empowerment's (UN Women) **constitutional database*** shows that there has been both progress and stagnation in gender responsive constitutional developments globally. There are two key areas of progress: (1) specific provisions that prohibit gender-based and related discrimination and guarantee equality between men and women before the law; and (2) the inclusion of quotas or specific provisions that guarantee representation of women in the three branches of the state.

The 2003 Constitution of Rwanda provides one of the clearest examples. It commits Rwanda to "building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men

reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs." (Article 9 (4)). In part as a result of this provision, Women currently comprise 64% of the lower house of Parliament. In February 2014, Tunisia captured international headlines with the progressive gender equality provisions enshrined in its revised constitution. Among other things, it is the first constitution in the Arab world to give all Tunisians, women and men, the explicit right to be presidential candidates. It furthermore explicitly requires action to eliminate violence against women, and safeguards the rights of Tunisian women to marry and divorce based on their free will.

While there is no question that strong and comprehensive equality and non-discrimination guarantees

remain central to gender equality efforts, there are many additional ways to advance women's rights through constitutional provisions dealing with civil, political, social, economic and cultural rights. UNDP's forthcoming publication 'Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions' provides analysis and good practice of how this has been done, drawing on examples from constitutions from around the world. The analysis and good practice illustrates how countries have used gender inclusive language, incorporated and domesticated CEDAW, and developed institutional mechanisms to advance human rights more broadly and women's rights specifically.

Arriving at a strong and comprehensive constitutional framework that advances gender equality and women's empowerment is most effectively achieved through an inclusive and consultative process that includes both women and men. The increased engagement of women in constitution-making processes, as

decision-makers and through civil society and public engagement, is itself another area of important progress and is often linked to the agreement to include constitutional protections related to gender equality. In Tunisia, thanks to specific efforts to ensure that women were equally represented on party lists and in alternate order of preference, elections for the Constituent Assembly resulted in women comprising 27% (65 of 217) of that constitution-making body. They, along with a vibrant and active women's civil society movement, played a critical role in ensuring that gender equality-related provisions were included in the constitution that was eventually adopted. For example, the most expansive gender equality provision, requiring the state to guarantee equal opportunities for access of men and women to all levels of responsibility in all domains, was supported by 85% of women deputies, as compared to 51% of male deputies, and 59% of the Assembly as a whole.

For constitutionally-guaranteed rights to have any real meaning, however, political will, adequate resources, protective legislation and vibrant and independent courts are critical to ensuring that the rights become realities in the lives of all women and girls, men and boys. Thankfully, some progress also has been made in the realization of constitutional rights, particularly with emerging global gender equality jurisprudence. The South African constitution, for example, has one of the most progressive provisions on gender equality and expressly provides for a constitutional court, which able to address critical issues to women's everyday lives, such as women's access to HIV/AIDS treatment and property rights. In the 2004 *Bhe* case the court decided that the customary law rule of primogeniture that limited inheritance to only the first born son was clearly unconstitutional. In

Botswana, the 1992 *Unity Dow v. Attorney General (Botswana)* case led to constitutional reforms in the definition of discrimination and a powerful wave of legislative reforms in citizenship and marriage laws in that country.

Moreover, courts are beginning to confront tensions between constitutional guarantees of equality and other constitutional provisions limiting the realization of equal rights, known as "claw back clauses", in ways that move forward gender equality. For example, relying on *Unity Dow*, the 2012 decision of the Botswana High Court in the *Mmusi* case declared the Ngwaketse customary law of patrilineal inheritance unconstitutional, making clear that women had the same rights as men to inherit property. The court viewed the national constitution as an organic document and pronounced it necessary that courts breathe life into it by ensuring that constitutional interpretation responds to the country's development objectives and international obligations, such as those contained in CEDAW.

In addition to an assertive and progressive judiciary, the strong will and tenacity of civil society groups to test the "constitutional waters" through public interest litigation has greatly contributed to the increasing spate of gender rights and protections in constitutions and constitutional jurisprudence.

Despite all these advances, gaps remain evident in constitution-making processes and constitutional dispensations throughout the world; women continue to be under-represented in constitution-making processes due to policies of exclusion, insufficient resources, and the absence of safe political space. Many constitutions still limit the highest office and leadership positions to men and, despite the increasing use of quotas and other special temporary

measures, provisions to equal the playing field between women and men have yet to become the norm in most constitutions and electoral laws. In addition, too many constitutions continue to undermine gender equality by allowing customary or religious law to trump constitutional rights, or through "claw back clauses" that effectively nullify gender equality in certain spheres, such as in family matters. In many countries, constitutional or other courts have yet to be fully capacitated or willing to take on their role in securing realization of constitutional protections for gender equality.

These gaps remind us that adoption of a new constitution is the beginning and not the end of constitution-building. Progressive constitutional rights and protections are necessary but not sufficient to improve the lives of women and girls. In fact, evidence illustrates that real challenges remain in the field of legal protections for gender equality generally and for their realization. By way of illustration, only 93 countries provide for equal inheritance rights of women. Even where legal protections are increasingly common, as in the case of domestic violence, for example, the capacity and willingness of institutions and communities to fully implement the laws are often lacking. Whether and how countries enforce and fully realize constitutional rights and protections will determine whether they remain words on a page, or transformative features of a new democratic order for women and girls. ■

* <http://constitutions.unwomen.org>

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What is the United Nations doing in constitutional assistance? This section offers an overview of the latest developments, challenges and lessons in this key area of support sourced directly from our field missions, country offices and other UN entities.

BURUNDI

UN Mission in Burundi (BNUB)



Constitutional revision process a threat to peace and security in Burundi?

The 2005 Constitution-making process in Burundi has for almost a decade been praised as a success by many; it mirrors the 2000 Arusha peace agreement that ended 17 years of civil war. The main ingredients of Arusha were power-sharing and the protection of ethnic and political minorities.

In 2013, the ruling CNDD-FDD administration moved to introduce broad changes in the Constitution that might have altered the delicate political balance achieved in Arusha. The authorities proved somewhat unwilling to accept advice, especially from outsiders. The draft Constitution was therefore pushed through the Council of Ministers on 8 October 2013 and was to be adopted by parliament by the end of 2013.

Concerned at these developments, BNUB stepped into the process and made high-level demarches to prevent a unilateral decision by the ruling party. The amendment of the

constitution was identified by many as an attempt by the ruling party to consolidate its power by removing critical power-sharing arrangements agreed to at Arusha and paving the way to a controversial third term in office by incumbent President Nkurunziza. Not only might the substance of the constitutional amendments pose a risk to the stability of the country, but the reform process itself lacked inclusivity and transparency. BNUB, with support from the Mediation Support Unit in the UN Department of Political Affairs (DPA/MSU), advised holding national consultations. The proposal was backed by strong messages for inclusivity from the UN Secretary-General, the Chair of the PBC Burundi Configuration and others.

Against the backdrop of concerted national opposition and calls from inter-national partners to open up the process, the Speaker of the National Assembly organized all inclusive consultations on 19-20 December 2013, which overwhelmingly rejected the CNDD-FDD's proposal.

On 21 March, the National Assembly rejected the ruling CNDD-FDD party's proposed amendments to the Constitution. All MPs outside the CNDD-FDD but the three representatives from the Twa minority boycotted the session. As a result, the text was one vote short of the required majority. The draft law was sent back to the Government which, pursuant to the Constitution, can submit it to a referendum or after one year, retable it to the National Assembly.

At the time of writing the story is far from over. The Constitution may serve as the basis for durable peace if it is inclusive or become another trigger for renewed instability if it is not based on a broad agreement. The issue may well be deferred until after the 2015 elections.

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GEORGIA

UNDP Country Office



Public participation through the use of ICTs contributed to constitutional amendments in Georgia

In 2013, the Parliament of Georgia successfully adopted two sets of constitutional amendments, parts of which were modified based on expert and citizen input collected through newly introduced web-based tools by UNDP.

During 2013, the newly-elected Parliament of Georgia initiated a new wave of constitutional amendments, building on the 2010 constitutional reform process. UNDP played a key role in supporting the State Constitutional Commission (SCC) in 2010, helping to mobilize international expertise as well as enable awareness-raising and public consultations on the draft amendments. For the 2013 process, UNDP continued to support inclusive constitutional strengthening, this time through an

innovative approach to constitution-making utilizing information and communication technologies. UNDP helped the Public Debates Commission of the Georgian Parliament develop an interactive website (www.constitution.ge) and related Facebook page. Linked to the Parliament's official web portal, the website and Facebook page contained a variety of information, including the text of the Georgian Constitution and draft constitutional amendments, and the schedule and video recordings of the meetings of the Public Debates Commission. Some of the meetings were live streamed to increase public accessibility and engagement. The website also provided articles by constitutional experts on proposed amendments to give the opportunity both to lawmakers and the public to scrutinize amendments from different perspectives.

Both the website and Facebook page enabled citizens to engage in the constitutional discussions through posting comments and recommendations. They also provided an opportunity to participate in interactive public opinion polls on selected draft amendments. These interactive tools were actively promoted through different media outlets both at national and sub-regional levels. To ensure communication and information sharing between law-makers and the public, UNDP provided a summary of expert opinions and the results of public opinion polls to the Public Debates Commission of the Parliament. Since January 2013, the website has had around 38,000 visits with over 26,000 unique visitors. Each Facebook post has had an average of 800 views and over 3,500 persons have participated in website-administered polls. This participation impacted positively on the process. For example, one of the draft amendments, which provided for the deletion of the provision limiting the right of the President to dissolve the Parliament in certain time-periods,

was criticized by both experts and citizens for undermining the parliamentary powers vis-à-vis the President. As a result, the provision was modified and the Constitution retained the existing limitation on Parliament dissolution.

The adopted amendments of 2013 mostly aimed at strengthening the principle of checks and balances between the executive and legislature. Although the amendments received positive feedback in general, most of the experts advocated for a more in-depth review of the Constitution. As a result, pursuant to the 4 October 2013 Resolution of the Parliament of Georgia, the Constitutional Commission has been tasked with a comprehensive revision of the country's main legal document, with the final draft expected by mid-2015. UNDP is closely following the process and will continue to provide its support to the Georgian Parliament to ensure a competent and participatory constitution-making process.

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KENYA

UNDP Country Office

After the new Constitution in 2010: Institutional capacity development and constitutional entrenchment

Soon after Kenya adopted a new constitution in 2010 the country set out on the critically important task of constitutional implementation. The Constitution established two institutions to help monitor the realization and implementation of its constitution as part of transitional and consequential provisions: the Parliamentary Constitutional Implementation Over-

sight Committee (CIOC) and the Commission for the Implementation of the Constitution (CIC). The CIOC conducts oversight of the CIC and coordinates the introduction and passage of constitutionally mandated legislation per the constitutional timelines. The CIC is constitutionally mandated to monitor, facilitate and oversee the development of all legislation and administrative procedures required to implement the Constitution, in coordination with the Attorney-General and the Kenya Law Reform Commission.

Legislation enacted by Parliament following review by CIC	
By Year	Total
2011 - 22	60
2012 - 25	
2013 - 13	

In addition, the CIC presents periodic reports to the CIOC and the President on the progress of constitutional implementation and any impediments, and monitors the constitutionally mandated process of transition to a devolved government.

UNDP, in partnership with a number of development partners, has provided critical support to the CIC. The assistance has been both strategic and technical, including by providing institutional and operational capacity support to the CIC and by assisting the CIC in ensuring that the development of implementing legislation, policies and administrative procedures reflect the letter and spirit of the Constitution. In addition, UNDP has supported the CIC to include as part of its work robust citizen consultation; the emphasis on participation and inclusion derives directly from the Constitution as one of the national values and principles of governance. The 5th Schedule of the Constitution provides a list of all

legislation that is required to be passed over a 5-year period.

UNDP support to the CIC has included assistance in auditing all the existing health sector policies, acts, and proposed bills against the spirit and letter of the Constitution, as well as international norms and standards. UNDP has similarly supported the CIC in auditing the national and county level public financial management laws and regulations, and laws relating to access to justice, among others. With UNDP assistance the CIC has been able to bring the legislature and key government agencies together to identify, develop, and facilitate the passage of constitutionally mandated legislation. In some cases this has also led to remediation measures, such as the need for the government to further define policies before developing legislation.

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LIBYA

UNDP Country Office & UN Mission (UNSMIL)

Constituent Drafting Assembly elections

Despite the fact that elections for the national Constitution Drafting Assembly (CDA) were held on 20 February 2014, much of the Libyan constitutional process remains uncertain. Of the 60 seats on the CDA, 13 remain unfilled because of boycotts and security concerns during the polling, and one is filled only provisionally pending the results of voting for one of the women's seats.

The General National Congress (GNC) and CDA face a dilemma over whether the CDA should begin work before the body is fully constituted. If the 47 elected members of the CDA begin working the constitution "clock"



Libya. Counting the votes for the election of the Libyan Constitutional Drafting Assembly February 20, 2014. Credit: Reuters

starts ticking without the full body present. At the same time, the Higher National Electoral Commission (HNEC) continues to report difficulty in preparation for and conducting elections for at least some of the remaining seats –calling into question when and how the CDA will obtain its full membership. Resolving this impasse is critical for Libya to progress along its transitional road-map.

UNSMIL has established an International Constitutional Support Working Group to help coordinate efforts of the international community to support the Libyan constitutional process. Through this working group, international partners are pursuing a unified approach to promoting civic education and CSO capacity development on constitutional issues, assisting related electoral exercises, and preparing support options to offer to the CDA. UNSMIL is currently preparing an induction program and coordinated international expert advice package for the CDA.

In addition to UN support to HNEC, UNDP and UNSMIL supported the CDA elections through workshops that provided CDA candidates with information on contemporary constitutionalism and the main components of democratic constitutions, including

fundamental rights and liberties and the inclusion of women's rights. The workshops also sought to lay the groundwork for robust public participation during the constitution-making process. The eight workshops, facilitated by constitutional experts from Egypt, Morocco, Lebanon and Tunisia, reached about 60% of the 648 CDA candidates, with 10% of the participants being women.

On 29-30 January and 1-2 February, UNSMIL conducted workshops in Benghazi and Tripoli entitled "Constitutional Options for Government Decentralization" in cooperation with the Benghazi and Tripoli local councils. The workshops, which focused on approaches to multilevel government and preventing geographical marginalization, included CDA candidates, local authorities, and civil society activists.

Complementing UNSMIL's political mandate to engage the GNC and CDA, UNDP has been strengthening dialogue capacities and fostering public engagement in Libya's transition through a range of activities that started in 2012.

Over the last few months UNDP Libya's Assistance to Building a

Constitution (ABC) Project has implemented a number of activities targeted at engaging the media in the constitution-making process, with a view to building their capacities to engage with the CDA. The ABC Project prepared a Media/Communications Guide, designed to support the CDA and its Secretariat in designing a communication strategy once they are in place. The ABC Project is also starting to implement a large media outreach campaign with BBC Media Action, which will train journalists to report on the constitutional process and will result in radio, TV, print and social media programmes on the constitution.

UNDP has also been partnering with the Libyan CSO "Rashad Foundation" to prepare for the launch of an integrated media campaign as soon as the CDA commences its work. The campaign will focus on engaging the public in peaceful debate about the constitution and has been designed to particularly target women, youth and minorities.

Finally, the ABC Project is working on developing a constitutional internet platform for Libya, drawing on South-South experience from Morocco. The platform will serve as a resource center providing information, materials and tutorials on constitutions, and regular updates on constitution-making process.

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NIGERIA UNDP Country Office

Nigeria: Supporting constitutional reform through consultative and participatory process

In early 2012, the National Assembly (NA) established two constitution review ad hoc Committees – one in the Senate and one in the House of People's Representatives – which effectively kick-started the constitution review process in Nigeria.

UNDP's Democratic Governance for Development (DGD) Project (funded by EU, DFID, CIDA) has engaged with both ad hoc NA Committees to support their efforts since 2012. UNDP's focus has been strengthening the NA Committees' capacity for public outreach and inclusive popular participation in the constitution review process.

To this end, UNDP supported both Committees to solicit feedback from interest groups and stakeholders to guide the review process. The DGD

Project contributed to inclusiveness by proactively assisting key stakeholders, such as women groups, people with disabilities, CSOs, the media, and political parties to submit memoranda to both Committees.

A major milestone in the process was a retreat held by the Senate Committee in July 2012 to analyse stakeholder comments and identify and prioritize critical issues to be addressed. These issues included the distribution of power, fiscal federalism, control of the armed forces and police, electoral reform, the tenure of elected officials, judicial reform, zoning/ethnic balancing and gender equality.

Following the retreat, the DGD Project sourced inputs from experts to help the Senate Committee with: a review and analysis of the various memoranda submitted to the Committee; an analysis of inputs from public hearings; and research on key priority issues identified through public hearings. In addition, DGD, in partnership with the Forum of Federations, supported 8 delegates from the Committees with a study



Nigeria. Constitutional Review Zonal hearings for Political Parties in the South West of the country. Credit: UNDP Nigeria

tour to Canada to access international best practice on key governance challenges and constitutionally-based responses.

UNDP also played a key role in supporting public hearings organized by the Senate Committee, culminating in the National Hearing held in Abuja in October 2012. This exercise enabled citizen groups to present their views to members of the Senate Committee.

The House Committee also benefited from UNDP's support in ensuring a participatory approach, through support for public hearing sessions that were held simultaneously in all 36 federal constituencies in November 2012. UNDP then followed up with technical support to help the House Committee classify and analyze all the questionnaires and inputs that were collected during these public hearings.

In early 2013, UNDP's technical advisors assisted the House and Senate Committees to draft a bill to amend the Constitution. The Bill was presented to both chambers in April 2013. Due to the security situation, political polarization and the high number of constituencies that hosted public hearings, the deliberations over several key issues are still ongoing. In April 2014 the Senate passed the bill, but the House is still negotiating.

UNDP will continue to provide technical assistance to both chambers through its DGD programme. The process is expected to be completed in late 2014.

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SIERRA LEONE UNDP Country Office



Sierra Leone's inclusive constitutional review process

Following his re-election to a second term in November 2012, Sierra Leonean President Ernest Bai Koroma pledged to undertake the long awaited review of Sierra Leone's 1991 Constitution, as envisaged under the Lome Peace Agreement and recommended by the Sierra Leone Truth and Reconciliation Commission.

In launching the review process in 2013, the President acknowledged that the country needed to undertake a review of the fundamental law of Sierra Leone, with the aim of promoting the unity and cohesion of the nation, as well as to make the

Constitution compatible with international standards. The President assured the wider public and the international community that the review process would be inclusive and transparent.

The constitutional process provides Sierra Leone an important opportunity to forge ahead on the path of democratic transformation, based on the rule of law. The revised Constitution is a chance to develop a social compact based on a vision of shared prosperity which can provide a legal foundation for enduring peace in a united country.

Since the launch of the process in July 2013, UNIPSIL and UNDP have supported the 80-member Constitutional Review Committee (CRC) and national institutions to hold a series of dialogues to facilitate discussion on the process with political parties, women and youth groups, and religious and traditional leaders. The process aimed to consolidate national peace-building and state-building by designing a consultative, transparent, and widely inclusive process.

Since the beginning of 2014, there has been significant progress. With



Sierra Leone. Between 28 and 30 January 2014, over 100 Paramount Chiefs gathered in Kenema to discuss the review of the Sierra Leonean Constitution of 1991 and their own role in ensuring an inclusive and transparent process. Credit: UNDP

technical assistance from UNDP, CRC sub-committees have now been formed and they have finalized their outreach and nation-wide consultation strategy. Nine sub-committees have identified broad thematic issues they want to explore and have clearly mapped stake-holders for extensive consultation.

With regard to gender-mainstreaming in the process, UNDP with collaboration with the Ministry of Gender, Social Welfare and Children organized a nation-wide “Women Voices” Conference on “Gender-Mainstreaming in the Constitutional Review Process” where women leaders from throughout the country developed plans to promote gender equality issues throughout the constitutional process.

In March 2014, UNDP also brought together 40 Members of Parliament and two CRC sub-committees for a major training and discussion on dialogue, mediation and conflict resolution.

UNDP also complemented this work with leaders with a session for Sierra Leonean media practitioners. UNDP trained local journalists on mediation, dialogue and conflict-sensitive reporting on constitutional issues. This is a core element in promoting a peaceful constitutional process.

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SOMALIA

UNDP Country Office & UN Mission (UNSOM)

Somalia constitutional support

The Provisional Constitution endorsed in August 2012 establishes a federal state of Somalia, but substantial

discussion is still required as to what federalism will look like in practice. The Somalia constitutional review and implementation process is a complex political negotiation, occurring during a period where Somalia is trying to consolidate its state-building efforts while building on its fragile peace.

In recent months, the Federal Government of Somali (FGS) has clarified that the constitutional review process will be preceded by a political process of “state formation” in 2014, with the FGS working closely with local leaders to develop Interim Regional Administrations that will eventually become “Federal Member States,” as envisaged by the Provisional Constitution.

UNSOM has been working closely with the FGS to encourage an inclusive and peaceful dialogue on the state formation process and to provide technical advice on state formation criteria. Progress has already been made with the formation of the Interim Administration of Jubaland and discussions underway regarding additional administrations in the South.

The intention is for negotiations over

the specifics of Somalia’s federal arrangement to take place in the first half of 2015, with constitutional drafting that reflects those agreements and other matters to occur in the second half of 2015.

At the same time, UNSOM and UNDP have been working together to more broadly support efforts of national stakeholders to take forward constitutional review and implementation priorities. For example, in February 2014, UNDP supported the National Federal Parliament to identify its legislative agenda, including priority constitutional bills, such as bills to establish a Judiciary Services Commission and National Independent Election Commission, as required under the Provisional Constitution.

A workshop reviewing the Parliament’s Strategic Plan was also organized, re-prioritizing dialogue and outreach tasks around and the implementation of legislative priorities. UNSOM and UNDP are also providing support to the Ministry for Justice and Constitutional Affairs to strengthen legislative drafting capacities in support of constitutional drafting.



Two disabled Somalis, members of civil society organizations, attend the Constitution Review launch at the Somali Federal Parliament in Mogadishu on 16 June 2013. Credit: UNSOM

UNDP and UNSOM have also ramped up work with national counterparts to design a public outreach and civic education campaign which will help the public to understand the processes which are underway and to peacefully engage in debates and discussion about Somalia's political future. In early April, representatives of key Ministries and Parliament met with the UN team and agreed to develop a joint plan for public outreach and civic education.

Already, UNSOM has organized a dialogue of "thought leaders" to start moving forward discussions around key constitutional issues. Likewise, UNDP has been supporting the Parliament's Constitutional Oversight Committee to start teasing out some of the issues around the review process. UNSOM and UNDP have been proactive in working across both the legislative and executive branches, in recognition of the importance of supporting a unified national visioning process.

In order to ensure the UN's support is also unified, UNSOM is also leading coordination of the UN's support through the UN Integrated Constitutional Support Team (ICST). The ICST has been developed to ensure that relevant UN/UNCT staff working across all branches and levels of Government regularly share information and coordinate their efforts across government. In March 2014, the ICST undertook a 2-day strategic planning session to identify key priorities for 2014 and agree on collaborative approaches to supporting the national and local counterparts. In April, 2014, the ICST convened a meeting of NGOs in Nairobi to discuss the establishment of a Constitutional Implementing Partners Forum, to bring together INGOs and the UN to promote coordinated support to the national counterparts.

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SOUTH SUDAN

UN Mission in South Sudan (UNMISS)



Early steps to support South Sudan's initiation of the constitution-making process

The recent crisis in South Sudan has shown the South Sudanese and the international community the urgent need for reconciliation and nation building in order to provide the elements necessary to build strong national and institutional foundations in the country.

The 2011 Transitional Constitution, which set out the rights, powers and institutions of the new state, also provided for a constitutional review process mandated to be comprehensive and participatory. Since its inception, the UN Mission in South Sudan (UNMISS) has advocated for such process to be consultative and inclusive. For UNMISS, a participatory constitution-making process, together with national reconciliation, are essential peacebuilding and nation building instruments.

To assist the South Sudanese, UNMISS, at the request of its international partners, assumed the coordination of the international support to the constitutional review through periodic partner and donors

meetings at the principals and technical level. Supporting the National Constitutional Review Commission (NCRC), established in January 2012, has not been an easy task. Even before the current conflict began on December 15, 2013 there had been very little progress in the NCRC's work - primarily a few meetings, and the finalizing of both the first phase of the NCRC's civic campaign and a preliminary review of the Transitional Constitution. Delays were not entirely the fault of the NCRC, but rather the consequence of a permanent lack of funding and political support from the Government of South Sudan (GRSS), which early in its mandate was affected by the oil-related austerity measures and later suffered the consequences of the internal SPLM political crisis that resulted in the current conflict. The conflict has deepened the lack of funding, limited the availability of technical support, and restricted the NCRC's ability to implement its civic education and public participation campaign due to security concerns.

The ongoing IGAD-sponsored peace talks in Ethiopia between the GRSS and the Sudan People's Liberation Movement/Army in Opposition include discussions on power-sharing arrangements. Civil society organizations have been advocating for their inclusion in the talks, and GRSS has called for the establishment of a national reconciliation process. UNMISS, IGAD, and the international community should ensure that any power-sharing arrangement is temporary and subject to final arrangements agreed to through the constitutional review process. Only an inclusive and consultative process can provide the legitimacy necessary for any durable and stabilizing power-sharing arrangement. The IGAD-led peace talks provide the opportunity to re-launch the constitutional review process and the NCRC's work. These steps will ensure South Sudan can

develop strong and lasting institutions and limit the risk of the recurrence of conflict in the future.

Briefing prepared by:

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TUNISIA

OHCHR & UNDP Country Offices



The role of the UN in the constitutional process in Tunisia: Working together for the inclusion of human rights standards in the Constitution

The new Constitution of the Republic of Tunisia was approved by an overwhelming majority of the country's National Constituent Assembly (NCA) and promulgated on January 27, 2014. The (UN) provided significant support to the NCA throughout the entire constitutional process.

The achievements of the newly adopted Constitution are significant in human rights terms. It enshrines most of the key universal human rights, and its preamble highlights a commitment to the "human values and the principles of sublime universal human rights" and to democratic principles. The Constitution recognizes civil and political, as well as economic, social and cultural rights. The Constitution also indicates that the State has the duty to fight violence against women. The rights of children and the rights

of persons with disabilities are also recognized.

While the achievements in terms of inclusion of human rights guarantees are the result of a nationally-owned process, the UN had a major contribution to this outcome. In fact, the UNCT advocated for the inclusion of key human rights and fundamental freedoms, as well as the rule of law. It sent joint letters to authorities including NCA and government advocating for the inclusion of human rights standards in the future Constitution.

The UN High Commissioner for Human Rights also sent letters to the President of the NCA advocating for the inclusion of specific human rights protections in cases where she thought that the draft Constitution's provisions could be reinforced. Communications were also sent to the NCA from UN human rights experts, including Special Rapporteurs of the Human Rights Council. The OHCHR transmitted relevant human rights publications to NCA members as well. OHCHR and UNDP mobilized partners to advocate for the inclusion of guarantees of judicial independence in the Constitution during a multi-stakeholder conference held in March 2013. Other UN agencies such as UNICEF, UN Women and UNFPA, also commented on the content of certain provisions of the Constitutional drafts, with a view to improving human rights guarantees, in particular with regard to the rights of children and women. Following the draft Constitution of 1 June 2013, UNCT conducted an analysis of the draft identifying the progress and challenges. On this basis, UNCT engaged with authorities, communicating recommendations.

UNDP, OHCHR and other UN agencies actively supported the participation of civil society in the process of elaborating the new Constitution. OHCHR facilitated the holding of a

major civil society gathering, in which the UN Deputy High Commissioner for Human Rights participated. Civil society organizations sent joint advocacy letters to NCA and government, requesting, inter alia, the inclusion of key human rights provisions in the draft Constitution.

UNDP's Project to Support Constitution-building, Parliamentary Development and National Dialogue had three components. Firstly, UNDP provided in-depth technical expertise on constitutional and legal provisions, including by working with other UNCT members such as OHCHR and UN Women to promote human rights and gender issues during the constitutional process.

Secondly, UNDP developed mechanisms for dialogue with citizens and civil society and favoring their full participation in the process. UNDP supported a nationwide dialogue between NCA members and citizens and CSOs in all 24 of Tunisia's governorates. Over 6000 citizens, 300 CSOs and 320 university representatives provided input. Furthermore, over 300 participants including 40 NCA members took part in activities fostering the inclusion in the constitution of gender equality and the political participation of women. UNDP also supported 140 civil society development projects focused on marginalized regions of the country, with special emphasis given to developing consensus building skills and strategies for preventing violence. A national survey of 1100 youth provided detailed information on the desires and expectations of Tunisian youth; the segment of the population whose exclusion sparked the 2011 revolution.

Thirdly, UNDP supported strengthening of the institutional capacities of the NCA and will build on this to support the new Parliament, which is to be elected in 2014. Supporting implementation will be a core focus of

the UNCT as Tunisia continues its democratic transition.

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VIET NAM

UNDP Country Office



UNDP support to Constitutional Reform in Viet Nam

Since Ho Chi Minh declared independence on Ba Dinh square in 1945, Viet Nam has had four Constitutions. The 1992 Constitution was revised in 2001, and in 2011 the National Assembly announced that it was time to review the Constitution and amend it as necessary to bring it up to date with the country's fast-changing social and economic trajectory.

The National Assembly invited UNDP to help bring international experts and comparative experiences to bear on some of the most controversial constitutional issues to be discussed, including different models of consti-

tutional review, local governance, and provisions on human rights.

At the outset, UNDP was asked to advise on international best practices of public consultation on constitutional reform. UNDP advocated for the role of media and civil society to ensure that the public, particularly women and excluded groups, were fully engaged in the process. Following these discussions, and in line with increasing aspirations of the Vietnamese people for democratic reform, the National Assembly adopted the first detailed resolution on public consultation, which provided a strong role for the media and allowed civil society and individuals to comment over a three-month period.

During the public consultation period, the UN was invited by the National Assembly to advise on the human rights provisions of the draft amendments to the Constitution, and acted as facilitator of all UN agencies present in Viet Nam, as well as OHCHR, to produce UN-wide comments on human rights which were presented to the National Assembly.

UNDP also engaged with non-state actors to help ensure a vigorous and open public consultation phase, including supporting Vietnamese CSOs to engage women and excluded groups and canvass their views on constitutional reform. UNDP also contributed articles on public consultation and other topics to Vietnamese publications and journals.

During this period, a wide-ranging debate ensued, during which Vietnamese CSOs publicly conveyed the views of many excluded groups including youth, the elderly, people with disabilities, migrant workers, people living with HIV, LGBT and women, on a wide range of social and governance issues including land rights, decentralization, rule of law, and constitutional review.



Vietnam. Policy brief submitted by LGBT organizations entitled: "Suggestions on the Draft Constitutional Amendment: Recommendations from homosexual, bisexual and transgender people (LGBT)". Credit: UNDP Vietnam

In late November 2013, the National Assembly adopted the new 2013 Constitution. The final amendments include revisions to the human rights provisions, a new provision against discrimination, and a refinement of the country's commitment to rule of law which introduces new approaches to "checks and balances", as well as a stronger affirmation of the role of the courts.

In the end, options to establish a Constitutional Council or Court were discarded, so the next question as the country moves forward with implementing the new Constitution will be how to interpret and apply the provisions of the 2013 Constitution. This will no doubt continue to be the subject of vigorous debate.

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YEMEN

Office of the Special Adviser to the Secretary-General on Yemen



From dialogue to action: launch and implementation of Yemen's roadmap of the constitution drafting

On 25 January 2014, Yemen concluded its comprehensive National Dialogue Conference (NDC). Hailed as a historic milestone in Yemen's transition from authoritarianism to democracy, the 565 NDC delegates, spanning Yemen's social, geographic and political spectrum (of which 30% were women and 20% youth) adopted the comprehensive Outcome Document by acclamation, following six months of preparations for the NDC and another 10 months of negotiations in nine working groups and two special committees. The Outcome Document contained over 1800

consensual outcomes on issues ranging from human rights, good governance and transitional justice to the question of the South and a new federal state structure.

United Nations support to the process, led by the Office of the Special Adviser to the Secretary-General (OSASG), involved raising over \$20 million; providing specialized experts and background papers on key topics; hiring 125 Yemenis to service the NDC; and rolling out a robust public information campaign including over 240 hours of live TV broadcasting and dozens of TV programmes, over 120 hours of radio coverage, extensive use of social media, and town hall meetings throughout the country. Most importantly, Special Adviser to the Secretary-General, Jamal Benomar, and his team provided political facilitation and mediation to unlock impasses and build consensus throughout the process. This was the most elaborate national dialogue process ever supported and facilitated by the UN, and included months of chairing the negotiations on the future status of the South and new state structure.

Invigorated by the achievement, Yemen has begun the next phase of its transitional roadmap – drafting a

new Constitution incorporating the outcomes, principles and values agreed to by the National Dialogue. On 9 March, the Yemeni President, Abdo Rabo Mansour Hadi, established the Constitutional Drafting Commission (CDC), a technical body of 17 members charged with drafting the constitution. The CDC is comprised of judges, lawyers, and other professionals and draws upon Yemen's diversity. Approximately 25% of its membership is women. Over the next several months, the CDC will produce a draft that will eventually be presented to Yemenis for public comment and then further refined before it is submitted to a public referendum for adoption.

The UN, led by OSASG, is providing critical and comprehensive support to the CDC and its Secretariat through the provision of expertise and political mediation and facilitation - just as it did during the National Dialogue - as they undertake this monumental and historic task. At the request of President Hadi, OSASG assisted the CDC in organizing and conducting a strategic planning retreat in late March, during which the CDC agreed on its rules of procedures, code of conduct, an initial work-plan, and also began the arduous task of distilling from the NDC Outcome Document the constitutional principles that will guide their drafting. The CDC will soon begin initial drafting of constitution provisions. OSASG has mobilized a team of constitutional experts, including members of the Mediation Support Unit's Stand-by Team of Mediation Experts, to provide support throughout the process.

While many milestones have been achieved since Yemen's 2011 revolution, much remains to be done and significant challenges lie ahead for the Yemeni people and their leaders. Levels of poverty and unemployment are high, humanitarian and development needs are great, and some areas are affected by tribal or sectarian related violence. Al-



Yemen. Young people holding a poster supporting the National Dialogue Conference "With dialogue we can build the future". Source: NDC Official Facebook page

Qaeda also continues to threaten security and stability in parts of the country. On the political side, fundamental decisions need to be taken on a range of questions, most notably core aspects of the new federal system that were not specified in the NDC outcomes, such as devolution of powers to the different levels of the federal state. These and other issues will require further political discussions and consensus. A National Body, composed of the same groups that participated in the National Dialogue, has been established with a mandate to oversee the implementation of the NDC outcomes and to resolve any issues on which the CDC may need guidance. The National Body will approve the final draft constitution before it is submitted to national referendum. UN Special Adviser Benomar will continue to support the parties in reaching political agreement on these issues which will help to define the new Yemeni democratic state.

Briefing prepared by:

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ZIMBABWE UNWomen



Women of Zimbabwe continue to keep the new Constitution high on their advocacy agenda

The new Zimbabwe Constitution (May 2013) includes respect for gender equality among the Founding Values. The Declaration of Rights is expanded and includes a section on women's rights, and socio-economic and cul-

tural rights; a Gender Commission is established; and it contains, for the first time, a special measure that increases women's representation in Parliament to more than one-third.

With support from UNWomen and UNDP, a unique lobbying group known as the Group of 20 (G-20) successfully lobbied for these pro-visions during Zimbabwe's three-year constitution-making process, from 2009-2012. The G-20 included women activists, senior politicians from all parties, women parliamentarians and academics. This group became a key information source on gender equality, women's rights and the Constitution.

UN Women supported the Ministry of Women Affairs, Gender and Community Development (MWAGCD) throughout the process to advance gender equality. UN Women provided technical support and established a strong coordination mechanism for the G-20 strategies used, which included:

- ◆ Providing experts to conduct training sessions on international gender equality standards and comparative constitutional provisions;
- ◆ Developing 14 common principles for the G-20 to advocate for, across the spectrum of women's rights, including reproductive rights, protection from domestic violence, marriage equality and equality in political representation;
- ◆ Transforming the G-20's original women's position paper into proposed constitutional language and distributing it to members of the Constitutional Select Committee (COPAC);
- ◆ Conducting public awareness campaigns throughout the country,



Zimbabwe. Poster mobilizing women and men to vote for a new Constitution. Credit: Women's Coalition of Zimbabwe

including by producing substantive advocacy and education materials;

- ◆ Lobbying government officials, political party leaders, members of the COPAC committee, the COPAC drafters, and the general public.

Since its endorsement, the alignment of the gender equality provisions in the 2013 Constitution to all national laws and policies remains high on the agenda of the MWAGCD and gender equality advocates.

Ensuring that women continue to realize their constitutional gains, the national theme for 2014 International Women's Day was "Celebrating Women's Gains through the Constitution". The MWAGCD now also plans to hold a National Conference on the Constitution to enable women to map out the next steps to ensure that the Constitution's gender equality provisions translate into a difference in women's lives.

Briefing prepared by:

- **Patricia A. Made**, Knowledge and Communications, UN Women

READER'S DIGEST

This section highlights a selection of papers on constitution-making offering insights into current debates. It includes articles from academia, policy- or practitioner-oriented organizations, and material produced by UN entities.



Constitutional Courts after the Arab Spring: Appointment mechanisms and relative judicial independence,

By Constitutional Transitions and IDEA

A constitutional court may play an important role in consolidating democracy after a constitutional transition. This report investigates how constitutional court appointment procedures can promote judicial independence and judicial accountability to a democratically elected government, analyzing four models of appointments as they are applied in six countries (Germany, South Africa, Egypt, Iraq, Italy and Turkey).



Semi-Presidentialism as Power Sharing: Constitutional reform after the Arab Spring,

By Constitutional Transitions and IDEA

Semi-presidential government, if carefully designed, can act as a mechanism to promote power sharing and ensure that presidential dictatorship does not re-emerge in a post-authoritarian context. This report analyzes a range of options for designing a semi-presidential system.



Process Lessons Learned in Yemen's National Dialogue,

By USIP

While Yemen's national dialogue succeeded in convening a broad range of Yemeni society on a host of issues, difficult key issues were left unresolved. This report seeks to develop comparative lessons about processes that create opportunities for conflict resolution and peacebuilding during transition. It discusses issues such as the balance of the scale of the forum and the impact on other transitional processes that may be sidelined by a dialogue.



Federal Terminology through Citizen Dialogues,

By IDEA

Federalism is a new concept in Nepal and many new words related to federalism were introduced during the constitution building process. This glossary was compiled through citizen dialogues in an effort to come up with a shared definition of contested federal terms based on a common understanding.



Federal Rivers: Managing Water in Multi-layered Political Systems,

By Dustin E. Garrick, George R. M. Anderson, Daniel Connell, Jamie Pittock, IWA Publishing

This book provides a comparative perspective on water and federalism across multiple countries. The territorial division of power in federations plus the interconnected politics at the national and regional levels present a classic governance test for waters shared across multiple political jurisdictions. The book examines the successes and failures of federal regimes in resolving water conflicts and achieving sustainable water management.



Sierra Leonean Constitutional Review Committee Newsletter

The Constitutional Review Committee (CRC) publishes a monthly newsletter to keep the Sierra Leoneans and broader community abreast of the work carried out by the Committee. The 3rd edition contains information related to recently held workshop and engagement with Parliamentarians on Meditation and conflict resolution, engagement with women groups and media practitioners. This publication is supported by UNDP as part of its overall assistance to the CRC. www.constitutionalreview.gov.sl

*The text on this page is the original summary provided by the publisher. Some adaption possible.

THE UN CONSTITUTIONAL

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This publication is a joint effort between the United Nations Department of Political Affairs (DPA), the Department of Peacekeeping Operations (DPKO), OHCHR, UNDP, UNICEF, and UN Women to strengthen system-wide information sharing, coordination, and partnership in the area of constitutional assistance.

We welcome your comments and suggestions. Please contact us at: constitutionmaker@un.org

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