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Background paper by:

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What is needed in Yemen's Post Conflict Phase?

Background on Yemen's Transition

After the Arab uprisings in 2011 and the ouster of longtime President Ali Abdullah Saleh in 2012, Yemen commenced a transitional operation based on an agreement brokered by the Gulf Cooperation Council (GCC). The resulting treaty, "The Agreement on the Implementation Mechanism for the Transition Process in Yemen in accordance with the Initiative of the GCC,"¹ was forged in the aftermath of a multilateral settlement process sponsored by the GCC and backed by the United States (US), the European Union (EU), and the United Nations (UN). Under the auspices of these multilateral partners, Yemen's elites negotiated amongst themselves to prevent civil conflict and allow for the peaceful transfer of power from President Saleh² to his then vice president, Mr. Abdo Rabbu Mansour Hadi.

The treaty, effectively a roadmap for Yemen's post-Saleh future, outlined a transitional period composed of two primary phases of specific durations. The first phase commenced with the signing of the treaty and concluded with the holding of presidential elections. This election was symbolic -the ballot contained a single, previously selected candidate: Mr. Hadi, who would "win" the presidency³ by default. The second, two-year period, would commence with the formation and assembly of two bodies: the "Government of National Unity (GNU)," tasked with general governance, and the National Dialogue Conference (NDC)," a forum for the redress of public political grievances.

The GNU was created under the leadership of the opposition, Prime Minister Mr. Mohammed Basindawa. Under the terms of the power-sharing arrangement, the government was split into two main factions: the old ruling elites of Ali Abdullah Saleh's General People's Congress (GPC),

¹ The Agreement on the Implementation Mechanism for the Transition Process in Yemen in accordance with the Initiative of the GCC. 21 November 2014.

http://constitutionnet.org/sites/default/files/yemen_agreement_on_the_implementation_mechanism_for_the_transition_process_in_yemen_in_accordance_with_the_initiative_of_the_gulf_cooperation_council_2011-present.pdf

² In an interview with Mr. Sultan al-Barakani (Head of the Yemeni Parliament and assistant secretary general of the People's General Congress party) in 2015, he stated that Saleh only accepted to step down after Abu-Houria, and Dr. AbdulKarim al-Eryani suggested President Hadi takes over. (check the video for quotes).

³Jamjoom, M. (2012, February 22). Yemen holds presidential election with one candidate. Retrieved May 22, 2019, from <https://www.cnn.com/2012/02/21/world/meast/yemen-elections/index.html>

and an alliance of traditional opposition parties, the Joint Meeting Parties (JMP)⁴. In theory, the GNU was meant to be politically inclusive of various parties. In practice, however, the political diversity of the administration and the paucity of technocratic representatives compromised the government's performance.

Under the GNU, the GPC and Islah began undermining each other; the parties failed to agree on government policies, and the government was unable to deliver on services. As Saleh's former vice president, President Hadi was weakened by his failure to garner the support of those GPC members who remained loyal to Saleh. To strengthen his position throughout the restructuring process, President Hadi partnered with Islah as a counterbalance to the Saleh-loyalist faction. From 2011 to 2013, President Hadi focused much of his political capital on the restructuring of the armed forces and security apparatus, formerly dominated by Saleh's family. Acting on the recommendations of his international partners, Hadi, with the support of Islah and their tribal and military allies, was able to effect large-scale security sector reform and successfully purge the armed forces of many but critically not all Saleh loyalists.

By 2014, the power balance shifted towards a new alliance around Mr. Hadi and Islah, with officers loyal to both men rising through the ranks of the military. However, this was limited to an exchange of personnel and stopped short of measures that would have enhanced general professionalization of the armed services. Despite these efforts, Saleh and his main opponent, General Ali Mohsin,⁵ retained a significant degree of influence and support within the armed forces. Ultimately, despite the removal of many low ranking loyalists, the collective presence of Moshin and Saleh's respective factions was significant enough to affect the government's coercive power negatively. These failures of effective restructuring essentially allowed Saleh and Mohsin to remain as local operative actors throughout Yemen's transition.

As President Hadi struggled to consolidate power, Yemen's NDC was marketed to the Yemeni people as the rescue vehicle that would resuscitate the increasingly faltering state. The NDC, which commenced on March 2013 and concluded on 25 January 2014 (five months over its six-month mandate) took place in Sana'a's Movenpick hotel under the auspices of the United Nations, which facilitated the NDC and also provided diplomatic, political, technical, logistical and financial support⁶.

⁴ The Joint Meeting Parties (JMP) was established in 2002 as an opposition to the GPC and has survived till the announcement of The National Alliance of Yemeni Political Forces (NAYPF) in 2019. (GPC). A study by Vincent Durac in 2011 found that the alliance is characterized by internal division and caution, best exemplified in its relationship with the Yemeni Spring uprisings. Vincent Durac (2011) The Joint Meeting Parties and the Politics of Opposition in Yemen, *British Journal of Middle Eastern Studies*, 38:3, 343-365, DOI: [10.1080/13530194.2011.621697](https://doi.org/10.1080/13530194.2011.621697).

⁵ Ali Mohsin Al-Ahmar is a powerful military general who supported Saleh's GPC in 1980 and unification efforts from 1990 onwards. He was Saleh's former right-hand man until he was in charge of waging six wars against the Houthi Militia in Sa'dah. Mushin is supported by Saudi Arabia and is said to have Salafi leanings. He was removed from his military position during the Arab Spring transition, however, in 2016, he was appointed the Deputy Supreme Commander of Yemeni Armed Forces. Today, he is the Vice President of Yemen.

⁶ Official page of the National Dialogue Conference: <http://ndc.ye/default.aspx>

The process included the participation of 565 individual members representing 14 political groupings⁷, across nine working groups⁸. Around 40 percent of these seats were designated for established political parties (not including new parties), with 35 seats allocated to the Houthis, and 85 to the Hirak Southern Movement. In selecting their delegates, the political parties were guided by the following formula: 50 percent of their seats were assigned to people from the south of Yemen, 30 percent to women, and 23 percent to the youth. Furthermore, 160 seats were allocated to non-partisan groups: 40 for independent youth, 40 for independent women, and 80 for civil society organizations (two members from each organization).

Yemen's National Dialogue with Hindsight

The NDC was conceived as a core part of the transition process. The process, intended as nationally therapeutic and inclusive, stipulated the representation of Yemen's diverse political, social, geographic, and demographic groups to address the most critical issues facing the country. In reality, many Yemenis ultimately found the NDC obscure and confusing,⁹ while others claimed it overrepresented urban elites to the exclusion of influential traditional and rural figures.

In addition to its reputation as a city-centric enterprise, the NDC was criticized for deliberately excluding some of Yemen's major political players. Illegitimate in the eyes of the state, these individuals and groups nevertheless wielded considerable power and legitimacy on the ground. Most glaringly, the NDC excluded two of the most influential figures in Yemen, Ali Abdullah Saleh and his former general-turned nemesis Ali Mohsin. Additionally, Yemen's tribes were marginalized throughout the process, which failed to recognize their potential as political stakeholders and guarantors of security. Ultimately, the exclusion of powerful tribes like the Al-Ahmars¹⁰ undermined the goal of securing the state. Finally, many of the participants in the NDC were surrogates of powerful actors rather than power holders themselves. This meant that the truly powerful potential spoilers resorted to political maneuvering outside of the NDC to achieve their ambitions, undermining the formal process.

Despite attempts to be inclusive of geography and politics, the NDC ultimately failed to resolve the two main barriers to Yemeni national unity: the "Sa'dah Issue" and the "Southern Issue." The "Sa'dah Issue" referred to the grievances of the residents of Sa'dah governorate, who fought six devastating wars against the state; "the Southern Issue" referred to the rising calls for secession of south Yemen. When it came to the Sa'dah group, the NDC treated Ansar Allah, or the Houthis, as the main representatives for the governorate of Sa'dah, effectively

⁷ Breakdown of committees: <https://samaa-alhamdani-rqoo.squarespace.com/allposts/2013/03/yemens-national-dialogue-working.html>

⁸ 1) Southern Issue, 2) Sa'dah Issue, 3) Good Governance, 4) State building, 5) National Reconciliation, 6) Development, 7) Rights and Freedoms, 8) Army and Security, and 9) Independent/Social Issues

⁹ Featured Interviews with Yemenis on the NDC <https://www.youtube.com/watch?v=YtqNwXFk5M&t=14s>

¹⁰ Except for some brief participation by Sadeq al-Ahmar. His brother, Hameed Al-Ahmar, was the General Secretary representative of the JMP for the Preparatory Committee of the National Dialogue, although he refused to participate in the Dialogue itself and is a powerful member of the Islah Party. Both Sadeq and Hameed are the children of Sheikh Abdullah Ibn Husayn Al-Ahmar (d. 2007) who was the former head of the Hashid tribe, Islah Party and the speaker of the house of representatives from 1993 till his death.

legitimizing them, and ultimately giving them too much leverage. Regarding the issue of southern secession, none of the seats designated for “Southerners” represented any of the prominent grassroots separatists, and participants were directly chosen by the president, as opposed to by self-nomination.

The NDC was a substantial financial investment that shifted donor contributions to Yemen, where the majority of donors enthusiastically created “NDC-support programs” for the youth and women. Some sponsors even funded parliamentary election programs, although no primaries were scheduled. The dialogue’s budget was estimated at 23.1 million USD¹¹ (real cost probably higher), none of which was provided by the Yemeni government. The majority of the NDC budget went towards the daily stipends of the 565 members, many of whom received 100-150 USD¹² a day, including costs of transportation, housing, and food services. Finally, the government reneged on their promise to designate a television channel and radio to “transparently” broadcast all of the events relating to the NDC.

Many of the committees in the NDC discussed topics that intersected; however, interexchange across the committees was rare. Additionally, some committees took over the agendas of other committees, like the “Consensus Committee” which took over some of the work of the “State Building Committee.” Disputes led to the creation of subcommittees, like the “8:8 Committee” that tasked 16 individuals with determining the fate of the Southern Issue - in essence, secession. Moreover, the “Peace and Transitional Justice Committee” struggled to determine the temporal scope of their mandate - for example, whether they should consider addressing grievances before north-south unity and/or post-revolution, and so forth. They also could not legally charge Saleh or his government, as they were granted full immunity by the GCC¹³. Finally, when the NDC concluded, the adoption process went off-course.

In theory, the dialogue would present all the conclusions to all the participants, who would vote on each outcome individually. In practice, the President asked if the attendees would delegate authority to him, and the crowd cheered in agreement, thereby bypassing any formalities or technicalities learned¹⁴ in the previous nine months. Ultimately, the President appointed a “Federalism Committee,” leaving the fate of Yemen’s system of government to a handful of individuals who within two weeks announced that Yemen would become six federal regions¹⁵.

¹¹ *MPTF Office Generic Annual Programme1 Narrative Progress Report Reporting Period: 1 January – 31 December 2013*, United Nations Development Group, 2013, *Yemen National Dialogue and Constitution Reform Trust Fund*.

¹² Members of The “Presidential committee” of the NDC received 10,000 USD per month.

¹³ “United States Defends Immunity Law for Yemeni President Saleh.” *The Guardian*, Associated Press, 10 Jan. 2012, www.theguardian.com/world/2012/jan/10/us-backs-yemen-immunity-for-saleh.

¹⁴ “According to the NDC process requirements, at the initial stage, an article must receive 90% of the vote among the committees in order to pass; otherwise it is sent to the Consensus Committee, which was established to oversee the dialogue process in order to maintain harmony. If the Consensus Committee modifies the article and sends it back to the committee, it must then receive 75% approval or it is returned again to the overseeing body. Finally, a modified draft must be passed by 55% of the committees. If it is not passed by the committee, the Consensus Committee and the dialogue president make the final decision on whether or not to move forward with the article.

¹⁵ The subject of Federalism has been a point of discussion amongst Yemeni politicians from 1990, then again in 1994 after the civil war and more prominently in the JMP’s meetings in 2009. The President gave an interview stating that he imagined Yemen to be a federal state with five to seven governorates in his first presidential visit to Aden. The topic was one of primary contention where political parties fiercely disagreed on the future shape of the state. Popular

Other outcomes were described as “outstanding” to relay their idealistic and at times, unrealistic consideration of Yemen’s status quo. These outcomes, including the six state-federal resolution, were added to Yemen’s new constitution, on which the country has yet to vote.

The NDC’s Outcomes and Yemen Today

The NDC concluded at the end of January 2014, three years after Yemen’s Arab Spring. Almost immediately, several political parties¹⁶ objected to the announcement of a six-federal state solution, and the Houthi group took a special issue¹⁷ to how it confines their region geographically from access to ports or resources. In September of 2014, the Houthis took advantage of the security and political vacuum created by Mr. Hadi’s limited authority, and after a short military campaign, they captured the capital Sana’a under the guise of political “reform.” Without military or political options, President Hadi negotiated with the Houthis in the signing of a “Peace and Partnership Agreement,”¹⁸ which effectively marked the collapse of the NDC’s political process. A few months later, President Hadi’s government resigned followed by President Hadi himself. Placed under house arrest by the Houthis, President Hadi escaped from Sana’a to Aden, where he withdrew his resignation, and then to Riyadh, where he sought asylum. Within days, on March 26, 2015, the Saudi-led coalition began its aerial bombing campaign against Houthi-controlled territories and the selective air and partial naval blockade to the entire country.

The GCC, once an arbitrator of peace amongst Yemen’s political elites, is now a main player in the Yemeni conflict. Moreover, the GCC itself is divided amidst the Qatar Crisis. The Kingdom of Saudi Arabia (KSA) and the United Arab Emirates (UAE) have separate regional spheres of influence in Yemen and disagree on the extent of the Yemeni government’s ability to lead. The Qataris went from backing the Saudi-led coalition to today strongly supporting Yemen’s Muslim Brotherhood, which has been sidelined in the conflict. Today, a more extensive dialogue would have to incorporate the interests of the KSA and the UAE, if they can determine their future economic and political goals for Yemen. Aside from “restoring President Hadi back to power,” the Arab coalition’s objectives remain mysterious.

Today, after more than four years of conflict, Yemen is the world’s worst humanitarian crisis. The Houthis control the majority of territory in the “north” of Yemen, while the majority of “south” of Yemen remains under the control of the internationally recognized Yemeni government and its international backers where local actors other than the Houthis dispute the legitimacy. In 2013, the main topics of contention were the “Sa’dah Issue” and the “Southern Issue,” where a hasty federalism announcement meant to alleviate their grievances,

opinion today views that two federal regions (pre-unity structure) or 22 (one for each governorate) would have been a better choice than six.

¹⁶ “Yemen to Become Six-Region Federation.” *Al Jazeera America*, 10 Feb. 2014, america.aljazeera.com/articles/2014/2/10/yemen-to-become-sixregionfederation.html.

¹⁷ “*Yemen Al Houthi Rebels Slam Federation Plan as Unfair*”. *Gulf News*, 29 Oct. 2018, gulfnews.com/world/gulf/yemen/yemen-al-houthi-rebels-slam-federation-plan-as-unfair-1.1289512.

¹⁸ The translation of the treaty

https://peacemaker.un.org/sites/peacemaker.un.org/files/YE_140921_PeaceNationalPartnershipAgreement_en.pdf

consequently deepened it. What was approached as a marginal issue has transformed into a large-scale nationalism crisis. The war has left Yemen with several geographically and politically distinct, yet ultimately interlinked, conflicts.

The geographical structure of the current conflict exacerbated existing geographical tensions between “north” and “south” Yemen. Abandoned by the national government, the people under the Houthi-control feel neglected by the government amid an air bombing campaign that only targets their portion of the country, causing some to resort to the Houthi militia for preservation. For years now, the Houthis have run Yemen’s original state institutions since their capture of Sana’a. In the south, a new armed faction of the formerly pacifist Hiraq has come to power, represented in the Southern Transitional Council (STC). Other separatist movements continue to exist in parallel. The city of Ta’izz, Yemen’s most brutal conflict zone, has lost its traditional pre-war Islah-GPC balance. New political actors have divided the city based on their respective political interests, where the Nassirites, Yemeni Socialist Party, the Salafis, and the Houthis have a new stake in the city. The governorates of Marib, Hadhramout, and Al-Maharah are exhibiting financial symptoms of autonomy, further complicating the distribution of power and the sharing of resources across the country.

The most recent UN-brokered negotiations between Yemen’s primary warring parties resulted in “The Stockholm Agreement,¹⁹” on December 13, 2018. The final agreement required three main actions agreed to by both the government and the Houthis. It took five months to implement one, and two remain unfulfilled - signaling to the rest of the world that there is yet a genuine will for peace between the warring parties. As a consequence of the Houthi and government’s renunciation of peace, the international community continues to assume the responsibility of a middleman. Due to the lack of international options, peace mediators continue to resort to the NDC experience and its outcomes for future resolution even though there have been several informal meetings, and track II initiatives held in different countries around the world, mainly in Germany and Jordan.

These international discussions hardly involve local actors outside of the familiar faces of the 2012 NDC process. The stakeholders of the NDC era will not be the same as those in the post-war period. While some remain the same, new militarized stakeholders have emerged nationwide. Processes of disarmament and demilitarization of zones must occur in parallel with an innovative transitional process. In this context, the demobilization of foot soldiers and their reintegration and rehabilitation into post-war society must be prioritized. The reparations made to victims of the conflict (deaths) must become the collective responsibility of the state rather than that of the party responsible. To limit bloodshed and diffuse vendettas, the topic of transitional justice and national reconciliation should be at the core of future dialogues.

The grievances that many governorates face today exist outside of the Houthi-government or the Saudi-Iranian paradigm. A cross-examination of Yemeni objections points to the necessity of several dialogues; local, subnational, national and regional, while being mindful of the historical successes: the empowerment of the youth and women. Based on the Yemeni experience,

¹⁹ The Stockholm Agreement <https://osesgy.unmissions.org/full-text-stockholm-agreement>

future negotiations cannot succeed under weak leadership and in the absence of an effective government. Shorter, informal, organic, and simultaneous dialogues should be encouraged. Ultimately, the precondition to any fruitful dialogue is peace.