CHALLENGES FOR YEMEN’S LOCAL GOVERNANCE AMID CONFLICT

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EXECUTIVE SUMMARY

Local councils are among Yemen’s most important state institutions. Responsible for providing basic public services to millions of Yemenis, local councils represent official governance and the Yemeni state for much of the population. The intensification of the ongoing conflict between the internationally recognized government and the Houthis since March 2015, however, has heavily impacted funding and security for local councils, undermining their ability to provide services effectively in most areas of the country. The reduced capacity of local councils to function is cause for much concern as the conflict rages on and Yemen’s economic and humanitarian crises deepen.

With an aim to inform stakeholders on options for supporting local councils in the near and long term, this policy brief, which is based on a more extensive White Paper, provides insight into the current challenges that local councils face. The first section provides a view of how local governance throughout Yemen is evolving amid conflict and instability. As the conflict creates a political and security vacuum, non-state actors have stepped in to provide services at the local level. Despite the conflict’s negative impact on their ability to operate, however, local...
councils have acted to coordinate humanitarian aid and to mediate conflict at the local level. In the north, Marib governorate has pushed for greater local autonomy, and, like Hadramawt in the south, has achieved a degree of success in effective self-governance.

Regardless of how the conflict progresses, stakeholders in Yemeni governance must seek not merely to prevent local governance structures from collapse, but also plan in advance to enhance the capabilities of local councils in post-conflict scenarios. As such, the third section of this brief provides recommendations for local, regional and international actors to support local councils in the short term while building towards a longer-term post-conflict stability.

**EVOLVING LOCAL GOVERNANCE DURING THE CONFLICT**

In many areas of Yemen, as the political and security vacuum has widened, local power brokers, including local authorities, have begun to operate with a greater degree of autonomy. Local actors have become increasingly disconnected from developments occurring elsewhere in the country and are more inclined to pursue their own agendas, at times with the support of their respective regional backers. This has led to a rise in non-state actors exerting their influence in local affairs, including the Houthis and a growing variety of actors in southern Yemen.

**Houthis, AQAP, and Salafis**

As the conflict has unfolded and the state’s already limited ability to provide services and security for its citizens has continued to erode, in many areas civilians’ trust in local councils has fallen. In the absence of effective formal governance non-state actors — often armed groups — with greater resources at their disposal have increasingly exerted influence in local affairs.

In Yemen’s north, with the exception of Marib and al-Jawf, the Houthis have exerted influence at the local level through so-called “Popular Committees”. Although the Houthis have not made any substantial changes to the local governance framework, they have at times redirected funds earmarked for local development projects. They monitor local councils located in areas under their control to ensure local councils distribute revenue and channel external humanitarian aid consistent with the agenda set by the Houthi leadership.

In 2015, al-Qaeda in the Arabian Peninsula (AQAP) took control of Mukalla in Hadramawt governorate. AQAP integrated itself among local communities by providing social welfare programmes and supplying Mukalla with food and water despite shortages in other areas. Although AQAP’s presence was not unopposed, the group continued to govern until its

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withdrawal from Mukalla in April 2016. After AQAP’s withdrawal, local authorities in the city struggled to provide services and now depend on external support from international organizations and the Saudi-led coalition.

In other cases, militias fighting on the same side of the conflict nonetheless act in competition when it comes to local governance. In Taiz governorate, where Houthi-Saleh forces began laying siege to Taiz city in March 2015, the Saudi-led coalition, and particularly the UAE, has assisted the rise of Salafi militias. The UAE’s reluctance to engage with Islah — due to the party’s links with the regional Muslim Brotherhood — meant that it turned to other anti-Houthi groups, such as the militias headed by Salafi military commander Adel Abdu Farea, more commonly known as Abu al-Abbas. The UAE’s support of Abu al-Abbas fuelled animosity between his men and Islah-affiliated militias, which on several occasions has led to the outbreak of clashes between these supposedly pro-government factions as they compete for influence on the ground.

Southern Yemen

The 2015 Houthi-Saleh takeover of several southern districts was debilitating for local institutions providing public services. After retaking these areas, the Saudi-led coalition — and the UAE in particular — assisted in restoring some services. However, the coalition’s backing of multiple, sometimes competing authorities in different sectors, especially security, generated tension and made effective local governance difficult.

As in Taiz, local councils in Aden have been forced to withstand the pressure of regular infighting among competing armed groups. In the southern port city of Aden and across south Yemen more broadly, the conflict has intensified calls for the establishment of a new, independent southern state. The UAE has supported various political and security actors who advocate for southern independence.

In April 2017, Yemeni President Abdo Rabbu Mansour Hadi, objecting to the UAE’s ties to southern secessionists, fired a number of southern leaders from his government. The following week these leaders formed the Southern Transitional Council (STC) and rapidly began

5) Joscelyn, “Arab Coalition Enters AQAP Stronghold in Port City of Mukalla, Yemen.”
establishing a parallel structure for local governance across southern Yemen. As the local clout of southern secession leaders has increased, the standing of the Hadi government has decreased. Critics of the Hadi government claim that public service delivery in Aden is being held up by the government’s economic mismanagement and outright corruption.

The continued competition between secessionist forces and Hadi loyalists is destabilizing for local councils in southern Yemen. Anomosity in Aden between local UAE-backed forces and other armed factions loyal to Hadi has repeatedly boiled over, with the most recent of many clashes occurring at the end of January 2018. Clashes between the two groups prevent local councils from operating in a secure environment. Aside from the threat of violence, local councils are vulnerable to interference by armed militias eager to assert themselves at the local level.

At the same time, both sides actively interfere in the work of local council members in order to advance their own agendas. Interviews with local council officials reveal some of the challenges facing their work in Aden:

- Local councils face excessive changes in leadership, which hampers the ability to carry out long-term work.
- Local councils lack clear planning over both the short and long term, and instead are forced to repeatedly address urgent issues.
- Local councils lack a clear and well-supported budget, causing their work to be temporary, variable, and dependent upon the support of external actors such as the Emirati Red Crescent.
- The internationally recognized government has reduced their functions, leaving them without effective power on the ground.
- Service authorities and utilities are ineffective, reducing the ability of local councils to provide services.
- NGOs bypass the local councils as an implementation mechanism, and a lack of partnerships with these organizations has caused NGOs to lose valuable context that could make their interventions more successful.
- Multiple sources of authority exist, including security forces which seek to impose their desires on the activities of local councils.

LOCAL COUNCILS DURING THE CONFLICT

As the overarching conflict has intensified and spread in the past three years, there has been a breakdown in local security. Local police forces and the branches of the judiciary that once helped to maintain a degree of order at the local level have been unable to provide a secure environment in which local authorities can operate. At the same time, local councils have

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lost much of their funding: in 2015, the internationally recognized Yemeni government, experiencing a sharp reduction in oil and gas revenues due to the conflict, halved the funds it provides to local councils. The January 2018 budget limited the funds allocated to local authorities to paying salaries and covering only 50 percent of operational expenditures. The deterioration of the Yemeni economy has left most local councils unable to collect utility taxes, permit fees, or zakat revenues. While some local councils receive donations from Yemeni businessmen and institutions, most are left without the funds to provide services. The lack of funds has been particularly marked for local councils located in Houthi-controlled areas, due in part to redirection of funds by the Houthis.

However, despite struggling to provide services, local councils have helped to coordinate the flow of external humanitarian aid during the conflict. In a number of governorates, local council members transmit information to international non-governmental organizations (INGOs) through semi-informal communication channels, assisting with humanitarian needs assessments. They have also helped to prevent the spread of cholera by channelling external support to local health facilities. In some instances, local councils in Yemen have played a role in facilitating conflict resolution at a local scale, coordinating local ceasefires, ensuring safe passage of humanitarian aid across frontlines, or organizing prisoner exchanges between warring parties.

**Hadramawt: A Degree of Financial Autonomy**

Hadramawt, in eastern Yemen, is the country’s largest governorate and most prolific oil producer. Many in Hadramawt have long been frustrated with the lack of oil revenues reinvested into the governorate. Hadramawt’s desire for greater control over — and an increased share in — its own economic resources was one of the central demands made at the Hadramawt Inclusive Conference (HIC) held in April 2017. Since its establishment, HIC and other members of Hadramawt’s socio-political elite have made the governorate’s participation in any future federal state — or an independent southern state — contingent upon it receiving a larger share than it currently does of the revenues from its own resources. Specifically, the HIC demands that 20 percent of oil revenues extracted from Hadramawt be reinvested back into the governorate. It is highly unlikely that local Hadrami officials would be willing to

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11) Baron et al., “Essential Role of Local Governance;” Oil production has declined annually since 2001. This has placed Yemen’s economy under increased pressure, despite the 2009 opening of Yemen’s liquified natural gas (LNG) terminal in the Balhaf, Shabwa governorate. In 2014, approximately 70 percent of the national budget came from Yemen’s oil and gas resources. Following the escalation of the conflict in March 2015, oil and gas production in Marib, Shabwa and Hadramawt governorates stopped, subsequently depriving Yemen of its major source of revenue. In 2015, there was a 54 percent year-on-year decrease in state revenues for the annual budget.

12) Researcher interview with confidential source with close ties to CBY in Aden, June 2018.

13) Zakat is an “Islamic tax” or financial obligation imposed on all Muslims who meet the necessary wealth criteria.

14) Researcher interviews conducted with local council directors and members in Houthi-controlled areas, September 2017.


17) A total of 160 participants attended the conference, which led to the appointment of 52 members that make up the HIC executive decision-making authority.

adhere to the former decentralization mechanism defined by the Local Authority Law (LAL) of 2000, which is the legal framework that formally established local councils as government entities.\(^ {19} \)

The internationally recognized government appears to be taking seriously Hadrami demands for a greater share of resource revenues: it now pays the Hadramawt Tribal Confederation (HTC) and Petro Masila, the local oil company that runs the Masila (Block 14) oil field, for access to the field.\(^ {20} \) It also sends payments of cash or fuel to local authorities and the UAE-backed Hadramawt Elite Forces in the coastal city of Mukalla for access to the oil export facilities located there.\(^ {21} \) These payments help to lessen the burden on local councils.

There is also a substantial network of wealthy Hadrami businessmen living in neighbouring Gulf countries; during the conflict, these businessmen have played a significant role in financially assisting local councils to provide services and implement local development projects.

These various revenue streams have thus allowed the authorities in Hadramawt to continue to operate – and with a degree of local autonomy – insofar as they are able to regularly pay civil servant salaries, invest in local services, and finance the development and maintenance of electricity, water and sewage infrastructure.

**Marib: Effective Local-Governance\(^ {22} \)**

Prior to the current conflict, and despite the presence of vital energy resources, Marib lacked infrastructural development due to the central government’s monopolization of oil and gas revenues.\(^ {23} \) The current conflict has, however, led to a change in fortune for Marib. The protection offered by Saudi-led coalition forces, coupled with Marib’s own robust and united security apparatus, has allowed the governorate to enjoy a comparatively high level of security.\(^ {24} \) From this position of relative security, in mid-2017 Marib negotiated a deal with the internationally recognized Yemeni government for the governorate to keep up to 20 percent of revenues from oil extracted in the governorate, over which the central government had previously had a total claim.\(^ {25} \)

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19) Researcher interview with Dr. Abulkader Ba Yazid, Jordan, September 2017. The central government in Sana’a issued the Local Councils Law in 2000 as a way to try and address calls for greater regional autonomy, particularly among the Houthis in the north and the Southern Movement. The law stipulated that, while the central government would maintain control of foreign policy and national security – and would retain the ability to veto local action – local councils now had responsibility for running day-to-day affairs. The law effectively made local councils one of the most important public institutions in Yemen. Local councils were to be directly elected and were to have greater decision-making authority over financial resources and the implementation of development programs. Although oil and gas revenues remained in the hands of the ruling authorities in Sana’a, local councils were permitted to collect commercial taxes and to tax residents for the use of state-operated utilities such as water and electricity.


22) Large portions of this sections are based on the following: researcher interviews with local council directors in Marib, November 2017; "Yemen's Urban–Rural Divide and the Ultra-Localisation of the Civil War," workshop organized by the London School of Economics Middle East Centre, March 29, 2017, London, UK.

23) According to Yemen’s national statistics, less than 1 per cent of total government expenditures were allocated to Marib in 2015.


25) Despite the agreement between Marib and the internationally recognized government, as of this writing ongoing disputes
The agreement reflects a broader effort by Marib’s local governing authorities to take ownership of its oil, gas, and electricity facilities. Since the agreement, local councils have helped to keep energy facilities functional and to increase capacity through consultations with local stakeholders. They supervise the timely distribution of oil, diesel, and gas derivatives to Marib homes. Unlike many local councils in Yemen, they provide public services and coordinate local development projects.

Since taking control of a larger share of natural resource revenues, Marib’s relative economic boom has led tens of thousands of internally displaced persons (IDPs) to seek refuge in Marib. Despite this influx, Marib is benefiting from a period of relative stability and sustained economic development. In Marib, civil servants are paid and public services are generally provided. Decision making in the local governance model generally includes consultations with various societal groups, even while the authorities remain intolerant of direct political dissent. The governorate has thus come to represent a unique and reasonably effective decentralized model of local governance in Yemen bolstered by the unity of the population, tight-knit security, and economic resources.

The inability of the central government during the conflict to respond to local needs prompted Hadramawt and Marib, two relatively resource-rich governorates, to exceed the legal mandate bestowed upon them by the 2000 Local Authority Law. In both governorates, there is an emerging model of local governance that other governorates could follow, whereby the local community has been more included in decision-making and managing local affairs than it was prior to the conflict, with this being facilitated by both the development of local resources and support from the central government.

CONCLUSION

Since their inception, local councils have been a critical governing institution in Yemen. However, the ongoing conflict has severely impacted their ability to provide essential services to their communities at a time when humanitarian and economic crises are worsening. In some areas, non-state actors compete to provide services, thereby undermining the trust of Yemeni citizens in local councils. In other areas, local authorities have evolved fairly successful forms of self-governance in the absence of an effective centralized government.

This policy brief has sought to illuminate the challenges faced by local councils during the ongoing conflict. Local, regional and international actors concerned to establish stable and effective governance in Yemen must actively support local councils to meet these challenges. Some current examples, such as Hadramawt and Marib, may guide the future shape of local governance in Yemen. Local councils should play an important role in any future post-conflict reconstruction process, but bolstering local councils should not wait until the end of the conflict. Given how critical a role local councils have played in governance for nearly two decades, they promise to be valuable partners in rebuilding trust and stability.

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26) Marib-based journalist Ali Aweidah, speaking to the researchers in June 2018, estimated that Marib’s population grew from some 240,000 people at the beginning of the conflict to some 2.4 million as of this writing.
RECOMMENDATIONS

Bolster CBY Capacity to Support Local Councils

Regional and international stakeholders should coordinate efforts to restore the CBY to a fully functioning unified national entity. From the onset of political unrest in 2011 until just before the relocation of CBY headquarters in September 2016, the central bank played a vital role in maintaining local councils’ ability to deliver basic services by continuing to disburse civil servant salaries and helping to cover operational costs. It is currently difficult for local councils in any of Yemen’s 22 governorates — with the exception of Marib, and to a lesser extent Hadramawt — to secure sufficient operational revenues.

Facilitate State Budget and Financing Mechanisms

The international community should take constructive measures to develop a mechanism between the warring parties for the nationwide collection of state revenues such as taxes and customs. The re-establishment of public services in all areas would provide the incentive for the parties to collaborate in this effort. A state budget that reflects the current situation in Yemen will ensure that greater financial support is provided to local councils. The Social Fund for Development (SFD), a quasi-governmental poverty reduction body, can channel allocated revenues to local authorities and can jointly implement public service projects.

Employ Local Councils in Service Provision and Aid Delivery

International donors and INGOs should enlist local councils as liaison points with local organizations and private sector actors. This approach will increase the councils’ legitimacy and encourage the local community to unite under formal government structures. It may also create a more decentralized service delivery model, which in turn may extend the reach of reconstruction efforts. Any support filtered through the local councils must include an oversight mechanism to avoid misappropriation of funds.

Create an Official Framework for Devolving Authority to Local Councils

The internationally recognized government should issue temporary regulatory instructions to devolve more of its powers officially to the governorate and district level by:

- authorizing local councils to access and develop sustainable resources at the local level, and to spend the associated revenue on their needs;
- allocating a share of sovereign resources to each governorate based on transparent financing criteria;
- ensuring that local councils have sufficient administrative powers to supervise service provision, govern effectively and deter local patronage networks;
- allowing local councils to nominate leaders to formal positions in local security units and supervise the performance of these units; and
- granting local authorities the power to work with international donors in meeting humanitarian and development needs at the local level.

27) Researcher conversation with a source with close ties to the CBY in Aden, June 2018.
Rebuild and Professionalize Local Judiciary and Security Services

International stakeholders should target the implementation of local capacity-building programs that improve the performance of the local judiciary and security services. This may also entail financial support to rebuild and improve their capital infrastructure. This will allow judiciary and security services to operate effectively and maintain legitimacy. While acknowledging local complexities, international stakeholders should discourage parties to the conflict and regional players from intervening in the activities of the local judiciary or creating competing entities that undermine state legitimacy.

Support Inclusive and Responsive Local Governance

INGOs and other actors should support community-driven initiatives constructed in such a way that they reinforce the effectiveness of, rather than circumvent, official local government institutions. Promoting bottom-up, inclusive local governance will help to avoid claims of bias or discrimination while curbing the appeal of non-state actors as alternatives to the state.

Undertake a Comprehensive Assessment

A comprehensive and realistic assessment of which individuals and groups are in control at the governorate and district levels, as well as an assessment of these entities’ capacities to provide services, will help domestic policy-makers (with the support of the international community) to develop post-conflict strategies to restore state functions, such as the provision of security and public services.

*Note: This document has been produced with the financial assistance of the European Union and the Embassy of the Kingdom of the Netherlands to Yemen. The recommendations expressed within this document are the personal opinions of the Development Champions Forum participants only, and do not represent the views of the Sanaa Center for Strategic Studies, DeepRoot Consulting, CARPO, or any other persons or organizations with whom the participants may be otherwise affiliated. The contents of this document can under no circumstances be regarded as reflecting the position of the European Union or the Embassy of the Kingdom of the Netherlands to Yemen.
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In 2012 he was appointed to the Preparatory Committee for Yemen’s Conference of National Dialogue, before resigning later the same year in protest of the committee’s exclusionary policies.

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ABOUT THE “RETHINKING YEMEN’S ECONOMY” INITIATIVE

This two-year project, which was launched in March 2017, is an initiative to identify Yemen’s economic, humanitarian, social and developmental priorities in light of the ongoing conflict in Yemen and to prepare for the post-conflict recovery period. The project aims to build consensus in crucial policy areas through engaging and promoting informed Yemeni voices in the public discourse, and to positively influence local, regional and international development agendas.

The project has four components: (1) in the Development Champions Forums, Yemeni experts and professionals in social and economic development will identify key issues for intervention and provide recommendations towards tackling these issues; (2) in the Research Hive, the project consortium will – based on the issues and recommendations of the Development Champions – conduct research and identify best practices and lessons learned from international experiences to create knowledge capital for the Rethinking Yemen’s Economy initiative; (3) in the public outreach component, the consortium will implement consultation workshops with local stakeholders, including the private sector, youth and civil society organizations; moreover, campaigns through both traditional and social media outlets will be conducted to engage the wider Yemeni public; (4) and through regional and international engagement the consortium will inform stakeholders of project outcomes and aim to motivate and guide the international community’s policy interventions to the greatest benefit of the people of Yemen.

Implementing Partners

The project is implemented by a consortium of the following three partners:

The Sana’a Center for Strategic Studies (SCSS) is an independent policy and research think-tank that provides new approaches to understanding Yemen and the surrounding region, through balanced perspectives, in-depth studies and expert analysis. Founded in 2014, the SCSS conducts research and consultations in the fields of political, economic, civil and social development, in addition to providing technical and analytical advice regarding key issues of local, regional and international concern.

DeepRoot Consulting is a dynamic social enterprise passionate about Yemen’s development. DeepRoot aims to help international development actors, the private sector, local civil society organizations and the Yemeni Government anchor their interventions in a deep understanding of Yemen’s national and local contexts, and international best practices. Our leadership team and advisory board has decades of combined experience working in Yemen and internationally in the public, private and nonprofit sectors.

The Center for Applied Research in Partnership with the Orient (CARPO) is a Germany-based organization whose work is situated at the nexus of research, consultancy and exchange with a focus on implementing projects in close cooperation and partnership with stakeholders in the Middle East. The CARPO team has long-standing experience in the implementation of projects in cooperation with partners from the region and a deep understanding of the Yemeni context.

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