THE NEED TO BUILD STATE LEGITIMACY IN YEMEN

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Cover photo: Batch of police graduated in Taiz, July 2018.
By: Ahmed Basha

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ACRONYMS

FLOSY	Front for the Liberation of Occupied South Yemen
GCC	Gulf Cooperation Council
GPC	General People's Congress
HIC	Hadramawt Inclusive Congress
IMF	International Monetary Fund
JMP	Joint Meeting Parties
NDC	National Dialogue Conference
NGO	Non-governmental organization
NLF	National Liberation Front
PDRY	People›s Democratic Republic of Yemen
STC	Southern Transitional Council
UAE	United Arab Emirates
UN	United Nations
YAR	Yemen Arab Republic
YSP	Yemen Socialist Party

EXECUTIVE SUMMARY

The ongoing conflict in Yemen has severely strained state legitimacy in the country. Legitimacy, a key component of state sovereignty, reflects a "social contract" between the state and the people it governs: an agreement on how power is exercised and how resources are distributed. A state's legitimacy derives in part from its ability to deliver public services, ensure economic stability, and provide security. After three years of conflict, Yemen's already fragile state institutions are unable to meet the most basic needs of the Yemeni people, intensifying the country's economic and humanitarian crises.

Struggles over political authority are not a new development in Yemen. From its creation in 1962 until unification with its southern neighbor in 1990, the Yemen Arab Republic in northern Yemen experienced a number of coups and recurring civil war. In southern Yemen, the People's Democratic Republic of Yemen enforced a vision of state legitimacy that relied on totalitarian governance from 1967 until its own civil war erupted in the mid-1980s. Following unification of Yemen's north and south in 1990, tension between the two former states grew over how power and resources were divided, resulting in a civil war in 1994. President Ali Abdullah Saleh's decisive victory in the civil war was followed by years of Saleh consolidating power and ultimately violating the terms of Yemen's constitution. In the 2000s political opposition increasingly began to question the legitimacy of Saleh's rule, culminating in an uprising in 2011.

Following the uprising, the Saudi-brokered Gulf Cooperation Council (GCC) Initiative attempted to shore up the legitimacy of the Yemeni state. The initiative established a transitional process through which President Abdo Rabbu Mansour Hadi succeeded Saleh as president with the official recognition of the international community. However, the transitional process fell apart and the Hadi government was removed from power by Houthi forces through the later half of 2014.

Now, after several years of conflict, the Hadi government has lost most of the political support it once had. Some political leaders still nominally ally with Hadi to benefit from the sheen of legitimacy that still attaches to the internationally recognized government. However, in areas that the internationally recognized government claims to control, local leaders often ignore or openly defy its policies. Neither the Hadi government nor the de facto authority of the Houthis in Sana'a are able to provide basic services to the Yemeni people. In southern Yemen, the movement for independence is gaining strength, backed in part by the United Arab Emirates (UAE). As the conflict continues, the crisis of state legitimacy in Yemen deepens.

While there remains the question of whether there are the resources or the political will to address the crisis of state legitimacy in Yemen, there are various avenues that key stakeholders can pursue to this end. Recommendations include:

- **With the conflict still ongoing, the Yemeni government must:** take steps to protect what remains of state institutions; begin to establish a monopoly on violence by integrating all military and security units under a unified leadership; fund basic service provision through the resumption of oil production; work closely with local authorities to address institutional weaknesses at both the central and local level; and relocate government personnel based outside Yemen back inside the country.

- **During a post-conflict transitional process, the Yemeni government must:** introduce reforms across state institutions to promote broad participation, transparency and accountability; ensure the post-peace settlement transitional process is designed to be inclusive and to reflect the country's social and political structures; emphasize a "bottom-up" approach in designing the electoral and political process; recognize that the level of previous centralization is no longer viable; and recognize the need for transitional justice to address grievances from previous conflicts and mistreatments.

- **Members of the Saudi-led military coalition must:** shift their mentality to regard Yemen as a nation in its own right, rather than a playing field upon which to pursue their own geopolitical and regional agendas; refrain from supporting non-state armed proxy groups in Yemen; adopt more transparent collaborative and effective mechanisms to provide humanitarian support in Yemen; and in the event of a post-conflict transition process, refrain from interfering in how Yemenis to choose how to rebuild their social and political structures.

- **The international community must:** ensure that the legitimacy of the Yemeni state is a key issue in designing future political processes and a transitional government; recognize that Yemen has a complex social and political structure, and that understanding it is the first step towards helping to shape the upcoming peace and political processes; and help to establish an inclusive transitional process that engages actors outside of traditional political parties.

INTRODUCTION

The government of Yemen, headed by President Abdo Rabbu Mansour Hadi, is oftentimes referred to in colloquial shorthand as simply "The Legitimacy". Over the course of the past six years the international community has also continually reiterated that it regards Hadi and his government as Yemen's sole legitimate governing authority. The irony is, however, that Hadi government – which since its inception never had more than a tenuous grip on power – has today almost completely lost its ability to govern and is largely perceived among Yemenis as an authority in name only. For instance, in areas supposedly controlled by the internationally recognized government, local leaders openly follow their own agendas.

The Hadi government and its primary Yemeni adversary in the ongoing conflict, the Houthi forces, have both largely lost the trust of the people over whom they supposedly rule. This is predominantly the result of both parties failing to address the basic needs of the population. Secessionist groups in southern Yemen are gaining strength, while the Saudi-led military coalition intervention in the war in support of the Yemeni government has, at the same time, also undermined Hadi's authority and legitimacy on the ground.

As this paper will examine, the current crisis of state legitimacy is, unfortunately, not a historical aberration for Yemen. Before unification in 1990, both the northern Yemen Arab Republic (YAR) and the southern People's Democratic Republic of Yemen (PDRY) lacked solid social contracts between state and people. As a result they regularly experienced instability and conflict. Following unification in 1990, tensions over legitimacy continued between and within the two former states, erupting into civil war in 1994. In the years following, opposition to President Ali Abdullah Saleh's political dominance eventually culminated in the 2011 uprising, as the legitimacy of his rule began to evaporate. The following year a transitional arrangement saw Saleh step down and Hadi assuming the role of head of state. As will be discussed below, however, this transitional arrangement fared little better in establishing state legitimacy.

State legitimacy within the Yemeni context

"Legitimacy" is widely considered a key component in state sovereignty. As a human perception and construction, however, the concept of legitimacy inherently involves a degree of subjective ambiguity. For the sake of this paper, state legitimacy will generally be viewed as the "social contract"[1] between the state and the people it governs, whereby

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1) Alina Rocha Menocal, "State Building for Peace: A New Paradigm for International Engagement in Post-conflict Fragile States?" *Third World Quarterly 32*, no. 10 (2011): 1715-1736, https://doi.org/10.1080/01436597.2011.610567.

the people, implicitly or explicitly, agree to submit to the authority of the state in exchange for the benefits – such as services and security – which the state provides. State legitimacy is thus the understood agreement on how power is exercised and how resources are distributed.[2] The state's monopoly on the use of violence is usually understood as a necessary for its legitimacy. In addition, the more the various disparate groups within society feel their interests are included and represented by the state, the broader the state's legitimacy will be.

The authority of the state in Yemen, however, has not developed in a typical Westphalian manner. Throughout its history, governing parties – or those attempting to govern – have generally sought to secure their position not by establishing a social contract with the population, but rather by establishing and maintaining interwoven and offsetting alliances among the country's social, political, economic, military and tribal elites.[3] These elites wielded influence over their particular constituency to grant social acquiescence for the governing party, while simultaneously using their access to state mechanisms and institutions to project and reinforce their authority over their own constituency.

Such dynamics resulted in rivalries among elites for authority within government institutions, thus stunting the development and effectiveness of these institutions. It also removed from general public perception the idea that the state provides for the people; instead, access to the elites was seen as the route to securing public services and security. All of these factors thus helped to prevent the Yemeni state from accumulating the social capital requisite for projecting a strong public image of its own legitimacy.

Regional powers – and particularly Saudi Arabia – also have a long history of exercising influence over the governing authorities in Yemen. Riyadh has also long fostered relationships with, and offered support for, various local actors in Yemen outside of the state. This has often allowed non-state actors to act independently of, and at times in conflict with, state dictates. As will be discussed below, during the current conflict the UAE has established numerous paternalistic relationships with groups in Yemen's south – groups that have used this support to further an agenda that is clearly at odds with the Yemeni government.

Yemen's legacy of weak state legitimacy thus continues to be a key factor in the country's chronic instability and insecurity. This paper assesses the roots of this crisis of legitimacy both before and after unification in 1990; the state-citizen relationship and how it reflected, or failed to reflect, the country's social structures;[4] and the efforts of the international community, which sought to buttress — but in the process actually undermined — state legitimacy in Yemen.[5] The paper also presents steps by which the Yemeni state can begin to rebuild the social contract with the people it claims to govern.

2) K. Papagianni, "Participation and State Legitimation," in *Building States to Build Peace*, ed. Charles T. Call and Vanessa Wyeth (Boulder: Lynne Rienner Publishers, 2008).

3) Abdulelah Belgiz, "The Crisis of Political Legitimacy in the Arabic Political System," *Future Magazine*, August 2010, 86.

4) Al-Nageeb, Khaldoon. *Hemogenic Power in the Modern Middle East: A Structural Comparative Study* (Arab Unity Center for Studies, 1991), 64-69.

5) Galyoun Burhan The Arab Crisis: *The State against Nation* (Arabic Center for Policy Analysis and Studies, 2015), 248.

THE CRISIS OF STATE LEGITIMACY IN YEMEN: A HISTORICAL OVERVIEW

Northern Yemen from 1962 until the 1990 Unification

In northern Yemen, the Yemen Arab Republic (YAR) was declared in 1962 following a revolution to overthrow the monarchy that had ruled since the collapse of the Ottoman Empire. Adopting the Nasserite principles of Arab Nationalism, YAR was the first officially declared republic on the Arabian peninsula.

The Saudi monarchy considered the new republic a direct threat. With Saudi support, monarchists engaged in a civil war with the republicans. Amid the civil war, the new state struggled to build solid institutions and legal foundations. Internal rifts among republicans also led to a coup in 1967 against the first republican president, Abdullah al-Salal, who was supported by leftists.[6] Republicans united to achieve a victory over Saudi-supported monarchists in Sana'a in January 1968.[7] The end of the civil war did not bring stability, however. Conservative republicans later allowed the exiled Saudi-supported monarchists to join the national reconciliation government in 1970.[8][9] In response, leftist republicans formed the National Front *(al-Jabhah al-Wataniah)*, an armed resistance group supported by South Yemen that launched guerrilla attacks against the government for more than a decade.

From 1973–1977, President Ibrahim al-Hamdi established state institutions to provide basic services to citizens, fostering an improved state-citizen relationship and thereby enhancing the state's public legitimacy. However, he was assassinated in 1977 by his vice president Ahmed al-Gashmi who, after assuming the presidency, was in turn assassinated several months later. In 1978, Ali Abdullah Saleh took over the presidency, put down a military coup and ended the armed conflict with the National Front. He ruled North Yemen until unification in 1990, and was then president of unified Yemen until 2011. Saleh managed to establish the first political party, the General People's Congress (GPC), and issued the National Charter (al-Methaq al-Watani) which, prior to unification, acted as the constitution of northern Yemen.

6) Elina Julufakia, *The Political Evolution of the Yemen Arab Republic*, trans. Mohammed al-Bahri (Sana'a: Yemen Center for Research and Studies, 1993), 62, http://www.alyemeny.com/library/AlYemeny7322.pdf.

7) Omar al-Jawai, "Sana'a Siege: Press Report," *Labour Voices Press*, Aden, 1975.

8) Edgar Opelance, *The Revolution, and the War until 1970*, trans. Abdul Khaliq Mohammed Lashid (Cairo: Madbouli Library, 1990), 313-333.

9) The agreement between Yemen and Saudi Arabia with regards to the return of the exiled monarchists stipulated that monarchists would have a seat in the presidential council, which was the Supreme Council for the republic, 12 seats in the national council (parliament then), deputy speaker of the national council, four ministries, and diplomatic positions.

Southern Yemen prior to the 1990 Unification

The legitimacy of the state in South Yemen was compromised by continuous power struggles. In October 1963 the radical leftist National Liberation Front (NLF) and the reformist Front for the Liberation of Occupied South Yemen (FLOSY) began an armed struggle for independence from British colonial rule that lasted until November 1967. As the more radical group, however, the NLF was able to marginalise the FLOSY from the political scene in South Yemen. This led to the NLF being recognized by the international community and leading the Yemeni delegation in negotiating Britain's withdrawal. This paved the way for the NLF to form the People's Democratic Republic of Yemen (PDRY). However, conflict within the NLF's leadership left the PDRY in a state of turmoil.

In 1969, Abdulfatah Ismail and Salem Rubaih Ali Salmeen led a radical leftist coup that deposed Qahtan Muhammad al-Shaabi, the first president of the PDRY. Salmeen subsequently became president, only to be later killed by Ismail and Ali Nasser, another NLF leader, following a political dispute. Coming out of this period the PDRY state attempted to enforce its legitimacy through a heavy-handed ideological indoctrination.[10] The Yemen Socialist Party (YSP), established in 1978, united all the leftist groups in southern Yemen. It governed the state through a one-party system, with centralized public control over the means of production. Individuals relied entirely on the state to provide them with basic services.

In 1986 a civil war, known as the Events of '86, broke out among different leaders of the YSP. The war culminated in a fierce and bloody 10-day armed conflict in which some 11,000 people were killed, among them more than 50 of the national independence movement leaders. As the YSP's faction led by Ali Salem claimed victory in 1986, he continued his negotiations with his northern counterpart to unify both states.

Crises following Unification

North and South Yemen formerly unified on May 22, 1990 to create the Republic of Yemen. Discussions regarding unification had begun as early as the 1970s, with both sides regarding it as being in their interest. Oil was first explored in the north, which had a more robust and stable economy, while the south had a larger landmass with an expansive coastline and large port facilities. Both sides saw their regional presence as being enhanced through unification, with their common historical and social bonds also helping to facilitate their merger.

However, from its onset the new joint state lacked a clear political roadmap forward or an agreed-upon state structure. Tensions between the former North and South Yemen thus persisted from the earliest days of the Republic of Yemen. These culminated in

10) Andrew Heywood, *Political Theory: An Introduction* (Basingstoke: Palgrave Macmillan, 2015), 253.

Vice President Ali Salem al-Beidh declaring the south independent in 1994. President Saleh's military response initiated the 1994 civil war, which Saleh led under the slogan of "protecting the legitimacy of the unification," while also framing the struggle in a religious context to rally support from the Islah party, among other groups. Saleh's forces ultimately declared victory, and gave Saleh the sheen of being a powerful leader, which in turn drew other social and political groups to ally with him. This image of strength thus became central to his legitimacy.

Immediately following his victory in 1994, Saleh orchestrated a number of constitutional amendments to the unification constitution to consolidate his power. Before the amendments, the constitution granted a southerner the positions of the vice president and the head of government, and a northerner the presidency. Through the amendments Saleh removed these jurisdictions from southerners and delegated all the relevant powers to the president (i.e., himself). Another major amendment changed Islamic Sharia from being a main source for legislation to the only source. The third main amendment was the extension of the tenure of the presidency from five years to seven years. In 1997, Saleh's General People's Congress (GPC) party claimed a majority win over the parliament as well. That has granted Saleh power over the executive and legislature as well as judiciary – almost a democracy of one party.

In 2001, Saleh passed another constitutional amendment allowing him and his party to dominate state institutions.[11] The amendments included removing the two-term limit for the president. The parliament's tenure was also extended from four to six years, and he created the second chamber of parliament whose members were appointed by a presidential decree. The last parliamentary elections were in 2003, following which opposition parties refused to run for elections until the electoral register was reformed – given that it included many "ghost voters" – and the electoral law was changed from the "first past the post" to the proportional list system, among other demands to make elections more representative.

Saleh also assigned his son, Ahmed Ali, and other family members to key military and security positions in order to secure his own military presence in the Republican Guard.

Although the GPC dominated all state institutions, Saleh lost the allegiance of other political parties such as Islah, the YSP, and the Nasserites, among others. These opposition political parties formed a coalition under the name the Joint Meeting Parties (JMP) in 2003. The coalition, made up of right- and left-wing parties alike, represented an unprecedented political mobilization in Yemen.[12] Political parties began to organize within communities, deepening their local roots and helping to broaden social structures beyond tribal dynamics and other traditional forms.

As Saleh continued to consolidate power by dominating the executive, legislature, and judiciary as well as military, these opposition parties began to question his legitimacy. In

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11) The constitutional amendments included the announcement of the local councils during the first local councils election.

12) The Joint Meeting Party (JMP) is composed of the seven opposition political parties. Islah, the Muslim Brotherhood branch in Yemen, is the dominant party along with the Yemen Socialist Party (Yemen Unification Partner) and the Nasserite party.

2003, the Houthi movement emerged and tried to control state institutions and revenues in the northern Sa'ada governorate; in response the Yemen government launched, in 2004, the first of a series of six wars over the next six years to eradicate the Houthis. In 2007, the Southern Movement (Hirak) emerged in southern Yemen calling for secession, leading to political conflict and at times violence. In response, the JMP introduced a number of political and electoral reforms and published a "National Salvation"[13] document in 2009. However, dialogue with Saleh's regime failed to lead to a resolution. Finally, in February 2011, in part inspired by uprisings elsewhere around the Middle East and North Africa, hundreds of thousands of Yemenis took to the streets demanding the overthrow of the Saleh regime.

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13) "National Salvation," *Al-Ahdawi*, September 9, 2009, accessed September 13, 2018, http://www.alwahdawi.net/articles.php?id=40.

TRANSITION AND CONFLICT: 2011-PRESENT

The GCC Initiative and the Transitional Process

As a result of the 2011 uprising, Saudi Arabia brokered the GCC Initiative among the various major Yemeni political factions. The agreement aimed to end the conflict between the regime and the opposition, to allow for a peaceful transfer of power, and to establish a transitional process that would rebuild the state. In doing so, however, it also froze several articles of the Yemeni constitution. These included the constitutional stipulation that at least two candidates are required to stage presidential elections, as well as requiring consensus, rather than majority vote, to pass legislation in the parliament. Through the GCC initiative Saleh stepped down, and in 2012 Abdo Rabbu Mansour Hadi was elected his successor in a one-man election after receiving the nomination of all major political parties.

A transitional national reconciliation government was then formed, bringing together members of the former regime with opposition parties. Positions in the government ministries were distributed among partisans of these political powers. This, however, created a massive competition for authority among and within ministries, with political parties undercutting each other in trying to gain an upper hand, resulting in a widespread paralysis of government functions and the deterioration of public services. The GCC Initiative also placed excessive responsibility on Hadi to lead the transitional phase, while the power-sharing arrangement and continued presence of Saleh-allied officials in the ministries and security apparatus undermined his ability to do so.[14]

Further disempowering Hadi was the fact that Saleh remained the head of the GPC, the country's largest and most powerful political party. Accusations of corruption and mismanagement against President Hadi eventually began to mount. Meanwhile, amid the instability, prices of basic commodities and fuel began to rise. Public support for the political transition process thus began to erode, even while the international community – represented by the United Nations, and Western and Middle Eastern states – steadfastly continued to offer Hadi its support. Such was apparent in various UNSC resolutions,

14) Maged al-Madhaji, "How Yemen's Post-2011 Transitional Phase Ended in War," *Sana'a Center for Strategic Studies*, May 19, 2016, accessed September 15, 2018, http://sanaacenter.org/publications/main-publications/39.

with resolutions 2051[15] and 2140[16] emphasizing Hadi's legitimacy, and resolution 2216[17] stating that the UNSC was:

> *[r]eaffirming its support for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi, and reiterating its call to all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen.*

President Hadi also failed to implement many of the trust-building measures laid out in the GCC Initiative, which were meant to shepherd in the National Dialogue Conference (NDC). The NDC gathered hundreds of representatives from political parties and other political and social groups. Although the process was nominally led by President Hadi and the main political parties, the international community had the greatest impact on the design and implementation process. The NDC was meant to set the groundwork for an inclusive new constitution.

After the draft constitution was produced, the Houthis and forces allied with former president Ali Abdullah Saleh staged a coup against the Hadi government, bringing the transition process to an end. Among the reasons the transitional process failed was that President Hadi had manipulated one of the NDC outcomes, namely in creating a new federal map for Yemen.[18] Another reason was that the transitional government was neglecting the day-to-day needs of citizens, focusing only on the political process while ignoring priorities like improving basic services and ensuring security. When the Hadi government removed oil subsidies at the recommendation of the International Monetary Fund (IMF), the rise in fuel and food prices caused an outrage among Yemenis against the president. This allowed the Houthis to take up the populist mantle and claim that they, rather than Hadi, represented the people's interests. As Houthi militias surrounded Sana'a in 2014, they used the end of fuel subsidies as a primary justification for seizing power.

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15) United Nations Security Council, "Resolution 2051," S/RES/2051, June 12, 2012, http://unscr.com/en/resolutions/2051.

16) United Nations Security Council, "Resolution 2140," S/RES/2140, February 26, 2014, http://unscr.com/en/resolutions/2140.

17) United Nations Security Council, "Resolution 2216" S/RES/2216, April 14, 2015, http://unscr.com/en/resolutions/2216.

18) Babak Ghafarzade, "Yemen: Post-conflict Federalism to Avoid Disintegration," *Journal of International Law and Politics* 48, no. 933 (2016): 934-1006.

Houthi Forces Seize Power

Through the first half of 2014, Houthi forces pursued a military expansion south from Sa'ada governorate. By September of that year, Houthi fighters and allied forces of former President Saleh were marching on Sana'a. They surrounded the capital city and made three demands of the transitional government: combat corruption, implement the NDC outcomes, and reinstate fuel subsidies. On September 21 they entered Sana'a, with most units of the Yemeni military, and especially those still allied to Saleh, surrendering without resistance.

In February 2015, Houthi issued a constitutional decree to form the Supreme Revolution Committee, a governing body that adheres neither to precedents within the Yemeni constitution nor to the GCC Initiative. Houthi forces then placed President Hadi under house arrest. When Hadi later fled to Aden, Houthi-Saleh forces followed and launched an air attack on his palace.

This precipitated the Saudi-led military coalition campaign, launched in March 2015, to reinstate Hadi and the internationally recognized government to power in Yemen. With the support of the Saudi-led coalition, the internationally recognized government and its local allies managed to push Houthi-Saleh forces out of southern Yemen. Since 2015, however, the war has largely been a grueling stalemate. Three rounds of UN-brokered peace talks have failed to achieve a ceasefire, and a fourth round slated for September 2018 has been called off. The Saudi-led military coalition has maintained that its intervention in Yemen came in response to a request from President Hadi.[19] Given the numerous instances in which coalition airstrikes have hit civilians and civilian targets in Yemen,[20] many Yemenis see President Hadi as complicit in war crimes against his own people.

In an attempt to project legitimacy in Sana'a, the Houthi-Saleh leadership established the "Salvation Government" in 2016. This helped to provide the Houthis with a political base, as the GPC had solid grassroots support within the areas newly controlled by Houthi forces. For the GPC, this alliance provided an opportunity to rejoin the political scene and officially announce their position against the Hadi government and Saudi-led coalition. This allegiance posed an existential threat to Hadi's legitimacy, which was exacerbated by two main factors. First, the Houthis and GPC gained popular support and were essentially "closer to people" within their territories, especially with the unrelenting coalition attacks against civilians. Second, Hadi was based in Riyadh for three years of the war and had little grassroot support or natural constituency within the liberated areas of Yemen's south. When the authorities in Houthi-Saleh areas began failing to pay civil servant salaries after August 2016, however, public support for the Houthi-Saleh alliance began to decline.

19) "Saudi Ambassador Announces Start of 'Decisive Storm,'" *Sky News Arabia*, video, 00:39, March 26, 2015, accessed September 16, 2018, https://www.skynewsarabia.com/video/733456-%D8%A7%D9%84%D8%B3%D9%81%D9%8A%D8%B1-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-%D9%8A%D8%B9%D9%84%D9%86-%D8%A8%D8%AF%D8%A1-%D8%B9%D8%A7%D8%B5%D9%81%D8%A9-%D8%A7%D9%84%D8%AD%D8%B2%D9%85.

20) "Yemen: Events of 2017," *Human Rights Watch*, January 2018, accessed September 17, 2018, https://www.hrw.org/world-report/2018/country-chapters/yemen.

In addition to the GPC's political base, a significant part of Saleh's leverage with the Houthis had been his ability to maintain the loyalty of much of Yemen's army, including the special forces. Over the course of the conflict, however, Houthi leaders managed to build their own alliances with military leaders, weakening Saleh's position. Relations between the GPC and Houthi forces, which had always had a degree of tension, erupted into full-scale urban warfare in Sana'a at the beginning of December 2017. After three days of intense fighting, Houthis forces gained the advantage and Saleh was killed.

In killing Saleh, the Houthis lost an influential political ally who enjoyed much public support. They also lost a central pillar of their public legitimacy: they no longer had a major political actor vouching for their authority in areas they control. In these areas, the use of oppressive force has since been the Houthis' primary source of influence. This includes arbitrary detainment, forced disappearances, torture and attacks on private property. The Houthis also impose additional taxations on citizens and commercial commodities on micro and macro business. Generally, when a regime's primary form of control is the coercion, its popular support and public legitimacy also erode.[21]

Since taking power in Yemen's north, the Houthis have installed so-called "supervisors of the revolutionary committees" in government institutions, whose authority supersedes that of any other personnel within the institutions. More recently the Houthi authorities also established the National Authority for Managing and Coordinating Humanitarian Affairs (NAMCHA),[22] which replaced the Ministry of the Planning and International Cooperation. In part due to the Houthi practice of siphoning off public funds to support their war effort, however, public service delivery in areas under their control has suffered heavily.

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21) Heywood, *Political Theory.*

22) "Decree Establishes the National Authority for Managing and Coordinating Humanitarian Affairs," *al-Thawra News,* November 25, 2017, accessed September 16, 2018, http://www.althawranews.net/archives/501354.

CRISIS OF LEGITIMACY TODAY

The use of the term "legitimacy" in Yemen is still strongly linked to President Hadi as the country's internationally recognized head of state. However, the legal status of his legitimacy was originally based on the GCC Initiative. Hadi was elected president in a transitional process identified by the initiative, and the UNSC has issued resolutions in support of this process and in recognition of his presidency. However, his government has been largely unable to provide the basic services expected by citizens, even in the liberated areas. This has helped to give momentum to a growing independence movement in southern Yemen. This is apparent in the emergence of pro-secession political groups such as the STC, backed in part by UAE, and the Southern Movement (*Hirak*) led by Hasan Baum, among others. As the conflict continues and the influence of these groups continues to expand, the legitimacy of the Hadi government increasingly erodes.

Hadi's legitimacy internationally has led to ostensible alliances between Hadi and a number of political party leaders. When the Saudi-led coalition justified initiating military operations in Yemen by claiming to protect the legitimate government, a number of GPC leaders joined Hadi – such as the late Abdulkarim al-Eryani, the current Prime Minister Ahmed bin Dagher, and Rashad al-Alimi. These leaders were among the primary political and diplomatic figures on which Saleh relied during his presidency.

For Yemen's other political parties, publicly endorsing Hadi's legitimacy is a means to access coalition support, in terms of arms and funding, in military operations against Houthis. It is also a means to protect their own political positioning. Hadi himself, however, has proven to be a weak and ineffective leader, and his support among the political parties appears to fluctuate depending on the allocation of cabinet positions and government appointments Hadi offers. To this end, in December 2017 the general secretary of the YSP described Hadi's exercise of executive power as "rotten".[23]

Although Hadi is nominally the highest authority within the state, he does not have grassroots support or much power over local leadership. While the Yemeni government claims control over the majority of the country's geography, local authorities do not necessarily adhere to its policies or orders. Despite being backed by the international community, Hadi lacks a monopoly on the use of force and is incapable of enforcing order in so-called liberated areas. In Aden, the city that Hadi declared the country's temporary capital, the STC — which is comprised of several former Hadi allies — successfully launched an attack on Yemeni government forces in January 2018, following unmet

23) Farea al-Muslimi, "Secretary General of the Yemeni Socialist Party: We are against War and the Coup, and the Legitimacy is Suffering", *Sana'a Center for Strategic Studies*, December 29, 2017, accessed August 13, 2018, http://sanaacenter.org/ar/publications-all/analysis-ar/5222.

demands for Hadi to dismiss Prime Minister Ahmed Obaid bin Dagher. After an absence of three years, Hadi visited Aden in the summer of 2018 in an attempt to project an image of strong state leadership and reconnecting with citizens. However, this image relies heavily on his ability to respond to day-to-day challenges — especially security — encountered by the citizens of Aden.

State Failure to Provide Basic Services

Yemeni citizens should be able to expect basic services and security; however, neither the internationally recognized government nor the de facto government led by Houthis seem capable of providing these. The Hadi government has not been able to respond to day-to-day needs of Yemeni citizens, whether in the so-called liberated areas or in the areas under Houthi control. Most of Yemen's 1.2 million civil servants live and work in Houthi-controlled areas, where the largest population centers are, and have received almost no salary for two years. Civil servants in areas controlled by the internationally recognized government have received their salaries only intermittently over the same period. Shortages of electricity and water are rampant. Health and education institutions have been functioning without an operational budget for the last three years. Millions of Yemenis lack access to safe drinking water.[24] As state institutions fail to function, Yemen's economic and humanitarian crises grow: in 2017 the United Nations declared Yemen the site of the largest humanitarian crisis in the world.[25]

The absence of the state institutions is apparent in the reliance on international non-governmental organizations (INGOs) to provide health, education and humanitarian services. As state institutions have failed to provide basic services, international humanitarian aid organizations have played the role of the state, particularly in Houthi-controlled areas. Although international organizations play a key role in meeting essential needs such as health, education and water, by replacing state institutions they weaken trust between citizens and the state.

Hadramawt, Marib and to some extent al-Mahra are relative exceptions. These areas operate with a high level of autonomy, as they rely on their local oil and gas revenues and receive external support without having to coordinate with the central Hadi government. These areas have managed to provide security and maintain the provision of basic service. Local leaders within these areas are generally well-respected and supported by the population of their governorates. Civil servants generally receive their salaries, infrastructure development is increasing and state institutions are functioning, though with limited capacity.

24) United Nations Office for the Coordination of Humanitarian Affairs, *Yemen: Humanitarian Response Plan, January-December 2018*. New York: United Nations Office for the Coordination of Humanitarian Affairs, January 2018. http://ye.one.un.org/content/dam/unct/yemen/docs/unct-ye-YHRP-doc-2018-en.pdf.

25) "Yemen at the UN – January 2017 Review," *Sana'a Center for Strategic Studies*, Februrary 21, 2017, accessed on August 13, 2018, http://sanaacenter.org/publications/yemen-at-the-un/74.

Secessionists in Southern Yemen

In southern Yemen, the inability of the state to provide basic services and the central government's ongoing marginalization of southern political factions has strengthened calls for southern independence. This was originally centered around the Southern Movement (*Hirak*), which emerged in 2007. The Southern Transitional Council (STC), since its formation in the spring of 2017, has also tried to take up the mantle of southern independence. Initially the STC, with the support of the UAE, expanded quickly and began attempting to exercise the functions of a state in parallel to the Hadi government. These efforts have, as of this writing, largely floundered, while STC activities are often seen as impeding the work of local authorities. Concurrently, public support for the STC has waned. Thanks to Emirati patronage, however, the STC's military power in various areas — most notably Aden — exceeds that of the Yemeni government, with STC-affiliated forces operating independently of, and often in opposition to, the official Yemeni armed forces.

There are numerous groups in southern Yemen claiming to champion the south's cause, and support for the STC in southern governorates is far from ubiquitous. One of the more prominent rivals is the Revolutionary Movement Council, led by one of the south's most important historical leaders, Hassn Ba'aum. Ba'aum delivered a televised statement in May 2017 in which he described the presence of the UAE in southern Yemen as "the brutal occupation" and called on people to revolt and expel Emirati forces. The statement accused southern leaders of attempting to "legitimize" the UAE's violations in the archipelago of Socotra and across southern Yemen.[26]

The map of active political forces in Yemen's southern areas has also seen the Hadramawt Inclusive Congress (HIC) emerge recently. In a clear indication of deepening divisions within southern areas, the HIC defines its political agenda only within Hadramawt and to the exclusion of the rest of southern Yemen. In addition, historic political leaders of the south, such as former Vice President Ali Salem al-Beidh and former President Ali Nasser Mohammed are leading other southern factions, despite their limited presence on the ground.

Regional Actors Undermining State Legitimacy

Regional political actors such as Saudi Arabia and the UAE officially entered the Yemeni conflict in support of Hadi's presidency and with the aim to reinstate the "legitimate" Yemeni government in Sana'a. The Saudi-led coalition, and principally Saudi Arabia, has indeed been propping up the Hadi government, in that without military, financial and logistics support from Riyadh it is highly likely the Hadi government would have completely dissolved years ago. The coalition has at the same time, however, also been undermining the legitimacy of the same Yemeni government it purports to support.

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26) "Southern Leader Baum Describes the Presence of the UAE in Socotra as 'Occupation,'" *Al-Masdar Online,* May 7, 2018, accessed August 13, 2018, http://almasdaronline.com/article/98765.

Both Riyadh and Abu Dhabi have forged direct relationships with, and provide support to, groups in Yemen that operate outside Yemeni government purview. This has been especially problematic for the Yemeni government in regards to UAE support for military and political actors — among them the STC — that are openly opposed to President Hadi. Meanwhile, Saudi Arabia has historically wielded a great deal of influence over Yemeni governments, and is likely seeking to maintain such influence in any future post-conflict scenarios. Indeed, a popular critique of Hadi is that his coalition allies are using his so-called "legitimacy" as a cover to pursue their own military and business activities on the ground.[27]

The diverging interests of regional powers, and their inherent conflict with the state-building ambitions of the Yemeni government, has helped to undermine state legitimacy in Yemen and to hinder the re-establishment of an enduring social contract between Yemenis and their government. Thus, for true state-building to be realized in Yemen, it will be necessary for the Yemeni government's regional backers to reassess their intervention in the country.

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27) "Interview: Deputy Secretary-General," *al-Eshteraky,* August 22, 2018, accessed September 16, 2018, http://aleshteraky.com/fhajac/item/17930-falb-adaeif-adrae-adcrdj-ai-alcrahq-adhhdq-blbb-rhe-hehh-olcjacieiq-ehfhq-cred-ef-oed-ofga%D8%A1-adofbdab.

LOOKING AHEAD

For much of Yemen's history, the state has failed to reflect the country's complex social and political structure. The legitimacy of Yemeni state institutions has perpetually been in crisis, and this has been a driver of conflict. During the current conflict, the lack of state legitimacy has led to the emergence of multiple non-state actors competing for power and control of resources within Yemen. Helping state legitimacy to take root will be critical to the reconstitution of the country and future peace and stability.

A conducive environment for state legitimacy will, however, require political will from a wide range of local and regional actors. Yemen has a complex political and social structure, and the state must reflect the diversity and interests of its various communities, rather than the interests of a select few elites.

The internationally recognized Yemeni government lacks a real presence on the ground. Over time, it has lost the unified political support it may once have had. Its internal divisions, the decline of its popular representation, and its failure to develop a good governance model in the areas under its control (with the relative exception of Marib and Hadramawt) has meant a decline in its authority. It has proven unable to provide services or security and has failed even to re-establish a presence on the ground. To regain its legitimacy, the Yemeni government needs to re-establish the state-citizen bond. This entails a political willingness and readiness to revitalize the role of state institutions and to ensure their presence in the lives of citizens. This means providing basic services and addressing the day-to-day challenges facing citizens, as well as providing security.

Given the above, the following are recommendations for the Yemeni government, the Saudi-led coalition and the international community which, if carried out, would help to restore state legitimacy in Yemen. Importantly, what is not included below are suggestions as to how these steps towards legitimacy can and should be carried out. While the authors acknowledge the crucial importance of identifying the means to the ends, such is beyond the scope of this paper and is fodder for further research.

Recommendations for the Yemeni government

While the Conflict is Still Ongoing

- **Maintain what is left of the state.** The Yemeni government should protect what is left of state institutions and shield them from political disputes. The government should refrain from dividing the pie within the state institutions to avoid the emergence of new conflict. This also includes addressing political tensions within the political parties that make up the Yemeni government.

- **Provide security.** The Yemeni government must begin to establish itself as the authority in the country with a monopoly on violence. This will require integrating all military and security units under a unified leadership, such that the Ministry of Defense and the Ministry of Interior are the only bodies responsible for security in the country.

- **Provide basic services.** The Yemeni government should establish a practical mechanism for the collection and re-distribution of state revenues as well as the resumption of oil production. This may help the government to pay the salaries of state employees and to restart basic public service provision. New revenues may also create resources with which the Central Bank of Yemen can help to stabilize the value of the Yemeni rial, support the import of basic commodities, and stabilize food prices, all of which would demonstrate to Yemeni citizens the government's positive role in their lives, thereby increasing state legitimacy.

- **Enhance relationships with local authorities.** The Yemeni government needs to work closely with local authorities to address institutional weaknesses at both the central and local level. This would help provide basic services such as health, education, electricity, water and security, and in doing so the central government would be helping to address the urgent issues facing each of the governorates. Political parties should be prevented from competing for dominance within state institutions, while affiliated armed groups must be prevented from interfering in the operations of local authorities.

- **Pursue local mediation and reconciliation.** The Yemeni government should address the tensions with local groups such as the STC. With the support of the international community this can be done through a well-designed process that bring rivalries together to reach to a settlement.

- **Have a visible presence on the ground.** All Yemeni government personnel should be relocated to Yemen from Riyadh. The government should then launch a media campaign to inform citizens of its re-commitment to the country.

During a Post-Conflict Transitional Process

- **Create an effective transitional government** that responds to citizens' needs. This should avoid the mistake of the 2012-2014 government, whose focus remained on the political process even while state institutions were collapsing. Reforms should be introduced across state institutions to promote broad participation, transparency and accountability within each governance level as well as between the central and local level.

- **Ensure the transitional process following a peace settlement is designed to be inclusive and reflect the country's social and political structures.** This can be achieved by designing a multi-level process that addresses national and local issues relevant to rebuilding the state and improving the livelihood of Yemeni people across the country. Because the transitional process will likely encounter a wide range of issues and challenges, the process should have various levels of dialogues: they should be held initially at the local level, then built up to inform dialogue at the national level. This will allow more time for addressing issues and will allow local communities to participate in the process and to represent their priorities and needs. This may help to increase the public legitimacy and effectiveness of the transitional process.

- **Emphasize a "bottom-up" approach in designing the electoral and political process.** There should be a consultative process for discussing and designing forthcoming electoral and political systems. These discussions should be given enough time and space to allow for in-depth input and negotiations among the country's various political and social groups, to reach agreed-upon systems that satisfy all parties but also ensure inclusivity and participation in the new state to be formed.

- **Recognize that the level of previous centralization is no longer viable.** A more decentralized state will be necessary to deal with the new political and social circumstances that have resulted from the conflict. The form of this decentralization should be decided upon through the coming political process.

- **Encourage political parties to rethink their approach in dealing with their grassroots,** both to regain the trust of citizens and to imbue citizens with a trust in the state and in the political process, with emphasis on the importance of the role of the state. A major portion of this can be achieved by refraining from exercising force outside of state institutions.

- **Recognize the need for transitional justice.** Create a national mechanism that addresses grievances resulting from previous conflicts and mistreatments. This process should be very sensitive to the contextual reality of Yemen.

Recommendations for the Saudi-led Coalition

- **Respect Yemeni sovereignty in Yemen.** To date, regional powers have largely considered Yemen to be a playing field upon which to pursue their own geopolitical and regional agendas. For a state to develop successfully out of the current conflict, regional powers must begin to shift their mentality to regard Yemen as a nation in its own right.

- **Refrain from supporting proxy groups.** Coalition member states should avoid supporting groups in Yemen that undermine the the state, weaken its institutions and impinge its sovereignty and weakens its ability to function. The stability of Yemen will be achieved by building an inclusive state, not by creating loyal proxy groups.

- **Do not interfere in how Yemenis to choose how to rebuild their social and political structures.** It is essential to realize that in order to have public buy-in, the new Yemeni political order must be created through a Yemeni-driven process, without overt influence for regional interests.

- **Adopt more transparent collaborative and effective mechanisms to provide humanitarian support in Yemen.** Coalition support must be directed through official channels.

Recommendations for the international community

- **Ensure that the legitimacy of the Yemeni state is a key issue when designing future political processes and a transitional government.** This entails the need to help the transitional government to respond to citizens' needs and to address the humanitarian crisis in the country.

- **Recognize that Yemen has a complex social and political structure,** and that understanding it is the first step towards helping to shape the upcoming peace and political processes. The main warring parties do not reflect the majority of Yemen's political and social structure. Thus, representatives of political parties not engaged in the conflict, local powers, women and youth need to be engaged in a parallel political process to voice their positions. This will ensure the inclusivity of the peace process and create a pressing force calling for peace.

- **Help to establish an inclusive transitional process that engages actors outside of traditional political parties.** The process should design Yemen's political future in a way that encourages the buy-in of the widest possible segment of the Yemeni population. Local groups should be included in this process either directly or indirectly. This will help to ensure the legitimacy of any future transitional process, unlike what happened in the 2012 transitional process.

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