



Yemen in Crisis



How Yemen's post-2011 transitional phase ended in war

by: Maged al-Madhaji



Former President Ali Abdullah Saleh Hands the Flag of Yemen to Yemens Current President in Feb 2012 after GCC deal was signed.
photo by Alex Potter.

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EXECUTIVE SUMMARY

The Gulf Cooperation Council and the international community brought together Yemen's various political power brokers in 2011 to help end the crisis the country had entered following the so-called "Arab Spring" uprisings. These negotiations resulted in an agreement that became known as the GCC Initiative, which ushered Yemen into a "transitional phase". This period was intended to pave the way for a peaceful transfer of power away from President Ali Abdullah Saleh, address citizen demands for democratic reform and transitional justice, empower the Yemeni state, curb the use of violence by political actors and prevent a return to authoritarianism.

While the GCC Initiative was effective in achieving short-term stability, flaws in the agreement and the actions of local power brokers and the international community lead to the transitional phase's spectacular failure, such that today Yemen has been in a brutal war for more than year. In light of the recent talks to bring about a political resolution to the conflict, it is imperative to examine why the GCC Initiative failed, in order to help address the real drivers of the conflict and prevent any new agreement from merely postponing the outbreak of renewed hostilities.

Some of the main findings of this paper include:

- International pressure on local actors in Yemen to reach some form of accord – during negotiations on both the GCC Initiative and the subsequent National Dialogue Conference (NDC) – resulted in agreements that were mostly symbolic in nature and avoided resolving the country's most critical issues. They also allowed Saleh to maintain much of his authority, disempowered the state through a "power sharing" arrangement between traditional Yemeni parties, placed excessive responsibility on transitional president Abd Rabbuh Mansur Hadi to manage the transitional phase while also hobbling his ability to do so, and eroded public support for the process of political transition.
- While the international community played a constructive, indeed vital, role in the beginning of the transitional phase, the unyielding support of the United Nations and foreign governments for Hadi's presidency became a catalyst for the country's fragmentation after Hadi was accused of massive mismanagement, corruption, and of failing to implement trust-building measures in the run-up to the national dialogue.

Introduction

The Arab Spring in 2011 saw hundreds of thousands of Yemenis protest for months against then-President Ali Abdullah Saleh, who had been in power for some 30 years. This revolutionary movement politically re-empowered normal Yemenis, while at the same time destabilized an already precarious political and security environment in the country. The uprising highlighted the deep fissures between the country's various power brokers, re-activated long-lingering conflicts and provided others with new momentum.

For instance, Ansarullah – the Zaidi Shia movement based in Yemen's north, also known as the “Houthis” – took over the northern governorate of Saada by force; the Southern Movement – a loose coalition of groups united by the shared belief that South Yemen has been disenfranchised by the north – sought to take advantage of the Houthi's power struggle with the central government to restore independence in the country's south; Al Qaeda in the Arabian Peninsula (AQAP) exploited the government's weak security presence in many parts of the country to seize control of the southern governorate of Abyan; at the same time the Joint Meeting Parties (JMP) – an alliance of various groups led by Islah, the political wing of the Muslim Brotherhood in Yemen – tried to co-opt and leverage the popular protest movement to expand its own power within state structures, in a blatant attempt to topple and then replace Saleh.

Gulf Cooperation Council (GCC) states, led by Saudi Arabia, eventually initiated talks in Riyadh between Yemen's various political factions in order to end the crisis, with negotiations overseen by a United Nations envoy and representatives from 10 countries. It was the first time in decades that the demands of the general population in Yemen were also brought to the bargaining table and were the subject of serious discussion in political negotiations. This was a major shift in a country where political matters had long been resolved using security forces, and where “democracy” had been a guise for legitimizing autocratic rule.

Saleh was resilient, however, and managed to set the pace of negotiations and draw out the talks. The momentum the popular protest movement had gained toward true democratic reform then began to recede, as the country's traditional powerbrokers increasingly competed to replace Saleh and co-opt the democratic movement to suit their vested interests. On November 21, 2011, negotiations yielded what came to be known as the GCC Initiative, which was signed between the Yemen's various political factions in Riyadh.

GCC Initiative's flawed foundations

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Saudi Arabia had watched the Arab Spring unseat allies in Egypt and Tunisia. In an effort to curb similarly unpredictable forces in its own backyard, Riyadh brought its influence to bear heavily on the various parties to the 2011 crisis in Yemen. In organizing the political negotiations, Saudi Arabia also sought to reassert its paternal role and influence over its southern neighbor.

Although the resulting GCC Initiative included a mechanism to transfer power away from President Saleh, it did not remove him from authority so much as organized a form of power sharing with him. The initiative and its implementation mechanisms reflected the cumbersome compromises that were made between the various parties to reach an agreement, with the final document being signed largely because of the regional and international pressure on the signatories to do so, rather than the text representing a genuine accord between them.

In the process of reaching the final agreement, the people's demands for tangible political change and accountability were reduced to a reform process that was largely symbolic, and seemed crafted to appease and contain the protest movement. For instance, the protesters' calls for Saleh to leave the presidency were met, but the structures of his regime and the positions of its constituents were maintained through a formula of legal guarantees that also granted Saleh, his family and his inner circle immunity from prosecution.

At the core of the GCC Initiative was the “transitional phase”, during which political power would transfer from Saleh, as sole ruler, to an arrangement where he shared power with the JMP, and Saleh's deputy, Abd Rabbuh Mansur Hadi, assumed the president's post. To this end, the initiative included a number of mechanisms, such as a general election for president – which was in practical terms a referendum, given that Hadi's was the only name on the ballot – and the formation of a national transitional cabinet.

There were also executive mechanisms in the GCC Initiative, one of which called for the formation of a committee to interpret the text of the initiative itself. This committee would have been the only body that matched the president's authority in arbitrating disputes between signatories to the GCC Initiative; thus, it is significant that as transitional president, Hadi never actually issued the decree for this committee to be formed. This centralization of authority was among the transitional process's most grievous flaws, given that it made President Hadi

responsible for far more administrative and political power than he could wield effectively.

The text in the initiative granting unconditional immunity to President Saleh, his family and aides with regards to acts committed during Saleh's rule, was legal cover that also applied to Saleh's adversaries in 2011, many of whom were partners in his former regime. This section of the initiative came to underline for many Yemenis how, for the expedience of reaching an agreement, the public's demands for justice and accountability were put aside. It is thus understandable how a large segment of the population came to regard the GCC Initiative as a stab in the back.

Generally speaking, the negotiations that led to the GCC Initiative returned political decision making in Yemen to its antiquated roots, as the process privileged traditional political forces and power centers. The UN failed to guarantee representation at the negotiations from any of the non-traditional, civil society-based groups that had formed during, and taken part in, the uprising. A main factor contributing to this was Saudi concerns that, should new players be empowered, ones which Riyadh was not experienced in dealing with, the result could lead to unforeseen and uncontrollable developments in Yemen. This Saudi approach, however, ignored and thus failed to adapt to how through the crisis new groups had indeed risen to prominence and the political dynamics in Yemen were already fundamentally different than what the Saudis had previously known.

The GCC Initiative also included prescripts for power sharing, which acted as an enticement for those party to the negotiations to come to an agreement. This entailed a quota system to divide up influential positions within the state services between the different political power brokers. This approach to power sharing, however, also acted as an indirect call for other groups not included in the negotiations to demand their share of representation within the public bureaucracy. This led to additional divisions and weaknesses in state apparatus, a further drop in the state's legitimacy, and thus increased instability during the transitional period.

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Obstacles to the transitional phase

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The election that brought Hadi to power was essentially a foregone conclusion, rather than a contested ballot where Hadi's proposed policy platform had earned him a popular mandate. While Hadi enjoyed unprecedented regional and international support for his presidency, for Yemenis he quickly showed himself as a man of little vision or charisma – a fact highlighted by his infrequent public appearances. This came as a significant disappointment for a country eager for a strong new leader.

Once in office, Hadi's repeated failures to bring about decisive progress in Yemen resulted from a variety of factors. Among them was that his ability to manage the transitional phase was constrained by the calculations and interests of the parties that saw themselves as having facilitated his rise to the presidency. Indeed, several political factions, notably the JMP and its affiliates, acted as if President Hadi was bound to them, given their role in the popular movement that had ousted Saleh. In addition to their influence over Hadi, the Islah and JMP parties also controlled the national transitional cabinet, further eroding Hadi's room to maneuver.

Loyalists of former President Saleh within state institutions, specifically the military and security apparatus, worked to undermine Hadi's power over these institutions as well. Even within Hadi's own political party, the General People's Congress (GPC), he was unable to obtain significant support. Hadi, who served as the GPC's secretary general, failed to steer party loyalty away Saleh, who continued to lead the GPC and thus maintained his control over the party, its officials and supporters, who are present in all state institutions.

With time, ill-repute escalated amongst the various political factions regarding power sharing, as they competed ever more intensely to increase their quota appropriations within the state apparatus. This created widespread dysfunction within these state institutions and heightened popular anger and mistrust over how the transitional phase was being administered. Worse still for Hadi, in terms of public support, were major corruption allegations that arose against him and his sons, which made many Yemenis question how different his new regime was from the one they had rose up against in 2011.

Hadi's style of rule also began to resemble Saleh's: Hadi began confining decision making to a closed circle of family members and creating patronage networks to secure his base of support. He also started using divisive strategies to try and implement his agenda, creating conflicts between political opponents in order to weaken both sides.

The role of the international community

The international community was quite active in Yemen's transitional phase through the UN special envoy to Yemen, Jamal Benomar, who played a major role in steering political events. Indeed, the general impression was that he went beyond his role as a mediator and facilitator between political parties and became a central figure in decision making himself. His assuming the role of a power broker during the transitional phase was due to the weak performance of local parties, as well as their desire for the protection or patronage of world powers. President Hadi, among others – in particular the Yemeni Socialist Party – clung to the idea that the UN Security Council and the threat of international sanctions were their only means to counter the much greater military and institutional leverage of their rivals.

Benomar's status was such that his opinion was considered essential in deciding many fundamental issues. This played a constructive role in the beginning of the transitional phase, as it acted as a counter

to Saleh's influence and bolstered President Hadi's advisory resources. Over time, however, Benomar also granted political cover to Hadi's missteps in managing the transitional phase and the subsequent National Dialogue Conference (NDC).

In addition to Benomar, members of the international community were engaged through the 10 countries represented at the negotiations of the GCC Initiative. These countries offered strong support for Hadi's presidency and Yemen's transitional phase, but did not implement monitoring or accountability mechanisms, the cost of which became clear when corruption allegations and stories of grievous government mismanagement arose.

The general perception in Yemen became that international silence regarding Hadi's failings was a result of his cooperation with world powers, in particular the United States. President Hadi's administration readily cooperated with Washington's "war on terror", with Hadi himself publicly endorsing American use of drones in targeted assassinations in Yemen, despite this being deeply unpopular among Yemenis. Another example was Hadi's willingness to appease Western powers was his cooperation with the French government and French oil and gas firms with interests in Yemen.

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unyielding support for Hadi even as his presidency began failing domestically became a catalyst for the country's eventual fragmentation. To many ordinary Yemenis, it seemed all but clear that their interests had again been pushed aside, this time by members of the international community who were colluding with Hadi to pursue their own agendas in Yemen, and in return shielding a leader who increasingly showed himself to be inept and corrupt. The international community's myopia eventually cost them most of the interests they were trying to protect, and their political authority over the different parties in Yemen, when the country eventually devolved into civil war.

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The failure of the National Dialogue Conference

As one of the most important mechanisms of the GCC Initiative, the National Dialogue Conference (NDC) between Yemeni political actors was intended to resolve the many grievances that had sparked the 2011 revolution. Indeed, the incredibly high expectations put on the dialogue – in that it was expected to tackle all of Yemen's long-lingering challenges in a single forum – was chief among the reasons for the dialogue's eventual failure.

While enjoying almost blanket international support, the NDC also initially had broad support among the Yemeni public. It was especially valued by non-traditional groups – such as civil society organizations, and women's rights and youth activists – who saw the democratic process as their best chance for enacting real change, and where the more traditional elements, being accustomed to imposing their political will through the use of force, had less vested interest in the talks.

The political context going into the NDC was rife with challenges and overlapping conflicts between various parties. For instance, the formal political opposition, the JMP, had assumed for itself the role at the dialogue talks of representing not just its own agenda, but also the demands of the protest movement. The JMP justified this co-option given how the two groups had worked together during the uprising against Saleh, but it ignored the fact that the JMP and the protesters generally had very different visions for how to resolve Yemen's challenges in the post-Saleh period.

Another factor complicating the NDC was that the events of 2011 were in large part fueled by two other major unresolved conflicts in Yemen. One

was related to the movement for southern autonomy, which dates back to the summer of 1994, and the other the animosity between the Houthis and the central government that led to six wars in Saada in northern Yemen in the 2000s, with various political complications and unresolved grievances remaining from both. These two conflicts continued to have ramifications for the future of the Yemeni state, and even its very existence. Indeed, factions of the Southern Movement demanded either full secession or a federation of two regions, while the Houthi Movement had demanded reparations for the Saada wars.

New animosities that appeared during the uprising were another challenge for the NDC. During 2011 elements of the Saleh regime had split off and joined the revolutionary forces opposing Saleh. Most notable among these was the powerful General Ali Mohsen Al-Ahmar, once a trusted ally of Saleh, who broke ties with the former president and, with the armed forces under his command, joined the opposition. Such moves escalated political feuding and had severe security repercussions.

All these elements created a highly complicated situation going into the NDC. Preparations for the dialogue, however, still began positively. In the name of mitigating the political complications and creating a suitable, dialogue-nurturing environment, President Hadi appointed a 16-member technical preparatory committee, with representatives from across the political spectrum, including the youth and civil society movements that had come into being during the uprising. This committee, which enjoyed broad local and international support, then drafted a 20-point plan of trust-building measures that were to be implemented before the NDC began. These included items such as the central government returning land seized in areas of the south and rehiring workers who had been purged from civil service jobs, as well as the central government issuing an apology for the Saada wars and releasing prisoners from the conflict that were still being held.

The work of the committee was effectively undermined, however, when President Hadi – with the support of Benomar and the JMP – began the NDC without implementing the 20-point plan. While a number of the points would have taken time and/or money to implement, many others were symbolic – such as an official government apology for the wars in the north and the treatment of southerners – and required only that Hadi exercise his executive authority; his failure to do so suggests a distinct lack of political will to engage in and lead a meaningful national reconciliation.

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NDC when it began. The main factions of the Southern Movement also withdrew their delegates from the dialogue process because of the failure to implement the 20-point plan, a move that was a severe blow to the dialogue’s credibility and potential to bring about a meaningful resolution. To fill this vacuum Hadi, members of the technical committee and Benomar, sought out other southern factions to sit at the negotiations, though these groups had little real representative power on the ground.

The NDC thus began in March 2013; originally scheduled to run until September that year, due to persistent unresolved issues it was eventually extended until January 2014. Instead of entering the talks inspired by good will and an openness to compromise, however, the various parties arrived further polarized and entrenched in their positions, with most also preparing for an escalation in armed conflict outside the NDC sessions, which indeed began to occur.

Major differences of opinion persisted until the last stages of talks, especially with respect to the status of South Yemen. How southern concerns were dealt with in the final text of the agreement was telling of the entire document – responsibility to reach a resolution was passed onto another committee that

was to be set up post-NDC. Indeed, because of the pressure that had been mounting for there to be some form of agreement reached, the final text of the NDC document lacked clear directives regarding Yemen’s most divisive issues – the southern cause, federalism, and transitional justice. Thus, although the dialogue and its outcomes were generally well-received, there remained deep reservations and a wide-spread criticism regarding the details.

Given the lack of genuine consensus in the final agreement, following the conclusion of the NDC the country quickly devolved into another political crisis. Instead of being a tool for reconciliation on Yemen’s most pressing issues, in reality the NDC left the various parties farther apart than ever. The failure of the dialogue to settle their differences led Yemen’s power brokers to return to their traditional means for manifesting their political will: the use of force.

The fall of Sana'a and the death of the GCC Initiative

The failure of the transitional phase was effectively declared on September 21, 2014, when Houthi militias and forces allied with former president Saleh entered Sana'a and imposed control over the center of the Yemeni state. Hadi soon fled to the southern city of Aden. On February 6, 2015 the Houthis made a constitutional declaration, which in official terms voided the GCC Initiative and declared the transitional phase dead. The Houthi forces subsequently began bombing the presidential palace in Aden, and in response Saudi Arabia and a coalition of Arab states launched a military campaign entitled "Decisive Storm" on March 26, 2015, the declared aim of which was to push back the Houthi offensive and restore Hadi to power. Hadi and members of his transitional government convened a government-in-exile in Riyadh, and on April 14, 2015, the UN Security Council issued resolution number 2216, with Yemen already under Chapter Seven of UN charter, officially supporting the Saudi-led coalition campaign.

In the year since, Yemen has been pulverized by a relentless coalition bombing campaign, witnessed massive ground battles between the two main warring sides, Saleh and the Houthi Movement on the one, and on the other groups affiliated with Hadi's internationally-recognized government, backed by the Saudi-led coalition. Meanwhile AQAP and the so-called Islamic State terrorist organization have used the chaos to make gains of their own in the country. Thousands of innocent civilians have been killed, tens of thousands wounded, millions displaced, and some 15 million pushed to the brink of starvation. Billions of dollars worth of private property and public infrastructure has also been destroyed, while sectarian polarization has torn apart the fabric of social cohesion.

Looking ahead

The GCC Initiative was effective at postponing conflict, but failed to address the issues that had undermined stability and led to the initial uprising in 2011. The transitional phase constituted an extended course of political failure, corruption, and mismanagement by local, regional and international stakeholders. Today, due to the slow progress forces affiliated with President Hadi and the Saudi-led coalition have made

against the Houthis and Saleh-affiliate troops, there seems little chance for a decisive military victory.

In order to prevent Yemen slipping into a prolonged and catastrophic humanitarian crisis, the international community, the UN and regional powers, specifically Saudi Arabia, must move to end

hostilities and support peace negotiations between the Yemeni parties. Even if President Hadi and the internationally-recognized government were to return to Yemen, their responsibility for the failure of the transitional period should make their positions only temporary and subjected to monitoring and accountability until the situation is normalized and new elections can be held.

Given the international community's failure in Yemen during the transitional phase, it is important that the UN and world powers take a more far-sighted approach in dealing with President Hadi's administration during the present conflict in the event he returns to Sana'a, and with any future administration in Yemen. Any new peace accord that does not take into account the failures of the GCC Initiative and the transitional phase will almost certainly lead to renewed hostilities.

Most importantly, to achieve enduring social stability, any new peace accord must take into account the demands of the public that sparked the initial uprising in 2011: that there be a process of genuine democratic reform undertaken in Yemen. Without this, the stability gained through any agreement between the political power brokers will be fleeting.



ABOUT "YEMEN IN CRISIS" PROJECT

The "Yemen in Crisis" Project is one of Sana'a Center for Strategic Studies programs. It aims at exploring peace opportunities in Yemen and providing local, regional and international decision-makers with the needed knowledge to contribute towards more sustainable peace in Yemen. The center specialized researchers and analysts issue a monthly policy briefs that address Yemen various issues as part of the center message to provide new approaches for issues related to Yemen and the region.

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Photo by: Alex Potter

Note: The information and views set out in this paper are those of the authors and do not necessarily reflect the official views and positions of Sana'a Center or Saferworld

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The Sana'a Center for Strategic Studies is a unique and innovative think tank established to contribute to build a greater understanding of Yemen and the region.

The Center also provides consultation and technical and analytical advice in the fields of political, civil and social development, in addition to researching and analyzing key issues of great interest to local, regional and international stakeholders.



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