



Yemen's 'Peaceful' Transition from Autocracy: Could it have succeeded?





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Helen Lackner



International IDEA resources on constitution-building processes

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Preface

Since 2011, almost half the countries in the Arab region have reformed or reconsidered their constitutional frameworks. Some proceeded by appointing drafting committees that would be solely responsible for preparing a draft constitution for approval (Morocco, Algeria, Egypt in 2013, Syria and Jordan). Others elected drafting assemblies to lead that process, either directly or indirectly (Tunisia, Libya and Egypt in 2012).

Yemen is the only country in the region to have followed an altogether different path. For the first time, its national dialogue conference brought together all of the country's major political trends, including many groups that have traditionally been marginalized if not excluded altogether from policy discussions. The dialogue conference's deliberations were recorded in a series of outcomes that were to form the backbone of the new constitution, to be written after the conclusion of the conference by a drafting committee that was also supposed to be representative of Yemen's population.

When the process to solve the crisis peacefully was first conceived in 2011, and during the initial stages of its implementation, it was widely considered a success, to the extent that other countries were being encouraged to learn from Yemen's experience. Yemeni actors and commentators claimed that the transition had averted a disaster, and there was significant hope and even an expectation that Yemen was heading towards a positive outcome.

Since early 2015, those expectations have been shattered, mainly as a result of the takeover of the capital, Sana'a, by one of Yemen's most potent armed factions and even more so since regional powers involved themselves in the conflict, to devastating effect. Today, the country is subsumed in conflict and the transition process appears to have been abandoned altogether. As a result, there is a tendency among many analysts to assume that the transition never had any chance of success, as a result of its design and because of the circumstances in which it was implemented.

Helen Lackner's study of Yemen's post-2011 transition process is the first that seeks to understand specifically what went wrong, and that asks whether a different approach on certain issues could have led to a better outcome. It studies all of the various components of the 'peaceful' transition and makes a vital contribution. We are confident that its conclusions will be useful not only for Yemen as it seeks to recover after the end of the current conflict, but also for other countries as they consider and design transition processes of their own.

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Acknowledgments

I want to thank International IDEA for giving me the opportunity to focus closely on this important period of Yemen's recent history. An earlier draft of this paper was discussed at a meeting of Yemeni and international experts in June 2015 and I should like to express my gratitude to my colleagues at this meeting for their assistance, support and advice, as well as for providing analysis and expertise that complements this final version. A number of other senior officials in the institutions and states concerned have also provided comments and views; they know who they are and will identify their contributions to the text, but the vast majority of them have explicitly stated that they wish to remain anonymous.

I would also like to thank the staff of International IDEA, including the organizers of the June 2015 meeting, and particularly Zaid al Ali who managed most of this operation and contributed enormously to the work and analysis, as well as Maged Taha and Wissam Benyettou who spent much time and effort to finalize both contents and production. As always, I thank Jamal alHajri for advice and support throughout the period of this work. The views and conclusions expressed in this paper remain my responsibility, as well as any errors. In anticipation of a possible second edition, I welcome comments and corrections. I hope the analysis provided here contributes to discussions aimed at solving the country's problems and improving the currently dreadful living conditions of Yemenis.

Helen Lackner
March 2016



Abbreviations

AQAP	al-Qaeda in the Arabian Peninsula
CDC	Constitutional Drafting Committee
FOY	Friends of Yemen
GCC	Gulf Cooperation Council
GDP	Gross domestic product
GPC	General People's Congress
JMP	Joint Meeting Parties
MPs	Members of Parliament
NDC	National Dialogue Conference
NGO	Non-governmental organization
OECD	Organisation for Economic Co-operation and Development
PDRY	People's Democratic Republic of Yemen
ROY	Republic of Yemen
UAE	United Arab Emirates
UNDPA	United Nations Department of Political Affairs
UNSC	United Nations Security Council
WHO	World Health Organization
YAR	Yemen Arab Republic
YSP	Yemeni Socialist Party



Executive Summary

At a time when Yemenis are suffering war and starvation, it is important to revisit the transition process that started in 2011 to explore whether the current outcome could have been avoided. This report finds that, while Yemen suffers from a number of underlying social and economic factors that will remain at the heart of the country's development, many factors which contributed to the current conflict were linked to the plan's original design, and to the manner in which it was implemented by specific individuals, institutions and states.

Among other things: (a) the transition process's various objectives were not properly prioritized and sequenced; (b) many of the processes and institutions that were established after 2011 were not well conceived, leading to fundamental gaps and contradictions in the transition; (c) many of the worst elements of Yemen's political class were allowed to operate virtually unfettered throughout the transition process, and little was done to allow other sources of legitimacy to develop a power base of their own; (d) insufficient attention was paid to the government's composition, among the most ineffective in recent times; and (e) too much attention was paid by the international community to the intra-elite struggle, rather than to the interests of ordinary Yemenis.

Yemen's fundamental problems were (and remain) exceedingly difficult to resolve. Whatever transition process is developed after the current conflict ends will need to learn the lessons of the previous failures if Yemen is to make any progress towards a peaceful future. It is hoped that the contents of this report will be of some use in that effort.

Background and initial stages

Following the outbreak of Yemen's 2011 uprising, and after significant hesitation and violence, most of the country's major long-standing political players reached an agreement on 23 November 2011 at a ceremony in Riyadh, where two documents—the Gulf Cooperation Council (GCC) Agreement and the Implementation Mechanism for the GCC Agreement—were signed. These documents set out the framework for what many hoped would be Yemen's transition towards a peaceful and democratic future. They required that:

- A government of national unity be formed, which should take its decisions by consensus.
- Unlawfully detained people should be released.
- Immunity should be granted to Ali Abdullah Saleh (the soon-to-be former president) and his closest associates.

- A Committee on Military Affairs for Achieving Security and Stability should be formed.
- A National Dialogue Conference (NDC) should be convened. The NDC was due to discuss the process of drafting a new constitution, issues of the south as well as Sa'ada, steps towards building a comprehensive democratic system, national reconciliation and transitional justice, and other important issues.

In the first few months following the signing of the documents, some progress was made in implementing the above steps. In line with the agreement, a new government was formed in December, and immunity for Saleh and his associates was officially approved by parliament in January 2012, a highly contentious decision for the revolutionary youth. Abdu Rabbuh Mansour Hadi was elected president in February 2012, at which time Ali Abdullah Saleh formally stepped down from the presidency. Steps to set up the NDC were also taken in early 2012.

On the other hand, very little progress was ever made on military issues. Road blocks (and all other impediments to daily civilian life by military–security officials) were never fully removed anywhere. There were innumerable smaller and larger rebellions against President Hadi's orders, with troops refusing to obey their leaders either because they supported or opposed Saleh or in response to changes in their leadership. Although Hadi had removed many of Saleh's closest associates and relatives from their leadership positions within 18 months, in practice most new appointees were from Hadi's home governorate, leading to accusations that he was filling the posts with his own cronies. Most new leaders, regardless of their quality, were unable to overcome the entrenched loyalty of the elite military units to Saleh and his close associates. Mid-level military leaders remained in place. Throughout the transition, major terrorist actions were frequent and killed hundreds of military–security personnel and civilians.

The National Dialogue Conference

The NDC's sessions commenced in March 2013, following a number of delays in agreeing procedural issues, and because of attempts to include southern separatists. Its membership included a number of well-known personalities representing the main political trends in the country, as well as a few senior women. It included 565 people, 56 per cent of whom were southerners, 28 per cent women and 20 per cent youth; there were 40 seats for civil society, 85 for the southern separatists and 35 for the Huthi.

The NDC completed its work in January 2014, three months later than planned, and reached 1,800 individual decisions (officially referred to as 'outcomes'). While some delays were related to the complexity of the issues being debated and the diversity of the positions, many people considered that other delays were merely intended to discredit

and undermine the process—tactics widely attributed to Saleh's allies in the General People's Congress (GPC) delegation. Deliberations were also made more difficult by worsening security outside the conference hall, given the reduced presence and activity of the regular police authorities in the streets, and given that military personnel were refusing to obey orders.

Some aspects of the NDC's proceedings, such as the inclusion of the Huthi movement, should be viewed as a success, regardless of later events. Also the high level of passionate commitment among many participants, particularly young men and women, forced a significant generational change in political discourse—something that will be very relevant in the future.

Nevertheless, the NDC must be assessed as having failed overall. Its mandate was too broad and ambitious for a dialogue conference. Its overall management and leadership failed to ensure greater focus and decision-oriented discussions. This may well have been partly a result of the GPC/Saleh group's tactics, but the United Nations' role cannot be ignored either: it could and should have been more effective. While some of the experts provided through the UN Department of Political Affairs were committed, serious and extremely competent specialists in their fields, others were not.

There were also problems in the representativeness of the members. The over-representation of southerners sent messages that were likely to worsen the situation: on the one hand, southerners considered that they had the ability to undermine the entire process; on the other, people from the rest of the country saw that a minority (at most 35 per cent of the country's population) was being allowed to hold the whole process to ransom, and thus they felt alienated.

Although there were over 1,800 outcomes (not all of which were compatible), little or no progress was made on a number of key issues. While most participants accepted that Yemen should be a federation, the NDC was unable to resolve the question of the number of regions and their borders. Instead, after completion of the NDC, President Hadi appointed a special committee of 23 members (the Regions Committee) to decide on the number of regions in the future federal state. Following his suggestion, the Committee decided that the country should have six regions, four in the former Yemen Arab Republic (YAR) and two in the former People's Democratic Republic of Yemen (PDRY). The decision was immediately rejected by the Huthis, on the basis that it 'divides Yemen into poor and wealthy regions'. Many observers noted that the Huthis wanted to have an outlet to the sea, as well as access to the natural resources (oil and gas) of al-Jawf and Marib. Many southerners also opposed the Regions Committee's decision, as they wanted a single region in the former PDRY.

The Constitutional Drafting Committee

Established on 8 March 2014, the Constitutional Drafting Committee (CDC) was originally given a year in which to complete its work, carry out public consultation and submit the constitution to a referendum. The CDC had 17 members, and received significant international support. As the delivery of a full draft constitution to President Hadi on 3 January 2015 provided the trigger for the Huthi final takeover of Sana'a and then the start of full civil war, the importance of the constitutional drafting process cannot be underestimated.

The CDC's draft constitution consists of 446 articles and provides a series of basic principles, as well as details for federal institutions, including the distribution of resources between the different future entities. While, as of late 2015, it appears to be of little relevance, future developments and the return of peace to Yemen should provide opportunities to re-examine it. It certainly appears to provide an excellent basis for better governance in Yemen, and other international examples suggest that such documents are often revived and used later than originally intended.

However, as with the NDC, the constitutional drafting process suffered from a number of serious flaws. First, the CDC was required to transform the NDC's outcomes into a draft constitution, ignoring the fact that the NDC had failed to find solutions to the most contentious issues, and therefore did not provide guidelines to address them. There was also widespread suspicion that the CDC members were devoting too much attention to their own individual concerns and to benefiting from the process. Members from the south did nothing to minimize the divisions in their ranks or to develop a shared political programme.

What could have been done better?

Although the transition process suffered from a number of factors which were beyond the parties' capacity to control, it was not absolutely bound to bring about the civil war which started in 2015. At different moments and in different ways, the process could have been organized differently, thus avoiding the current outcome.

Sequencing and establishing priorities

- Military and security reform should have been treated as the absolute priority for the transition. Transforming a military–security apparatus which had been at the heart of the country's polity for three decades and which was an intrinsic part of the patronage system was always going to be a major challenge, and the transition process should have been designed with that in mind. Political change should have been designed to take place after the

transitional regime had secured the military–security elements, rather than simultaneously. A state which does not have the ability to enforce the rule of law has no chance of achieving anything else.

- The international community's insistence on the unrealistic two-year timetable was also problematic. Constitutional experts point out that developing a federal structure in a complex context can take years, and more time could and should have been granted for that purpose, while additional support should have been afforded as well.
- The NDC should have been established as a consultative debating process, rather than as a decision-making one. Its responsibilities were too great both for its duration and for the nature of its membership. Such a consultation could have been followed by a more restricted conference of decision makers, which could have resolved the more intractable issues (such as federalism and transitional justice). Such an approach would also have solved the deficiencies of the constitution drafting process, thus enabling it to focus on technical issues rather than engaging in crucial political negotiations.

Reordering Yemen's politics

- Saleh's continued presence in Yemen, his continued leadership of the GPC and his control of elite security forces played a key role in the transition's failure. In retrospect, given how pervasive his influence on the transition was, more effort could and should have been made to marginalize him. In particular, although Saleh was too strong to be excluded in November 2011, he was weaker in 2012, when there was significant popular enthusiasm for the transition. It would have been possible at that point to remove him as head of the GPC, thus removing support in the GPC structures.
- As the leader of a country in transition who faced important challenges to his authority, Hadi needed to build a power base, and the best way would have been to address the economic crisis and the deterioration in social services and all aspects of the population's living conditions. To achieve this, he needed financing, as well as an effective government. This could have been delivered in the form of the USD 8.49 billion of support that had been pledged by GCC states and other Friends of Yemen countries. Those funds could have significantly improved people's living conditions, and could have created strong popular support for Hadi's administration. This was not allowed to happen. The conditions imposed by the funding agencies prevented anything from being done until 2014, when the Executive Bureau finally became a

fully functional institution. But then the situation deteriorated too rapidly for any implementation work to be carried out.

Representativeness within the transition

- The composition of the 'national unity' government was equally problematic. The 50/50 distribution between the GPC and the opposition (to include the Joint Meeting Parties and the 'new' forces) was a recipe for paralysis, with individuals focusing on their personal or party interests rather than on the welfare of the country's population as a whole. The government took practically no action, and instead gained a reputation as the country's most corrupt government ever. International support for the establishment of a strong and independent government under an effective prime minister could have contributed to solving the problems of the population, rather than allowing them to worsen, as was the case under the 'consensus' government.
- The international community's focus on support for prominent (or potentially prominent) personalities ensured a continuing intra-elite struggle, rather than real 'regime change'. Specifically with respect to the NDC and the CDC, the UN used the excuse of their being 'Yemeni processes' to abdicate responsibility for the outcomes. It could have played a more active role, even behind the scenes—as it did to protect its concerns. In particular, the southern issue was allowed to dominate, despite the fact that its main protagonists were totally divided and unable to agree on a single joint position. This distracted and disrupted the whole process at the expense of other major issues.

While there were many objective reasons for the failure of the transition process, ultimate responsibility rests with individuals and institutions. The prime culprits are the members of the Yemeni political elite (of all hues) who prefer to see the destruction of the country rather than find workable solutions, and who manifest complete contempt for the lives and living conditions of the majority of the country's population. However, others bear considerable responsibility: the states, western and Gulf, that promoted the GCC Initiative pushed for unrealistic targets, while failing to provide the financial support needed to tackle poverty and enable people to achieve socio-economic improvements which would have ensured massive popular support for a new regime. With a misguided interpretation of their own interests, they also failed to adequately support the transitional regime's efforts to reform the military–security structures, thus allowing Saleh and his supporters to retain the military strength which has fired the current conflict. Finally, the UN system largely focused on intra-elite negotiations and on the most visible and prominent tensions, at the expense of the broader long-term concerns of the Yemeni population as a whole.



1. Introduction

The 2011 uprisings in Yemen had their own logic and internal dynamics. They were also primarily concerned with regime change, following on from the eviction of the rulers of Tunisia and Egypt. Indeed, the *irhal* or removal from power of President Ali Abdullah Saleh was the main unifying demand of all the demonstrators. Between 2012 and early 2014, many international politicians (including US President Obama) and commentators promoted the ‘Yemeni model’ as an alternative to the descent into civil war experienced in Syria and Libya. Close observers of, and participants in, Yemeni developments were more cautious, not to say sceptical, about this optimism.

The events of 2014 and 2015 unfortunately proved the sceptics right. However, the processes which took place in this period in Yemen and the attempts to bring about peaceful regime change were unique and did present a golden opportunity. This report attempts to draw lessons from the Yemeni situation during that period. In particular, it seeks to investigate what went right and what went wrong during the transition process. Was it doomed from the beginning? Could any of the participating parties have done things differently at various points in the process? What could have been done when, and by whom, to achieve a successful transition?

While this report certainly does not provide a complete answer to any of these questions, it presents the details of the transition process and assesses its different elements and phases to see what lessons could be learned to avoid such a sad outcome in the future. The aim is to provide information and analysis that will enable Yemenis to benefit from the experience of the transition, to build on its achievements and to avoid in future many of the pitfalls that allowed the country to sink into the current civil war.



2. Background

Yemen in 2010: A snapshot of the country's situation

The events in Yemen of 2011 did not emerge by accident. Ali Abdullah Saleh had ruled since 1978: first the Yemen Arab Republic (YAR) and then, after 1990, the Republic of Yemen (RoY), which was the result of the unification of the former YAR and the People's Democratic Republic of Yemen (PDRY). Although the two former states had different political systems, unification was initially a peaceful transformation, brought about by a number of factors. First, there was a widespread desire for it throughout Yemen: for the population, unification reflected their hopes and ambitions; for the politicians, it was perceived as a solution to the different problems affecting the two former states. Second, the recent discovery of oil near the borders between them and Saudi Arabia had raised the risk of armed conflict in the drive to control access to the resource—a conflict which, most likely, would have led to Saudi Arabia controlling the oil and both Yemeni states losing out. Third, the reduced support for the PDRY from the states of the socialist bloc after 1986, when perestroika started and their financial means contracted, coincided with a crisis within the PDRY that was no more welcome internationally than it was internally. Fourth, at that time both the PDRY and the YAR were suffering profound economic crises, as well as crises of legitimacy for both regimes: in the case of the PDRY, as a result of the 1986 bloodletting between Yemeni Socialist Party (YSP) factions; in the YAR, due to the widely perceived gap between democratic rhetoric and actual dictatorship.

The first years of unification were marked by a great broadening of freedoms, including the emergence of a multiplicity of new political parties and the flourishing of new media that aired a wide range of views. This did not last. Well before the 1994 civil war, the Saleh regime started to tighten the noose and narrow the possibilities. There were also assassination campaigns targeting senior or important figures in the YSP. By the end of the decade, the Local Government Law (1999) and the Non-Governmental Organization (NGO) Law (2001) were firm indicators that the Saleh regime would not tolerate the emergence and operation of institutions that might seek to be independent of its patronage and corruption mechanisms.

Interestingly, local elections held in 2001 and 2006 were marked by more violence and repression than either national parliamentary (1993, 2003) or presidential (1999, 2006) polls. The 1999 presidential election was little more than a farce, as the rival candidate explicitly stated that he was not seeking to be elected and that he supported Saleh. Indeed, the 2006 presidential election was the first in which there was some serious semblance of opposition, with the Joint Meeting Parties (JMP) agreeing on a single candidate, who was a serious contender and a highly respected independent. The fact

that, despite manipulations, he won 23 per cent of the vote was a first indication that the Saleh regime might be heading for trouble. The postponement of the parliamentary elections from 2009 to 2011 (and now to a distant future) was largely due to Saleh's awareness that victory was not assured, regardless of the manipulations at the registration stage (i.e. long before international observers turn up), although the JMP was also hoping to increase its support thanks to this delay.

The first decade of this century was characterized by a number of factors and events which led most observers, as well as many Yemenis, to anticipate the end of the Saleh regime:

- Oil production fell and exports were reduced. This was possibly the main underlying factor in the regime's decline. Much of the income had been used to finance Saleh's patronage system, and thus his control over most social groups and the population at large. His visits throughout the country had always been greatly anticipated and welcomed, as he normally travelled with large quantities of cash, which was distributed to local leaders and used to finance a wide range of activities (some more useful than others). The reduced income also resulted in fiercer competition between the main business kleptocrats, whether from Saleh's party (the General People's Congress, GPC), Islah (the main opposition party) or 'non-party-affiliated' big business. All those involved in the oil and gas sectors were affected by the decline in income.
- There was (and continues to be) a worsening water crisis: in the countryside, the over-pumping of deep wells by wealthier, large landowners had resulted in the drying up of the shallow aquifers used by smallholders, who were thus further impoverished. But the water crisis was not limited to rural areas, and indeed it has become a daily feature of urban life in most cities.
- The six Huthi wars, which started in 2004 and went on until 2010, were also very damaging to the regime. One partial explanation for why Saleh persisted in waging them is that the objective was more to weaken his rivals than to defeat the Huthis. Specifically, the regime's military forces were led by Ali Mohsen, who, by then, was Saleh's rival. His defeat (or ideally death) would have been welcomed by Saleh, as Ali Mohsen and his allies were: (a) militarily powerful and competent; and (b) opposed to Saleh's plan to ensure the succession of his son Ahmed to the presidency.
- The anger and bitterness of southerners had been a constant theme and feature since the 1994 defeat of the secessionist movement. This was exacerbated by several actions on the part of the regime which southerners interpreted as deliberately intended to worsen the situation, such as the illegal appropriation

of land and other assets, and the appointment of aggressive northerners to important security and other positions. All this came in addition to the general deterioration in living standards and the worsening impoverishment experienced by the population of the south.

- Throughout the country, but mainly in rural areas, poverty was increasing rapidly (regardless of the World Bank's assertion to the contrary in its series of poverty assessments and updates), as the population grew, outward migration was restricted by the destination countries and agriculture stagnated (while there were few other employment opportunities). Even city dwellers experienced inequality and observed the gap between the wealthy minority and everyone else: they could witness on a daily basis the ostentatious wealth of the few senior military officers and other cronies of the president and his faction. This at a time when the number of beggars in the streets was soaring, and when slums and 'night buildings' were springing up around every city.
- There was a formal government, which had very little control over the situation and was basically subject to orders from the ruling faction. But this government was the point of contact for the 'international community', and in particular for the Bretton Woods institutions and other external funding agencies which urged it (largely unsuccessfully) to follow their recipes for development and governance.
- A further contributory factor was the rise of 'pro-democracy' non-governmental organizations (NGOs) sponsored by the United States and others. While participants and staff were mostly educated, privileged youth, this did create a group of people with knowledge of popular organization and allegiance to democratic ideas.

The economy

By 2011, Yemen's economy was in very bad shape. For decades, the country had been suffering from a deteriorating poverty rate, which reached 54 per cent in 2012.¹ The country's financial resources are based on oil and gas exports. In the past decade oil exports have dropped off: first because the very limited oil reserves have become depleted (production in 2014 was a mere 164,000 barrels/day, down from a peak of 440,000 barrels/day in 2001); and, second, because the various pipelines are frequently cut by people in the producing areas in protest at lack of jobs and development investment, and also generally because they have seen resources leave the area to fill the coffers of

¹ Most descriptions and data provided throughout this text refer to the situation prior to the full-scale war which started in March 2015. Since then, all indicators have deteriorated beyond emergency level.

the main kleptocrats in the capital. Gas exports only started in 2009 and still have a long way to go to replace the income from oil, particularly given the very high cost of the initial investment in infrastructure for its export.

The main economic activity for the population is agriculture (including livestock). It is the main contributor to the income of the 70 per cent of the population who remain rural, and is supplemented by young men from rural households undertaking casual labour in the cities. Drought, the expansion of export-oriented, very thirsty crops that require irrigation and the fact that most farmers work very small, rain-fed plots as owners, sharecroppers or casual labourers, have weakened the rural economy to the extent that over 80 per cent of Yemen's poor live in rural areas. The vast majority of the 1.2 million agricultural holdings are very small and are quite inadequate to provide a living for their households. Large families and population growth at 3 per cent per annum mean that farm holdings are getting smaller, since the Islamic inheritance system divides property among all the heirs to a deceased person. In addition, the expansion of irrigated agriculture is depleting the shallow aquifers, reducing the capacity of poorer smallholders to grow high-value crops which require supplementary irrigation, thus eventually forcing them to sell their land to the larger owners of deep wells. This is contributing to further impoverishment, the depletion of the water tables, and a concentration of wealth.

Industrial development in Yemen is very limited. Only about 200,000 people work in the sector, mostly in the cities of Taizz and Hodeida, and to a lesser extent in Sana'a and Aden. Some rural areas have developed small industrial units, mostly workshops producing and repairing household items; others specialize in weaving imported yarn. All these have suffered considerably from the crisis since 2011, and in particular from the shortage of electricity and the unavailability of other fuels, such as diesel. Their sources of supply and their markets have also been disrupted by the instability.

Yemen's water crisis is by far the greatest long-term threat to the country's very existence. Use of water is currently well beyond a sustainable level: 3.5 billion cubic metres (m³) is extracted each year, of which only 2.1 billion is renewable: 90 per cent of Yemen's water is used for agriculture, 8 per cent goes for domestic use and only 2 per cent for industry. The limited water sources are distributed unevenly across the country, which has significant economic and political implications: the largest aquifers are located in areas of low population density, such as the Hadramaut, Shabwa and al-Mahra governorates. By contrast, the densely populated western highlands are under great pressure, as they have little in the way of deep aquifers and are mainly dependent on renewable resources. This is due to a combination of factors, including climate change, which affects rainfall intensity and distribution patterns.

Social infrastructure

To continue with the water theme, per capita water availability has dropped to 84 m³ per annum, well below 10 per cent of the World Health Organization (WHO) estimate of 1,000 m³ per capita requirement for adequate living standards. Domestic water supplies are problematic everywhere: in rural areas, women and children find the daily task of water collection increasingly onerous in terms of both time and energy. Depletion of the resource has already forced the evacuation of some villages in the highlands. Elsewhere, such as in the coastal villages of al-Mahra, all water has been trucked in from distant wells for over a decade. Everywhere water tends to be saline and polluted, from the source onwards, and therefore unsuitable for drinking without purification. The cost of water is a major and unavoidable expense for all households and, obviously, is particularly problematic for the poor. The picture for urban water is hardly more rosy: Sana'a is expected to become the first world capital to run out of water in the coming decades, and the urgency of the situation has been apparent for decades in the city of Taizz, where those who are connected to the urban supply network receive water only once every 60 days or so, and where most supplies are by expensive tanker. Before the current war, Aden and Sana'a received water about twice a week, while in Hodeida water was available but very saline.

Education

Although the state spends about 5 per cent of gross domestic product (GDP) on education, indicators remain unimpressive. Adult illiteracy overall is 35 per cent, but that figure rises to 52 per cent for women, and only 16 per cent of adults over 25 have had any kind of secondary education. Less than half of the age group is enrolled in secondary school, and only 10 per cent in higher education. With this limited expenditure, private education and household contributions to children's education have been rising in the past two decades. Here again cost is a factor which limits access for the poor and those on the margin of poverty.

Health

Public spending on health dropped to a low of 1.3 per cent of GDP in 2013 from an already miserly 2.7 per cent in 2004. It is thus unsurprising to find that medical services are very inadequate. That said, some indicators have improved in the past three decades, in particular infant mortality and immunization rates, and the increased role of the private medical sector has both positive and negative features (Lackner 2014).

The humanitarian situation

Given the dire state of the economy, it is unsurprising that the humanitarian situation has continued to worsen and has now reached emergency-scale levels. Some 21 million

people are in need of some assistance; 13 million are food insecure; and over 1 million children are malnourished. Yet only 67 per cent of the UN's Humanitarian Strategic Response Plan for 2014 was funded; as of September 2015, only 22 per cent of the 2015 plan was funded. Many programmes were unfinanced, leaving observers to wonder why the funding—modest by international standards—could not be found.²

The 2011 uprisings

During the second half of the 2000s, the combination of a collapsing economy, deteriorating living standards and political tensions contributed to a widespread view that the regime was 'on its last legs' and would soon fall.³ What no one could figure out was what would trigger the change. Political events in the Arab region in late 2010 and early 2011 certainly contributed significantly, and the situation might well have blown up even without the encouragement offered by events in Tunisia and Egypt. Throughout 2010, open acts of defiance included:

- the Women Journalists without Chains organization demonstrating weekly outside the prime minister's office with various demands, usually connected with freedom of speech;
- the villagers of Ja'ashin, having been dispossessed of their lands at home, more or less moving en masse to Sana'a, where they established a 'tent city';
- a range of events throughout the country, including strikes, and various attacks by aggressive armed Islamists; and
- increasingly frequent demonstrations by southern separatists, which were suppressed by force.

The actions of the regime contributed considerably to increased anger and frustration. In January 2011, Saleh initiated discussions in parliament which would have led to a change in the constitution to enable him to stand for the presidency yet again. This, combined with a failure to reach agreement with the opposition on issues connected with the parliamentary elections scheduled for April, led to their further postponement (after having been put off for two years in 2009). Popular anger was reflected in demonstrations that started on a small scale on 17 January, but then increased in size, so that on 27 January between 15,000 and 20,000 people came out onto the streets.

² Readers should note that these figures concern the pre-war situation. By mid-2015 the UN estimated that over 80% of the country's population was in need of urgent humanitarian assistance.

³ A partial list of publications to that effect is found in footnote 10 of the Introduction to Phillips (2011).

These demonstrations were organized by the JMP and were already calling for Saleh's departure. On 2 February 2011, in anticipation of the 'Day of Rage', due to be held the following day, Saleh made a speech which, he hoped, would restore calm. He announced (a) increased salaries for military–security personnel; (b) the postponement of April's parliamentary elections; (c) increased authority at the governorate level; (d) cancellation of the proposed constitutional amendments; and (e) the establishment of a government of national unity.

Having witnessed the downfall of former President Ben Ali in Tunisia and the increasingly massive demonstrations against Mubarak in Tahrir Square in Cairo, Saleh pre-empted a similar move in Sana'a by organizing an encampment of his supporters in Sana'a's Tahrir Square from 2 February onward. This failed to discourage the opposition movement, which moved 1km west and established its 'Change Square' near the university. Although initially small, tent numbers increased rapidly after Mubarak's downfall. Opposition political parties were involved from the beginning, in particular Islah and the YSP. Up until the watershed date of 18 March, independents and human rights/democracy activists played a major role and influenced discussions and demands.

While it is not possible to deal with the events of the following months in any great detail, certain points need to be made, as they are germane to the later transition process. First, on 18 March, which became known as the 'Friday of Dignity', snipers associated with Saleh killed over 50 demonstrators near Change Square (Phillips 2011: 12; Human Rights Watch 2013). This was a major event which, in the following days, brought significant political developments. The first was the initiation of what later became known as the 'Gulf Cooperation Council' initiative, which started as a purely Yemeni proposal from Saleh for early elections, immunity for himself and his relatives, and his replacement by the vice-president. The second was a series of significant defections from the regime, including by a few ministers, MPs, ambassadors and others. The third significant outcome was the defection of Ali Mohsen and his First Armoured Brigade, which also announced that it would in future 'protect the demonstrators'. Islah and the al-Ahmar brothers also then publicly announced their support for the revolution.⁴

In the following months, *sahat*—open spaces used as both meeting places and temporary homes for demonstrators—sprang up in towns throughout the country and were accompanied by open-air Friday prayers on main avenues and by demonstrations which continued well into 2013. Common and widespread 'capital bias' has influenced observers' views. Although *sahat* existed in all the country's major towns, their social

⁴ The sons of Shaykh Abdullah Hussain al-Ahmar (who died in 2007) are the leaders of the Hashed tribal confederation, one of the two major tribal confederations in Yemen. Their father was the founder of the Islah Party, which combines the forces of the Hashed confederation and Islamists.

and political characteristics varied considerably, with different dominant political groups in different places: in Aden, separatists were the main force, while in Taizz socialists played a greater role than elsewhere.

There were also increasing numbers of armed incidents in Sana'a and elsewhere, such as in Taizz in May and June, when over 30 people were killed.⁵ However, with respect to future developments, it is important to note that, after March, leadership of the movement was largely in the hands of the Islah Party, particularly in Sana'a. There are a number of reasons for this. First, it was the largest and most powerful party, and enjoyed very considerable support among male and female youth throughout the country. Second, other participating parties (YSP, Nasserists and Ba'ath) were much smaller and had a much weaker popular base. And third, the independent youth movement, while extremely active, lacked two fundamental characteristics for political success: a clear and explicit programme, and identifiable leadership.

On 3 June 2011, an attack on Saleh's mosque killed 13 of his closest associates and seriously wounded him, as well as another 185 people. He was taken to Saudi Arabia for medical treatment, but managed to return to Sana'a on 23 September, against the wishes of his hosts. However, by then he had been seriously weakened politically and pressure for his departure had increased. This now included threats of sanctions from the UN Security Council. This was another watershed moment.

While this paper discusses in detail the events of 2011 to 2014, a brief summary of more recent developments will assist in understanding their importance. Having extended their control to areas near their home governorate of Sa'ada between 2011 and 2013, the Huthis joined forces with Saleh and his elite military forces and, by September 2014, had taken over Sana'a. After their 'coup' of 6 February 2015 and interim President Hadi's refusal to bow to their demands, they placed him under house arrest, from which he escaped to Aden on 21 February. Forced by military pressure from the Saleh/Huthi alliance to leave, he temporarily established his government base in Saudi Arabia. On 26 March, a Saudi-led coalition started an air campaign against the Huthi/Saleh forces throughout Yemen; on the ground, full-scale war broke out between the Huthi/Saleh forces and their opponents. From mid-July, anti-Huthi/Saleh forces were strengthened with ground troops from the United Arab Emirates (UAE), and this enabled them to retake Aden. By September these had been joined by Saudi, Qatari and other forces arriving through the desert in the north of the country; at the time of writing they appear to be planning to retake Sana'a and northern governorates.

⁵ Details of regime repression in Taizz are to be found in Human Rights Watch (2012). In the course of 11 months in 2011, over 60 civilians were killed and 260 wounded in demonstrations in the city.



3. The main parties involved in the Yemeni transition, 2011–15

What follows is a brief description of the main individuals and parties involved in the Yemeni transition, including those involved at different stages between 2011 and 2015.

Ali Abdullah Saleh and his close associates

Born around 1944, Ali Abdullah Saleh is a tribesman from Sanhan, a minor branch of the northern Hashed confederation. Thus he should owe allegiance to the senior Hashed Shaykh, currently Sadeq Abdullah Hussain al Ahmar. Given the frequent confusion over names, it is worth noting that he has now stopped using al-Ahmar as a family name and has re-adopted Affash, a name he previously despised. As a military officer, he took power in July 1978, remaining president until February 2012 by ensuring his ‘democratic’ election by parliament and the population. His closest associates include his sons, and a number of half-brothers, nephews and other close relatives, many of whom occupied senior security positions, mostly in the well-trained and well-equipped elite forces of the country. His eldest son Ahmed, in particular, was head of the Republican Guard and the Special Forces until 2012. After his replacement as president by Abdu Rabbuh Mansour Hadi in February 2012, Saleh systematically undermined the transition in various ways, including by employing delaying tactics for the political process via his supporters; by encouraging mutinies by army units whose leaders had been replaced by men who were not under his sway; and, most significantly, by allying with the Huthis and taking over most of the country in the first half of 2015.

The General People’s Congress

Saleh established the GPC in 1982 to bring together all influential people in a body that would support him. It was originally composed primarily of tribal leaders, supporters of the numerous political tendencies who would otherwise have been leaders of political parties,⁶ and notables of all hues whom Saleh successfully enrolled, sometimes without their knowledge. Over the years, it developed the trappings of a party, including an organization, offices and officials throughout the country and an active presence well in advance of any elections. Its main role is to mobilize support for Saleh, ensure the success of Saleh supporters at elections, distribute funds to those supporters, and remain informed at a local level about the general situation and, in particular, about any dissent.

⁶ Political parties were illegal in the YAR and were only allowed after unification in 1990. This is one reason why Saleh’s organization was known as the General People’s Congress, rather than containing the word ‘party’ in the name.

The Islah Party

The Islah Party (officially known as the Congregation for Reform) was founded in 1990 by Shaykh Abdullah Hussain al-Ahmar to compete with the GPC, the YSP and other parties, once political parties were allowed to operate in the newly unified Republic of Yemen (Phillips 2008: 137–66). It is an amalgamation of members of the two main northern tribal confederations (Hashed and Bakeel) and Islamists with greater or lesser allegiance to the Muslim Brotherhood. The Islamist faction is largely under the influence of Shaykh Abdul Majeed al-Zindani and has supporters throughout the country. Over the past two decades it has increased in strength as is manifested mainly in local government elections, and it has also become a major political force in the southern governorates, gaining support from many lower-status and poor people who are disappointed by the post-unification policies of the YSP.

The al-Ahmar brothers

The ten sons of Shaykh Abdullah Hussain al-Ahmar have been a significant and rising force in Yemen's politics ever since their father's death in December 2007. He had been the supreme shaykh of the most important tribal confederation in the country, the Hashed, based in the northern Zaydi part of the country. Despite the significant differences and the struggle for political power between him and Saleh's family, Shaykh Abdullah was chosen as speaker of the Yemeni parliament, a position he held until his death.

His sons are involved in a wide range of activities. They include Hamid, who is a major businessman and rival of Saleh, as well as being a member of Islah's highest internal body; and Sadeq, who is now head of the Hashed tribes. They have held a range of positions in their own militias and in politics. Since the death of their father, there is less unity between them and there have been occasional rivalries. The prospect of emerging second generations in both major families has been one of the causes of the collapse of the previous political compact between the al-Ahmars and the Salehs. It is widely believed that Hamid has presidential ambitions, and that Saleh's plan for his son Ahmed to succeed him was the main underlying cause of the conflict between the two groups.

General Ali Mohsen al-Ahmar

General Ali Mohsen al-Ahmar and Ali Abdullah Saleh were close allies until the latter made clear his ambition to hand the presidency on to his son. There are rumours of a close kin relationship between them, but what is certain is that they are both from the same small village in Sanhan and that they had an agreement about power sharing in the late 1970s when Saleh first became president. Ali Mohsen was the main military leader entrusted with fighting the Huthis during the six wars, and was thus seen as their main enemy. He was the head of the First Armoured Brigade, one of the country's

most effective military units. There is considerable evidence to support the theory that Saleh tried to undermine him by withholding weapons and ammunition during the wars. It was also widely rumoured that Saleh's close associates tried to direct Saudi Arabian bombing onto his compound in 2009, when the Saudi Arabian air force was involved in assisting Saleh in his war against the Huthis. The relationship finally and formally broke down in March 2011, when Ali Mohsen announced his support for the anti-Saleh demonstrations. Ideologically he is a Muslim fundamentalist and is believed to be close to the insurrectionists.

Other members of the Joint Meeting Parties

The Joint Meeting Parties was established in 2003 and is composed of the Islah Party (by far the largest and most dominant), the Yemeni Socialist Party (the former ruling party in the PDRY; much weakened throughout the 1990s, and particularly since the emergence of the Southern Separatist Movement or Hiraak), the Haq party (a small Zaydi party mostly composed of *sada*, the main term used in Yemen to describe descendants of the Prophet who are often also known as *ashraf*), the Nasserist Unionist Party, the Union of Yemeni Popular Forces (another Zaydi party) and the Ba'ath National Party. As is clear from this list, the JMP is a grouping of organizations with very different and often conflicting ideologies, and is thus a coalition or a pact, rather than a cohesive group. Its main role is to ensure that members avoid competition with each other in elections. Prior to 2011, the only time they came together effectively was for the 2006 presidential election, when they agreed on a highly respected joint candidate, Faysal bin Shamlan. In the formation of the government of national unity in December 2011, they were treated as a single entity in the overall distribution of positions. Although dominated by Islah, the other members have had more influence in discussions of strategies and tactics in recent years, particularly when they have been able to present a united front.

The Huthis

The name of this movement is that of its leader's family: originally set up in 1992 by Hussain al-Huthi as the 'Believing Youth' social Zaydi revivalist movement, it first operated in alliance with Saleh's regime. Hussain al-Huthi was a member of parliament in 1993–97, and one of his brothers followed at the next election. However, Saleh encouraged the establishment of the rival Dar al-Hadith Salafi centre in the heart of the Zaydi community. This led in 2004 to the first in a series of wars between the Saleh regime and the Huthi movement. Although Hussain al-Huthi was killed in September 2004, the movement grew in strength, despite increasingly violent repression through six wars which killed thousands, displaced more, and destroyed the local economy and infrastructure. A ceasefire was agreed in 2010, though it would probably not have held

even if the 2011 uprisings not taken place. The movement's leadership remains within the family: the current leader is Hussain's brother, Abdul Malik.

Ideologically, the Huthis share the social characteristics of other fundamentalist groups, including claims to theological correctness, belief in unquestioning obedience to leaders, and a retrograde attitude to women's rights. Although a Shi'a group, Zaydi theological differences with Sunnis are few, and the main distinguishing characteristic is their belief in the innate right of *sada* to rule. This is also the reason why some *sada* from other parts of the country support them.

In 2011, the Huthis participated in the uprisings against the Saleh regime. Thus after March they found themselves on the same side as some of their main enemies: Ali Mohsen al-Ahmar and the Islah Party, which includes both Muslim Brotherhood ideological opponents and the majority of the Hashed and Bakeel tribes. Instability throughout the country gave them an opportunity to take complete control of their home governorate of Sa'ada, on the border with Saudi Arabia, towards the end of 2011; and in the following years they also gained sway over more and more parts of the neighbouring governorates of Hajja, Amran and al-Jawf, taking control of Sana'a in September 2014 and well beyond in 2015. Earlier in this decade they traded their alliance with Ali Mohsen and Islah for another equally unlikely and unsavoury partnership with Saleh (who had waged the wars against them) and his military–security forces. This latest alliance contre nature is what enabled them to conquer much of the country in the first half of 2015, and it certainly demonstrates that political/military alliances have little to do with shared beliefs or ideological commitment.

The Hiraak

This is the name used to describe the various elements of the Southern Separatist Movement. After the defeat of the separatist faction in July 1994, large numbers of southerners, particularly in the former capital Aden, considered that they were dispossessed, oppressed and occupied by the Saleh regime, which they equated with the north. After years of frustration, in 2007 the military and security personnel who had been forcibly retired after 1994 formed the Organizations of Retired Southern Military and Civilian Staff based in al-Dhala' and Lahej governorates. Their initial demands were not directly political: they wanted either reinstatement in their pre-1994 positions or adequate pensions. But as their peaceful demonstrations were met with state violence, resistance increased and expanded to Aden (Roberts et al. 2016: chapter 6). By 2010, there was a fully fledged insurgency in most parts of the former PDRY. In Aden and the eastern Hadramaut governorate, the demonstrations were mainly peaceful, while a military movement also emerged in Lahej and al-Dhala'. Among activists, it is likely that the demand for separation remained at the forefront in

demonstrations, but in 2011 the objective of removing Saleh was shared by northerners and southerners alike, alongside other demands for dignity and economic reforms. Regardless, it is likely that the majority of southerners, particularly in Aden and the east, remained silent as they were not supporters of separation.

From 2012 until the Huthi 'coup' of 6 February 2015, most demonstrations and political activism in the southern governorates were in support of independence for the south, raising the flag of the former PDRY—something of an irony, given that few consider themselves socialists. However, the movement has no clear local leadership: there is a vast array of organizations, and almost as many leaders; while the few names that have emerged in public and in national politics are those of elderly men associated with the various factional struggles within the Yemeni Socialist Party during the PDRY period and even earlier. Two of the currently most frequently mentioned leaders (Ali Nasser Mohammed and Ali Salem al-Beedh) were on opposite sides during the bloody internal struggle of January 1986. Others, such as Abdul Rahman al-Jifri and, until his recent death, Abdullah al-Asnag, are of an even earlier vintage, going back to the late years of British rule in Aden. The absence of a new leadership and the inability of the Hiraak to present anything remotely resembling a unified front is a sad indication of what may happen if the movement achieves the only thing that brings it together, namely separation from the rest of the country.

While the future of Yemen as a whole is the subject of a virulent political and military struggle, Aden has been one of the cities most affected, having been occupied by the Saleh/Huthi allied forces from March until July 2015, bringing death and destruction on an unprecedented scale. On 30 July, Hadi, the legitimate president, announced that it would be the country's capital until Sana'a could resume its role. Whether its future is as the capital of some parts of Yemen, or as a Yemeni city (or indeed as a minor city-state) is open to speculation. However, one thing is clear: should separation become a reality, it is highly unlikely that there will be a single state within the borders of the former PDRY; a division into at least two, if not more, states and mini-states is far more likely, with the eastern region, led by Hadramaut, going its own way.

Youth and women

Independent young people played a major role in the 2011 uprisings, and they were particularly influential in the first two months. After the 18 March 'Friday of Dignity' massacre watershed, although they remained very active, their influence was gradually eclipsed by that of the formal parties, particularly Islah. Young people from all parties were active; but given that Islah is the largest party, its youth wing also dominated the movement. In the course of the year, as many people from all walks of life and from all over Yemen joined in, the independents were gradually outnumbered. While Islah

has many faces, the 2011 Nobel Peace Prize winner Tawakul Karman represented the 'progressive' face of the party, both internally and internationally.

The 2011 uprisings were also an opportunity for women to express their needs and concerns independently, and one of the most impressive aspects of the period was the active presence of so many women at the Friday demonstrations, as well as in some of the 'live-ins'—something which required very considerable personal determination and a willingness to cope with strong opposition in most households. There were far fewer women than men, and those who were involved were mostly from the educated middle classes: other women would have had great difficulty in leaving home for overnight stays away from their family. But participating women had to cope with much opposition, both from the regime and from many of the socially conservative male participants. It was their presence in the *sahat* and at the weekly demonstrations, as well as in the media, that enabled the UN to insist on a reasonable representation of women at the National Dialogue Conference. While 30 per cent representation had been agreed in principle during the preparations for the conference, in the end this figure fell slightly, to 28 per cent of delegates.

As is mentioned above, even though young people were among the main activists from all parties, it was the participation of independent youth that turned them into a political entity per se and that forced established politicians to recognize their importance as a specific interest group—something that should have been obvious, given that young people under 25 make up 70 per cent of the country's population. One of the UN's main successes in the transition was to ensure the inclusion of youth as a separate constituency in the NDC, that is, in the formal political sphere, which previously had been culturally associated exclusively with elderly men. However, it is essential to note the artificiality of the use of 'youth' as a defining category. While the independent youth could be integrated with independents of all ages and classified according to their views, the majority of young people participating in the movements were aligned with one or another of the main political tendencies.

The multiplicity of organizations springing up from the movement is one of the many indications of the wide range of its participants' visions and concerns. Grabundzija, for instance, lists 36 organizations in her glossary covering events in 2011–12 (2015: 5–9). But most of them broadly shared the main demand for a change of regime from autocracy and plunder to one that upheld the following values:

- democratic institutions representing the entire population;
- anti-corruption;
- a civil democratic state;
- dignity; and
- a national economy that would provide for the needs of the population.

Al-Qaeda in the Arabian Peninsula

While there is no doubt about the presence in Yemen of al-Qaeda in the Arabian Peninsula (AQAP) throughout the first decade of the 21st century, it is also worth mentioning that, for many years, it operated with Saleh's acquiescence, to say the least (Day 2015; UN Panel of Experts 2015: para. 60). Saleh's support for AQAP continued despite his declaration of formal support for the USA's 'global war on terrorism' in the aftermath of the September 2001 attacks, and even after requesting and receiving considerable military support from the USA, including advisers, equipment and training for his elite troops.

Islamist insurgents operate in many parts of the country. Prior to the transition period, their presence and rise often closely followed the withdrawal of Saleh's military forces. Since then, their interventions have served his objective of undermining the political processes. However in 2013, the Hadi regime launched a major offensive to dislodge them from their strongholds in Abyan and Shabwa governorates. This considerably weakened them, but also dispersed them into Hadramaut, al-Baidha and beyond. US drone strikes against them continued throughout the period and recently, in June 2015, killed Nasser Abdul Karim al-Wuhayshi, the leader of AQAP and second in command to al-Zawahiri.

This last event may have an impact in the coming months and years, given the shift among aggressive armed Islamists away from al-Qaeda and towards the even more aggressive Islamic State in Iraq and Syria (ISIS, often referred to using its Arabic acronym, Daesh). Whether the new AQAP leader, Qasim al-Raymi, can keep the group together, or whether it loses more members to Daesh, remains to be seen. Al-Raymi himself is alleged to have been an officer in the Republican Guards and a main contact between the Saleh regime and AQAP (Day 2015; UN Panel of Experts 2015: para. 60).



4. Reaching a deal on Yemen's transition

From April 2011 onwards, the USA and other members of the international community which had previously supported Saleh financially and militarily came to the conclusion that his regime was not sustainable and started to push for a 'peaceful' transition. They adopted the document which had been under discussion in Yemen since late March; in addition to previously mentioned elements, initially there were rumours in Sana'a that the deal involved the departure from the country of over 50 members of the military–security and business elite from rival factions. With increased support from the international community, this became known as the GCC Initiative.

The Gulf Cooperation Council Initiative: achieving signature

From the initial formal draft in April 2011, the GCC Initiative involved a series of attempts to bring about a political settlement and avoid full-scale war. The potential for conflict—between Saleh (and his supporters) and everyone else, including his new opponents in Islah, Ali Mohsen and the peaceful revolutionary movement of youth—had been increasing. Saleh used a variety of manoeuvres to avoid signing it: from delaying tactics (insisting that various other people should sign on his behalf, or before him) to arranging for his supporters on 22 May to besiege the GCC and Western ambassadors in the UAE Embassy, preventing them from attending the planned signing ceremony, which thus did not take place (Ajbaili and al-Shibeeb 2011; Blomfeld 2011). Representatives of the main political parties had signed the document the previous day.

While the peaceful demonstrators continued to demand a better regime, the main political and military factions that had been involved in the power struggle had reached a situation close to civil war, with fairly heavy fighting in Sana'a itself, as well as in other places. The situation remained tense between June and September, while Saleh was in Saudi Arabia for medical treatment. On 23 September he unexpectedly returned to Sana'a and the likelihood of civil war increased once again. Having been unable to get Saleh to sign the document, additional pressure was put on him through UN Security Council Resolution UN Security Council Resolution 2014, which was adopted on 21 October 2011. Although the resolution itself did not threaten sanctions, the USA, the European Union and the United Kingdom all issued strong statements suggesting that further delay would entail consequences.

On 23 November 2011, at a ceremony in Riyadh where the only person smiling was the Yemeni president, Saleh signed two documents, witnessed by numerous international personalities: the original short document, known as the Gulf Cooperation Council Agreement and identical to the paper signed on 21 May by the main opposition representatives (see Annex A); and the Implementation Mechanism for the GCC Agreement, a longer document detailing procedures for both phases of the transition (see Annex B).

The key component of the Implementation Mechanism for the GCC Agreement was that there should be a transition in two phases. In the first phase, a government of national unity should be formed within 14 days of the appointment of a prime minister chosen by the opposition. The government would include 50 per cent nominees from each party 'and due consideration shall be given to the representation of women' (para. 10). One party was to provide two lists of nominees for the government, and the other party would choose one of the lists.

In addition, the Mechanism stated that the government of national unity 'shall take its decisions by consensus'. If this was not possible, the prime minister and the president (initially the vice-president) would reach agreement; or if that failed, the vice-president's view would prevail.

Furthermore, measures would be taken to end violence and facilitate humanitarian access; unlawfully detained people should be released; and the government would comply with UN Security Council resolutions. Finally, the government should formulate and implement 'an initial programme of economic stabilization and development'.

Under paragraph 15 of the Mechanism, the vice-president was to fulfil all presidential functions, and the government of national unity should 'exercise executive authority encompassing all matters pertaining to this agreement' (para. 10). Other than the activities normally expected of government, it was to 'establish a liaison committee to engage effectively with youth movements from all parties in the squares and elsewhere in Yemen ... to initiate an open conversation about the future of the country'.

A major element of the agreement was the establishment of a Committee on Military Affairs for Achieving Security and Stability. This was to be set up within five days of the GCC Agreement and its Implementation Mechanism entering into force. The duties of the committee were to 'end the division in the armed forces and address its causes, end all of the armed conflicts'. This committee, during both phases of the transition, was 'to work to create the necessary conditions and take the necessary steps to integrate the armed forces under unified, national and professional leadership in the context of the rule of law' (paras 16 and 17).

During the second phase, which was to last two years after the election of the vice-president as president (it was agreed that there would be no other candidate), the main responsibilities in the 'transfer of power' were, first and foremost, to continue the tasks mentioned above and to convene the National Dialogue Conference (NDC), which was tasked with addressing the country's major institutional issues and was to include 'all forces and political actors, including youth, the Southern Movement, the Huthis, other political parties, civil society representatives and women' (para. 20).

The NDC was to discuss:

- the process of drafting the Constitution, including the establishment of a Constitutional Drafting Commission;
- the issue of the south;
- other national issues, including the 'causes of tension in Sa'ada';
- steps towards building a comprehensive democratic system, including reform of the civil service, the judiciary and local governance;
- steps aimed at national reconciliation and transitional justice, safeguarding human rights and humanitarian law;
- protection of vulnerable groups and the advancement of women; and
- priorities of programmes for sustainable economic development (para. 21).

In a separate item, a Constitutional Commission was to be established 'immediately on the conclusion of the work of the Conference of National Dialogue within six months' (para. 22). This commission was to 'prepare a new draft constitution within three months of the date of its establishment. It shall propose the necessary steps for the draft constitution to be discussed and submitted for referendum in order to ensure broad popular participation and transparency.' Following adoption of the new constitution, parliament was to 'enact a law convening national parliamentary elections' under a reconstituted Higher Commission for Elections and Referendums and with a new electoral register (para. 23).

The Mechanism's concluding provisions included 'appropriate representation for women' (para. 26) and the assertion that government 'shall provide adequate funding for the institutions and activities established by this Mechanism' (para. 27), followed by a request for the GCC and the EU member states, as well as the UNSC, to support implementation.

While the Implementation Mechanism document says nothing about Saleh's immunity, the original GCC Agreement states: 'on the 29th day of the signing of the agreement, the parliament including the opposition will issue a law which will grant President and those who served under his rule immunity from law and judicial prosecution. On the 30th day after the signing of the agreement and after the president and his aides in rule are granted immunity from prosecution, the president will hand his resignation to parliament, and his vice president becomes the new president after parliament approves Saleh's resignation' (GCC Initiative 2011, 'Executive Steps').

What were the prospects for success?

As early as December 2011, some experts were pessimistic and concluded that the GCC Agreement and its Implementation Mechanism would only prolong the current stalemate; others hoped it would succeed. The pessimists saw it as an attempt to stop the rot, rather than to address Yemen's problems, while the optimists focused on the positive aspects, and specifically the facts that civil war had been averted and achieving a democratic future was possible through the NDC and reform of the military and security institutions.

Some fundamental aspects of the GCC Agreement had a bearing on its likelihood of success. The first and most immediate reasons for doubting its prospects turned out, in retrospect, to be the main problems: allowing Saleh to remain in the country and in charge of the General People's Congress (GPC) was considered by most observers to be a sure guarantee of failure, as he was expected to (and indeed did) use his position to undermine the transition process. Youth and many others were also incensed at the 'immunity' he and his associates were given.

There appears to be broad agreement that the balance of power in late 2011 was such that it was impossible to force him to leave. However, many consider that in the following months it should have been possible to displace him from the leadership of the GPC, which would have allowed the new president, Abdu Rabbuh Mansour Hadi, to secure sufficient support to counterbalance the Islah supporters. This would have made it possible to establish a more representative and effective government of national unity. Given that the weakness and paralysis of this government—which was half GPC and half JMP (dominated by Islah) and other forces—were among the main reasons for the transitional regime's inability to address the needs of the population effectively (and thus to gain popular support), Hadi was caught in a situation where he had no significant institutional support. If he had controlled the GPC, that might have made all the difference to the prospects for success.

An equally important and related factor was that the initiative did not challenge the fundamental power structures of the country. Over three decades, a set of military, economic and political structures had emerged. They had the following main characteristics: the concentration of wealth and power among rival elites at the expense of the citizenry as a whole; a tight grip on society by security/military structures which were loyal to Saleh; and a patronage system which not only distributed wealth among the above-mentioned elite, but was an important source of basic social and economic investment for the country's communities, while also providing cash for necessities.

The GCC is a group of undemocratic monarchies. The promotion of genuine democracy was not among its objectives. It was content with an autocratic regime,

and it was not even particularly enthusiastic about the kind of elections that the Saleh regime had organized in the previous decade. Although none of its leaders had any particular affection for Saleh, the GCC only abandoned him once it seemed that the alternative was immediate civil war. But he had served the GCC's interests reasonably well over previous decades. The divergent objectives of the GCC states and of the UN and its representatives were a constant source of tension from 2011 onwards.

For the previous decade and more, the primary concern of the USA, the European states and other sponsors of the agreement was to ensure that aggressive armed Islamists did not commit any acts of terrorism in their home countries. For many years, they had considered Saleh a good ally (and had systematically ignored evidence of his direct and indirect connections with some of those elements). They only decided to abandon him when there appeared to be no alternative, and not because of concern for the interests of ordinary Yemenis. While these states certainly favour more democratic governance, after counterterrorism their second priority in the region is to maintain good relations with the GCC states, which are major purchasers of their arms; hence, they are usually willing to sacrifice principles in favour of the continuation of these existing relationships, and they clearly had conflicts of interest. Their vision was exemplified in the Friends of Yemen's approach of trying to be the leaders in political influence, while leaving financial support for economic and social development to the GCC states, a division of roles which the GCC is no longer willing to accept.⁷

Military conflict between Saleh and his supporters on the one hand and the opposition on the other did not involve the 'revolutionary youth' or women, but was primarily between rival elite factions, leaving little room for the hopes and ambitions of the popular movement. The new political forces—whether the independent 'street' movement or the newly mobilized members of various political parties—lacked sufficient influence to prevent the elites from controlling the situation. Within these, the independents remained in a minority and lacked both a detailed agreed political programme and indeed leaders.

It was therefore unlikely that the sponsors of the agreement would support the emergence of a truly democratic state that focused on addressing the economic and social ambitions and needs of the majority of the country's poor citizens. All of this goes some way towards explaining why the initiative ended up giving priority to the

⁷ The Friends of Yemen includes many states involved with Yemen. It was established at the initiative of the British Government in early 2010 after the 'underwear bomber' incident and is jointly chaired by the UK and Saudi Arabia. Although not explicit, the idea was that the former would provide political guidance, while the latter was expected to foot the bill. It considers itself an entity for providing political support to the government, but after the GCC Initiative and the involvement of other states, it came to be seen as the financing and development element of the transition.

pre-existing rival power groups. However, to the credit of the international community, it must be said that without UN intervention it is unlikely that either young people or women would have been given reasonable representation in the National Dialogue Conference.

The agreement to hand over the presidency to Abdu Rabbuh Mansour Hadi, the vice-president, was a relatively easy decision: Saleh thought he would be able to rule by remote control, as Hadi had not manifested any great independence of mind or alternative political views during his long tenure as vice-president. Islah—the dominant power in the JMP, and thus the main element of the opposition—rightly believed that, as he was weak, they would be able to control him, particularly as they would nominate the prime minister. The sponsors of the initiative also considered that he was unlikely to initiate revolutionary change in the country's ruling system, and that they would be able to influence him, given his lack of a political or even military power base.



5. The implementation of the transition agreement

Phase 1

The first phase of the transition passed off very smoothly. The government of national unity was formed in December 2011 and Ali Abdullah Saleh ceased to be president on 24 February 2012, three days after the election of Abdu Rabbuh Mansour Hadi. While the election was uncontested, and the candidate somewhat colourless, turnout was higher (over 60 per cent) than in any previous election, demonstrating that the people were very keen for change and an end to Saleh's rule.

The handover took place at a ceremony in the presidential palace, in the presence of representatives from the international community; but it was boycotted by many opposition groups, including the Huthis. It was widely expected that the international community would be Hadi's main support base—a fact that indicates both the weakness of Hadi's position within Yemen and a grossly inflated belief in the influence of the international community.

Contrary to the expectations of many, President Hadi demonstrated his independence from the previous regime and did not work to Saleh's orders. However the agreement compelled him to appoint as prime minister Mohammed Salem Basendwa, the choice of Islah. This and the composition of the government were major constraints on the establishment of an effective clean government throughout the coming years. Islah deliberately chose an elderly, weak man as prime minister and, as intended, he followed their orders. The consequences of this are discussed below.

Phase 2

Phase 2, designed to be completed in two years, had a very heavy task load and little in the way of means of achieving it. Only certain elements of the international community believed that all the tasks proposed could possibly be completed in such a short time, even under ideal conditions. Practice certainly proved them correct. With a government composed of equal numbers of Saleh supporters and the combined opposition (i.e. the JMP plus the independent youth and women), there was little to bring its members together in a cohesive group committed to solving Yemen's problems. Instead, the government rapidly gained a reputation as ineffective and very corrupt.

This was not a good basis on which to solve the country's enormous social, political and economic problems. The prime minister was totally ineffectual, and his replacement was constantly discussed by Yemenis and foreigners alike; however, he remained in

position until Islah had been seriously weakened by its struggle with the Huthis, by which time it was essentially too late for any effective government to take and implement the measures that were essential to start social and economic recovery.

International community involvement

The UN Department of Political Affairs (UNDPA) was assigned to help the transition process. But various states were also to have a role in supporting different aspects of the transition. Prior to the NDC starting, it was announced that the EU and Russia would support the national dialogue and outreach; France and Germany would help with constitutional reform (International Crisis Group 2012). China would sponsor human rights aspects (Lackner 2012), although some found this a surprising choice, given China's own record on this issue; while the USA was indeed closely involved with military aspects and the UK with other security aspects. In practice, France's involvement with constitutional reform did not last beyond the NDC. The impact of support for military and security reform is discussed below.

The UN had a significant role throughout the period, starting with UN Security Council Resolution 2014 and continuing with a range of other resolutions. Once the special adviser was appointed in April 2011, he presented monthly reports to the Security Council, which he often discussed with senior Yemeni politicians prior to submission, thus encouraging them to follow his advice. There is little doubt that the threat of UN sanctions against Saleh contributed to his decision to sign the agreement in 2011. In February 2014, Resolution 2140 imposed financial and travel sanctions, though it was only in November that it named three individuals who would be affected, including Saleh.

While the threat of sanctions assisted the process early on, once they were imposed they acted as a negative factor, encouraging Saleh to oppose the transition process even more actively than he had done previously. Many questioned the timing of the sanctions decision, considering it far too little, too late. The report of the Panel of Experts on sanctions was published in February 2015. While it finally provided official backing for the thousands who had been arguing that Saleh had been involved in supporting Islamist terrorists through the years, this seems to have been its main impact. By then the situation on the ground had rendered the whole debate rather irrelevant.

In addition to financing much of the transitional process through a trust fund of USD 25 million, the UN set up an office in Sana'a to provide technical and other back-up to the National Dialogue Conference throughout the process, starting with the preparation phase, as well as to the Constitutional Drafting Committee (CDC). This office had a small staff of permanent employees, supported by large numbers of

consultants brought in to fulfil various technical advisory roles to different NDC and CDC committees, although there were complaints (some of them justified) about the quality and suitability of some of the expertise provided.

Saleh's immunity

Immunity for Saleh and his associates was officially included in the GCC Agreement. The move was approved by parliament on 21 January 2012—a highly contentious decision for the revolutionary youth, who felt it was a complete betrayal of the many who had been killed by Saleh's henchmen. Although the vote was postponed a number of times, it was an essential element of the GCC Agreement, and MPs were pressured into approving it, although many opposed it. This immunity remained a bone of contention with the revolutionary youth for the next few years. It does appear to have been a largely unavoidable element of the agreement, given that Saleh retained considerable support both within the political elite and among significant sections of the population.



6. Restructuring the military–security apparatus

Given the importance and strength of the military–security apparatus, and in particular the loyalty of its elite forces to Saleh, its restructuring should clearly have been the top priority to bring about a successful transition. However, although the UN and the international community paid it some attention, in terms of time and energy to address the issue, it appears to have been given far less attention than the National Dialogue Conference.

The Implementation Mechanism states:

Within five days of the entry into force of the GCC Initiative and the Mechanism, the Vice-President in the first transitional phase shall establish and chair a Committee on Military Affairs for Achieving Security and Stability. The Committee shall work to

- a) End the division in the armed forces and address its causes.
 - b) End all of the armed conflicts.
 - c) Ensure that the armed forces and other armed formations return to their camps; end all armed presence in the capital Sana’a and other cities; and remove militias and irregular armed groups from the capital and other cities.
 - d) Remove road blocks, checkpoints and improvised fortifications in all governorates.
 - e) Rehabilitate those who do not meet the conditions for service in the military and security forces.
 - f) Take any other measures to reduce the risk of armed confrontation in Yemen.
- During the two transitional phases, the Committee on Military Affairs for Achieving Security and Stability shall also work to create the necessary conditions and take the necessary steps to integrate the armed forces under unified, national and professional leadership in the context of the rule of law (paras 16 and 17).

Although the committee was formed early on, the rest of the activities were never fully implemented. Road blocks and all the other interferences with daily civilian life by military–security official and unofficial groups were occasionally relaxed, but were never removed anywhere, either in Sana’a or beyond. From the earliest moments of the transition, Hadi faced major difficulties in his attempts to address this fundamental element of Saleh’s power structure. There were innumerable smaller and larger rebellions against his orders, with troops refusing to follow their leaders either

because they supported or opposed Saleh. There were rebellions by whole units against changes to their leadership. Overall, despite considerable efforts by the new leadership gradually introduced by Hadi, a general lack of discipline and commitment to respect the constitution marked the transition period.

Nevertheless, Hadi attempted to use a 'salami-slicing' approach, removing the major leaders associated with Saleh one at a time. In particular, he used major terrorist incidents—such as the killing in Sana'a of over 100 new military graduates on 21 May 2012—to remove those leaders who had so patently failed to protect their troops and prevent the outrages. In this way, within 18 months of taking up his post, President Hadi had removed the closest associates and relatives of Ali Abdullah Saleh from their leadership positions in the most powerful, best-equipped and best-trained (by the USA among others) military–security institutions. He attempted to establish new structures for the armed forces and the police, and shifted units from one institution to another. The new structure was based on the Jordanian model and was intended to eliminate the multiplicity of power centres by abolishing some of the institutions and replacing them with fewer organizations with better defined roles.

Throughout 2012, the USA was closely involved with the restructuring of the military, and there were frequent visits by senior US military officials. The focus was on replacing Saleh's close relatives and cronies with people who would be loyal to the state, rather than to one individual. In practice, most new appointees were from Abyan, Hadi's home governorate, leading to accusations that he was filling the posts with his own cronies. While it is easy to understand that he felt safer with people who might have a close relationship with him, particularly in the context of such frequent assassination attempts, there was clearly an issue of balance. Most importantly, the new appointees were unable to secure the loyalty of their units.

It is evident in retrospect that despite his best efforts and initial signs of success, Hadi was unable to overcome the entrenched loyalty of the elite military units to Saleh and his close associates. This was probably due in part to the fact that these units had been very well looked after by the previous regime, which provided them with good salaries and fringe benefits. In addition, they were mostly recruited from tribes whose leaders were close associates and beneficiaries of the Saleh patronage system, and hence community loyalty also played a part. This was demonstrated in 2014 and 2015, when these units all played a major role in taking control of much of the country, from Amran southwards, in association with the Huthis, whom they had fought in six wars between 2004 and 2010. They took their instructions from Saleh and his relatives/associates, refusing to carry out orders from the legitimate state authorities, namely Hadi and the new leaders who had been appointed to their units. From late 2014 onwards, their elite units openly acted in defiance of orders from the transitional authority.

The military–security reforms were closely monitored by the international community ambassadors and the USA in particular. In view of the fact that the USA had been closely involved in training and equipping the country's elite forces for the past decade, since Saleh had joined the USA in its 'global war on terrorism', the US officials supporting and monitoring the military–security elements of the transition must be assumed to have been fully aware of these forces' strengths and loyalties. The fact that they did not ensure a more fundamental reform of the sector may be connected with their counterterrorism agenda and their apparent belief that the forces were working against terrorists.

While the question remains whether this is an adequate explanation for the insufficient support given to Hadi's transitional government in this sector, there is no doubt that the failure of military–security reform is one of the major causes of the descent into civil war in 2015.



7. The National Dialogue Conference

The National Dialogue Conference was intended to be the foundation stone for new and clean institutions that would form the basis for a new compact between the citizens and the state. Looking back at the role assigned to the NDC in the agreement, it would seem clear that its main focus was on discussing elements of the new constitution, addressing the southern and Huthi issues, and seeking national reconciliation and transitional justice within the framework of a comprehensive democratic system. It was due to start within three months of the agreement and to last six months, allowing time for the drafting of the new constitution and consultations on its content; for the preparation and implementation of a referendum on the constitution; and for the preparation and implementation of parliamentary and (if so decided) presidential elections within the two-year transition period. This was clearly a highly optimistic agenda, which unsurprisingly could not be followed.

The design phase

Hadi appointed a number of groups and committees to prepare for the NDC, starting in May 2012 with a high-level Liaison Committee composed of a number of well-known personalities representing the main political trends in the country, as well as a few senior women.⁸ It included Abdul Karim al-Iryani, Abdul Wahhab al-Anisi, Hussain Arab, Abdul Qadir Hilal, Raqiya Humaidan, Yassin Saeed Noman, Nadia al-Saqqaf and Jafer BaSaleh. In the following weeks, they held meetings throughout the country with a variety of groups, including civil society organizations.

While efforts to include the southern separatists continued to fail, the Huthis agreed to participate as early as June 2012, though they regularly caused problems. Difficulties about the inclusion of young people were primarily due to their lack of organization and the absence of an accepted leadership. On 14 July, under the terms of Presidential Decree no. 30, the Liaison Committee was replaced by a Technical Committee of 25 members. It was responsible for the preparation and organization of the NDC, and it included the above-mentioned individuals, other senior politicians, five women (still very much a minority) and a handful of youth. Within a month, the membership had increased to 31, although none of the new members were women. It is worth noting that the selection of these members was made by President Hadi, after informal consultation with his advisers. Given the committee's membership, it was clearly focused on including the major political forces in the country.

⁸ The Liaison Committee was tasked with building 'bridges with all political parties, the youth, civil society and women in order to mobilize support and ensure their participation in the conference' (NDC 2013–14: 3).

In late August 2012, the Technical Committee submitted 20 demands to the president. Eleven of these concerned the 'southern issue', including the reinstatement of all military and civil personnel retired as a result of the 1994 civil war (the main demand of the Southern Movement when it started in 2007), the return of all confiscated southern property and funds, the return of agricultural lands to those farmers who had received them through the PDRY land reform (and which they lost immediately after unification, when nationalized land was returned to its previous owners or others), the release of all those imprisoned during recent uprisings, and an official apology to southerners for misdeeds by the Saleh administration. A further four demands concerned the Huthi conflict and were similar in nature: an apology, the release of prisoners and an end to both the fighting and collective punishment. While all of these points were agreed by the president, the NDC was many months into its work before some of them were implemented. Others never were, despite their importance for activists.

The following months were marked by a series of delays, as the Technical Committee tried to solve a range of problems through discussion with the various parties, in particular:

- the fruitless and endless attempts to get the southern separatists to agree one or a few common positions and participate in the NDC;
- agreeing procedures during the conference (plenaries and committees);
- numbers and selection procedures for the members of the NDC;
- delays in implementation of the 20 demands, particularly on the reinstatement of southern military forces; and
- rivalries and squabbling between Saleh supporters, the JMP and others.

In February 2013, it was announced that the NDC would start on 18 March (on the anniversary of the 'Friday of Dignity') and that Ahmed Awadh bin Mubarak had been appointed general secretary for the dialogue, with Afrah Abdul Aziz al-Zuba and Yasser Abdullah al-Ruaini as his deputies.⁹

Finally, the distribution of the 565 seats included 56 per cent southerners (described as a confidence-building measure by Foreign Minister al-Qirbi at a London meeting), 28 per cent women and 20 per cent youth, 40 seats for civil society, with 85 members for the southern separatists and 35 for the Huthi. International influence also led to the inclusion of representatives of the low social status group known as *muhamasheen* or *akhdam*, something which would certainly not have happened otherwise. There were 62 presidential nominees,

⁹ Bin Mubarak was at that time teaching business administration at Sana'a University and had been head-hunted by members of the international community. His main asset was an absence of previous involvement in politics, having been born and largely educated abroad. He thus lacked any tribal or other bias. He also spoke good English. For the following two years he was groomed and promoted by the international community as the future prime minister. This ensured that when it happened, his nomination would be rejected by the Huthis. In July 2015, he was appointed ambassador to the USA.

with the other 500 selected by the relevant organizations on the basis of their allocations.¹⁰ The president's list was intended to make up the numbers for women, youth and civil society, as well as to ensure greater inclusivity and increase the level of independence from traditional vested interests. However, there were complaints that it also included several partisan individuals, thus failing on the independence score. Throughout the NDC process, a number of personnel changes took place in the membership, mostly due to political disagreements and negotiations between factions, but also sometimes for personal reasons.

Political parties were given the following numerical allocations for membership, and each party nominated the individuals it wanted, taking account of the balance of women and youth. Table 1 shows the distribution of political party seats in the National Dialogue Conference.

Table 1. Distribution of political party seats in the National Dialogue Conference

Party	No. of seats
General People's Congress (GPC) and allies	112
Islah	50
Yemeni Socialist Party (YSP)	37
Huthis	35
Popular Unity Party (Nasserist party)	30
Ba'ath Party	4
Unity Congregation (Omar al-Jawi's group)	4
Union of Popular Forces (Zaydi <i>sada</i>)	4
Al-Haq	4
National Council	4
Al-Rashad (Salafis)	7
Justice and Construction Party	7

Note: the Justice and Construction Party split from the GPC after the Friday of Dignity.

The implementation phase

The National Dialogue opened on 18 March 2013 and closed on 25 January 2014. It started with a plenary session lasting nine days, during which people made statements from the platform on a range of issues and without much organization. These were basically position statements, rather than dialogue and discussion. This was followed by a first set of working groups. The next plenary session lasted from 8 June to 8 July, where the findings and agreements reached in the first phase by some of the groups were presented. Working groups sat through most of Ramadan and again from mid-September onwards until December 2013, interspersed with plenary meetings. The

¹⁰ Although the arithmetic in this passage appears flawed, these are the official figures.

final plenary session was held from 16 to 21 January 2014. There were nine working groups covering the following issues:

1. State building
2. Military and security
3. the south
4. Sa'ada
5. Development
6. Rights and freedoms
7. Good governance
8. Independent bodies and special social and environmental issues
9. National reconciliation and transitional justice

In June, a consensus committee was set up under the terms of Presidential Decree no. 41 (2013). Its task was to reconcile 'views of the working groups and within each group and coordination and harmonization of the Conference's outcomes, as well as interpretation of regulations of the Conference and monitoring the post-conference implementation of the outcomes' (NDC 2013–14: 4). It had 24 members (but only six women, 25 per cent) but was expanded in August 2013 to include more young people.

Most of the work was done in the working groups, which were large and represented all the political views present, and were often divided into sub-groups. Each working group agreed its own procedures which, in some cases (such as those of the southern one) appeared to be specifically designed to prevent any solutions or agreement. While many participants were clearly very committed, the discussions were insufficiently structured, despite the efforts of the various chairs; again this varied from one group to another. Overall the main contentious issues took up most of the time in more than one group. Most discussions, formal and informal, focused on the southern issue, the question of the role of shari'ah law in legislation, the level of participation of women in future institutions, the issue of federalism, the issue of immunity and transitional justice, and the future organization of military and security institutions.

The NDC's final report contained more than 1,800 outcomes or decisions, on all topics that were to form the basis of the work of the Constitutional Drafting Committee. It failed to reach agreement on the following major issues:

- the number of regions to be included in the future federal state;
- the membership of the Constitutional Drafting Committee;
- the southern question;
- the issues surrounding transitional justice; and
- military reform.

Life and death: security in Yemen during the NDC period

Throughout 2013, while the NDC was meeting in the rarefied atmosphere of Sana'a's only luxury hotel, the situation in the city and beyond was marked by a range of events (and in some cases non-events) designed to disrupt the transition. There is neither the time nor the space here to discuss these in detail, but a brief summary is relevant. Within the NDC itself, decisions were delayed, mostly by Saleh's allies within the GPC delegation. While some delays were related to the complexity of the issues being debated and the diversity of positions, many people considered that others were merely intended to discredit the process, drag it out and generally undermine the NDC.

Meanwhile, outside the hotel, living conditions for the majority of the population continued to deteriorate, with increasingly frequent and lengthy power cuts for those urban dwellers who had access to electricity (largely because the long-distance lines kept being cut by dissident tribesmen), fuel shortages and inflation in the price of basic necessities. Although USD 7.9 billion had been pledged at the Riyadh conference in September 2012 for development investment in Yemen, 2013 saw no implementation of any activities—hence the ongoing deterioration in living standards and the rise in unemployment due to paralysis of the economy.

In addition, the security situation was worsening: the reduced presence and activity of the regular police authorities affected the daily safety of ordinary people in rural and urban locations alike. Military personnel refused to obey orders from their commanders throughout the period. These were mostly Saleh loyalists who opposed military restructuring. In addition, a number of particularly murderous terrorist incidents took place, demonstrating both the inability of state institutions to exercise control and the continuing dissent by militias who recognized the legitimacy neither of the state nor of the transition process.

These attacks included a suicide bombing which killed over 100 young graduates at a military parade on 21 May 2012; an attack on an air force bus, killing over 20 in August 2013; another on the hospital of the Ministry of Defence in Sana'a in December 2013, which killed 52; the attempted assassination of senior figures, including the prime minister, the minister of defence and the leader of the YSP; the actual assassination of prominent politicians, including a senior Huthi representative to the NDC on the last day of the meetings (21 January 2014); and a bomb explosion during a condolences ceremony in al-Dhala' (January 2014).

One example of the perceptions of insecurity was the decision by the USA and the UK to close their embassies in August 2013 on account of an unspecified terrorist 2013 (Guardian Weekly 2013); followed shortly by the Yemeni Government

announcing the uncovering of an AQAP plot (Follorou 2013). For Yemenis, the frequent presence of US drones over their heads caused constant fear, even when those drones did not attack and kill innocent (or less innocent) people (Trégan 2013; Shibani 2013).¹¹

The post-NDC period

Federal state

After the closure of the NDC, President Hadi appointed a special committee of 23 members (known as the Regions Committee) to decide on the issue of the number of regions in the future federal state, since no agreement on the issue had been reached at the conference. On 10 February 2014, Hadi announced its decision: following his suggestion, the committee decided that the country should have six regions—four in the former YAR and two in the former PDRY, including the following existing governorates:

1. Aden region (including the governorates of Lahej, al-Dhala' and Abyan)
2. Al-Janad (Taizz and Ibb governorates)
3. Azal (Sana'a, Amran, Sa'ada and Dhamar governorates)
4. Hadramaut (Hadramaut, al-Mahra, Shabwa and Socotra governorates)
5. Saba (al-Baidha, Marib and al-Jawf governorates)
6. Tihama (Hodeida, Raymah, Mahweet and Hajja governorates)

This distribution was immediately rejected by the Huthis, who wanted an outlet to the sea, as well as access to the natural resources (oil and gas) of al-Jawf and Marib. Mohammed al-Bukheiti, spokesman for the Huthis, stated: 'We have rejected it because it divides Yemen into poor and wealthy regions' (McGregor 2014). Nor was it exactly welcomed by the southern separatists, who wanted a single region for all the former PDRY area. The alternative of having two regions (one for the former YAR and another for the former PDRY) was rejected by many on the grounds that this would just be a step towards separatism and therefore, if the plan was separatism, why pretend otherwise and delay the inevitable? It must also be noted that some of the promoters of this vision are committed to unity.

The report provided some details and future options, such as the possibility of changing the borders of the regions after five years, proposals for the division of responsibilities between the centre and the regions, and having both the cities of Sana'a and Aden as

¹¹ On drone strikes in Yemen see the Bureau of Investigative Journalism website, which features a comprehensive chronological list: <<https://www.thebureauinvestigates.com/category/projects/drones/drones-yemen/>>.

separate entities, the first as the capital and the second with special status. It is also worth noting that the decision was bureaucratic, in the sense that it determined regions simply on the basis of existing governorate borders and took no account of a number of other factors which would be very relevant to ensuring peaceful implementation, including:

- any overlap between water basins (a crucial issue in Yemen, which is so extremely short of water);
- social cohesion (i.e. spillover of social groups from one region to the other);
- population balance (al-Janad would be by far the most populated region); and
- distribution of natural resources, whether mineral, agricultural or other.

The National Authority for the Implementation of the Outcomes of the NDC

On 24 April 2014, Hadi announced the formation of the National Authority for the Implementation of the Outcomes of the NDC. It was to include 82 members, all of whom had been in the NDC. Its target general composition was the same as that of the NDC: 50 per cent members from the south, 30 per cent women and 20 per cent youth. It is worth noting that this institution has at least one unusual characteristic: its membership is voluntary and unpaid. The authority has met on a number of occasions, but it soon became part of the increasingly tense struggle between the transitional regime and the Huthis. In particular, the Huthis believed that they were inadequately represented; this was certainly an accurate perception, given their vastly increased political/military power in 2014. By the time the authority was created, they already controlled substantial areas in Hajja, Amran and al-Jawf governorates, and were well on their way to controlling Amran city.

UN Security Council Resolution 2140

As the UN system became more aware of the disruption and difficulties encountered during the transition, UN Security Council Resolution 2140 was intended to help the transitional regime. It outlined what it perceived to be the next steps: (a) drafting the new constitution, (b) electoral reform with a new electoral law consistent with the new constitution, (c) holding a referendum on the constitution, (d) preparations for the transition to a federal state, and (e) holding general elections.

The UN's most important intervention was the introduction of sanctions to be taken against the spoilers. Item 11 'decides that all Member States shall ... freeze without delay all funds, other financial assets and economic resources ... owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee'. On 7 November, nine months later, the Sanctions Committee selected only three people

for initial inclusion in the sanctions list: Ali Abdullah Saleh, Abd al-Khaliq al-Huthi and Abdullah Yahia al-Hakim (UN Security Council 2014), the latter two being Huthi military commanders. Most Yemenis and others considered that this step was taken at least one year too late.

This resolution also addresses one of the main concerns of the vast majority of Yemenis, namely the collapse of the economy, and in paragraph 25 'calls upon donors and regional organizations to fully disburse the pledges made at the Riyadh Donor conference in September 2012 to fund the priorities ... to work closely with the Executive Bureau to identify priority projects for support', as well as to 'continue providing humanitarian assistance and calls for the full funding of the 2014 Strategic Response Plan for Yemen'.¹² However worthy, all this came rather too slowly and far too late to affect what was a rapidly deteriorating political and military situation.

Assessment of the National Dialogue Conference

The original timetable was unrealistically optimistic, and this was clear from the beginning. However it was maintained under pressure from the international community and it is reasonable to ask why such a heavy agenda was imposed on Yemenis, given that it could not be achieved: was it intended to bring about superficial solutions which would not solve the fundamental problems? Was it meant to fail? Implementation certainly demonstrated that the mechanisms and the time allocated were inadequate to achieve the stated complex objectives of the transition, and even of the NDC itself. Given later developments, the NDC must be assessed as having failed overall. However, it also had some positive features, which will hopefully re-emerge in the future. Among the weaknesses were the following aspects:

1. The first question which needs to be addressed is whether the NDC process was the most appropriate one to tackle the major political problems of the country: southern separatism, Huthi demands, military and security restructuring and the development of a new constitution with improved governance. A broad dialogue involving all political and civil society forces is an important element in a democratic process, but it should be seen as a consultative debating process, rather than as a decision-making one. It would need years, rather than weeks, to achieve solutions to such complex issues. Hence it is unsurprising that the process came up with 1,800 decisions, difficult to translate into a constitution. So in brief, it can be said that its responsibilities were too great both for its duration and for the nature of its membership. Such a consultation could have been followed by a more

¹² UNSC Resolution 2140, para. 28.

- restricted conference of decision-makers.
2. The planned duration of the NDC was determined without due consideration for the heavy responsibilities or the diversity of its membership and their lack of previous experience. Moreover the design and preparation phases were also unrealistic. The fact that the original timetable was not followed should not necessarily be seen as a problem, although the role of the obstructionists cannot be ignored. There was a gap of 13 months between the election of the president and the start of the NDC (instead of the planned three months) and rather than six months, the NDC itself lasted eleven.
 3. The NDC took place in Sana'a, in an environment completely divorced from the life of ordinary Yemenis. While there is no doubt that good security had to be ensured—given that many members were likely targets for assassination (as was demonstrated by the killings that did happen)—a more appropriate and less expensive location could have been found, which would have increased popular confidence in the process. NDC members made only a few short sorties into other governorates and cities, where they held consultation meetings that were little more than symbolic. Generally the population considered the process completely alien to them and did not feel represented.
 4. The NDC's communication mechanisms and approaches were inadequate, to say the least. Public information was offered through daily programmes on television, which were selected to focus on the main events and had interviews with various participants, as well as showing some of the demonstrations which took place within the NDC. These programmes were, of course, only accessible to those with electricity (a minority during this period of power cuts). The poster campaigns were only relevant in those cities where they were displayed and not instantly ripped down as, for example, was the case in Aden. In any case, they did not reach rural areas where the majority of the population live. Despite these efforts, most people in the country remained ignorant even of the existence of the event. Many of those who were aware—mostly the better educated and politically involved—felt alienated from the process. Little practical outreach took place, and insufficient efforts were made to inform the people, let alone obtain their views.
 5. The representativeness of the members was another issue. The concept of 'youth' to define a group was one problem (discussed above) and there were similar issues about treating women as a separate category. While there is no doubt that the inclusion of existing political forces was essential, the domination of the major elite supporters (whether GPC or Islah) could possibly

have been avoided by adding others selected on the basis of the governorates from which they came, and others from different social groups. This would have strengthened the demographic balance on the basis of regional or socio-economic criteria. While again essential, giving southerners and the Huthis additional representation due to their political demands encouraged the emergence of other regional special interests, in particular from the Tihama.

A further major weakness was the southern issue, which dominated the NDC from the design phase onwards. While 85 delegates represented the Hiraak or separatist movement, over half the total number of members of the NDC were southerners. The over-representation of southerners sent a strong message that was likely to worsen the situation: on the one hand, southerners considered that they had the power and authority to undermine the entire process (since they were given so much importance); on the other, people from the rest of the country saw that a minority (at most 35 per cent of the country's population) was being given a free hand to hold the whole process to ransom, and thus they felt alienated.

The transitional authority was faced with a group of stubborn and aged leaders of the former PDRY all clamouring for independence/separatism, and allowed them to achieve remarkable prominence and effectively to paralyse and spoil the process on more than one occasion, by walking out and refusing to participate. Moreover, the 85 Hiraakis in the NDC represented only a fraction of southern separatist views, while the others, although as divided as ever, simply acted to obstruct the whole process with as much determination (and in the long run, as much success) as Saleh and his allies devoted to sabotaging it.

Among the problems faced in dealing with the southern issue were the facts that none of the major 'leaders' in exile participated, and in the course of the nine months of the NDC, the Southern Issues group had three successive leaders. The concessions and time spent on the issue failed to resolve anything, due to the unwillingness of the southern 'leaders' to look beyond their factional interests, regardless of the welfare of Yemenis in general, or even of southerners in particular.

By default, if nothing else, the time spent on the south had the side-effect of reducing discussion of issues of concern to other socio-economic entities, such as the problems faced by youth and the rural poor, whose grievances and hopes may have been as great (or greater) and whose agenda would have been more focused on finding solutions to bring about the emergence of a better future for Yemen and its people. It must also be recognized that the transitional government and institutions failed to address many of the legitimate southern grievances and, in particular, to implement the 20 points, which would have been a demonstration of good faith.


Another major weakness was the overall management and leadership of the NDC, which failed to ensure greater focus and decision-oriented discussions. This may well have been partly a result of the GPC/Saleh group's tactics to discredit the process. But it was also an element in which the UN's role cannot be ignored: it could and should have played a more effective role. While some of the experts provided through the Department of Political Affairs were committed, serious and extremely competent specialists in their fields, others were not. There were cases where requests for expertise were not followed up.

The claim that the NDC was a Yemeni process was the excuse used to thwart the UN team whenever it tried to address certain issues. However, this should not have allowed the discussions to drift ineffectively, with many interesting but not crucial discussions using up valuable time. Differences between the UN team and the NDC secretariat were not adequately addressed, and this weakened the position of the UN team. The UN should have played a role in setting agendas, focusing discussions on the issues that were initially identified and helping participants to reach decisions and to thwart delaying tactics.

This would have ensured that the process was more results oriented and (probably) more successful, and would have helped support the many participants who were enthusiastic and keen to achieve something worthwhile, but who had no experience of such debate and negotiations. These people were increasingly frustrated, as they saw the process drift without sufficient guidance and support from the NDC's presiding committees and the UN. While the difficulties facing the UN and the NDC presidency in such a situation should not be underestimated, a more focused and determined approach would have helped. That said, whatever they did, they were always likely to be criticized.

What needs to be seen as a success, regardless of later events, is the inclusion of the Huthi movement. Although it refused to recognize the validity of the GCC Initiative, it did participate fully in the dialogue stage; in contrast to its position on the later Constitutional Drafting Committee. This is partly thanks to the fact that it is well organized, and was thus able to select representatives who were accepted by their supporters. In retrospect, the fact that they were quietly fighting and taking over larger parts of the governorates that border Sa'ada while all this was going on may have contributed to this decision: their participation masked their other activities. But at least during the NDC, they participated and their views were taken into consideration.

Another success that should have long-term consequences yet to emerge was the high level of passionate commitment among many participants, particularly young



men and women. Not only did they engage and certainly develop their discussion and negotiating skills, but they also forced a significant generational change in political discourse. This took place through the mechanisms which compelled the older, established male political leaders to engage in serious debate with these ‘young upstarts’ (as they must have viewed the new generation). This has been a first step in a fundamental change which will have a positive impact in the (hopefully near) future, when politics once again take over from arms in Yemen.

8. The issue of transitional justice

Transitional justice is one element of the GCC deal which got nowhere fast. Prepared by the Ministry of Legal Affairs, an initial draft law was submitted to the Council of Ministers in early 2012, and it subsequently went back and forth between the two bodies. The start date for application of the law was the main bone of contention. The draft was then changed without the agreement of any party and passed on to parliament, which discovered the changes, so that it was withdrawn by early 2013 (Al-Jazeera 2013).


The main disagreement concerned article 4, which stated that the provisions of the law would apply to events from 26 September 1962 onwards in the former YAR and from 30 November 1967 in the former PDRY, up until the date the law was enacted. Had this been passed by parliament, it would have annulled the validity of Saleh's immunity law.

In March 2013, at the Friends of Yemen (FOY) meeting, the UN's Special Envoy addressed the issue, stating that 'Transitional justice remains unaddressed: the law continues to languish in parliament, with no consensus on how to address the legacy of the past, and the government is yet to meet its promise to establish a commission of inquiry into the events of 2011. Only with these steps, can Yemen open a new page and ensure a path to national reconciliation'. On the basis of this statement, the FOY 'strongly encouraged the early ratification of a law on transitional justice and reconciliation, and recognized the importance of responding to calls for justice and accountability' (see also UN News Centre 2013).

The July 2013 plenary session of the NDC made two recommendations on the subject of transitional justice. First, the NDC recognized the right of citizens to peaceful protest. Second, it recommended the recovery of 'looted funds and public and private lands in the country and abroad arising out of the abuse of power or exploitation of power, theft or fraud or any other illegal means ... by holding accountable the looters administratively and judicially in accordance with national and international standards'.

By October, the NDC committee was still unable to agree on proposals connected with the issue of transitional justice. This was due to the fact that although the main parties were able to agree on a law that would endorse Saleh's immunity, youth, civil society and women delegates were not willing to accept this.

Human Rights Watch in September 2013 came out against the immunity deal for Saleh. The same month, Flavia Pansieri, UN Deputy High Commissioner for Human Rights, stated on a UN radio programme that 'the future of Yemen cannot be



built on impunity for past violations—whenever and wherever they occurred’. She demanded that:

- the amnesty law of January 2012 be repealed;
- a new law be issued in compliance with international human rights law, prohibiting immunity for those responsible for serious human rights violations, including war crimes and crimes against humanity;
- the draft law on transitional justice submitted by the president to parliament in January 2013 be withdrawn and a new draft that is in conformity with international standards and good practice be submitted;
- the prisoners from 2011 be released;
- independent investigations about excessive use of force take place immediately;
- a moratorium be introduced on use of the death penalty; and
- counterterrorism policies and strategies should comply with international law.

The NDC final report included the following decisions on the subject:

- There should be compensation for the victims of all terrorist incidents.
- The constitution must include clear instructions on transitional justice.
- The events of 2007 in the south must be included in the transitional justice law.
- A committee must be established to identify what happened to the disappeared.
- All deaths during the peaceful demonstrations should be investigated (Republic of Yemen 2014: 83–85).

The following recommendations were also made:

- An independent committee should be formed to study human rights violations in 2011.
- All should be treated equally (Republic of Yemen 2014: 86).

UN Security Council Resolution 2140 of 2014 ‘looks forward to steps ... towards the implementation of Republican Decree number 140 of 2012 which establishes a committee to investigate allegations of violations of human rights in 2011’ (para. 6). More recently, in early 2015, the UNSC Panel of Experts reported that ‘the establishment of a transitional justice mechanism as foreseen by the NDC outcomes has so far failed because of active resistance by members of the former and the present regime who ... do not have an interest in truth telling and justice’ (UN Security Council 2015: para. 60).

9. The Constitutional Drafting Committee

Established on 8 March 2014 by decree 26 of 2014, the Constitutional Drafting Committee (CDC) was originally given a year in which to complete its work, consult people in the country and submit the constitution to a referendum. The committee itself was composed of 17 members (including four women), most of whom were jurists. It elected Ismail Ahmed al-Wazir as chair, with Najib Shamiri and Nihal al-Awlaqi as deputies. Ma'in Abd al-Malik was the rapporteur. Starting its work in Sana'a, it originally claimed that it would deliver the draft on schedule within four months, but then postponed the delivery date without providing much public information as to the causes of the repeated delays. It also held a number of meetings in other cities in Yemen to discuss some of the contentious issues with concerned parties. Progress reports were regular, but not very informative in terms of the substance of discussions, or indeed the input of advisers.

The CDC's task was to turn the 1,800 outcomes of the NDC into an operational constitution—a real challenge. The main contentious issues which the committee had to address were:

- federalism: this was really short-hand for 'addressing southern separatism', but it also concerned the details of the regions, since the Huthis were as opposed to the Regions Committee's proposal as the southern separatists, albeit for different reasons. It had the guidance of the Regions Committee but could have proposed modifications;
- the option of having separate constitutions for each region; and the question of what then would fall under federal law and what under regional;
- whether shari'ah law should be 'the' or 'one of the' main bases for law;
- women's participation in political and other institutions;
- the justice system; and
- the issue of transitional justice, and in particular establishing mechanisms that would address the immunity issue.

Alongside other aspects of the transition, the CDC also received support from the NDC secretariat, the UN support team and others, including International IDEA. Support mostly consisted of providing the services of international experts with long international experience of constitutional drafting, and particularly the specificities of federal constitutions. Based on early decisions by the ambassadors of the ten states most closely involved, the constitutional process was also supported initially by the French Government and later by the German, as French involvement was, in practice, not well received by the participants. The CDC spent over three weeks in Germany in the summer of 2014, looking at the federal model there. On 23 October, the team


shifted its headquarters to Abu Dhabi, where it carried out the last two months or so of its work.

As the delivery of the draft constitution to President Hadi on 3 January 2015 provided the trigger for the Huthi final takeover of Sana'a and then the start of full civil war, the importance of the constitutional drafting process cannot be underestimated. Even in optimal circumstances, drafting a constitution, and a federal one at that, would have been a long and difficult process, given the conditions of internal strife, as well as the complex social and cultural structures prevailing in Yemen. As an eminently political process, the rivalries (not to say struggles) between the main power centres and elites were manifested on a daily basis during the discussions. So although the original timetable was too tight, it must be noted that most delays were due not to constructive efforts to solve problems, but rather to the (unfortunately successful) efforts of those whose objective it was to undermine the transition and demonstrate the failure of the process of change: in brief, Saleh and his allies on the one hand and southern separatists on the other.

In addition to the issue of its duration, the constitution-drafting process suffered from a number of constraints which ultimately brought about its downfall. First, the requirement to transform the 1,800 outcomes of the NDC took no account of the fact that many of these outcomes were mutually incompatible. Importantly, it also ignored the fact that the NDC's outcomes had failed to find solutions to the most contentious issues, and therefore did not provide guidelines to address them. While CDC discussions involved the Huthis only to a limited extent, the main reason for this may well have been that, by 2014, the Huthis were firmly committed to another (unconstitutional) way of achieving their goals, and had made significant military gains during the CDC period.

Second, the southerners, in contrast to the Huthis, did not make any military advances, but nor did they do anything to minimize the divisions in their ranks or to develop a shared political programme. And so they actively participated in the CDC, but in a negative way, delaying discussions by walking out of meetings and rejecting solutions. Their delaying tactics played into the hands of Saleh and his allies, without actually contributing much to the constitutional debate or helping it to reach a conclusion.

A final, but related, point concerns the commitment of the CDC members to achieving a successful outcome. As noted above, some of the delays were certainly due to the tactics of Saleh's supporters and were aimed at ensuring failure. Other delays may have had a more positive intention and could have contributed to better addressing issues that did indeed require far more time. But in Yemen itself, there was widespread



suspicion that the CDC members were devoting too much attention to their own individual concerns and to benefiting from the process.

Nonetheless, the CDC came up with a draft constitution, which consists of 446 articles and provides a series of basic principles, as well as details for federal institutions, including the distribution of resources between the different future entities. Although, as of late 2015, it appears to be of little relevance, future developments and the return of peace to Yemen should provide opportunities to re-examine it. It certainly appears to provide an excellent basis for better governance in Yemen and other international examples suggest that such documents are often revived and used later than originally intended.¹³

13 For an English translation of the draft constitution, see ConstitutionNet: <<http://www.constitutionnet.org/vl/item/yemen-draft-constitution-2015>>.

10. Parallel developments

The rise of the Huthis

As has been mentioned throughout this paper, between 2011 and mid-2014 the Huthi movement participated to some extent in the peaceful political transitional process. In parallel, from 2011 onwards, first it consolidated its control over its home area in Sa'ada and then expanded well into Hajja, Amran and al-Jawf governorates during 2012 and 2013. Subsequently, it moved further south, first into the heart of Amran governorate in June 2014; it then took limited control of Sana'a in September 2014. The year 2015 first saw it formalize and finalize its control over Sana'a with its initially bloodless 'coup' of 6 February; the following month it moved south as far as Aden. From March onwards, Yemen suffered a vicious full-scale civil war. The population's suffering worsened once the coalition of Arab forces, led by Saudi Arabia, started its aerial bombing on 26 March.

It is clear that in early 2014, the success of the Huthis' expansion into areas traditionally hostile to them was largely attributable to their 'alliance contre nature' with Saleh. This was demonstrated by the behaviour of the elite and other military–security units loyal to Saleh, in particular the Republican Guards, the Special Forces and Central Security, most prominently in the conquest of the capital of Amran governorate in July. Close cooperation between Huthi and Saleh forces took place despite the fact that the elite units had all been 'restructured' into other units and given new top leaderships in the course of 2013–14. This is a clear demonstration of the failure of the transitional efforts to restructure the military and security institutions.

Although Saleh and his forces fought the Huthis in six wars between 2004 and 2010, there are a number of interesting features which may contribute to explaining the rationale behind their alliance. Strategically the two sides share a belief in centralization, and are thus opposed to the proposed federal decentralized state, which is the most fundamental change proposed during the transition process. Another underlying factor may be sectarian: the Huthis, as well as Saleh, are all Zaydis from the northern highlands, and both may object to power being taken over by forces from the Shafi'i area further south and east, an area which includes not only the former PDRY (Hadi's original home), but also the the Taizz, Ibb, Tihama and far north-east areas in the former YAR.

In addition, as is typical of military pacts based on the principle that 'my enemy's enemy is my friend', the alliance targets its shared enemies, including:

- Ali Mohsen, whom Saleh now regards as a prime enemy since he defected in 2011 (though their alliance had weakened earlier);

- Islah, whom the Huthis succeeded in seriously weakening and whom both they and Saleh regard as prime enemies. It is worth noting that both branches of Islah—the al-Ahmar family and the Hashed tribesmen allied with them—are targeted, as well as the Zindani fundamentalists;
- more recently Hadi and the formal government. Saleh presumably considers Hadi a traitor, as he expected to manage him by remote control; meanwhile the Huthis consider that he has not given them enough concessions; and
- Saudi Arabia, obviously an enemy of the Huthis for sectarian reasons, and because of the latter's challenge to the principles underlying the Saudi regime. Furthermore, the Huthi challenge relies on a belief that only descendants of the Prophet are entitled to rule (something which particularly irks the Al Saud family, who are not *sada*, but claim authority over Islam's holiest places). Saudi Arabia's relationship with Saleh, which has never been an easy one, broke down in 2011.

Many outside observers still refuse to acknowledge that most 'Huthi' military successes are, in fact, those of Saleh's elite forces: the units that took over most of the bases in and around Aden, Taizz and Hodeida are those of the Republican Guards and Special Forces, whose loyalty Saleh has retained. In addition, between early 2014 and the intensification of air strikes against their bases under Decisive Storm in 2015, the Huthis increased their military capacity by transferring to their strongholds in Sa'ada all captured weaponry—an indication of how little they trusted Saleh. While statements of Iranian and Hizbollah support may well be overstated, it is also likely that they have provided some training and have improved the capacity of Huthi troops.

Huthi political influence south of Dhamar (i.e. beyond the mainly Zaydi stronghold areas) has increased. It is not especially strong, but there are elements of three social groups that are likely to support them:

1. *Sada*: in that sense there is no sectarianism, and the Huthis are willing to include in their forces Shafi'i *sada* from the rest of the country and are not exclusively reliant on Zaydi *sada*.
2. Some younger people who are pleased to see the rise of a younger generation (the Huthi leader, Abdul Malik al-Huthi, is in his early thirties).
3. Anti-corruption supporters who believe in the powerful and popular Huthi slogans. However, this support soon waned when people discovered that the Huthi behaved exactly like all previous dominant groups.

In addition, the complete collapse of the Yemeni economy and the lack of any legitimate sources of income may well tempt some young men to join Huthi forces, if only to earn enough to help support their families. Finally, it is also important to note that the Huthis, like all other political forces, are divided and include people with a range of views. There may well be some among them who would like to see peace today, while others are content to carry on with the war. Similarly, the alliance with Saleh cannot be welcome to many within the movement.

The role of Ali Abdullah Saleh

Throughout the transition, Saleh has consistently played a negative role and has successfully undermined the transition process. It seems that his policy has been to demonstrate to his former supporters in the US Government, Saudi Arabia and elsewhere that Yemen would collapse without him, in an 'après moi, le déluge' strategy. Saleh has, for over 32 years, demonstrated his skills of cunning and manipulation of potential social divisions and has operated a 'divide and rule' strategy. Moreover, his ability to pay his supporters has been a major contributory factor in his success.

In the NDC, he used his GPC group to prevent agreement on a range of decisions, and regularly held meetings with members of his party and his close allies. According to the Final Report of the Panel of Experts, Ali Abdullah Saleh is using his followers within GPC to continually block the legislative processes and political initiatives of the Hadi government that contravene his interests. These include efforts of the Government of Yemen to implement the outcomes of the NDC, especially those related to the proposed six-unit federal system, transitional justice, anti-corruption, settling southern property claims and the passage of stolen asset recovery laws' (UN Security Council 2015: para. 73). This report also points to his control of the Raymat Humaid military camp, 'where he moved heavy weapons' (para. 74).

In January 2015, al-Jazeera broadcast a recording of a telephone conversation in December 2014 between Saleh and Abdul Wahed Abu Ras, a shaykh from al-Jawf and member of the Ansar Allah political bureau (Day 2015). Saleh is heard telling Abu Ras the names of potential prime ministers he would find acceptable, and accusing Hadi's son of responsibility for the explosion in Tahrir Square on 9 October 2014. He also instructs Abu Ras to follow up with Aref al-Zuqa (secretary general of the GPC), Abdul Aziz al-Dhahab (deputy chief of staff) and Brigadier Ahmed al-Kahlani (Saleh's father-in-law). Abu Ras responds that he will meet the first two that very day, but the third is out of the country at the time.

On 10 May 2015, after the bombing of one of his 'personal' palaces, Saleh appeared on his own Yemen Today television station and formally acknowledged his alliance with

the Huthis, saying: 'I was not allied with Ansar Allah earlier, but from now on and from this place, I am announcing to all that the entire Yemeni people are with them'. In a long and rambling interview with al-Mayadeen television on 29 May 2015, he stated that he had supported Ansar Allah earlier.

Although the alliance between Saleh and the Huthis remains in place, it is certainly not free of tensions. These are manifested in occasional military clashes, as well as through statements by one or other party. For example, in his Mayadeen interview, Saleh complained that the Huthis had gone to Oman for talks without asking his permission. In early August, after Aden had been retaken by anti-Saleh/Huthi forces, there were television reports of clashes between Republican Guards/Special Forces based in Sana'a military camps and Huthi forces, after the former refused to go south to fight. And it is also noted that there has been no suggestion of any meeting between Saleh and Abdul Malik al-Huthi at any point. Indeed, the current whereabouts of Abdul Malik al-Huthi are uncertain, and he has met no one publicly since March 2015 at least.

The weakening of civil society

Civil society came to unprecedented prominence in Yemeni politics through the 2011 uprisings. The youth movement initially included many who were unaligned with any political party, as well as many men and women involved in civil society organizations. The 18 March massacre and the defection of Ali Mohsen and the Islah Party to the revolution shifted the power balance within the *sahat* towards the formal opposition political parties, and thus weakened civil society within the movement. While the GCC Agreement could have marked the end of civil society involvement, this did not happen, largely thanks to the intervention of international community agents, including both the UNDP and the group of ten ambassadors, who ensured that civil society and youth had a role to play in the NDC and associated institutions, with 40 representatives of civil society, 20 per cent youth and 28 per cent women in the transitional institutions.

With the reversal of the situation after early 2015, when armed force took over from political dialogue, the initial reaction of civil society was to restart significant anti-Huthi/Saleh demonstrations in many towns and cities (Zunes and Al-Haidary 2015). But it is now virtually impossible to continue with these, as the population, including the demonstrators, struggle daily to dodge the attacks and to find enough food and water to survive. Thus they leave fighting to the militias and armed forces; which manage to ensure adequate supplies of these basic necessities for themselves. Meanwhile, electricity and other luxuries are only distant memories for most Yemenis. In addition, Huthis have been repressing any opposition to their rule through arrests, imprisonment and force of arms. Civil society will hopefully be able to re-emerge in future, once peace returns.



Lack of progress in solving Yemen's major economic problems

While the political crisis in Yemen was to be solved through the NDC and constitutional reform, the economic and humanitarian situation was informally handed over to the Friends of Yemen. Foreign aid failed to support the transitional regime, despite pledges of USD 8.49 billion made at the September 2012 Riyadh conference and in later months. According to the financiers, the main constraint on disbursement has been a lack of transparency, as well as accusations of corruption (which studiously ignore similar issues among the elites of some of the funding states). Another excuse is the country's 'low absorptive capacity', which implies the absence of qualified cadres or of people willing to learn.

While this is debatable given that many Yemenis have high levels of qualifications and experience, the question might also be asked why the development experts who were sent over the decades failed so abysmally to transmit their knowledge and skills to young Yemeni civil servants or others. Instead, funders have promoted the establishment of parallel institutions with well-paid, qualified staff, such as the Social Fund for Development, whose employees would otherwise have strengthened the absorptive capacity of the civil service. Those with potential have been offered good working conditions to move to these parallel institutions.

By the end of 2014, little of the USD 8.49 billion pledged by the international community was visible on the ground. The September 2012 conference had agreed a 'Mutual Accountability Framework', which would ensure transparency from the Yemeni side and would focus on investments by the funders of the Transitional Programme for Stabilization and Development (2012–14). This was to be managed by the 'Executive Bureau', which only became operational in March 2014 due to disagreements between the Yemeni Government and the funders. It ceased to function a year later, on account of the absence of a government to renew staff contracts. In the year during which it operated, there was some progress: 70 per cent of the proposed funds were approved for specific projects, and 39 per cent of pledges were disbursed, including one-third from Saudi Arabia (an amount that was almost equal to the contribution of all OECD funders combined (Republic of Yemen 2014: 20). Most approved projects are for infrastructure. Some of them are of questionable value and fail to provide any hope of long-term economic development for the majority of the population. What is needed is lasting employment, which would give poor people and ordinary individuals and their households real economic independence. Six months into the coalition air strikes, almost all of Yemen's infrastructure needs reconstruction, so there is plenty of scope for future investments in that sector.

11. Conclusion: could Yemen's transition have succeeded?

As has been discussed throughout this paper, the transition process supported by the GCC Initiative had certain fundamental flaws which made it unlikely to succeed in the long run. But it was not absolutely bound to bring about the civil war which is taking place in 2015. At different moments and in different ways, things could have been done differently, thus avoiding the current outcome.

Most of this paper has addressed the political aspects of the transition. What follows includes a few of the lessons learned. It must be remembered that the GCC Initiative was never intended by its sponsors to bring about a fully democratic regime empowering ordinary people in Yemen. They had other priorities: for the USA and Europe, primarily counterterrorism; for the GCC states, stability. Despite this, the transitional regime could have been more successful and could possibly have avoided the current civil war. This would have required action on a number of fronts, but it was within the realm of the possible, had the international community assisted.

The role of the military

As has been demonstrated by events, the failure of military–security reform has played a fundamental role in the collapse of the peaceful transition. This could have been predicted, given the strength of Saleh's elite forces. The members of the international community most closely involved in this aspect were well placed to know the relative strengths of the different forces, since they had been supporting and training them over the past decade or more. They could have provided the transitional regime with better advice, but most importantly with technical and material support to enable it to address these difficulties. Military and security reform should have been treated as the absolute priority for the transition. It might also have been helpful to delay the political discussions until this aspect had been successfully addressed.

Instead, despite Hadi's efforts to restructure their top leadership, the Saleh elite forces were allowed to continue under the same or allied management at the middle and troop levels, leaving the transition regime without a loyal military force throughout 2014 and early 2015. Since the military–security forces were largely aligned with the Saleh/Huthi forces, the transitional regime had insufficient loyal troops to regain control of Sana'a and other parts of the country. This was in spite of the best efforts of its top leadership, particularly the Minister of Defence, Brigadier Mahmoud al-Subeihi, who, as of late September 2015, is a prisoner of the Huthis (and hopefully nothing worse). This situation prompted Hadi's appeal to foreign forces in an attempt to re-establish control over at least some of the country.

Unfulfilled economic reforms

The Hadi regime started out with a fair amount of good will from the population at large. While the new president was a weak and a fairly nondescript character, he enjoyed a reputation for being honest and not behaving like a traditional politician. However he had no significant power base. He needed to build one, and the best way would have been to address the main problems and concerns of the population, specifically by solving two major problems: the economic crisis, which was increasing poverty, and the deteriorating social services. This could have been done. The USD 8.49 billion pledged to Yemen could have significantly improved people's living conditions, had it been allocated and spent wisely. While many of the proposed projects had questionable social or economic value, it would have been possible to use the funds to improve the situation and to provide jobs and incomes for millions of people. However, this was not allowed to happen. The conditions imposed by the funding agencies prevented anything from being done until 2014, when the Executive Bureau finally became a fully functional institution; but then the situation deteriorated too rapidly for it to be able to implement anything.

In 2015, all development funding was postponed until an unspecified time in the remote future. This is a serious error. Regardless of the political/military situation, small-scale development interventions could and should be initiated. These would enable thousands to regain their livelihoods and would reduce dependence on humanitarian assistance, which is now the only source of basic necessities for the overwhelming majority of Yemen's population. It would also contribute significantly to increasing management capacity at the local level. The international community's failure on this score is contributing to the worsening humanitarian emergency faced by Yemenis.

Had the 25 million Yemenis, most of whom are poor, found that the transition regime was working to provide them with adequate medical and educational services, water and other basic infrastructure, as well as economic opportunities to become self-sufficient, thousands would have come out in support of President Hadi when he was under threat from the Huthi/Saleh alliance in 2014. Instead, though many did come out, they did not do so in the numbers that would have prevented the coup de force of January 2015.

Political lessons

While President Hadi is now blamed for everything that went wrong, he must be given credit for attempting to implement military security reform, as far as his control and power over the institutions allowed. However, he failed to focus his energies on building broad popular support: something he could have done by responding to the people's social and economic needs. He could have used his good relationship with the

ten ambassadors to ensure that the USD 8.49 billion was actually available for use in improving living standards. His frequent meetings with them could thus have had a positive outcome. He failed to distance himself sufficiently from the previous regime, and many continued to associate him with the role he had played over the previous two decades. He came to be seen as weak and ineffective himself (as was the Basendwa government, which its sponsors had intended to be the case).

Given his role as number one spoiler, it is clear that Saleh's continued presence in Yemen and, more importantly, his continued leadership of the GPC and his control of the elite forces played the main role in the failure of the transition. In November 2011, Saleh was too strong to be excluded, as was demonstrated by his ability then to insist on the immunity clause, but the situation changed later. In 2012, when he was weaker and when there was significant popular enthusiasm for the transition, it would have been possible to gradually undermine his political position by removing him as head of the GPC, thus removing his civilian support. Instead he successfully undermined Hadi's attempts to control the GPC, through direct and indirect activities, preventing Hadi from establishing a power base within this large and important political entity in the country.

There was another important feature of the transition regime: the composition of the 'national unity' government. The 50/50 distribution between the GPC and the opposition (to include the JMP and the 'new' forces) was a recipe for paralysis, with individuals focusing on their personal or party interests, rather than on the welfare of the country's population as a whole. The government took practically no action, and instead gained a reputation as the country's most corrupt government ever. There is no doubt that disruption by the GPC element contributed to this situation, as part of its strategy to undermine the transition process; the Islahi elements are also to blame.

Although the ministers from the other JMP parties and the independents did their very best to achieve results, they all controlled ministries of lesser power, and also had to contend with many senior staff committed to the GPC or Islah (or, indeed, the Huthi movement). This played a major role in the general and continuing worsening of living conditions for the population. In particular, keeping the completely ineffectual prime minister for so long contributed to the weakness and discrediting of the government.

The first priorities for the transition should have been simultaneous action on development investment to improve people's living conditions, and on military reform to secure future political changes. The NDC and other political aspects should have proceeded more slowly and should not seriously have challenged the existing power structure until there was sufficient economic and social development to ensure mass popular support, and adequate military reform to ensure that the regime had the power to challenge the elite successfully.

The role of the international community


The international community, including the UN and the representatives of the ten states sponsoring the GCC Initiative, was much in evidence; but one wonders about its real intentions, given its actions, which actively served to worsen the situation. As has been mentioned, both support for the livelihood of the population and military reform were dismally inadequate; development and humanitarian assistance were insignificant when set alongside the people's needs. The active withholding of financial support for social and economic development interventions was a major contributory factor to preventing the transitional regime from maintaining the popular support manifested in the 2012 presidential election. The excuses for failing to provide the funds are unconvincing.

A major element of the failure was the sequencing of activities and the unrealistic two-year timetable. The responsibilities assigned to the transition were very considerable and could realistically have been achieved over about five years: why try to rush the process? Was it to ensure that only superficial changes of personnel took place, without addressing the fundamental underlying political and economic power structures? Constitutional experts point out that developing a federal structure in a complex context can take years. Transforming a military–security apparatus which has been at the heart of the country's polity for three decades and which is an intrinsic part of the patronage system was also a major challenge. Political change should have been designed to take place after the transitional regime had secured the military–security elements, rather than simultaneously.

In the political process, the international community's focus on support for prominent (or potentially prominent) personalities who would follow its recipes ensured a continuing intra-elite struggle, rather than real 'regime change'. International support focused on counterterrorism and thus further isolated the regime from the population, neglecting the fact that a satisfied and economically self-sufficient population is not an easy target for the ideologies of aggressive armed fundamentalists.

Specifically, with respect to the NDC and the CDC, the UN used the excuse of their being 'Yemeni processes' to abdicate responsibility for the outcomes. It could have played a more active role, even behind the scenes (as it did, but only to protect its own concerns). In particular, the southern issue was allowed to dominate, despite the fact that its main protagonists were totally divided and unable to agree on a single joint position—or even a few positions. This distracted and disrupted the whole process at the expense of other major issues.

In conclusion, it needs to be recognized that Yemen's fundamental problems were exceedingly difficult to address, given the above-mentioned factors. In addition,



the tension between decentralization/federation and centralization/integration is a fundamental one that will affect Yemen's future, regardless of the outcome of the current military struggle. There are a number of underlying social and economic factors that will remain at the heart of the country's development. The distribution of natural resources—in particular water—is not in proportion to population density. Sharing of water will remain a major problem, given the absolute shortage. A similar situation obtains with respect to oil, gas and indeed agricultural potential.

While federalism has been the ostensible focus for the collapse of the transition initiated in 2011, this paper has sought to demonstrate that there were many other factors. At a time when Yemenis are suffering air and land war, starvation and most of the ills of the apocalypse, it is important to say that this could have been avoided, and that states, institutions and individuals bear responsibility for the people's current suffering. The prime culprits are the members of the Yemeni political elite (of all hues) who prefer to see the destruction of the country rather than find workable solutions, and who manifest complete contempt for the life and living conditions of the majority of the country's population.

However, others bear considerable responsibility: the Western and Gulf states who promoted the GCC Initiative pushed for unrealistic targets, while failing to provide the financial support needed to tackle poverty and enable people to achieve socio-economic improvements which would have ensured massive popular support for a new regime. With a misguided interpretation of their own interests, they also failed to adequately support the transitional regime's efforts to reform the military–security structures, thus allowing Saleh and his supporters to retain the military strength which has fired the current conflict. Finally, the United Nations system largely focused on intra-elite negotiations and on the most visible and prominent tensions at the expense of the broader long-term concerns of the Yemeni population as a whole.

Annexes

Annex A: The GCC Initiative MAY 2011

Proposed by the Gulf Cooperation Council on 21 April 2011

Agreement

The signatories to this Agreement, desirous of achieving a political settlement of the crisis in Yemen, acting in accordance with the terms of the initiative proposed by the Gulf Cooperation Council on 21 April 2011 and pursuant to the following basic principles:

- That the solution resulting from this Agreement shall preserve the unity, security and stability of Yemen;
- That the Agreement shall fulfil the aspirations of the Yemeni people for change and reform;
- That the transfer of power shall be smooth, secure and based on national consensus in order to avoid a descent into anarchy and violence;
- That all parties are committed to removing the sources of tension in political and security terms;
- That all parties are committed to ending all forms of reprisals, pursuit and prosecution by extending guarantees and pledges towards that end;

Have agreed on the following implementation steps;

- 1) On the first day of the Agreement, the President of the Republic shall request the opposition to form a government of national unity with 50 per cent representation from either side. That government shall be formed no later than seven days after his request.
- 2) The newly formed government shall create the appropriate atmosphere in order to achieve national consensus and put an end to the sources of tension in political and security terms.
- 3) On the 29th day after the Agreement enters into force, Parliament, including the opposition, shall adopt laws granting immunity from legal and judicial prosecution to the President and those who worked with him during his time in office.
- 4) On the 30th day after the Agreement enters into force, once Parliament, including the opposition, has adopted the law on safeguards, the President of the Republic shall tender his resignation to Parliament. When Parliament has accepted his resignation, the Vice-President shall become the legitimate President by appointment.
- 5) The President by appointment shall call for presidential elections within 60 days in accordance with the Constitution.

- 6) The new President shall establish a constitutional committee to oversee the preparation of a new constitution.
- 7) When complete, the new constitution shall be submitted to a popular referendum.
- 8) If the constitution is approved by referendum, a time frame for parliamentary elections shall be determined in accordance with the new constitution.
- 9) After the elections, the President shall request the Chair of the party that has gained the greatest number of votes to form a government.
- 10) The States members of the Gulf Cooperation Council, the United States of America, the European Union and the Russian Federation shall be witnesses to the implementation of this Agreement.
- 11) This Agreement has been prepared in four original copies in the Arabic language. It shall enter into force on the date when all parties have signed it.

Signatures of the parties to the Agreement

(Signed) Ali Abdullah Saleh President of the Republic Chair of the General People's Congress	
(Signed) Abdulkarim Ali Al-Iryani Second Deputy Chair of the General People's Congress	(Signed) Mohamed Salem Basendwah Chair of the Preparatory Committee for National Dialogue
(Signed) Sadiq Amin Abu Ras Assistant General Secretary of the General People's Congress	(Signed) Yasin Sa'id Nu'man General Secretary of the Socialist Party and Temporary Chair of the Joint Meeting Parties
(Signed) Amat Al-Razzaq Hamad Assistant General Secretary of the General People's Congress	(Signed) Abdulwahhab Ahmad Al-Insai General Secretary of the Yemeni Congregation for Reform
(Signed) Ahmad Ubayd Bin Daghr Assistant General Secretary of the General People's Congress	(Signed) Hasan Muhammad Zayd General Secretary of the Al-Haqq Party
(Signed) Qasim Salam Chair of the Council of the National Democratic Alliance	(Signed) Sakhr Ahmad Al-Wajih Representative of the Solidarity Council and the Freedom Bloc
In the presence of: (Signed) Abdul-Latif Bin Rashid Al-Zayani Secretary-General of the Gulf Cooperation Council	In the presence of: (Signed) Sheikh Abdullah Bin Zayed Al Nahyan Minister for Foreign Affairs of the United Arab Emirates Chair of the current session of the Ministerial Council of the Gulf Cooperation Council

Annex B: Implementation Mechanism of the GCC Initiative (official United Nations translation)

AGREEMENT ON THE IMPLEMENTATION MECHANISM FOR THE TRANSITION PROCESS IN YEMEN IN ACCORDANCE WITH THE INITIATIVE OF THE GULF COOPERATION COUNCIL

Contents:

- Part I. Introduction
- Part II. The transition period
- Part III. First phase of the transition
- Part IV. Second phase of the transfer of power
- Part V. Settlement of disputes
- Part VI. Concluding provisions
- Annex: Draft Presidential Decree

Part I: Introduction

1. The two parties recognize that
 - a) As a result of the deadlock in the political transition, the political, economic, humanitarian and security situation has deteriorated with increasing rapidity and the Yemeni people have suffered great hardship;
 - b) Our people, including youth, have legitimate aspirations for change; and
 - c) This situation requires that all political leaders should fulfil their responsibilities towards the people by immediately engaging in a clear process for transition to good democratic governance in Yemen.
2. The two parties deeply appreciate the efforts of the Gulf Cooperation Council (GCC) and its Secretary-General, the United Nations Secretary General acting through his Special Adviser, the ambassadors of the five permanent members of the Security Council, and those of the GCC and the European Union, to support an agreement on the peaceful transfer of power. The two parties adopt this Mechanism on the basis of the GCC initiative and fully in accordance with United Nations Security Council resolution 2014 (2011).
3. The following definitions shall apply in relation to this Agreement:
 - a) The term “GCC Initiative” refers to the GCC initiative to resolve the Yemeni crisis in the draft of 21 and 22 May 2011;

- b) The term “the Mechanism” refers to this Agreement on the implementation mechanism for the transition process in Yemen in accordance with the GCC Initiative;
 - c) The term “the two parties” refers to the National Coalition (General People’s Congress and its allies) as one party, and the National Council (Joint Meeting Parties their partners) as the other.
4. The GCC Initiative and the Mechanism shall supersede any current constitutional or legal arrangements. They may not be challenged before the institutions of the State.

Part II: The transition period

5. The two parties acknowledge that under Presidential Decree No. 24 of 2011, the President of Yemen irrevocably delegated to the Vice-President the presidential powers to negotiate, sign and bring into force this Mechanism, along with all constitutional powers pertaining to its implementation and follow-up. Those powers include calling for early elections and taking all of the decisions necessary to form a government of national unity, including swearing in its members, as well as establishing the other bodies set forth in this Mechanism.
6. The transition period shall enter into effect as follows:
- a) In accordance with United Nations Security Council resolution 2014 (2011), which notes the commitment by the President of Yemen to immediately sign the GCC Initiative and encourages him, or those authorized to act on his behalf, to do so, and to implement a political settlement based upon it, and in accordance with Presidential Decree No. 24 of 2011, the President or the Vice-President acting on his behalf shall sign the GCC Initiative concurrently with the signature of this Mechanism by the two parties.
 - b) Concurrently with the signing of this Mechanism, and acting under the powers delegated by the President in Presidential Decree No. 24 of 2011, the Vice-President shall issue a decree providing for early presidential elections to be held within 90 days of the entry into force of this Mechanism. In accordance with the relevant provisions of the Constitution, the decree shall enter into force 60 days before the elections.
 - c) This Mechanism shall enter into force when the President or Vice-President has signed the GCC Initiative, all parties have signed this Mechanism in accordance with this paragraph, and the decree referred to in subparagraph (b) above has been issued.

7. The transition period shall begin with the entry into force of this Mechanism. The transition period shall then consist of two phases:
 - a) The first phase shall begin with the entry into force of this Mechanism and end with the inauguration of the President following the early presidential elections;
 - b) The second phase, which shall last for two years, shall begin with the inauguration of the President following the early presidential elections. It shall end with the holding of general elections in accordance with the new Constitution and the inauguration of the new President of the Republic.
8. During the first and second stages of the transition, decisions of Parliament shall be taken by consensus. If consensus on any given topic cannot be reached, the Speaker of Parliament shall refer the matter for decision by the Vice-President in the first phase, or the President in the second phase. That decision shall be binding for the two parties.
9. The two parties shall take the necessary steps to ensure that Parliament adopts the legislation and other laws necessary for the full implementation of commitments in respect of the guarantees set forth in the GCC Initiative and this Mechanism.

Part III: First phase of the transitional period

Formation of the government of national unity

10. Immediately on entry into force of the GCC Initiative and the Mechanism, the opposition shall nominate its candidate for the post of Prime Minister. The Vice-President shall issue a presidential decree requesting that person to form a government of national unity. The government of national unity shall be formed within 14 days of the issuance of the decree. A republican decree shall be issued to that effect and signed by the Vice-President and Prime Minister;
 - a) Each party shall account for 50 per cent of nominees for the government of national unity, and due consideration shall be given to the representation of women. With regard to the distribution of portfolios, one of the two parties shall prepare two lists of ministries and transmit them to the other party, which shall have the right to choose one of the lists.
 - b) The Prime Minister-designate shall appoint the members of the government as proposed by the two parties. The Vice-President shall then issue a decree setting forth the agreed names of the cabinet members. Nominees shall have a high standard of accountability and commitment to human rights and international humanitarian law.

11. The members of the government shall take the constitutional oath before the Vice-President. Within ten days, the government of national unity shall submit its programme to Parliament for a vote of confidence within five days.

Functioning of the government of national unity

12. The government of national unity shall take its decisions by consensus. If there is no full consensus on any given matter, the Prime Minister shall consult with the Vice-President or, after the early presidential elections, the President, in order to reach consensus. If consensus between them is not possible, the Vice-President or, after the early presidential elections, the President, shall take the final decision.
13. Immediately after its formation, the government of national unity shall
 - a) Take the necessary steps, in consultation with the other relevant actors, to ensure the cessation of all forms of violence and violations of humanitarian law; end the confrontation of armed forces, armed formations, militias and other armed groups; ensure their return to barracks; ensure freedom of movement for all through the country; protect civilians; and take the other necessary measures to achieve peace and security and extend State control;
 - b) Facilitate and secure humanitarian access and delivery wherever it is needed;
 - c) Issue appropriate legal and administrative instructions for all branches of the State sector to comply immediately with standards of good governance, the rule of law and respect for human rights;
 - d) Issue specific legal and administrative instructions to the Office of the Public Prosecutor, the police, prisons and security forces to act in accordance with the law and international standards, and to release those unlawfully detained;
 - e) The government of national unity shall comply with all resolutions of the Security Council and Human Rights Council and with the relevant international norms and conventions.

Powers of the Vice-President and government of national unity

14. In implementing this Mechanism, the Vice-President shall exercise the following constitutional powers, in addition to those appertaining to his office:
 - 1) Convening early presidential elections;
 - 2) Exercising all functions of the President in respect of Parliament;
 - 3) Announcing the formation of, and swearing in, the government of national unity in the first phase;
 - 4) All functions relating to the work of the Committee on Military Affairs for

- Achieving Security and Stability;
 - 5) Managing foreign affairs to the extent necessary for the implementation of this Mechanism;
 - 6) Issuing the decrees necessary for the implementation of this Mechanism.
15. In the first phase, the Vice-President and government of national unity shall exercise executive authority encompassing all matters pertaining to this Agreement, including the following, acting in conjunction with Parliament where appropriate:
- a) Formulating and implementing an initial programme of economic stabilization and development and addressing the immediate needs of the population in all regions of Yemen;
 - b) Coordinating relations with development donors;
 - c) Ensuring that governmental functions, including local government, are fulfilled in an orderly manner in accordance with the principles of good governance, rule of law, human rights, transparency and accountability;
 - d) Approving an interim budget, supervising the administration of all aspects of State finance and ensuring full transparency and accountability;
 - e) Taking the necessary legislative and administrative steps to ensure that presidential elections are held within 90 days of the entry into force of this Mechanism;
 - f) Establishing the following institutions as provided for by this Mechanism:
 - (1) Committee on Military Affairs for Achieving Security and Stability;
 - (2) Conference for National Dialogue.
 - g) The government of national unity and the Vice-President shall immediately establish a liaison committee to engage effectively with youth movements from all parties in the squares and elsewhere in Yemen, to disseminate and explain the terms of this Agreement; initiate an open conversation about the future of the country, which will be continued through the comprehensive Conference for National Dialogue; and involve youth in determining the future of political life.

Committee on Military Affairs for Achieving Security and Stability

16. Within five days of the entry into force of the GCC Initiative and the Mechanism, the Vice-President in the first transitional phase shall establish and chair a Committee on Military Affairs for Achieving Security and Stability. The Committee shall work to
- a) End the division in the armed forces and address its causes;
 - b) End all of the armed conflicts;
 - c) Ensure that the armed forces and other armed formations return to their camps; end all armed presence in the capital Sana'a and other the cities; and

- remove militias and irregular armed groups from the capital and other cities;
 - d) Remove road blocks, checkpoints and improvised fortifications in all governorates;
 - e) Rehabilitate those who do not meet the conditions for service in the military and security forces;
 - f) Take any other measures to reduce the risk of armed confrontation in Yemen.
17. During the two transitional phases, the Committee on Military Affairs for Achieving Security and Stability shall also work to create the necessary conditions and take the necessary steps to integrate the armed forces under unified, national and professional leadership in the context of the rule of law.

Early presidential elections

18. The early presidential elections shall be held in accordance with the following provisions:

Translator's note: this paragraph is mis-numbered 20 in the original Arabic text.

- a) The elections shall take place within 90 days of the signature of the GCC Initiative and the Mechanism;
- b) The early elections for the post of President shall be organized and supervised by the Higher Commission for Elections and Referendums using the current register of voters on an exceptional basis. Any citizen, male or female, who has attained the legal age for voting and can establish as much on the basis of an official document such as a birth certificate or national identity card, shall have the right to vote on the basis of that document;
- c) The sides commit not to nominate or endorse any candidate for the early presidential elections except for the consensus candidate Vice-President Abd Rabbuh Mansur Hadi;
- d) The Secretary-General of the United Nations is requested to provide and coordinate electoral assistance to help ensure the orderly and timely holding of elections.

Part IV: Second phase of the transfer of power

Functions and powers of the President and government of national unity

19. After the early Presidential elections, the newly elected President and the Government of national unity shall exercise all of their customary functions as set forth in the Constitution. In addition, they shall exercise the powers necessary to continue the tasks specified for the implementation of the first phase, and

additional tasks specified for the second phase of the transfer of power. The latter include

Translator's note: this paragraph is mis-numbered 21 in the original Arabic text.

- a) Ensuring that the Conference for National Dialogue is convened, and forming a preparatory committee for the Conference, as well as an Interpretation Committee and other bodies established pursuant to this Mechanism;
- b) Establishing a process of constitutional reform that will address the structure of the State and the political system, and submitting the amended Constitution to the Yemeni people in a referendum;
- c) Reforming the electoral system; and
- d) Holding elections for Parliament and the Presidency in accordance with the new Constitution.

Conference for National Dialogue

20. With the beginning of the second transitional phase, the President-elect and the government of national unity shall convene a comprehensive Conference for National Dialogue for all forces and political actors, including youth, the Southern Movement, the Huthis, other political parties, civil society representatives and women. Women must be represented in all participating groups.

Translator's note: this paragraph is mis-numbered 18 in the original Arabic text.

21. The Conference shall discuss the following issues:

Translator's note: this paragraph is mis-numbered 19 in the original Arabic text.

- a) The process of drafting the Constitution, including the establishment of a Constitutional Drafting Commission and its membership;
- b) Constitutional reform, addressing the structure of the State and political system, and submitting constitutional amendments to the Yemeni people through a referendum;
- c) The dialogue shall address the issue of the South in a manner conducive to a just national solution that preserves the unity, stability and security of Yemen.
- d) Examination of the various issues with a national dimension, including the causes of tension in Saada;
- e) Taking steps towards building a comprehensive democratic system, including reform of the civil service, the judiciary and local governance;
- f) Taking steps aimed at achieving national reconciliation and transitional justice,

- and measures to ensure that violations of human rights and humanitarian law do not occur in future;
- g) The adoption of legal and other means to strengthen the protection and rights of vulnerable groups, including children, as well as the advancement of women;
 - h) Contributing to determining the priorities of programmes for reconstruction and sustainable economic development in order to create job opportunities and better economic, social and cultural services for all.

Constitutional Commission

- 22. The government of national unity shall establish a Constitutional Commission immediately on the conclusion of the work of the Conference of National Dialogue within six months. The Commission shall prepare a new draft constitution within three months of the date of its establishment. It shall propose the necessary steps for the draft constitution to be discussed and submitted for referendum in order to ensure broad popular participation and transparency.

Organization of elections under the new Constitution

- 23. Within three months of the adoption of the new Constitution, Parliament shall enact a law convening national parliamentary elections and, if provided for by the Constitution, presidential elections. The Higher Commission for Elections and Referendums shall be reconstituted and the new register of voters re-compiled in accordance with the new Constitution. That law will be subject to subsequent review by the newly elected Parliament.
- 24. The term of the President elected under paragraph 7 of this Mechanism shall end upon the inauguration of the President elected under the new Constitution.

Part V: Settlement of disputes

- 25. Within 15 days of the entry into force of the GCC Initiative and the Mechanism, the Vice-President and the Prime Minister of the government of national unity shall form an Interpretation Committee to which the two parties shall refer in order to resolve any dispute regarding the interpretation of the GCC Initiative or the Mechanism.

Part VI: Concluding provisions

- 26. Women shall appropriately represented in all of the institutions referred to in this Mechanism.

27. The Government shall provide adequate funding for the institutions and activities established by this Mechanism.
28. In order to ensure the effective implementation of this Mechanism, the two parties call on the States members of the GCC and the United Nations Security Council to support its implementation. They further call on the States members of the GCC, the permanent members of the Security Council, the European Union and its States members to support the implementation of the GCC Initiative and the Mechanism.
29. The Secretary-General of the United Nations is called upon to provide continuous assistance, in cooperation with other agencies, for the implementation of this Agreement. He is also requested to coordinate assistance from the international community for the implementation of the GCC Initiative and the Mechanism.
30. The following are invited to attend the signature of this Mechanism: the Secretary-General of the GCC and the Secretary-General of the United Nations or their representatives, as well as the representatives of the States members of the GCC, the permanent members of the United Nations Security Council, the European Union and the League of Arab States.

[Signatures and dates]

Exercising the authority conferred on me by the President under Presidential Decree No. 24 of 2011, I hereby solemnly convene elections for the office of President of the Republic to be held within ninety days as provided for in the Agreement on the Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative. This Decree is deemed to be in force from today, and the convening of elections contained therein is irrevocable. The convening of elections shall take effect in accordance with the provisions of the Mechanism, without any need for any further steps, sixty days before the holding of elections as set forth in the Mechanism.

This decree shall be published in the Official Gazette.

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About the author

Helen Lackner has been involved with Yemen for over 40 years and has lived in all three Yemeni states, the People's Democratic Republic of Yemen, the Yemen Arab Republic and the Republic of Yemen. She has worked on the socio-economic aspects of all stages of rural development projects in over 30 countries and authored a number of socio-economic and development analyses. In addition to academic articles about Yemen and contributions to *Open Democracy* her books include *PDRY Yemen: Outpost of Socialist Development in Arabia* (Ithaca Press 1985) and her most recent major publication, the edited volume *Why Yemen Matters: a Society in Transition* (Saqi 2014). She is now working on an analysis of the current crisis, its origins and likely outcomes to be published by Saqi in 2017.



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Yemen's so-called peaceful transition process, which began in 2011, was widely considered a success during the initial stages of its implementation, to the extent that other countries were being encouraged to learn from Yemen's experience. However, given the subsequent and ongoing conflict in Yemen, it is important to revisit this process, and to explore whether the current conflict could have been avoided.

This report examines all aspects of Yemen's transition, including the Gulf Cooperation Council Initiative and its Implementation Mechanism, the restructuring of the military–security apparatus, the National Dialogue Conference and the constitution-drafting committee, as well as related issues such as the discussions that revolved around transitional justice.

While Yemen suffers from a number of underlying social and economic factors that will remain crucial to its development, many of the contributors to the current conflict were linked to the original design of the transition plan. In addition, the manner in which the transition was implemented by specific individuals, institutions and states reduced its chances of success. The report concludes with a series of recommendations for future reform efforts, both in Yemen and beyond.