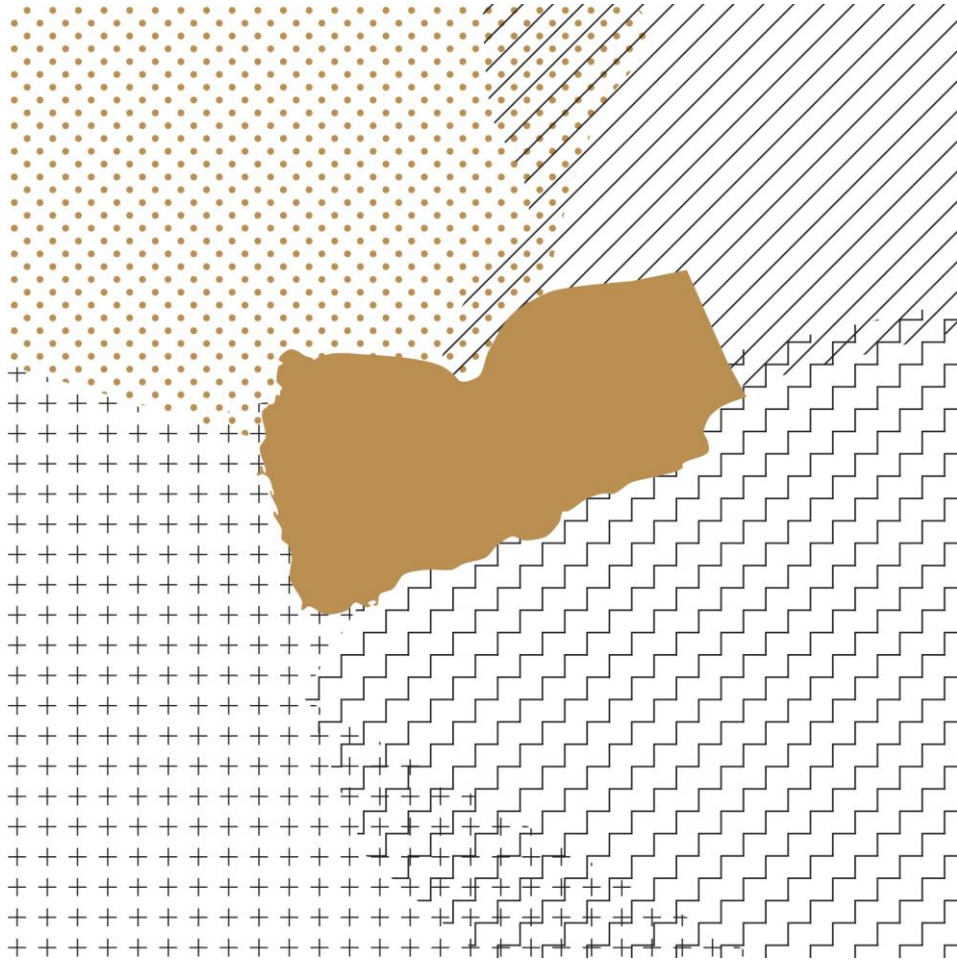


W O S C A P

ENHANCING EU PEACEBUILDING CAPABILITIES



Assessing the EU's conflict prevention and peacebuilding interventions in Yemen

Alia Eshaq and Suad Al-Marani

Political Development Forum

Colophon

ASSESSING THE EU'S CONFLICT PREVENTION AND PEACEBUILDING INTERVENTIONS IN YEMEN

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Deliverable 3.5: Case Study Report: Yemen

Alia Eshaq and Suad Al-Marani

Political Development Forum



Whole of Society Conflict Prevention and Peacebuilding

The Case Study Report on Yemen was produced as part of the project “Whole-of-Society Conflict Prevention and Peacebuilding” (WOSCAP). It presents the research findings regarding the ongoing EU intervention in conflict prevention and peacebuilding in Yemen, since the so-called Arab Spring in Yemen in early 2011. This report focuses on the policy domain of multi-track diplomacy. The policy domains of security sector reform and governance have been eclipsed by the immediate and overriding need to provide humanitarian assistance in the context of the ongoing civil war and the Saudi-led multinational military intervention since March 2015. This Case Study Report is based on both a desk review and field research, including interviews with local and foreign stakeholders. Find more information at www.woscap.eu.



ENHANCING EU PEACEBUILDING CAPABILITIES



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Abbreviations

AQAP	Al-Qaeda on the Arabian Peninsula
CDC	Constitution Drafting Committee
CSO	Civil Society Organisation
EC	European Community
EIDHR	European Initiative for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
EU	European Union
EUMS	European Union Member State
EU EOM	European Union Elections Observer Mission (2006)
FoY	Friends of Yemen
FRA	France
GCC	Gulf Cooperation Council
GER	Germany
GPC	General People's Congress
ISIS	Islamic State of Iraq and Syria
ITA	Italy
JMP	Joint Meeting Parties
MEDA	<i>Mesures d'accompagnement</i>
NB	National Body
NDC	National Dialogue Conference
NGO	Non-Governmental Organisation
NLD	The Netherlands
TC	Technical Committee
UAE	United Arab Emirates
UN	United Nations
UK	United Kingdom
UNSC	United Nations Security Council
US	United States
USAID	United States Agency for International Development
USD	United States Dollar
WOSCAP	Whole-of-Society Conflict Prevention and Peacebuilding
YAR	Yemeni Arab Republic
YSP	Yemeni Socialist Party

Introduction

Several years prior to Yemen's Arab Spring in February 2011, articles and reports started to appear warning that Yemen was 'on the brink of disaster' and dangerously close to becoming a 'failed state'.¹ In view of the turn that events have taken since then, it would appear safe to say that Yemen has passed that liminal stage. The legitimacy of its nominal president, Abd Rabbo Mansour Hadi – who lives in exile in Riyadh, Saudi Arabia, since March 2015 – is today mostly a fiction sustained by the international community to uphold some semblance of a personified state authority, while efforts to negotiate an end to the devastating Saudi-led military intervention, that started in March 2015, have so far all failed. How did this happen and what lessons does the case of Yemen offer for EU intervention in conflict prevention and resolution?

This report will explore how Yemen's 'transition process', that was the result of intensive multi-track diplomacy involving the GCC, the EU, and the UN Security Council, eventually derailed into a military intervention led by Yemen's oil-rich neighbour Saudi Arabia. More specifically, the report seeks to offer a grass-roots perspective on how the EU's contribution to Yemen's transition process was viewed by Yemenis, and what lessons this offers for ongoing and future EU interventions. The report will largely ignore the policy domains of security sector reform and governance. Not because they are not important or relevant in the context of Yemen's 'transition', on the contrary, but because they have been largely rendered moot since the onset of the Saudi-led military intervention. The report is also not an in-depth study of all EU policy interventions, such as has been produced for the period between 2002 and 2012.²

In part, the limited scope of this report has been the result of some of the difficulties and challenges that the research team faced. Given the focus of this research on recent EU interventions, our research had to rely primarily on interviews with different stakeholders. Our ability to conduct these interviews has, however, been hampered by the fact that the country is undergoing a massive military operation that has led many actors to flee Yemen, including both local and international stakeholders. Given the widespread armed confrontations in many governorates of Yemen, our Yemen-based researchers have been unable to travel to areas beyond Sana'a in order to get a wider sample of interviews and surveys. Due to the aerial and naval blockade that has been imposed since the start of the Saudi-led military intervention, our Yemen-based researchers have also not been able to attend any of the project meetings and workshops like the other countries' teams. This has created additional difficulties of communication between the country team and the other project partners. Lastly, the overall deterioration in security has affected the work and lives of our two Yemen-based researchers and their families to a great extent. In the context of daily airstrikes and lack of basic necessities such as food, water, fuel, and electricity, physical survival has taken precedence over research, despite its importance. Ultimately, one of our researchers had to drop out of the project. We can only express our hope that, despite all this, this report is valued for its contribution to

1 For example: Boucek, Christopher, & Ottaway, Marina eds. (2010), *Yemen on the Brink*. Carnegie Endowment; Hill, Ginny (2010), *Yemen: Fear of Failure*, Chatham House. For a discussion: Dingli, Sophia (2013), *Is the Failed State Thesis Analytically Useful? The Case of Yemen*, in: *Politics*, 33(2), 91-100. Dingli offers an analysis similar to: Philips, Sarah (2011), *Yemen and the Politics of Permanent Crisis*, International Institute for Strategic Studies, Routledge.

2 Rogers, Dana et al. (March 2015), *Evaluation of EU Cooperation with Yemen 2002-12*. Final Report. Volume I – Main Report, Volume II – Annexes.

assessing the EU's diplomatic intervention in Yemen. We sincerely hope that it will contribute towards a better future for Yemen.

The structure of the report is as follows. Chapter 1 offers a brief presentation of Yemen's national context, explaining some of the historical antecedents that are relevant to the current situation, and introducing some of the main actors. Chapter 2 provides an overview of EU relations and policies regarding Yemen prior to 2011. Chapter 3 outlines the main events following Yemen's 'Arab Spring', focusing on Yemen's subsequent 'transition process'. It aims to highlight how Yemen's multiple crises prior to 2011 were reduced to a single 'crisis of stability'. At this point, crisis management became the overriding concern for the international community, leading it to accept compromises that eventually proved to be undermining the return to the much-desired stability. Chapter 4 offers an evaluation and assessment of the EU's response to the crisis. It briefly summarises the EU's response and discusses some academic evaluations, prior to turning to the grass-roots view of Yemen's transition process, and in particular the National Dialogue Conference (NDC) in which the EU played a substantial role. In the conclusion, we offer an analysis of how the main stakeholders of Yemen's multiple crises interacted with security concerns of the international community to produce a transition plan, whose flaws erupted into the open after the artificial lid of the NDC no longer was able to contain the underlying conflicts. The report concludes by offering some lessons learned regarding the EU's intervention in Yemen.

Before we turn to the first chapter, some further introductory remarks are in order. This report offers a summary description of Yemen and its 'transition process' since 2011. As such, there is a lot of detail missing. The ongoing siege of Ta'izz, the vicissitudes of the Saudi-led military operation, and the situation in the South are not even touched upon.³ Terrorism and counter-terrorism in Yemen also do not feature in this report, despite its importance for the way the international community, and in particular the US, have assessed their policy priorities. Much has been written on this subject that does not need to be repeated.⁴

³ The International Crisis Group has produced excellent reports in which these topics and others are discussed in great detail. See in particular International Crisis Group (Feb 2016), *Yemen: Is Peace Possible?* International Crisis Group (Jun 2014) *The Houthis: From Saada to Sanaa*. International Crisis Group (Apr 2013), *Yemen's Military-Security Reform: Seeds of New Conflict?* International Crisis Group (Sep 2013), *Yemen's Southern Question: Avoiding a Breakdown*. International Crisis Group (Oct 2011), *Breaking Point? Yemen's Southern Question*.

⁴ For example; Johnsen, Gregory (2013), *The Last Refuge: Yemen, Al-Qaeda, and America's War in Arabia*, New York & London: W.W. Norton & Company; Carapico, Sheila (2014), *Yemen between Revolution and Counter-Terrorism*, in: Helen Lackner (ed.), *Why Yemen Matters: A Society in Transition*, Saqi.

1. The national context: the long career of Ali Abdallah Saleh

It is a stock phrase to say that Yemen is complex. Some academic scholars have even argued that “Yemen and its people are barely comprehensible”.⁵ The complexity argument has also been used to explain why Yemen has not received much international media coverage. The conflict in Yemen, so goes the argument, is too complex and does not allow for a straightforward identification of good or bad guys. Narratives of good and evil generally obscure more than they illuminate. In Yemen’s case, this has affected reports about the so-called Houthi movement in particular, who have been routinely described in mainstream international media as “Iranian-backed”, and supposedly part of a menacing Shia crescent in the Middle East. This narrative is promoted in particular by Saudi Arabia, which espouses a brand of Islam that brands Shia Muslims as the ultimate Other, and treats its Shia population as second-class citizens at best. Good and evil are indeed a matter of perspective.⁶

This short overview of the national context of Yemen indeed cannot aspire to do justice to Yemen’s supposed ‘complexity’. It is a big country that due to its geographical features, has historically harboured groups that sought refuge in the inaccessible mountain ranges of Yemen, such as the Ismaili and Zaydi communities. In the north-eastern highlands of Yemen, tribes continue to play an important role, in particular the countries’ two broad tribal alliances: the Hashid, and the Bakil alliances. Along the coast and in the southern provinces, tribes have played a less important role, in part also because of the influence of British colonial administration. The difference of highland and coastal areas also translates into religious denomination. While the highlands are dominated by Shiite Zaydi Islam, in the coastal areas the Shafi’i school of Sunni Islam has been dominant.⁷

Revolutionary beginnings

When lieutenant-colonel Ali Abdallah Saleh in 1978 became president of the northern Yemeni Arab Republic (YAR), few believed he would last.⁸ The 1962 republican revolution that ended the centuries-old Zaydi imamate, had been followed by a gruesome civil war in which Saudi Arabia backed the imam’s royalists, while Egypt had supported the republicans as part of their ‘Arab Cold War’-rivalry with Saudi Arabia. This regional proxy war ended with Egypt’s defeat in the Six Day War (1967), but it was followed by a series of coups and assassinations that forcibly removed all of Saleh’s predecessors. Saleh, however, survived the assassination attempts and took control of the military and security apparatus by appointing his family and

⁵ For example: Day, Stephan (2012), *Regionalism and Rebellion in Yemen. A Troubled National Union*, Cambridge University Press, 8.

⁶ See: Clausen, Maria-Louise (2016), *Understanding the Crisis in Yemen: Evaluating Competing Narratives*, *The International Spectator. Italian Journal of International Affairs*, 50:3, 16-29. For Saudi attitudes towards their Shia population see: Matthiesen, Toby (2014), *The other Saudis: shiism, dissent and sectarianism*, Cambridge University Press.

⁷ For a recent study of Yemen’s tribes see: Weir, Shelagh (2009), *A Tribal Order. Politics and Law in the Mountains of Yemen*, Austin: University of Texas Press.

⁸ Clark, Victoria (2010), *Yemen. Dancing on the Heads of Snakes*, New Haven and London: Yale University Press, p. 111; cf. Dresch, Paul (2000), *A History of Modern Yemen*, Cambridge University Press.

tribal allies of his Sanhan tribe. The General People's Congress (GPC), established in 1982 as the only legal political party, served as a platform for an extensive patronage system that was fuelled by the discovery of oil in commercial quantities in 1984.

In British-administered southern Yemen (1839-1967), an uprising had started in 1963 that eventually led to the departure of the British and the establishment of the People's Democratic Republic of Yemen (PDRY) in 1968, the Arab's world only Marxist state. It was beset by internal rivalries and in 1986 opposing factions within the Yemeni Socialist Party (YSP) fought a civil war in which thousands were killed. The end of the Cold War in 1989 robbed the PDRY of Soviet support, and the same year the northern military-tribal republic and the southern socialists hastily signed a unification agreement, promising an equal partnership despite the North's significantly larger population.⁹

Shotgun unity¹⁰

On 22 May 1990 the YAR and the PDRY merged to produce the Republic of Yemen. Tensions emerged quickly. When the YSP came in third in the 1993 parliamentary elections, trailing far behind after the GPC and the newly established northern Islamist Congregation for Reform (Islah), unity turned sour and a short separatist war broke out in April 1994. Aided by veterans who had returned from the anti-Soviet war in Afghanistan, Saleh quickly achieved victory. Following the war, the military and civil institutions were purged of those loyal to the southern cause. Ali Salim al-Beedh, the former president of the PDRY who had led the South to unity, fled into exile in Oman, while those southerners that had supported the North in the war were rewarded, like Abd Rabbo Mansour Hadi who was appointed vice-president by Saleh.

Saleh's victory allowed him to further build the patronage system upon the state institutions and the ruling GPC-party, meanwhile co-opting tribal leaders with cash handouts and preferential access to the military and security institutions. Saleh's systemic patronage mostly benefitted those on the inside in the capital Sana'a. The regime's control, however, over the rest of the country was precarious. Large parts of the country were de facto controlled by armed local (tribal) leaders, as the state never seriously attempted to enforce its monopoly on coercive power. Tribes routinely resorted to kidnapping foreigners to lend weight to their demands. It is in the regions far beyond Sana'a that resistance to Saleh's regime built up.¹¹

Zaydism re-emergent

In the 1980s Zaydi leaders in northern Yemen sought to revive Zaydi religious and cultural traditions, which had become marginalised following the republican revolution in 1962. Zaydism is a branch of Shiism distinct from the Twelver Shiism in Iran. Its religious elite claims descent from the family of the prophet Muhammad, and holds its eponymous founder Zayd (d. 740AD) to be the rightful fifth caliph or imam of Islam. Zaydis represent about one third of the country's total population of 25 million, the majority of which belong to the Shafi'i school of

⁹ Asher Orkaby (2017) The North Yemen civil war and the failure of the Federation of South Arabia, in: *Middle Eastern Studies*, 53(1), 69-83.

¹⁰ See: Clark, Victoria (2010), *Yemen: Dancing on the Heads of Snakes*, Yale University Press, in particular Chapter 4, 130-146, "A Shotgun Wedding (1990-2000)", that inspired the title of this sub-section.

¹¹ The most detailed study of Saleh's system of patronage is: Philips, Sarah (2011), *Yemen and the Politics of Permanent Crisis*, International Institute for Strategic Studies, Routledge.

law in Sunni Islam. While the Zaydi revival was religiously inspired, it gradually developed more political overtones, fed in part by the political and economic marginalisation of the northern region, with Sa'ada as its capital. In the 1990s a Zaydi political party was established (al-Haqq). Out of frustration with the lack of electoral success, a split took place leading to the establishment of al-Shabab al-Mu'minin (The Believing Youth) under the leadership of the Houthi-family. This became what is known today as the Houthi movement, or Ansar Allah (The Helpers of God) as they call themselves. Their slogan is: "God is great! Death to America! Death to Israel! Curse upon the Jews! Victory to Islam!"

The group's anti-Americanism would become problematic in the aftermath of the attacks on the United States in 2001.¹² For Saleh '9/11' presented an opportunity to bolster his international reputation. In 1990 he had supported Saddam Hussein after the invasion of Kuwait. The angered Gulf States promptly expelled approximately 1 million Yemeni labourers back to Yemen. This time, Saleh chose to support the American War on Terror to the dismay of the Houthis, who refused giving up chanting their anti-American slogans. Saleh intervened, and the leader of the Houthis, Hussein al-Houthi was killed in 2004. As a result, the army fought six brutal rounds of war in the northern provinces between 2004 and 2010, ending with an inconclusive ceasefire in February 2010. During the last round of fighting Saudi Arabia joined the Yemeni army in fighting the Houthis, and suffered substantial losses.¹³

Southern protests

What started in late 2006 as protests and sit-ins by a group of military pensioners demanding more pay, coalesced in the course of 2007 into a movement that became known as the Southern Movement, or, in Arabic, simply Hiraak (Movement). Students, unemployed youth, civil servants, and teachers all joined the pensioners to demand equal opportunity and political reforms. The protests did initially not call for independence and were largely peaceful. Yet Saleh was not forthcoming. The government applied a combination of repression and muzzling of the press on the one hand, and measures to address some of the grievances and promises of dialogue on the other. It was, however, too little, too late. By 2008 there was a popular movement throughout the South that offered southern leaders in exile a platform to voice their demands for independence of the South. What it lacked was a unified leadership, allowing Saleh's regime to exploit fissures in the movement by co-optation. In the course of the tit-for-tat cycle of repression and violence between the protestors and the government, more and more restive southerners opted for violence.¹⁴

A permissive environment: al-Qaeda on the Arabian Peninsula (AQAP)

Saleh dealt with Islamists, including jihadists, just like he dealt with most other constituencies: by alternating support and repression. For example, where other countries had closed their

¹² For background on the Houthis' uprising see: Glosemeyer, Iris (2004), Local Conflict, Global Spin: An Uprising in the Yemeni Highlands, in: Middle East Report, Vol. 34, #232.

¹³ An in-depth study of the wars fought between 2004 and 2010 is: Salmoni, Barak, Loidolt, Bruce & Wells, Madeleine (2010), The Houthi phenomenon, RAND; also International Crisis Group (2009), Yemen: Defusing the Saada Time Bomb.

¹⁴ See: International Crisis Group (Sep 2013), Yemen's Southern Question: Avoiding a Breakdown; International Crisis Group (Oct 2011), Breaking Point? Yemen's Southern Question.

doors to the 'Afghan veterans' when they returned from Afghanistan in 1990, Saleh had welcomed them and used them in the 1994 separatist war. After joining the US coalition to fight the War on Terror, Saleh shipped off the foreign Afghan veterans to prevent the notion of Yemen becoming a safe haven for jihadists.¹⁵ Saleh stepped up efforts to bring in suspected jihadists, in particular those that had been involved with the bombing of the USS Cole in the harbour of Aden in October 2000. In return, Saleh received millions of dollars in pledges, military equipment and training from the US. Saleh also allowed the US to operate drones to take out suspected jihadists.¹⁶ But Saleh's continued leniency and revolving-door policy infuriated the US.

In 2006 twenty-three suspected al-Qaeda members escaped from a Sana'a prison. In 2009 some of them formed al-Qaeda on the Arabian Peninsula (AQAP), merging the Yemeni and Saudi branches of al-Qaeda. AQAP soon became the most active of al-Qaeda's branches, being implicated amongst others in a 2009 shooting at a recruiting office in Little Rock, the attempt to bomb Northwest Airlines flight 253 on Christmas Day 2009, and the 2010 cargo plane bomb plot. In 2011 AQAP reinvented itself under the alias of Ansar al-Sharia (Helpers of the Sharia/Law) and managed to form a short-lived emirate, anticipating the Islamic State of ISIS by several years.¹⁷

The elites in Sana'a: political opposition from the Joint Meeting Parties

In the capital, meanwhile, political opposition to Saleh's regime had increased since the early 2000s. Ruling since 1978, Saleh had won his first term in the 1999 presidential election of the Republic of Yemen with an overwhelming 96% of the vote. Determined to challenge the supremacy of Saleh and the GPC, in 2002 a number of opposition parties (including the YSP, Islah, and al-Haqq) formed the Joint Meeting Parties (JMP) alliance.¹⁸ In 2006 it unsuccessfully campaigned against Saleh, who won with a majority of 77%. Following the death in 2007 of Abdullah al-Ahmar, the shaykh of the powerful Hashid tribal alliance, his son Hamid al-Ahmar started to pursue a more confrontational course against Saleh than his father – the founder of Islah and a staunch supporter of Saleh – would have ever allowed. In the built-up to the 2009 parliamentary elections, the JMP demanded reform of the electoral law, as had been recommended by the EU Elections Observation Mission (EU EOM) in 2006. Rogers et al. (2015, 41) describe how, following the elections, the EU sought to involve the GCC in cooperation on Yemen:

“EU officials began a tentative political dialogue with the Gulf States, especially Saudi Arabia, to see if they could be encouraged to play a more strategic role in Yemen. In part, this followed from insights gained during the 2006 EU EOM and subsequent preparations

¹⁵ Clark, Victoria (2010), *Yemen. Dancing on the heads of snakes*, New Haven and London: Yale University Press, 192.

¹⁶ See www.thebureauinvestigates.com/category/projects/drones/drones-yemen/

¹⁷ For a well-informed study of jihadism in Yemen see: Johnsen, Gregory (2013), *The Last Refuge: Yemen, Al-Qaeda, and America's War in Arabia*, New York & London: W.W. Norton & Company. For Salafism in Yemen see: Bonnefoy, Laurent (2012), *Salafism in Yemen: Transnationalism and Religious Identity*, Oxford University Press.

¹⁸ Durac, Vincent (2011), *The Joint Meeting Parties and the Politics of Opposition in Yemen*, *British Journal of Middle Eastern Studies*, 38:3, 343-365.

for Yemen's scheduled parliamentary elections. Coordination with GCC increased in 2008 with the EU being invited to GCC-Yemen dialogue forums as well as launching a trilateral cooperation mechanism."

This 'mechanism' was the early start of what would eventually become the coalition that secured Yemen's transition agreement in late 2011. But the scheduled 2009 parliamentary elections, despite intensive mediation efforts by the EU delegation, were postponed to April 2011. The EU had hoped the delay would allow for building consensus via a national dialogue, but in December 2010 negotiations collapsed again.¹⁹ This 'national dialogue' prefigured the National Dialogue Conference (NDC, 2013-2014) that was the centrepiece of the solution for Yemen's 2011 stability 'crisis'.

Slow-motion collapse

It seemed obvious by late 2010 that the piling heap of crises in Yemen had become too much of a burden. In fact, following the Christmas Day plot of 2009, the Friends of Yemen (FoY) was established in January 2010 to bolster international support for Yemen.²⁰ Their immediate concern was fuelled by AQAP's inventive intercontinental operations, but the ongoing conflict with the Houthis, the escalating protests of the Southern Movement, and the political deadlock regarding the elections all contributed to the notion that Yemen was 'on the brink of collapse'. The notion of collapse was further reinforced by the prospect of Yemen running out of oil reserves,²¹ while the capital Sana'a has been projected to be the first capital to run out of water as soon as 2017.²² To these might be added any other ominous indicator, including population growth, food security, and poverty.

The downward trend, in other words, had been in evidence already a number of years prior to the advent of the Arab Spring in Yemen. This is reflected, for example, in Yemen's rankings in the Fragile States Index (formerly the Failed States Index). From a relatively low ranking in 2007 (#24), Yemen gradually climbed the index to #15 in 2010 and finally entered the Top Ten in 2012.²³ One of the few that appeared not convinced of the collapse of Yemen was Ali Abdallah Saleh himself, as we shall see in Chapter 3. In the next chapter we first discuss how the international community sought to prevent Yemen's collapse, and the concerns that were central to their efforts.

¹⁹ Longley Alley, April (2010), Yemen's Multiple Crises, in: *Journal of Democracy*, 21(4), 72-86.

²⁰ Longley Alley, April (2010), Yemen's Multiple Crises, in: *Journal of Democracy*, 21(4), 72-86. Whitaker, Brian 2010. *Saving Yemen*, *The Guardian*, 28 January 2010 [accessed 21 November 2016]. Rogers, Dana et al. (March 2015), *Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I* offers analysis of background of developing EU-GCC cooperation regarding Yemen in the run up to

²¹ Haykel, Bernard (2013), *The state of Yemen's oil and gas resources*, in: Norwegian Peacebuilding Resource Centre, Policy Brief, May 2013.

²² Whitehead, Frederika 2015. *Water scarcity in Yemen: the country's forgotten conflict*, *The Guardian*, 2 April 2015 [accessed 21 November 2016].

²³ See fsi.fundforpeace.org/2016-yemen

2. EU policy in Yemen

Introduction

This chapter outlines the EU's engagement with Yemen from its origins in 1978 when the then European Community (EC) funded an agricultural research project in the YAR, until 2011 when the Yemeni state started to lose grip on the multiple crises the country was facing. The engagement of the EU in this period should be seen against the backdrop of the challenging national context discussed in Chapter 1. Over time, the EU's engagement with Yemen developed from a limited focus on development cooperation to a broader – yet still limited – set of policy domains, including good governance, economic reforms, and a political dialogue. In this overview the focus lies on the latter period, because the EU then sought to play a more important role in Yemen. This chapter will subsequently give a brief overview of EU-Yemen relations, the policies the EU has sought to implement in Yemen, and it details the goals and ambitions the Union has put forward in various policy documents. The chapter then addresses the ambiguous place of Yemen in the EU policy making structures, and concludes with various policy and academic assessments of the EU's engagement with Yemen.

2.1 Overview of EU-Yemen relations

Relations between the EU and Yemen go back to the same year when Saleh became President of the Yemeni Arab Republic. In 1978, the then European Community (EC) funded an agricultural research project in the YAR, and six years later, in 1984, a Development Cooperation Agreement was signed, which formalized the relations between the EC and the YAR. Assistance of the EC to the PDRY was limited to only one project in 1982. Only five years after the unification, in 1995, the Development Cooperation Agreement of 1984 was extended to cover the entire territory of Yemen.²⁴

In November 1997, an advanced Cooperation Agreement on commercial, development and economic cooperation was signed.²⁵ At the outset, EU support focused on health, rural development, fisheries, and to a lesser extent on civil aviation and the water sector.²⁶ In 2003, the relations between the EU and Yemen expanded further with the start of a 'political dialogue', of which the first meeting was held in July 2004. Points on the agenda were democratization, human rights, and combatting terrorism. In 2004, there was also a Delegation of the Commission opened in Sana'a, which was headed by a Chargé d'Affaires that fell under

²⁴ Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 655.

²⁵ Cooperation Agreement between the European Community and the Republic of Yemen. [Accessed on 23 November 2016]. Online access at: https://eeas.europa.eu/sites/eeas/files/coop_agreement_en.pdf

²⁶ Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 655.

the authority of the Head of Delegation in Jordan.²⁷ In September 2006, the EU established an Election Observation Mission to observe the presidential and local council elections, which it hailed for having benefited from ‘the full engagement of all major political parties.’²⁸

During this time, the EU’s actions were guided by the Yemen Strategy Paper for the period of 2002-2006 in which food security, poverty reduction, good governance, democracy, respect for human rights, and economic reforms were prioritized.²⁹ The EU’s engagement with Yemen had by then expanded from a focus on development cooperation to a more expansive set of policies that more explicitly aimed for a political dialogue, democratization, and a reform of the state’s institutions. These priorities remained similar in the Strategy Paper for the period 2007-2013. New in this strategy document was the link to the Millennium Development Goals in the EU’s ambition to fight poverty, while emphasis on the need of promoting good governance remained, which by then was presented as consisting of democratization efforts, promoting human rights, and judicial reforms.³⁰ According to the 2007-2013 Strategy Paper of the EU:

“The fragile condition of Yemen as a state and the complexity of the problems affecting the country have led the EU to place its relations within a broader perspective, with the launch of the political dialogue and the adoption of a joint declaration in 2004. With this approach, the EU aims at pursuing in an integrated manner actions targeting stability, security and good governance, focusing development cooperation within this logic.”³¹

Based upon this strategy, several initiatives were launched in 2008, including projects aimed at strengthening the cooperation between civil society groups and the Ministry for Human Rights. The EU also launched a call for proposals as part of the European Initiative for Democracy and Human Rights (EIDHR). The Commission delegation held an open day around this initiative in a

²⁷ The Role of the EU Delegation. [Accessed on 23 November 2016]. Online access at:

http://eeas.europa.eu/archives/delegations/yemen/about_us/delegation_role/index_en.htm

²⁸ EU election observation mission to Yemen in 2006. [Accessed on 22 November 2016]. Online access at:

http://www.eeas.europa.eu/archives/eueom/missions/2006/yemen/index_en.htm

²⁹ Yemen Country Strategy Paper (2002-2006). [Accessed on 23 November 2016]. Online access at:

http://eeas.europa.eu/archives/docs/yemen/csp/02_06_en.pdf

³⁰ Yemen – European Community: Strategy Paper for the period 2007-2013. [Accessed on 23 November 2016].

Online access at:

https://ec.europa.eu/europeaid/sites/devco/files/csp-yemen-2007-2013_en.pdf

³¹ See Yemen – European Community: Strategy Paper for the period 2007-2013. This statement in the 2007-2013 Strategy Paper largely confirms the larger EU approach to situations on fragility (2007, 8-9), in which the following is advocated: ‘Fragility is most often triggered by governance shortcomings and failures, in form of lack of political legitimacy compounded by very limited institutional capacities linked to poverty. Supporting democratic governance, state building, reconciliation processes and human rights protection, as well as promoting political will for reform through dialogue and incentives, rather than through conditionality and sanction, should guide EU action.’ See Commission of the European Communities 2007. Towards an EU response to situations of fragility - engaging in difficult environments for sustainable development, stability and peace. [Accessed on 22 November 2016]. Online access at:

https://ec.europa.eu/europeaid/sites/devco/files/communication-eu-response-to-fragility-com2007643-20071025_en.pdf

hotel in Sana'a, which was reportedly attended by many representatives of CSOs, NGOs and tribal groups from the Marib and Jawf governorates.³²

EU engagement with Yemen further expanded when the Lisbon Treaty entered into force in 2009. The Delegation of the Commission then became the Delegation of the European Union to the Republic of Yemen. This marked the first time the EU had a Head of Delegation that was actually based in Yemen. Ambassador Michelle Cervone d'Urso handed over his credentials to President Saleh on 13 December 2009.³³ According to the evaluation of Rogers et al., the standing of the EU and its political influence increased significantly under his wings, due to 'the Head of Delegation's activist diplomacy in helping to secure the GCC initiative.'³⁴

Shortly after the arrival of Cervone, the 'Friends of Yemen' group was established in January 2010 to work on the multiple causes of instability in Yemen. This initiative has been supported by many countries and international organisations, including the EU and several EU Member States. When, by November 2011, the Gulf Cooperation Initiative (GCC) was signed this marked the start of a transition of power from President Saleh to President Hadi.³⁵ In Chapter 3 more attention will be paid to how the GCC initiative developed with special attention for the role of the EU.

Important to distill from this brief overview of EU-Yemen relations is that the EU's diagnosis of the most pressing challenges Yemen faced increasingly focused on the fragility of the Yemeni state, and the accompanying governance problems. EU policy in the period after 2002 primarily rested on the assumption that strengthening the Yemeni state and its governance structures would be vital in order to address Yemen's multitude of challenges, while the capabilities of the EU to do this were rather limited. Moreover, the EU's approach to work on these issues relied heavily on formal politics and formal institutions³⁶, even though the regime had limited reach outside of Sana'a, and Saleh's rule was largely based on patronage, and informal linkages with regional power brokers.

2.2 Where to fit Yemen in EU policy making?

Apart from the challenging national context in Yemen, as stipulated in Chapter 1, an important aspect of the EU's relation with Yemen lies, according to Durac, in Yemen's ambiguous place in the EU's policy and funding structures for the Middle East.³⁷ Yemen does not fall under the Euro-Mediterranean Partnership (EMP) or the MEDA programme for the southern and eastern Mediterranean, and since it is not a member of the GCC, it also does not fall under the

³² Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 657.

³³ Ibid.

³⁴ Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report, p. 3.

³⁵ Friends of Yemen: questions and answers. [Accessed on 24 November 2016]. Online access at: <https://www.gov.uk/government/news/friends-of-yemen-q-a>

³⁶ Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report, p. 3.

³⁷ Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 655.

arrangements between the EU and the GCC.³⁸ Yemen has ended up in the somewhat artificial 'East of Jordan' group, which besides Yemen includes Iran and Iraq. As a result, Yemen falls outside any multilateral institutional arrangement with the EU.³⁹ According to the evaluation Rogers et al. on EU cooperation with Yemen from 2002-2012, the historical difficulties of locating Yemen in the EU's policy making architecture has consistently hindered effective oversight, and affected the coherence of the EU's response.⁴⁰ So, while the challenging socio-political context in Yemen has definitely affected the EU's capabilities in the fields of conflict prevention and peacebuilding, these have also been thwarted by the EU's problems with locating Yemen in its policymaking structures.⁴¹

2.3 EU Member States and other donors in Yemen

Apart from the ambiguous role of Yemen within the EU's policymaking structure and the EU's rather limited engagement with Yemen, EU efforts have also been overshadowed by some of its own Member States and other international donors such as the World Bank, Arab financial institutions, and the United States.⁴² In the 2000s, Germany and the Netherlands were major European donors to Yemen with programming focused on education, health, water, governance, and justice. Other Member States such as the United Kingdom, Italy, France, Denmark and Czech Republic also have had several development aid programmes in Yemen (Ibid). The World Bank was the largest donor however, which allocated 420 million USD between 2003 and 2006, and around 400 million USD between 2006 and 2009.⁴³ Donors from the Middle East to Yemen have included Saudi Arabia, the Arab Fund for Socio-Economic Development, Qatar, the United Arab Emirates, the Arab Monetary Fund, the Islamic Development Bank, and Kuwait.⁴⁴ Yemen has also allegedly received substantial off-budget financial support from Saudi Arabia, which arguably has fuelled poor governance and patronage. The United States also made aid contributions through USAID, even though post-9/11 it has mainly been focused on counter-terrorism operations, and financing the Yemeni military and the Presidential Guard.⁴⁵ Interestingly, the United States and the EU both saw the

³⁸ Ibid.

³⁹ Gstöhl, S. (2014). Conclusion: Models of Cooperation with the Neighbours of the EU's Neighbours, p. 276. In: Eds. S. Gstöhl and E. Lannon. *The Neighbours of the European Union's Neighbours: Diplomatic and Geopolitical Dimensions beyond the European Neighbourhood Policy*. London and New York: Routledge.

⁴⁰ Rogers, Dana et al. (March 2015), *Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report*.

⁴¹ See Durac, Vincent 2010. *The European Union in Yemen: The Triumph of Pragmatism over Normativity?*. *European Foreign Affairs Review*, 15(5), pp. 655. See also Rogers, Dana et al. (March 2015), *Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report*.

⁴² Durac, Vincent 2010. *The European Union in Yemen: The Triumph of Pragmatism over Normativity?*. *European Foreign Affairs Review*, 15(5), pp. 658.

⁴³ Durac, Vincent 2010. *The European Union in Yemen: The Triumph of Pragmatism over Normativity?*. *European Foreign Affairs Review*, 15(5), pp. 659.

⁴⁴ Committee on Foreign Relations, United States Senate (2010). *Following the money in Yemen and Lebanon: maximizing the effectiveness of U.S. security assistance and international financial institutional lending*. Page 15. [Accessed on 24 November 2016] <http://www.foreign.senate.gov/imo/media/doc/54245.pdf>

⁴⁵ Sharp, J. M. (2010). *Yemen: Background and US relations*. DIANE Publishing.

poor governance capacity of the Yemeni regime and terrorist groups such as AQAP as a security threat, yet the approaches to deal with these issues diverged greatly, with the former relying on a more militaristic counter-terrorism approach, and the latter more on a political dialogue and a good governance agenda.

2.4 Assessments of the EU in Yemen

The EU's engagement with Yemen has grown from a rather limited focus on development cooperation in the 1990s to a broader portfolio of policies – yet still limited in scope – that also included good governance, democratization, the promotion of human rights, and a political dialogue with the Yemeni government by the late 2000s. This final paragraph provides an overview of the perceived strengths and weaknesses of the EU's capabilities in Yemen in light of the external and internal challenges the Union has encountered.

The policy and academic literature on Yemen widely acknowledges the multitude of problems Yemen has faced in its recent history, ranging from threats of Islamic terrorist groups to widespread poverty, and from declining oil reserves to a deeply corrupted regime.⁴⁶ In this extremely difficult context where multiple crises converged, the EU's capabilities to work on conflict prevention and peacebuilding have been severely challenged. It is important to point out however, that apart from the challenging context, several authors stress a list of obstacles for the EU that have been homegrown.⁴⁷ Durac for example emphasizes that while the Union acknowledges the challenges Yemen faces, "it does not seem quite to know what to do with the country or where to locate it in institutional terms."⁴⁸ He furthermore stresses that the incoherence of the EU's policies with regard to Yemen is reflected in the too modest scale of its engagement that was unable to address the range of challenges Yemen faced in the 2000s.⁴⁹ Additionally, the evaluation of Rogers et al. emphasizes that important weaknesses of the EU in Yemen comprise of its limited engagement with beneficiaries of EU-funded projects, a limited understanding of the political order, and a lack of contextual analyses at the national, sector and problem levels.⁵⁰ The evaluation furthermore concludes that "together these factors have facilitated a reliance on unrealistic assumptions about the capabilities and reform

⁴⁶ Durac, V. (2010). The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), 645-661. Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report. Wennerholm, P., Brattberg, E., & Rhinard, M. (2010). The EU as a counter-terrorism actor abroad: finding opportunities, overcoming constraints. EPC Issue Paper, (60). Girke, N. C. (2015). A matter of balance: the European Union as a mediator in Yemen. *European Security*, 24(4), 509-524.

⁴⁷ Durac, V. (2010). The European Union in Yemen: The Triumph of Pragmatism over Normativity? *European Foreign Affairs Review*, 15(5), 645-661. Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report. Wennerholm, P., Brattberg, E., & Rhinard, M. (2010). The EU as a counter-terrorism actor abroad: finding opportunities, overcoming constraints. EPC Issue Paper, (60). Girke, N. C. (2015). A matter of balance: the European Union as a mediator in Yemen. *European Security*, 24(4), 509-524. Echagüe, Ana, and Richard Youngs. *Democracy Dilemmas in the Middle East The Cases of Iran, Saudi Arabia and Yemen*. Nomos Verlagsgesellschaft mbH & Co. KG, 2007.

⁴⁸ Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 659.

⁴⁹ Ibid.

⁵⁰ Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report, Volume II – Annexes.

intentions of the Government of Yemen and how programmes would contribute to wider strategic and national objectives.”⁵¹

With regard to the EU’s political reform efforts Durac emphasizes that in pursuit of what may have been good intentions, the EU in Yemen has been structurally under-resourced, which may have simply encouraged the Saleh regime to appear as partners in a reform effort that could never effectively challenge its role as the point of gravity in the Yemeni political order.⁵² He therefore concludes that “the limited level of [the EU’s] financial support, the reluctance to disturb the status quo, and the acknowledgment of the need for ‘partnership’ with an intrinsically undemocratic regime together reveal the unsurprising triumph of pragmatism over normativity in the case of the EU in Yemen.”⁵³

Apart from the generally critical assessments of the EU’s engagement with Yemen, there have also been some authors that nevertheless highlight some positive contributions of the EU. An obvious, yet important development that enhanced the EU’s responsiveness in Yemen has been the establishment of a full delegation in Sana’a in 2009. Another strength of the EU in Yemen is, according Rogers et al., that Yemeni officials have seen the EU as being more neutral than other donors and EU Member States. The EU supposedly has “clear comparative advantage in support for human rights’ and has been seen as ‘the most trustworthy of the G10 members.”⁵⁴

⁵¹ Ibid.

⁵² Durac, Vincent 2010. The European Union in Yemen: The Triumph of Pragmatism over Normativity?. *European Foreign Affairs Review*, 15(5), pp. 661.

⁵³ Ibid.

⁵⁴ Ibid.

3. Crisis or crises? Yemen's Arab Spring and the EU's response

This chapter outlines the main events following Yemen's 'Arab Spring', focusing on Yemen's subsequent transition process. The chapter is divided into four sections. The first section deals with the beginning of protests in January 2011 and the long road to Saleh's final signature of the so-called GCC Agreement in November 2011, and presents the GCC Agreement itself. The second section is concerned with the implementation of the GCC Agreement, and in particular with the preparations for the National Dialogue Conference between December 2011 and February 2013. The third section discusses the National Dialogue Conference which took place between March 2013 and January 2014. The fourth and final section discusses the outcomes of the National Dialogue Conference, the collapse of the GCC Agreement, and the start of the Saudi-led military intervention in Yemen in April 2015.

The EU decision in 2011 to support the general framework of the 'GCC Agreement' has shaped the course of the EU's relationship with Yemen. The GCC-framework committed the international community, in particular the Friends of Yemen, to the course adopted by the main power-broker of the GCC, Saudi Arabia. Rogers et al. (2015, 18) offered the following analysis:

"The events of 2011 illustrate several broader issues evident throughout the evaluation period: the influence exerted by personalities, both in Yemen and within the international community; the EU's role as one player among many international actors in Sana'a, and the scope of its influence; the EU's identity as a multilateral actor; [...]; the relationship between formal and informal channels of influence; and the trade-offs between best practice and pragmatism. Decisions taken during that year continue to reverberate, and will almost certainly influence the scope of the EU's next programming cycle. Senior EU officials describe the GCC initiative as a 'ray of hope' and a 'window of opportunity'; however, by their own admission, there is no 'plan B'. Meanwhile, Yemenis contend with a weak power-sharing government, deteriorating security conditions, a shrinking economy and widespread hunger."

One of the conclusions of the report was that 'engagement with Saudi Arabia' needed to be deepened further':

"The EU identified the Gulf States as important interlocutors in Yemen at the start of the evaluation period, in particular Saudi Arabia. [...] The Saudis' likely preferences should be central to any future EU analysis relating to resilience and state building, in the context of Yemen's transition to a post-oil economy. In light of the current dynamic situation in Yemen, it remains unclear whether the EU's recent leverage on state-building can be maintained."⁵⁵

⁵⁵ Rogers, Dana et al. (March 2015), Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report, 40.

Five years have passed since the GCC Agreement was signed. In the past 18 months a debilitating campaign of Saudi-led airstrikes has pummelled the country. The EU role has somewhat diminished over the course of the conflict, in favour of the UN Special Advisors Benomar and Ould Cheikh Ahmed, and more recently US Secretary John Kerry. Meanwhile, the FoY-framework still is in place, and there still is no real 'plan B'.

3.1 The Arab Spring and mediation: the GCC Initiative (January 2011 – November 2011)

Although the toppling of Tunisia's president on 14 January 2011 encouraged the JMP opposition to organise some small protests, these had resulted largely from the preceding political deadlock regarding the postponed parliamentary elections (see Chapter 1), and a plan floated by the GPC in December 2010 to amend the constitution to allow Saleh another presidential term in elections scheduled for 2013. The JMP's political designs cared little for the rise of public protest in the Middle East by previously non-political groups. The JMP was dominated by the Islah party, in which the ambitious businessman Hamid al-Ahmar played a leading role. This scion of the influential al-Ahmar clan, that held the supreme leadership of the tribal Hashid alliance (see Chapter 1), had campaigned against Saleh since 2006. The JMP's strategy had been to demand reforms, using the ongoing discussions over the stalled parliamentary elections – facilitated by the EU – to wrest power from the hegemonic GPC.⁵⁶

The nature of the protests changed completely when the Egyptian president Hosni Mubarak resigned on 11 February 2011. Thousands of Yemenis took to the streets to celebrate and to call for the downfall of Saleh. In the following days spontaneous, grass-roots protests took place in the square surrounding the University of Sana'a, loosely organized by civil society activists and students. As the JMP and other political leaders looked on, these protesters led daily protests against the regime of Saleh. The regime's violent repression of the protests galvanised more protesters across the country. At this point the JMP called upon its supporters to join the protesting youth, while the Houthis, the Southern Movement, and other parties eventually followed suit. Scores of GPC-members, sympathetic to the protesters, announced their defection from the party. Tribal figures signalled their support for the protestors and denounced Saleh. While all this helped to boost the number of protesters, the new youth and civil society activists grew increasingly frustrated with the all-to-happy readiness of the JMP and other parties to negotiate with the regime, as encapsulated by their slogan: "no dialogue, no parties".⁵⁷

At this point the Yemeni Arab Spring was still inconclusive. Soon, what had begun with unprecedented popular protest from civil society and youth activists, gradually reverted to the dynamic of the ongoing negotiations between the JMP opposition and the ruling GPC, excluding the original grass-roots protesters as well as all other political and social forces. The crucial turn in the Yemeni revolution, however, took place when the second most powerful military leader, Ali Muhsin al-Ahmar, switched sides and joined the Islah-oriented coalition with

⁵⁶ International Crisis Group (March 2011), Popular protest in North Africa and the Middle East (II): Yemen between Reform and Revolution, p. 1-2.

⁵⁷ Ibid., p. 4

the al-Ahmar clan, who claimed leadership of the country's most powerful tribal alliance, the Hashid. Ali Muhsin's switch was supposedly triggered by a deadly attack on protestors on 18 March 2011, when more than fifty protestors were shot dead by unknown gunmen. Ali Muhsin's defection exposed a crack within the ruling regime and its military establishment. Across the country commanders loyal to Ali Muhsin declared their support, creating a deep rift within Yemen's armed forces and security apparatus.⁵⁸

Behind the scenes, various political, tribal, and religious leaders were involved in discussions with the regime on how to move the country through the crisis. In early March 2011 the JMP, together with a group of religious clerics, proposed a roadmap for a peaceful transition that would see Saleh out of office by the end of 2011. Early on, Saleh signalled his readiness to compromise and offered concessions including the resumption of the National Dialogue (on electoral reforms) that had stalled in October 2010, the freezing of proposed constitutional amendments regarding the limit of presidential terms, and the formation of a national unity government.⁵⁹ As time passed, however, Saleh appeared to grow more confident that he could stay on.

The prospect of Yemen descending into civil war following the division with Yemen's military apparatus, triggered a response from the Gulf Cooperation Council, the regional organisation that includes Saudi-Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates. In early April 2011 the GCC submitted a proposal to Saleh to which he initially responded positively, but then rejected after comments that the plan envisaged his stepping down. A few weeks later, however, the GCC presented a concrete proposal that was based on a "30-60 plan" tabled by the US and the EU, that envisaged Saleh handing over power to a deputy within 30 days, to be followed by general elections within 60 days, in return for immunity from prosecution for Saleh and his family. There was considerable optimism over the GCC proposal, with some officials saying it could be signed 'within a week'.⁶⁰

At this point, however, a pattern started to develop whereby Saleh would repeatedly signal his readiness to sign the GCC Initiative, only to back off at the last moment. In this stage the EU, alongside others, stepped up diplomatic efforts in order to convince Saleh to sign the agreement. On 21 May 2011 the JMP signed the GCC Agreement, after Saleh had assured them that he would sign too. The next day, however, a mob of Saleh supporters laid siege to the embassy of the UAE where ambassadors from the US, UK, EU, and the GCC had assembled. They were trapped for several hours and eventually evacuated by military helicopter. The same day Saleh refused to sign the agreement, provoking the GCC to suspend its mediation.⁶¹ Clashes erupted in Sana'a on 23 May 2011 between tribal fighters of the Hashid tribal alliance close to Islah leader Hamid al-Ahmar, and military forces loyal to Saleh. On 3 June 2011 an explosion in the presidential mosque killed several prominent GPC-leaders and badly injured Saleh, who was taken to Saudi Arabia for treatment. Some tense months followed in which it was unclear whether Saleh would return. Eventually, Saleh returned to Yemen in September 2011. Only after rising international pressure, in particular the UN

⁵⁸ International Crisis Group (Apr 2013), *Yemen's Military-Security Reform: Seeds of New Conflict?*

⁵⁹ *Ibid.*, p. 4, 8.

⁶⁰ Reuters, *Yemen deal may be done within week: officials*, 26 April 2011.

⁶¹ Rieger, Rene (2016), *Saudi Arabian Foreign Relations: Diplomacy and Mediation in Conflict Resolution*, Routledge, p. 202

Security Council resolution 2014 calling on Saleh to sign the GCC Agreement, signals that some EU Member States were considering to slap Saleh with an asset freeze, and the prospect of UN Security Council sanctions, the embattled president finally gave in. On 23 November 2011, Saleh – all jokes and smiles – signed the GCC Initiative in a ceremony in Riyadh led by the Saudi king.⁶² Saleh ceded his authorities to his deputy, vice-president Hadi, but remained honorary president and retained his position as leader of the GPC. In January 2012 parliament passed the law providing Saleh and his associates with immunity.

The GCC Agreement

The EU played a prominent role in securing the conclusion of the GCC Initiative. This has been accredited to the “activist diplomacy” of the EU’s first Head of Delegation (2009-2012), Michele Cervone d’Urso: “The role of Mr. Cervone was critical towards marshalling a coherent EU response to the crisis, aided by key member-state ambassadors such as those from the UK, Germany and France”.⁶³ The EU Delegation, however, operated in the context of close cooperation between the US and Saudi Arabia. The rather unique support of all permanent members of the UN Security Council for the GCC Initiative was a determining factor for Yemen’s transition process. While the international community was relieved that a breakthrough had finally taken place, the protesters in the squares of Yemeni cities were appalled that Saleh had been given immunity as part of the deal. For them, the GCC Initiative was a compromise between opposing sides of the existing political establishment, the JMP and Saleh’s GPC, the only two parties identified in the GCC Initiative. Universal acquiescence to Saleh’s insistence on constitutional proceedings effectively limited participation in the negotiations to parties represented in the 2003 parliament. The negotiations about a settlement thus failed to take into account other political forces, such as the Houthis and the Southern Movement, as well as civil society, students and youth that had started the revolution to begin with. Thus, some Yemeni activists have seen the EU’s support for the GCC Initiative “as privileging short-term stability at the expense of more radical change.”⁶⁴

During the summer of 2011, UN Special Advisor for Yemen, Jamal Benomar, had started to work on a plan for a transition period. This eventually became the “Implementation Mechanism for the GCC Initiative” that was signed by Saleh. The document superseded the Constitution for a proposed two-year transition period. This is the “Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC)”, referred to as the GCC Agreement hereafter.

In brief, it outlines a transition process in which Saleh would delegate his powers to his vice-president, Abd Rabbo Mansour Hadi. In order to give Hadi a mandate to be the interim-president during the transition period, presidential elections - with Hadi as the consensus candidate - would be organised within 90 days. At the same time a government of national

⁶² Kareem Fahim & Laura Kasinof 2011, Yemen’s Leader Agrees to End 3-Decade Rule, *The New York Times*, 24 November 2011. Finn, Tom 2011, Yemen president quits after deal in Saudi Arabia, *The Guardian*, 23 November 2011. Reuters 2011, EU to discuss sanctions on Yemen’s Saleh next week in bid to make him resign, 7 November 2011.

⁶³ Burke, Edward (2013), *EU-GCC Cooperation: Securing the Transition in Yemen*, Gulf Research Center.

⁶⁴ Rogers, Dana et al. (March 2015), *Evaluation of EU Cooperation with Yemen 2002-12. Final Report. Volume I – Main Report*, p. 18.

unity was to be formed with equal representation for the GPC and the JMP, led by a prime-minister chosen by the JMP. With the interim-president Hadi and a coalition government in place, a National Dialogue Conference was to be held in order to find a solution for all of Yemen’s longstanding problems, within an ambitious timeframe of six months. The issues identified in the agreement included: constitutional reform, comprehensive political reforms, national reconciliation, a solution for the Southern issue that would preserve Yemen’s unity, and an examination of the causes for the Houthi problem. The results would be written into a new constitution within three months. After a referendum on the new constitution, new general elections were scheduled to be held in February 2014.

In order create a conducive environment for the National Dialogue Conference, in particular to end the ongoing armed conflicts and address the division within the army by military restructuring, a Committee on Military Affairs for Achieving Security and Stability was to be formed. Hadi was also obliged to establish a liaison committee to engage with the youth movements. Settlement of disputes over the interpretation of the GCC Agreement would be assigned to an Interpretation Committee, to be formed by the president and the prime-minister together.

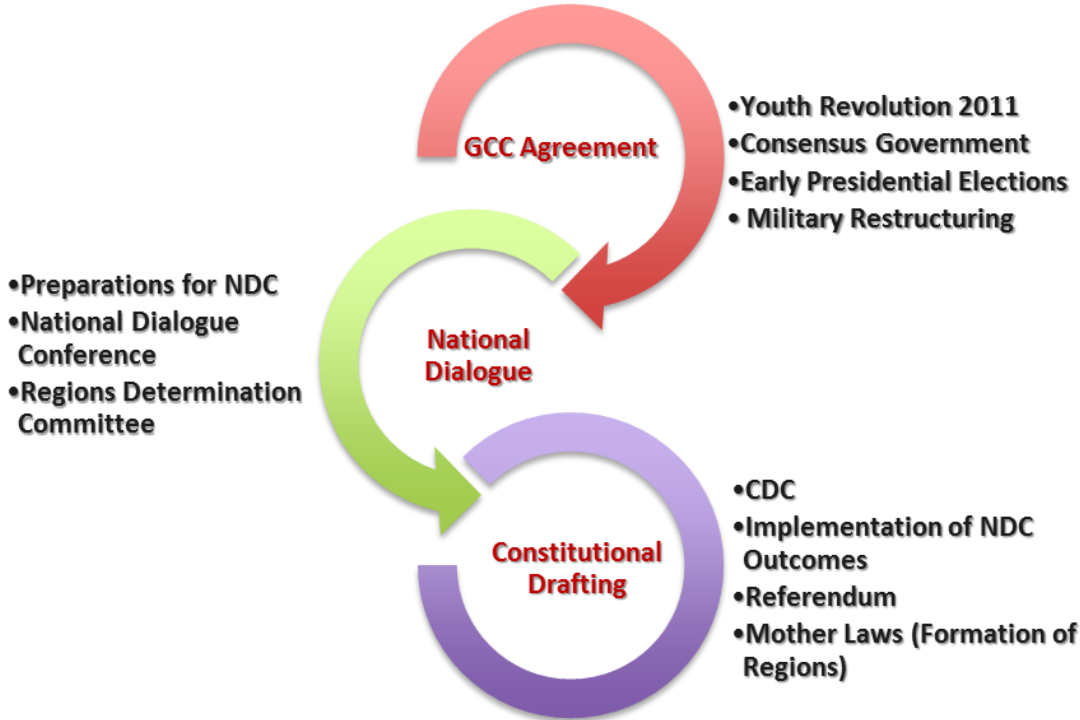


Figure 1 Schematic representation of Yemen’s transition process

3.2 Implementing the GCC Agreement (November 2011 – March 2013)

The international community played an active role during the transition phase, in particular UN Special Advisor for Yemen, Jamal Benomar, but also the G10, consisting of the five permanent members of the UN Security Council, four of six GCC member states (Saudi Arabia, UAE, Kuwait, and Oman), and the EU. The GCC Agreement explicitly called for international support (see Annex 4, art. 28-30), but Benomar was seen as going beyond his role as a UN mediator and becoming a power broker and decision maker himself. Towards the end of the NDC, the GPC in particular was critical of Benomar, accusing him of meddling in Yemen's affairs.⁶⁵ The strong international support for Hadi became a liability when Hadi was accused of mismanagement and corruption, serving as a catalyst for political fragmentation.⁶⁶

Presidential 'elections' and the National Unity Government

The GCC Agreement stipulated that vice-president Abd Rabbo Mansur Hadi was to be the single "consensus candidate" for the elections, and that neither the JMP or the GPC could nominate or endorse any other candidate (art. 18c). The purpose of the elections was thus not so much to offer a choice, but to give Hadi a popular mandate to implement the transition agreement. Both the Houthis and the Southern Movement called for a boycott. When the elections took place on 21 February 2012, they nevertheless generated considerable enthusiasm. Of the estimated 12 million eligible voters, 6,6 million turned out for the ballot, giving the single candidate Hadi 99% of the vote.⁶⁷ The enthusiasm, however, cooled off quickly when allegations of corruption and nepotism involving Hadi and his sons emerged. As Hadi appointed a small coterie of family members and connections from his home base in the Abyan and Shabwa provinces to influential positions, he appeared to replicate the same centralising patronage politics that Saleh had applied.

On 7 December 2011 still vice-president Hadi issued the decree installing the national unity government, known in Yemen as the coalition, or consensus, government. The 35-member cabinet was headed by Mohammed Basindwa, a former member of the GPC who had since developed close ties to Hamid al-Ahmar of the Islah party. In line with the GCC Agreement the cabinet posts were equally divided between the GPC and the JMP, with the GPC heading the ministries of defense, foreign affairs and oil, while the JMP were assigned to the ministries of interior, finance and information. Both the JMP and the GPC embarked on an intensive competition to increase their representation within the state apparatus. This undermined the functioning of the state institutions and created public anger over the ongoing mismanagement. The political forces that had been excluded from the GCC Agreement, in particular the Houthis and the Southern Movement, were encouraged to also claim a quota in

⁶⁵ Yemen Times, "Opposing views: The Benomar question", 26 November 2013

⁶⁶ Maged al-Madhaji (May 2016), How Yemen's post-2011 transitional phase ended in war, Sana'a Center for Strategic Studies.

⁶⁷ International Foundation for Electoral Systems (March 2012), Next Steps in Yemen's Transition.

the state's institutions, leading to further divisions and engendering instability in the run-up to the NDC.⁶⁸

Preparing the National Dialogue Conference (NDC)

In line with the GCC Agreement, President Hadi established a liaison committee in May 2012 to build bridges with all political and societal forces, including the Southern Movement, the Houthis, the youth, civil society, and women. In July 2012 Hadi announced the formation of the Technical Committee (TC) for the Preparation of the National Dialogue. The committee was composed of members from across the political spectrum and started its proceedings in August 2012. In December 2012 the TC presented its comprehensive plan for the NDC.⁶⁹

As part of the preparation for the NDC, the TC formulated a 20-point plan of confidence building measures to create a positive atmosphere for the start of the NDC. These included, for example, returning lands seized by the government in the South, and offering apologies for the wars with the Houthis between 2004 and 2010.⁷⁰ The Southern Movement also presented a list of 11 confidence building measures. Hadi, however, started the NDC without implementing the 20-point plan or the 11-point plan. In protest, representatives of the youth and civil society in the TC resigned, while the Southern Movement withdrew their delegates from the NDC.⁷¹ The TC, Hadi and Benomar then found a single faction within the Southern Movement willing to participate in the NDC, although this group was not representative for the Southern Movement at large.⁷² Its leader, Muhammad Ali Ahmad, had arrived in Yemen from his 18-year exile in the UK in March 2012 and withdrew from the NDC in November 2013.⁷³ The NDC thus had little to no legitimacy in the eyes of the population in the South.

Security sector reform: the Committee on Military Affairs

Following the division of the armed forces between those loyal to Saleh, and those loyal to Ali Muhsin al-Ahmar and Islah, security sector reform was arguably a crucial factor of success for Yemen's transition. As already noted, however, this report will not deal with this issue as much of what has been done in this policy area has been rendered moot by the subsequent civil war. The Committee on Military Affairs did not play a central role in the reform of the armed forces. This role was usurped by president Hadi, who focused his intervention on personnel changes rather than institutional changes. While he moved to limit the formidable powers of those loyal

⁶⁸ Maged al-Madhaji (May 2016), How Yemen's post-2011 transitional phase ended in war, Sana'a Center for Strategic Studies, Crisis Group (June 2014), *The Houthis: From Saada to Sanaa*, p. 2.

⁶⁹ "al-Lajna al-fanniyya li-l-'idad wa-l-tahdir li-mu'tamar al-hiwar al-watani al-shamil", Final report of the NDC Technical Committee, ndc.ye/ndcdoc/Final_Report_of_the_Technical_Committee.pdf. Accessed 23 November 2013. The presidential decree establishing the TC can be found at p. 26-34.

⁷⁰ "Al-Niqat al-'Ishrin allati rafa'atha al-lajna al-fanniyya li-l-'idad wa-l-tahdir li-mu'tamar al-hiwar al-watani l-ra'is al-jumhuriyya", the NDC Technical Committee, ndc.ye/matrix/20points.pdf. Accessed 23 November

⁷¹ Yemen Times, "Southern issue Working Group moves ahead without leader", 25 April 2013

⁷² Maged al-Madhaji (May 2016), How Yemen's post-2011 transitional phase ended in war, Sana'a Center for Strategic Studies.

⁷³ Al-Akhbar, "Southern Yemen exiled leader returns home", 27 March 2012, Reuters, "South Yemen leader pulls out of reconciliation talks", 27 November 2013.

to Saleh, he was perceived as forming closer ties with general Ali Muhsin al-Ahmar, who kept most of his army units intact.⁷⁴

3.3 The National Dialogue Conference (March 2013 – January 2014)

Representation, program and decision-making

In December 2012, the TC presented its plan for the NDC which eventually commenced in March 2013. The NDC was to be composed of a total 565 delegates drawn from pre-existing and new representative political and societal groups:

Representation	No. of Delegates
GPC	112
Islah (JMP)	50
YSP (JMP)	37
Nasserite Party (JMP)	30
Five smaller JMP parties	20 (4 each)
Southern Movement (Hiraak)	85
Houthis (Ansar Allah)	35
Independent Youth	40
Independent Women	40
Independent Civil Society	40
Two newly established political parties	14 (7 each)
President List	62
Total	565

Table 1 Division of NDC delegates

The delegates for the independent women and youth, and civil society were chosen by the TC via a selection process which involved an independent UN team and two special committees that made the final choice from the long UN list. Apart from the President list, each of the other groups was asked to nominate their own delegates. Additional criteria were in place requiring each group to make sure its list had a 20% quota for youth,⁷⁵ a 30% quota for women and a 50% quota for southerners. The President list offered an additional layer of representation, comprising members of otherwise non-represented social groups, such as tribal leaders, clerics, and marginalized groups.

The composition of the membership for the NDC was highly controversial. The table above indicates that membership was dominated by the GPC (112 delegates, 20%) and the JMP (137 delegates, 24%). Together they comprised 44% (249 delegates) of the total number

⁷⁴ International Crisis Group (April 2013), Yemen's Military-Security reform: Seeds of New Conflict?

⁷⁵ The TC defined "youth" as anyone below 40 years of age.

of 565 delegates in the NDC. The women, youth and civil society delegates formed 21% of the NDC membership. The Houthis, in contrast, were only offered 35 delegates (6%), while the slightly stronger representation of the Southern Movement (15%) was also problematic, as indicated above.

The NDC was sub-divided into nine working groups, each discussing a particular topic: 1) Southern Issue, 2) Sa'ada Issue, 3) Transitional Justice, 4) State Building, 5) Good Governance, 6) Military/Security, 7) Special entities, 8) Rights/Freedoms, and 9) Development. According to the bylaws of the NDC, decision making within the working groups was based on a consensus of 90% of the delegates. Unresolved issues were to be passed to the "consensus committee", composed of the presidents of the nine working groups, in addition to the Presidium of the NDC and some members appointed by the president. The Consensus Committee worked on adjusting the proposed articles and sent them back to the working groups where they could be passed by 75% consensus in the second round. President Hadi was given the final say in case some articles remained in deadlock. Overall, the bylaws of the NDC gave wide decision-making powers to president Hadi. In addition to having the final say in unresolved issues, Hadi was also a member of the Presidium of the NDC, alongside the heads of the political parties and prominent politicians.

Outcomes of the NDC

While the NDC had been scheduled to end in September 2013, the third and final plenary session was characterised by boycotts of delegates amid political deadlock that extended the process for another four months. The issue that caused the deadlock was the overarching issue of future power-sharing agreements and different controversial proposals for federalism. The two most contentious working groups proved to be those of the State Building and the Southern issue. Both the Southern Movement and the Houthis had decided long since that little good was to be expected from centralised government. The former wanted a return to southern independence (1968-1990), while the latter wanted autonomy in the northern highland provinces. When the closing ceremony was eventually held on 27 January 2014, the core political issue of the NDC had not been resolved.

One of the tactics that president Hadi used throughout the NDC was the formation of smaller committees to resolve issues that parties were not able to resolve in the working groups or in plenary sessions. Likewise, Hadi installed a 22-member Regions Committee that decided upon Yemen's federal structure within two weeks. Yemen was to be divided into six regions, that cut the territories of the former PDRY in two (approx. Aden and Hadramawt regions), while the northern provinces claimed by the Houthis, (Hajjah, Amran, Sa'dah, al-Jawf) were distributed over three regions (Tihama, Azal, Sheba).

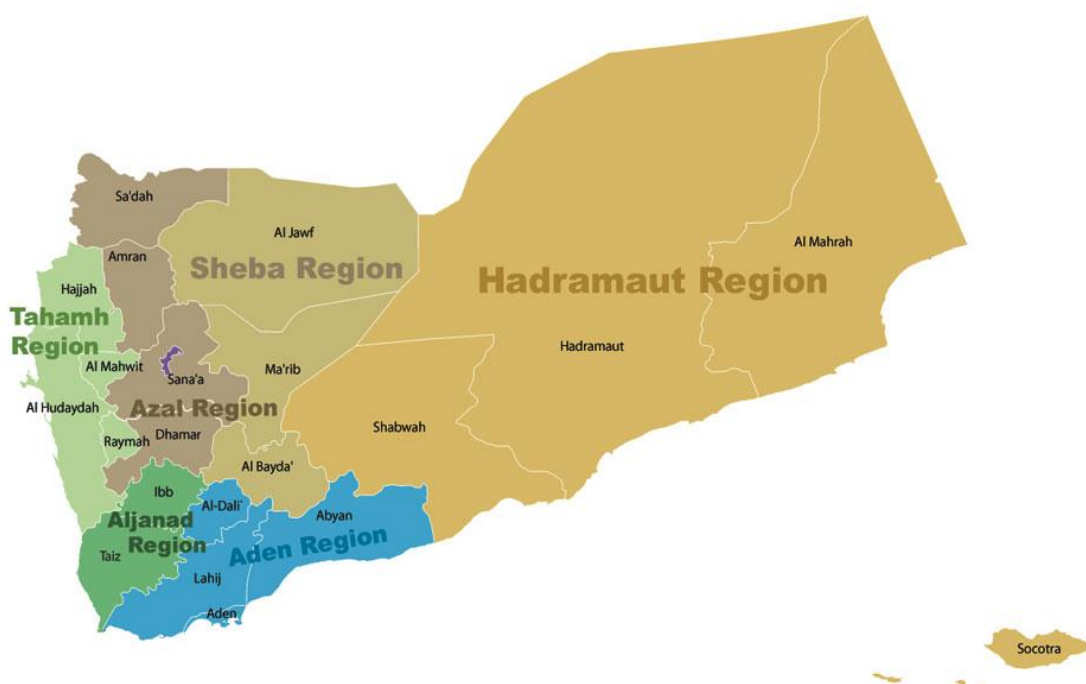


Figure 2 The six regions proposed by the Regions Committee

The committee’s decision was affirmed by presidential decree, despite adamant Houthi opposition. The way that Hadi forced a quick decision about the core of the political crises in Yemen also angered many opposition forces, who saw this move as exceeding his authority as president. It was also one of the main drivers for the subsequent armed conflict. In March 2014 Hadi nevertheless moved on to appoint members for the Constitution Drafting Committee (CDC), in line with the GCC Agreement, in order to start drafting a constitution based on the NDC outcomes and the decisions of the regions committee, and prepare for presidential and parliamentary elections. As the CDC continued to work on drafting the constitution based on outcomes that were already debated, the security situation on the ground kept deteriorating.

3.3 The collapse of the transition and military intervention (February 2014- March 2015)⁷⁶

When the original NDC deadline of 18 September 2013 passed, violence in the northern provinces flared. The fighting pitted the Houthis and allied tribes loyal to Saleh against local Salafists, the al-Ahmar clan and fighters aligned with Islah and general Ali Muhsin al-Ahmar. The government did not intervene and eventually the Houthis managed to oust a local group of Salafists from Sa’ada province in January 2014, and take the stronghold of the al-Ahmar clan in the Amraan province, at the northern border of Sana’a in February 2014. In July 2014 the

⁷⁶ The following summary of events is based on the monthly CrisisWatch briefings by the International Crisis Group, and related reports. See: https://www.crisisgroup.org/crisiswatch/database?location%5B%5D=92&date_range=custom&from_month=02&from_year=2014&to_month=11&to_year=2016

Houthis captured Amraan city, including a military base. Thereby the Houthis consolidated their control over the northern provinces bordering Saudi Arabia.⁷⁷ The alliance between the Houthis and Saleh is remarkable considering their former conflict during the wars between 2004 and 2010.

Meanwhile, the economic situation was deteriorating. Following the announcement of the 2014 government budget in January 2014, public anger had increased over what was seen as irresponsible spending of the government, blaming Islah in particular. In June 2014 the government was almost no longer able to pay salaries, while the lack of fuel and electricity cuts led to protests on 11 June 2014. In view of the increased spending and reduced revenues, the government moved to lift subsidies on oil in July 2014. This move sparked public outrage. In August 2014 the Houthis organised mass protests in Sana'a against the lifting of oil subsidies, and called for a new government.

The Peace and Partnership Agreement (September 2014)

Tensions further increased in September 2014, when the Houthis mobilised their supporters in the capital, and tribal allies loyal to former president Saleh set up camps surrounding the city. UN Special Advisor Jamal Benomar, however, prevented a total collapse of the transition process by negotiating a Peace and National Partnership Agreement (PNPA) that was signed on 2 September 2014. The agreement reversed some of Hadi's decisions, particularly the six-regions decree, and called for the implementation of the outcomes of the National Dialogue, in addition for demands for representation of the Houthis in the state institutions. The despised Basindwa national unity government resigned. Hadi appointed a new prime-minister, Khalid Bahah, as a consensus candidate. Meanwhile the Houthis continued their expansion toward Yemen's central provinces, meeting resistance from tribal forces allied with Islah and al-Qaeda affiliates. In the capital the Houthis raided the homes of political enemies and formed a shadow government to oversee decisions of cabinet ministers. The Southern Movement, meanwhile, renewed its call for independence.

On 7 November 2014 the UN Security Council issued sanctions against former president Saleh and two Houthi commanders, inflaming GPC opposition against Hadi and the new government that he appointed on 9 November 2014. Saudi Arabia halted direct financial assistance to the government, deepening the economic crisis. Southern protesters issued a deadline for 30 November for all northern government personnel to leave the South. In the central provinces clashes between the Houthis and al-Qaeda continued. In December the Houthis tightened their control over the capital, storming several state institutions, including the Central Bank. In January the Houthis accused president Hadi of trying to pass a new constitution without their approval. They kidnapped the secretary-general of the NDC on 17 January 2015 who was on his way with a draft of the constitution to the so-called National Body (NB) that had been established following the NDC to refine the constitution draft and approve it. The Houthis suspected that the secretary-general planned to force through the six-regions federalist plan in the NB. The Houthis argued that since their representation in the NDC had been insufficient, it was inadequate in the NB as well because the division of delegates had been based on the same quotas as the NDC. On 19-20 January 2015 the Houthis complete their takeover of state institutions in Sana'a and surrounded the presidential

⁷⁷ International Crisis Group (June 2014), *The Houthis: From Saada to Sanaa*, p. 3-4.

palace, placing president Hadi under virtual house arrest. Giving in to Houthis demands, Hadi on 20 January signed an agreement with the Houthis to implement the PNPA, under the thinly veiled threat of violence. The agreement immediately collapsed. On 22 January 2015, president Hadi and the government resigned.

When the Houthis proceeded on 6 February to announce the establishment of a revolutionary council, a high security committee and a parliamentary body that was charged with electing a presidential council, the international community strongly condemned the move. Several foreign embassies suspended operation and evacuated staff, including the US, the UK, France, Germany, Saudi Arabia, the UAE and the EU. In Yemen the move of the Houthis was likewise rejected across the political spectrum leading to anti-Houthi demonstrations. The UN called upon the Houthis to relinquish their control of the state's institutions and release the president from house arrest. In the South, meanwhile, so-called Popular Committees clashed with forces affiliated with Saleh, while the fighting against the Houthis was increasingly framed as a sectarian struggle. On 20 February 2015, the UN negotiated an agreement on the establishment on a transitional council, while Hadi escaped his house arrest and moved to Aden. There he issued a statement retracting his resignation as president, and accused the Houthis of a coup d'état.

Saudi-led military intervention, Hadi in Riyadh exile (March 2015)

In March 2015 violence overtook the UN-brokered negotiations. The Houthis, and forces affiliated with Saleh, moved troops towards Aden, and bombed Hadi's presidential residence in Aden on 19 March. On 25 March 2015 Hadi reportedly left Aden by boat, and arrived in Riyadh the next day. Saudi Arabia had earlier argued in favour of enforcement under UN Charter Chapter Seven, and announced Operation Decisive Storm on 26 March, together with the UAE, alongside a range of other, mostly Sunni Arab, countries. The announcement followed a formal request from President Hadi to the GCC and the Arab League 'to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis'. The UN Security Council adopted resolution 2216 on 14 April 2015, that called upon the Houthis, acting under Chapter Seven of the UN Charter, to end violence, withdraw their forces from territories seized, and hand in heavy weapons.

After a five-week bombing campaign and aerial and naval blockade, Saudi Arabia announced the end of Operation Decisive Storm, and the beginning of Operation Restoring Hope. The airstrikes and aerial and naval blockade have continued, nonetheless, in the past 18 months of war. Apart from the wide-spread destruction of infrastructure, the significant amount of casualties (10,000), including civilians (4000), caused by the airstrikes, the aerial and naval blockade has prevented food and medical supplies from entering the country, creating a catastrophic humanitarian situation, starvation and the outbreak of cholera. The Saudi-led operation has drawn widespread criticism and has been accused of violating international humanitarian law, but has continued without apparent consequences. In January 2016 a leaked report from a UN-panel of experts accused Saudi airstrikes of targeting civilians in a "widespread and systematic" manner. The US and the UK have also been intensely criticised for supporting the Saudi-led operation by providing intelligence and logistical support, including aerial refuelling, and deploying military personnel in the operation's command and control

centre. They have also sold billions worth of weapons to Saudi Arabia since the start of the war.

The Saudi-led intervention has not been able to unseat the Houthi-Saleh alliance from Sana'a or their northern strongholds, although they lost much ground in the southern provinces. As such, the military intervention, largely limited to airstrikes, has unsurprisingly failed to change the political status-quo. In retaliation the Houthis have increasingly conducted cross-border operations, including missile attacks, in Saudi Arabia's southern provinces of Asir, Jizan, and Najran. The situation in the South has created a permissive environment for al-Qaeda and the newly established Yemeni branch of Islamic State. As a result, the US has continued its longstanding drone-strike campaign targeting al-Qaeda and IS leaders.

Diplomatic efforts

In April 2015, UN Special Advisor Jamal Benomar was replaced by Ismail Ould Cheikh Ahmed. Since the start of the Saudi-led operation, the Houthis and forces loyal to Saleh have participated in three rounds of UN-brokered negotiations with Hadi's government in exile, all of which eventually faltered (Geneva, 15-19 June 2015; Geneva, 15-20 December 2015, and Kuwait, 21 April – 6 August 2016). The negotiations have revolved around the implementation of the UN Security Council resolution 2216. The resolution demanded that all parties end violence and that the Houthis and their allies withdraw from the capital and hand in their heavy weapons. In addition, it stressed "the necessity to resume Yemen's political transition process with the participation of all Yemeni parties in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference."⁷⁸ While both parties have formally accepted to implement UNSC resolution 2216, they have disagreed about the sequencing. The Houthis and their allies demand a political agreement that guarantees an inclusive government *before* withdrawal and handing over of heavy weapons. The government delegation refuses any political agreement *before* the withdrawal.

Outlook

The Saudi-led military intervention has added another, regional, layer to the conflict matrix in Yemen, further complicating prospects for a political resolution. For Saudi Arabia the intervention against the Houthis was not motivated merely by its concern for the legitimacy of president Hadi, but also by its regional, sectarian rivalry with Iran. In the eyes of Saudi Arabia, the 'shia' Houthis are a proxy of Iran, similar to Hezbollah in Lebanon. It is also relevant that the intervention in Yemen is a prestige project of the 31-year old Saudi deputy crown-prince Muhammad bin Salman: perceived failure would damage the stellar career he has been enjoying since his father became king in January 2015.⁷⁹

It is ironic that the framing of the Houthis as Iranian stooges was initiated by their current ally, Saleh, during the 2004-2010 wars in northern Yemen. Saleh argued that the Houthis were intent on bringing the Islamic revolution to Yemen in order to gather support for his military approach to the conflict. There has, however, never been much proof of substantial

⁷⁸ UNSC resolution 2216

⁷⁹ International Crisis Group (Feb 2016), Yemen: Is Peace Possible?, p. 3, 10-12.

Iranian support for the Houthis, beyond diplomatic support. Alleged Iranian attempts to deliver weapons to the Houthis form somewhat of a motif in the literature on Yemen, but it is unclear why the decades-old Saudi interference in Yemen should be seen as benign. Saudi Arabia's historical aim has by-and-large been to prevent the emergence of a strong republican Yemen which would form a threat to its autocratic monarchy.⁸⁰ During the civil war in the North between 1962 and 1968 this meant that Saudi Arabia supported the Zaydi tribes in northern Yemen against the Egyptian-backed republicans. Fifty years later, Saudi Arabia may wish to eradicate the Zaydi Houthis, now perceived as Iranian proxies, but it is important to acknowledge the domestic legitimacy of the Houthis: 'The Houthis and their supporters are not a new or imported element in Yemeni society; and the Zaydi tribes of the northern highlands have been among the dominant forces in Yemen for centuries. They have been sidelined from national politics only since the founding of the republic during the 1960s.'⁸¹ It should also be considered that, although he has been widely seen as responsible for leading his country into the abyss, Saleh continues to enjoy popular support. This stands in stark contrast to president Hadi, whose questionable mandate as president expired some time ago and whose legitimacy now mainly relies on international support and UN Security Council resolutions. There are few in Sana'a who appreciate that their president in Riyadh is watching how the Saudi-led intervention is destroying their country. Continued international support for Hadi may prove to be a liability, rather than an asset, in attempts to bring peace to Yemen.

⁸⁰ Clausen, Maria-Louise (2016), Understanding the Crisis in Yemen: Evaluating Competing Narratives, *The International Spectator. Italian Journal of International Affairs*, 50:3, 16-29.

⁸¹ Orkaby, Asher (March 2015), *A Passing Generation of Yemeni Politics*, Brandeis University. Crown Center for Middle East Studies, p. 7

4. Evaluation and assessment of the EU's response

As already discussed in Chapter 3, the EU was from the beginning closely involved in attempts to find a political solution for the situation in Yemen, alongside the GCC and the United States. When the UN took over the leading role following the signature of the GCC Agreement, the EU joined the G10, later expanded to G18, who acted as sponsors and guardians of the GCC Agreement. The G18 include the GCC, the permanent members of the UN Security Council, Germany, the Netherlands, Japan, and Egypt.

This chapter offers an evaluation and assessment of the EU's diplomatic intervention during Yemen's transition process. The chapter starts with a brief overview of the EU's response. The next section briefly highlights existing academic evaluations of the EU's mediation efforts. Then the chapter turns to present the grass-roots perspective on the NDC and the role of the EU. In the final section, the results are assessed, followed by some recommendations.

4.1 Overview of the EU's response to Yemen's Arab Spring

In the first phase, prior to the signing of the GCC Agreement (see Chapter 3.1), the EU quickly reached out to the youth activists, encouraging them to adopt a common negotiating position, while on the other hand it worked to build pressure on both parties to the Agreement, the JMP and Saleh's GPC. In the second phase, prior to the start of the NDC, the EU continued to play a significant role, through its membership of the G10, its role in security sector reform, and its support for the preparations for the NDC, in particular offering capacity building for youth, women, and other non-traditional actors. The EU also provided direct financial support for the NDC. In October 2012 Bettina Muscheidt succeeded Michele Cervone d'Urso as EU Head of Delegation, coinciding with the departure of the US and UK ambassadors, while over the next two years several key EU Delegation members left. In the third phase, during the NDC, the EU provided support to the different working groups and technical expertise. Within the G10, the EU had also been tasked with outreach to those groups that had not signed the GCC Agreement, in particular the Houthis and the Southern Movement, when the process became deadlocked.⁸² In the fourth phase, after the conclusion of the NDC, the EU supported the Constitution Drafting Committee. It also drafted a Multiannual Indicative Programme for 2014-2015, in support of the implementation of the Yemen's government's 2012 Transitional Programme for Stabilisation and Development (TPSD). Implementation, however, was impeded when the transition process derailed after the conclusion of the NDC in January 2014.⁸³

Just prior to the start of the Saudi-led military intervention, in February 2015, all EU Member States evacuated their diplomatic missions in Sana'a, and from that moment onwards

⁸² Interview with former ambassador Bettina Muscheidt and former political attaché Julien Bourtembourg, 21 July 2016

⁸³ EEAS, Draft Multi-Annual Indicative Programme (MIP) Yemen 2014-2015, eeas.europa.eu/sites/eeas/files/d03454501-en.pdf; Republic of Yemen. Ministry of Planning and International Cooperation 2012, Transitional Programme for Stabilisation and Development, www.ye.undp.org/content/yemen/en/home/library/democratic_governance/transitional-program-for-stabilization-and-development--tpsd--20.html

the EU Delegation operated from Brussels. Since the beginning of the Saudi-led military intervention in Yemen in March 2015, support for ongoing negotiations to end the conflict and return to a peaceful transitional process has been the key political priority for the EU.⁸⁴ This support has consisted of low-key diplomacy in trying to reach out to some of the conflict parties, most importantly the Houthis, building upon dialogue channels that had been established earlier on in the transition process. The EU Delegation has also supported the mediation efforts of the UN Special Advisor and attended the three rounds of UN-brokered negotiations.⁸⁵ The EU also participated in some of the Track Two activities, including organising some forums for women and civil society organizations in coordination with the UN. An example of such efforts was a conference that was held in Larnaca, Cyprus, in October 2015, bringing together Yemeni women from different components as an attempt for trust building.⁸⁶ Furthermore, the EU participated in setting up and supporting the De-escalation and Monitoring Committee, a committee that was established in December 2015 under the sponsorship of the UN to monitor ceasefires.⁸⁷ The EU also conducted a Damage and Needs Assessment study that was delivered to the Yemeni government in May 2016.⁸⁸ During the UN-brokered round of negotiations in Kuwait (April – August 2016), the EU provided a capacity building workshop to the members of the delegation.⁸⁹ The EU also participated in providing humanitarian aid to ease the humanitarian crisis. The total amount of aid provided for humanitarian relief from the EU since the beginning of the conflict totals 120 million Euro. The EU is also assisting the UN in its monitoring mechanism in different Yemeni ports and cargo access points, which has helped ease the effects of the blockade implemented by the Saudi-led coalition. Following the failure of the negotiations in Kuwait, Bettina Muscheidt (EU HoD, 2012-2016) was succeeded by Antonia Calvo in September 2016 as the EU Head of Delegation to the Republic of Yemen.⁹⁰

4.2 Academic evaluations

While there are several academic articles, policy papers, and evaluations that focus on the UN Special Advisor Jamal Benomar, the GCC, and the United States with regard to the transition process in Yemen, there is surprisingly little attention for the role of the EU (Girke 2015, 509). The study of Girke (2015) forms a welcome exception, but generally the role of the EU in the transition process and the NDC has remained a blind spot in the academic literature about Yemen.

⁸⁴ EU Delegation to Yemen, Yemen and the EU, 16 May 2016, eeas.europa.eu/delegations/yemen/1877/yemen-and-the-eu_en

⁸⁵ Interview with EU official.

⁸⁶ Interview with EU official.

⁸⁷ Interview with EU official, <http://www.middleeasteye.net/news/yemens-warring-sides-agree-form-ceasefire-monitoring-committee-978228709>

⁸⁸ Interview with EU official.

⁸⁹ Interview with EU official.

⁹⁰ EU Delegation to Yemen, Yemen and the EU, 16 May 2016, eeas.europa.eu/delegations/yemen/1877/yemen-and-the-eu_en

The focus of the article of Girke (2015) lies with the EU's mediation capabilities in Yemen, consisting of a political and a technical dimension. The former consists of efforts to advance EU principles and values outside the Union, while the latter refers to the actual craft and technicalities of mediation. Girke (2015) concludes that in the case of Yemen the political dimension of the EU's mediation capabilities have outweighed the technical dimension. Until 2015, EU in-country delegates have for example been "facilitating events and meetings of the conflict parties at the Delegation facilities in Sana'a, which they understood as opportunities to listen and to understand their views and demands. In so doing, they offered an informal setting for discussion (...) These events did not act upon a formal mandate but helped to establish communication between the disputants, which can be situated in the realm of dialogue" (Girke 2015, 517). Girke (2015, 518) furthermore stresses that "the EU Delegation was perceived as impartial, not biased in terms of its history and relations with Yemen and had the reputation of being a strong supporter of democracy."

An important dilemma the EU faced during the political transition in Yemen was related to whether immunity should be granted for former President Saleh, which, as discussed earlier, became a crucial issue of disagreement among the G10 countries (see also Dudouet and Dressler 2016, 28). For EU actors, 'politically, granting immunity to President Saleh was against the EU's human rights principles. Seen from a technical mediation perspective, it was a necessary compromise [however] to achieve the immediate goal of the EU's mediators, namely to end the violence. At the same time, it meant ignoring the voices of the protesters of the Change Square who demanded justice. Therefore, this step involved the risk of undermining the peace process in the long run' (Girke 2015, 8).

The assessment of Girke (2015) has provided interesting insights on the political and technical aspects of the role of the EU as a mediator in Yemen, but many questions still remain. It is unclear for example how the EU's response to the Yemeni crises is perceived by various domestic and international actors, and how different interpretations by EU-delegates of the EU's mandate affected how the EU maneuvered in the Yemeni crises.

4.3 The grass-roots perspective on the NDC and the EU

Throughout Yemen's now-stalled transition process, and in particular in its support for the NDC, the EU has played an active role. The focus of the EU's support throughout this process has been to promote inclusion of groups that had not been included in the negotiations over the GCC Agreement, such as the youth, civil society and women, while they also mediated with the Southern Movement and the Houthis whenever the process became deadlocked. After the start of the Saudi-led military intervention, the EU initially provided the only communication channel with the Houthis, but the Houthis have since improved their contacts to other international actors, reducing the EU's role.

This section discusses the results of a survey that was conducted in the framework of the WOSCAP project and which offers a view from below on the NDC and the EU's role. In order to get a view about the NDC, the involvement of different groups in the NDC and the role played by the EU in it, a short questionnaire was developed and distributed among 71 people (see for the questions of the questionnaire Annex 1) in July and August 2016. Of these 71 persons, 42 people responded, 26 of them were men, and 14 women, while of 2 persons

the gender was unknown (see for an overview of the participants Annex 2). One of the selection criteria of the respondents was their involvement in the transitional process in Yemen, which provided them with in-depth knowledge of the process. However, the survey was not limited to NDC-members (8 of the participants were NDC member), but also included non-NDC members with knowledge of the process, such as journalists, lawyers and civil society activists. Moreover, the criteria for selection used in the NDC were also applied to the survey (e.g. representation of women and youth) and participants came from different governorates and represent different levels of education and political engagement. All in all we argue that the respondents were rather representative of the Yemeni society and its different components. However, while politicians are included in the survey, it proved relatively difficult to involve high ranking politicians, who were less proactive and during the period of this research many of them were abroad and difficult to reach. Even those whom we sent the questionnaires by email were not willing to respond. Another group that is underrepresented in the survey are the Houthis, since no response was received from representatives of this group.

In the questionnaires the participants were asked questions about their experiences with and perceptions of the NDC, such as its strengths and weaknesses. We also asked specific questions about its inclusivity, local ownership and the role of women and youth. In addition, we asked them about their perceptions of the EU's role during the NDC. The main findings from the questionnaires were analysed using matrixes that enabled us to make distinctions between different subgroups (e.g. non-NDC members versus NDC members, men and women, etc.). Below we discuss the main findings from the survey. We start with an overview of the NDC's perceived strengths and weaknesses. This is followed by a more in-depth discussion of local ownership, including the role of the youth, gender, and finally, the role of the EU as it was perceived by the respondents to the questionnaire.

4.3.1 Strengths and weaknesses of the NDC

The respondents offered a mixed response regarding the NDC's overall strengths and weaknesses. 'The fact that it took place in itself is a success', one of them said, reflecting the challenges surrounding the political transition process in general, while another commented dryly that 'the NDC had reached a conclusion', despite the delays.

Main strengths: inclusion and outcomes

There appears to be no significant difference in opinion between NDC-members and non-NDC respondents regarding the positive aspects of the NDC, although more NDC-members emphasized the inclusionary nature of the NDC than the outcomes. A minority of the respondents, about 20%, did not identify any strengths of the NDC. Half of the 80% of the respondents that identified positive points highlighted that the NDC had brought all political and social groups around one table for dialogue, giving a chance for new voices, in particular the youth, women, and civil society delegates to be heard.

The other half hailed the outcomes of the NDC as its main strength, despite criticism towards the process design, the selection process and the lack of community engagement. Some described the "historic" outcomes of the NDC as a foundation 'to build a free and just community', a foundation 'for a new modern state', and a 'state of law and order'. One

respondent felt that the final report of the NDC had expressed ‘the aspirations of the Yemeni people.’

Some respondents also pointed out the constructive atmosphere at the NDC and the genuine hope it created, although that hope gradually had dissipated. One respondent lauded the “democratic and free nature of the NDC process at all stages”, while another felt that there had been the intention “to build Yemen in line with good governance principles”. A disillusioned respondent said that at the beginning of the NDC “there was optimism towards creating a better future for Yemenis.” On a more technical level, one NDC-member argued that “the strongest points of the NDC were the legal terms of reference which constituted the basis of the dialogue.”

Lastly, several respondents noted the positive contribution to the NDC of international and regional support, with one non-NDC member, a government employee, noting that ‘the EU monitoring and supervision of the NDC’ had been its strongest point.

Main weakness: implementation of a paper-based dream

In view of the increasing violence since the original NDC deadline of September 2013 had passed, it is not surprising that a majority of the respondents see the implementation of the NDC’s outcomes as a major weakness. Indeed, all the respondents who praised the outcomes of the NDC also said that the implementation of the NDC outcomes was its main weakness. The final NDC report had included a document, “Guarantees for the outcomes of the National Dialogue Conference”, to discuss in more detail how the, sometimes lofty, resolutions of the nine working groups should be implemented.⁹¹ Many respondents, though, noted there had not been any real guarantees, or plausible safeguards, to ensure the implementation of what had been agreed upon on paper. These respondents wondered how to guarantee commitment and abidance to the NDC’s outcomes of parties that had not been involved in the NDC or that were unhappy with its outcome, in a context of escalating violence and significant economic challenges?

Moving beyond the obvious lack of implementation, many respondents offered their analysis of why the NDC process failed to create positive political outcomes. One of the main reasons that the respondents offered was that the people, that had been selected to participate, were not genuinely interested in the NDC as an opportunity to build a new future for Yemen. In short, as one respondent noted, the “political will” for change was non-existent. Several respondents noted that the delegates were ‘keener on taking advantage of the financial benefits of the NDC, rather than taking serious action.’ However, respondents pointed at different persons or organisations that they thought were the main ‘spoilers’. In particular Saleh was mentioned in this regard: “The most important weakness in the NDC was to allow Ali Abdallah Saleh to exercise politics and monopolise and control the GPC’s decisions.” However, others noted that the Houthis should have surrendered their weapons and formed a political

⁹¹ NDC Final Report (Arabic), p. 285ff., ndc.ye/ndc_document.pdf. An English translation is available at ndc.ye/ndcdoc/NDC_Guarantees_Eng.docx. Accessed 26 November 2016. The document, with the rank of a presidential decree, identifies the GCC Agreement as the first ‘guarantee’, followed by a set of principles and provisions regarding executive, legislative, and judiciary powers during the one-year implementation period. The president would take it upon himself to end strive in government and parliament would be chosen to reflect the same kind of quota that the NDC had instituted for the different political and societal groups.

party prior to being allowed to participate in the NDC. Several respondents argued that some groups were conspiring to let the NDC fail: “Most of the figures that championed the civil state publically were funded in secret by forces who wanted the NDC to fail”, as one respondent noted, while another said “political parties worked to hinder the implementation in secret, and publically asked for their implementation.” This was tied to the strong sense that the NDC had been an exercise dominated by the same old political establishment: “It failed in the sense that it was an ‘elite’ exercise with no outreach to other components of society. The government also made no effort to underpin the NDC. In some ways, it was an exercise for certain people to fill their pockets.” The people participating in the NDC did not represent the voice of the Yemeni people, some said, but people who put their personal and tribal interests ahead of the country: “What was based on a wrong foundation, was bound to fail.” Political parties, who had agreed on the NDC outcomes, in reality “were against them as these outcomes were not in the interest of the parties.”

Another important reason why respondents argued the NDC had failed, was related to the way it was planned and executed. The fact that the conference extended beyond its supposed deadline was considered a key weakness. As a result, some of the main issues were delayed until the end and then dealt with by committees outside the NDC, created by the president. Several respondents noted this had been mistake: “The form of the state was the critical issue that should have been resolved at the beginning,” while another lamented the failure to provide solutions for “the root issues, such as the Southern and Sa’ada Issues, while the war on the ground continued. There was one person in charge of all matters: Hadi”. Many of the respondents also criticised the fact that the NDC did not adhere to the plans and timeframes, and had generally been poorly planned: “The NDC was not well planned and studied with the seriousness needed to address the particular needs of the Yemeni society.” One respondent noted that the NDC had failed “to allocate time and space for the discussion of the guarantees for the implementation of the NDC outcomes.”

Another key weakness that, according to the several respondents, had caused the failure of the NDC was the lack of strong institutions to safeguard the outcomes. They were of the opinion that the implementation of the NDC failed because of the lack of “a real army that could protect these outcomes and aid political forces to carry them out.” Another argued that the NDC had failed as there had been no effort “to regain the state that was being controlled by gangs that weakened the role of state institutions to preserve the sovereignty of the state”. One respondent argued “there were no weaknesses other than the absence of a strong force to enforce the implementation of the outcomes of the NDC.” A few respondents blamed the failure of the NDC on the negligence of the international community, who felt that the state had not been sufficiently supported by international partners.

A large number of respondents mentioned that the NDC did not address or get close to the real concerns of citizens directly, as it was limited to discussions among the elite. The survey results also reference a lack of community engagement and a sense of disconnect of the respondents with the NDC proceedings. Some respondents mentioned that they were informed of the progress of the NDC, but were not actively engaged. Other respondents reiterated that they did not feel the importance of the NDC and its relevance to them. Some cited that the media was inefficient in communicating what was taking place in terms of discussions inside closed rooms. As a result the respondents felt that the NDC had been an elite process that only involved the 565 delegates of the NDC.

Traditional communication technology was used during the NDC proceedings, such as live broadcasting of the plenary sessions and official ceremonies in addition to using radio and social media platforms. Although all working group sessions, sub-groups and committee work was documented in sound, video and official minutes of meetings, these records remain confidential and stored. At the start of the NDC, the NDC Secretariat launched a website,⁹² and various social media platforms, including the NDC Yemen Facebook page⁹³, a Twitter page⁹⁴, and a NDC Yemen YouTube channel.⁹⁵

The Facebook page was liked by over 100,000, over 3200 posts were published and more than 50,000 comments and questions were submitted. As for the NDC Twitter account, which had 6246 followers, 2900 tweets were posted during the NDC proceedings. On YouTube, 561 videos were broadcasted, viewed by 113,823. These numbers illustrate the level of restricted outreach that the NDC had via social media in terms of reaching out to the population. Yemen has a population of more than 26 million, the majority of which do not have access to the Internet.

4.3.2 Local ownership

Local ownership of Yemen's transition process partly depended on the NDC delegates forming a representative sample of society. The level to which the NDC included different sectors and constituents of the society, is therefore a good indicator for ownership. Representation in itself, however, is not enough, due to the power differentials between different groups in society that could and did affect decision making.

The NDC was designed on the basis of consensus, including the decision making mechanism. This actually offered some protection to those groups that were not-organised politically prior to the NDC, i.e. the women, youth, and civil society, from being overwhelmed by the established political parties, in particular the GPC and the JMP, and groups such as the Houthis and the Southern Movement. The previously non-organised groups, the so-called independents, fielded 120 delegates in the NDC (21% of the total) and a 90% majority vote was needed for decision making (see Chapter 3.3). Nevertheless, during the NDC, the established political parties intensively lobbied the independents for support. In some cases, the "independence" of the non-organised groups came into question.

The responses in the questionnaire about the issue of local ownership offer a more nuanced picture regarding what was identified above as one of the strengths of the NDC: its inclusiveness. About one third of the non-NDC respondents commented positively on the level of local ownership, citing that decision-making had been broadened beyond the political establishment. One third of the non-NDC respondents said that, despite some problems, local ownership was reasonable given the circumstances, while one third offered negative assessments of the level of local ownership. It is interesting that the NDC-members were divided equally between positive and negative assessments.

⁹² ndc.ye

⁹³ facebook.com/ndc.ye

⁹⁴ twitter.com/ndcye

⁹⁵ youtube.com/user/ndcye

The respondents offered a range of explanations why local ownership had been negatively affected. Several respondents pointed out the lack of competence and professional standards of some of the delegates and criticised the established political parties. For example, one respondent claimed that the selection of delegates had been “based on nepotism and personal connections, rather than competency,” while another said “political parties played a negative role and used nepotism [...] and the representation was not based on experience and competence.”

Another respondent held that “the dialogue could be depicted as a dialogue of the political elite only. Dozens of activists were chosen as decoration.” One respondent opined that the delegates had been chosen from among “opportunists and fame and fortune seekers, but not from national dignitaries competent to lead Yemen to safe shores and a bright future.” Another said that “Youth, women and civil society were underrepresented because of the intervention of political parties and the influential figures who confiscated part of their shares of representation through manipulating application forms.”

Some of the respondents argued that representation was flawed due to the participation of the established political parties involved in violent conflicts: “Unfortunately, most of the existing parties were part or entangled in the conflict and they did not possess solutions to resolve the crisis as a result of their affiliation to the parties. They did not have any loyalty to the country or any sympathy for the suffering of the people.” Another said that local ownership was “tainted by the participation of some opponents that are still considered militias like the Houthis and Islah, which goes against the concept of the [civil] state.” As a result, for some “the outcomes [of the NDC] were reflective of the political and social forces of the totalitarian system, lacking institutional organisation at all levels, which has ruled the country for 33 years.” Some respondents were critical of certain allocations of seats in the NDC. For example, one respondent thought that the Houthis had “more representation than their actual proportion, while other groups did not get their fair share, such as the Southern Movement, and the women and youth were marginalised or had weak representation.”

Role of the independent youth

As the protests in February 2011 had been started by the youth, their participation was seen as pivotal to ensure that the process and the NDC outcomes were representative of the principles and values that they fought for. The “Youth” category had been rather liberally defined as anyone under the age of forty. As a result, the percentage of “youth” representation in the NDC eventually exceeded the quota of 20% that had been set by the Technical Committee. The rather high age limit also allowed the established political parties great flexibility on who to include in their delegate lists as “youth”.⁹⁶

The appreciation of the youth by non-NDC respondents differed quite strongly from that of the NDC-members. A large majority of the non-NDC respondents argued that the youth was not well represented, which was blamed on the established political parties: “The representation in the NDC was based on quotas agreed upon among political parties, and it did not represent the independent youth,” as one respondent put it. Another noted that

⁹⁶ The figure of 40 is particularly high given the fact that in 2014 life expectancy at birth was 62 years in 2014 according to data of the World Bank, see, <http://data.worldbank.org/indicator/SP.DYN.LE00.MA.IN>

“unfortunately there were youth figures that were excluded from participating in the NDC due to the manipulations of some political figures in the nomination of youth for NDC participation.” According to one respondent, the lack of participation of the real youth “is why demands for youth inclusion and participation remain an actual demand.” Many non-NDC respondents saw the youth as having been co-opted by the political elite: “Youth, despite the passion they possessed, lacked experience and a clear political vision, which made them fall in the traps of traditional and dominant powers.” Despite the scepticism about the representativeness of the youth, and especially the selection process and their independence from political parties, several non-NDC respondents perceived the youth’s role as positive despite that “they had no independent voice to express the aspirations of the youth.”

In contrast, NDC-members were rather positive about the role of the youth: “The role of the youth at the NDC was wonderful. Their level of awareness and ambitions was shown. They aimed to pursue the rights of youth for better and useful education, rather than being subject to extremist recruiting,” while another said that “the youth succeeded in contributing to the success of the NDC and championing social issues which the parties did not want to promote and fought the youth on.”

4.3.3 Gender

The NDC represented the “first time in the political history of Yemen” that women played such a visible role in public politics. As the NDC outcomes award a 30% quota for women in future governance structures, this role is set to continue. As one male NDC-member noted: “the quota for women constitutes the biggest win for them.”

NDC members – both male and female – unanimously agreed on the positive role of women in the dialogue proceedings. Many felt that women had played a very productive role in the proceedings of the NDC. According to one respondent, the women acted as “a liaison” between all the different groups. Another said that “the role of women was distinguished and active in all working groups of the NDC. Women were able to achieve many gains that are considered notable at the regional level,” while one respondent even claimed that “most of the NDC outcomes were the product of women members.” While this may be somewhat of a hyperbole, some of the working groups presided by women were among those that were able to conclude their deliberations early, such as the controversial Saada Issue and the Rights/Freedoms workings groups, as noted by some of the non-NDC respondents.⁹⁷

While a large majority of the non-NDC respondents also said that women had played an important role in the NDC, some were more critical. A male respondent noted that “the women’s role did not go beyond the norms that have been set by the Yemeni and Arab society”, while another said that “the role and participation of women was most of the time as decoration and did not add any qualitative addition.” Others felt the women at the NDC had not been representative of women, as they “did not have an independent voice, as many of the women who participated belonged to political parties and worked within their party’s mandate”. One male non-NDC respondent felt that it “was not fair to grant women a quota”, while another said “many of the women focused on ordinary and marginal issues.” Some female non-NDC respondents were also critical. According to one of them “the role of women was weak

⁹⁷ Schmitz, Charles (Feb 2014), Yemen’s National Dialogue, Middle East Institute Policy Papers Series, p. 7.

but it was better than it used to be”, while another said that “in the beginning the role of women was excellent, but after a while they were marginalised”.

That said, most of the non-NDC respondents were very positive about the role of, and effectiveness of women. Some felt that the women had a stronger voice than some of the other groups and that they had a ‘distinct presence in all specialised committees’, “a big role in formulating the outcomes of the NDC, while they added their touch to human and political rights in the NDC resolutions.” A female non-NDC respondent argued that “the women were quite successful in their courageous performance. Women have excelled in many battles over men inside the NDC corridors.” Indeed, one respondent noted that women were represented by influential figures which annoyed the tribal leaders. Another respondent noted that “women during the NDC showed an astonishing ability to deal with events and issues, make policies and contribute to drawing the shape of the state through their active participation in multiple issues set by the dialogue.”

The NDC provided women with an opportunity to move beyond traditional roles, in particular through some of the working groups that were presided by women, as already noted. One respondent noted that women had been able “to break down the negative stereotypes on women and reflect a positive image of women,” while another said that “the NDC provided women an opportunity to be liberated from injustices and tyranny and helped women to improve her image in the society.”

4.3.4 The EU’s role in multi-track diplomacy for Yemen

Multi-track diplomacy for Yemen was characterised initially by the unified stance of the international community. Throughout the transition period and up until the eruption of the armed conflict in 2015, the international community managed to maintain a unified stance. This was manifested in their regular meetings throughout the transition period, their unified statements and their coordinated diplomatic efforts.

The resolutions on Yemen issued by the UN Security Council reflected the overall stance of the international community. It was only following the intensification of the conflict, and the start of the Saudi-led military intervention, that division within the international community became apparent. The international community was no longer in agreement, especially as Russia leaned towards the Houthis and expressed its opposition to the Saudi-led military intervention. This became apparent with the failure of the UN Security Council to issue resolution 2216 for some time due to Russia’s threat of a veto. It was only after some diplomatic manoeuvres that Russia finally abstained rather than vetoed the resolution.

The grass-roots view of the EU’s role

A large majority of respondents perceived the EU’s diplomatic role during the transition period as positive, acknowledging the positive, strong, and coordinated efforts of the EU during the NDC. They perceived strong EU support for the political transition at large, and during the NDC in particular. EU support was evident from the repeated statements of the EU in support of the NDC and the constant follow-up, assistance, and expertise offered to participants during the NDC.

While the NDC-members all offered positive assessments of the role of the EU during the transition and the NDC in particular, some of the non-NDC respondents were more critical. Nevertheless, most of the non-NDC respondents were positive as well. Several non-NDC respondents argued that EU support had been a critical factor in convincing the established political parties to accept national dialogue as a tool for conflict resolution: “The EU called on all active national parties to abide by the concept of national dialogue and consensus, and constructive participation in the NDC, considering that it’s the only collective platform that addresses legitimate demands of all Yemenis.” The EU support for the inclusion of new groups, such as women, youth and civil society, was also seen as critical. This support was not limited to political support. Several respondents noted the practical support the EU had organised: “The EU played a positive role in many respects especially when it came to financing CSO projects, raising awareness, and training [...] this created a good environment for many youth to work through these organisations.” This was also expressed by another respondent: “I believe the EU played a significant role in connecting political parties and civil society, in particular, in the field of freedoms and human rights. The EU’s role towards the independents was huge, in particular for the youth.” Another noted that “the EU offered expertise and intellectuals to explain and clarify a lot of the NDC agenda and how to move ahead in the process.” Some respondents also mentioned the mediation efforts of the EU during the NDC which had “narrowed the gap between the parties through meetings with various groups in the dialogue.”

Non-NDC respondents, however, also offered more critical evaluations of the EU’s role. A minority of respondents were flat-out negative: “the EU played a poor role during the NDC [...] EU ambassadors continued searching for solutions that might please conflicting local and regional powers centres, instead of what served the best interests of the majority of the Yemeni people.” Others were not impressed by the EU’s diplomatic effectiveness: “It was negative: ‘The EU welcomes...EU condemns...EU warns,’ as noted by one respondent, while another argued that ‘The EU did not impose real pressure against those hampering the political process and the transitional period. The EU’s hesitant stances and attitudes may have contributed to the situation today.” Echoing these sentiments, another respondent argued that “the EU was too neutral and did not engage seriously to contain the situation.” Another respondent thought the EU should have pushed for the implementation of the confidence building measures of the 20-point plan. Interestingly, some non-NDC respondents were only marginally aware of EU support for the NDC. Quite a few respondents said they thought EU support was limited to financial aid and logistical support. A few respondents felt that the EU had ulterior motives: “The role of the EU was clearly connected with EU interests. The EU role, just like the roles of other regional or international bodies, was to keep up with what was taking place, while serving EU interests.”

As noted above, most of the NDC respondents were positive about the EU role, especially during the NDC: “The EU had a distinguished role during the NDC. They worked hard to create consensus among participants, and were keen to have the NDC succeed.” Another NDC respondent said: “The EU was the main political support for progress of the NDC. The constant follow-up, and the EU insisting on the importance of the success of the NDC as an important step in the transition process, persuaded the parties of the feasibility of the NDC and the effective participation in the dialogue.” Several respondents, however, expressed their concerns with the role of the EU after the conclusion of the NDC. According to one of them “the EU played a dangerous and negative role following the end of the NDC. The

ambassador of the EU was involved in supporting violence almost openly and some armed groups [...] the EU provided political cover of acts by the militias which have led to the war.” Another recommended that “the ambassador of the EU must represent the EU as a whole and not the personal opinion of the ambassador,” while a third expressed her hope that “the EU commits to be neutral, at least, if the EU is not the instigator of what is happening.” While these comments likely reflect the political positions of these respondents, they do reflect how negative the role of the EU is perceived by some.

Stakeholders’ perspectives on the EU’s role after the NDC

The former head of GPC delegation to the NDC, Yahya Al-Shoaibi, thought that the role of the EU ambassador was positive and effective, in particular the outreach towards the Houthis. Al-Shoaibi added that the EU had a strong role to play because it does not have a clear vested interest with one side or the other. “When I sit with Bettina [sc. Muscheidt], I know she does not have an agenda,” Al-Shoaibi explained. He further contrasted her role to other diplomats who he felt were pushing for their own countries’ interest rather than that of Yemen. Al-Shoaibi had one main concern regarding the diplomatic efforts of the EU ambassador. He said that during the UN-brokered negotiations pressure on conflicting parties should be placed on their leaderships both in Sana’a and in Riyadh. He also stressed that the international community should pressure some of the traditional Yemeni political players out of the political scene. He argued that Yemen needs a fresh start and that the presence of those players in the future political process will only hinder it.

In contrast to al-Shoaibi, one of the leaders of the Yemen Socialist Party that forms part of the JMP, Ali Al-Sirari, was very critical of the role played by the EU-ambassador, in particular the EU ambassador’s outreach towards the Houthis. According to him the EU ambassador had supported the coup: “It is hard to believe that there is anyone in the developed world who still supports a coup” he said. He further claimed that the EU paid less attention to Yemen since the eruption of the conflict, and that there seemed to be a lack of understanding among EU officials that Yemeni people want the coup to fail.

In response to the criticism of the EU’s ambassadors outreach to the Houthis, some EU officials argued that outreach to the Houthis was necessary, even it did not appeal to certain groups. The accusations against the EU ambassador were seen to be a “form of propaganda in a moment of conflict.”⁹⁸ The EU, furthermore, had taken up a consistent position against military intervention from the beginning, and in support of a peaceful resolution to the conflict through a political agreement. Some of the EU officials argued that the EU was among the few international actors who could conduct outreach with certain groups that had been excluded from the GCC initiative. The perceived neutrality of the EU, in comparison to other international actors in Yemen, meant that it was the only actor, in addition to Russia, that could take up this task.

⁹⁸ Interview with EU official.

4.4 Assessment

The size, structure and representation of the NDC has emerged as the critical factor in Yemen's transition process. On the positive side, the composition of the NDC served as a corrective to political decision making in Yemen prior to the NDC, as that had been in the hands of the northern, male-dominated GPC and JMP patronage system. The quotas assigned, however, did not represent real demographic strengths, nor real political power. Women were assigned a quota of 30%, while they in all likelihood comprise half of the population. The southerners had a 50% quota, while its demographic weight is probably around 35%, or less, of the total population. The groups chosen, the delegates assigned, and the quotas for women, youth and southerners all together form a symbolic representation of how Yemen's main political conflicts were framed by the GCC Agreement, offering a modicum of the ideals of liberal democracy and human rights promoted by the US, UN and EU, by incorporating women and youth. It was inclusive in the sense that it, by and large, reflected the diverse make-up of Yemeni society and its different constituents, social groups and powers. The NDC thus broadened the participation in decision making to include groups that had hitherto been excluded.

On the negative side, a major weakness of the NDC was the selection of delegates for various political and social groups. Foremost, this applied to the separatist Southern Movement, as most of its factions boycotted the process, and only one faction allied to president Hadi participated on and off (see Chapter 3.2). The NDC thus failed to engage the decision makers and key stakeholders that really represented the Southern Movement. Another weakness appears to have been the representation of the youth, at least as far as the general public was concerned. It appears that the established political parties managed to register some of their members as delegates for the "independent" youth. To a lesser extent, this also appears to apply to the "independent" women. Hereby, these parties, who already comprised 44% of the total amount of delegates (see Chapter 3.2), undermined the "independent" vote, affecting the consensus-based decision making mechanism that had been put into place to prevent the established political parties from dominating the outcomes. As a result, quite a few respondents felt that the NDC had been an elite process, while "the free youth from the squares and streets", who had started Yemen's Arab Spring, had not been represented, and therefore "the NDC did not live up to all the aspirations of the 2011 uprising." Furthermore, many felt that some of the groups participating in the NDC had never been genuinely interested in a better future for all Yemenis, but rather were using the NDC to gain influence for themselves, allowing them to act as spoilers.

What transpires from these results is that, in the Yemeni context, the NDC represented a big step forward in terms of promoting local ownership by including groups other than the established political parties (GPC and JMP). Many respondents, however, pointed out problems, either regarding the quotas that had been assigned to the different groups, or regarding the competence and level of participation of the people that been selected. As one respondent summarised: "Representation quotas were almost fair and the goal behind them was to come up with a clear collaborative vision. The real issue was with the selection of individual representatives."

The role of the EU

One of the key strengths of the EU as a diplomatic actor in Yemen frequently cited by respondents, was the EU's perceived neutrality and acceptability among a wide range of local actors in comparison to other international actors. This has enabled the EU to gain access, and create dialogue channels with groups that were not directly involved with the negotiations of the GCC Agreement, such as the Houthis and the Southern Movement. The EU has also been seen as a driver of the inclusion of groups that were previously not represented in political decision making in Yemen, in particular the youth, women and civil society. At the same time, this key strength has since the escalation of the conflict been seen in a different, negative light by some local parties. Furthermore, the EU's technical assistance and capacity building programs for women, youth, and civil society were cited by many respondents as very helpful. Lastly, the EU's mediation efforts during the NDC were seen to have helped to create consensus.

One of the main weaknesses of the EU diplomatic intervention was that the EU was seen to push a solution that involved the wrong parties and excluded many others. This was seen to reflect the desire of regional and international actors for a solution, rather than being driven by the sincere concern to address the needs of the Yemeni people. The NDC was conceived as a forum to fix a solution for all Yemen's problems, but it failed to resolve some of the most crucial conflicts, in part because the solution gave too much influence to the parties that were part of the GCC Agreement. Furthermore, the EU is seen as a formalist diplomatic actor that does not exert any real pressure beyond verbal condemnations and warnings, despite the fanciful accusations of some stakeholders. The latter illustrates that Yemeni actors see the EU as an actor that can be instrumentalised to increase their leverage over rivalling local parties. Some also argue that the EU should have followed up more strongly on procedural failures, such as Hadi's failure to implement confidence building measures, and install an Interpretation Committee as the GCC Agreement had stipulated.

Lastly, following the start of the Saudi-led military intervention, a number of the EU Member States declared full support for the Saudi-led military campaign, including the UK and France. This has served to weaken the position of the EU and the overall effectiveness of EU diplomacy.

Conclusion and recommendations

When in February 2011 youthful protesters and civil society activists chanted for ‘the downfall of the regime’, they had in mind the patronage-based regime built by Ali Abdallah Saleh over 30 years in power. That regime included the GPC, the military and security apparatus, the Hashid tribal alliance led by the al-Ahmar clan, and the ‘oppositional’ Islah party.⁹⁹ The protesters were soon joined by the Southern Movement and the Houthis, while the JMP seized upon the protests in a new gambit to twist the arm of its rival, the GPC. In the context of momentous changes in the region, the international community turned to crisis management in order to bolster Yemen’s stability. Motivated in part by concerns over counter-terrorism operations against what had been identified as the most dangerous branch of the global al-Qaeda franchise, and in part by Saudi Arabia’s ongoing counter-revolutionary efforts to roll back popular uprisings throughout the region.¹⁰⁰

The GCC Agreement built upon the earlier intra-elite rivalry between the GPC and the JMP, in which the EU had unsuccessfully tried to mediate, and put the rivalling factions of the old northern-based regime in charge of leading Yemen’s transition in a ‘coalition government’, offering Saleh immunity and a continued role in politics in exchange for a transfer of power to his long-time deputy Abd Rabbu Mansour Hadi. The GCC Agreement was rejected by the youth, the Southern Movement, and the Houthis, but was not stopped due to the unconditional support of the international community that acted as stewards of Yemen’s transition in the form of the G10 (now G18). The centrepiece of the GCC Agreement was the National Dialogue Conference (NDC) that was scheduled to solve all of Yemen’s long-standing crises – including the Southern Issue and the Sa’ada Issue – within a mere six months. The failure of the GCC Agreement to include anyone but the GPC and JMP, was to be rectified in the NDC. In addition to including the Houthis and the Southern Movement, it was decided that women, youth, and civil society organisations should also be represented as separate groups in the NDC to promote inclusiveness. Despite efforts by the EU to reach out to these groups, and offer capacity building to the newly identified interest groups, the results of the research presented in this report suggest that the inclusiveness that the NDC sought to produce was deeply flawed when the delegates were eventually selected.

In March 2013 the NDC finally got underway, creating – despite all its flaws – considerable hopes for a future civil Yemen. The EU offered much appreciated technical expertise and mediated whenever the dialogue got stuck, while the G10 pushed the increasingly conflictual NDC to a final conclusion in January 2014, just before Hadi’s two-year transition mandate ran out. The NDC produced many results, but few clear pointers how to implement the vision for a “new Yemen”. More importantly, the most important issues were not solved. While the separatist Southern Movement had set its mind on independence of former South-Yemen, neither the old elitist regime nor the international community was willing to

⁹⁹ Yadav, Stacey Philbrick (2014), The Breakdown of the GCC Initiative, in: Middle East Research and Information Project, Vol. 44, #273. For an analysis of Saleh’s regime, see Philips, Sarah (2011), Yemen and the Politics of Permanent Crisis, International Institute for Strategic Studies, Routledge.

¹⁰⁰ Steinberg, Guido (2014), Leading the Counter-Revolution. Saudi Arabia and the Arab Spring, Berlin: Stiftung Wissenschaft und Politik.

consider such as scenario. A special presidential commission offered a six-region solution that cut up the territories of the South.

In early 2014 the security situation frayed while the dysfunctional 'coalition government' busied itself with fighting each other and neglected the economy. Finally, in September 2014 the Houthis rode a wave of popular discontent over price hikes to enter the capital and demand the government's dismissal. The Houthi advance was framed as part of the Shia sectarian conspiracy narrative that Saudi Arabia had been peddling since 2003, and after six months, the precarious Peace and National Partnership Agreement, that had kept the increasingly fictitious transition process alive since the Houthi takeover of the capital, eventually collapsed. In March 2015 Hadi fled to neighbouring Saudi Arabia that mounted a military coalition to battle the Houthis, destroying much of the country's infrastructure without any obvious result.

During this tumultuous period in Yemen's history the EU played a substantial role, helped in part by the general perception in Yemen that it is more neutral than other international actors. The results from our research suggest that the EU's technical advice and capacity building was much appreciated, and many felt that the EU had contributed to making Yemen's transition process more inclusive. The basic problem however, was that the EU committed itself to the fundamentally flawed GCC Agreement, willing to overlook problems for the sake of Yemen's 'transition'. At the time, it appeared to be the only available solution. Despite its flaws, the GCC Agreement had appeared to be the lesser evil than total chaos. The EU tried hard to fix the deleterious provisions of the GCC Agreement, but sometimes something that is broke cannot be fixed.

Lessons and recommendations

- The EU has an important and active role in calling for the end of armed conflict and beginning an inclusive peace building process that ensures participation of all relevant actors, including new actors in the political arena, namely women, youth and CSOs.
- The EU should monitor the execution of safeguards for participation of newcomers and groups that have been historically alienated constituencies.
- The design of peace-building interventions, such as national dialogues, should take into consideration the role of newcomers and institute clear procedures regarding decision-making to prevent dominance of traditional powers versus newcomers including women, youth and CSOs.
- National Dialogues should be designed, implemented and monitored in close connection to other policies, for example security sector reform, to ensure an enabling environment.
- The EU should use its leadership and capacity to support the enabling environment for peacebuilding and embedding democracy.
- The EU should develop a stronger communication strategy to inform the public of EU support on the multiple fronts.
- The EU should continue to support programmes to empower youth and women in terms of capacity and, most importantly, political empowerment.
- The achievements of the NDC with regard to women participation should be considered a benchmark for any future processes and negotiations.
- Following The EU should embark on major projects in priority sectors such as education and reconstruction.

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