

A decorative graphic consisting of a grid of grey dots of varying sizes, with several dots highlighted in red. The dots are arranged in a pattern that roughly outlines the shape of the Middle East.

# Political Change with Pitfalls

## An Interim Report on the Yemeni Transition Process

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September 2012

- Political change in Yemen is making slow but steady progress as the transfer-of-power agreement, known as the Gulf Initiative, is implemented. So far, this internationally brokered two-year transition plan has been regarded as a success. It brought about the resignation of Ali Abdullah Saleh after thirty-three years as president, as well as the election of the transitional President Abed Rabbo Mansour Hadi. A National Dialogue Conference is about to be formed, which is to produce a new constitution within the next nine months, thereby creating the conditions for parliamentary and presidential elections in spring 2014.
- Nevertheless, a successful political transition towards a democratic and stable Yemen is not guaranteed. The process is being jeopardised by an elite power struggle that is raging behind the scenes.
- The international community can and should exert pressure on those who are putting a successful transition process at risk. At the same time, it is necessary to support reform-oriented forces. If the Gulf Initiative fails, Yemen is threatened by complete state failure, civil war, and further deterioration of an already dramatic humanitarian situation.

Yemen was one of the countries that started what became known as Arab Spring. After months of protests, violent attacks by the regime against peaceful protesters, and a split in the armed forces, Yemen managed a comparatively peaceful transfer of power. With the assistance of the international community, the Gulf States brokered a transition roadmap, which was signed by all parties represented in the Yemeni parliament and which led to the fall of former president Ali Abdullah Saleh. By signing the Gulf Cooperation Council (GCC) Initiative in November 2011, Saleh formally accepted the end of his thirty-three-year presidency.

Since then, little has been reported about Yemen in the European press. The Yemeni model generally seems to be regarded as a successful one. In March 2012, German Foreign Minister Guido Westerwelle proposed the GCC Initiative as a model for a regime change in Syria despite fundamentally different political conditions. While this doesn't necessarily say much about the minister's foreign policy expertise, it does give an indication of the generally positive assessment of the GCC Initiative.

In fact, the Yemeni transition plan has produced some notable achievements. Whether it can actually move the country out of its deep economic, political, and humanitarian crisis remains to be seen. It lies primarily in the hands of Yemeni elites to shape the process of democratic reconstruction in line with the GCC Initiative in a participatory and effective way. Nonetheless, the international community must also play its part – in particular by identifying and isolating disruptive forces.

## The GCC Initiative

### Background

In the past, the GCC has not exactly known for active political engagement outside its six member states. Nor is it the Gulf States' desire for political renewal and democracy to which Yemen owes its peaceful transition. Rather, the decisive factor was the fear of a comprehensive state failure in the south-western Arabian Peninsula, and its foreseeable consequences:

- The spread of Al-Qaeda to other parts of the Arabian Peninsula;
- Extensive weapons smuggling;

- Spreading instability around the border areas with Saudi Arabia and Oman;
- Streams of refugees;
- An increase in piracy on the oil export routes, etc.

The division of the Yemeni army in March 2011 is widely considered to have triggered the GCC engagement. Following the bloody assaults on demonstrators by snipers loyal to the regime in the Yemeni capital on 18 March 2011, General Ali Muhsen Al-Ahmar declared his solidarity with the Youth Revolution and ordered soldiers of the First Armoured Division to protect the demonstrators at what had become known as »Change Square« in Sana'a. At the same time, numerous government ministers, parliamentarians, and diplomats – as well as a large number of army officers – resigned or defected in protest. A few days later, the Al-Ahmar Sheikhs – leaders of the most powerful and well-armed tribal confederation (Hashed) – followed suit and declared their opposition to President Saleh. Since Saleh and his clan still maintained control over the major parts of the armed forces, Yemen in April 2011 was on the brink of a civil war that would have impacted on neighbouring countries. The six Gulf States reacted quickly and presented the GCC Initiative in April, supported by the UN, the USA, and the EU. It came into force on 23 November 2011 when, after several revisions, Ali Abdullah Saleh finally signed it. Leaders from all parties represented in the Yemeni parliamentary had already given their signatures long before.

### Content of the Agreement

The Transition Agreement, which includes the original GCC Initiative as well as the implementation mechanism agreed between the ruling General People's Congress (GPC) and the opposition alliance known as Joint Meeting Parties (JMP), stipulates a political transition in two phases:

The first phase began with Ali Abdullah Saleh's signing of the Transition Agreement in November 2011. As early as May 2011 Saleh had promised to sign several times and had backtracked repeatedly, usually on very short notice, much to the annoyance of national and international VIPs who had come to witness the procedure more than once. Following an assassination attempt on 3 June inside the presidential mosque that left several people dead and Saleh himself, as well as other high-ranking government officials, severely injured, Saleh

continued to put off signing the initiative by demanding to further specify details of its implementation.

He finally seems to have been convinced by a mixture of far-reaching immunity promises and coordinated diplomatic threats pressure by the diplomatic international community, regarding to including threats to freeze his foreign bank accounts assets. With his signature, he transferred many of his presidential powers to Vice President Abed Rabbo Mansour Hadi, while remaining nominal president until early presidential elections put a formal end to his term. Subsequently, a Government of National Unity was formed, led by a prime minister from the ranks of the opposition alliance. While the composition of the Parliament did not change (about 80 per cent of former ruling party GPC, 20 per cent of the opposition alliance JMP), the thirty-four cabinet posts were divided equally between GPC and JMP.

One of the most important objectives of the first phase was the establishment of a Military Committee to overcome the divisions of the armed forces, to demilitarise the cities, and to provide security. The transition plan also stipulated (thus far unsuccessfully) the establishment of an Interpretation Committee, which was intended to mediate in case of disagreement on the interpretation of the Transition Agreement.

The first phase ended ninety days after Saleh signed the Transition Agreement. The Parliament nominated a consensus candidate, who was elected – or rather confirmed – by the people with remarkable turnout, as president of Yemen for a period of two years. Since February 2012, former Vice-President Abed Rabbo Mansour Hadi holds Yemen's highest public office.

The second phase is supposed to provide for the organisation and implementation of a National Dialogue, through which all relevant political and social stakeholders are to shape the future of their country together. The Transition Agreement doesn't offer details regarding the exact shape and form of this dialogue conference, but there are clear statements about who is to participate and what is to be negotiated. In addition to the signatories of the Transition Agreement, the following stakeholders are explicitly mentioned: the Youth movement, the Southern Movement (Al-Hirak al-Ganubi or Hirak), the Houthi from the north, other political parties, representatives of civil society, and women's group.

The Transition Agreement spells out the following topics and tasks for the National Dialogue:

- »The process of drafting the Constitution, including the establishment of a Constitutional Drafting Commission and its membership;
- Constitutional reform, addressing the structure of the State and political system, and submitting constitutional amendments to the Yemeni people through a referendum;
- The dialogue shall address the issue of the South in a manner conducive to a just national solution that preserves the unity, stability, and security of Yemen;
- Examination of the various issues with a national dimension, including the causes of tension in Sa'ada;
- Taking steps towards building a comprehensive democratic system, including reform of the civil service, the judiciary, and local governance;
- Taking steps aimed at achieving national reconciliation and transitional justice, and measures to ensure that violations of human rights and humanitarian law do not occur in the future;
- The adoption of legal and other means to strengthen the protection and rights of vulnerable groups including children as well as the advancement of women;
- Contribution to determining the priorities of programmes for reconstruction and sustainable economic development in order to create job opportunities and better economic, social, and cultural services for all.«  
(Quoted from the UN Translation)

The National Dialogue is to begin in September 2012 at the latest, shall deal with all of the above-mentioned issues within six months, and then submit final recommendations. Immediately after these six months, the government is to appoint a Constitutional Commission, which shall develop a draft constitution within three months. Then a constitutional referendum is to be conducted. Parliamentary and presidential elections are planned within three months after the public adoption of the constitution. The Transition Agreement is binding. In case of discrepancies between the Initiative and the current Yemeni constitution, it is the former, which is to be followed.

So much for the theory. In practice, the Agreement has brought about some notable successes, but there have also been various deviations from the original plan and some serious obstacles that still have to be dealt with.

## Interim Assessment of the Transition Process

The GCC Initiative has often been criticised in Yemen. In many places, it features the handwriting of the Gulf States, which are interested in stability – but not in the rise of a strong Arab democracy in their backyard. The Initiative's election procedure for the current president is only one example. It was rather a deselection of the old president, since only one candidate was permitted to run for the presidency. Parliament had to agree on a consensus candidate beforehand. This approach was justified by the fear of armed conflict by followers of different potential candidates, which indeed was a real danger at the time. Whether the Parliament – whose legislative session had expired in spring 2011 and which surely had not been a driver of political change – represented the right forum to nominate a candidate can be questioned. But despite these and other dubious provisions, the Transition Agreement based on the GCC Initiative deserves continued international support. It offers an imperfect, but a hitherto largely functioning roadmap for peaceful and democratic change in Yemen.

## Achievements

The current impressions from Syria help to illuminate the achievements of the Initiative:

- Yemen did not slide into a civil war.
- Ali Abdullah Saleh was removed from office by peaceful means – in contrast to his Libyan counterpart.
- Since November 2011, official business is conducted by a government, in which the General People's Congress (GPC) and the Joint Meeting Parties (JMP, a parliamentary opposition alliance of Islamists, Socialists and smaller parties) are equally represented.
- The Parliament nominated Abed Rabbo Mansour Hadi unanimously as presidential candidate. Hadi was elected by 6.6 million Yemenis with 98 per cent of the votes. The average turnout was 60 per cent, which is above the Yemeni standard and especially remarkable considering the election boycott in parts of country (Hirak and Houthi strongholds).

The new president is cautious but determined, particularly with regard to the security sector reform. Hadi enforced a number of reshuffles including the rather spectacular dismissal of the former president's half-brother,

Mohammed Saleh, as commander of the Air Force. Although the General fiercely resisted by letting his troops occupy the capital's civilian airport and threatening to down civilian planes, he could not prevail. He eventually gave up under intense local and international criticism combined with Hadi's threat of a military tribunal. Another bold step towards reform followed on 6 August 2012. Hadi issued a presidential decree to weaken the two most powerful military commanders, whose mutual enmity undermines both the effectiveness of the new military council and the defence ministry's control over the armed forces: the commander of the First Armoured Division, General Ali Muhsen Al-Ahmar, who defected in March 2011; and Brigadier Ahmad Ali Abdullah Saleh, the eldest son of the former president, who commands the partly American-equipped and trained Republican Guards. The decree transferred the command from three brigades of the Republican Guards (5,000 troops each) and one brigade of the First Armoured Division – all of them stationed in Sana'a – to a newly formed »Presidential Protective Force« under the president's authority. Moreover, four additional brigades from each of the two commanders were placed under regional command structures. All in all, both officers were relieved of 40 per cent of their command in one day. While General Ali Muhsen publicly welcomed the step as a wise move to unify the army, soldiers of the Republican Guards surrounded the Ministry of Defence the evening after the decree was publicised. The mutinous troops were forced at gunpoint to retreat by the Military Police. But they came back a few days later, after Hadi had left for a state visit to Saudi Arabia. On 14 August, the noise of a four-hour gun battle between soldiers under the command of Ahmad Ali on the one side, and the military police on the other, could be heard throughout the Old City of Sana'a. The mutiny eventually failed, probably because the mutinous soldiers were waiting in vain for support from their commander and retreated when it didn't come. Meanwhile, Ahmad Ali had been given a warning by the American Embassy and remained silent until 5:00 p.m., when he attempted to distance himself from the attack.

The reform of the security sector is essential for the transition process. Independent and rational policy decisions cannot be taken as long as civilian control of the armed forces is not guaranteed. Until recently, Hadi's residence and headquarters were within easy artillery range of forces controlled by commanders with at

least questionable loyalties. The Transition Agreement entrusts the current president with more institutional power than any of his predecessors ever had – a fact that carries the theoretical risk of power abuse. So far Hadi's mode of conduct has given little cause for concern in this respect.

In the current transition process, it is essential that the only democratically legitimised institution (the presidency), can actually exercise its power. Since President Hadi, in contrast to other protagonists of the smouldering Yemeni power struggle does not have a reliable power base – tribal networks, loyal fighters, a political party, considerable personal fortune, or a combination of the above – he must draw his power from the legitimacy bestowed upon him by the Transition Agreement. Military and tribal leaders who oppose legally binding Presidential Decrees or parliamentary decisions can be »named and shamed« by the Yemeni public and the international community. The international community's insistence on the legitimacy of presidential decrees under the provisions of the GCC Initiative has in fact contributed several times in efforts to push through substantial personnel changes against the resistance of powerful spoilers.

The restructuring of the security forces is necessary to establish civilian control over all armed forces in order to curb power abuse and to improve the security situation in the country. Hadi's initial successes in this process are not to be underestimated, since he puts himself in personal danger. Quite a few of the commanders he weakened have both sufficient resources and experience to carry out an attack on him and then place the blame elsewhere, or at least cover their tracks. The fact that Hadi manages to restructure the security forces, with small but still significant steps, is testament to his courage – his approach indicates foresight and good advice.

### Disappointments

Not all provisions of the Transition Agreement were fully implemented. Soon after the Agreement came into effect, a **Military Committee** was formed to overcome the divisions of the armed forces, reduce the checkpoints and military positions in the cities, and facilitate the return of all armed forces to their barracks. How-

ever, this was only partly achieved. While most of the checkpoints in Sana'a were dismantled, gunmen are still present in many parts of the city. The houses of powerful sheikhs are guarded by well-armed tribal militias, while the university campus is still »protected« by troops of the First Armoured Division. At night, various security forces operate »flying« checkpoints throughout the city. While some barriers and military installations seem to have been dismantled, one finds upon closer inspection, that tanks or other army gear is only hidden in side streets or on nearby wastelands. Parts of the security forces still remain loyal to members of the Saleh family. This is reflected in sporadic acts of insubordination, the spread of misinformation, and deliberate attacks by security forces on state institutions.

Tribal militias and the troops of General Ali Muhsen Al-Ahmar justify their continued open presence in the capital as the only way to prevent a coup by Saleh loyalists. At the same time, they resist attempts to be put under the control of the elected president and his cabinet.

The **Interpretation Committee** stipulated in the GCC Initiative to be established in the first phase of the transition has still not been formed. It was intended to resolve disagreements between the parties over the interpretation of the GCC Initiative. In the absence of such a committee, President Hadi has the last word on questions of interpretation. Some say this gives him the additional power needed to push the transition process through stalemate. Others point out, that once an interpretation judgment taken by Hadi is viewed as partial and unjust, it would weaken Hadi's overall acceptance, which is one of the columns of the transitional process.

A Preparatory **Committee** for the National Conference **of the Youth** was established and received the blessing of both president and prime minister. Its purpose is to organise a conference in which key messages of the youth are to be developed and integrated into the National Dialogue. The conference might also come up with recommendations for youth delegates for the National Dialogue. However, many independent youth groups feel that they are not represented by this committee and accuse it of being a mouthpiece for party youth organisations, who have little in common with the goals and dreams of the youth whose protests in 2011 triggered the changes.

A **Technical Committee** is to prepare the National Dialogue. Its members were appointed by the president in July 2012. Parties, Houthis, women, and youth are represented and have already conducted several meetings in a reportedly positive working atmosphere. However, the south of the country is not adequately represented, mainly because the Southern Movement (Hirak) has not yet decided whether or not they will participate. Some Hirak leaders indicated a general agreement for their participation but only under certain conditions. Another part of the Hirak leadership flatly rejected the National Dialogue because the GCC Initiative stipulates national unity (as do UN Security Council resolutions), which is contrary to the goal of southern secession and independent statehood. Here lies a dilemma: on the one hand preconditions cannot be accepted – mutually contradicting preconditions would block the National Dialogue before it even starts. On the other hand, a conference without the participation of Hirak – as the most powerful political formation in the south – would not deserve the name National Dialogue.

Given the massive injustices that the South Yemenis have experienced from the central government in Sana'a – particularly since the 1994 civil war –, the scepticism about an initiative that was signed predominantly by North Yemeni politicians is understandable. The inclusion of the South in the National Dialogue is necessary if only to prevent the militarisation of Hirak and a renewed civil war of North against South. Ongoing efforts by numerous national and international actors in Yemen, including notably the FES, the Berg-hof Foundation, and the German Embassy to convince Hirak of the benefits of participating in the National Dialogue – if only to push for a federal state structure with autonomy rights for the South, which could pave the way to a referendum on statehood in the future, should the new mode of governance not enhance the situation – have yet to bear fruit have not achieved much thus far. Only part of the Hirak leadership could be won over for this idea. Since the leading narrative in the South has turned during the past six months from a call for justice and reform into the demand for independence, Hirak politicians who are open to a federal option no longer speak out. The question of how an adequate participation of the south is to be ensured must be answered before the National Dialogue Conference officially begins its work.

## Further Challenges

The entire Yemeni transition timetable is ambitious, particularly given the narrow time frame, which plans for an agreed constitution followed by parliamentary and presidential elections by February 2014. A number of key issues have to be decided within the shortest possible time. These include the new constitution, the »southern issue«, and an agreement on a transitional justice procedure. The question of the future state model is also of paramount importance in the context of constitutional renewal: federalism or central government, a parliamentary or a presidential democracy. It remains to be seen whether significant influence groups such as the Houthis or the Southern Movement, which both have reservations regarding the GCC Initiative, can be involved successfully in the transition process. As long as these groups feel isolated or isolate themselves, the enforcement of rule of law and official governance structures will remain illusory in many parts of the country.

On the other hand, a political settlement is needed quickly because it is the prerequisite for solving Yemen's many other problems, some of which are outlined below.

Given the dramatic humanitarian situation, particularly in rural areas, the continued lack of security, the increase in food prices, and the constant power outages, many Yemenis are already disappointed by the government and the new president. While the international community is most interested in the political transition process and the security situation in Yemen, the main interest of large parts of the Yemeni population is procuring food and cooking gas from one day to the next. The unemployment rate (officially at 42 per cent) is over 50 per cent, and out of twenty-five million inhabitants do not have enough to eat. Dysfunctional state structures, corruption, and sabotage on the part of those who don't want the new government to succeed have repeatedly delayed or impeded the delivery of aid to those who need it most.

Due to various regional conflicts, the number of internally displaced persons (IDPs) is growing (460,000, UN estimate, December 2011). When Al-Qaeda (AQAP) fighters were pushed out of the southern province of Abyan by government troops, they booby-trapped most of the houses in the cities they had previously controlled (Jaar, Zinjibar, etc.). These booby traps have already claimed more than ninety lives and prevented the return

of the inhabitants to their homes. A smouldering conflict between Salafist fighters and Houthis has led to additional expulsions of civilians in the North.

In some cities, crime has risen sharply because some of the security forces loyal to the Saleh family have stopped working. The simmering power struggle between Saleh loyalists on one side, and the Al-Ahmar Brothers in alliance with General Ali Muhsen Al-Ahmar (who is not related to them) on the other, prevents the unification of the armed forces under a state-controlled leadership. Yemen is still far away from enforcing the supposed state monopoly on the use of force. Instead distrust characterises the mood in parliament and often prevents constructive governance and hinders reconstruction efforts.

As a sad consequence of all these ills, the widely used term »revolution« (*thaura*) has recently been replaced by the Arabic word for »crisis« (*azma*) by more and more Yemenis. The number of those who wish for a return to the »good old days« is growing. Public infrastructure – oil, gas, and power lines – is being sabotaged in some tribal areas (particularly in Marib) for one reason or another, which leads to frequent power outages in the cities and thereby inhibits economic development.

Young Yemenis, who took to the streets to demand political change in 2011, feel increasingly marginalised. Politicians from the ranks of the parliamentary opposition praise themselves as fighters against the old regime and strive for the power. Sadly, most of them have very little in common with the goals of those who protested in the squares of the country – a civic state, democracy, human rights, rule of law, and transparency. Many young Yemenis fear that if these »opposition figures« and their financiers were to seize power, the situation would be even worse than it was under Saleh.

## Threats to the Transition Process

The GCC Initiative has several weaknesses. One of them is its heavy focus on the only democratically legitimised institution in Yemen – the presidency. Since the parliamentary term has expired and the composition of the National Unity Government is not based on election results, President Hadi has more legal powers than any previous Yemeni president. Government decisions should be taken by consensus, but if no consensus

can be reached, the decision lies with the president. The same applies for disputes related to the interpretation of the GCC Initiative in the absence of an interpretation committee. Hadi has no deputy and is approaching his sixty-seventh birthday. Should he die unexpectedly, his death might seriously threaten the transition process.

The family of former President Saleh – and others who fear democratic changes – begrudge the new government every single positive achievement and pose an additional threat to the transition process. The power supply, security, and the humanitarian situation are worse than before the revolution. The Saleh family seems confident that a further deterioration will improve the chances for Ahmad Ali Abdullah Saleh to win the next presidential elections, as a growing number of citizens want a return to the *status quo ante*. Accordingly, the Saleh family are using their remaining power in a destructive manner. As long as Ali Abdullah Saleh and his son Ahmad don't go into exile, at least temporarily, the chances for a successful democratic transition are not particularly good. However, the Salehs are not the only problem. Should they leave the country immediately, the emerging power vacuum would most probably not be filled by the government, but rather by Ali Muhsen and Hamid Al-Ahmar (Islah MP, billionaire businessman and media tycoon), who are not known as advocates of democracy and the rule of law. Many Yemeni analysts predict that the transition will fail if the four main representatives of the destructive power struggle – Ali Abdallah Saleh, Ahmad Ali, Ali Musen and Hamid Al-Ahmar – don't leave the country.

Should the government fail to handle the humanitarian crisis, the security situation, and the poor supplies, it would endanger the process of change. Even if the Initiative were technically implemented as planned, an election in which an impoverished and frustrated people choose bread and circuses over democracy and the rule of law would bury all hopes for democratic change in Yemen.

## Recommendations to German Decision Makers

Germany is held in high esteem in Yemen. This has to do with the long and continued presence of German institutions in Yemen, with the fact that no other western country has invested more money in development cooperation with Yemen during the last ten years, and

also with Germany's successful unification under a federal parliamentary system – something many Yemenis long for given the failure of the previous centralised-presidential system.

However, Germany's role in Yemen must not be overstated. Particularly, Saudi Arabia and some other Gulf states have far greater influence. Then again, Germany is among the countries that have supported the GCC Initiative from the start and this role comes with responsibilities.

Western states can and should ensure that those who disrupt the Initiative will be sanctioned according to objective criteria. Penalties may range from »naming and shaming« in the form of public press releases (good example: the press release from MP Günter Gloser on 15 Aug 2012), to the freezing of foreign assets. Such policies could, for example be applied to officers whose troops attack state institutions. Especially regarding security sector reform, international pressure and threats of sanctions have already helped to enforce presidential decrees in some cases.

President Hadi should be encouraged to continue on his reform path. The German aid pledges for Yemen are therefore a good signal. They must not be tied to conditions regarding the aims of the GCC initiative, as the opponents of reform still strive to weaken the government. If sabotage of the reform process causes foreign development and humanitarian funds to be put on hold, it would seriously weaken reform-oriented actors in general, and president Hadi in particular.

President Hadi should be encouraged to use the existing, if weak, democratic institutions of his country more vigorously and to thereby strengthen them. If, for example, the implementation a decree was undermined by known disruptive forces, he could appear before the Parliament, name (and shame) the obstacles to reform, and ask the deputies to support his policies publicly.

The National Dialogue can only succeed with the participation of all of the groups mentioned in the Initiative. When talking to Yemeni critics of the initiative, there should be the clear signal from all international partners that a participation in the National Dialogue is the only way to turn ideas and demands into concrete policy. Participation can only happen without preconditions, as contradictory preconditions would block the dialogue before its start.

A substantial financial commitment from Germany to the Yemeni reform process is an important and correct signal. In this context, the implementing organisations of German development cooperation must be allowed to send personnel to Yemen so that the development funds can be spent as planned. Due to security concerns from the German Foreign Office's crisis management department, only seven experts are currently allowed to work in Yemen, while at least twice as many would be needed for the effective implementation of German development projects. Should these organisations not regain the capacity for traceable disbursement, German pledges might end up losing credibility. This needs to be corrected.





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This is a translation of a report published in German in August 2012.

### Imprint

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ISBN 978-3-86498-294-1