

Yemen

National Dialogue Conference: managing peaceful change?

Ali Saif Hassan

The 2013 National Dialogue Conference (NDC) was seen by many Yemenis as the only non-violent means of resolving the crisis in the country. The legitimacy of the conference is essential to its success, but is complicated and contested.

The NDC has been supported – or at least accepted – by many international and regional actors as well as most Yemeni parties. The huge media campaign that surrounded the inauguration of the NDC in March 2013 helped persuade many Yemeni people that it could bring them closer to stability and peace. Careful efforts to build equitable representation in the process, as well as outreach activities and a participatory approach, have sought to promote popular buy-in and ownership – although support has been much weaker among southerners. But balancing Yemenis' diverse and often divergent priorities and perspectives has presented a major practical challenge for the conference.

Uprising

The contemporary state of Yemen was established on 22 May 1990 under a unification agreement between the Yemen Arab Republic (YAR) in the north and the People's Democratic Republic of Yemen (PDRY) in the south. The new state incorporated all the contradictions and conflicts of its forebears, which had been allied to the two opposing Cold War blocs: YAR with the West, and PDRY with the Soviet Union.

Residual tension between north and south escalated into war in 1994, which culminated in the defeat of the south and northern hegemony over the whole of Yemen – including the imposition of conservative Islamic practices on the predominantly leftist and socialist society in the south. The victorious political elite comprised northerners and their allies from the southern military leadership in the 1994 war. It did not govern equitably or effectively – neither in relation to the south, nor regarding the various political and economic challenges that faced the nascent state of Yemen as a whole.

Political failure degenerated into crisis by the mid-2000s, giving rise to rebel movements in Sa'dah governorate in the north and a number of southern governorates. The Houthi resistance movement that emerged in Sa'dah in 2004 pitted Shia Zaydi revivalists against the predominantly Salafist military and political elite. By the end of the decade Houthi fighters (by now named Ansar Allah) controlled the whole governorate of Sa'dah.

Despite winning elections in 2006, President Anbi Abdullah Saleh's faith in his grip on power had been seriously dented by the newfound audacity of opposition parties, now allied as the Joint Meeting Parties (JMP), who dared to nominate a southern challenger to the presidency in the elections. In 2007 the Southern Movement, a popular protest movement, began demanding social justice and increased local autonomy. Spurred by government indifference to their cause and emboldened by increasing support from former political leaders from the south, the movement's demands became increasingly radical – ultimately calling for secession.

The Gulf Cooperation Council initiative

By the end of 2010 the regime had exhausted much of its social and political legitimacy among large parts of the population. The onset of the Arab Spring inspired Yemeni youth to mobilise in a non-violent movement. Massive demonstrations involving hundreds of thousands of pro-democracy protesters ensued in the capital Sana'a and other cities in early 2011.

President Saleh's long-time ally, General al-Ahmar, defected from the regime to support the revolution on 21 March 2011. Many political and military leaders, and



Women shout slogans during an anti-government rally outside Sanaa University on 17 April 2011. © Reuters/ Ammar Awad

a number of senior Yemeni tribal chieftains, soon joined him. These defections strengthened the uprising, but also politicised it and challenged its peaceful nature and pro-democracy objectives, raising serious concerns that Yemen could slide into bloody civil war.

Concern that growing instability would leave Yemen exposed to al-Qaeda and other extremist organisations helped to consolidate international response. Combined with the comparative weakness of conflicting parties in Yemen, international partners, in particular the European Union, Saudi Arabia, the United Kingdom and the United States, were able to persuade a number of major Yemeni parties to enter talks.

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Some opposition political forces such as the Southern Movement and Ansar Allah refused to take part, and did not endorse or recognise the resultant agreement. Nevertheless, Saleh signed an initiative under the aegis of the Gulf Cooperation Council (GCC) on 23 November 2011 in Riyadh, which included a series of steps that together added up to a comprehensive political deal to end the conflict.

The initiative gave Saleh legal immunity in return for conceding power to his deputy (and current president) Abdo Robo Mansour Habdi. A consensus government was set up, which shared power between the former ruling General People’s Congress and the opposition JMP alliance.

National Dialogue Conference

The NDC is the most important part of the GCC initiative. The conference sought to incorporate new forces for change in Yemen – predominantly driven by women and youth – as well as serious challengers to the state – Ansar Allah in Sa’dah and the Southern Movement – involving them in a process to draft a new social contract through comprehensive national participation. There were further hopes that the conference would present a promising model of what can be achieved through international consensus in resolving armed conflicts and civil wars, in the Arab Spring countries and more generally.

Yemen: Structure of the National Dialogue Conference

LEADERSHIP COMMITTEE

nominated/approved

CONSENSUS COMMITTEE

leadership com, chairs of WG, 10 nominated by President

PRESIDENT PLENARY: OPENING MEETING

- » 565 participants: representing Political Parties (GPC, JMP, et al), Southern Movement, Houthis, Women, Youth, Civil Society; 50% from South; 30% women
- » Opening speeches; to agree on procedures; elect committees

WORKING GROUPS

Working Group South	Working Group Sa'ada	Working Group State building	Working Group Security	Working Group Rights & Freedoms	Working Group Development	Working Group Trans. Justice	Working Group Special entities	Working Group Good Govern.
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PLENARY: MEETING

- » To review state of discussion in working groups

WORKING GROUPS (2 MONTHS)

Working Group	Working Group	Working Group	Working Group	Working Group	Working Group	Working Group	Working Group	Working Group
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PLENARY: FINAL MEETING

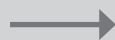
- » To finalise all open issues
- » Approval of final report
- » Closing session

COMMITTEE FOR NORMS AND DISCIPLINE

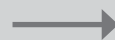
GENERAL SECRETARIAT

DECISION-MAKING BY VOTING

Plenary and Working Groups
90% majority vote



Consensus Committee
75% majority vote



Discussion & proposals until
75% consensus

The initiative stipulated that the NDC would lead to the drafting of a new constitution and the holding of a referendum, with the transitional period (ending February 2014) culminating in parliamentary and presidential elections. By the end of December 2012 a preparatory technical committee, comprising most parties and political components along with active women's participation, had developed procedures for the NDC. The committee stipulated that the NDC would comprise 565 members. It set terms for representation in the conference designed to promote "achieving change and facilitating Yemen's transition" through the "establishment of principles of reconciliation and true partnerships in building a new Yemen".

The committee guaranteed 50 per cent representation from the south, 30 per cent for women and 20 per cent for youth. It allocated conference seats among political parties and sectors of society, including the General People's Congress and its allies, the Yemeni Congregation for Reform (Islah Party), the Socialist Party, the Nasserite Unionist Party, the five government parties (Arab Socialist Baath party, Yemeni Unionist Congregation, Union of Popular Forces, National Council and Al-Haqq Party), the Southern Movement, the Houthis, and independent youth, women, and civil society organisations. Other entities included the Rashad Party, the Justice and Development Party, and members appointed by the president.

The procedures defined the conference structure, presidium, decision-making mechanism and consensus-building mechanism. The technical committee further identified nine specific topics to be addressed at the conference and designated working groups to address each one: the southern issue; the Sa'dah issue; transitional justice; statebuilding; good governance; the armed and security forces; special entities; rights and freedoms; and development.

By providing the south with equal representation with the north – all groups participating in the conference had to nominate half of their members from the south – the NDC sought to encourage participation of the Southern Movement, representatives of which were also given special representation and voting privileges in the Southern Issue Working Group.

As the NDC prepared to begin, Yemen faced severe problems: national survival, deep national divisions, threatened identity, dysfunctional state bodies and structures, and severe economic strains. All these problems were compounded by the overarching challenges of corruption and terrorism. But at the same time there was great hope among many Yemeni people that the NDC

could be a gateway to peace and national reconciliation, and would address the specific and urgent challenges represented by the nine NDC working groups.

The NDC was inaugurated on 18 March 2013 with a remarkable presence of regional and international partners. International support has accompanied Yemen's political settlement since its inception and members of the UN Security Council visited Sana'a in January 2013. During the six months since its inauguration the NDC has been engaged in intense dialogue, with technical and expert assistance from the UN team led by the Special Adviser on Yemen, Jamal Benomar, and support from a number of specialised international and local non-governmental organisations. The NDC Secretariat, comprising Yemeni experts who provide administrative and facilitation support, has played a key role in assisting the work of the conference bodies, and supporting media, communication and education, and documentation.

An important component of the NDC relates to outreach and consultation, through which the conference has sought to include civil society, the media and the Yemeni public. It was intended that citizens would participate directly and indirectly in outreach activities to try to increase the legitimacy of the NDC process. But outreach consultations were carried out in a shallow way, and the input and feedback gathered were not properly streamed into the deliberations of the NDC.

Federalism and the southern issue

The NDC has encountered major challenges and confrontations, sometimes reaching deadlock. The Southern Issue Working Group has faced especially severe problems securing a workable compromise, as the Southern Movement for a long time continued to demand the restoration of the southern state and the right to self-determination for southerners – against the stipulations of the GCC initiative and relevant UN Resolutions that preserve Yemen's unity. The failure of the government to implement the technical committee's "20 points" package of measures to address key challenges – 11 of which expressly addressed southern grievances – did not make things easier.

Many southern Yemeni leaders rejected the whole NDC process and denied its legitimacy. Some even considered the establishment of the NDC as defying their will and as a challenge to their own authority. When NDC working groups wanted to visit Aden in southern Yemen as part of the outreach consultations they were not welcomed.

A major complication has been tensions between representatives of the Southern Movement inside the NDC

and southern Yemeni leaders outside the process, and in particular gamesmanship between these two groups over who was doing the most to protect the interests and rights of the southern Yemeni people. This made it very difficult for representatives of the Southern Movement in the NDC to be accommodating or flexible for fear of being accused of surrendering southern priorities. The president and the government, and even some international conveners, unhelpfully disregarded the boycott and considered the NDC to be fully inclusive. In fact, a preliminary south-south dialogue may have helped the north-south dialogue (ie the NDC) to function more smoothly, and there were some attempts to facilitate such a process near the Dead Sea in Jordan, although these were not followed up.

As the NDC neared conclusion, the government, fearing that the southern issue could torpedo the whole process, eventually began to respond to concerns – although not without procrastination. International pressure from the Friends of Yemen – a group of 39 countries and international organisations, co-chaired by Saudi Arabia, the United Kingdom and Yemen – further tried to concentrate efforts to resolve these challenges.

Participants from the Southern Movement subsequently softened their secessionist demands, but maintained a minimum prerequisite of a federal state composed of two provinces, southern and northern, demarcated along the former international border. Northern parties, on the other hand, conceded that they had waived their insistence on the simple form of a unified state and would now accept what they described as the “maximum” federation – a federal state comprising several overlapping provinces that traverse the old border.

This “reluctant consensus” on a federal state, whether of two or several provinces, has remained unpopular in both the south and the north. Meanwhile, in this federal tug-of-war, southern and northern negotiators try to pull the rope as hard as they can in opposite directions – for something resembling the restoration the former southern state at one end, to something resembling a local government system at the other.

Rights, freedoms and transitional justice

Rights, freedoms and transitional justice are the biggest challenges facing the women and youth-led forces calling for civil change in Yemen, and there has been intense confrontation between these forces and conservative powers throughout the process. Thanks to their persistent (at times pushy) participation and perseverance, women and youths have managed to create political dynamism in the conference that was enhanced by unprecedented support from Yemeni and international civil organisations.

Of course, neither Yemeni women nor youth groups are politically homogenous, but comprise independent individuals as well as supporters of several political parties within the NDC. This reality has made it hard for these components to agree, organise themselves and choose their representatives. Nevertheless, they brought a particular dynamic of inclusiveness and participation, and also strong voices for freedoms and rights that traditional Yemeni politicians rarely consider or emphasise.

Women made major advances during negotiations to guarantee their right to 30 per cent political representation. But many human rights gains won during the first rounds of the NDC were later clawed back in sharp counter-attacks by conservative powers. Transitional justice experienced especially tough challenges from inside and outside the conference – not least as many key players in the process are themselves guilty of gross violations of human rights.

Implementation?

As the NDC neared its conclusion in late 2013, it was becoming clear that the conference was successfully creating powerful political dynamism in Yemen to challenge the dominance of the former regime and its political and social alliances and structure. But the wave of popular expectation around the outcome of the NDC has diminished. International aspirations have also progressively moderated to local realities as international partners have come to better understand the traditional culture of Yemenis, which does not say “no” directly, but replaces it with “yes, but...”.

There are still many concerns and questions lying ahead. Can the parties in the conference, northern and southern, sell their decisions on the southern issue and statebuilding to their respective constituencies? Can the fragile Yemeni state provide the necessary conditions to complete the remaining requirements of the GCC initiative, including the referendum on the constitution and the parliamentary and presidential elections scheduled for the first half of 2014? And can political parties accommodate the new political variables in Yemen – stemming from the peaceful youth movement and reinforced by the political dynamism generated by the active participation of women and youth in the NDC – in the light of ongoing instability and the enduring conservative muscle of traditional powers? The failure of the NDC would allow the roadmap of the peace process to be designed exclusively by conservative parties and under the auspices of the president – with no progressive participation of women and youth.

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