

**RESILIENT
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Avoiding Peace Pitfalls in Yemen:

Prospects for Developing a Resilient Social Contract

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The summary findings, and this full report, are available on the project and institutional home websites, www.socialcontractsforpeace.org, <https://www.wits.ac.za/wsg/research/research-publications-/working-papers/>, as well as our partner websites: http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/oslo_governance_centre/social-contract.html. <http://www.fesny.org/>.

EXECUTIVE SUMMARY

This paper provides an analysis of findings from the case of Yemen, as part of an 11-country research and dialogue project that examines what drives a resilient national social contract in countries affected by conflict, fragility or unresolved political settlements. Yemen's multidimensional civil war and proxy war manifested immediately after the highly celebrated National Dialogue Conference (NDC) that was brokered by the Gulf States and the international community. Despite the thoughtful approach and inclusive process, it was not sufficient to build enduring peace. Different regional groups and political elites in Yemen, including some who have politicised their grievances, deepened divisions, proving that a power grab, and not a resilient social contract, is their priority. In failing to reach a nationally driven and locally based political settlement, Yemen exemplifies the risk of not addressing fundamental grievances that make it even more difficult to achieve a more permanent, resilient social contract and that might even conflict. This paper addresses the core conflict issues and the degree to which competing narratives and informal politics affected the making of a resilient social contract.

1. Introduction

In 2011, Yemeni revolutionaries led a peaceful uprising demanding to unseat President Ali Abdullah Saleh, who had presided over Yemen for almost three decades. After 11 months of protests, a deal was brokered by the Gulf Cooperation Council (GCC) ending the presidency of Saleh and transferring his powers to Vice-President Abed Rabu Mansur Hadi in the interim. The political settlement was designed to terminate Yemen's political deadlock and avoid a civil war. However, the transition process was fraught with economic and political hurdles that accentuated corruption and mismanagement, inadvertently paving a path to collapse.

In thinking about forging resilient social contracts in countries affected by conflict and fragility, Yemen – a country suffering from civil war internally and torn by regional interests of Saudi Arabia and Iran by proxy – is a critical case in point for three main reasons that will be examined throughout the study. First, despite Yemen's 2013 National Dialogue Conference (NDC) being celebrated as a success by observers, three characteristics put this into question and make it necessary to look to how the underlying drivers of the resilient social contract may have failed. First, despite engineering a political settlement aimed at avoiding violence, Yemen broke into a civil war. Second, the international community aided the transition process of the political settlement by guiding Yemenis towards constructing an inclusive social contract, yet this has not worked. Third, while the process promised to remedy grievances, implementation was impossible without time and resources. Yemen had none.

As part of a study that reflects on what drives a resilient national social contract (Box A), the case of Yemen needs to consider what role the absence of a resilient social contract played in the failure of peace and what needs to happen to achieve a resilient social contract capable of sustaining peace.

In failing to reach a political settlement that is nationally driven and locally based, Yemen exemplifies the risk of not addressing fundamental grievances that make it even more difficult to achieve a more permanent, resilient social contract and that might even extend conflict. The Yemen NDC experience, although from the outset inclusive of diverse political affiliations, was still elite-driven and externally led, which meant that actors represented their narrow interests rather than those of society as a whole. It also demonstrated the myopic consequences of adopting processes focused on short-term, manageable wins rather than a long-term sustained peace process that takes into account the three postulated drivers of this study. As Yemen's experience has demonstrated, political elites secured backdoor deals during the NDC leading to alliances that preserved their interests regardless of the dialogue process or political settlement.

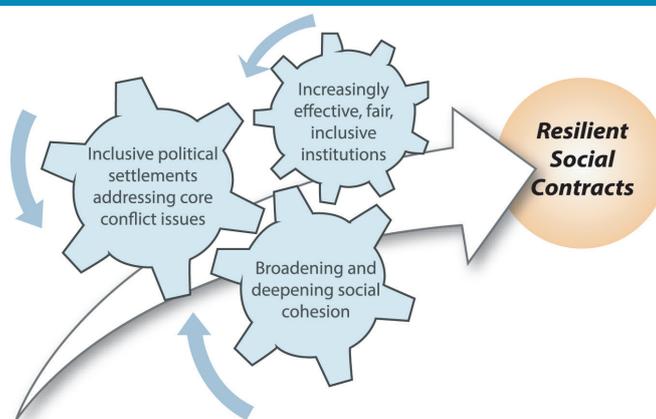
Background to Project and Methodology

This case study and overarching 11-country research and policy dialogue project are informed by a conceptual framing and methodology¹ that investigates what drives a resilient national social contract – that is, a dynamic national agreement between state and society, including different groups in society, on how to live together. Such a contract includes the distribution and exercise of power, and how different demands, conflict interests and expectations around rights and responsibilities are mediated over time through different spheres and mechanisms. Three postulated ‘drivers’ of such a contract, constructed through deeply rooted evidence-based research and dialogue within the project working group, are that:

1. Political settlements are increasingly inclusive and responsive to ‘core conflict issues’.²
2. Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.
3. Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (between citizens/groups and the state).

The value of these proposed drivers and their interactions is assessed in these studies for their ability to better understand what went wrong and the prospects for attaining and sustaining peace in South Yemen.

FIGURE 1: THREE DRIVERS OF RESILIENT SOCIAL CONTRACTS



‘Social contract-making’ spheres and related institutional mechanisms – central to the study framing and findings – are conceptualised as follows: Peacemaking (i.e., through a peace agreement or political agreement); Transitional (i.e., sequenced dialogues, commissions, truth and reconciliation processes); Governance-related, including formal mechanisms (i.e., codified structures of government, formal institutions, national development plans, devolution frameworks/policies) and hybrid mechanisms (i.e., where religious/customary/non-state actor and state mechanisms interact); and Everyday (i.e., citizen actions or practices, norms, mores). In this study, the everyday sphere also serves as a litmus test of the extent to which higher-level, formalised agreements or processes represent wider societal views.

For this Yemen case, desktop research, literature review, key informant interviews and focus group discussions were undertaken. Research covered two critical regions in the north and the south of Yemen such as Sanaa, Taiz and Ibb in the north and Aden and Abyan in the south (with members from Lahj and Hadramout). It included a balanced sample of representatives from women’s groups, political parties, academics and activists. The study included analysis of database resources and indices and built on supporting documents provided by the project. Particular attention in this case study is given to the 2013 NDC process (as a key, transitional, ‘social contract making sphere’) – unpacking how the failures of this process have triggered Yemen’s current political crisis from 2013 until today in 2018.

1. This research was overseen, and this working paper edited, by Research and Project Director, Erin McCandless. For full project framing, see McCandless, Erin. 2018. “Reconceptualizing the Social Contract in Contexts of Conflict, Fragility and Fraught Transition”. Working Paper, Witwatersrand University. <https://www.wits.ac.za/wsg/research/research-publications-/working-papers/>
2. As defined in this study, these are overt drivers of conflict and discord, either historical, or contemporary in nature, broadly agreed by the main parties to drive conflict and discord, that are being disputed in the policy arena nationally, over time, and have resonance for most, if not all of the population. Ideally, they are reflected in formal agreements or mechanisms and enable examination of how state and society address conflict (McCandless 2018).

2.0 Context

2.1 State and national identity formation

The Yemen Republic was formed after the merger of North Yemen, known as Yemen Arab Republic (YAR), and South Yemen, known as Popular Arab Democratic Republic of Yemen (PDRY), on 22 May 1990. There were no significant cleavages perceived between the two countries, as both shared the same dominant language and religion. Divisions were deemed to be an artificial construct as a result of colonialism intervention decades ago.³

The northern conception of a state was based on republican ideals following the overthrow of the religious Zaidi imamate, a sect found in Yemen that kept governance within the Zaidi Hashemite (descendants of Prophet Muhammed) ruling family. The south was a British protectorate until 1972 and later became entirely Marxist from 1974 until the fall of the Soviet Union. Both countries had local conflicts within their boundaries and had also attempted to fight each other. Political figures in Yemen perceived unity favourably, as it ushered an end of Yemen's inter-state conflicts, but they failed to comprehend the magnitude of protracted conflicts within the different localities.

Northern areas have a strong tribal culture. General People's Congress party al-Motamar, which was established in 1982 by late President Saleh, dominated the political scene. At the same time, southern parties such as the Coalition al-Rabita, the Liberation al-Tahrir parties, and the National Liberation Front, some of whose elements morphed into the Yemen Socialist Party created by Abdul Fattah Ismail in 1978, were the leading political parties in the south. The convergence of both states birthed a unique multi-party system in the Arabian Peninsula. During the unification year of 1990, one of the most prominent tribal leaders established the Yemeni Congregation for Reform, also known as al-Islah,⁴ which somewhat resembled the Muslim Brotherhood, with an ideology that sought reform of all aspects of life by Islamic principles.

With the hasty merger, efforts to construct a sense of national identity were nonexistent. A strong sense of tribal allegiance broadly existed in the north (which is composed of hundreds of tribes and the two main tribal confederations of Hashid and Bakeel). The south was also rife with different regional clans: Yafai, Dhali' and Hadrami, to name a few. There were also some southerners who remained proud of their former Marxist system and what they perceived as exposure to a modern state through a socialist system. Additionally, there were fragmented identities in the south as the Hadramis and Mahra states desired independence from the south. The identity mix was an asset and a powder keg, as southerners, who shared an almost equal amount of land and resources with the north, felt dominated by northerners, who exceeded their numbers by at least 10 million.

Regional discrimination and marginalisation that the state practiced shortly after unification and the 1994 north-south civil war caused fractures in Yemenis' sense of national identity. Regional divides were accompanied by social divides correlated to tribes and tribalism and demonstrated themselves in various forms: among tribesman, farmers, and urban dwellers, among the politically powerful Hashid tribal confederation and other tribes, and between tribes and nontribal people in the north itself (Salmoni et al. 2010).

A sense of 'us against them' engulfed north-south dynamics after the civil war and accentuated polarisation and identity politics in Yemen's popular culture. Southerners' patriotism and loyalties were unnecessarily called into question, with accusations of separatism "Infisali" for any southerner who

3. Also involved in the establishment well known figures such as Ali Mohsen al-Ahmar, Abdul Majeed al-Zindani, Mohammed al-Yadumi and Yahya Rassam.

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questioned the state. In a similar vein, southerners harassed northerners and called them “Dihbashi”, which referred to a clumsy fictional tribal television character. Southerners, in particular, felt scarcely represented in government and political institutions while the central government continued to ignore their plight. This, among other alienation dynamics, made many southerners describe their situation as “occupation”, prompting them to coalesce around their southern identity.⁵ The government’s emphasis on unity as a critical national narrative, criminalising anyone who spoke against it, was a key factor in the southerner’s sense of alienation.

2.2 Core conflict issues and resilience for peace capacities

The 2011 Yemen youth uprising was a monumental event where youth from all stripes of society united in their sense of economic hardship, marginalisation and exploitation that was imposed by the state and its elites. At its core, the 11-month-long youth uprising contested living conditions and demanded better governance and economic opportunity, acknowledging the many political and societal grievances that affected youth, women, political groups and regions. The 2011 uprising was not just a one-time event; it was a culmination of the various struggles that emanated from different regions and political factions over time. However, the pressure exerted on the state from multiple actors with different agendas, including tribes, political parties, civil society and even the international community, has overshadowed the spirit of change with its overwhelming focus on stability and peaceful transition of power.

Numerous groups across Yemen were subjected to different forms of marginalisation, which intensified over time. The propensity for governance was not attentive to inclusive development. The state faced pressure from different regions that had specific attributes that were incongruent with the Yemeni state and the constitution, such as secession or sectarian governance. The challenging economic conditions and government mismanagement of resources contributed to a deepening sense of injustice and created deep levels of social mistrust in the state, fostering enmities among societal groups.

Two main narratives accentuated grievances between people and the state. The first was the southern ‘occupation’ narrative, which permeated only the south of Yemen after unification of the north and the south in 1990 and intensified during the 1994 civil war. This was rooted in the state’s exploitation of oil and land resources from the south and in political marginalisation of southern leaders and groups, including women, who had a prominent role to play during Yemen’s southern communist area. The second narrative was a ‘supremacist’ narrative, also known as the ‘political Zaidi Hashemite’ narrative, which is based on a specific supremacist sect that ascribes the right to rule to descendants of Prophet Mohammed. It is worth mentioning that Zaidi Hashemites had ruled Yemen for a millenium before they were finally overthrown in 1962 by Yemen’s revolution.

These narratives, although common and widespread among communities, were perceived as radical and, to some extent, taboo. They were mostly represented by underground movements. Suspected followers of each narrative were under threat of marginalisation or imprisonment. Former President Saleh’s regime deepened its influence as it suppressed counter-narratives through state capture and informal elite patronage networks. This patronage system, described as a neo-patrimonial network, was “sustained through permeation of informal patrimonial loyalties into formal state organisations” designed to shore up the power of the elites (Phillips 2017). The result was endemic corruption, as the state rewarded its elites and networks, creating an uneven balance in service delivery through patron-client relations.

Moreover, many regions did not benefit from their land resources. For example, Yemen’s most lucrative oil facility was in Belhaf port in the south, situated amid widespread poverty, inequality and

5. Focus Group Discussion, Aden, Abyan, May 2017

discrimination. Except for a few schools and essential services provided to small communities around the facility, there were almost no benefits to society at large in the south. Such practices, in addition to corruption in business deals, exploitation of ports, fisheries and other natural resources, as well as alienation from political power, contributed to feelings of exploitation and occupation of the southern region and fueled calls for secession, which ultimately strengthened the narratives that the state was trying to counter.

This study identified two core conflict issues based on the different narratives that local Yemeni and international experts identified during interviews because of those issues' impact in stifling political settlements: the distribution and exercise of political power, and unequal service delivery.

First, the distribution of political power in Yemen has always been unbalanced, but, during former President Saleh's rule, his patronage network was deeply entrenched in Yemen's governance system and became somewhat normalised. Despite Saleh's ouster, his patronage network survived, creating significant challenges to Yemen's transitional process. Furthermore, Saleh consolidated power with his former adversaries, the Houthis, who had fought him from 2003 to 2009 and whose leader he killed. Second, socio-economic disadvantages in most regions were manifested through unequal service delivery. This unevenness was also a result of pervasive corruption and mismanagement. Deeply entrenched patronage networks, which had existed for three decades in tribes, politicians and business elites, undermined the performance and integrity of the state and affected state-society relations.

Although Yemen's transitional period following the 2011 uprising attempted to mitigate some of the grievances in the north, south and other regions, there was a widespread perception among citizens that the government was not responding quickly or efficiently to their needs. While it was difficult to temper citizens' expectations with regards to how rapidly the change could happen, the state did not take reassuring steps to gain the trust of its citizens. Nepotism, unequal service delivery and mismanagement were unchanged or, in some cases, such as the security sector, even worsened. President Hadi and members of his cabinet gravitated towards the recruitment of their family members in official government roles. The transitional government was viewed as complicit in stifling meaningful change.

Despite the complicated economic and political situation, resilience capacities that can support peace exist in the society. There is a strong culture of dialogue within Yemen that enables Yemenis to come together and discuss disputes. Informal governance structures, such as tribal councils, allow for a reasonable open discussion. Tribal arbitration has not always been fair, as the sheikhs of tribes could also abuse their authority, but there are systems of checks and balances in the majority of tribes that mandate that sheikhs govern with their cultural codes. It has also been clear that many Yemenis have a strong willingness to acknowledge one another's grievances and attempt to be fair in finding solutions.

Access to politicians and influential members who could intervene has historically been feasible. For instance, while women made breakthroughs by achieving positions in ministries, parliament, the judiciary and civil service, many Yemeni men interviewed for this study believe that Yemeni women have fewer rights than men and suffer a greater burden in rural areas. In a similar vein, while southern grievances could be viewed as a matter for southerners, individuals and groups throughout the country have repeatedly been willing to acknowledge that the south experienced injustices following unification and especially following the 1994 conflict.

There is also a culture of empathy and social support that stems from Islamic religious teaching, which demonstrates a willingness to help the vulnerable and less advantaged. Solidarity among members of the community has its roots in the family and community structure. This is aided by the geographic terrain of the country, where 70 percent of rural areas have communities of 1,000 or fewer people,

allowing the formation of deep social connections. Manifestations of solidarity and empathy extend beyond community members to regional communities as well; for example, while conflict-induced displacement has contributed to Yemen's humanitarian crisis, the situation would likely have been far worse, had Yemeni communities not been willing to support internally displaced people (IDPs) and to host them in their own towns.

3.0 DRIVER 1 – Political Settlements Addressing Core Conflict Issues

In this section, Yemen's selected core conflict issues – the distribution of political power, and unequal service delivery – are examined through the peacemaking and transitional spheres as outlined by the 2011 UN-backed GCC process, which created a power-sharing agreement and implementation mechanism to bring parties under one unified umbrella. The ultimate objective was to draft a constitution rooted in the values of freedom, human rights and democracy. In examining the GCC agreement and implementation mechanism (through the NDC process), particular attention is paid to the quality of the agreement reached, whether it is sufficiently bottom-up rather than top-down and represents the various stakeholders and localities affected by conflict and whether it sufficiently addresses the core conflict issues in a way that reflects a grassroots support.

Yemeni parties reached an agreement formulated after the 11 months of protests, which ended with former Yemeni President Ali Abdullah Saleh signing a UN-backed GCC initiative and a set of implementation mechanisms geared towards a peaceful transition of power, although all parties were reluctant to sign it. The agreement, signed on 23 November 2011, provided an overall picture of the mechanisms surrounding the transition and a general roadmap for the next step in the process. The political settlement outlined a two-phase process that was broadly agreeable to everyone. The first stipulated that Saleh's presidential powers would be delegated to his vice-president, Abed Rabu Mansour Hadi. Towards the end of phase one, Hadi became the uncontested consensus candidate for Yemenis when he was elected on 21 February 2012 as president of Yemen for the next two years.⁶ The second phase of the agreement required the launch of what was described as an 'inclusive' National Dialogue Conference (NDC) to address issues that arose during the protests and to revise the Constitution before elections in February 2014.

Under the GCC initiative, power was shared between the ruling party of the General People's Congress (GPC) and the opposition bloc Joint Meeting Parties (JMP), which is comprised of five parties, including Yemen's Islamist Congregation and Reform Party, known as Islah, and the secular Yemeni Socialist Party (YSP). The agreement kick-started the NDC process that represented the backbone of Yemen's transition. The NDC started on 18 March 2013 in Yemen's Mövenpick Hotel in Sana'a as a part of a two-year transition process outlined in the GCC Pact to create a path away from conflict and towards a citizen engagement process "to build a more just, equitable and prosperous Yemen" (NDC website).

The delegates to the Conference were tasked with developing consensus solutions to respond to Yemen's challenges. These solutions were based on research and analysis of ideas proposed by citizens and Conference delegates. The Working Groups were to achieve consensus on proposed actions or solutions before final consideration. According to the NDC website: "Where 75% support exists within a Working Group on a recommendation, the Consensus Committee will then work to see what they can do to find a stronger solution that will enjoy greater support within the Working Group. Ultimately, however, any idea that enjoys 75% support within a Working Group will be presented to all delegates in the Plenary and, if 75% of all delegates support the recommended idea, then it is deemed to have been adopted by the Conference" ("Frequently Asked Questions" 2015).

6. The Houthis boycotted the elections in 2012.

The Constitution Drafting Committee (CDC) was formed on March 8 by President Hadi and included diverse civil society groups, independent youth and members of political parties. While the NDC nation-building team recommended the selection of 30 members for the CDC according to their areas of expertise, President Hadi named only 17 members, all of whom were deemed to be lacking expertise in constitutional law. CDC critics point out that the selection process for members was haphazard and not as representative of movements or as diverse as the NDC. Women constituted four of the total number, while youth were underrepresented, as the names that they nominated were rejected. Youth groups viewed the CDC as partisan and tilted in its composition towards the Islah and General People's Congress Party. Yemen's Socialist Party was represented by one member only. Although the Constitution was drafted, it did not reach the referendum stage, as it was interrupted by the Houthis' takeover of the capital in September 2014, which triggered a destructive armed conflict and regional military intervention to restore the internationally recognized government of Yemen.

3.1 Core conflict issue #1 – distribution of political power

Quality of inclusion and governance during the transition process

The NDC process was a 10-month-long conference that saw its completion with a total of 1,800 outcomes contributed by the 11 working groups that comprised the conference. At that time, many Yemenis and international observers deemed this process as a positive model of inclusive and constructive dialogue. However, the NDC lacked any mechanism to deal with spoilers who had more power than most participants and who could control the fate of the process.

As the state campaigned to spread awareness to citizens about the NDC and its importance, heavy criticism of the process ensued on social media with skepticism of its success. Yemeni citizens viewed NDC participants as elites who did not represent them. This was a fundamental error in representation: the NDC hosted individuals who were activists or politicians, not representatives of their areas. The delegates had no constituents to represent and their commitment to the communities they claimed to represent was contested.

Some actors from the south who opposed unity rejected the NDC's mandate, arguing that the south of Yemen and its independence were stand-alone issues that needed to be addressed first. The southern movement of HIRAK viewed participation in the dialogue as flawed and a betrayal of the cause of secession. The real leaders of the movement, including exiled leaders outside of Yemen, rejected participation.

The southern HIRAK representatives who attended, while respected by many, were more affiliated with Hadi; his agenda, their influence and negotiations in the dialogue were not based on any grassroots support "especially in solidly pro-separatist areas like Dalia and Lahj" (Middle East Report N°145 2013). According to the ICG report, "their standing within the HIRAK is on the line, contingent on their gaining significant concessions or walking out of negotiations."

Groups that entered the NDC process sought to protect their interests with little regard for the national interest. This fatal flaw in the design stemmed from a desire to achieve a consensus that would avoid an immediate conflict. In a similar vein, networks of patronage remained intact and continued to weaken state institutions. The NDC was incapable of implementing the outcomes it hoped for. For the majority of Yemenis, the NDC process was a 'game of musical chairs' where elites continued to fight for power without attention to Yemen's economic collapse and citizens' needs. The lack of focus on local-level actors, spoilers and the economic situation impacted the outcomes of the document.

In the absence of strong government mechanisms that could enforce the NDC's recommendations, a de facto form of informal governance remained in the country during the transition period. The parliament granted the former president and his family immunity from prosecution for 'politically motivated' crimes. After the law passed in January 2011, work on transitional justice and reconciliation law ensued, with a draft law circulating in March of that year for debate. The draft law was unable to achieve cabinet approval, as some of the parliamentarians wanted the law to encompass all events since 1962 as opposed to 2011. Many international organisations expressed concerns over the Immunity Law as it protected Saleh and his aides from criminal accountability. However, the draft law on transitional justice was seen as a step in the right direction as it included the importance of truth-seeking and reparations and calls for institutional reform.

Thus, the NDC called for the establishment of a Transitional Justice and National Reconciliation Commission to investigate alleged human rights violations, assign accountability for abuses and secure reparations for victims. The mechanisms for this commission were not detailed, as there were no plans to operationalise it; ultimately, nothing materialised. Furthermore, there were numerous inconsistencies embedded in the outcomes of the NDC with regards to reconciliation. For example, the Good Governance Working Group called for the development of "legal rules and foundation to publicly confront past problems in a transparent manner, and to reach consensus in how to deal with them", yet it also noted that "this should be done through full amnesty and by forgetting the past [...] or by truth-telling and reconciliation, or through partial amnesty and any other visions where people have consensus." These statements demonstrated a lack of clarity about the mechanisms for implementation. Formal justice mechanisms had never been strong in Yemen and the informal system followed outdated customary mechanisms that often clashed with formal institutions. This was one of the central dilemmas of the Yemeni system. An estimated 80 percent of Yemenis derive justice for everything from land disputes to traffic violations and even murder through customary mechanisms. Kidnappings and assassinations of Yemeni judges became pervasive. The general insecurity was preventing the courts from performing. The lack of security and access to justice, both formal and informal, affected the overall relationship between people and the state and undermined the potential for and nature of peace.

Implementation, evolution and adaptation

Mistrust around the evolution and adaptation of the NDC outcomes played a significant role in sparking Yemen's new round of violent conflict in 2014. The results of the NDC allowed the extension of Hadi's presidency for one year, which was a highly contested outcome. An extension was granted to allow for necessary reforms in government during the transition period, including the restructuring of the Shura Council to include members from the northern and southern regions.

The process of CDC formation was controversial and undermined trust in the process. Some believed that Hadi's overreach in reducing the number of representatives (there were 17 members who drafted the constitution instead of the initially mandated 30 members) and his partisan selection would produce a constitution meant to preserve his central powers, especially at the federal level, however, others who participated in the process believed that the process and selection was fair as they had to elect a representative from each group to participate in the committee. Ultimately, the CDC could not outline a sound federal system and work out the various relations between the capital and the regions. CDC members also could not design a decentralised/federalised system with respect to the judiciary, public revenue and revenue redistribution. Finally, some believed that President Hadi had manipulated the system by overstaying his term through tasking the CDC one year to finish its job with fewer resources.

The sudden introduction of federalism as a leading solution to core conflict issues was controversial because there were no thorough consultations about it. The federalist proposal called for dividing Yemen into a six regions – Azal, Saba, Janad, Tihahma, Aden and Hadramout – with Sana'a having special status independent of any region and with the port of Aden having independent executive and legislative power.

While federalism was theoretically plausible, given Yemen's geographic diversity and tribal makeup, it was not readily accepted by regions that rejected Sana'a's centralised power and by groups who had demands that went beyond the federal system (such as the southern secessionists or the Houthis, who wanted a zero-sum control of the state). A prominent southern leader who participated in the dialogue, Mohammed Ali Ahmed, expressed frustration about this outcome and pulled out of the NDC, stating, "What has been announced about the six regions is a coup against what had been agreed at the dialogue" (Mukhashaf 2014). According to a Saferworld report, "In part, Yemen's war has been sparked because of the mistrust caused by the maneuvering around the federalism question" (Salisbury 2015).

The proposal did not explain how regional leaders in a federal system would behave any differently than in a centralised national government. "It seemed like the plans were in the air, as it wasn't clear what financial cost are needed to build this federalism system," said a former NDC member. As Yemen's resources were scarce, transformative experiences were frowned upon. Preference was given to improving development and service provision to reduce the financial burdens that Yemenis would incur from such political reconfiguration.

Members were faced with one of the two choices, either rush towards elections without a constitutional referendum, or we wait until a referendum is feasible to hold, and have elections later based on the new constitution. According to Yemeni researcher Bara Shaiban⁷ "The majority of NDC members opted to wait for the referendum to happen so no one can object to the result of the elections as not being representatives enough of the National Dialogue." The original GCC initiatives stated that President Hadi should stay for two years, but according to the Yemeni constitution, Hadi should have remained in office until the coming elections in order to avoid a constitutional vacuum.

The transition process could not offset historical or political issues. It offered a display of understanding of principles and capacity that would play well with the international community, but it also divided and accentuated grievances on the local level, creating a gap between Yemeni citizens at the local level and their various representatives in the capital. A Yemen expert respondent indicated in an interview that "the NDC process was an escape, as politicians felt that they may solve their problems by running into something new."⁸

3.2 Core conflict issue #2 – unequal service delivery

Unequal service delivery manifested itself in the economic, security and civil service sectors and significantly deteriorated during the 2012-2014 transition. This was a result of a lack of resources and institutional failure as well as the challenging autonomy of customary groups, such as armed tribes, that strong-armed the new state. The inability of the Yemeni Government to uphold the rule of law in a tribal culture deepened grievances in some regions and had a negative impact on the legitimacy of the government in general. Also, the increase in the frequency of terrorist threats in public spaces in Sana'a and Aden exacerbated tensions.

Within the NDC process, service delivery was seen as playing a key role in conflict, yet unequal service

7. Whatsapp interview with Yemeni Researcher, December 2017.

8. Skype interview with an international Yemen expert, June 2017.

delivery was seen as a function of corruption rather than a systematic policy to disenfranchise and exploit groups. NDC working groups failed to acknowledge the systematic discriminatory policies that regions were subjected to, choosing instead to consider the issue on a case-by-case basis. This undermined the potential to address the CCI at its roots and to weave appropriate strategies to address it through other social contract-making mechanisms.

A common theme throughout the NDC outcomes and draft constitution was the affirmation of the rights of citizens to basic services and resources, including clean water, food, health care, social welfare and education. The draft constitution also affirmed the responsibility of the government to ensure that the most basic needs of citizens in these areas were met.⁹ However, this affirmation had no weight, as citizens had lost trust in the process. The dialogue process might have even exacerbated the severity of the situation, as the government focused on negotiations and faltered in almost every other aspect of governance and service delivery.

Further, blind spots surrounded the implementation mechanisms related to the commitments set forth. Plans to finance were nebulous and donors gave no commitments. This was even further weakened by fluctuations in funding from partners. Actors were unable to influence the outcomes peacefully. The agreement did not represent a consensus on the rules of the game among contending political elites, as it excluded others. There were no clear incentives, mechanisms and commitments for elites to cooperate on the implementation of these agreements.

In short, the focus on the NDC process came at a price. Daily needs of the general population were overlooked while political leaders sat together for six months without making progress; meanwhile, economic conditions steadily deteriorated. Furthermore, between 2011-2013, law enforcement and security services were increasingly focused upon Sana'a to safeguard the high-level delegates. The absence of security in most Yemeni population centres and the lack of the state's capacity emboldened armed groups such as the Houthis to continue expanding. During the NDC, the Houthi militia took over essential cities surrounding their territory and the capital, including the critical city of Amran. By the end of the NDC, the transitional government was fragile and unable to contain the Houthis' activities and ambitions.

In addition, high levels of resources were allocated to the NDC, with little going to service delivery. According to the NDC website, "The national dialogue and conference will cost approx. 8 Billion Yemeni Rial. The Republic of Yemen pays 40% of this total cost." A continued justification of the expense was provided on the NDC website: "The cost of the NDC is [...] 130 Yemeni riyals for each Yemeni citizen. For the price of the 130 YR or the equivalent of one bottle of water per citizen, we have the chance to build a future for Yemen based on equality, opportunity, and prosperity. There should be no higher priority" (Frequently Asked Questions 2015).

However, the cost was much higher and should not have been measured by the money spent on the conference itself. Security forces focused on protecting the delegates, including by erecting road blocks in the capital for many hours a day. The already unstable environment was compounded by terrorist attacks in the capital and major urban areas, something never experienced prior to the transition. Furthermore, the inability to provide continuous electricity and the deteriorating economic conditions exhausted the capacity and patience of Yemeni citizens.

9. Among working groups, the state-building working group stated that essential service delivery is a human right and the draft constitution emphasised the importance of basic service delivery and rights.

4.0 DRIVER 2 – Institutions Delivering Effectively and Inclusively

The 2011-2014 transitional period was seen as a continuation of the 2011 uprising as citizen dissatisfaction with the state continued, with protests, strikes and sit-ins demanding changing symbols of the old regime and removal of Saleh's family members and affiliates from influential positions within the security apparatus, government and public institutions (Yemen: Enduring Conflicts 2012). Public discontent over the role of state institutions demonstrated a fundamental disconnect between the spheres of social contract-making and the aspirations of people.

While understandably Yemen would unlikely show progress during the 2011-2014 transition process, living conditions actually declined during the transition. Prior to the unrest associated with the Arab Spring, the Government of Yemen conducted a Human Rights Awareness Survey in 2010 that showed significant concern about poverty and rising food prices¹⁰ (Human Rights Public Awareness 2010). Perception of poor service delivery continues, with Yemen's ranking at number four out of 178 countries in the Fragile States Index (FSI) with respect to economic inequality and public services (C1: Security Apparatus 2018).

The government's inability to face security challenges from spoilers exhausted citizens. Furthermore, accusations of corruption against the transitional government were mounting, especially in civil service appointments, the majority of which were allocated to President Hadi's loyalists and family members. This damaged the performance of state institutions and citizens' trust in their own government.

In exploring whether institutions are becoming more effective and producing more inclusive results and key functions to enhance state legitimacy, it becomes clear that the transitional government fell short in improving the economy, providing equal economic opportunity, fighting unequal economic development and providing security and stability for citizens. Many respondents in the study cited government ineffectiveness as the main culprit in Yemen's acceleration toward collapse.

4.1 Performance

Yemen's official institutions are inept and dysfunctional. Public service performance is best characterised as lopsided in delivery, producing uneven economic development. Although Yemen is surrounded by rich oil-producing countries, it has one of the worst poverty levels, including high maternal and infant mortality rates and low education levels.

FSI 2017 report rates Yemen at 9.6 out of 10 for public services, which indicates that public services are non-existent in rural areas and rapidly deteriorating in urban areas.

More often than not, public state institutions that are supposed to serve the people fail not only in terms of delivery of essential services such as health, education,¹¹ sanitation, public transportation and other fields, but also in protecting citizens from terrorism and violence. This has contributed to the rise of communal nationalism, which has been in some ways a direct response to the lack of capacity of the state. Furthermore, the state has often used public agencies to serve the ruling elites, such as high-level ministers, presidential staff, multilateral donors and the diplomatic service, heads of political

10. Respondents to the Human Rights Public Awareness survey expressed dissatisfaction with government performance in service delivery, with 59.3 percent of respondents concerned with health care, 59.1 percent with electricity and 29.9 percent with education (Human Rights Public Awareness 2013).

11. Education is particularly worse than ever before in Yemen. According to the Yemeni Research Centre's SEMC field report, "1.3 million out of 6 million Yemeni students have been prevented from pursuing their education during the 2015-16 academic year, representing 22% of the total number of students in Yemen — one out of five Yemeni students — while only 40% of schoolteachers were able to perform their jobs" (Alwly 2016).

parties and powerful sheikhs, etc. According to one respondent, “Our side-road was unpaved and unlit for years until a high-level official moved into the neighborhood. Not only did they pave the side-road, but they also fixed the ditch in the main road.” The state delivered services to places where there was a visible impact to those it served within its interest or patronage network, whether high-level officials and local representatives or powerful tribes.

Poverty and economic decline have also been major factors. Inequalities among several groups in Yemen are not just a result of lack of state resources, but also a result of pervasive corruption and mismanagement.¹² Gaps in economic equality were clear between urban and rural areas. However, areas that were once prosperous, such as Aden in the south of Yemen, witnessed an economic decline due to political marginalisation after the 1994 civil war, which culminated in a confrontation with the state. In fact, the southern movement, al-Hirak al-Janoubi, originated in 2007 among discharged military personnel who demanded equal rights between the north and south of Yemen under the law – a demand that the government met with further oppression and marginalisation (Breaking Point 2011).

Yemen’s pervasive perception of corruption and mismanagement, frustration and disappointment with basic service provision provided a deep sense of exclusion among those who were affected by

the institutional maladies of the state. The situation particularly deteriorated during the transition period.

CORRUPTION PERCEPTIONS INDEX 2017

2017 Rank	Country	2017 Score	2016 Score	2015 Score	2014 Score	2013 Score	2012 Score	Region
169	Iraq	18	17	16	16	16	18	Middle East and North Africa
169	Venezuela	18	17	17	19	20	19	Americas
171	Equatorial Guinea	17	N/A	N/A	N/A	N/A	N/A	Sub-Saharan Africa
171	Guinea-Bissau	17	16	17	19	19	25	Sub-Saharan Africa
171	Korea, North	17	12	8	8	8	8	Asia Pacific
171	Libya	17	14	16	18	15	21	Middle East and North Africa
175	Sudan	16	14	12	11	11	13	Middle East and North Africa
175	Yemen	16	14	18	19	18	23	Middle East and North Africa
177	Afghanistan	15	15	11	12	8	8	Asia Pacific
178	Syria	14	13	18	20	17	26	Middle East and North Africa
179	South Sudan	12	11	15	15	14	N/A	Sub-Saharan Africa
180	Somalia	9	10	8	8	8	8	Sub-Saharan Africa

According to the Transparency International Corruption Index, Yemen’s position went from 23 to 18 during the transition period.¹³ As citizens expected the absolute bare minimum from the the state, their situation kept shifting from bad to worse. Government changes and movements that promised greater rights and freedoms led Yemeni citizens once again to become prey to narrow elite interests.

There are no reliable formal state mechanisms of justice because of the state’s inability to execute justice consistently and fairly. Yemen’s legal system has been mired in ineffectiveness and complacency for the past few decades as it has often competed with traditional justice mechanisms. Indeed, due to the chronic ineffectiveness of government institutions, the situation before the uprising led to a breakdown in the Yemeni Government’s ability to provide security for its citizens. This disintegration allowed actors at the local level to take charge, such as al-Hirak in the south and the Houthis in the north; in some cases, this was one of the drivers towards social and political fragmentation.

Furthermore, the transition period brought a wave of terrorist attacks to the capital, especially suicide attacks of large-scale magnitude that affected security. Public security and personal safety have been challenged by increasing attacks from Al Qaeda in the Arabian Peninsula (AQAP), the violent takeover of Houthis’ militia of major cities, and other random violent groups that have been kidnapping citizens and foreigners.

Many respondents have indicated that the absence of state sovereignty has decreased state

12. According to the Fund for Peace conflict assessment manual, Yemen ranks 4th of 178 countries, with Uneven Economic Development that is severe along group lines and associated violence or group grievance that is increasing (Messner et al. 2015).
 13. The Index, which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople, uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean.

legitimacy and invited external intervention. The groups cited the Arab intervention, AQAP and the United States as the most destructive forces against state legitimacy (Focus Group Discussion Report 2017). Arguably, state performance is a primary reason that external intervention is high. FSI puts Yemen at 10 for 2016 and 2017, indicating that an external actor is responsible for all or most government functions.

4.2 Expectations and process

The NDC and draft constitution addressed the need to create institutions to address issues of representation and inclusiveness. These included the National Media Council (Article 290); the Independent Civil Service Authority (Article 291); the Anti-Corruption Authority (Article 292); the Human Rights Commission (Article 293); and the National Commission for Women (Article 305). There were some successes, such as the reinstatement of the suspended al-Ayam newspaper.

Many respondents to this study, however, viewed significant hurdles in implementing the majority of NDC and draft constitution provisions due to the clash between customary rules and rules set out in official governance mechanisms, as well as parties' attempts to undermine each other during the transition process. According to one international expert, "There are technocrats who are working hard for reforms, but the political elites use ministries for their own interest. During the transition process, ministers of one party would block the work of ministries headed by a member of the other party in the coalition government, disregarding national interest because they didn't want the other party to score points among the population."¹⁴ The expert also elaborated, "There was no institutionalized mechanism to get ministries on the national level to understand the situation on the local level, no communication between the national level and local, and it is often likely that, if you are a high-ranking official on the local level and not a friend of the minister, you would have no way to communicate to the ministry in Sana'a the needs of your office to function."

Also, overt intervention in Yemen during the transition, most notably through US drones, has been a factor in reducing legitimacy of the state and worsening economic conditions. US intervention in Yemen began in 2002 by targeting individuals affiliated with AQAP. According to respondents and Focus Group Discussions, drone intervention in Yemen, in addition to increased terrorist attacks that targeted the regime, is viewed as one of the main factors that undermine state legitimacy and enabled the Houthi rebellion, whose supporters accused the state of colluding with the United States for its own interest. The Bureau of Investigative Journalism reported over 200 strikes since then, which have "killed over a thousand Yemenis, tens of children, and at least a handful of U.S. citizens" (Schwedler 2015).

5.0 DRIVER 3 – Social Cohesion Broadening and Deepening

One unfortunate outcome of the transitional period of 2011-2014 is that it inadvertently accentuated the divisions through the NDC process (which was initially meant to strengthen social cohesion). As groups rose to discuss their grievances against the state during the NDC, they became smarter in navigating and exploiting the weaknesses of the transitional period. The political negotiations solidified a communal sense of identity and gave the leaders of the different movements/coalitions a platform whereby they were able to gain supporters for their cause and widen their narrow bases.

The study illustrates a weakness in the vertical cohesion aspect (relations between citizens/groups and the state). It also illustrates a blind spot in design, especially for international mediators, and in addressing horizontal cohesion (across citizens, between groups) due to the failures to address core

14. A Skype interview with Marie-Christine Heinz, an international expert on Yemen, June 2017.

conflict issues in driver 1, coupled with the state's lack of capacity to address political institutions and failures in driver 2, which have ultimately influenced the social contract. This analysis considers domains of social cohesion – including issues of belonging and identity, trust and respect, and participation and representation.

5.1 Vertical social cohesion

The overwhelming desire for a zero-sum power grab is not new for Yemen. To fully understand this, it is important to understand the role of the state, which, for the past three decades, has significantly altered many aspects of societal cohesion and cooperation. In addition, social cohesion within groups has been eroded by urbanisation, migration within and outside Yemen, extremist ideologies and other aspects of 'modernisation'. The compounded southern grievances sharpened the narrative of victimisation, widened the gap between citizens of north and south and ultimately led to southerners' call for the right to self-determination and secession. These calls were still active during the National Dialogue process and continue until today, with a firm stance of rejecting union with the north.¹⁵

The presence of factionalised elites, tribal elites and many disenfranchised groups affected the national sense of identity. A strong feeling of separatism in haunted the south for years after unification. As illustrated by driver 1, myth-making against groups that did not curry favor with the state was deeply entrenched in state institutions.

The Yemeni state sought to deepen its influence by empowering its allies and placating its adversaries. Saleh's patronage system benefited many groups and deepened the state's control. Informal actors such as tribal leaders and other private sector moguls, businessmen, political figures and even some civil society organisations were brought into the system. Saleh's institutions became overinflated with loyalists, which ultimately marginalised a large segment of the population and various regions.

The situation is also worsening for Yemenis. During the 2011-2014 transitional period, worsening poverty and food scarcity affected societal relations down to the household level.¹⁶ In addition, the current environment under Houthi rule is bringing fear to the forefront of societal relations. As one scholar explained, "Even in conducting research, one finds that people are suspicious where they once were not. They are not as friendly and open as before. Fear is rampant everywhere you go."¹⁷ According to Amnesty International, after the Houthi takeover in 2014, there were around 60 cases in which the Houthi militia detained journalists, professionals and politicians. The majority of the detainees supported the exiled government of Yemen or were members of Islamist Islah.

The political transition included the Houthis and southerners and acknowledged state oppression against these groups. The NDC included a Saada working group and a southern issue working group that issued actionable steps towards implementation. The transitional government issued a statement on 21 August 2013, apologizing to the people of the southern, eastern and northern provinces for the wars and military campaigns launched during the Saleh regime. While the willingness to acknowledge grievances is the first step towards reconciliation, many pointed out that the shift in attitude and implementation towards these disenfranchised regions would take years. Southerners, in particular, cited that the apology was insulting because it emphasised the importance of unity, which southern

15. Many southerners sighted violations and deliberate attempts by the state to obliterate southern identity through 'structural violence', which intensified during after the 1994 civil war. One respondent cited that the mosques were a means to extend state control in the south, as local imams who were loyal or appointed by the state cautioned people from challenging the authority of the rulers and rebuked those who called for secession. Another respondent cited changing names of historical southern landmarks, schools and symbolic dates that the south identified with and replacing them with historical northern dates. One respondent stated, "The Northerners' culture domination in the South was repulsive. Businessmen built their homes importing Sana'a's architectural style. They even went further, the first school in the south, Sheikh Othman school which was established in the early 1900s was renamed 'May 22 School', which was the symbolic of the unity date that many southerners rejected." Another respondent complained, "Even mobile phone codes started with the number 77 to remind us of our colonisation" in reference to 7 July, which was the day the north declared unity and rejected the secession of the southern state.

16. The United Nations Children's Emergency Fund estimates that a child dies every 10 minutes from preventable causes (2017).

17. Skype interview with a Yemeni scholar, Nadwa al-Dawsari, May 2017.

secessionists found issue with.

5.2 Horizontal social cohesion

When Yemen was under President Ali Abdullah Saleh's control (1978-2011), the state was deeply entrenched in tribal politics. The head of the tribal confederation of Hashid, Sheikh Abdullah al-Ahmar, was the speaker of the parliament, and powerful states and tribes advanced each other interests. However, the tribal relationship with the state was not cross-cutting, as it was mostly northern-based, and excluded weaker or poor tribes and, to some extent, marginalized tribes in the far-northern region of Saada as well as western Tihama.

Almost all northern-affiliated Yemenis interviewed for this study used tribes to define their sense of identity and of belonging to Yemen. According to a 2014 mapping by the Yemen Polling Center, there is general approval of the way tribal leaders deal with their grievances and respondents viewed it as an essential "service providing the very basic rule of law, where 16.4 percent claim that tribal sheikhs bring security to their area and 66.4% want them to assist the police in resolving security issues" (Soudias and Transfeld 2014). Respondents interviewed for the study from the south struggled to define their relationship with the state and opted to express their grievances and express loyalty to Yemen's south as it existed before unification.

FSI showed the factionalised elites indicator to be at its highest in 2012, with a score of 9.8 out of 10 (compared to 9.3 in 2011) (C2: Factionalised Elites 2017). This indicates a "divided national leadership, with breakdowns in government, high turnover of the political elite, and political structures that are not deeply rooted or present in much of the society" (Fund For Peace 2014). This was most likely related to the strong re-surfacing of fringe groups such as the Houthi group and southern secessionist Hiraq as well as other political parties and diverse voices that joined forces to overthrow the president.

Unfortunately, the majority of those groups promoted their own interests rather than the national interest. Fragmentation in political interest demonstrated a crumbling relationship with the state. Focus group discussions in the south of Yemen demonstrated that a collective sense of exploitation by the elites in the capital and complacency in acknowledging the suffering that ensued from the marginalisation of the south are the main precursors for the strong self-determination plans. However, political issues such as the southerners' call for self-determination were not granted in the NDC and in the Constitution, "as nationalistic ideals of unity were deemed as the bedrock of the nation."¹⁸

In the months leading up to the GCC agreement, leading Yemeni opposition political parties, members of the al-Hiraq and Houthi rebels cooperated with the youth groups who drove the uprising in Yemen's Change Square, the center of the Arab Spring uprising in Yemen. However, despite the overall collective spirit that dominated during the uprising, fragmentation occurred during the NDC process and, to a lesser extent, through the draft constitution. Grievances were identity-, region- and religion-based and cited injustices committed by the state. The NDC was able to address identity-based issues from the narrow aspect of preserving groups' cultural identities, such as by preserving the ethnic languages of Socotra and Mahra in Yemen. However, it fell short in asserting or re-assuring communities whose system of governance clashed with the state, including southern secessionists and Zaidi supramicists.

Yemen's cascading system of patronage networks serves the narrow interests of elites and those who consent to this system of governance. Many Yemenis, especially in rural areas, view the state as indifferent in implementing the rule of law in a way that would bring equal opportunity or justice. There is deep mistrust of government and institutions. The majority of the study's respondents in rural and urban areas indicated that they would bypass state institutions whenever possible because the rules

18. Skype interview with a Hiraq participant in the NDC 2017.

are not often enforced. This is even the case in legal matters, where informal mediation is still preferred over reporting matters to police. According to a survey by the Yemen polling center in 2014, almost 43.8 percent of the survey interviewees stated that they have “little confidence in the police, while 15.7% have no confidence whatsoever” (Mapping Popular Perceptions 2014). In addition, pervasive corruption during the transition affected the security situation.

Gender relations have also shifted according to the political climate. While Yemen is a traditional society with a strong patriarchal structure, some freedoms were granted to allow women to represent themselves or their constituents in the political space, and some women were judges, ministers or senior members of political parties. The environment that was provided to women in Yemen before the Arab Spring built the capacity of women, as they took roles in the private and public sectors. Many women headed civil society organisations; they also felt that they had the platform to advocate for equality during the Saleh regime. The Saleh government acquiesced to positive pressure from the international community to view women’s participation as a fundamental aspect of building the state and gradually granted rights and freedoms to the extent that society would permit. During the Arab spring, women proudly demanded more freedoms. A young woman activist described relations as “traditionally there is a balance of mutual respect among society unless the woman and not the man crosses a boundary.”¹⁹

Many of these cleavages deepened after the signing of the GCC initiative. During the 2011 protests, the members of political movements that felt excluded from the political system believed that they could change the status quo to their favour. As negotiations began, this wish became increasingly illusory. The parties in the negotiations were limited to the formal political parties, namely the GPC and the JMP. Even though Ali Mohsen and the al-Ahmar family were not formally part of the process, these elite actors saw themselves as represented by the JMP. Loyalists to the regime had their interests represented by the GPC. All other actors, including the youth, Houthi and Hirak movements, were excluded from the negotiations. They grew increasingly critical of the GCC initiative. As time progressed, it became clear that the GCC initiative would lead only to an elite settlement. With their own concerns and demands remaining unanswered, the protest movement grew increasingly fragmented. Each group withdrew to its individualist stance and focused on its own grievances. Due to these developments, various conflicts along ideological, regional and sectarian lines escalated in all parts of the country.

6.0 Analysis and Conclusion

In examining Yemen’s 2013 NDC and draft constitution, it becomes clear that the GCC agreement was birthed out of political urgency to end the political deadlock that had paralyzed Yemen for over 11 months and to restore stability after the youth spring uprisings. While Yemen’s regional allies and politicians pushed the peace process and designed mechanisms hastily to avoid direct violence, their quick fix resulted in a breakdown. Ultimately, the agreements made about the future of the state occurred in an artificial construct that brushed over core conflict issues broadly and overlooked Yemen’s lack of capacity as well as Yemen’s weak institutions, which could not implement the NDC or CDC recommendations.

Despite the push for an all-inclusive institutional process, results did not materialise as intended due to the short timeline of the NDC coupled with corruption, poor governance and human rights violations. Rushing the process led to hasty recommendations and an inability to reach consensus after dialogue. In addition, there was a failure to fully appreciate the value of informal mechanisms, which have often achieved more powerful and binding results, as they are rooted in the social fabric and relations.

19. Skype interview with an activist, March 2017.

Unfortunately, the NDC failed to elicit buy-in from citizens despite its best efforts. Media campaigns and posters of the NDC were ubiquitous as a part of a national awareness effort, not just in the city, but in many rural areas, including in locations where people could not read and had no access to food. According to a USIP report: “Yemenis expected that after the 2011 crisis, the new government would be responsive to the many day-to-day challenges facing them, from poor economic opportunities to deficits in education and health to food insecurity. Nonetheless, the political energy and time focused on the NDC would have waylaid even a smoothly running government. Whether a fair accounting or not, a large part of the public dissatisfaction with the NDC lies in the perception that it would not deliver any concrete results” (Gaston 2014).

National ownership was traded off for the diversity of participants at the conference level. The overwhelming majority of representatives were not elected and had little to no concrete connections with the constituencies they represented. While the negotiation process empowered the individuals who never had access to this level of political negotiations, it, unfortunately, continued to exacerbate the same patterns of side-lining the subnational elites and the majority of Yemeni citizens.

Informal governance mechanisms have been effective in the past not because they were rooted in custom and tradition, but because they also were operating with a full understanding of the limitations of resources and capacity. The absence of a mechanism that would involve local communities and strengthen trust between the state and the people was a flaw in the design of the NDC. The social contract-making processes that were embedded in the NDC were overly ambitious, raising the expectation of delivery without addressing the capacity to perform.

For a social contract to be resilient, it has to be Yemeni-driven, with a focus on local-level political processes and informal governance. This is especially important in the absence of functional institutions. Otherwise, an investment in the political settlement will be an investment in elites and not in governance. The process has to be bottom-up and not just concentrated on the top-down. Informal mechanisms and mediation skills are essential, particularly in an increasingly fragmented country.

Yemen’s case illustrates the drawbacks of externally led processes and centrally led processes in the development of political agreements and wider mechanisms of social contract-making. To some extent, the political transition process highlighted the government’s inability to effectively respond to core conflict issues, especially those taking place outside of major urban areas. During the transition period, violent groups such as AQAP and Houthis deepened their influence and organised destructive low-level conflicts that stifled peace. Ultimately, the political agreements that were reached were viewed as a separate process disconnected from real needs and secondary to economic and development assistance. As a result, conflict groups like al-Houthi exploited the government’s weakness and launched a tactical assault on the capital that undermined the very process that actors were engaged in.

NOTE ON CONTRIBUTOR

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