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Federalism in Yemen: Unasked questions and uncertain solutions

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This paper analyzes the challenges associated with the introduction of federalism as a new system for governance in Yemen. Once considered taboo for a country that was reunified only in 1990, a new federalist system composed of six regions has been proposed. The new system was proposed within the framework of the National Dialogue Conference, an initiative intended to unite all Yemenis in developing a new political arrangement following the uprising against the Saleh regime. However, the six-region proposal, and the way it was put forward, has caused much disagreement and highlighted the need for a clear understanding of what benefits a federal system is expected to bring.

With a history of division and significant imbalances of population and economic resources, a poorly designed federal system may exacerbate the risk of strengthening sub-national identities at the expense of a national Yemeni identity. Rather than entrenching division, the National Dialogue Conference should be an opportunity to recast relations between the north and south, enabling all Yemeni people to better participate in the governance of their country. In order to improve the chances of building a wide political consensus, the transitional government should stop moving toward the six-region federal option and instead focus on implementing the 20 points for building trust which were supposed to be completed before the start of the National Dialogue Conference. They should seek to strengthen the authority of the state at the national level, develop a national strategy to demobilize armed groups, and pursue a development plan to provide public services and cut corruption.

When Yemen was pushed into a new political era by the Arab Spring that stormed through a number of countries in the region in 2011, federalism was strongly suggested to be a magical solution for a complex country immersed in problems. Previously, federalism had been a taboo in Yemeni political thought, being considered tantamount to partition, the greatest of sins in a country that was reunified only two decades ago. Federalism has been seen both as something to be scorned and as something to be praised, but it has not been studied properly. There has been no detailed critical examination that recognizes the full extent of federalism's characteristics and the possibility of strategically applying them. There has been no discussion of its advantages and why it could be a solution for the problems associated with the rising sectarian and regional identities that are threatening national connections among Yemenis. Could federalism form the basis of an effective remedy for problems of power concentration and wealth distribution? Could it help lead to a broad and balanced management of the development process, and guarantee true participation for citizens in managing their lives?

There has not yet been a response to these questions despite the fact that Yemen has already embarked on the path towards federalism, overseen by the transitional authority of President Abd Rabbuh Mansur Hadi, who sees federalism as his personal legacy, whatever its subsequent results might be on the ground.

The proposed federalism formula sees the division of Yemen into six regions: Azal, Saba, Janad, Tihamah, Aden, and Hadhramaut. The division was agreed by the National Dialogue Conference¹ (NDC) after a long political debate put an end to the option of dividing Yemen into two regions: a northern region and a southern region, according to the borders of the two separate Yemeni states which had existed before 1990. This two-region option was supported by the Yemeni Socialist Party, the Ansar Allah or "Houthis"² (a Yemeni Zaydi movement), southern factions that were not represented at the NDC, led by Ali Nasser Muhammad, the former President of South Yemen, and several others.³

President Hadi forcefully pushed through an operation to establish a federalist system that divided the country into six regions. After the principle of federalism was established by the

¹ The National Dialogue Conference is one of the key political instruments which the executive mechanism of the Gulf Initiative established to organize the transfer of political power after a popular uprising against the regime of Ali Abdullah Saleh in 2011. The conference is supposed to include all active Yemeni political groups, including those that have been previously marginalized such as the Southern Movement, the Zaydi Ansar Allah, or "Houthis", young people and women. The goal is to arrive at solutions to complex national issues including the form of the state, the formulation of the government and a constitution.

² The Ansar Allah or "Houthis" movement is a Zaydi Shi'ite revivalist movement founded at the turn of the millennium in Saada by Hussein Badr al Din al Houthi, a politician and son of one of the most prominent Zaydi figures in Yemen, Badr al Din al Houthi. This movement fought four military campaigns against the Yemeni army between 2003 and 2009. Abdullah Al Houthi has been the leader of the movement since Hussein al Houthi was killed in the first campaign. The movement has had control of the governorate of Saada in the north of Yemen since 2011 and its influence has extended to a number of other governorates, such as Amran, Hajah, and al Jawf, where it has fought to establish its power through armed struggles with influential tribal forces, Salafi groups, and militias associated with the Muslim Brotherhood.

³ Ali Nasser Muhammad, the former southern president, and Haidar Abu Bakr al Attas, the first prime minister of united Yemen, are leaders of the "Cairo conference", the moderate faction of the peaceful Southern Movement, which is asking for a federacy of two regions based on the borders of the two former states. Two more extreme groups led by the head of the Southern Movement, Ali Salim al-Beidh, and southern politician Hassan Ba'aum, call for partition between north and south.

NDC, a Committee of Regions was formed of representatives from a number of political groups to undertake theoretical and political studies and to seek help from experts about choosing between the two-region option and the six-region option. The Committee of Regions took less than a week to announce the formula which would divide Yemen into six. The Houthi representative on the Committee of Regions opposed the formula and refused to sign. In the absence of the General Secretary of the Yemeni Socialist Party, Dr. Yasin Said Numan, who led the idea of federalism with two regions, the Assistant General Secretary, Abu Bakr Badhib, signed the Committee of Regions decision with the addition of a formal reservation to absorb the party's criticisms about the signature.

This announcement of federalism did not result in general political acceptance. In addition to the Houthis frank rejection, and the socialists' reservations, the most important rejection came from the different groups from the Southern Movement. They mostly announced their rejection of this formula, with the exception of the faction controlled by President Hadi, which was only established before the NDC.⁴ Thus the federal solution, which sought to appease the southerners by accepting the minimum of their demands, only increased their anger. This reinforced the strength of the most extremist faction under the leadership of former southern President Ali Salim Al-Beidh, who leads the demand for a twofold division between the north and the south. The main disappointment expressed by this faction was not that the two-region option was not chosen, but that the south has been divided.

In addition to the complex political path for establishing federalism, fears have been stirred in other areas. The federalism resolution has divided Yemen into six regions of imbalanced size, population density and economic resources and is seen by some as "unjust" or "anti-national". The region of Janad, for example, has the highest population density in Yemen, with an average of 370 individuals per square kilometre, while the region of Hadhramaut has the lowest population density with an average of 7 individuals per square kilometre. The regions of Hadhramaut and Saba control more than 70% of the country's economic resources, leaving less than 30% for the remaining four regions. In addition, four regions have more than 80% of the population. This preliminary picture shows the absence of any logical vision governing the division. Alongside this first indication of a lack of justice, there is an absence of any vision for preserving the population mix so as to reinforce national unity. Instead, the division has emphasised the sectarian and regional identities of Yemenis. The regions of Janad, Tihamah, Hadhramaut, Aden and Saba are mainly Sunni, while most of the Zaydis have been isolated from the other citizens in the region of Azal. This division clearly and irresponsibly appears to encourage the separation of the population on a sectarian basis.

⁴ Southern leader Muhammad Ali Ahmed founded a Conference of the South ahead of the National Dialogue Conference with the protection and guarantee of the President Abd Rabbuh Mansur Hadi, and was the first to attend the NDC in which the founding members of the Southern Movement refused to participate. It represented the Southern Movement at the NDC alongside smaller factions, the most prominent being the bloc of southern independents, led by the politician and former foreign minister Abdullah al Asnaj. It was not long before the Conference of the South faction witnessed numerous splits through its participation in the conference as disagreements over the division into two or six regions took hold.

The division also corresponds to two larger regional identities, with two southern regions and four northern regions. This makes it implausible that there should be any mixing of the population between the two, entrenching the divide between northern and southern identities.

Alongside this dangerous division, irresponsibly designed principles could govern the relationships of Yemenis with each other through the planned federal constitution. The version of the constitution fixed through the NDC⁵, indicates that following the first election after the constitution has been approved in a referendum, the south will be assigned 50% participation in all leadership structures in the executive, legislative and judicial branches, including in army and security institutions. An equivalent proportion will be fixed for the north, ignoring the discrepancy in populations. This formula focuses on the issue of regional identity but may not be appropriate. Even if we accepted the need for this 50/50 split as a necessary but temporary affair, how will the election to the House of Representatives be managed? Will people vote on a regional basis, meaning that the south will choose only the 50% specified for it and the north the same? Will the voting mechanisms and organizational principles be similar, despite the radical difference in populations? Who is the south or the north, and are they separate races? If we understand the south as a geographical area, it is not clear how this will be reflected and implemented in defining and separating the population, or how it will be reflected in the mechanisms for them to exercise their rights based on their geographical identity.

Additionally, to achieve equality in the civil service and abolish discrimination against southerners, will jobs be made vacant based on which geographical region an individual belongs to, rather than on equal standards? This may lead to a contradiction where new discrimination builds on older systems of discrimination. As for the army and the security apparatus, will individuals be classified and separated based on their new southern and northern identities? What will this stir up in the way of divisions and grudges in the institutions which should be by inclusive and national?

This discriminatory procedure may be temporary (as indicated in the draft principle), lasting only for the first electoral period after the approval of the federal constitution. This temporary

⁵ A small committee within the Southern Issue working group of the NDC produced an agreement over a just solution for the southern issue, subtitled 'Remedying the injustices of the past'. See *Almasdar Online*, 23/12/2013. <http://almasdaronline.com/article/53040>. The ninth principle of the agreement states: "During the first electoral session after the adoption of the unity constitution, the south has fifty per cent representation in all the leadership structures in the executive, legislative and judicial bodies, including the army and security, and appointments are made by virtue of the resolutions made by the President of the Republic or the Prime Minister. The south also has fifty per cent representation in the House of Representatives, and there must be a remedying of the lack of equality in civil services and the armed forces and security at the central level through laws and institutions, and through guarantees to abolish discrimination and create equal opportunities for all the Yemenis, for the sake of remedying the discrepancies in representation in recruitment. Southerners are to take priority in filling empty vacancies, gaining qualifications and training in the civil services and the armed forces and security, and appointments must respect the demands of the civil service concerning skills and qualifications, and no employee may be dismissed arbitrarily."

Beyond the first electoral session, the federal constitution stipulates executive, judicial and parliamentary means for protecting the vital interests of the south, which may include the right to veto a vote, especially on issues related to the vital interests of the south, special representation based on the equation of land and people, the possibility of any amendment to the constitution concerning the south or changing the form of the state without obtaining a majority of representatives of the south in the House of Representatives, in addition to arrangements for the participation in power specified by the federal constitution."

period, however, means four whole years of struggles among Yemenis based on entitlements that are established according to the new identities.

This temporary discriminatory arrangement is derived from what may be called “the protection of the vital interests of the south”. These are interests that that special executive, legislative and legal means established by the NDC protect, but who do these interests benefit? The planned constitution, which seeks to establish a fair national federal state, will be founded on a conflict of interests between the inhabitants of the north and the south. As long as the south has vital interests, an equivalent in the north must be established. In this way, the relationship of Yemenis to each other will be defined as a struggle founded on conflicting interests, governed by a geographical definition rather than a shared national identity that has been simply fragmented into north and south. Vital interests are something that belong to the whole country through political, regional and international relations with other states. They are not simply a procedural item that should be dealt with lightly, because they could place a group of citizens in Yemen in an antagonistic relationship with other citizens.

Additionally, the economic costs of implementing the federal option are not clear. Yemen is an extremely poor country with annual government revenue of less than US\$ 11 billion, and suffers from major economic problems as a result of corruption and poor management. The country relies heavily on one relatively limited source of income: oil and gas exports. There is no clarity on where financing of the transition process will come from, as the development of a new state made of empowered component parts, the six new regions, will require significant resources for an extended period before the regions become more self-reliant. This appears to be an extremely problematic issue in light of the country’s current inability to obtain aid. Yemen has received less support from donors who lack trust in the government, which is seen as corrupt and unable to understand the aid or for what it is designated.

There are thus complexities and dangers that are being ignored in the rush towards Yemeni federalism. Not least of these are the souring relations between social groups as the country witnesses a swift ascent of pre-national definitions. Citizens are being increasingly separated on the basis of regional identities, particularly since 2011 when the weakening of state control, and of the national model it offered, led to the strengthening of these primitive definitions. These definitions/identities have begun to incite a number of armed struggles in both the north and the south⁶, and have started to have an unprecedented role in politics and public life. It is extremely worrying that the federal partition is encouraging deeper divisions in national identity and is creating lines that correspond to regional borders, internalizing distinct identities. This brings about a separation of citizens into newly defined territories in which they will find themselves whether they like it or not!

Incidents of violence and expressions of hatred have recently begun to spread in connection with the process of fabrication of minority identities. These include violence aimed at citizens of the north in southern districts, and sectarian armed struggles between Sunni and Zaydis in

⁶ Struggles of a sectarian nature broke out between the Shi’ite Houthis and different Salafi groups and militias linked to the Muslim Brotherhood in 2013 and 2014. Incidents of violence escalated, targeting northerners due to their identities in different southern regions. The demands from the alliance of Hadramiyah tribes to close recruitment and appointments to the army and security services in Hadhramaut for those from the governorate are an example of where these resurgent identities may lead.

the north, and are being fed by political errors and fateful miscalculations. The decision to proceed with federal partition will only feed existing divisions and violence, and will push the struggles that have a regional or sectarian nature to the fore, especially since the partition is concordant with the sectarian and regional divisions which distinguish between citizens in every region based on these new identities. The whole situation echoes the old struggles between citizens based on sectarian and regional definitions. It also encourages new struggles concerned with the lack of justice in the partition and the lack of resources and overcrowding in some regions. The situation will lead to the strengthening of the current forms of violence and to the presence of hatred and its language in society. The current supportive mood for federalism in Yemen is putting buffers into place so that no person or group may express a critical opinion that obstructs the growing consensus in the Yemeni political scene. Voices of disagreement would clash with the will of the powerful president, who has mobilized this consensus with the support of international instruments of coercion represented by Chapter VII of the UN Security Council. In this way, the political option could have catastrophic consequences and be transformed into a sacred idea that may not be subjected to criticism or opposition.

In this context, President Hadi and the political parties that are participating in government in the transitional period should work on the following:

- They should continue no further along the current path for implementing federalism. They should look at the political, theoretical and social questions connected with this implementation, the extent of its influence on relationships between Yemeni civil institutions, and how far it is suitable for the local situation.
- They should work on implementing the 20 points for building trust proposed by the NDC Technical Committee. These points were supposed to be completed before the main work of the NDC, based on the agreement of all the political groups. They constitute a major part of the necessary remedy for the problems in the south and the north since they guarantee matters such as the restoration of lost rights to citizens, remedies against discriminatory procedures and the release of political prisoners. They also deal with violations connected with the escalating conflict in the north. Implementation of the 20 points will safeguard a peaceful political climate, especially in the south, and will lessen the escalating sectarian tension.
- They should reconsider the presence of the state at the national level and strengthen its direct authority over regions that lie outside its control through a co-ordinated long and mid-term security and development plan. This should include the re-activation of state institutions in different areas and their gradual liberation from the groups that control them.
- They should disarm the armed groups through a clear national strategy and mobilization in a way that targets all groups without discrimination and guarantees the monopoly of the state over instruments of force and coercion.
- They should implement serious remedies for the problems of the decline in public services and corruption, and should stop the policy of quotas for public office, to safeguard the restoration of citizen trust in the state.

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