



# WAITING FOR CHANGE

## THE IMPACT OF TRANSITION OF LOCAL JUSTICE AND SECURITY IN YEMEN

By Erica Gaston and Nadwa Al-Dawsari

**Executive Summary** ..... 2

**Introduction**..... 5

*Methodology and Access*.....9

**Findings: Snapshots of Local Justice and Security Post-Transition** ..... 10

*Taiz* ..... 10

    One step forward: security and rule of law gains post-transition.....11

    Hope, but no progress on justice reform .....13

    Future directions and recommendations .....14

*Marib* ..... 15

    A more complex security environment post-transition .....16

    Local grievances and political motivations for oil and electricity attacks.....17

    Greater local leadership, but weak formal government engagement on justice and security.....19

    Future directions and recommendations .....21

*Aden* ..... 21

    Continued security crisis post-transition .....22

    Negligible impact of transitional reform .....24

    Future directions and recommendations .....25

*Abyan*..... 26

    Efforts to rebuild after the crisis .....27

    Future directions and recommendations .....29

**Analysis: the Role and Importance of Governorate-Level Reforms**..... 30

*Reforms have so far been positive but insufficient*.....30

*Local conditions shapes perceptions of the transition period*.....32

*Dichotomy between national and local change* .....33

*Perceptions of the National Dialogue*.....35

**Conclusion** ..... 36

### Author’s Note

The United States Institute of Peace (USIP) is an independent, nonpartisan conflict management center created by Congress to prevent and mitigate international conflict. Erica Gaston is a human rights lawyer at USIP, specializing in human rights and justice issues in conflict and post-conflict environments. Nadwa Al-Dawsari is an expert in Yemeni tribal conflicts and civil society development with Partners for Democratic Change.

This is a working draft, made available for the purposes of discussion and input only. This paper is not for attribution without authorization from the authors. To provide comments or feedback, please email [egaston@usip.org](mailto:egaston@usip.org). A final version of this report is anticipated in early spring 2013.

## **Executive Summary**

Just over a year into the transition period, local conditions in Yemen have stabilized in some areas, but security, government services, and economic and social functions across the country have not returned to pre-2011 levels. President Abd Rabu Mansour Hadi and the transitional government have made some headway in implementing the Transition Agreement negotiated through a Gulf Cooperation Council process in November 2011. The Transition Agreement, which ended nearly a year of protests and held off the risk of complete political destabilization, paved the way for then-President Ali Abdullah Saleh to step down, the peaceful transfer of power to a transitional government, and established benchmarks for future reform.

Perhaps not surprisingly, much attention during this transition period has focused on the national level processes set out in the Transition Agreement, most notably an upcoming National Dialogue. This will be the vehicle for resolving many outstanding political questions, developing a new Constitution, discussing a process for transitional justice and other key benchmarks. While it is imperative that progress is made at a national level, equal attention should be given to local level politics and stability. A more stable national political compromise and a coherent reform agenda can create a national environment that enables reform, but long-term stability will also depend on progress in each of Yemen's disparate governorates. One year into transition, Yemen's twenty-one governorates remain highly insecure, with political, economic, and social functions still far from pre-2011 levels, even in important cities like Sanaa, Aden, and Taiz. Given Yemen's historically fractured politics and polities, nationally driven processes alone will not fix the disparate justice and security issues causing political, physical, and economic insecurity at a local level. In short, failure to make headway in the National Dialogue would be a huge setback, but success will not guarantee a stable future for Yemen.

This paper provides a snapshot of the local situation in four governorates during this time of transition. By providing case studies of security and justice issues in four governorates that span the political, social, and economic divide in Yemen – Taiz, Aden, Marib, and Abyan – this study will offer a different lens for thinking about political transition and government reform at both a national and local level. Research is based on 375 qualitative, long-form interviews conducted in the four governorates during October 2012 with a range of governmental actors, community leaders, youth and civil society activists, and those working in the security and justice sectors. Additional national and local follow-up research was conducted between November 2012 and January 2013. Interviewees were asked to describe any local measures or initiatives taken during this transition period that addressed either long-standing justice or security problems or responded to issues that arose during the 2011 crisis. Interviewees were also asked whether they were optimistic that this transition period would result in improvements in their local situation.

### **Taiz**

Although the security situation is still far from its pre-2011 levels, there is greater optimism in Taiz than in many other governorates, largely owing to the strong reputation and leadership of the current governor. The Governor replaced some key security positions with credible actors and energized government institutions and other non-governmental stakeholders in Taiz to work together to improve security. Nonetheless, many argued that reforms had not gone far enough – with almost no significant shake-up of the judiciary, or of corrupt or abusive lower level officials

(for example, police). There were concerns that any re-appointments or other reforms were subject to the political power sharing agreement and that this blocked substantial reform. Meanwhile other long-standing justice and security issues like land grabbing and corruption had been left to fester during the instability in 2011. Despite the ongoing problems, many suggested that they thought the governorate was on a good trajectory and that they still had hope for change in the future, coming out of both local-level efforts and national reforms.

### **Marib**

Maribis were also relatively optimistic, despite that the governorate continues to face serious security concerns and low levels of government services and support. The newly appointed Governor is widely respected, and in the first six months of his tenure was able to demonstrate his skill as a mediator between the dominant tribes in Marib and the government, concern for popular demands for social and economic benefits, and some tangible improvements, notably greater access to electricity. Nonetheless, throughout 2012 the governorate continued to be wracked by insecurity, with more prominent threats from militant groups, kidnapping, and criminality. Interviewees frequently argued that given the more serious and complex nature of security threats in Marib, the weakened tribal leaders and traditions were no longer able to maintain stability or law and order as they had in the past. The strongest demand of most of those interviewed was for a stronger formal government justice and security presence in Marib.

### **Aden**

While better than in 2011, widespread insecurity has continued to prevent regular government functions from resuming in Aden, and the quality of life remains far behind what it was before 2011. Security incidents occur frequently, including open clashes and standoffs with government forces and Improvised Explosive Devices (IEDs) and small arms attacks on government posts and targets. Throughout the summer of 2012, assassinations and attempted assassinations of government officials took place on an almost bi-weekly basis. Government provision of law and order is minimal. Security and police forces, though nominally in control, cannot enter many volatile districts due to the insecurity. Institutional reforms, personnel shifts, or other changes that did take place – such as the replacement of the Governor – were largely not applauded. Few thought these individuals had any effect, and those who were appointed were perceived as highly political actors, which heightened the tensions in Aden rather than stabilizing the situation. The protests of 2011 and the continued political instability following transition further fueled long-standing calls for independence for southern Yemen. Although local factors, such as the prevalence of arms and insufficient local government action were blamed for the continued problems in Aden, many interviewees argued that until national level political actors were able to take serious steps to address the grievances in the south, instability would continue in Aden.

### **Abyan**

In some ways change was both the most significant and the least encouraging in Abyan. During 2011, Abyan saw an absolute collapse and withdrawal of formal government functions as militant groups dominated by Ansar al-Sharia asserted control over significant areas of the governorate. Following military victories in June and July 2012, government forces together with local armed groups known as the Popular Committees drove Ansar al-Sharia out of the major cities. Major fighting – which had displaced tens of thousands and resulted in hundreds of civilian deaths and widespread property damage – ceased and many of those displaced for over a

year were able to return. Despite these military and security accomplishments, those interviewed remained pessimistic. With basic humanitarian conditions still unmet, minimal public services, almost no functioning government (many still operated from Aden at the time of research), and high levels of criminal activity and insecurity, few were positive about the transitional government. Even the success against Ansar al-Sharia was largely attributed to the Popular Committees, who were also credited as the only actors actively providing security and support in Abyan. Several respondents reflected positively on the low crime levels, strong enforcement power, and quick dispute resolution under Ansar al-Sharia and worried that absent signs of real progress soon, many among the population would look to them again as a better alternative. Abyanis spoke positively about President Hadi, who is from Abyan, but were concerned he was engaging in the same power politics as his predecessors and above all preferred competent, honest officials to token appointments from their governorate.

### **Key Findings**

- Although in most areas security appeared better than in 2011, in no governorate was security and rule of law back to pre-2011 levels.
- Steps taken so far by the transitional government have been necessary but insufficient. Gains are fragile and could easily reverse if not followed by more solid reforms.
- In all four governorates, there was a sense that it was still too early to see meaningful change. However, patience appeared to be wearing thin. Without some evidence of concrete results soon at both a national and local level the current level of buy-in and goodwill for the transition process will erode.
- Perceptions of whether there had been a change or whether transition was ‘on the right track’ depended most heavily on stability or tangible signs of progress at a local level.
- Strong local leadership made a significant difference. Those interviewed were relatively more optimistic in Taiz and Marib than in the other two governorates. In both governorates the governors appointed after the elections were broadly respected and were credited with security improvements or other valued initiatives.
- Unresolved national political tensions spilled over to a local level, and were blamed for continuing instability. In all four governorates many security incidents were attributed to national-level political actors (including the GPC and JMP parties, and others) to undermine or manipulate political discussions tied to the National Dialogue, or to manipulate governorate-level power dynamics.
- In addition, these political tensions limited political space for reform. Local officials were removed or kept in power based on party affiliation, rather than merit. Positions were divided according to the 50/50 power sharing split.
- Because of the negative impact that national political gridlock had on local security and justice processes, many viewed success in the National Dialogue as critical to create a more stable political compromise.
- While national-level reform processes and mechanisms are important, there needs to be a balance of attention and resources between the local and national levels. Unless national-level reforms begin to trickle down and change basic quality of life conditions in the governorates, the transition will not be perceived as a success.

## **Introduction**

One year into the transition period, the government faces significant challenges in bringing acceptable levels of physical and economic security to Yemen's disparate regions and divided population. During the period of popular protests in 2011, government security forces withdrew from many governorates and even urban areas, leaving a vacuum for non-state armed groups, criminals, and gangs to exploit. The presence of a large number of national and transnational militants and other armed groups – including Al Qaeda in the Arabian Peninsula (AQAP) and Ansar al-Sharia<sup>1</sup> – and the political and regional factionalism in Yemen only exacerbated the existential security crisis and has complicated post-transition stabilization efforts. Although the formal sector was never strong in most areas of Yemen, government presence and provision of services, ranging from basic law enforcement to functioning courts, were effectively halted in much of the country for over a year. It has proven difficult to reinstate even the modest pre-2011 levels of such services.

The current transitional government faces the challenge not only of restoring basic stability and services, but also of responding to the popular demands of the 2011 protest movement and the benchmarks established in the negotiated political settlement that ended the 2011 political crisis. In addition to demands for President Ali Abdullah Saleh's removal from power, throughout 2011, the youth movement<sup>2</sup> and other protestors called for a cleaning out of government institutions, addressing long-standing issues of corruption, land grabbing, political cronyism, and other abuses of power. They also called for accountability for attacks on protestors and opposition groups in 2011. In November 2011, the two main political parties, the ruling General People's Congress (GPC) party and the opposition coalition, the Joint Meeting Parties (JMP), signed a "Transition Agreement"<sup>3</sup> which removed President Saleh from power, granted him immunity for his time in office, and established a transition government with power shared equally between the two parties. The former Vice President Abd Rabu Mansour Hadi was made the acting President, and then elected in an uncontested election in February 2012. In addition, the Transition Agreement established a series of procedural benchmarks for political transition and ambitious action items for the transitional government, from restoring security and law and order to overhauling major governmental sectors and services. The Transition Agreement bound the transitional government to take steps to ensure compliance with basic principles of

---

<sup>1</sup> See Jonathan Masters, 'Al-Qaeda in the Arabian Peninsula (AQAP),' Council on Foreign Relations (May 24, 2012), <http://www.cfr.org/yemen/al-qaeda-arabian-peninsula-aqap/p9369>; Sudarsan Raghavan, 'Militants create haven in southern Yemen,' Washington Post (December 31, 2012), [http://articles.washingtonpost.com/2011-12-31/world/35284860\\_1\\_zinjibar-qaeda-yemeni-forces](http://articles.washingtonpost.com/2011-12-31/world/35284860_1_zinjibar-qaeda-yemeni-forces).

<sup>2</sup> As the Arab Spring spread across North Africa and Middle East, in January 2011, Sanaa University students celebrating the departure of the President of Tunisia began calls for the removal of former President Ali Abdullah Saleh. Disgruntled with Yemen's classic political alliances, youth of multiple cities began staging protests, demanding an end to corruption, political patronage, and a new regime to usher in an era of greater political and economic opportunity. The Youth Movement remained at the center of protests in Yemen throughout 2011.

<sup>3</sup> This paper will refer to the negotiated agreement as the "Transition Agreement," often referred to as the "GCC Agreement" because it was brokered through a process led by the Gulf Cooperation Council and supported by the European Union and the five permanent members of the UN Security Council. See International Foundation for Electoral Systems, 'Next Steps in Yemen's Transition,' IFES Briefing Paper (March 2012) pp. 11-18, [http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2012/Next\\_Steps\\_in\\_Yemens\\_Transition\\_paper.pdf](http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2012/Next_Steps_in_Yemens_Transition_paper.pdf).

democratic governance, rule of law, and human rights across all state institutions, and to begin the process of transitional justice (however undefined).

While the Transition Agreement put a brake on 10 months of escalating violence and armed conflict, there was neither time nor political space to resolve the many complex political issues that had helped fuel the crisis and might hamper future stability. Thus, the Transition Agreement also established a timeline and benchmarks for a two-year transition process, including the convening of a National Dialogue conference,<sup>4</sup> which would be the forum for setting the agenda and processes for broader institutional and political reform and for developing a new national constitution. The constitutional process will determine Yemen's most controversial issues of how to address calls for southern autonomy or secession,<sup>5</sup> conflict with the Houthis in the northern Sa'ada region,<sup>6</sup> Yemen's state structure and political system, and transitional justice and national reconciliation. This National Dialogue process was a core demand for the opposition parties and the protestors.

The National Dialogue, originally scheduled for April 2012,<sup>7</sup> has been repeatedly postponed, and many institutional and political reforms have been on hold awaiting the outcome of the conference. Despite this, President Hadi and the transitional government have made some headway in meeting transition benchmarks and responding to popular demands for reform.<sup>8</sup>

---

<sup>4</sup> For a breakdown of National Dialogue Preparatory Committee, see 'National Dialogue Conference's Share Distribution Decided,' Yemen Times (November 12, 2012), <http://www.yementimes.com/en/1629/news/1666/National-Dialogue-Conference%E2%80%99s-share-distribution-decided.htm>.

<sup>5</sup> Despite high initial hopes following the unification of the Yemen Arab Republic (YAR) and the People's Democratic Republic of Yemen (PDRY) in 1990, economic and political tensions erupted into a five-month civil war in 1994. After the north's victory, the former PDRY, or 'south,' accused northern officials of forcing out southern military officials, land grabbing, and destruction in southern cities, and generally dominating the Yemeni political system and neglecting or disadvantaging southerners, sparking frequent protests, and often violent reprisal and crackdown by the government. In recent years, southern leaders have called for secession. See Helen Lackner 'Yemen: can southern separatists break up Yemen?' (October 23, 2012), <http://www.opendemocracy.net/helen-lackner/yemen-can-southern-separatists-break-up-yemen>; International Crisis Group, 'Breaking Point? Yemen's Southern Question' (October 20, 2011), [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/114%20Breaking%20Point%20--%20Yemens%20Southern%20Question.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/114%20Breaking%20Point%20--%20Yemens%20Southern%20Question.pdf).

<sup>6</sup> The Houthis are a Zaydi Shia rebel group located primarily in the northern Sa'ada governorate. After the military coup overthrowing the 1,000-year rule of the Zaydi Imamate in 1962, Sa'ada became the center of opposition during the subsequent civil war and has since been largely sidelined by the central government. The conflict has been complicated by external influences, with the Houthis accused of alignment with Hizbollah and Iran and the central government and local tribes allegedly receiving support from Saudi Arabia against them. The cycle of conflict continues, aggravated by acts of brutality on both sides. See International Crisis Group, 'Yemen: Defusing the Saada Time Bomb' (May 27, 2009),

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/086%20Yemen%20Defusing%20the%20Saada%20Time%20Bomb.pdf>; Reuters, 'Houthi rebels seen gaining new influence in Yemen,' October 3, 2012, <http://www.reuters.com/article/2012/10/03/yemen-houthis-idUSL6E8KU2WU20121003>.

<sup>7</sup> The National Dialogue was originally scheduled for April 2012 and was subsequently postponed several times because of a failure to reach agreement on several key preliminary issues, or to implement some of the restructuring and confidence-building measures laid out by the preparatory Technical Committee.

<sup>8</sup> Many of these personnel changes was prompted by the mid-December 2011 protest movement known as the "Revolution of Institutions." Prompted by fears that the Transition Agreement would not uproot deeper patronage networks, the Revolution of Institutions demanded the removal of corrupt officials and Saleh family members and loyalists from key public and private institutions across Yemen, ranging from Central Security Forces to Yemenia

Throughout the first half of 2012, there were changes at the upper levels in the Ministries of Interior and Defense, the head of National Security, the head of Central Security and the Police, and the Commander of the Air Force. Four of the five district military commanders were replaced. In the Judiciary, replacements and reforms were more limited. A new General Secretary of the Supreme Judicial Council was appointed, along with a new head of the Judicial Inspection Authority in the Ministry of Justice, as well as some new appointments at lower levels in the Ministries of Justice and Legal Affairs, with some reform-minded officials brought on board.<sup>9</sup> At a national level, many of the ministries have been engaged in strategic review and planning processes, supported with technical assistance from bilateral donors, to develop broader restructuring or reform plans and to promulgate laws that address some of the benchmarks established in the Transition Agreement for improving governance and rights protection. These include the controversial Draft Law on Transitional Justice and National Reconciliation,<sup>10</sup> a proposed law to create a national independent commission or institution for human rights, and the Right to Information Law,<sup>11</sup> among others.

A series of Presidential decrees in August 2012 began restructuring key state institutions by implementing significant changes in the military and security sector<sup>12</sup> and making the Supreme Court independent from the authority of the Supreme Judiciary Council (which is controlled by the Executive branch).<sup>13</sup> The most significant changes took place following a series of decrees on December 19, 2012, after the primary period of research for this report. The decrees removed several of Saleh's relatives and allies from key power positions within the military and security forces, and restructured and unified command of the armed forces.<sup>14</sup>

A full exploration of the impact of these national-level developments is beyond the scope of this paper. Instead, what this research will focus on is whether any of these national-level changes have led to or been accompanied by similar reforms at a local level. Researchers gathered information on the replacement of local justice and security officials since the February elections, particularly whether there were efforts to remove or replace officials known for

---

Airways to universities. See Sasha Gordon, 'The Parallel Revolution in Yemen,' *Critical Threats*, American Enterprise Institute (March 6, 2012), <http://www.criticalthreats.org/yemen/gordon-parallel-revolution-march-6-2012>.

<sup>9</sup> See 'Sanaa rebels demand judiciary independence,' *Yemen Fox* (March 31, 2012), [http://www.yemenfox.net/news\\_details.php?lng=english&sid=2561](http://www.yemenfox.net/news_details.php?lng=english&sid=2561).

<sup>10</sup> See initially proposed draft law at <http://www.peaceandjusticeinitiative.org/wp-content/uploads/2012/03/Yemeni-draft-Transitional-Justice-Law.pdf>.

<sup>11</sup> See 'Yemen Passes Strongest RTI Law in the Arab World,' *Center for Law and Democracy* (June 10, 2012), <http://www.law-democracy.org/live/yemen-passes-strongest-rti-law-in-the-arab-world>.

<sup>12</sup> Notably, the August 2012 decree broke up some of the Republican Guard forces (long a power source for the former President Saleh and still under the command of his nephew), allocating some to the new Presidential Protection Force and others to different regional commands. See 'Yemen's President Hadi restructures military,' *BBC News* (August 7, 2012), <http://www.bbc.co.uk/news/world-middle-east-19166152>.

<sup>13</sup> While the separation of the Supreme Court from the Supreme Judiciary Council was an important first step toward judicial independence, for the moment it did not change the political realities controlling the Judiciary. Political parties, including former President Saleh and his GPC party, still control members of the Supreme Court, and thus undercut the value of any of these reforms, according to a high-level judge. Interview with senior member of the judiciary, October 8, 2013, Sanaa, Yemen.

<sup>14</sup> See Katherine Zimmerman and Sasha Gordon, 'Yemen's Military Restructuring: Removing Saleh's Network' (December 20, 2012), <http://www.criticalthreats.org/yemen/yemens-military-restructuring-removing-salehs-network-december-20-2012>.

corruption, abuses of power, violence against protestors, or other misconduct. In addition, this research explored whether any of the national-level institutional reforms (for example the military or judicial restructuring decrees) had affected local level justice and security management, or the climate of how the ministries involved in justice and security provision operate. The rationale for examining national-level reform challenges through this local lens is that for this transition period to be perceived as a success there must not only be top-down national reform but also changes in justice and security conditions at a local level. Equally important to the political compromise and institutional reforms that are being brokered in Sanaa is the degree to which these national-level efforts result in meaningful governorate-level change.



The four governorates examined – Taiz, Aden, Abyan, and Marib – represent a cross section geographically and politically. Each has a different historical relationship with the central government and differing levels of development, governance, and formal justice provision. Each of these governorates also spotlights a key political, security, or governance challenge that the transitional government must confront to improve stability and meet the transition benchmarks: resolving the southern issue; responding to demands from the Youth movement; balancing

formal government control and services with the tribal system; and tackling continued militant activity and insecurity across much of the uncontrolled territory stretching from Abyan across Jawf and Marib.

These four governorates do not represent all of the local challenges that exist in Yemen’s twenty-one governorates and the complexity presented by Yemen’s fractured and divided political and social landscape. However, these snapshots at least provide a window into how transition looks from the ground level. Translating national-level commitments into meaningful change at a local level will be one of the key tests for the transitional government, whatever is agreed to in the National Dialogues.

Finally, while this research focused on the impact of political and institutional reforms, there are a number of other variables and lenses that are equally (and sometimes more) important to the security and livelihood needs of the Yemeni population, and which in turn heavily shape perceptions of change. These include the weak economy, water, and other natural resource shortages, and shortfalls in basic food and health across major portions of the population. As one agricultural and research expert commented, “Just over half the population is full-time engaged in survival. For most people politics is an abstract idea when they are busy looking for food.”<sup>15</sup> Although those interviewed for this research tended to be drawn from those who would be more sensitive to political and institutional discussions – such as government officials, those in the legal community, and civil society – these issues also came up frequently, particularly in the governorates where meeting basic survival needs still dominates most citizens’ attention, as in Abyan. Thus, even though analysis and description of these larger problems is beyond the scope of this paper, it is worth noting their prominence in popular discourse.

---

<sup>15</sup> Email correspondence with the international agricultural consultant, December 20, 2012.



### ***Methodology and Access***

This research was carried out by USIP together with two local partner organizations: Partners-Yemen, and All Youth Yemen. It was made possible with support from the Bureau of International Narcotics and Law Enforcement Affairs at the United States Department of State.

Researchers conducted a total of 375 qualitative, long-form interviews. A list of preliminary questions can be found in Annex I. To conduct the field research, USIP worked with two local partner organizations: All Youth Yemen led field research in Taiz and Aden; and Partners-Yemen led the field research in Marib and Abyan. The field research was conducted primarily by local Yemenis from each governorate during October 2012, with more limited follow-up interviews research conducted by an international and national researcher from November 2012 through January 2013.

During the field research component, 82 interviews were conducted in Marib (Marib City (Medina), Al-Wadi, Serwah); 44 in Abyan (Zinjabar, Kahnfar, Moudiyah districts); 98 in Aden (Muala, Shaikh Othman, and Mansoura); and 111 in Taiz (Taiz city, and Taizia and Mudhafa districts). In each location, interviewees were selected primarily based on their work position or their role in the community. Researchers in each governorate sought interviews with Yemeni officials who play a significant role in security and justice issues at a provincial level (the Governor, the Security Director of the governorate, the Chief of Police, the Head of the Appeals Court, the Prosecutor's office, the Ministry of Legal Affairs, etc); security and justice officials at a district level for the districts assessed (district director, the security director, the head of court of first instance); local councils; tribal shaikhs or prominent community leaders; civil society organizations including youth organizations; and professionals working in legal and security sectors (including lawyers, legal advocates and trainers, security sector researchers, etc). Individuals were not interviewed based on their party affiliation alone, although within each of the above professional categories, interviewees tried to select those with different political, tribal, or social backgrounds. Finally, in addition to the research in each governorate, a more limited number of background interviews were conducted in Sanaa with national level officials, civil society experts, international representatives, and non-governmental organizations.

Access was an issue in all districts. Officials from Abyan and Aden were difficult to interview because of the ongoing security issues in both governorates (with many Abyan officials still living in and operating out of Aden), in particular the frequent assassinations and assassination attempts of local officials. Government officials were suspicious about those requesting to meet with them and the purpose of the questions. Where they did agree to be interviewed, they often refused to give location details until immediately prior to the meeting or changed them frequently to avoid potentially being tracked by hostile groups. During the interviews, officials from Abyan were guarded. Some did not respond to more sensitive questions, asked that their reservations be noted, or only agreed to speak anonymously.

An additional access issue was government officials' reluctance to respond to requests for information. This was an issue in all governorates, with officials only slightly more open in Taiz. Although in general civil society noted that government officials are more open to discussions with civil society and showed greater inclinations to transparent governance since the transitional government was put in place, in the course of this assessment, researchers found Yemeni

officials were often reluctant to respond openly to questions they deemed sensitive, particularly members of the judiciary. In some cases, officials refused to be interviewed altogether or even to respond to requests for an appointment.

## **Findings: Snapshots of Local Justice and Security Post-Transition**

### ***Taiz***

Taiz, long considered the cultural heart of Yemen, was at the epicenter of anti-government protests in 2011. What began in February 2011 as an encampment of peaceful protestors in “Freedom Square”, developed into a protracted conflict between government and anti-government forces. Heavy-handed government tactics<sup>16</sup> – including a multi-day, direct attack on peaceful protestors in Freedom Square on May 29, 2011<sup>17</sup> – galvanized armed resistance including from a number of major tribal leaders.<sup>18</sup> By June 2011, the city was divided into two parts, one part under the control of government forces and the other under non-government armed groups,<sup>19</sup> with both sides engaged in indiscriminate shelling and light and heavy arms fire that resulted in significant civilian casualties and widespread property destruction – both public and private. An estimated 120 civilians were killed in government attacks, with many more injured.<sup>20</sup> Only after government tanks were removed from the city in December, following the Transition Agreement, did open violence and confrontations end in Taiz.

Typically one of the most stable cities in Yemen, the level of violence and instability in Taiz during 2011 had not been seen since the 1962 Civil War, and the impact is still visible in Taiz’s security situation. In the weeks following February elections, security incidents, crime, and kidnapping were still happening at high levels. Although major fighting had subsided, government forces were still unable to access major areas of the city. There was no regular functioning of many basic rule of law components including lawful arrests, prosecution, and judicial review of crimes.

---

<sup>16</sup> In a February 2012 report on the situation in Taiz, Human Rights Watch noted that “use of excessive force by security forces and pro-government gangs against largely peaceful demonstrations” began in February 2011, when government-backed “assailants in civilian clothes threw a grenade into a rally, killing one protester and wounding 87. By March, security forces were firing live ammunition directly at protestors.” HRW also noted other repressive tactics, including threats, beatings, arbitrary detentions, and even some reports of extrajudicial killings against protestors, medical professionals assisting protestors and others suspected of being sympathetic to the protest movement. For more on this see ‘No Safe Places: Yemen’s crackdown on protests in Taizz,’ Human Rights Watch report (February 2012): 3-4, <http://www.hrw.org/sites/default/files/reports/yemen0212webwcover.pdf>.

<sup>17</sup> On May 29, 2011, government forces attacked Freedom Square, gunning down protestors, attacking temporary medical facilities that had been established and even bulldozing parts of the Freedom Square encampments. Reportedly as many as 100 protestors were killed. For more on this see, ‘No Safe Places: Yemen’s crackdown on protests in Taizz,’ Human Rights Watch report (February 2012): 1.

<sup>18</sup> See Tom Finn, ‘Is Taiz Going to be the Next Benghazi of Yemen?’ Time (13 December 2011), <http://www.time.com/time/world/article/0,8599,2102183-1,00.html>.

<sup>19</sup> The eastern half of the city was largely under the control of security forces, the Republican Guard and military police units, and the western half under the control of two armed groups led by Shaikh Hamoud Saeed Al-Mikhlaifi, and by the Brig. Gen. Sadeq Sarhan, a First Armored Division officer who defected.

<sup>20</sup> For more on this see, ‘No Safe Places: Yemen’s crackdown on protests in Taizz,’ Human Rights Watch report (February 2012): 2. “Yemeni security forces’ repeated use of excessive and lethal force against largely peaceful protestors, and their apparently indiscriminate shelling of populated areas during attacks on opposition fighters.”

### **One step forward: security and rule of law gains post-transition**

Those interviewed in Taiz were among the most optimistic that the transition period was headed in the right direction, due largely to the leadership of the new Governor in Taiz.<sup>21</sup> In April 2012, President Hadi appointed Shawqi Ahmed Hayel, a prominent businessmen, to be Governor, replacing Hamoud Khaled Al-Soufi. The Security Committee was re-formed, headed by the new Governor. Among other key post-election changes, the Director of Security changed twice;<sup>22</sup> and a new Chief of Police was appointed, each of whom reshuffled some positions within the police and security forces. Other key security posts that were changed include the director of the Criminal Investigation Bureau, and the director of the Central Prison (twice).

Several interviewees noted that officials at the level of police stations and districts – the most accessible, daily representation of government for most citizens – were not affected at all. High levels of corruption and misconduct at this level left the impression among those interviewed that little had actually changed as a result of the transition, although most were still hopeful of reforms to come. The prosecutor’s office reportedly has been investigating several cases against certain policemen and other security officers alleged to have fired on protestors during the 2011 crisis.<sup>23</sup> However, it was difficult to get specific information on the number charged and the state of their case given the sensitivity of these cases. In general, interviewees from both JMP and GPC shared frustration about the slow progress and failure of the transition government in creating sufficient change at the local level.

One persistent complaint, both by government officials and by non-government individuals interviewed, was that although some personnel had been reshuffled, no structural changes were made, and personnel replacements were based on party affiliation (largely according to the 50/50 power-sharing split) rather than on merit. In addition, following the February 2012 elections, there was often not just one but multiple replacements and shifts of the same position. Where the position was senior enough, those appointed tended to fill lower ranks with their own political allies and party members. This is particularly problematic in the security forces, where, as a result of this layered, political reshuffling, the security forces do not make a single cohesive force. As the Governor of Taiz remarked, “I don’t have a police force – just different groups inside the police with different affiliations.”<sup>24</sup>

Soon after being appointed, the Governor and the Security Committees focused attention on reducing the presence and activities of armed groups in Taiz, to some positive effect. Nonetheless, the activities of informal armed groups are still far higher than before 2011 and after an initial lull when the new Governor was appointed, appeared to be on the increase again at the time of research.<sup>25</sup> The Governor spearheaded a campaign against carrying arms in the

---

<sup>21</sup> Interviewees were for the most part very enthusiastic about the new Governor, particularly members of the GPC, youth and independent activists, and professionals in the non-governmental and legal sectors. Researchers found that where critiques were made, they came from Islah partisans who were interviewed.

<sup>22</sup> Following the conclusion of the field research and writing, on December 19, 2012, the Security Director was yet again set to be replaced, which would make a third replacement.

<sup>23</sup> Interview with lawyer affiliated with the Taiz Prosecutor’s Office, October 2, 2012, Taiz, Yemen.

<sup>24</sup> Interview with Shawki Ahmed Hayel Saeed, Governor of Taiz, October 19, 2012, Taiz, Yemen.

<sup>25</sup> Some interviewees argued the increase in security incidents in Fall 2012 was intended as a political challenge to the new security director, who was subsequently removed in December 2012. See also Ahmed Dawood, ‘Taiz

street that many said reduced crime and the influence of armed gangs; other suggested it simply made weapons less visible although even that was an improvement on the previous situation.<sup>26</sup>

Interviewees spoke most positively about another of the Governor's initiatives – a Code of Conduct signed by key political stakeholders, civil society organizations, the leaders of the armed groups, prominent shaikhs and youth representatives in Taiz. Signatories to the Code of Conduct, published on August 12, 2012, agreed to support the Governor and his efforts to



improve stability in Taiz, including by withdrawing armed groups from the streets; enabling the security forces to control all the parts of the city and to execute laws; and supporting enforcement against those who commit any illegal acts or undermine security and stability in Taiz. Although many interviewees cited this as the most important security initiative taken so far there were concerns that there had not yet been any public awareness efforts or follow-up steps.

Although security was significantly better since transition began – and particularly since the new Governor was appointed—it is still far worse than in 2010.<sup>27</sup> At the time of the research, the security forces could not control the conflict in Al-Haror area (in the northeast part of Taiz) between Shaikh Abdulghani Qaid Al-Nagdeen and Shaikh Abdulaziz Mahyoub. Freedom Square was also still not under the control of the security forces, with the result that many criminals and disaffected former military and security individuals hid there. Since 2011, the Houthis have also expanded their presence in Taiz, leading to frequent armed clashes between armed supporters of Houthis and Islahis in the city, tensions which have not subsided with the Governor's recent initiatives and still pose a high threat of continued violence.<sup>28</sup>

In addition, despite the efforts to counter armed groups, unorganized armed groups engaged in illegal activity (including attacks on individuals, blackmail, illegal checkpoints, and extortion) still operate in many of quarters in Taiz such as Ausaifera, Soq Al-Qat, Al-Rawdha, Wadi Al-Qadhi, Jamal Street, Al-Haseb, and suburbs of the city. Several interviewees suggested that this

---

residents call for Immediate Action to Address Local Security,' Yemen Times (November 12, 2012), <http://www.yementimes.com/en/1624/news/1598/Taiz-residents-call-for-immediate-action-to-address-local-security.htm> (describing a protest of several hundred citizens in Taiz on November 11, 2012 that claimed that armed groups still ruled the streets and demanded the resignation of members of the local council).

<sup>26</sup> Although most spoke favorably of the campaign, it is worth noting that attempts to disarm individuals or groups who disobeyed this campaign sometimes resulted in shooting incidents.

<sup>27</sup> The Security Authority in Taiz provided a few statistics that are indicative of the overall high levels of violence still present. During September 2012, 244 crimes were referred to the public prosecution. Local hospitals reported 40 murder cases during August 2012, many of which have not been solved, nor the perpetrators arrested.

<sup>28</sup> See Yemen Press Article (Arabic) (November 29, 2012), <http://yemenpress.com/news15524.html>; <http://yemenpost.net/Detail123456789.aspx?ID=3&SubID=4450>.

was because efforts like the Code of Conduct and the disarmament campaign only disbanded or limited the activities of organized armed groups who fell under the leadership of particular shaikhs or other individuals who might be persuaded to abide by the Code. However, during the course of 2011, a much broader number of individuals were armed and paid by one or more of the parties to the conflict and did not fall into a particular organized group or leadership structure. These armed individuals affected are beyond the control of any governmental or non-governmental authority and were not affected by the Code.

### **Hope, but no progress on justice reform**

In the judicial institutions, many judges of first instance changed, but the head of the Appeals Court and other major positions in the judiciary did not change. Similarly, the heads of the prosecutorial offices in Taiz did not change, but the deputy prosecutor positions generally did. According to all those interviewed, this was because of the law mandating rotations every several years, not because of any reforms connected to the transition. While the term of the deputy positions was up, the more senior positions were not yet eligible for rotation.

Where positions did open up due to the rotation law, many of those interviewed, including judicial officials themselves, said that who was appointed came down to party affiliation, rather than merit, preventing any meaningful reform of the judiciary either through judicial appointments or other accountability processes. The Ministry of Legal Affairs reportedly started a special judiciary committee to hold accountable those judges who were not carrying out Yemeni law or who were otherwise engaged in professional misconduct.<sup>29</sup> At the time of research, the committee had identified a number of cases in Taiz and a few judges who had embezzled government funds had been fired, according to government officials. More specific information was not available, however, given the sensitivity of this issue. Those involved noted that they were proceeding cautiously even where wrongdoing is found. “There is a big problem still that the parties of the country stock the ministries. Even if someone is found to have engaged in corruption or other bad conduct, he will maybe just be moved somewhere else, or else he would maybe cause [political backlash].”<sup>30</sup>

Some thought that the broader judicial reform processes that would be discussed in the National Dialogue might open space for reform, but so far saw no change because of the partisan nature of appointments. The August Presidential decree making the Supreme Court independent from the Supreme Judiciary Council was still not executed at a local level in Taiz at the time of research.

Unlike in some governorates where the role of the formal system was always limited, prior to 2011, the formal system in Taiz was functional, if still plagued with corruption, lack of resources, lack of capacity, lengthy case times, poor enforcement, and political interference. The instability in Taiz in 2011, continuing into 2012, exacerbated many of these problems. Meanwhile the physical insecurity and lack of government control of significant parts of Taiz in 2011 and into 2012, meant that for almost a year’s time there was effectively no regularly

---

<sup>29</sup> Interview with a female lawyer in the Taiz Ministry of Legal Affairs, October 9, 2012, Taiz, Yemen.

<sup>30</sup> Ibid.

functioning judiciary.<sup>31</sup> Even though courts had resumed functioning at the time of research,<sup>32</sup> the period of instability led to a long backlog of cases that makes adjudication of cases take even longer, and at an even higher cost.

As a result, over the last year and a half, many more have turned to actors outside of the formal justice sector to have their disputes resolved, including to prominent shaikhs, leaders of armed groups, and other arbitration mechanisms. In what some described as the “re-tribalization” of Taiz, shaikhs and leaders of armed groups have grown increasingly influential since February 2011 and February 2012. Shaikhs play a prominent role in resolution of both criminal and civil cases, both because the judiciary has been so weak, and because shaikhs and armed groups are able to enforce their decisions – something that formal state institutions have largely not been able to do.

### **Future directions and recommendations**

“Cleaning out” the security and justice sectors of corrupt, unqualified or otherwise unfit officials, and neutralizing the overly political control of ministry appointments were among the most common recommendations in Taiz, by both government and non-government interviewees. Interviewees in Taiz generally argued that some of this had happened, but not enough. Removal of unfit officials should not stop at the higher levels, but should extend down to lower levels, to individuals who dealt with citizens on a daily basis, for example, security leaders at the district level, or police officers. In addition, several flagged the concern that even when officials were seemingly removed from power, they were simply rotated to another position in the governorate or to another governorate. Finally, many stressed that when officials are replaced, the replacement should be decided on merit, not on the power-sharing agreement. Those judges who engage in corruption or other misuse of their position should be referred to the judiciary Inspection Authority, and such investigations should proceed independent of their political affiliation.

A second category of recommendations dealt with longer-term processes to strengthen and support institutional quality and development, for example, improving and increasing staffing and facilities for security and justice institutions. Many also recommended programs or initiatives that would build the capacity of existing institutions including programs that supported policemen in community policing and accountability; educational and exchange programs for judges; and improving the quality of the Prosecutor’s office.

Among the justice and security institutions many cited the importance in particular of improving the staffing, facilities, and overall quality of the Central Prison, to allow it to better meet basic rights standards. Particular interviewees also flagged a need to improve the capacity and

---

<sup>31</sup> The Head of the Appeals Court noted that during 2011, because the government did not control all the territory in Taiz, and the courts are located geographically distant from the prisons, it was impossible to physically bring prisoners to trial without being able to guarantee their security or that they would not escape. The Court of Appeals and some other courts tried to rectify this by going to the prison to conduct trials, but this was not possible to do in high numbers. Interview with Ahmed Gilani, Head of Appeals Court, October 10, 2012, Taiz, Yemen.

<sup>32</sup> Destruction to some of the court facilities and judicial ministry buildings during 2011 still affects some court functions. Ibid.

processes of the Land Registration Bureau, arguing that duplicative, unclear, and belabored processes contributed to corruption, land grabbing, and other land conflicts.

Finally, many of the youth and civil society activists interviewed argued that there was a need to continue to build on the initiatives taken by the Governor to promote joint community-government engagement on local security issues, ranging from building on community policing efforts to developing concrete follow-ons to the already successful Code of Conduct. Some suggested that security would be enhanced if the Security Committee and Police officials focused less on sporadic raids or arrest periods and instead established regular checkpoints.

## **Marib**

Located east of the capital Sanaa, Marib is one of the most marginalized areas in northern Yemen. With an estimated 64% of the population living in poverty<sup>33</sup>, the majority of the population lacks access to basic infrastructure and services including roads, running water, electricity, education and health services. State institutions – especially the security and justice sectors – have historically had a very limited presence in Marib. Security and justice have traditionally been maintained by local tribes and dispute resolution dominated by tribal customs, known as “urf”.

Marib faced significant security issues even prior to the 2011 crisis. In addition to having one of the highest levels of tribal conflict, because of the lack of government control, Marib was used by different militant groups as a staging ground for attacks. AQAP was responsible for several high profile attacks on electricity and oil resources in Marib in 2010, as well as frequent attacks on government officials and security forces.<sup>34</sup>

In February 2011, the anti-government protests sparked by the Arab Spring spread to Marib. Hundreds of youth marched to the government compound in Medina (the main city in Marib) carrying roses and demanding the fall of the regime. Although the protests themselves started peacefully, as government forces withdrew from the main highways in March 2011, the overall security situation deteriorated. Criminals and other informal armed groups frequently engaged in banditry and road blockage. Throughout the course of 2011 and 2012, repeated attacks on the electricity towers, power cables,<sup>35</sup> and oil pipelines in Marib led to severe shortages of gas and power throughout the country, particularly in Sanaa, and are estimated to have cost the country 4

---

<sup>33</sup> See ‘Yemen Poverty Assessment,’ Open Knowledge, the World Bank (November 2007), <https://openknowledge.worldbank.org/bitstream/handle/10986/7948/530760ESW0P0951Box345595B01PUBLIC10.txt?sequence=2>.

<sup>34</sup> See ‘Security Sources Reveal Names of New Officials to Be Targeted by AQAP,’ Yemen Post (June 13, 2010), <http://www.yemenpost.net/Detail123456789.aspx?ID=3&SubID=2288&MainCat=3> (describing AQAP targeting of local Marib officials); See, e.g., Cody Curran, James Gallagher, Courtney Hughes, Paul Jarvis, Adam Kahan, Patrick Knapp, Matthew Lu, and Jared Sorhaindo, ‘AQAP and Suspected AQAP Attacks in Yemen Tracker 2010, 2011, and 2012,’ Critical Threats, American Enterprise Institute (May 21, 2012), <http://www.criticalthreats.org/yemen/aqap-and-suspected-aqap-attacks-yemen-tracker-2010> (describing a timeline of attacks and security incidents attributed to AQAP in Yemen, including a high number of incidents in Marib in 2010).

<sup>35</sup> See Marib Press (Arabic), the power cables were attacked repeatedly hundreds of times costing the country hundreds of millions of dollars in value and repair costs (April 8, 2012), [http://www.marebpress.net/news\\_details.php?sid=42437&lng=arabic](http://www.marebpress.net/news_details.php?sid=42437&lng=arabic).

billion USD (discussed more thoroughly below).<sup>36</sup> Although some AQAP elements were present in Marib before 2010, they increased over 2011 and 2012. The deterioration of security control on the highway gave AQAP more freedom of mobility and some of them drove through Marib to Rada'a<sup>37</sup> where the militants took over parts of the town in January 2012. When the militants were pushed out of Abyan, some of them also crossed through Marib to Qaifah in Al-Baydha. Radical elements associated with AQAP became more active spreading their ideology in some of the informal, Islamic education facilities in the governorate.

One positive security development for Marib (and in contrast to the rest of the country), was that tribal conflict, a major source of social disruption, decreased. This meant for at least some populations in Marib, security in 2011 was better than it had been in the past. In response to the existential crisis facing Yemen in 2011, and fears that siding with one side or the other would spark uncontrollable tribal conflicts, the tribes agreed not to take sides in the conflict, and to work together to maintain security within its territory in the governorate.<sup>38</sup> Tribes actively worked together to reduce the likelihood that incidents arising during the protests would spark new conflicts.

### **A more complex security environment post-transition**

After the 2012 elections, the government redeployed government forces to Marib, primarily in an attempt to halt attacks against oil and electricity assets and prevent criminal or terrorist groups from using Marib as a launching ground for attacks in Sanaa. While government forces regained control of the highway between Al-Wadi district and Sanaa, the highway that leads to Shabwa and other key assets in the governorate are still not in the control of government forces. Insecure elements long present in the governorate have greater freedom than in the past, and those interviewed suggested gang activity (primarily carjacking, robbery and banditry), hashish trading and consumption, and AQAP and other militant activities were all on the rise. Government and security forces are still a frequent target. On December 8, the top military officer for the Yemen Central Military Region was killed along with 11 soldiers in an ambush by armed men.<sup>39</sup> In return, the government launched an offensive killing four people.<sup>40</sup> Those interviewed in follow up research argued that the government offensive killed innocent civilians and destroyed homes.<sup>41</sup>

Interviewees suggested a growing sense of fear among locals because of drones and air strikes. The common perception was that drones had primarily killed civilians in Marib, a perception

---

<sup>36</sup> Joao Peixe, 'Militant Attacks on Pipeline Cost Yemen \$4 billion in Lost Revenues,' Oil Price (July 4, 2012), <http://oilprice.com/Latest-Energy-News/World-News/Militant-Attacks-on-Pipelines-Cost-Yemen-4-Billion-in-Lost-Revenues.html>.

<sup>37</sup> The Town of Radaa is a district of Al-Baidha governorate and is located 80 miles southeast of Sanaa.

<sup>38</sup> Interview with Shaikh Mufarreh Beheibeh, a prominent shaikh from Marib, October 15, 2012, Sanaa, Yemen; Sharif Abdullah, Marib governorate council member, October 18, Sanaa, Yemen; Ahmed Azzayedi, local civil society leader, October 8, 2012, Sanaa, Yemen. Hudein Abu Nab, Marib social figure, October 8, 2012, Marib, Yemen; Salem Mabrook, Magzer Youth Coalition for Change, October 8, 2012, Marib city.

<sup>39</sup> See Al-Masdar Online (Arabic) (December 10, 2012), <http://almasdaronline.com/article/38974>.

<sup>40</sup> See Marib Press (Arabic) (December 9, 2012), [http://www.marebpress.net/news\\_details.php?lng=arabic&sid=49763](http://www.marebpress.net/news_details.php?lng=arabic&sid=49763).

<sup>41</sup> See Marib Press (Arabic) (December 10, 2012), [http://www.marebpress.net/news\\_details.php?sid=49807&lng=arabic](http://www.marebpress.net/news_details.php?sid=49807&lng=arabic).



shared by both local government actors and civilians. Interviewees reported hearing drones above, and said they were in constant fear that they might be hit at any time. For example, one of the female interviewees who lives in Sanaa but has a house in Marib mentioned that her family avoided travelling to Marib because of fear of drone strikes.<sup>42</sup>

The most common recommendation or request by those interviewed in Marib – both in the government and outside it – was for the formal security presence in Marib to be strengthened and expanded. Whereas previously Marib relied primarily on the tribal system to maintain basic law and order, most interlocutors thought the tribal system had been too significantly weakened in recent years and was not able to deal with the current security situation alone. Some argued this was due to a widespread loss of respect and adherence to tribal traditions and customs among the younger population. Others argued that the militants and other criminal elements were simply too difficult for the tribal shaikhs to control. The rise in targeted assassinations in Marib and other areas by militants in recent years led tribal shaikhs to fear that if they resisted these armed groups or spoke out against their criminal practices, they would be targeted.

Tribal conflicts are still less frequent than before 2011, but many fear that with the weakness of the transitional government, the increasing activity of armed groups and the tribal system's inability to cope with security pressures in the governorate, tribal conflicts might erupt again, perhaps worse than ever before given the more complex overall security environment.

### **Local grievances and political motivations for oil and electricity attacks**

The Marib-Ras Isa pipeline is the key oil artery in Yemen, taking an estimated 120,000 barrels a day from oil fields in central and northern Yemen to the Red Sea export terminal. In addition, Marib is home to the Dhahban power station, the main source of electricity for Sanaa. Spread across large swaths of largely uncontrolled territory in Marib, the oil and energy infrastructure has long been an attractive target to militant groups, disenchanting tribesmen, those seeking to extract rents from the foreign oil companies, and others with grievances against the government.

While not a new security issue, attacks escalated in number and severity throughout the course of the 2011 crisis and continue through the present transition period.<sup>43</sup> From March 2011 until July 2012, the oil pipeline was targeted 18 times, according to official estimates. Major attacks on the power stations meant that Sanaa and other large urban areas were without power or suffered major blackouts throughout 2011. Attacks have not ceased since the transitional government was brought in. After being shut for most of a year, the main Marib-Ras Isa pipeline was repaired and resumed normal functioning on July 15, but was shut down again after major attacks in September 2012, and then again after a series of major attacks in November 2012.<sup>44</sup> On

---

<sup>42</sup> Interview with Entisar Alqadhi, female civil society leader from Marib, October 8, 2012, Sanaa, Yemen.

<sup>43</sup> For a timeline of targeted attacks on pipelines, processing, and transit hubs for oil and gas in the October 2011 – May 2012 period (at a frequency of several incidents per month nationwide), see William Hardy, 'TIMELINE- Yemen's energy industry under attack,' Reuters (May 14, 2012), <http://en-maktoob.news.yahoo.com/timeline-yemens-energy-industry-under-attack-123241005.html>. Targeting took place across Yemen, but many of the key attacks took place in Marib.

<sup>44</sup> After nine months of halted operations, oil production started in Marib, see 'Yemen restarts Marib Oil Pipeline,' Gulf Oil and Gas (July 17, 2012), <http://www.gulfoilandgas.com/webpro1/MAIN/Mainnews.asp?id=21740>. However, the following September, oil pipelines were subject to several attacks again, see Ahmad Dawood, 'Marib

December 2, 2012 tribesmen attacked oil pipelines and electricity towers again which resulted in a power outage in Sanaa and other cities.<sup>45</sup>

The attacks appear to be carried out by a range of actors, which makes it difficult to identify the perpetrator for any given attack. For example, initial public reports about the early 2011 attacks on electricity stations blamed the attacks on anti-government tribes or opposition political parties, connecting the violence with the broader protest movement.<sup>46</sup> However, more recent investigations by the Military Committee established by the Transition Agreement have led to competing allegations that then-President Saleh and military officers loyal to him were responsible for many of the early attacks on key oil pipelines and electricity towers, as a way to illustrate that the protests were leading to instability and undermine support for their cause.<sup>47</sup> Several of the significant attacks on oil and gas pipelines and processing facilities have also been linked to Al Qaeda militants.

Interviewees in Marib tended to attribute the attacks to a mixture of political motivations and personal grievances. Interviewees thought many of the attacks on oil and electricity assets in 2012 were organized by national-level political actors seeking to make the transitional government appear weak and ineffective, particularly those attacks that coincided with sensitive political moments such as after major reshuffling in power structures or in anticipation of major conferences or political events.<sup>48</sup> “Whenever the political situation in Sanaa gets worse, it manifests itself in attacks against oil pipelines and electricity towers”, said Ali Alghulaisi, a journalist from Marib.<sup>49</sup> Such incidents were most frequently blamed on Saleh loyalists and former regime supporters, but the opposition JMP parties were also sometimes blamed.<sup>50</sup>

While these political motivations are believed to be behind some attacks, interviewees from Marib said the majority of attacks have been carried out by disaffected or disgruntled tribesmen seeking to pressure the government to meet their demands or to strike back for personal grievances. For example, many of the attacks have been perpetrated by the Al Shabwan tribe in revenge for the killing of former deputy governor Jaber Al Shabwani in a botched air attack in

---

Pipeline Attacked Yet Again,’ Yemen Times (September 6, 2012),

<http://www.yementimes.com/en/1605/news/1360/Marib-pipeline-attacked-yet-again.htm>.

<sup>45</sup> See ‘Yemen Army Shelling Kills 2 Tribesmen in Offensive to Stop Attacks on Oil Pipeline,’ Fox News and the Associated Press (December 02, 2012), <http://www.foxnews.com/world/2012/12/02/yemen-army-shelling-kills-2-tribesmen-in-offensive-to-stop-attacks-on-oil>.

<sup>46</sup> See Mohamed Sudam, Martina Fuchs, and Nick Macfie, ‘Yemeni tribe members attack electricity pylons, cut supply,’ Reuters (March 31, 2011), <http://www.reuters.com/article/2011/03/31/yemen-electricity-idAFLDE72U23X20110331>.

<sup>47</sup> Mohammed Al Qadhi, ‘Yemen accuses military of sabotaging key oil pipeline,’ The National (July 09, 2012), <http://www.thenational.ae/news/world/middle-east/yemen-accuses-military-of-sabotaging-key-oil-pipeline>.

<sup>48</sup> In an interview with the Yemen Times, the governor of Marib, Sultan Al-Aradah, said the attack in September was politically motivated as it coincided with the Donor Conference in Riyadh. Ahmad Dawood, ‘Marib Pipeline Attacked Yet Again,’ Yemen Times (September 6, 2012), <http://www.yementimes.com/en/1605/news/1360/Marib-pipeline-attacked-yet-again.htm>.

<sup>49</sup> Phone interview with Ali Alghulaisi, journalist, December 5, 2012.

<sup>50</sup> In part due to the qualitative nature, this research did not systematically track how perceptions were influenced by the individuals’ political party affiliation. However, where individuals attributed these attacks on political actors, researchers noted some political bias, with individuals tended to blame the other party more frequently.

March 2010.<sup>51</sup> Other attacks have been motivated by broader tribal or community demands against the government, often concerning jobs, services and resolving land conflict and compensation. Interviewees said that because the government met the demands of some of those who attacked pipelines early on, others were encouraged to do the same.<sup>52</sup> A journalist from Al-Wadi district estimated that at least 60% of the attacks against oil pipeline and electricity towers were carried by these groups.<sup>53</sup>

An initiative by the new Government to review and address the local grievances in Serwah and Al-Wadi districts, where attacks against oil pipelines took place, in recent months reportedly may have backfired by raising expectations without delivering actual responses. Some interviewees suggested it may have led to the December 2, 2012 oil pipeline bombing.<sup>54</sup>

While some tribes tried to help protect public interests and prevent attacks on pipelines, the majority did not care about attacks that reduced electricity supply because the population at large believes they receive few benefits from the oil and electricity companies. Prior to 2012, only two districts (Marib Al-Wadi and Marib City districts) had access to electricity and the supply was erratic and no more than a few hours a day. In September 2012, electricity was extended to some areas of four new districts including Madghel, Majzer, Raghwan, and Serwah but the majority of the areas in the four districts remain without electricity. In addition, many local communities are hostile to the oil companies because they complain that companies do not provide compensation or services to the communities in which they operate. Although some individuals and tribes are richly compensated by these companies, these jobs and compensation are often unequally distributed and often spark conflict rather than appeasing the local population. In a comment that reflects some of the local sentiments, one Shaikh Mufarreh Behiebeh in Marib, noted that people say ‘all we got from the oil companies is smoke, pollution, and mosquitoes.’<sup>55</sup>

### **Greater local leadership, but weak formal government engagement on justice and security**

Despite the continuing security issues, Maribis were nonetheless relatively optimistic about the changes that have taken place since the February elections. The most significant change was the appointment of a new governor, Sultan Al-Aradah. He commands respect and is perceived as very credible due to his long experience in resolving complex conflicts in the governorate. Within a month of his appointment, Al-Aradah was able to negotiate a deal with influential tribal

---

<sup>51</sup> Many locals assume that Al-Shabwani was killed in an errant U.S. drone strike. However, some news reports suggested it was a U.S. or Yemeni air strike – and not necessarily a drone – that was responsible. See ‘Air raid kills Yemeni mediator,’ Al Jazeera (May 25, 2010), <http://www.aljazeera.com/news/middleeast/2010/05/2010525104445518461.html>; and Bill Roggio, ‘Yemeni Airstrike kills deputy governor, Al-Qaeda operatives,’ The Long War Journal (May 25, 2010), [http://www.longwarjournal.org/archives/2010/05/yemeni\\_airstrike\\_kil.php](http://www.longwarjournal.org/archives/2010/05/yemeni_airstrike_kil.php). Tribesmen have repeatedly requested a transparent investigation into his killing, and – not satisfied with the response – have attacked oil pipelines and the main power station repeatedly since his death. See Amal Al-Yaris, ‘Marib Gas Power Station Powerless Again,’ *Yemen Times* (October 4, 2012), <http://www.yementimes.com/en/1613/news/1475/Marib-Gas-Power-Station-powerless-again.htm>.

<sup>52</sup> For example, some of those who were involved in the attacks demanded jobs and then, following several oil pipeline attacks, they were given jobs in the military.

<sup>53</sup> Interview with journalist, October 9, 2012, Sanaa, Yemen.

<sup>54</sup> See, e.g., phone interview with Mohammed Azzayedi, a Marib civil society leader, December 5, 2012.

<sup>55</sup> Interview with Shaikh Mufarreh Behiebeh, a prominent Marib tribal shaikh, October 15, 2012, Sanaa, Yemen.

leaders from Aljedaan tribe to take responsibility to protect electricity lines in their territory, which reduced the number of attacks and enabled repair work to happen.<sup>56</sup> Through similar negotiations, he has also been credited with keeping the peace and trying to prevent other sources of sabotage. The governor also took steps to respond to demands for social and economic benefits, including increased access to electricity, greater resources for universities and training institutes in Marib, and efforts to have greater funds for the Marib from the central budget and for a percentage of the revenue generated by oil originating from Marib to be provided to the governorate.<sup>57</sup> Although not all of those interviewed knew about each of these initiatives, these were some of the examples given as to why he had so far garnered a positive reputation.

Other changes included appointment of a new security director, new directors for the Marib branch offices of the Health, Education, and Finance Ministries, new police force commander, and a new Court of Appeal judge. In addition, a new Chief of Staff for the Middle Armed Region was appointed. With the exception of the appointment of a new Court of Appeals judge, few reforms have taken place in the local judiciary. Most interviewees said these changes are not significant. Many also argued that holding accountable bad actors at a lower level, for example, local police who interact with people on a day-to-day basis, was more important.

As noted, the formal justice system has never had a strong presence in Marib. Prior to 2011, only two courts functioned in the governorate. Locals rarely referred disputes to formal justice institutions because they were viewed as corrupt, slow, ineffective, and unable to enforce decisions. Instead almost all disputes were resolved according to tribal custom. So far, no significant changes have happened to reverse these trends. The governor of Marib said he has taken some steps to introduce the formal justice system more broadly to locals, for example, engaging local judges in his negotiations with the tribes, so that they are seen as having a prominent role in the community. In another incident, the Governor said he deferred to a court decision halting the removal of a local official (something that not all Governors do) to send a broader message that court decisions should be respected.<sup>58</sup>

One of the most frequent comments was hope that this transition period would bring about long-standing requests for stronger formal state and justice institutions in Marib. This was the top priority not only for civil society and activist groups, but also by local council members, tribal leaders, and the governor of Marib. Although such demands are not new, they appeared to have greater urgency now. With increasing challenges to security and social order, and the weakening of tribal structures and traditions that previously maintained some form of law enforcement and dispute resolution, many argued there was more of a need for strong state institutions than ever before. Interviewees said that local people are 'thirsty' for rule of law and an effective formal justice system.<sup>59</sup> "If there were effective courts, the tribes would go there. People are eager to see functioning state institutions,"<sup>60</sup> said Abdullah Al-Aqeeli. "Shaikhs want to see state institutions

---

<sup>56</sup> See Marib Press (Arabic) (May 06, 2012), [http://www.marebpress.net/news\\_details.php?lang=arabic&sid=43229](http://www.marebpress.net/news_details.php?lang=arabic&sid=43229).

<sup>57</sup> Interview with Sultan Al-Aradah, Governor of Marib, October 15, 2012, Sanaa, Yemen.

<sup>58</sup> Interview with Sultan Al-Aradah, Governor of Marib, October 15, 2012, Sanaa, Yemen.

<sup>59</sup> Interview with Mohammed Azzayedi, civil society leader from Marib, October 7, 2012, Sanaa Yemen.

<sup>60</sup> Interview with Abdullah Alaqeeli, director of Office of Endowment and Guidance for Marib, October 7, 2012, Sanaa, Yemen; interview with a local leader from Marib, October 7, 2012, Sanaa, Yemen.

functioning in the governorate more than anybody. They are tired of having to deal with the burden of resolving conflicts constantly,” said Shaikh Mufarreh Beheibeh.<sup>61</sup>

### **Future directions and recommendations**

Interviewees argued that the nature of security challenges had shifted in previous years, and that this required a fundamental shift in the thinking about how security challenges are met and the relationship between the government and the tribal system in Marib. In the current climate, the tribes are no longer able to provide security and order, so the historically low levels of formal engagement in the governorate will no longer be sufficient to guarantee stability. Many argued that state security forces needed to take a more prominent role in the internal security in the governorate, and to be given ample resources and authority to enforce law and order.

Many interviewees suggested that what is needed to combat the rise in criminality and militant activity in Marib are more joint efforts between the state and tribal communities. Some suggested that a solution might be for tribes to help capture militants or criminals, and then hand them over to the government to bring them to justice. However, interviewees noted that this solution will only work if the government is serious about it. If tribes participate in such an initiative, and then militants are allowed to escape (for example, through bribery, as has happened in the past), the scenario would lead to dire consequences not only for the tribal leaders themselves involved in the capture, but for overall stability in Marib.

Several interviewees cautioned that a strategy that over-relied on the use of force – for example, on drones or airstrikes – had the potential to backfire and stoke tribal conflicts. Instead, the majority of interviewees stressed the importance of addressing root causes of conflict and long-standing grievances. Support for education, employment, and development projects in Marib was raised most frequently. Interviewees also stressed the need to resolve outstanding tribal conflicts, perhaps through joint tribal-government mediation efforts. Many also cited the need for measures to reduce the available pool of recruits for criminal and militant activity, including providing opportunities for youth, awareness raising programs that show the danger of extremist groups, and initiatives to kickstart economic growth.

While interviewees said there was a need to tackle corruption and for institutional reforms, interviewees prioritized immediate efforts to prevent the security situation from escalating.

### ***Aden***

Aden had been experiencing frequent – often violent – protests against the Saleh regime and other grievances against the government since 2007.<sup>62</sup> It was thus not surprising that Aden was one of the first cities to see major public disturbances following the Arab Spring protests. In the first three months of 2011, protests frequently led to fatalities as government forces fired on protestors, deployed tear gas, and at times attacked protest camps with heavy weapons and

---

<sup>61</sup> Interview with Shaikh Mufarreh Beheibeh, a prominent shaikh from Marib, October 15, 2012, Sanaa, Yemen.

<sup>62</sup> The most recent iteration of the southern movement gained steam from 2007 onward, leading to sometimes violent protests and insecurity in the governorate. However, even prior to the southern movement, Aden has long had an uneven track record of political stability, pocked by frequent protests and violent clashes between different factions, as well as periods of open conflict, as during the 1994 civil war.

artillery. In the departments at the center of the protest movement – Al-Mansoura, Mua’ala, and Khormaskar – heavy security patrols, tanks, and anti-aircraft guns were not unusual. Protestors – particularly those affiliated with Al-Hirak, the southern secessionist group– were frequently detained and reportedly suffered extreme abuse. The initial, brutal government response to the peaceful protests in Aden in part galvanized broader protests across Yemen.<sup>63</sup>

In late March 2011, the head of security, Abdullah Qairan was removed from his position because of his excessive use of force against protestors and transferred to the Taiz governorate.<sup>64</sup> Following Qairan’s transfer, the violence of the government’s response to the protests ebbed, but protests continued. As the government lost effective control in many of the departments of Aden, the city descended into what one interviewee described as an “undeclared state of emergency.” The lack of any common law enforcement or security, combined with the arming of youth and other individuals by many parties to the conflict resulted in a fracturing of Aden, with each neighborhood governed by different factions. The prevalence of armed men and minimal controls led to a spike in looting, theft, robbery, and violent crime. During the course of 2011, major public services, including electricity, water, and fuel supplies, were limited to non-existent. Courts virtually shut down and police stations in the major opposition districts (Al-Mansoura and Shaikh Othman) were empty.

By summer 2011 instability in neighboring Abyan spilled over into Aden. The Office for the High Commissioner for Human Rights estimated that from May 2011 through that summer, hundreds of Internally Displaced Persons (IDPs) arrived from Abyan to Aden on a daily basis, with tens of thousands living in the city by the end of the year.<sup>65</sup> Weapons, arms, and the militant groups associated with the Abyan conflict –Ansar al-Sharia and the transnational AQAP – also began to infiltrate Aden, adding a new dimension to the conflict. Because of its geographical location, parties to the conflict could easily recruit men and arms from the Horn of Africa.

### **Continued security crisis post-transition**

While the introduction of a transitional government and successful elections in February 2012 ended the worst period of violence in Aden, interviewees argued improvements were limited and fragile. The four most significant, outstanding issues identified by respondents as affecting Aden’s justice and security problems were the weakness and ineffectiveness of the judiciary and security sectors, including corruption and the lack of independence from political control; continued and widespread land grabbing; and unresolved political tensions over southern

---

<sup>63</sup> Iona Craig, ‘Yemen: Protestors Killed in Aden on Day Six of Unrest,’ BBC World News (February 16, 2011), <http://www.bbc.co.uk/news/world-middle-east-12486682> (early protests, first signs of violence); and ‘Yemeni police storm protest camp in Aden,’ The Greater Kashmir paper (March 19, 2011), <http://www.greaterkashmir.com/news/2011/Mar/20/yemeni-police-storm-protest-camp-in-aden-23.asp> (noting March storming of protest sites); and Mohammed Jamjoom, ‘Yemen’s largest opposition bloc calls for protests,’ CNN (February 27, 2011), <http://www.cnn.com/2011/WORLD/meast/02/27/yemen.protests/index.html> (noting largest opposition bloc prompted by brutal response to Aden protests).

<sup>64</sup> Once Qairan was moved to head of security in Taiz, heavy force against protestors soon followed, including a major attack on protestors on May 29. The Department of State Human Rights Country Report noted that a warrant for his arrest filed by the prosecutor in Aden was still not executed at the end of 2011. See ‘Yemen: 2011 Human Rights Report,’ U.S. Department of State (May 24, 2012), <http://www.state.gov/j/drl/rls/hrrpt/2011/nea/186455.htm>.

<sup>65</sup> See Report of the High Commissioner on OHCHR’s visit to Yemen (September 13, 2011): para 62, <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf>.

independence. For all of these issues, interviewees largely argued that the problems were as bad as or worse than before 2011.

Widespread insecurity has continued to prevent regular government functions from resuming, and the quality of life for most citizens remains far behind what it was before 2011. Throughout the summer of 2012, assassinations and attempted assassinations on government and military officials; Improvised Explosive Devices (IEDs) or other major fighting; and assaults on government posts and checkpoints appeared on a weekly or bi-weekly basis. Divisions between and among HIRAK factions and Islahis have been blamed for much of the internal violence in Aden in 2012. In addition, many of those interviewed said many of the attacks are carried out by those loyal to former President Saleh, arguing that this was a political tactic to persuade southerners that security was better under the old regime (although in many cases it appeared likely that such statements were influenced by political bias). A significant number of attacks have also been linked to AQAP, Ansar al-Sharia, and other militant groups.<sup>66</sup>

In addition to these frequent security incidents, armed groups with unclear affiliations still controlled major roads and neighborhoods, resulting in frequent clashes with government and security officers throughout the summer of 2012. The influx of arms into Aden in 2011, and the arming of large segments of the population – including those not under any form of command and control – increased the opportunities for violence.<sup>67</sup> Financial and violent crime remains high. Regular protests – often marred by violence – happened frequently through August and September 2012. Although IDPs began to return to Abyan and other southern governorates by late summer 2012, the number of IDPs in the city is still high, straining humanitarian and public resources.



The protests and insecurity throughout 2011 exacerbated many existing law and order weaknesses in Aden, and the transition period has failed to reverse these trends. Many argued that corruption – long a problem among judicial and security sectors – worsened during 2011 and remained unabated in the post-election period. As rule of law deteriorated, and armed groups came to the fore as the real powerbrokers, land grabbing (a problem in Aden prior to 2011) increased. Finally, the level of violence and destruction during 2011 has impeded the return of pre-2011 levels of law enforcement. During 2011, there was significant damage to public buildings, as police stations and the offices of local authorities were damaged, destroyed, or

<sup>66</sup> Laura Kasinov, ‘Yemeni Commander Killed in Suicide Bombing,’ New York Times (June 18, 2012), <http://www.nytimes.com/2012/06/19/world/middleeast/military-commander-in-yemen-is-assassinated.html>; and ‘Yemeni security official assassinated in Aden,’ Reuters (July 19, 2012), <http://www.reuters.com/article/2012/07/19/us-yemen-bomb-idUSBRE86I0CI20120719>.

<sup>67</sup> In early 2011, the former regime under the leadership of Abdul Kareem Shaeif, former secretary general of Aden Local Council distributed arms to youth and even marginalized groups (Mohamasheein) whom it thought might support them against anti-government protestors. Many opposition leaders, members of the southern movement, and even ordinary civilians also began to arm those sympathetic to them in preparation for potential conflict.

burned, particularly in Al-Mansoura and Shaikh Othman districts. Police and security officials still cannot enter many areas, at least with any regularity. These security challenges are difficult to overcome because there is a lack of funding to pay many policemen, to restore damaged or destroyed facilities, or support law enforcement activities. As a result, many neighborhoods remain beyond the reach of any government law enforcement or control (particularly Al-Mansoura and Mu'ala).

Although the courts are now functioning, insecurity, the backlog of cases after being shut down for nearly a year, and the inability of state actors to enforce their decisions have made them ineffectual. As a result, the majority of the population has turned to means outside of the formal court system to resolve disputes, ranging from local councils to elders (commonly known as “Akls”) of the neighborhood, to having disputes resolved by the leaders of armed groups in the neighborhoods or in the squares.

### **Negligible impact of transitional reform**

Many of those interviewed blamed continued instability on a combination of internal political dynamics and Aden's geographic location. On the political side, the 2011 protests, together with discussion of major political reforms through the transitional government and National Dialogues has re-opened the Pandora's Box of southern independence. The majority of Adenis support a greater measure of autonomy, if not full independence. Many argued that until these complaints are addressed by the transitional government, and particularly through the National Dialogue, it will be difficult for government officials to regain full political control and confidence in Aden. While many different groups within Aden seek some form of greater local autonomy, this is not to suggest that the internal politics of Aden are cohesive.

While these unresolved political tensions provide a continuing source of instability, Aden's geographic location and its proximity to the Horn of Africa and to other militant-controlled areas provide potential spoilers ample allies and opportunities to feed insecurity. Militant groups such as AQAP and Ansar al-Sharia, which increased their presence in Aden during 2011, continue to operate in the city and are blamed for many prominent security incidents and assassinations. As a major port on the Gulf of Aden, Aden has long been a major hub for illegal arms sales and a frequent thoroughfare for foreign fighters. During 2011, many youths and other groups were armed by different factions; interviewees argued that the prevalence of arms in the city, the lack of basic law enforcement, and the internal political tensions have made these armed groups a permanent feature in Aden.

While all of these factors may complicate any efforts to stabilize Aden, interviewees also laid blame at insufficient or superficial reforms by local actors during this transition period. A new governor, Waheed Rasheed, was appointed in March 2012, as was a new Security Director, but few others on the Security Committee or under the Governor's responsibility changed. Within the judiciary, only three judges were removed, and these were all lower level judges replaced according to the rotation law. The former Commander of the Southern Region was replaced with a new one, who was assassinated by armed groups in June and a new commander then appointed.

In addition, those replacements and changes which did take place were often politicized, making the tensions worse. Interviewees' perceptions of the recent political appointments seemed



heavily biased by their own political affiliation, and thus opinions and allegations of misconduct or poor leadership were difficult to evaluate. Nonetheless, many of those interviewed said that the Governor is seen as an Islah partisan, with many alleging that he placed political supporters in government positions regardless of merit, and in some cases in spite of it. Although members of both major parties, including Islah were interviewed, interviewees did not list positive initiatives or successes since the Governor's appointment.<sup>68</sup> Civil society members interviewed said the Governor has not been serious in their engagement with them.

Finally, although many suggested that local factors, such as the prevalence of arms and insufficient local government action were to blame for the continued problems in Aden, many also pointed to outstanding national-level political issues. Many argued that until national level political actors were able to take serious steps to address the grievances in the south, instability would continue in Aden.

### **Future directions and recommendations**

The majority of recommendations focused on immediate measures to restore law and order and government services in Aden. Many argued that a prerequisite to that would be political settlement of the southern issue, including recognition of some greater level of autonomy and some measures of transitional justice being implemented soon.

In addition to these political demands, interviewees also suggested a number of other local measures that might improve immediate and long-term stability. As a first step, many argued it was important to begin disarming and disbanding armed groups and youth who were rampant in the city, including addressing their financial sources. Many interviewees also stressed reforms of the police, including hiring police local to Aden, improving the pay and status of police and security forces in order to reduce corruption and encourage qualified candidates, working with the entire police force to improve sensitivity to communities, and enforcing discipline for misconduct. Others suggested reforms to the public service, addressing youth unemployment and corruption in government ministries, particularly among the judiciary.

One of the particular issues highlighted by many interviewees was the issue of land grabbing. Interviewees suggested that this was mostly a question of political will, as many of the officials who plundered lands in Aden had already been identified publicly.<sup>69</sup> What was needed was for the government to take action in dismissing these officials, initiating prosecutions where relevant, and restoring the stolen properties.

Perhaps more than in other governorates, many interviewees in Aden discussed the importance of national-level institutional reforms for improving local stability, including measures to ensure the independence of the judiciary, decentralization enabling greater autonomy at a governorate

---

<sup>68</sup> A recent brief by the International Crisis Group also noted that the Governor is perceived as an Islah partisan, "Regardless of the governor's personal record, party affiliation prevents him from playing a conciliatory and unifying role." April Longley Alley, 'Triage for a Fracturing Yemen,' International Crisis Group, October 31, 2012, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/op-eds/alley-triage-for-a-fracturing-yemen.aspx>.

<sup>69</sup> Most argued that land grabbing increased since 2011, perhaps creating more violations than originally reported.

level, and institutional reform that would make the security sector responsive and accountable but also free it from the influence of tribes and political parties.

### ***Abyan***

The southern governorate of Abyan was the most negatively affected by the 2011 crisis. Since 2007, militant activities had been on the rise.<sup>70</sup> With the onset of protests in early 2011, already tenuous government control in Abyan was finally over-run. In March 2011, Ansar al-Sharia (Ansar al-Sharia) militants took control of the main city of Jaar and the following May, the major city of Zinjabar after a few days of clashes with the military, which left hundreds of soldiers dead.<sup>71</sup> Dozens of civilians are also believed to be killed during the fights between Ansar al-Sharia and government forces throughout 2011.<sup>72</sup> Hundreds of thousands of citizens fled to Aden and other neighboring governorates. Between April 2011 and September 2012, more than 200,000 IDPs took shelter in 81 schools and public buildings, often without water, food and other critical needs.<sup>73</sup>

Ansar al-Sharia controlled the two cities for over a year and imposed their version of Sharia law in areas under their control. On May 12, 2012, the Yemeni Army launched a large scale offensive against Ansar al-Sharia with the help of Popular Committees (PCs), which are local armed groups, most of which have tribal affiliations but some of which simply represent popular resistance to Ansar al-Sharia. In June 2012, after weeks of fierce fighting, the Yemen government announced that the militants were pushed out of the cities of Zinjabar and Jaar. However, a few weeks later, violence resumed, including several major suicide bombings and armed clashes between Ansar al-Sharia and PCs. On August 4, 2012, at least 45 civilians were killed when a suicide bomber attacked a funeral service targeting PC members in Jaar. Criminal gangs also have become more active since Ansar al-Sharia was pushed out. Assassinations increased, targeting military and security officers as well as PC leaders.<sup>74</sup> In June 2012 there was an attempted assassination of the Defense Minister visiting Abyan and the assassination of the newly appointed head of the southern Military Command.<sup>75</sup>

---

<sup>70</sup> From 2007, as the southern movement gained strength in Abyan, protests escalated and frustrated youth started using violence blocking roads and prevented the government offices to operate. In addition, during 2010 incidents of assassination of security officers increased particularly in Abyan. Many government and security officers left the governorate which encouraged armed groups including AQ and criminal gangs to operate freely in the governorate.

<sup>71</sup> Jason Ditz, 'Yemen Government: Three months of attacking Abyan left 230 Yemeni soldiers dead,' Anti War News (September 11, 2011), <http://news.antiwar.com/2011/09/11/yemen-govt-three-months-of-attacking-abyan-left-230-yemeni-soldiers-dead>.

<sup>72</sup> See Human Rights Watch Report, 'Yemen: Dozens of civilian killed in southern fighting,' Human Rights Watch (July 9, 2011), <http://www.hrw.org/news/2011/07/09/yemen-dozens-civilians-killed-southern-fighting>.

<sup>73</sup> Lara Sukhtian, 'Displaced Yemenis live in despair across south,' The Middle East Online (May 23, 2012), <http://www.middle-east-online.com/english/?id=52412>; or see 'Yemen: Rafiqa's story,' Trust (September 27, 2012), <http://www.trust.org/alertnet/news/yemen-rafiqas-story>.

<sup>74</sup> The head of the PCs also survived an assassination attempt. On November 16, three PC leaders were killed by a suicide bomb. See 'Local leader escapes assassination attempt in Abyan, 11 hurt,' Yemen Fox (September 30, 2012), [http://www.yemenfox.net/news\\_details.php?sid=4390](http://www.yemenfox.net/news_details.php?sid=4390). See 'Yemen suicide bomber kills three in Abyan militia offices,' Reuters (November 16, 2012), <http://www.reuters.com/article/2012/11/16/us-yemen-qaeda-idUSBRE8AF0XI20121116>.

<sup>75</sup> Laura Kasinof, 'Yemeni commander killed in suicide bombing,' The New York Times (June 18, 2012), <http://www.nytimes.com/2012/06/19/world/middleeast/military-commander-in-yemen-is-assassinated.html>; Ahmed

Although some IDPs returned, thousands of others remain in Aden or elsewhere because the situation in Abyan is still ‘uncertain and dangerous,’ according to interviewees. Those who have returned face incredibly difficult conditions. Many homes are destroyed; government facilities and offices are not yet functioning; and there are no security forces or law enforcement outside of what PCs provide. There are severe shortages of water and electricity, while access to healthcare and other services is also limited. Given the security situation, dozens of doctors and nurses have not resumed work in public hospitals and health centers in the governorate. “People are reluctant to go back to Abyan because they are afraid that the fighting will resume. They don’t want to go back through the same bitter experience and they are afraid to be killed by landmines,” said a female activist who fled to Aden due to the situation in Abyan.<sup>76</sup> Within two weeks after the withdrawal of Ansar al-Sharia, 73 people were killed by landmines, which are widespread in the governorate.<sup>77</sup>

### **Efforts to rebuild after the crisis**

Pushing Ansar al-Sharia out of the main cities of Zinjabar and Jaar may have been a significant security accomplishment, but locals generally gave the credit not to the transitional government but to the PCs. Since Ansar al-Sharia was pushed out in June 2012, neither government nor security forces were deployed, leaving it to the PCs to take charge of the security situation.

Although locals lauded the PCs efforts (reportedly even donating their own limited funds to help them buy arms and organize) and argued that they have stopped Ansar al-Sharia from expanding in the governorate, most said the security situation in Abyan is beyond the capacity of PCs to manage in the long term, and called for a return of government forces to the governorate. Most of the interviewees said that without the presence of government security forces, Ansar al-Sharia would return and fighting would be renewed. Further, interviewees worried that over-reliance on PCs carries other risks to long-term stability in the governorate. Some feared that if not integrated into the military or any formal institutions,<sup>78</sup> the PCs might turn into armed groups and possibly engage in crime or challenge government authority.<sup>79</sup> Finally, because PCs and some Ansar al-Sharia members come from the same tribal backgrounds, continued in-fighting between and among the two groups might cause or fuel tribal conflicts in the long term.

Other significant changes that happened in Abyan since the February elections included appointment of Jamal Nasser Alaql as a new governor, a new security director for the governorate, and a new district director for Zinjabar. Apart from that, changes in appointments

---

Dawood, ‘Fighting Intensifies in Abyan, Plot Against Defense Minister Fails,’ Yemen Times (June 7, 2012), <http://www.yementimes.com/en/1579/news/952/Fighting-intensifies-in-Abyan-plot-against-defense-minister-fails.htm>; or ‘Local leader escapes assassination attempt in Abyan, 11 hurt,’ Yemen Fox (September 30, 2012), [http://www.yemenfox.net/news\\_details.php?sid=4390](http://www.yemenfox.net/news_details.php?sid=4390).

<sup>76</sup> Interview with a local female activist, October 13, 2012, Aden, Yemen.

<sup>77</sup> Hakim Almasmari, ‘Dozens reported killed by Al Qaeda land mines in Yemen,’ CNN (June 26, 2012), <http://www.cnn.com/2012/06/25/world/meast/yemen-land-mines/index.html>.

<sup>78</sup> While most suggested that PCs should be integrated into formal security forces, the lack of trust between PCs and security forces is an obstacle. In September 2012, Central Security Forces (not army forces) and the PCs in Zinjabar clashed, and as a result the Central Security Forces withdrew from the governorate. Some interviewees said the clashes happened because some personnel from the central security engaged in looting. Others believe that the clash was over sharing the proceeds of the looting.

<sup>79</sup> See, e.g., interview with a prominent tribal leader and businessman from Abyan, October 13, 2012, Aden, Yemen.

both at the governorate and district level remain minimal. In July, the Cabinet issued a decree to set up a Fund for Abyan Reconstruction. The purpose of the fund is to rebuild public and private facilities that were destroyed in the affected areas in the governorate.<sup>80</sup> However, as of the time of writing, no director was appointed to manage the Fund, and officials interviewed in Abyan said that any use of the Fund is stalled over disagreements over how to implement it. Few non-governmental interviewees were aware of the Fund and when told about it, expressed skepticism that it would actually be used to address critical rebuilding and support needs, as opposed to being monopolized by key powerbrokers or lost to corruption or embezzlement.

Interviewees said that no tangible positive changes had taken place with regard to the justice system. The courts are still not functioning in the governorate due to the security situation. If they operate at all, they do so from Aden. When they do resume operations in Abyan, they will face a severe shortage of well-equipped facilities and qualified judges and lawyers.

Abyan has a historical memory of both a relatively operative formal justice system, from the communist regime,<sup>81</sup> and strong tribal dispute mechanisms, although both sectors were weakened by the 2011 crisis and the domination of Ansar al-Sharia.<sup>82</sup> Almost all of those interviewed stressed the need for more efforts to support the return and strengthening of formal justice systems in Abyan. Many said that tribal traditions, *urf*, could play an important role in reconstructing justice and dispute resolution systems, and in preventing tribal conflicts. However, its capacity is limited and it does not have strong enough enforcement mechanisms. Thus, re-introducing formal justice mechanisms is essential.

### **Reflections on opportunities for meaningful change**

Overall, among the four governorates surveyed, Abyanis were among the most negative that the new transitional government had or would bring positive changes, pointing to the absence of formal security forces in the governorate, the minimal efforts to bring public services back, and evidence that political patronage networks would continue. Some interviewees feared that unless changes are instituted soon, Ansar al-Sharia might fill the current security and justice vacuum. In addition to providing security, Ansar al-Sharia provided basic dispute resolution based on their interpretation of Islamic Sharia principles in the areas that were under their control in 2011. While brutal and frequently abusive of fundamental rights,<sup>83</sup> it was quick, effectively enforced,

---

<sup>80</sup> See Saba Net (Arabic) (July 10, 2012), [.http://www.sabanews.info/en/news274497.htm](http://www.sabanews.info/en/news274497.htm).

<sup>81</sup> A relatively strong state and justice system was developed in Abyan under the communist regime. The formal justice system collapsed in 2011 due to the ongoing conflict, but it had been deteriorating in strength under the last regime, as corrupt and ineffective judges were repeatedly appointed to positions in Abyan, eventually crippling the local courts. “Abyan was treated as an exile for “bad judges,” a local lawyer said. Interview with a local lawyer, October 13, 2012, Aden, Yemen. As a result, since 1990 and particularly after the civil war in 1994, the tribal justice system, which had always been present in Abyan, became increasingly prominent, especially in rural areas.

<sup>82</sup> During 2011, the takeover of security and justice functions by militant groups in many areas greatly weakened the reputation and credibility of the tribal justice system. In the face of these outside pressures, tribal systems proved incapable of maintaining order, keeping out militants, or enforcing their decisions. The vast displacement of communities in Abyan further broke up some of the tribal structures, although some Abyani communities displaced to areas like Aden continued to turn to tribal elders who were also displaced for dispute resolution.

<sup>83</sup> Interview with a local tribal leader, October 13, 2012, Aden, Yemen. According to the international human rights group Amnesty International, Ansar al-Sharia’s punishment for crimes included public executions, amputations and floggings. See Mohammed Jamjoom, ‘Amnesty details ‘horrific abuses’ in southern Yemen,’ CNN (December 4, 2012), <http://www.cnn.com/2012/12/04/world/meast/yemen-amnesty-report/index.html>.

and many said was executed equally. Cities became noticeably safer and urban crime almost disappeared. As one security analyst, Gregory Johnsen, told CNN at the time, “They established their own police system, their own court system. They started to dig water wells, string electrical lines in villages that had never had these before, that had essentially been ignored by the Yemeni government for decades.”<sup>84</sup> After Ansar al-Sharia left, the security situation deteriorated, with security incidents, theft, and crime on the rise.

Many described President Hadi as a “good man” and well intentioned, but said the changes that he had made so far at the national level were more about sharing power between the elite than dealing with the issues that matter to common people.<sup>85</sup> While many interviewees thought it was good for them that the President is from Abyan, they did not necessarily approve of favoritism toward certain Abyanis in national and regional political appointments because they saw it as a symptom of the larger political capture problems of President Hadi’s transitional government. They argued that, trapped in the current political power sharing formula, Hadi was “making the same mistakes that others leaders did before him”<sup>86</sup> by appointing those who shored up his power base rather than those who had merit and could bring long-term benefits to the population. “Appointing people simply because they are from Abyan and without regard to their qualification will be disastrous for Abyan,”<sup>87</sup> said a prominent local lawyer, noting that what they needed were people who were qualified to do the difficult job of rebuilding the governorate. The continued corruption at the local level, especially in managing humanitarian aid to IDPs, added to the feeling of skepticism about the possibility of meaningful change or response from this transitional government. “Those who deal with us on the ground are still the same corrupt people. They continue to practice corruption as they please,”<sup>88</sup> said a female informant.

### **Future directions and recommendations**

Because of the dire humanitarian and security situation in Abyan, interviewees’ recommendations focused on stability and other critical needs. Interviewees prioritized the need to bring formal security forces back to the governorate in order to maintain order, rather than continuing to rely on the PCs. Many argued this was necessary not only to prevent security deterioration, but also to allow humanitarian assistance and other programs to access the area, in order to help restore economic and social functions and encourage the return of IDPs.

Another set of recommendations offered by many of the interviewees was to institute greater decentralization of control, or at least allow local control over appointments. They suggested that key positions in the judicial and security sectors<sup>89</sup> should be drawn from the Abyan population and that these officials should enjoy broader decision-making authorities. This would be most likely to enable meaningful justice and security reforms because officials who are from the area know the needs of the local population and are more accountable to them. In addition, many argued that this might limit the reach of national political patronage networks, which historically

---

<sup>84</sup> Mohammed Jamjoom, ‘Amnesty details ‘horrific abuses’ in southern Yemen,’ CNN (December 4, 2012), <http://www.cnn.com/2012/12/04/world/meast/yemen-amnesty-report/index.html>.

<sup>85</sup> Interview with a local Shaikh, October 13, 2012, Aden, Yemen.

<sup>86</sup> Interview with a local lawyer, October 13, 2012, Aden, Yemen.

<sup>87</sup> Interview with a local lawyer, October 13, 2012, Aden, Yemen.

<sup>88</sup> Interview with a female leader, October 13, 2012, Aden, Yemen.

<sup>89</sup> For example, the Security Director and heads of Court of First Instance and Court of Appeal.

resulted in corrupt and incompetent officials being appointed to Abyan. Such comments illustrate a tension between the desire for locally accountable and knowledgeable individuals and concerns that too many appointments were already happening solely based on their tribal or political background (as with the above critiques about President Hadi). Although Abyanis would prefer if officials came from the local area, overall they prefer competent, responsive, and accountable officials to unqualified, token appointments from their region. Many added that to resolve this issue over the long-term, any decentralization should be accompanied with extensive capacity building programs for justice actors (including lawyers) and for security personnel so as to improve local capacity. In addition, officials argued that justice and security facilities need to be well equipped and the number of judges needs to increase in order to promote faster resolution of cases.

As in Marib, interviewees also emphasized the need to address the root causes of insecurity by improving access to education and jobs for youth. In addition, to have confidence in and support for the government, some argued that corrupt officials must be removed, especially those who interact daily with the broader population, such as local police.

To avoid waste, mismanagement, or theft of the Abyan Rebuilding Funds (which might in itself breed further grievances and instability), many argued for a more inclusive and transparent process of allocating and spending of the funds. Some suggested forming local, public oversight committees who could assess community needs and engage in widespread and open consultations with communities about the best use of funds. Some also suggested that the Funds should focus not only on rebuilding destroyed facilities but also restoring agricultural lands affected by the recent conflict.

## **Analysis: the Role and Importance of Governorate-Level Reforms**

### ***Reforms have so far been positive but insufficient***

Although views on the success of transitional reforms varied greatly, most interviewees said the measures taken so far have been positive and necessary, but insufficient. Any gains were small, fragile, and could be easily reversed if not followed by more solid reforms. At a local level, many of Yemen's 21 governorates, including traditionally stable urban areas, remain highly insecure, with regular political, economic, and social functions still far from normal. Despite this, interviewees were more optimistic than might have been expected. In all of the governorates, even the most pessimistic interviewees said that it was still too early to tell whether the revolution had produced meaningful change, and seemed willing to grant the transitional government more time.

In terms of the removal of officials, in all four governorates, officials in a few high level positions, and some mid-level officials, appeared to have been dismissed, rotated, or replaced at a governorate level, but these changes tended to be dismissed by interviewees as insufficient or superficial. A complaint common to all four governorates was that any changes that happened were unduly influenced by the 50/50 power sharing split and represented the shift in the balance of power rather than a measure of reform or accountability. As one youth activist noted, "Many

of the officials who killed people were not actually dismissed but simply rotated to another governorate, a standard practice of the past regime.”<sup>90</sup>

To the extent that officials were replaced, this happened more frequently in the security than the judiciary sector. Judicial replacements were due primarily to the rotation law, rather than efforts to remove corrupt, ineffective, or unqualified members of the judiciary. In terms of broader justice reforms, in Taiz and Aden, the two more urban governorates in this study in which the formal justice system had previously been relatively strong,<sup>91</sup> interviewees said there were few to no serious attempts at addressing other long-standing problems in the justice system, such as corruption, embezzlement of government funds, lengthy court times, or capacity issues. Many said it was unrealistic to expect local level judicial reform until the new judiciary law, the recent decree separating the MoJ from the Supreme Court, and other national level reforms started to come into effect. In addition some national and international experts on judicial issues suggested the changes needed in the judiciary were less imperative, and would ultimately be less significant, less structural than those in the security sector.<sup>92</sup> Nonetheless, there were few signs that progress had been made on even non-structural issues in the judiciary – ranging from widespread low level corruption to incapacity of judges.

The prevalence of tribal or alternative dispute resolution in all four governorates suggests that future efforts to improve rule of law and judicial institutions must also pay some attention to the role of dispute resolution outside the formal judiciary. While interviewees in all four governorates argued for a stronger and better functioning formal system, the increased reliance on alternative dispute resolution, and the difficulty in even re-establishing 2010 levels of functionality in the judiciary, much less addressing the much larger, long-standing concerns about its quality and capacity, suggest that the majority of disputes will continue to be resolved by these alternative mechanisms for some time to come.

In at least two of the governorates, despite the small number of reforms within ministries, the change in leadership at the top appeared to have affected the climate of operations for the better. The newly appointed governors in Taiz and Marib were viewed largely as independent, non-partisan individuals who were working conscientiously to resolve local sources of dispute and stabilize the area. Although some of the efforts they took appeared symbolic, many argued that their leadership had at least put the governorate on the right track by getting buy-in and cooperation from key stakeholders in the province. For example, in Marib, the Governor brokered a deal with some tribal groups who had repeatedly bombed oil pipelines and attacked electricity towers. Although this did not halt attacks altogether, it did for a number of months, allowing oil exports to flow and encouraged many residents that the Governor could continue to build consensus and resolve issues in the future. In Taiz, one of the Governor’s most lauded initiatives was a Code of Conduct among all armed groups, civil society, and key stakeholders in the governorate. Although there was no enforcement mechanisms for the Code, many said it had been responsible for the control and withdrawal of many organized armed groups and a reduction of violence in the city. In addition, many in Taiz said that the Governor’s reputation as an honest

---

<sup>90</sup> Interview with youth activist, a senior member of a non-government organization, October 7, 2012, Taiz, Yemen.

<sup>91</sup> In Marib and Abyan, the formal judiciary is largely absent.

<sup>92</sup> Interview with foreign embassy representative, October 11, 2012, Sanaa, Yemen; interview with foreign development expert, October 13, 2012; Interview with senior judiciary member, October 8, 2013, Sanaa, Yemen.

official sent a message to other officials. Following his appointment, civil society said officials were more responsive to public demands to meet with civil society and youth groups, to engage in community policing efforts, and otherwise operated in a more transparent and accountable manner that would lead to change in the long term. The culture of doing business was different, even if the institutions or most of the people in them were not.

### ***Local conditions shapes perceptions of the transition period***

While many of those interviewed in all four governorates and at a national level suggested a greater need for institutional reforms and “cleaning out” of old regime actors who were not qualified or who had engaged in misconduct, overall perceptions of whether there had been a change or whether the government was ‘on the right track’ depended most heavily on the quality and stability of life at a local level: whether the local security situation appeared under control, whether basic law enforcement was available such that rights were protected and enforced, whether there was access to services (basic humanitarian needs, electricity, water, sewage, etc), and whether there was some regular means of resolving disputes, preferably some availability of the formal system. In all four governorates, officials still struggled to return to a level of stability that would allow it to resume basic, regular government functions and services, much less to tackle the broader reforms demanded by the youth movement and the transitional agreement. However, differences in the level of local improvements and the degree to which those changes (or lack thereof) were attributed to government actions during the transition period strongly influenced perceptions that things were headed in the right direction, for both government and non-governmental actors interviewed.

In Taiz, some headway was made as the formal government regained control of most key areas, the number of security incidents decreased, and the level of crime and open fighting decreased sufficiently that normal work and commerce returned. While still far from the stability enjoyed in the city before protests started in 2011, enough progress had been made that interviewees felt cause for optimism. In Aden, by contrast, a city that historically enjoyed regular law enforcement and higher levels of government services, the government’s failure to regain minimal control of the security situation and to prevent serious security incidents from happening regularly led Adenis to complain that little positive had come out of the revolution.

The situation in Abyan is difficult to compare or contrast with those in other governorates given the severity of the crisis there in 2011 and the overwhelming number of security, reconstruction, and humanitarian challenges still facing the governorate. Relative to the situation in 2011, the government has made huge security gains, retaking major areas of the governorate from militant control. Yet despite this relative improvement, it has been the Popular Committees, not the transitional government that has largely gotten the credit for security successes. Meanwhile, many interviewees felt the transitional government had not done enough to reinstate the level of services available pre-2011, or to address critical humanitarian needs. As a result, interviewees were not optimistic for the future and had a low opinion of the ability of the transitional government to bring positive changes or improve security.

Meanwhile in Marib, while 2012 did not offer a better security situation the Governor nonetheless delivered signs of tangible progress and public responsiveness. He also



demonstrated an ability to work jointly with tribes and the government, which most thought was critical to resolve the security dilemmas in the governorate.

### ***Dichotomy between national and local change***

While interviewees' appraisal of the transition period and perceptions of change were heavily influenced by local-level issues, they were also cognizant that local stability was tightly linked to the success of national-level political developments. Many saw continuing instability at a local level as a manifestation of the ongoing national political uncertainty. Tensions between political parties and actors at a national level often trickled down and disrupted local political dynamics.

Major security incidents were blamed on national-level political actors, parties, or movements



dissatisfied with ongoing political events. In Marib, many attacks on oil and electricity resources were perceived to be organized by national-level political actors attempting to manipulate national security discussions by undermining security in strategic areas. In Aden, much of the ongoing insecurity was blamed on the transitional government's failure to deal with the southern issue. Many blamed the frequent security incidents – ranging from standoffs on major roads to assassination attempts and attacks on government posts – on political elements dissatisfied with the ongoing process, or those trying to urge southern secession. Similarly, in Taiz and Abyan, many locals suspected national level political actors or parties of organizing recent security incidents in order to

create the impression that the current government could not meet basic security demands.

The longer the underlying political framework remains contested, the more incentives political spoilers have to alter facts on the ground and erode trust in the transitional government by staging attacks. In governorates where there had been some security successes, such as Marib and Taiz, interviewees argued that the continued, unresolved political issues at a national level was the reason for an uptick in security incidents in the fall of 2012.

The tensions between the two main national parties – the GPC and the JMP – often spilled over to the local level, disrupting local power dynamics and often resulting in clashes or other violence. This was reported in all governorates. One example surrounded the Security Chief appointment in Taiz. Shortly after the February elections, Ali Mohammed Al-Saeedi, an Islahi, was appointed as Security Chief. Many of the organized armed groups in Taiz at that time were affiliated with the Islah party, and with Al-Saeedi's appointment, they withdrew. But, when Al-Saeedi was replaced with Ahmed Ali Al-Maqdashi (in part because other overly political decisions by Al-Saeedi led to a number of other problems, including a serious prison break), the armed groups returned, clashing with the security forces to discredit the new Security Chief.<sup>93</sup>

---

<sup>93</sup> On December 19, 2012, following the conclusion of field research, President Hadi announced that the Security Director of Taiz would be replaced yet again. Although this research did not specifically track all comments against

Interviewees also blamed the national-level political tensions for the lack of progress in local governance and justice issues. In all four governorates (though with slightly less evidence in Abyan, where fewer re-appointments were known by interviewees), interviewees said that any changes in government positions at a local level were based on the party affiliation of the individuals rather than merit. Although the Transition Agreement does not mandate a 50-50 split of government positions beyond the ministerial level, in practice, even minor, local positions are tied to on-going political negotiations in Sanaa.

This research did not systematically track how the political affiliation of those interviewed affected their attitudes. However, researchers noted that while political bias sometimes influenced direct appraisals of officials (with certain appointments or changes triggering greater partisanship, as with the Security Director changes in Taiz described above), the complaint that positions were decided too often on party affiliation rather than merit came from nearly all individuals, regardless of their political views.<sup>94</sup> Interviewees in all governorates emphasized that institutional reform at a local level was impossible if all political appointments continued to be tied to the 50/50 power sharing agreement brought in by the Transition Agreement. As one local civil society leader from Marib, Mohammed Ayyazedi noted, “It is no longer the case where one corrupt person or regime controls everything. However, the appointments are still based on political connections and representation, rather than on merit and experience. In the long run this might create frustration among people and risks losing the emerging trust between the state and the local communities.”<sup>95</sup> Similarly, the fledgling efforts to hold accountable officials involved in corruption, embezzlement, land grabbing, or abuses against civilians also were limited by party protection. For example, in Taiz those within the judiciary and Ministry of Legal Affairs who were engaged in efforts to hold accountable those found guilty of professional misconduct or abuses against protestors said that removal or punishment of these officials had become extremely difficult, with political parties protecting those accused.<sup>96</sup>

As a recent report by the International Crisis Group noted, “In this time of profound political uncertainty, party-motivated changes within the civil service and security services are part of the problem, not the solution.”<sup>97</sup> The “climate of fear” created by these party-motivated changes increased political instability. Many suggested that unless the National Dialogue or broader national political discussions are able to go beyond power balancing, and actually de-link government functions from the political patronage, nepotism, and corruption of the past, no reform measures or appointments at a local level, no matter how positive, would be able to bring

---

the political affiliation of the interviewees, researchers noted that views of these two security directors appeared to be heavily influenced by the political affiliation of those being interviewed.

<sup>94</sup> More research of a quantitative nature might provide greater insight into how political beliefs shaped perceptions of the transition process or confidence in local government officials. While this research does not attempt to answer that question systematically, the responses given suggested that while political bias is certainly a factor, it is less significant at a local level than at a national level. There are at least some policies, and individuals, that are viewed more neutrally, if not completely apolitically. If Sanaa politics continue to control local positions as they have since the transition, though, that may not be the case in the future.

<sup>95</sup> Interview with Mohammed Ayyazedi, local civil society leader from Marib, October 7, 2012, Sanaa, Yemen.

<sup>96</sup> Interview with lawyer in the Taiz Ministry of Legal Affairs, October 9, 2012, Taiz, Yemen.

<sup>97</sup> April Longley Alley, ‘Triage for a Fracturing Yemen,’ International Crisis Group, October 31, 2012, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/op-eds/alley-triage-for-a-fracturing-yemen.aspx>.

about meaningful change. As one youth activist in Taiz noted, “Yes, the [Taiz] Governor is good but the whole power structure is so corrupt and largely untouched, what does it matter? They have not touched the core of the power structure that caused the problems to begin with.” The fact that political patronage appeared to be as entrenched as ever, down to the lowest level, was for many the strongest sign that there had not and would not be real change coming out of this transition. As one female lawyer in Aden remarked, “The changes that happened, they were changes just to make a change, not a change that would result in real reform.”<sup>98</sup>

### ***Perceptions of the National Dialogue***

Many looked to the National Dialogue to produce a more stable political compromise, which might reduce incentives for politically motivated violence at a local level, and provide space for reform. Although most had great hopes for the National Dialogue, skepticism was also high. The partisan nature of the steps taken so far at both a national and local level led many to argue that this government was engaged in ‘politics as usual’ and that the National Dialogue would follow suit. Youth and civil society activists, particularly in Taiz, were skeptical of the National Dialogue process, arguing that it would bring no meaningful change. Although many governmental and non-governmental organizations have organized conferences, public discussions and other forums to discuss the National Dialogue and to allow greater public input, these did not appear to counter concerns among the youth, women and non-governmental actors that their voices would be excluded. They tended to critique the process for a lack of transparency. In contrast, ministry officials and those in the governance sector were less skeptical of the National Dialogue, and stressed the evolving nature of the National Dialogue agenda and processes. When asked about reform processes post-transition, most argued these would only truly be possible after the National Dialogue was completed, based on its outcomes.

Not surprisingly, views on the National Dialogue also differed greatly depending on local perceptions of progress and stability within each governorate, as well as the role and position of those interviewed.<sup>99</sup> In Aden, more interviewees placed importance on the National Dialogue than in other Governorates. They connected it to possible resolution of the southern issue, which most argued would have to be resolved before conditions could normalize in Aden. In contrast, in Marib, many already felt somewhat disenfranchised by the National Dialogue and placed more importance on local conditions and measures than on the promise of what a National Dialogue might bring. In Abyan too, the National Dialogue was a second order priority when many were still struggling for basic survival.

Among other issues, the Transition Agreement foresaw that the National Dialogue would address transitional justice and reconciliation (GCC Art. 21 (f)).<sup>100</sup> The larger issue of transitional justice

---

<sup>98</sup> Interview with a female lawyer from Aden, October 7, 2012, Taiz, Yemen.

<sup>99</sup> Researchers did not select interviewees purely based on their party affiliation or political views, although a broad spread of members of both major parties were interviewed.

<sup>100</sup> In addition to the provisions of the GCC agreement mandating that the transitional government address transitional justice and human rights issues, a June 2012 Security Council Resolution urged the Yemeni government “to pass legislation on transitional justice to support national reconciliation without further delay.” United Nations Security Council, Resolution 2051 (2012), Adopted by the ‘Security Council at its 6784th meeting,’ United Nations S/RES/2051 (2012) (June 12, 2012), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/YEMEN%20S%20RES%202051.pdf>.

has been a contentious one at a national level.<sup>101</sup> Interviewees in all four governorates were asked about their view of transitional justice, including whether such a process would bring positive change, what measures it might include, and when such processes should begin. Overall, most of those interviewed – even well-educated officials – did not appear to understand the term of art implied by transitional justice. When asked specifically about what would provide meaningful transitional justice, many associated the process with narrower, national political issues, or, on the flip side with much broader concepts of social justice and equality.

Answers diverged radically – even within individual governorates – about how to implement transitional justice. In all four governorates, there were those who supported the idea of transitional justice, but were worried that it was too soon for transitional justice to be implemented fairly, effectively, or without serious consequences for stability and order. Interviewees in Aden and Taiz tended to place more importance on transitional justice, while in Abyan and Marib, interviewees prioritized other needed reforms and initiatives, such as restoring basic security and improving services for the population. In Aden, more than in any governorate, interviewees argued for transitional justice sooner rather than later. Many suggested that transitional justice was a necessary trust-building mechanism that would help stabilize the security situation, and allow other transition and dialogue processes to move forward.

When asked what issues and means of redress (for example, prosecution of those found to be responsible, compensation for those affected, etc.) were most important, interviewees in each governorate tended to mention particular grievances relevant to their community: in Marib some respondents demanded compensation for those killed by drones and air strikes; in Abyan, interviewees suggested that those who lost their land under the communist regime should be compensated, and land looted after 1994 should be returned; in Taiz interviewees often mentioned redress and accountability for violence against protestors in 2011. In Aden, many viewed transitional justice as part of addressing the southern issue, to include reopening Military Colleges in southern governorates and compensating military and civilian retirees.<sup>102</sup>

## **Conclusion**

Given the scope of the challenges in Yemen, meaningful change will take time. While the government has understandably not solved, or significantly reformed everything in a year, almost all interviewed recognized that it was early in the process and remained patient that meaningful change might still result. This degree of popular buy-in is a political asset that is not to be underestimated. However, public patience appeared to be wearing thin. Many emphasized that

---

<sup>101</sup> Following some public consultations, the Ministry of Legal Affairs developed a draft Law on Transitional Justice and National Reconciliation. The law was extremely controversial: some argued it should have come out of the National Dialogue process; some objected to its incorporation of the Transition Agreement's amnesty for Saleh and his supporters; and others arguing that transitional justice must begin from a different period of Yemeni history than the Draft Law proposed. It was ultimately rejected by President Hadi after the Cabinet failed to reach a consensus.

<sup>102</sup> The issue of 'civil and military retirees' (as it is referred to) is commonly associated with the southern movement. In 2006, military retirees formed the Military Retirees Association. Founders were southern military officers who were forced into retirement after the 1994 war because they fought with the secessionists. Their demands were to be back on active duty and to be compensated for the forced retirement period. When their demands were repeatedly rejected, protest expanded and eventually evolved into the southern movement.

the government will need to deliver more, and soon, if it is not to lose popular support. “People understand that change happens slowly and they are patient. But at some point the government needs to take steps to show tangible results. They won’t be patient forever,” said Abdullah Al-Aqeeli, director of Endowment and Guidance Ministry branch in Marib.<sup>103</sup> While some issues may depend on generational change, the preliminary encouraging results in governorates like Taiz illustrate that good local leadership can go a long way toward changing political culture.

Since the February elections, Yemeni political elite and international donor attention has been focused on the National Dialogue. Larger institutional reforms and donor support packages have been on hold waiting for a national strategy or key priorities to be established in the National Dialogue. The National Dialogue has also dominated political discourse nationally because many have looked to it as the venue (or at least the pretext) for some of the larger political impasses to be resolved and a stronger political balance struck. This would include how to address the southern issue, the balance between the GPC and the JMP, the Houthi rebellion, as well as how to deal with other potential political spoilers with significant influence in the government.

While these issues must be addressed, and success in the National Dialogue will be critical for that, President Hadi and his transitional government will ultimately be judged by their ability to deliver positive change at a local level. The focus on national-level political and institutional reforms processes, including the National Dialogue, has been appropriate given the importance of these issues early in this transition period. But unless national-level reforms begin to trickle down and change basic quality of life conditions in the governorates, the transition will not be perceived as a success. With major cities like Aden still in turmoil, high levels of violence and poor service delivery even in relatively stabilized urban areas of Taiz, and an absence of basic humanitarian needs and functioning in Abyan, many Yemenis are justified in arguing that there has not yet been meaningful change.

Even if the National Dialogue meets the highest expectations, it will inevitably be the beginning, not the end of the transition process in Yemen. The Transition Agreement set very ambitious and difficult benchmarks for political reform and transition. But even assuming these are met, they will not in themselves address the underlying political and economic weaknesses in Yemen, nor address some of the larger demands that touched off the 2011 crisis. At a local level when interviewees – particularly the youth movement representatives – described what would constitute meaningful change, they tended to describe a much broader basket of goods than would be achievable purely by the negotiation of a power sharing agreement or institutional reforms. As one professor in Aden suggested, “Coming out of the Revolution, people thought there would be new economic initiatives, revitalizing the port, cleaning up the city, addressing the problem of unemployment among youths. None of that has happened... or will happen it seems.”<sup>104</sup> In Marib and Abyan, many interviewees stressed broader educational and development initiatives. In Taiz, many emphasized jobs for youth. One year into transition, Yemenis were still waiting for these more fundamental changes. The National Dialogue will likely be judged – at least in part – on whether it sets the transitional government on a course toward addressing some of these larger issues.

---

<sup>103</sup> Interview with Abdullah Al-Aqeeli, Director of Endowment and Guidance Ministry Branch in Marib, October 8, 2012, Sanaa, Yemen.

<sup>104</sup> Interview with professor and labor activist, October 7, 2012, Taiz, Yemen.

While failure to make headway in the National Dialogue would be a huge setback, success will not guarantee a stable future for Yemen. The core political bargains and the ability of the transitional government to set a reform agenda can create a national environment that enables reform, but long-term stability will ultimately depend on progress in each of Yemen's disparate governorates. The availability of resources (including sustainable resources achieved not through donor funding but through basic economic growth) and political will at a local level will be as determinative in this as national-level reform. What this suggests is that while national-level reform processes and mechanisms are important, there needs to be a rebalancing of attention and resources between the local and national levels.

## **Annex I: Baseline Questions and Themes**

This research was qualitative in nature. The below interview questions were used as a general guide. They were designed to be open-ended, with researchers responsible for more detailed follow up questions depending on the interviewees' position and level of knowledge. The average interview time was 45 minutes to one hour, and some went far longer depending on the depth of knowledge of the individual.

### **Questions for all governorates:**

1. Since the transitional government has been established, there have been efforts to reform institutions, and to make changes in the personnel in government ministries. Some previous officials have been dismissed and other new officials appointed, at a national and at a governorate level. What were those changes in your governorate?<sup>105</sup> What is the impact of these changes? Have these produced any changes, positive or negative? Have there been other initiatives or reforms at a local level that have resulted in meaningful change? What are some examples?
2. The crisis during 2011 created significant security problems across Yemen. In many governorates around the country, the withdrawal of security forces during the revolution left a vacuum, creating space for increased militant activity. It also led to increased crime and gang violence, and a deterioration in general law and order. How did these trends play out in your governorate? Has there been a return to normalcy or greater stability since February 2012? What measures might be needed to further improve the situation?
3. Corruption has long been an issue in different government institutions, but particularly in the formal justice system. Has corruption gotten worse, or improved, or changed at all in the last year? If so, what have been the factors most responsible for the change?
4. At a policy level in Sanaa, there have been different proposals for a process of "transitional justice". Is this an important issue in your governorate? What does transitional justice mean for the local community (if it has any meaning at all)? How far would they have to go to implement justice reform (some reappointments, trials and prosecution, compensation for those killed, other? )
5. For each of the above issues (or for other concerns that interviewees raised), what are some possible solutions or concrete steps?

### **Questions for specific governorates:**

#### **Taiz**

1. A major issue in Aden has been illegal land seizures by government officials or other powerbrokers. Is this still an issue after transition? Has this issue been addressed (or not) by the transition period reforms? What steps would be necessary to resolve it (e.g. policy reforms, remove of certain official)?

---

<sup>105</sup> Specific follow-up questions centered on particular key positions within justice and security institutions, for example, the Governor, the Security Director, the Police Chief, High Appeals judges as well as judges of first instance, the Prosecutor's Office, etc. Individuals were asked if these positions had changed and what the perception was of the individual appointed.

*WORKING DRAFT – NOT FOR ATTRIBUTION WITHOUT PERMISSION*

2. There have been many reports that with the disruption in government services in the last year, people in Taiz have been turning more to dispute resolution by prominent shaikhs or tribal leaders. To what extent is this happening? Is there any relationship or referrals between the formal system and these leaders?
3. Security deteriorated significantly since the revolution. Armed groups have become more powerful, and there are more reports of high crime rates and violence. Have there been steps taken since the transition period to address this problem? Have they had any impact or have a promise of having an impact? If not, are there suggestions of what would improve this?

**Aden**

1. A major issue in Aden has been illegal land seizures by government officials or other powerbrokers. Is this still an issue after transition? Has this issue been addressed (or not) by the transition period reforms? What steps would be necessary to resolve it (e.g. policy reforms, remove of certain official)
2. Security deteriorated significantly since the revolution. Armed groups have become more powerful, and there are more reports of high crime rates and violence. What political or local issues are fueling this violence (Southern issue?)? Have there been steps taken since the transition period to address this problem? Have they had any impact or have a promise of having an impact?

**Marib**

1. Over the last year, there have been frequent attacks on oil pipelines and electricity towers. Describe how these issues evolved a) over the course of 2011; b) after the transition period? How did this issue impact local community relations with corporations? Local tribal control?
2. The formal justice system has not been very accessible or strong in the governorate. In many areas tribal traditions (urf) were dominant in resolving disputes. How was this system affected over the course of 2011? How can this tribal dispute resolution fit in with broader justice and security sectors and the proposed reforms?
3. In the last year, there has been an increase in banditry, gang activity, and crime, particularly on the roads. Identify which non-state armed groups have been responsible for these trends. Have there been any efforts by either local tribes or communities, or by the Yemeni government (particularly after February 2012) to push back against these groups? Have any of these measures been effective? In your opinion what can be done to address this issue? Would government armed force be necessary to push back against these armed groups? Would community-based negotiation or other interventions be effective?

**Abyan**

1. The formal justice system has not been very accessible or strong in the governorate of Abyan. Although certainly not as strong as in other areas, in some places in Abyan, dispute resolution or other justice functions have been carried out according to tribal traditions (urf). How was this system affected over the course of 2011? How can this tribal dispute resolution fit in with broader justice and security sectors and the proposed reforms?



*WORKING DRAFT – NOT FOR ATTRIBUTION WITHOUT PERMISSION*

2. In the last year, there have been periodic news reports of Ansar al Sharia or other militant groups not only controlling certain areas militarily, but in those areas also extending some justice functions (i.e. dispute resolution) and enforcing sharia law. Has there been any evidence of this? In which districts? How was this perceived by locals?
3. Water distribution, water irrigation and related land rights issues have frequently been a source of conflict in Abyan. How did these impact negative security developments through the course of 2011. Have there been any effective efforts to resolve these longstanding disputes? Are there local traditions or practices that might lend themselves toward a resolution?
4. In 2012, there have been reports of tensions between returning government security forces and the “popular committees” that had previously been providing some measure of security. Has this been true? If yes, what was the manifestation of these tensions (where, what) and what is the source? Are there ongoing efforts to build a dialog between the state and communities in ways that would resolve these sources of tension? What is the general attitude to these popular committees?
5. During the course of 2011 and 2012, fighting between government, local groups, and other non-state armed groups resulted in significant destruction to government buildings and institutions, private homes, and also displacement. Describe briefly the major points of concern for the community, how these might impair future justice or security delivery.
6. Are interviewees aware of the Fund to Rebuild Abyan, and/or any planning for how the Fund will be distributed?

In addition to the above questions, researchers were given the following guidance to guide their analysis and write-up of the results from each governorate, and to inform their follow-up questions on each of the above questions.

The final analysis should cover:

1. A mapping or thorough documentation of any changes that have impacted justice and security delivery in the local area a) during the period of revolution; b) since the transition period began. This should include any personnel changes of key justice actors, changes in security, changes in governance, political issues, or other.
2. An analysis of key issues or roadblocks to effective justice mechanisms or otherwise peaceful dispute resolution at a local level. This analysis may connect to national level issue but the focus should be on local (community, city, or governorate) issues primarily.
3. Propose 2-3 concrete projects either at a local level. How do any possible solutions to these processes tie into the broader national reform processes?