



WAITING FOR CHANGE

THE IMPACT OF TRANSITION ON LOCAL JUSTICE AND SECURITY IN YEMEN

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ABOUT THE REPORT

At a time of significant change in Yemen, this report offers a different lens for thinking about the political transition and government reform that have dominated national and international debates following the Arab Spring upheavals. Derived from research conducted by the United States Institute of Peace (USIP) and two local partner organizations, Partners-Yemen and All Youth Yemen, this report provides a snapshot of how those changing dynamics have affected local security and justice conditions in four politically and geographically diverse governorates in Yemen.

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The views expressed in this report are those of the authors alone. They do not necessarily reflect the views of the United States Institute of Peace.

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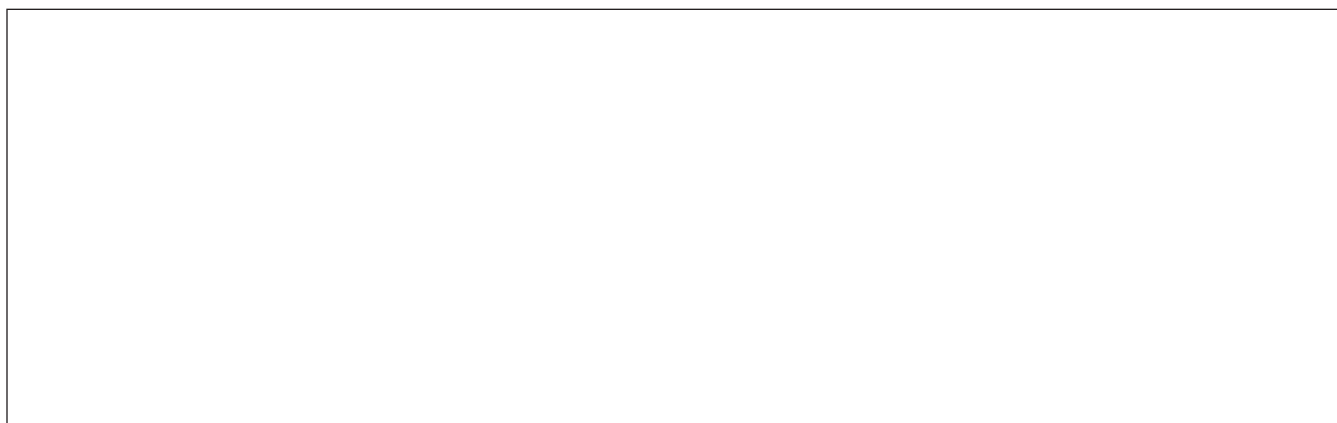
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[For this transition to be a success, changes in justice and security conditions at a local level are as critical as top-down national reform.]

Summary

- In November 2011, following nearly a year of mass protests and violent clashes, a political compromise between the two main political parties forced the resignation of former president Ali Abdullah Saleh and instituted a two-year political transition process.
- Since that time, much of the focus has been on the national reform processes, in particular on a National Dialogue, that were mandated by the agreement that removed President Saleh.
- While these national processes are important, given the weakness of central control and the diverse political pressures in Yemen, local justice and security conditions have an equal ability to either derail the transition or to contribute to its success.
- Just over a year into the transition, local conditions have stabilized in some areas, but security, government services, and economic and social functions have not returned to pre-2011 levels.
- Perceptions of the transition depend most on stability or tangible signs of progress at a local level—signs that were lacking in all four governorates.
- Many argued that the steps taken so far by the transitional government have been necessary and often well-intentioned, but insufficient. Any gains or improvements are fragile and easily reversible if not followed by more solid reforms.
- Although strong local leadership was able to drive some local improvements, as in Taiz and Marib, unresolved national political tensions disrupted security and political progress in all four governorates.
- In all four governorates, the prevailing opinion was that it was still too early to see meaningful change. Without some evidence of concrete results soon, however, the current level of buy-in for the transition process will erode.
- 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

A little over a year into the transition period that followed a political compromise brokered by the Gulf Cooperation Council in November 2011, the Yemeni government faces significant challenges in bringing acceptable levels of physical and economic security to the country's disparate regions and divided population. During the popular protests in 2011, government security forces withdrew from many governorates and 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 (AAS)¹—and the political and regional factionalism in Yemen have only exacerbated the security crisis and complicated post-transition stabilization efforts. Although the formal sector was never strong in most areas of Yemen, government presence and services—ranging from basic law enforcement to functioning courts—were effectively halted in much of the country for more than a year. It has proven difficult to reinstate even modest pre-2011 levels of such services.

The current transitional government has faced 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 settlement that ended the political crisis. In addition to demands for President Ali Abdullah Saleh's removal from power, throughout 2011, the youth movement² and other protestors called for cleaning out 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 November 2011, the two main political parties—the ruling General People's Congress (GPC) and the opposition coalition, the Joint Meeting Parties (JMP)—signed a transition agreement.³ This agreement, the Gulf Cooperation Council (GCC) Agreement, 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. Former vice president Abd Rabu Mansour Hadi was made acting president and subsequently won an uncontested election in February 2012. In addition, the GCC 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 GCC Agreement bound the transitional government to take steps to ensure compliance with basic principles of democratic governance, rule of law, and human rights across all state institutions and to begin the process of transitional justice (however undefined).

Although the GCC Agreement put a brake on ten months of escalating violence and armed conflict, neither time nor political space were available to resolve the many complex political issues that had helped fuel the crisis and might hamper future stability. It therefore also established a timeline and benchmarks for a two-year transition process to include a National Dialogue conference⁴ that 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: how to address calls for southern autonomy or secession,⁵ conflict with the Houthis in the northern Sa'ada region,⁶ state structure and political system, and transitional justice and national reconciliation. This National Dialogue process was a core demand for opposition parties and protestors.

The National Dialogue, originally scheduled for April 2012, was repeatedly postponed with many institutional and political reforms left on hold awaiting its outcome.⁷ It finally began on

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March 18, 2013, and, at the time of writing, was anticipated to last for six months. Despite the many processes and reforms on hold awaiting the final outcome of the National Dialogue, President Hadi and the transitional government made some headway in meeting transition benchmarks and responding to popular demands for reform.⁸ Throughout the first half of 2012, changes were instituted 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, as was a new head of the Judicial Inspection Authority in the Ministry of Justice and several new officials at lower levels in the ministries of Justice and Legal Affairs; these appointments included several reform-minded officials.⁹ At a national level, many of the ministries have 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 GCC Agreement for improving governance and rights protection. These include the controversial draft law on transitional justice and national reconciliation,¹⁰ a proposed law to create a national independent commission or institution for human rights, and the right to information law,¹¹ among others.

A series of presidential decrees in August 2012 began the restructure of key state institutions by implementing significant changes in the military and security sector and making the Supreme Court independent from the authority of the Supreme Judiciary Council (which is controlled by the executive branch).¹² The most significant changes followed 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.¹³ In February 2013, President Hadi issued a similar decree relating to the structure of the Ministry of Interior.¹⁴

A full exploration of these national-level developments is beyond the scope of this report. The focus is instead on whether any of these national changes have led to or been accompanied by similar reforms at a local level; whether any efforts were made to remove or replace officials known for corruption, abuse of power, violence against protestors, or other misconduct; whether any of the national-level institutional reforms (such as the military or judicial restructuring decrees) affected local justice and security management; and how the ministries involved in justice and security provision operate. The rationale for this approach is that for this transition to be a success, changes in justice and security conditions at a local level are as critical as top-down national reform.

The four governorates examined—Taiz, Aden, Abyan, and Marib—are geographical and political cross sections. Each has a different historical relationship with the central government and differing degrees of development, governance, and formal justice. Each 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 in Yemen's twenty-one governorates or the complexity presented by Yemen's fractured and divided political and social landscape. However, the 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 Dialogue.

Finally, although this research focused on the impact of political and institutional reforms, a number of other variables and lenses are equally (and sometimes more) important to the livelihoods and security needs of the Yemeni population and 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.”¹⁵ Although those interviewed for this report were more likely to be 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 report, their prominence in popular discourse is worth noting.

Methodology

This research was conducted 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 U.S. Department of State.

This report is based on more than 427 qualitative, long-form interviews conducted primarily by local Yemenis from each governorate in October 2012: in Taiz and Aden by All Youth Yemen and in Marib and Abyan by Partners-Yemen. More limited follow-up interviews were conducted by an international and national researcher from November 2012 through January 2013. In January and February 2013, two international researchers conducted extensive follow-up interviews and held workshops with national and governorate representatives to assess the preliminary findings from the field research and update the report to reflect subsequent changes. A list of preliminary interview questions is provided in the appendix.

During the field work, eighty-two interviews were conducted in Marib (Marib city, al-Wadi, Serwah), forty-four in Abyan (Zinjibar, Kahnfar, Moudiyah districts), ninety-eight in Aden (Muala, Sheikh 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. These include officials who play a significant role in security and justice issues at a provincial level (such as the governor, security director of the governorate, chief of police, head of the appeals court, prosecutor’s office, and Ministry of Legal Affairs); security and justice officials at a district level for the districts assessed (district director, security director, and head of court of first instance); local councils; tribal sheikhs or prominent community leaders; civil society organizations, including youth organizations; and professionals in legal and security sectors (including lawyers, legal advocates and trainers, and security sector researchers). Individuals were not interviewed based on their party affiliation alone, though within each of the professional categories, researchers tried to select those with different political, tribal, or social backgrounds. Finally, in addition to those in each governorate, a more limited number of background interviews were conducted in Sanaa with national officials, civil society experts, international representatives, and nongovernmental organizations (NGOs).

Access was an issue in all districts. Officials from Abyan and Aden were difficult to interview given the ongoing security issues in both governorates, especially the frequent assas-

sination attempts on local officials. Government officials were suspicious of those requesting to meet with them and the purpose of the questions. When they did agree to be interviewed, officials often refused to give location details until immediately before 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 agreed only to speak anonymously.

An additional access issue was the reluctance of government officials to respond to requests for information. This was an issue in all governorates, although officials were slightly more open in Taiz. Despite a general perception of greater transparency among NGOs, researchers found that Yemeni officials—particularly members of the judiciary—were often unwilling to respond openly to questions they deemed sensitive. In some cases, officials refused to be interviewed altogether or even to respond to requests for an appointment.

Findings

Taiz

Taiz, long considered the cultural heart of Yemen and typically one of its most stable cities, was at the epicenter of antigovernment 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 antigovernment forces. Heavy-handed government tactics¹⁶—including a multiday, direct attack on peaceful protestors in Freedom Square in late May¹⁷—galvanized armed resistance, including from a number of major tribal leaders.¹⁸ By June, the city was divided into two parts, one under the control of government forces and the other under nongovernment armed groups,¹⁹ with both sides engaging in indiscriminate shelling and light and heavy arms fire that led to significant civilian casualties and widespread property destruction—both public and private. A February 2012 human rights report estimated that 120 civilians had been killed in government attacks and many more injured.²⁰ Only after government tanks were removed from the city in December and the GCC Agreement was signed did open violence and confrontations end in Taiz.

The level of violence and instability in the city in 2011 had not been seen since the 1962 civil war, and the impact is still visible in Taiz's security situation. Over the course of 2011, different political groups or actors and parties to the conflict armed individuals to support their side (including the youth in the square), which contributed to higher levels of violence and crime even following the transition. In the weeks after the February 2012 elections, although major fighting subsided, government forces were still unable to access major areas of the city. Many basic rule of law components—including lawful arrests, prosecution, and judicial review of crimes—did not function normally.

Security gains post-transition

Those interviewed in Taiz were among the most optimistic that the transition was headed in the right direction, due largely to the leadership of the new governor in Taiz.²¹ In April 2012, President Hadi appointed Shawqi Ahmed Hayel, a prominent businessman, as governor to replace Hamoud Khaled al-Soufi. Hayel was seen as largely independent and competent in governorate management. During the initial period of research in October 2012, interviewees praised him widely; however, in subsequent follow-up interviews, they were slightly more criti-

cal. Between November 2012 and February 2013, security incidents and protests against the governor and his administration resumed to some extent and were more frequent. One female civil society member interviewed in February explained the change in attitudes:

Taiz is the governorate most affected by partisan politics. The governor is good at the managerial and administrative sides of the job, but he's less good at balancing the politics. It is not entirely his fault because the divide [between political parties] is so wide that it would be hard to satisfy everyone.²²

Several key security posts saw leadership changes in the wake of the elections. That of director of security, for example, was extremely controversial and changed three times.²³ Others include the director of the Criminal Investigation Bureau and the director of the Central Prison (twice). Each of these appointments seemed heavily subject to influence by political parties and was criticized or applauded by interviewees depending on their political affiliation.

Several interviewees noted that officials within the police stations and districts—the most accessible, daily representation of government for most citizens—were not affected. Significant corruption and misconduct at this level left the impression among those interviewed that little had actually changed as a result of the transition, though most were still hopeful of reforms to come. In general, interviewees from both JMP and GPC were frustrated about the slow progress and failure of the transition government to implement enough change locally.

Some officials interviewed in Taiz said that the prosecutor's office has been investigating several cases against certain policemen and other security officers alleged to have fired on protestors during the 2011 crisis. Researchers, however, were not able to confirm that these investigations or cases existed.²⁴ A group of lawyers who had been active with those in Freedom Square had tried both to collect information about those killed during the protests and to file cases against the alleged perpetrators. Interviewees reported, however, that these lawyers eventually withdrew the cases because they realized the prosecutor would not act on them in the face of political pressure.²⁵

One persistent complaint, from both government officials and nongovernment individuals, was that, although some personnel had been reshuffled, no structural changes had been made and replacements had been based on party affiliation, largely according to the power-sharing split, rather than on merit. In addition, following the February 2012 elections, there was often not one but multiple replacements and shifts of the same position. Those appointed to senior positions tended to fill lower ranks with their political allies and party members. This situation is particularly problematic in the security forces, which, as a result of this layered, political reshuffling, does not result in 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."²⁶

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. After an initial lull in security incidents when the new governor was appointed, the activities of armed groups appeared to be increasing again toward the end of 2012.²⁷ The governor spearheaded a campaign against carrying arms in the street that many said reduced crime and the influence of armed gangs; others suggested that it simply made weapons less visible, although even that was an improvement on the previous situation.²⁸

Interviewees spoke 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 sheikhs, and youth representatives in Taiz. Signatories to the code of conduct, which was published on August 12, 2012, agreed to support the governor and his efforts

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to improve stability in Taiz by withdrawing armed groups from the streets, enabling the security forces to control all parts of the city, execute laws, and support enforcement against those who commit any illegal acts or undermine security and stability in Taiz. Many interviewees cited this as the most important security initiative so far. Some, however, were concerned that no public awareness efforts or follow-up steps had been made. Nonetheless, other interviewees suggest that the process of bringing different parties and stakeholders together to discuss concerns in Taiz and committing to working together was in itself a significant contribution.²⁹

Although security has significantly improved since the transition began—and particularly since the new governor was appointed—it is still far worse than in 2010.³⁰ At the time of the research, the security forces could not control the conflict in al-Haror (the northeast part of Taiz) between Sheikh Abdulghani Qaid al-Nagdeen and Sheikh Abdulaziz Mahyoub. Freedom Square was also still not under the control of the security forces, which members of youth and civil society said was appropriate given their role as opposition voices.³¹ Most in Freedom Square are youth continuing to protest for change. However, one security official noted that many criminals and disaffected former military and security individuals hid there and were a source of security problems.³² Since 2011, the Houthis have also expanded their presence in Taiz. This has provoked other political actors to arm groups loyal to them in order to counter the Houthis and has led to frequent armed clashes between supporters of Houthis and Islahis (and sometimes other groups) in the city.³³

In addition, despite the efforts of officials, unorganized armed groups engaged in illegal activities—including attacks on individuals, blackmail, illegal checkpoints, and extortion—still operate in many of the quarters in Taiz. These include Ausaifera, Soq al-Qat, al-Rawdha, Wadi al-Qadhi, Jamal Street, al-Haseb, and suburbs of the city. Several interviewees suggested that this 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 sheikhs or other individuals who might be persuaded to abide by the code. However, during the course of 2011, far more 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. They remain beyond the control of government and nongovernment authority and are thus not affected by the code.

Several interviewees also reported that during 2011 the government released criminals from prisons and armed them to counter the youth protests.³⁴ This both deepened mistrust at the time and worsened the conflict and resistance to the government. It also has likely contributed to increased criminal activity after transition, given that these individuals are still free and now under no command and control.

Hope, but no progress on justice reform

No significant changes were made in the judicial institutions. Any changes that happened—a few judges of first instance and deputy prosecutor appointments—were due to the law mandating rotations every several years, not because of any reforms related to the transition.

When positions did open up due to the rotation law, many of those interviewed, including judicial officials themselves, said that appointments came down to party affiliation rather than merit, preventing any meaningful reform of the judiciary either through judicial appointments or other accountability processes. Shortly after the transition, the minister of justice referred nine administrative officers in Taiz to the prosecutor charged with investigating financial crimes. These officers were alleged to have embezzled funds and engaged in corruption.³⁵

Although the move was initially seen as a sign of progress, the Ministry of Justice withdrew the investigation two months later. Interviewees said that even though many assumed that the transition period would result in prosecution and removal of unqualified or corrupt officials, in practice this was just as difficult as before the revolution because of the influence and interference of political parties.³⁶ “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].”³⁷

Some thought that the broader judicial reform processes to be discussed in the National Dialogue might open space for reform but had seen no change because of the partisan nature of appointments. The August presidential decree making the Supreme Court independent from the Supreme Judiciary Council had no effect on judicial bodies in Taiz at the time of research.

Unlike in some governorates, where the role of the formal system was always limited, the formal system in Taiz was functional before 2011, if still plagued by corruption, lack of resources, lack of capacity, lengthy case times, poor enforcement, and political interference. The instability in Taiz in 2011 and 2012 exacerbated many of these problems. The physical insecurity and lack of government control of significant parts of Taiz in 2011 and into 2012 restricted judges and prosecutors from dealing with many cases over much of 2011.³⁸ Some judicial buildings were damaged or destroyed, which also restricted access.

Even though courts had resumed functioning at the time of research,³⁹ the period of instability led to a long backlog of cases that further extended the time needed for adjudication and increased the cost. In addition, many law enforcement and justice officials worked from rented facilities that they said made it difficult to work.⁴⁰

As a result, since 2011 many have turned to actors outside the formal justice sector—prominent sheikhs, leaders of armed groups, and other arbitration mechanisms—to resolve their disputes. In what some described as the re-tribalization of Taiz, sheikhs and leaders of armed groups have grown increasingly influential since February 2011. Sheikhs play a prominent role in the resolution of both criminal and civil cases, both because the judiciary has been so weak and because sheikhs and armed groups enforce their decisions—something 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 nongovernment interviewees. Interviewees in Taiz generally argued that some of these recommendations were followed, but not enough. Removal of unfit officials should not stop at the higher levels but should extend to lower levels and individuals who dealt with citizens on a daily basis—for example, security leaders at the district level or police officers. In addition, several were concerned that even when officials were seemingly removed from power, they were in fact 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.

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A second category of recommendations dealt with long-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, such as supporting policemen in community policing and accountability, creating 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. Some also flagged a need to improve the capacity and processes of the Land Registration Bureau, arguing that duplicative, unclear, and belabored processes contributed to corruption, land grabbing, and other land conflicts.

Finally, many youth and civil society activists argued about the need to continue to build on the initiatives taken by the governor to promote joint community-government engagement on local security issues—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 were to focus less on sporadic raids or arrest periods and instead establish regular checkpoints.

Marib

Located east of the capital Sanaa, Marib is one of the most marginalized areas in northern Yemen. An estimated 64 percent of the population live in poverty;⁴¹ most lack access to basic infrastructure and services including roads, running water, electricity, education, and health services. As one government official remarked, “There has never been government services or development. In many areas they live in the Middle Ages. Women are cooking food by the sun.”⁴² 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 before 2011. In addition to having one of the highest levels of tribal conflict, because of the lack of government control, militant groups used Marib 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.⁴³

In February 2011, the antigovernment protests sparked by the Arab Spring spread to Marib. Hundreds of youths marched to the government compound in Medina, Marib's main city, carrying roses and demanding the fall of the regime. The protests had begun peacefully, but after 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 2011 and 2012, repeated attacks on the electricity towers, power cables,⁴⁴ 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 billion.⁴⁵ Although some AQAP elements were present in Marib before 2010, they increased throughout 2011 and 2012, often using Marib to launch attacks in Sanaa or other areas. The deterioration of security on the highways allowed AQAP more mobility and some drove through Marib to take over parts of Rada'a⁴⁶ in January 2012. Many interviewees reported increasing trends toward radicalization in some of the informal, Islamic education facilities in the governorate.⁴⁷

One positive security development for Marib, in contrast to the rest of the country, was the decrease in tribal conflict, a major source of social disruption. 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 choosing sides would spark uncontrollable conflict, the tribes agreed both not to take sides and to join forces to maintain security within its territory in the governorate.⁴⁸ Tribes actively worked together to reduce the likelihood that incidents arising during the protests would spark new conflicts.

A more complex security environment

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. Government forces regained control of the highway between al-Wadi district and Sanaa but not the highway that leads to Shabwa and other key assets in the governorate. By January 2013, government security checkpoints had expanded, providing more protection for the population.⁴⁹ Nonetheless, as of early 2013, insecure elements long present in the governorate still enjoyed greater freedom than in the past, and those interviewed suggested that gang activity (primarily carjacking, robbery, and banditry), hashish trading, 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 eleven soldiers in an ambush by armed men suspected of being al-Qaeda.⁵⁰ In return, the government launched an offensive, killing four.⁵¹ Those interviewed in follow-up research argued that the government strike had killed innocent civilians and destroyed homes.⁵²

Interviewees suggested a growing sense of fear among locals of drones and air strikes. The common perception shared by local government actors and civilians was that drones had primarily killed civilians in Marib. Interviewees reported hearing drones and said they were in constant fear that they might be hit at any time.⁵³ Although researchers did not specifically ask about drones, nearly every interviewee from Marib mentioned them. No one said anything positive. Many argued that drones risked both exacerbating an already complex security environment and sparking tribal conflict.

The most common recommendation or request—both within the Marib government and outside it—was to strengthen and expand the formal security presence in Marib. Whereas previously Marib relied on the tribal system to maintain basic law and order, most thought that it could no longer handle the current security situation alone. Some argued that this was due to a widespread loss of respect and adherence to tribal traditions and customs among the younger population. Others maintained that the militants and other criminal elements were simply too difficult for the tribal sheikhs to control. The rise in targeted assassinations in Marib and other areas by militants in recent years led tribal sheikhs to fear that they would be targeted if they resisted these armed groups or spoke out against their criminal practices.

Tribal conflicts are still less frequent than before 2011. Nonetheless many fear that given 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.

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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, electricity lines in Marib feed 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, disenchanted tribesmen, those seeking to extract rents from the foreign oil companies, and others with grievances against the government.

Although not a new security issue, attacks escalated in number and severity throughout 2011 and continue in 2013.⁵⁴ From March 2011 until July 2012, the oil pipeline was targeted eighteen 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 the better part of a year, the main Marib-Ras Isa pipeline was repaired and resumed normal functioning on July 15, 2012, but was shut down again after major attacks in September and again after a series of major attacks in November.⁵⁵ On December 2, tribesmen attacked pipelines and electricity towers again, causing a power outage in Sanaa and other cities.⁵⁶

The attacks appear to have been carried out by a range of actors, which makes it difficult to identify the perpetrator of any given attack. For example, initial public reports about the early 2011 attacks on electricity stations blamed them on antigovernment tribes or opposition political parties, connecting the violence with the broader protest movement.⁵⁷ However, more recent investigations by the Military Committee established by the GCC 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.⁵⁸ 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 mix of political motivations and personal grievances. They 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. This was particularly true, interviewees believed, of attacks that coincided with sensitive political moments, such as after major reshuffling in power structures or in anticipation of major conferences or political events.⁵⁹ “Whenever the political situation in Sanaa gets worse, it manifests itself in attacks against oil pipelines and electricity towers,” Ali Alghulaisi, a journalist from Marib, said.⁶⁰ Such incidents were most frequently blamed on Saleh loyalists and former regime supporters but sometimes blamed on the opposition JMP parties.⁶¹

Although political motivations were linked to some attacks, interviewees believed that the majority have been carried out by 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 March 2010.⁶² Other attacks have been motivated by broader tribal or community demands against the government, such as jobs, services, compensation, or disputes over land. 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.⁶³ A journalist from al-Wadi district estimated that at least 60 percent of the attacks against oil pipeline and electricity towers were carried out by these groups.⁶⁴

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, reportedly may have backfired by raising expectations without delivering actual responses. Some interviewees suggested it may have led to the oil pipeline bombing of early December 2012.⁶⁵

Some tribes tried to help protect public interests and prevent attacks on pipelines, but the majority did not care about attacks that reduced the electricity supply because the population at large believes it receives few benefits from the oil and electricity companies. Before 2012, only two districts, Marib al-Wadi and Marib city, had access to electricity, and the supply was erratic—no more than a few hours a day. In September 2012, electricity was extended to some areas in four new districts—Madgel, Majzer, Raghwan, and Serwah. Most areas in the four districts, however, remain without electricity. In addition, many local communities are hostile to the oil companies; they complain that the 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, the jobs and compensation are often unequally distributed and spark conflict rather than appeasing the local population. In a comment that reflects some of the local sentiments, Sheikh Mufarreh Behiebeh in Marib noted that people say, “All we got from the oil companies is smoke, pollution, and mosquitoes.”⁶⁶

Greater local leadership, but weak government engagement

Despite the continuing security issues, Maribis were relatively optimistic about the transition period. 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 extensive 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 leaders from the Aljedaan tribe to take responsibility to protect electricity lines in their territory, which reduced the number of attacks and enabled repair work to happen.⁶⁷ Through similar negotiations, he has also been credited with keeping the peace and trying to prevent other sources of sabotage. Al-Aradah explained that he 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 increase 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.⁶⁸ Not all of those interviewed knew about each of these initiatives.

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; a new court of appeal judge; and a new chief of staff for the Middle Armed Region. With the exception of the new judge, few reforms have taken place in the local judiciary. Most interviewees said these changes are not significant. As one local political activist characterized them, “A thief left and another thief replaced him.”⁶⁹ 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 than higher level changes.

As noted, the formal justice system has never had a strong presence in Marib. Before 2011, only two courts functioned in the governorate. Locals rarely referred disputes to formal justice channels because those institutions were considered corrupt, slow, ineffective, and unable to enforce decisions. Instead, almost all disputes were resolved according to tribal custom. So far, no significant changes have been made to reverse this practice. The governor has reportedly taken some steps to introduce the formal justice system more broadly to locals, such as

engaging local judges in negotiations with the tribes to establish a more prominent role in the community. The governor also said that he had 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.⁷⁰ One interviewee told of a prominent case referred directly by the governor to the courts in Marib in February 2013—a land dispute between two major tribes. The popular reaction to this referral was positive, the interviewee noted, because it was taken as a sign of increasing judicial presence and rule of law.⁷¹

One of the most frequent sentiments was hope that this transition period would bring about support to 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 for local council members, tribal leaders, and the governor. Although such demands are not new, they now appeared to have greater urgency. Given 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 reported that local people are “thirsty” for rule of law and an effective formal justice system.⁷² “If there were effective courts, the tribes would go there. People are eager to see functioning state institutions,” Abdullah al-Aqeeli said.⁷³ “Sheikhs want to see state institutions functioning in the governorate more than anybody. They are tired of having to deal with the burden of resolving conflicts constantly,” Sheikh Mufarreh Beheibeh explained.⁷⁴

Future directions and recommendations

Interviewees argued that the nature of security challenges had shifted in previous years and required a corresponding 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.⁷⁵ The historically low levels of formal engagement in the governorate will therefore no longer be enough to guarantee stability. Many argued that state security forces needed to take a more prominent role in the internal security in the governorate and be given ample resources and authority to enforce law and order.

Many interviewees suggested that more joint efforts between the state and tribal communities are needed to combat the rise in criminality and militant activity in Marib. Some suggested that a solution might be for tribes to help capture militants or criminals and for 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 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 involved in the capture but for overall stability in Marib.

Several interviewees cautioned that a strategy reliant on the use of force—for example, drones or airstrikes—had the potential to backfire and stoke tribal conflicts. Most instead stressed the importance of addressing root causes of conflict and long-standing grievances. Interviewees frequently expressed support for education, employment, and development projects in Marib and also stressed the need to resolve outstanding tribal conflicts, perhaps through joint tribal-government mediation efforts. Many cited the need for measures to reduce the available pool of recruits for criminal and militant activity, including providing opportunities

for youth, awareness programs to show the danger of extremist groups, and initiatives to kick start economic growth.

Interviewees identified the need to tackle corruption and strengthen institutional reforms but prioritized immediate efforts to prevent the security situation from escalating.

Aden

Aden has been marked by frequent—often violent—protests against the Saleh regime and other grievances against the government since 2007.⁷⁶ Thus it was not surprising that the city was one of the first to see major public disturbances in the wake of 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 artillery. In the districts 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 movement⁷⁷—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 parts of Yemen.⁷⁸

In late March 2011, the head of security, Abdullah Qairan, was removed from his position for excessive use of force against protestors. He was transferred to the Taiz governorate.⁷⁹ Following the transfer, the violence of the government's response to the protests ebbed, but protests continued. As the government lost effective control of many departments, Aden 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, fractured the city—each neighborhood was 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 nonexistent. Courts virtually shut down, and police stations in the major opposition districts (al-Mansoura and Sheikh Othman) were empty.

By summer 2011, instability in neighboring Abyan spilled over into Aden and had both humanitarian and security consequences. The Office for the High Commissioner for Human Rights estimated that from May 2011 through that summer, hundreds of internally displaced persons (IDPs) arrived in Aden from Abyan on a daily basis. By the end of the year, tens of thousands lived in the city.⁸⁰ Weapons, arms, and the militant groups associated with the Abyan conflict—AAS 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

The introduction of a transitional government and the successful elections in February 2012 ended the worst period of violence in Aden. Widespread insecurity has continued to prevent regular government functions from resuming, however, 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 occurred on a weekly or biweekly basis. Divisions between and among Hirak factions and Islahis

were blamed for much of the internal violence in Aden in 2012. In addition, many of those interviewed said numerous attacks were carried out by those loyal to former president Saleh. This, interviewees argued, was a political tactic to persuade southerners that security was better under the old regime. In many cases, though, it appeared likely that such statements were influenced by political bias. A significant number of attacks have also been linked to AQAP, AAS, and other militant groups.⁸¹

Starting in early 2011, different political parties and actors began to arm youth and other parts of the population in preparation for potential conflict, a negative legacy which continues to impact security in the city. 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. Financial and violent crime remains high. 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. One nongovernmental worker remarked, “Now there are guns and weapons everywhere in the street. These things were never in Aden before, maybe in other areas, but not in Aden.”⁸² Similar comments were made by most Adenis interviewed. Although Aden has had significant periods of instability and violent clashes throughout its history, the pervasiveness of this sentiment suggested a significant—and different—feeling of insecurity among the population during this transition period.

The violence and destruction during 2011 has impeded the return of pre-2011 levels of law enforcement. In 2011, damage to public buildings was significant; police stations and the offices of local authorities were damaged, destroyed, or burned, particularly in al-Mansoura, Sheikh Othman, and Dar Saad districts. Police and security officials still cannot enter many areas—at least with any regularity. These security challenges are difficult to overcome given the lack of funding to pay many policemen, 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, Mu’ala, Khormaskar, and Dar Saad.

Regular protests—often marred by violence—were frequent through August and September 2012. By the end of the year, the security situation had become more stable than in the initial period of research, although crime levels were still high and government forces still had no access to certain neighborhoods. Some interviewees said the government allowed Hiraq to protest peacefully, and this was taken as a sign of good faith, allowing political tensions to calm.⁸³ This period of relative calm appeared fleeting. Shortly after the date of the National Dialogue was announced, security incidents, mass disturbances, and protests that turned violent again increased in Aden. Most notably, on February 21, 2013, a pro-independence protest turned violent as government forces fired on protestors with live ammunition, killing at least five and sparking continued protests and clashes in the subsequent days.⁸⁴ Violent protests and government responses continued up to the start of the National Dialogue and have showed no signs of abating.

Many of those interviewed blamed continued instability on a combination of internal political dynamics and Aden’s geographic location. Aden’s proximity to the Horn of Africa and to other militant controlled areas provides potential spoilers, ample allies, and opportunities to feed insecurity. Militant groups such as AQAP and AAS, 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, the city has long been a major hub for illegal arms sales and a frequent thoroughfare for foreign fighters.

Volatile politics mitigate progress

Not surprisingly, given the degree of instability, progress on other transitional benchmarks was limited and fragile. The local government leadership changed slightly, but overall the number of changes in appointments and institutional reform was negligible. 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, all lower-level judges replaced according to rotation law. The former commander of the southern region was replaced twice because the first replacement was assassinated not long after being appointed.

Interviewees identified the following as the most significant, outstanding issues: weakness and ineffectiveness in the judiciary and security sectors, lack of independence from political control, continued and widespread land grabbing, and unresolved political tensions over southern independence. All of these issues, most interviewees argued, are as bad as, or worse than, before 2011.

Many also maintained that corruption—long a problem among judicial and security sectors—worsened during 2011 and remained unabated after the elections.

As rule of law deteriorated and armed groups came to the fore as the real power brokers, land grabbing—a problem in Aden before 2011—increased. In January 2013, a commission was formed to investigate and address the problem. Although at the time of writing the commission had not yet taken on any specific measures, some interviewees took the formation itself as a positive sign that President Hadi's government had the will to address instability in Aden.⁸⁵ Others were not as optimistic, arguing that the commission was as stacked with political appointees as other governmental bodies and thus would likely have an equally poor record in addressing land grabbing.⁸⁶

Although the courts are now functioning, insecurity, the case backlog, and the state's inability to enforce decisions have made the courts ineffectual. As a result, the majority of the population has looked outside the formal court system to resolve disputes, ranging from local councils to elders (known as *akls*) of the neighborhood to leaders of armed groups in the neighborhoods or in the squares. Although judicial independence has always been an issue in Aden, many lawyers and judicial officials worried that increased polarization and politicization of government positions, combined with the insecurity and the lack of enforcement powers, would likely make the judiciary even weaker and more subject to political influence in the future.

Broader political tensions underlie and motivate much of the violence and continued civil instability in Aden. The 2011 protests and the discussion of major political reforms through the transitional government and National Dialogue have reopened the Pandora's box of southern independence. The majority of Adenis support a greater measure of autonomy, if not full independence.

That many different groups within Aden seek some form of greater local autonomy is not to suggest that the southern movement is cohesive. Infighting between factions of Hirak and between Hirak and armed factions of the Islah party have been blamed for much of the violence.

Broader political tensions underlie and motivate much of the violence and continued civil instability in Aden.

Competition between the two groups, as well as between other political actors in Aden, played out both in the physical security environment and in jostling for local political power and positions. Although few political appointments and changes followed the transition, those that did take place were heavily tainted by partisan politics. Interviewees' perceptions of the recent political appointments seemed heavily biased by their political affiliation. Opinions and allegations of misconduct or poor leadership were thus difficult to evaluate. Nonetheless, many of those interviewed said that the governor is seen as an Islah partisan. Many alleged that he placed political supporters in government positions regardless of merit and, in some cases, in spite of it.⁸⁷ As one female nongovernmental activist said, "Appointing this governor . . . further fanned the political tension that existed in Aden. The Hirak movement was already very sensitive about Islah and then to put them in charge of Aden . . . it was a bad political deal."⁸⁸ Civil society members who were interviewed said that the governor has not been serious in engaging with them.

Many argued that until the southern issue is 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. During interviews in the fall of 2012, interviewees argued that the government had not taken any concrete steps toward implementing trust building measures, including the twenty steps proposed by the National Dialogue technical committee in August 2012. This inaction, they said, contributed significantly to the unstable situation in Aden.⁸⁹ By early 2013, some measures had been taken to address these complaints. For example, treatment of Hirak protestors reportedly improved slightly in the latter half of 2012, although some clashes at protests were still reported in early 2013. In February 2012, during his presidential campaign, candidate Hadi announced that no "red lines" would be drawn in the National Dialogue, which many Hirak supporters interpreted as allowing open discussion of the southern issue. This reportedly eased tensions. In January 2013, President Hadi appointed a commission to explore the issue of military and civil retirees, a long-standing demand of the southern movement.⁹⁰ Because of these steps, interviewees seemed slightly more optimistic in the follow-up research period and attributed the improved security situation in late 2012 and early 2013 to these preliminary confidence-building steps.⁹¹ They said, however, that these steps were not enough and needed to be followed by concrete actions.

Future directions and recommendations

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

In addition to these political demands, interviewees suggested a number of other local measures that might improve immediate and long-term stability. Many argued that it was important, as a first step, to begin disarming and disbanding armed groups and youth rampant in the city, including addressing their financial sources. Many also stressed reforms of the police, including hiring police local to Aden, improving the pay and status of police and security forces 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 issues many highlighted was land grabbing. Interviewees suggested that this was mostly a question of political will, given that many of the officials who plundered lands in Aden had already been identified publicly.⁹² What was needed was for the government to take action in dismissing these officials, initiating prosecutions where relevant, and restoring the stolen properties. The new commission on land grabbing appointed in January 2013 held at least the promise of doing this.

Perhaps more than in other governorates, many interviewees in Aden discussed the importance of national-level institutional reforms to improving local stability, including measures to ensure the independence of the judiciary, decentralization to enable greater autonomy at a governorate 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.⁹³ With the onset of protests in early 2011, already tenuous government control in Abyan was finally overrun. AAS militants took control of the main city of Jaar in March 2011 and the major city of Zinji the following May after a few days of clashes with the military, which left hundreds of soldiers dead.⁹⁴ Dozens of civilians were also believed to be killed during the fights between AAS and government forces throughout 2011.⁹⁵ Hundreds of thousands of citizens fled to Aden and other neighboring governorates. Between April 2011 and September 2012, more than two hundred thousand IDPs took shelter in eighty-one schools and public buildings, often without water, food, and other critical needs.⁹⁶

AAS controlled the two cities for more than a year and imposed its version of sharia in areas under its control. On May 12, 2012, the Yemen Army launched a large-scale offensive against AAS 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 AAS. In June 2012, after weeks of fierce fighting, the Yemen government announced that the militants were pushed out of the cities of Zinjibar and Jaar. However, a few weeks later, violence resumed, including several major suicide bombings and armed clashes between AAS and PCs. On August 4, 2012, at least forty-five civilians were killed when a suicide bomber attacked a funeral service targeting PC members in Jaar. Criminal gangs also have become more active since AAS was pushed out. Assassinations increased, targeting military and security officers as well as PC leaders.⁹⁷ In June 2012, an attempt was made on the life of the defense minister visiting Abyan, and the newly appointed head of the southern military command was assassinated.⁹⁸

The situation for civilians in Abyan remains dire. Government facilities and offices are not yet functioning, even minimally in most places. There are no security forces or law enforcement outside what the PCs provide. As one frustrated lawyer from Abyan explained,

In Abyan, there is no security, no law, no government. Since AAS has been pushed out, police and security forces still have not returned, even in the main areas. The government is still not present in Abyan. That's affecting justice; it's affecting development, the return of IDPs, everything in Abyan.⁹⁹

The continued lack of government presence in most areas, one year after elections and more than six months after regaining control from AAS, appeared to fan perceptions that the conflict in Abyan was being neglected deliberately. Several of those interviewed in follow-up research

in January and February 2013 said that national political actors were deliberately allowing the conflict to fester in Abyan by leaving the security to PCs and not reintroducing government forces in the governorate.¹⁰⁰ “The state is trying as hard as it can not to get involved in Abyan and even to let the conflict continue,” one local leader argued.¹⁰¹

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. Shortages of water and electricity are severe, and access to health care 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.¹⁰² Within two weeks of the withdrawal of AAS, seventy-three people were killed by landmines, which are widespread in the governorate.¹⁰³ One aid worker said that many of the IDPs who returned did not actually want to come back but could no longer afford to support themselves in Aden.¹⁰⁴

Efforts to rebuild

Pushing AAS out of the main cities of Zinjibar 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 AAS was pushed out in June 2012, neither government nor security forces were deployed, leaving it to the PCs to take charge of security.

Locals lauded the PCs’ efforts, reportedly even donating their limited personal funds to help them buy arms and organize, and argued that they have stopped AAS from expanding in the governorate. Most, however, said that 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 also believed that without the presence of government security forces, AAS 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,¹⁰⁵ the PCs might turn into armed groups and possibly engage in crime or challenge government authority.¹⁰⁶ Some reports had already materialized of PCs looting, extorting cash along the road, or engaging in other illegal activities.¹⁰⁷ Finally, because PCs and some AAS members have the same tribal backgrounds, continued infighting between and among the two groups might cause or fuel tribal conflicts in the long term.

In general, those interviewed in Abyan reacted quite differently to the questions posed in other governments about institutional reform and political developments in the wake of the transition than those in the other governorates examined. Given the dire circumstances in the government, such developments often seemed far removed from the challenges of daily life. As one female humanitarian aid worker and activist noted, “For Abyanis, it’s hard to even think about National Dialogue and national issues when we still don’t even have minimum standards of living and basic needs met.”¹⁰⁸

Since the February elections, Jamal Nasser Alaqel was appointed as the new governor, and a new security director was appointed for the governorate. In July 2012, Mahmoud Ali Atef was appointed as the new district director for Khanfar, which includes the city of Jaar. A well-respected local educator, Atef reportedly was able to bring significant improvements. In-

interviewees suggested that his successes illustrate that when credible local actors are appointed and are accountable to the local population, improvements are possible.¹⁰⁹ Changes in appointments at both the governorate and the district level have otherwise been minimal.

In July, the cabinet issued a decree to establish a fund for Abyan reconstruction. The purpose of the fund is to rebuild public and private facilities destroyed in the affected areas in the governorate.¹¹⁰ In January 2013, a new director was appointed to manage the fund. Interviewees spoke of his reputation for mismanaging projects.¹¹¹ During the initial field research in Abyan in October 2012, nongovernmental interviewees were aware of the fund and skeptical that it would actually be used to address critical rebuilding and support needs, as opposed to being monopolized by key power brokers or lost to corruption or embezzlement.

Interviewees believed that no tangible positive changes had taken place in the justice system. Given the weaknesses in security, most courts are still not functioning in the governorate. The court in Zinjibar, however, began hearing a few cases in December 2012.

When the judicial system does resume full operations in Abyan, it will face a severe shortage of well-equipped facilities and qualified judges and lawyers. Interviewees believed that it would take many years and deliberate efforts by the government to reverse years of neglect and deliberate undermining of the judicial system. Many lawyers and members of the judiciary interviewed during both periods of research noted that, under the previous regime, qualified local legal professionals were repeatedly passed over in favor of unqualified, corrupt, or inept individuals brought into Abyan from other governorates on the basis of political patronage. “Abyan was treated as an exile for ‘bad judges,’” a local lawyer said.¹¹² Abyanis with the desired qualifications have largely moved away in recent years, interviewees explained, and must be encouraged to come back. As one lawyer noted, “It became the rule in Abyan. If you are a qualified lawyer and you want good job opportunities, you have to leave Abyan.”¹¹³

Abyan has a historical memory of both a relatively operative formal justice system from the communist regime¹¹⁴ and strong tribal dispute mechanisms, although both sectors were weakened by the 2011 crisis and the domination of AAS.¹¹⁵ Since AAS was expelled in the summer of 2012, dispute resolution has often been undertaken by the PCs. More recently, since October 2012, new bodies known as Ahlia committees formed voluntarily from local social leaders and respected elders of communities. In the absence of resumed government functions, these committees have reportedly taken on significant governance and dispute resolution functions. Many said their efforts at dispute resolution and conflict mitigation had reduced crime and were a significant factor in the improved security in the fall of 2012.¹¹⁶ In January 2013, after heavy petitioning from the Ahlia committees, the governor issued a decree formally recognizing their efforts and their role in dealing with local issues.¹¹⁷

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 could play an important role in reconstructing justice and dispute resolution systems and in preventing tribal conflicts. However, the capacity of tribal tradition is limited and does not have strong enough enforcement mechanisms. Reintroducing formal justice mechanisms is therefore 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. They pointed 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 fear

Almost all of those interviewed stressed the need for more efforts to support the return and strengthening of formal justice systems in Abyan.

that unless changes are instituted soon, AAS might fill the current security and justice vacuum. In addition to providing security, AAS provided basic dispute resolution based on their interpretation of sharia principles in the areas under their control in 2011. Although brutal and frequently abusive of fundamental rights,¹¹⁸ AAS resolution was quick, effectively enforced, and—many said—executed equally. Cities became noticeably safer, and urban crime almost disappeared. As 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.”¹¹⁹ After AAS left, the security situation deteriorated, leaving security incidents, theft, and crime on the rise. As one female rights activist said, “At the end of the day people need justice and security. They’d prefer if that came from the government, but if the government is not providing that, then they will turn to whoever can, including AAS.”¹²⁰

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 among the elite than dealing with the issues that matter to common people.¹²¹ They thought it was good for them that the president is from Abyan. They did not, however, necessarily approve of favoritism shown to certain Abyanis in national and regional political appointments, seeing it as a symptom of the larger political capture problems of President Hadi’s transitional government. They argued that Hadi was “making the same mistakes that others leaders did before him” because he was trapped in the current political power-sharing formula.¹²² “Appointing people simply because they are from Abyan and without regard to their qualification will be disastrous for Abyan,” said a prominent local lawyer, noting that what they needed were people who were qualified to do the difficult job of rebuilding the governorate.¹²³ 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,” a female interviewee said.¹²⁴

Future directions and recommendations

Because of the dire humanitarian and security situation in Abyan, interview recommendations focused on stability and other critical needs. Interviewees prioritized the need to bring formal security forces back to the governorate to maintain order, rather than to continue 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 to help restore economic and social functions and encourage the return of IDPs.

Another set of recommendations was to appoint government security and judicial officials from the local population.¹²⁵ “Appointing people from the local area who are accountable to the local population and know the needs and the context will strengthen community monitoring and improve the quality of governance,” one local lawyer argued.¹²⁶ In addition, many argued that this might limit the reach of national political patronage networks, which historically resulted in corrupt and incompetent officials being appointed to Abyan.

Such comments illustrate the tension between the desire for locally accountable and knowledgeable individuals and concerns that too many appointments were already based solely on their tribal or political background, as with the critiques about President Hadi. Although Abyanis would prefer local officials, overall they prefer competent, responsive, and accountable officials to unqualified token appointments from their region. Many added that, to resolve

Overall they prefer competent, responsive, and accountable officials to unqualified token appointments from their religion.

this issue over the long term, any decentralization should be accompanied by extensive local capacity-building programs for justice actors (including lawyers) and security personnel. However, other interviewees argued strongly that capacity among Abyanis was sufficient; the problem was that in the past qualified Abyans had not been given a chance and had therefore been forced to seek work outside Abyan.¹²⁷ In addition, officials argued that justice and security facilities need to be well-equipped, and the number of judges needs to increase to promote efficient resolution of cases.

With regard to the PCs, interviewees argued that they needed to be either disbanded or integrated into security forces. Continuing to allow them to operate as unregulated armed groups would be dangerous in the long term. Interviewees suggested a deliberate process of vetting members of PCs on an individual basis for integration into government or security forces or for reintegrating into normal civilian lives.¹²⁸ Formalizing PCs as a group or simply providing them government funds seemed unlikely to address the long-term security concerns.

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, in order to cultivate 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 the allocating and spending of the funds. Some suggested forming local public oversight committees to assess community needs and hold 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 on restoring agricultural lands affected by the recent conflict.

Analysis

Reforms Positive but Insufficient

Although views on the success of transitional reforms varied greatly, most interviewees said that the measures taken so far have been positive and necessary, but inadequate. 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 twenty-one governorates, including traditionally stable urban areas, remain highly insecure; their 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 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 sampled 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 common complaint was that any changes were unduly influenced by the 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."¹²⁹

Replacing officials occurred more frequently in the security sector than the judiciary sector. Judicial replacements were due primarily to the rotation law rather than efforts to remove corrupt, ineffective, or unqualified members. 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,¹³⁰ interviewees said few to no serious attempts had been made to address 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 Ministry of Justice from the Supreme Court, and other national level reforms came into effect. In addition, some national and international experts on judicial issues suggested that the changes needed in the judiciary were less imperative and would ultimately be less significant and less structural than those in the security sector.¹³¹ Nonetheless, few signs indicated that progress had been made on even nonstructural issues in the judiciary, from widespread low-level corruption to the incapacity of particular judges. Those interviewed at a national level who work on judicial reform, from donors to staff members of the ministries, suggested that no significant changes are anticipated within the judicial sector within this transition period.

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. Interviewees in each argued for a stronger and better functioning formal system, the increased reliance on alternative dispute resolution, and the difficulty in even reestablishing 2010 levels of functionality in the judiciary, much less addressing the much larger, long-standing concerns about its quality and capacity. This suggests that the majority of disputes will continue to be resolved by these alternative mechanisms for some time to come.

Despite the small number of reforms within ministries, changes in leadership at the top in some localities appeared to affect the climate of operations for the better. The newly appointed governors in Taiz and Marib were frequently praised for being independent, nonpartisan individuals working conscientiously to resolve local sources of dispute and stabilize the area. Similarly, in the district of Khanfar in Abyan, when a credible local leader was appointed as the district director, interviewees argued that he was able to help stabilize the situation and make improvements. Although some of the efforts of these local leaders appeared symbolic, many interviewees 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; this deal in turn 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. Despite the lack of 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 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, engage in community policing efforts, and otherwise operate 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 Shape Perceptions

Many of those interviewed suggested a greater need for institutional reforms and “cleaning out” old regime actors and those who were not qualified or had engaged in misconduct. Overall perceptions of change and whether the government was “on the right track” depended 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 access to basic services (humanitarian, electricity, water, sewage, and others) was adequate, and whether a regular means of resolving disputes was in place, preferably some availability of the formal system. In all four governorates, officials still struggled to return to a level of stability that would permit basic, regular government functions and services, not to mention tackling 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 of changes, 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 enough that normal work and commerce returned. Although still far from the stability enjoyed in the city before 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 led Adenis to complain that little positive momentum 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 that remain. Relative to the situation in 2011, the government has made huge security gains, retaking major areas of the governorate from militant control. Yet despite these gains, it has been the PCs, not the transitional government, that has largely gotten the credit for security successes. Meanwhile, many interviewees felt that the transitional government had not done enough to reinstate the level of services available before 2011 or to address critical humanitarian needs. As a result, interviewees were not optimistic for the future.

Although the security situation in Marib was not remarkably improved in 2012, 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. The introduction of some checkpoints that would protect population centers and deal with general crime issues in January 2013 was taken by some as an extremely positive sign going forward.

National-Local Dichotomy

Interviewees’ appraisals of the transition period and perceptions of change were heavily influenced by local issues, but they were also cognizant that local stability was tightly linked to the

success of national political developments. Many saw continuing local instability as a manifestation of ongoing national political uncertainty. Tensions between national political parties and actors often trickled down and disrupted local dynamics. As one lawyer from Taiz noted, “The national political contests are what makes Taiz spin. Whenever something happens in Sanaa, we feel [the effects] in Taiz.”¹³² Taizis were not alone in this feeling. As one district governor from Marib noted, “The situation in Marib directly reflects [what is happening] in Sanaa. When Sanaa is calm, Marib is calm. When Sanaa is [turbulent], so is Marib.”¹³³ Similar comments were frequently espoused by different political parties and segments of society in all four governorates.

Major security incidents were blamed on national 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 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—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 political actors or parties of organizing recent security incidents to create the impression that the current government could not meet basic security demands.

The longer the underlying political framework is 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 with some security successes, such as Marib and Taiz, interviewees argued that the continued, unresolved political issues at the national level were 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-Saedi, 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 they withdrew with al-Saedi’s appointment. When al-Saedi was replaced with Ahmed Ali al-Maqdashi—in part because other overly political decisions by al-Saedi led to a number of problems—the armed groups returned, clashing with the security forces to discredit the new chief.¹³⁴

Interviewees also blamed national political tensions for the lack of progress in local governance and justice issues. In all four governorates, though slightly less so in Abyan, 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 GCC Agreement does not mandate a 50-50 split beyond the ministerial level, in practice, even minor, local positions are tied to ongoing political negotiations in Sanaa.

This research did not systematically track how the political affiliation affected attitudes. However, researchers noted that though political bias sometimes influenced direct appraisals of officials (with certain appointments or changes triggering greater partisanship, as with the security director changes in Taiz), the complaint that positions were decided too often on party affiliation rather than merit came from nearly all individuals, regardless of their political views.¹³⁵ Interviewees in all governorates emphasized that institutional reform at a local level was impossible if all political appointments continued to be tied to the power-sharing agree-

ment. As one local civil society leader from Marib 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.”¹³⁶ Similarly, the fledgling efforts to hold officials involved in corruption, embezzlement, land grabbing, or abuses against civilians accountable were also limited by party protection. The judiciary and Ministry of Legal Affairs in Taiz, for example, said that removal or punishment of these officials had become extremely difficult and that political parties protected those accused.¹³⁷

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.”¹³⁸ 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 go beyond power balancing and actually delink 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, could bring about meaningful change. As one youth activist said, “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.” That political patronage appeared to be as entrenched as ever, down to the lowest level, was for many the strongest sign that real change had not and would not come 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.”¹³⁹

Perceptions of the National Dialogue

Many looked to the National Dialogue to produce a more stable political compromise, one that might both reduce incentives for politically motivated violence at a local level and provide space for reform. Although most had great hopes, skepticism was also high. The partisan nature of the steps taken so far 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 process, arguing that it would bring no meaningful change. Although many governmental and nongovernmental organizations have organized conferences, public discussions, and other forums to discuss the National Dialogue and to allow greater public input, these efforts did not appear to counter the concerns among the youth, women, and nongovernmental 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 and stressed the evolving nature of the National Dialogue agenda and processes. When asked about reform processes since the transition, most argued these would only truly be possible after the National Dialogue was completed and would be based on its outcomes.

Not surprisingly, views on the National Dialogue also differed greatly depending on local perceptions of progress and stability and on the role and position of the person interviewed.¹⁴⁰ 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 Marib, by contrast, many already felt somewhat disenfranchised by the National Dialogue and placed more im-

The partisan nature of the steps taken so far led many to argue that this government was engaged in politics as usual and that the National Dialogue would follow suit.

portance on local conditions and measures. In Abyan too, the National Dialogue was secondary when many were still struggling for survival.

Among other issues, the GCC Agreement foresaw that the National Dialogue would address transitional justice and reconciliation.¹⁴¹ The larger issue of transitional justice has been contentious at the national level.¹⁴² Interviewees in all four governorates were asked their view, including whether such a process would bring positive change, what measures it might include, and when such processes should begin. Overall, most—even well-educated officials—did not appear to understand the implied term of art. When asked specifically 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 governorates—about how to implement transitional justice. In all four governorates, some 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. 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, they 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 National Dialogue processes to move forward.

When asked what issues and redress (such as prosecution of those found to be responsible, compensation for those affected, and the like) were most important, interviewees tended to mention 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 that land looted after 1994 should be returned. In Taiz, they often mentioned redress and accountability for violence against protestors in 2011. In Aden, many viewed transitional justice as part of trust-building measures to address the southern issue.

Some 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.

Conclusion

Given the scope of the challenges in Yemen, meaningful change will take time. Although the government has understandably not resolved or significantly reformed everything in a year, almost all of those interviewed recognized that it was early in the process and hoped that meaningful change might still result. This degree of popular buy-in is a political asset not to be underestimated. Public patience appeared to be wearing thin, however. Many emphasized that 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 of the Endowment and Guidance Ministry branch in Marib.¹⁴³ Although 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 to changing political culture.

Since the February 2012 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 through 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, and how to deal with other potential political spoilers with significant influence in the government.

These issues must of course be addressed, and success in the National Dialogue will be critical for that. However, 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 political and institutional reforms processes, including the National Dialogue, has been appropriate given the importance of these issues early in this transition period. Unless national reforms begin to trickle down and change the quality of life in the governorates, however, 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 in Abyan, Yemenis are justified in arguing about the lack of 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 GCC Agreement set ambitious and difficult benchmarks. Even assuming these are met, they will not in themselves address the underlying political and economic weaknesses in the country or any of the larger demands that touched off the 2011 crisis. When interviewees—particularly the youth movement representatives—described what would constitute meaningful change at the local level, 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 youth. None of that has happened . . . or will happen it seems.”¹⁴⁴ 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. 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.

Failure to make headway in the National Dialogue will be a huge setback, but success will not guarantee Yemen a stable future. The core political bargains and the ability of the transitional government to set a reform agenda can create a national environment that enables reform. Long-term stability, though, 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 local political accord will be as determinative as national reform. This suggests that although national reform processes and mechanisms are important, so is rebalancing attention and resources between the local and national levels.

Recommendations

In the next year of transition, focus is needed on creating political space for local reform, granting local actors greater responsibility for addressing security and justice gaps, and empowering local officials and communities to work together. Several policy and programming steps would help accomplish this:

- *Delink the appointment or removal of local officials from the power-sharing split.* The GCC Agreement did not mandate a 50-50 split in government ministries beyond the national

level, but this is what has happened at a local level. Local appointment based on party affiliation was one of the most frequently cited reasons that local reform had stalled and for lack of confidence that this transition process would bring meaningful change.

- *Reconsider national appointment power and allow for greater local appointment or election.* During the transition period, the executive branch has appointed the governors for each governorate, as well as many of the local officials, from the security manager to appeals court judges. It is not surprising that such nationally controlled political appointments are often controversial at a local level. Many complained that these individuals were not locally accountable and were less able to affect key security and political challenges because they lacked local knowledge, influence, and contacts. In the upcoming National Dialogue, participants will have the opportunity to reopen the constitution and alter the structure of the future Yemeni government. One proposal for participants to consider is some measure of local appointment and autonomy, perhaps by giving the governor and institutions at the local level greater authorities and control over resources.
- *Implement local institutional reform.* At a national level, key security and justice institutions have been engaged in strategic planning processes for institutional reform. In the ministries of Defense and Interior, this has involved significant restructuring, streamlining, and reorganizing command and control within these ministries. In these and other ministries, plans have been laid for large-scale, multiyear investments in capacity-building, training, physical infrastructure support, and similar investments. These important national reforms must be complemented by pressure and support for security sector reform at a local level. In addition, the broader security restructuring should ensure that local security actors—chiefs of police and local security officials—have enough autonomy to respond to immediate and developing security situations, together with local actors, without checking first with Sanaa.
- *Support local officials to develop local initiatives and solutions.* Enabling local actors (through funding but also other intangible support) to tackle local problems would help address the perception that there is no tangible change on the ground. Even small, short-term, and localized projects that allow local officials to be seen responding to local demands may be beneficial. As with projects like the governor's code of conduct in Taiz, often the symbolism of the initiative and the degree of public outreach mattered as much as the substance of the initiative.
- *Enable partnerships between local officials and communities.* Small-scale cooperative initiatives between local officials and civil society may be among the most promising avenues for local investment in certain governorates. Since the transition government, civil society has widely reported greater freedom of activity and reporting than under the Saleh regime, on even the most sensitive issues. Many also reported a greater level of responsiveness by governorate officials, notably in Taiz and Marib. This is an important opportunity. Building on this relationship during this transition moment might contribute toward greater democratic accountability in the long term.

Appendix

This research was qualitative. The interview questions were used as a general guide and designed to be open-ended, leaving researchers responsible for more detailed follow-up questions depending on the interviewees' position and level of knowledge. The average interview time

was between forty-five minutes to one hour, though 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?¹⁴⁵ 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 these 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 power brokers. Is this still an issue after transition? Has this issue been addressed by the transition period reforms? What steps would be necessary to resolve it (for example, policy reforms, removal of certain officials)?
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 sheikhs or tribal leaders. To what extent is this happening? Is there any relationship or referrals between the formal system and these leaders?
3. Security has 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 power brokers. Is this still an issue after transition? Has this issue been addressed by the transition period reforms? What steps would be necessary to resolve it (for example, policy reforms, removal of certain officials)?
2. Security has 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 over the course of 2011; 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 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 nonstate 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. 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?
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 (that is, dispute resolution) and enforcing sharia. 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 affect negative security developments through the course of 2011? Have there been any effective efforts to resolve these long-standing 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 dialogue 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 2011 and 2012, fighting between government, local groups, and other nonstate armed groups resulted in significant destruction to government buildings and institutions, private homes, and in 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 or of any planning for how the fund will be distributed?
7. In addition, researchers were given guidance for their analysis and write-up of the results from each governorate and to inform their follow-up questions on each of the questions.

Final Analysis

The final analysis should cover a mapping or thorough documentation of any changes that have had an impact on justice and security delivery in the local area during the period of revolution and 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 issues.

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 a national issue, but the focus should be on local (community, city, or governorate) issues primarily.

Propose two to three concrete projects at a local level. How do any possible solutions to these processes tie into the broader national reform?

Notes

1. See Jonathan Masters, "Al-Qaeda in the Arabian Peninsula (AQAP)," Council on Foreign Relations, May 24, 2012, www.cfr.org/yemen/al-qaeda-arabian-peninsula-aqap/p9369; Sudarsan Raghavan, "Militants create haven in southern Yemen," *Washington Post*, December 31, 2011, http://articles.washingtonpost.com/2011-12-31/world/35284860_1_zinjibar-qaeda-yemeni-forces.
2. In January 2011, as the Arab Spring spread across North Africa and the Middle East, 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.
3. This report refers to the negotiated agreement 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, www.ifes.org/~media/Files/Publications/White%20PaperReport/2012/Next_Steps_in_Yemens_Transition_paper.pdf.
4. For a breakdown of the National Dialogue Preparatory Committee, see "National Dialogue Conference's Share Distribution Decided," *Yemen Times*, November 29, 2012, www.yementimes.com/en/1629/news/1666/National-Dialogue-Conference%E2%80%99s-share-distribution-decided.htm.
5. 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 southerners, sparking frequent protests, and frequent 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, www.opendemocracy.net/helen-lackner/yemen-can-southern-separatists-break-up-yemen; International Crisis Group, "Breaking Point? Yemen's Southern Question," October 20, 2011, www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/114-breaking-point-yemens-southern-question.aspx.
6. The Houthis are a Zaydi Shia rebel group located primarily in the northern Sa'ada governorate. After the military coup overthrowing the thousand-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 Hezbollah 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, 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, www.reuters.com/article/2012/10/03/yemen-houthis-idUSL6E8KU2WU20121003.
7. The National Dialogue, originally scheduled for April 2012, was 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. In February 2013, it was set for March 18, 2013, to continue for six months. As of the time of writing, it has proceeded on schedule.
8. Many of these personnel changes were prompted by the mid-December 2011 protest movement known as the Revolution of Institutions. Prompted by fears that the GCC 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, from Central Security Forces to Yemenia Airways to universities. See Sasha Gordon, "The Parallel Revolution in Yemen," *Critical Threats*, March 6, 2012, www.criticalthreats.org/yemen/gordon-parallel-revolution-march-6-2012.
9. See "Sana'a rebels demand Judiciary independence," *Yemen Fox*, March 31, 2012, www.yemenfox.net/news_details.php?lng=english&sid=2561.
10. See initially proposed draft "Law on Transitional Justice and National Reconciliation," The Peace and Justice Initiative, March 2012, www.peaceandjusticeinitiative.org/wp-content/uploads/2012/03/Yemeni-draft-Transitional-Justice-Law.pdf.
11. See "Yemen Passes Strongest RTI Law in the Arab World," Centre for Law and Democracy, June 10, 2012, www.law-democracy.org/live/yemen-passes-strongest-rti-law-in-the-arab-world.
12. Notably, the August 2012 decree broke up some of the Republican Guard forces (long a power source for 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, www.bbc.co.uk/news/world-middle-east-19166152. Although 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 controlled 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, 2012, Sanaa.

13. See Katherine Zimmerman and Sasha Gordon, "Yemen's Military Restructuring: Removing Saleh's Network," *Critical Threats*, December 20, 2012, www.criticalthreats.org/yemen/yemens-military-restructuring-removing-salehs-network-december-20-2012.
14. The decree focused on creating stronger formalized police forces and emphasized decentralization of authority, but at the time of writing, it was not yet clear how it would be implemented or what the impact would be.
15. Email correspondence with the international agricultural consultant, December 20, 2012.
16. In a February 2012 report on the situation in Taiz, Human Rights Watch (HRW) 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 eighty-seven. 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, www.hrw.org/sites/default/files/reports/yemen0212webwcover.pdf.
17. On May 29, 2011, government forces attacked Freedom Square, gunning down protesters, attacking temporary medical facilities that had been established, and even bulldozing parts of the Freedom Square encampments. Reportedly as many as one hundred protestors were killed. For more, see "No Safe Places," 1.
18. See Tom Finn, "Is Taiz Going to be the Next Benghazi of Yemen?" *Time*, December 13, 2011, www.time.com/time/world/article/0,8599,2102183-1,00.html.
19. 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 Sheikh Hamoud Saeed al-Mikhlafla and Brigadier General Sadeq Sarhan, a First Armored Division officer who defected.
20. For more on this, see "No Safe Places," 2. "Yemeni security forces' repeated use of excessive and lethal force against largely peaceful protesters, and their apparently indiscriminate shelling of populated areas during attacks on opposition fighters."
21. 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 nongovernmental and legal sectors. Researchers found that critiques came from Islah partisans.
22. Interview with female civil society activist, February 2, 2012, Sanaa.
23. 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.
24. Interview with lawyer affiliated with the Taiz Prosecutor's Office, October 2, 2012, Taiz.
25. Interview with Taiz lawyer, February 2, 2013, Sanaa.
26. Interview with Shawki Ahmed Hayel Saeed, governor of Taiz, October 19, 2012, Taiz.
27. Some interviewees argued that the increase in security incidents in the autumn of 2012 was intended as a political challenge to the new security director, who was subsequently removed in December 2012. See also Ahmed Dawood, "Taiz residents call for immediate action to address local security," *Yemen Times*, November 12, 2012, www.yementimes.com/en/1624/news/1598/Taiz-residents-call-for-immediate-action-to-address-local-security.htm.
28. Although most spoke favorably of the campaign, attempts to disarm individuals or groups who disobeyed this campaign sometimes resulted in shooting incidents.
29. Workshop with Taiz interviewees, February 2, 2013, Sanaa.
30. The Security Authority in Taiz provided a few statistics indicative of the overall high levels of violence still present. During September 2012, 244 crimes were referred to the public prosecution. Local hospitals reported forty murder cases during August 2012, many of which have not been solved, nor the perpetrators arrested.
31. Workshop with Taiz interviewees, February 2, 2013.
32. Interview with Taiz senior security official, October 19, 2012, Taiz.
33. Workshop with Taiz interviewees, February 2, 2013; see also "Violent clashes between supporters of reform and Houthis group in Taiz," *Yemen Press*, November 29, 2012, www.yemen-press.com/news15524.html; "20 injuries in fight between Houthis and Islah elements," *Yemen Post*, December 28, 2011, www.yemenpost.net/Detail123456789.aspx?ID=3&SubID=4450.

34. Workshop with Taiz lawyers and nongovernmental actors, February 2, 2013, Sanaa.
35. Interview with Taiz lawyer, February 2, 2013.
36. Ibid.; workshop with Taiz interviewees, February 2, 2013; interview with lawyer in Ministry of Legal Affairs, Taiz, October 9, 2012, Taiz.
37. Interview with lawyer in Taiz Ministry of Legal Affairs, October 9, 2012.
38. 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 geographically located far from the prisons, it was impossible to physically bring prisoners to trial without being able to guarantee their security or prevent their escape. The Court of Appeals and some other courts tried to rectify this by going to the prison to conduct trials, but this was impossible to do in high numbers. Interview with Ahmed Gilani, head of Appeals Court, October 10, 2012, Taiz.
39. Ibid. Destruction to some of the court facilities and judicial ministry buildings during 2011 still affects some court functions.
40. Ibid; interview with Taiz lawyer, February 2, 2013.
41. See "Yemen Poverty Assessment," Open Knowledge, *World Bank*, November 2007, <https://openknowledge.worldbank.org/bitstream/handle/10986/7948/530760ESW0P0951Box345595B01PUBLIC10.txt?sequence=2>.
42. Workshop with Marib interviewees, February 2, 2013.
43. See "Security sources reveal names of new officials to be targeted by AQAP," *Yemen Post*, June 13, 2010, www.yemenpost.net/Detail123456789.aspx?ID=3&SubID=2288&MainCat=3 (describing AQAP targeting of local Marib officials); See, for example, 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*, May 21, 2012, 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).
44. See "Repeated attacks reduce the life span of Marib Foundation plant," *Marib Press* (Arabic), April 8, 2012, www.marebpress.net/news_details.php?sid=42437. Power cables were attacked repeatedly hundreds of times costing the country hundreds of millions of dollars in value and repair costs.
45. 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>.
46. The town of Rada'a is a district of al-Baidha governorate and lies eighty miles southeast of Sanaa.
47. Workshop with Marib interviewees, February 2, 2013.
48. Interviews with Mufarreh Beheibeh, a prominent Marib sheikh, October 15, 2012, Sanaa; Sharif Abdullah, Marib governorate council member, October 18, 2012, Sanaa; Ahmed Azzayedi, local civil society leader, October 8, 2012, Sanaa; Hudein Abu Nab, Marib social figure, October 8, 2012, Marib; Salem Mabrook, Magzer Youth Coalition for Change, October 8, 2012, Marib city.
49. Workshop with Marib interviewees, February 2, 2013; interview with Al-Aqeeli, February 4, 2013, Sanaa.
50. Workshop with Marib interviewees, February 2, 2013; see also *al-Masdar Online* (Arabic), "Funeral of soldiers killed in an armed ambush," December 10, 2012, www.almasdaronline.com/article/38974.
51. See "Accusations of indiscriminate army shelling," *Marib Press* (Arabic), December 9, 2012, www.marebpress.net/news_details.php?lng=arabic&sid=49763.
52. See "To condemn the bombing of innocent people and condemn vandalism," *Marib Press* (Arabic), December 10, 2012, www.marebpress.net/news_details.php?sid=49807.
53. For example, one of the female interviewees who lives in Sanaa but has a house in Marib mentioned that her family avoided traveling to Marib for fear of drone strikes. Interview with Entisar Alqadhi, female civil society leader from Marib, October 8, 2012, Sanaa. Other interviewees said that most of the population was disturbed by drones but not enough to avoid areas altogether. Workshop with Marib interviewees, February 2, 2013.
54. For a timeline of targeted attacks on pipelines, processing, and transit hubs for oil and gas between October 2011 and May 2012 (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.
55. After nine months of halted operations, oil production started in Marib. See "Yemen restarts Marib Oil Pipeline," *Gulf Oil and Gas*, July 17, 2012, 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 Pipeline Attacked Yet Again," *Yemen Times*, September 6, 2012, www.yemen-times.com/en/1605/news/1360/Marib-pipeline-attacked-yet-again.htm.

56. See “Yemen Army Shelling Kills 2 Tribesmen in Offensive to Stop Attacks on Oil Pipeline,” Fox News and the Associated Press, December 2, 2012, www.foxnews.com/world/2012/12/02/yemen-army-shelling-kills-2-tribesmen-in-offensive-to-stop-attacks-on-oil.
57. See Mohamed Sudam, Martina Fuchs, and Nick Macfie, “Yemeni tribe members attack electricity pylons, cut supply,” Reuters, March 31, 2011, www.reuters.com/article/2011/03/31/yemen-electricity-idAFLDE72U23X20110331.
58. Mohammed al-Qadhi, “Yemen accuses military of sabotaging key oil pipeline,” *The National*, July 9, 2012, www.thenational.ae/news/world/middle-east/yemen-accuses-military-of-sabotaging-key-oil-pipeline.
59. 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”).
60. Telephone interview with journalist Ali Alghulaisi, December 5, 2012.
61. In part due to its qualitative nature, this research did not systematically track how perceptions were influenced by an individual’s political party affiliation. However, where individuals attributed these attacks on political actors, researchers noted some political bias, with individuals blaming the other party more frequently.
62. 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,” *Aljazeera*, May 25, 2010, www.aljazeera.com/news/middle-east/2010/05/2010525104445518461.html; Bill Roggio, “Yemeni Airstrike kills deputy governor, al-Qaeda operatives,” *The Long War Journal*, May 25, 2010, 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, www.yementimes.com/en/1613/news/1475/Marib-Gas-Power-Station-powerless-again.htm.
63. Interviewees said it was a common practice under the former regime for certain tribes or sheikhs to be given money, sometimes as a means of political control and sometimes in exchange for protecting pipelines that ran through their territory. However, this frequently backfired, as competition for these funds resulted in other tribes or individuals who also wanted a share, or a greater share, attacked sensitive targets as a way to demand funds from the government or oil companies. Workshop with Marib interviewees, February 2, 2013.
64. Interview with journalist, October 9, 2012, Sanaa.
65. See, for example, telephone interview with Mohammed Azzayedi, a Marib civil society leader, December 5, 2012.
66. Interview with Sheikh Mufarreh Beheibeh, a prominent Marib tribal sheikh, October 15, 2012, Sanaa.
67. See “New attack on transmission lines, governor signs document,” *Marib Press* (Arabic), May 6, 2012, www.marebpress.net/news_details.php?sid=43229.
68. Interview with Sultan al-Aradah, governor of Marib, October 15, 2012, Sanaa.
69. Workshop with Marib participants, February 2, 2013.
70. Interview with Sultan al-Aradah, October 15, 2012.
71. Interview with al-Aqeeli, February 4, 2013, Sanaa.
72. Interview with Mohammed Azzayedi, October 7, 2012.
73. Interview with Abdullah al-Aqeeli, director of guidance at the Office of Endowment and Guidance for Marib, October 7, 2012, Sanaa; interview with local leader from Marib, October 7, 2012, Sanaa.
74. Interview with Mufarreh Beheibeh, October 15, 2012.
75. Interviewees argued that tribal authority had weakened for a combination of reasons including: the greater prominence of illegal armed groups and militants (many of whom had directly targeted and assassinated sheikhs who stood against them), increasing poverty and unemployment among youth, competition created by local grievances, and the politicization of tribal authority under the Saleh regime. As a strategy to maintain control over these areas, many said that former president Saleh and other foreign powers paid sheikhs or paid other actors and promoted them as sheikhs. This was broadly perceived to have corrupted the perception and integrity of the tribal system and undermined their authority.
76. 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 had a long, uneven track record of political stability, pocked by frequent protests and violent clashes between different factions, as well as periods of open conflict, such as the 1994 civil war.
77. In Arabic, the word *hirak* means movement.
78. Iona Craig, “Yemen: Protestors Killed in Aden on Day Six of Unrest,” BBC World News, February 16, 2011, www.bbc.co.uk/news/world-middle-east-12486682 (early protests, first signs of violence); “Yemeni police storm protest camp in Aden,” *The Greater Kashmir*, March 19, 2011, www.greaterkashmir.com/news/2011/

- Mar/20/yemeni-police-storm-protest-camp-in-aden-23.asp (noting March storming of protest sites); Mohammed Jamjoom, "Yemen's largest opposition bloc calls for protests," CNN, February 27, 2011, www.cnn.com/2011/WORLD/meast/02/27/yemen.protests/index.html (noting largest opposition bloc prompted by brutal response to Aden protests).
79. 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 "2011 Human Rights Report: Yemen," U.S. Department of State, May 24, 2012, www.state.gov/j/drl/rls/hrrpt/2011/nea/186455.htm.
 80. See "Report of the High Commissioner on OHCHR's visit to Yemen," September 13, 2011: para. 62, www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf.
 81. Laura Kasinof, "Yemeni Commander Killed in Suicide Bombing," *New York Times*, June 18, 2012, www.nytimes.com/2012/06/19/world/middleeast/military-commander-in-yemen-is-assassinated.html; "Yemeni security official assassinated in Aden," Reuters, July 19, 2012, www.reuters.com/article/2012/07/19/us-yemen-bomb-idUSBRE86I0CI20120719.
 82. Workshop with Aden interviewees, February 3, 2013.
 83. Ibid.
 84. "Yemen president in unexpected Aden trip as clashes rage," *The Daily Star* (Lebanon), February 24, 2013, www.dailystar.com.lb/News/Middle-East/2013/Feb-24/207717-yemen-president-in-unexpected-aden-trip-as-clashes-rage.ashx#axzz2M7acSEi0.
 85. Workshop with Aden interviewees, February 3, 2013.
 86. Interview with security analyst, February 2, 2013, Sanaa.
 87. 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, www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/op-eds/alley-triage-for-a-fracturing-yemen.aspx.
 88. Workshop with Aden interviewees, February 3, 2013.
 89. In August 2012, the technical committee recommended twenty points that had to be implemented to pave the way for a successful National Dialogue. See "President to issue directives," *Marib Press* (Arabic), August 27, 2012, www.marebpress.net/news_details.php?sid=46887; "Ba Surrah: 20 points key to south participation in dialogue," March 12, 2012, www.yemenfox.net/news_details.php?sid=5109.
 90. 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.
 91. Workshop with Aden interviewees, February 3, 2013.
 92. Most argued that land grabbing has increased since 2011, perhaps creating more violations than originally reported.
 93. From 2007, as the southern movement gained strength in Abyan, protests escalated and frustrated youth started using violence to block roads and prevent the government offices from operating. In addition, assassinations of security officers increased in 2010, particularly in Abyan. Many government and security officers left the governorate which encouraged armed groups including AQAP and criminal gangs to operate freely in the governorate.
 94. Jason Ditz, "Yemen Govt: Three months of attacking Abyan left 230 Yemeni soldiers dead," *Antiwar.com*, September 11, 2011, <http://news.antiwar.com/2011/09/11/yemen-govt-three-months-of-attacking-abyan-left-230-yemeni-soldiers-dead>.
 95. See Human Rights Watch, "Yemen: Dozens of civilian killed in southern fighting," July 9, 2011, www.hrw.org/news/2011/07/09/yemen-dozens-civilians-killed-southern-fighting.
 96. Lara Sukhtian, "Displaced Yemenis live in despair across south," *Middle East Online*, May 23, 2012, www.middle-east-online.com/english/?id=52412; see also "Yemen: Rafiq's story," *Trust*, September 27, 2012, www.trust.org/alertnet/news/yemen-rafiqas-story.
 97. 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, www.yemenfox.net/news_details.php?sid=4390. See "Yemen suicide bomber kills three in Abyan militia offices," Reuters, November 16, 2012, www.reuters.com/article/2012/11/16/us-yemen-qaeda-idUSBRE8AF0XI20121116.
 98. Kasinof, "Yemeni commander killed in suicide bombing"; Ahmed Dawood and Sadeq Al-Faqih, "Fighting Intensifies in Abyan, Plot Against Defense Minister Fails," *Yemen Times*, June 7, 2012, www.yementimes.com/en/1579/news/952/Fighting-intensifies-in-Abyan-plot-against-defense-minister-fails.htm; "Local

- leader escapes assassination attempt in Abyan, 11 hurt," *Yemen Fox*, September 30, 2012, www.yemenfox.net/news_details.php?sid=4390.
99. Workshop with Abyan interviewees, February 3, 2013.
 100. Ibid.
 101. Ibid.
 102. Interview with local female activist, October 13, 2012, Aden.
 103. Hakim Almasmari, "Dozens reported killed by Al Qaeda land mines in Yemen," CNN, June 26, 2012, www.cnn.com/2012/06/25/world/meast/yemen-land-mines/index.html.
 104. Workshop with Abyan interviewees, February 3, 2013.
 105. Although 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 Zinjibar 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.
 106. See, for example, interview with prominent tribal leader and businessman from Abyan, October 13, 2012, Aden.
 107. Workshop with Abyan interviewees, February 3, 2013; interview with research analyst, February 4, 2013.
 108. Workshop with Abyan interviewees, February 3, 2013.
 109. Ibid.
 110. See "Cabinet approves draft decree on setting up Abyan reconstruction fund," *Saba Net*, July 10, 2012, www.sabanews.info/en/news274497.htm.
 111. Workshop with Abyan interviewees, February 3, 2013.
 112. Interview with local lawyer, October 13, 2012, Aden.
 113. Workshop with Abyan interviewees, February 3, 2013.
 114. 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. 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.
 115. 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.
 116. Workshop with Abyan interviewees, February 3, 2013.
 117. Ibid.
 118. Interview with local tribal leader, October 13, 2012, Aden. According to the international human rights group Amnesty International, AAS's punishment for crimes included public executions, amputations, and floggings. See Mohammed Jamjoom, "Amnesty details 'horrific abuses' in southern Yemen," CNN, December 4, 2012, www.cnn.com/2012/12/04/world/meast/yemen-amnesty-report/index.html.
 119. Ibid.
 120. Workshop with Abyan interviewees, February 3, 2013.
 121. Interview with local sheikh, October 13, 2012, Aden.
 122. Interview with local lawyer, October 13, 2012.
 123. Ibid.
 124. Interview with female leader, October 13, 2012, Aden.
 125. For example, the security director and heads of Court of First Instance and Court of Appeals.
 126. Workshop with Abyan interviewees, February 3, 2013.
 127. Ibid.
 128. Ibid.
 129. Interview with youth activist, a senior member of a nongovernment organization, October 7, 2012, Taiz.
 130. In Marib and Abyan, the formal judiciary is largely absent.
 131. Interview with foreign embassy representative, October 11, 2012, Sanaa; interview with foreign development expert, October 13, 2012; interview with senior judiciary member, October 8, 2013, Sanaa.
 132. Workshop with Taiz interviewees, February 2, 2013.
 133. Workshop with Marib interviewees, February 2, 2013.

134. 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 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.
135. 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. At least some policies and individuals 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.
136. Interview with Mohammed Ayyazedi, civil society leader from Marib, October 7, 2012, Sanaa.
137. Interview with lawyer in the Taiz Ministry of Legal Affairs, October 9, 2012.
138. April Longley Alley, "Triage for a Fracturing Yemen."
139. Interview with female lawyer from Aden, October 7, 2012, Taiz.
140. 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.
141. The provisions on transitional justice are found in Article 21 (f) of the GCC Agreement. In addition to the provisions of the 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), June 12, 2012, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/YEMEN%20S%20RES%202051.pdf.
142. 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 GCC Agreement's amnesty for Saleh and his supporters, and others argued 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.
143. Interview with Abdullah al-Aqeeli, Endowment and Guidance Ministry Branch in Marib, October 8, 2012, Sanaa.
144. Interview with professor and labor activist, October 7, 2012, Taiz.
145. Specific follow-up questions centered on particular key positions within justice and security institutions, for example, the governor, the security director, the police chief, the high appeals judges and judges of first instance, the Prosecutor's Office, and so on. Individuals were asked whether these positions had changed and what the perception was of the individual appointed.



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In November 2011, a Gulf Cooperation Council–brokered accord ushered in a political compromise in Yemen that ended nearly a year of popular protests and held off political destabilization. The agreement paved the way for then president Ali Abdullah Saleh to step down, enabled a peaceful transfer of power to a transitional government, and established benchmarks for future reform. A little over a year later, the transitional government has made some progress in meeting these benchmarks. On the ground, however, few of the conditions that drove the Arab Spring processes in Yemen have been addressed. Security, government services, and regular economic and social functions remain stalled in much of the country. This report provides a snapshot of the local situation in four governorates—Taiz, Aden, Marib, and Abyan—during this transition. By providing case studies of security and justice issues in four governorates that span the political, social, and economic divide, this study offers a different lens for thinking about political transition and government reform at both a national and local level.

Related Links

- *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* by Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter (USIP Press, 2010)
- *Guide for Participants in Peace, Stability, and Relief Operations* by Robert M. Perito (USIP Press, 2010)
- *Security Sector Transformation in the Arab Awakening* by Donald J. Planty (Special Report, September 2012)
- *Security Sector Transformation in North Africa and the Middle East* by Mark Sedra (Special Report, November 2011)
- *NGOs and Nonstate Armed Actors: Improving Compliance with International Norms* by Claudia Hofmann and Ulrich Schneckener (Special Report, July 2011)

