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Creating an ‘Island of Peace’ or ‘Freezing’ the Conflict? The Implications of the Southern Transitional Council on Yemen’s Peace Process

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Abstract:

This paper addresses the emergence of the Southern Transitional Council (STC) in Southern Yemen and assesses how to understand its significance in the current attempt to end the conflict. Providing background and an analysis of the Council and the cause of its emergence, the paper argues that the STC case is useful for considering, more generally, how sub-state political settlements emerging during conflict can help or hurt conflict resolution attempts at the national level.

Introduction

With the erosion of state-power in the face of conflict, functional equivalents of government are usually rapidly adopted, supported by systemic practicesⁱ or an array of local and international actors.ⁱⁱ The consolidation of local governance is beneficial in the short term due to its capacity to provide security, governance and economic welfareⁱⁱⁱ in situations of grave need. Moreover, when local governance is based on traditional practices and representation is accepted as legitimate or at least ‘good enough’, then such organisations can form a consolidated bargaining bloc that strengthen local representation in national level peace processes.

However, the appearance of local governance entities during times of conflict can also clash with technocratic approaches^{iv} to peace processes pursued by national and international actors. As time progresses and local governance processes institutionalize, they may highlight issues of legitimacy that challenge state supremacy on the local and regional levels. In some cases, they can result in the creation of so-called ‘quasi-states’ that maintain aspects of governance such as the provision of security or revenue collection/generation independent of the internationally recognised state.^v However, political and economic development of such entities is typically hampered by a lack of formal state recognition which poses barriers to aid programmes, trade and fiscal management. Even if a ceasefire is agreed, the lack of a political framework aiming to normalize relations with the state in question may ‘freeze’ the conflict as the number of acceptable alternatives become limited.^{vi}

These dilemmas are currently playing out in the case of the newly formed Southern Transitional Council (STC) in Yemen. This paper addresses the emergence of the STC and assesses how to understand its significance in the current attempt to end the conflict, with a

view to exploring the role of sub-national settlements within an unresolved peace process more generally. The paper considers whether the ways in which the development in Yemen helps or hurts attempts to reach a national political settlement capable of resolving the conflict across the country.

The Emergence of the Southern Transitional Council in Yemen

On May 11, 2017, Aden’s former-Governor, Aidrous al-Zubaydi, stood in front of the flag of former-South Yemen and announced the creation of the 26-member Southern Transitional Council (STC).^{vii} According to Southern Movement members, the announcement was a culmination of discussions that had been going on for several months.^{viii} However, the process was catalysed following armed clashes at Aden Airport in mid-April between President of the UN-backed Yemeni Government, Abd Rabbu Mansour Hadi, and then-Governor Zubaydi.^{ix} On April 27, 2017, Hadi responded by sacking Zubaydi as well as Hani Ali bin Burayk, Yemen’s former-Minister of State.^x

Within a week after Zubaydi’s dismissal, a mass rally in opposition to President Hadi’s decision was organised by the Southern Movement, a coalition of political factions championing various degrees of political autonomy for Yemen’s South and locally known the *al-Hirak*.^{xi} Broadcasting the *Historic Aden Declaration*, the protestors proceeded to frame Zubaydi’s removal from office as an act of aggression towards to South by Hadi, making reference to Hadi’s role in defeating the South in the 1994 Civil War.^{xii} The location of the rally in Khor Maksar, Aden – the site of vicious fighting during the Battle of Aden in 2015 – underscored the hardships of the Southern struggle further. The *Declaration* went on to “authorize” Zubaydi to create a “national political leadership” to represent the south based on the “legal authority from the will of the people of the South.”^{xiii} During the week that followed, Zubaydi documented meetings with civil society, women’s organisations, tribal leaders and Southern politicians, before his public announcement of the formation of the STC.^{xiv}

The Southern Question lingers

This latest conflagration taps into a longer-standing question over the relationship of the South to the rest of Yemen. The ‘Southern Question’ has lingered over Yemen’s transition process since before the Yemeni revolution of 2011. It was only in May 1990 that North and South Yemen unified as the leadership of both countries struggled financially and politically.^{xv} The defeat of the South in the 1994 Civil War led to the mass dismissal of Southern civil servants and military officials, confiscation of property, and the systematic transfer of wealth from the oil rich southern province of Hadramawt to the North.^{xvi} In 2007, the Hiraq was formed to protest these practices for which they were met with a heavy-handed response by state security under President Ali Abdullah Saleh. In a process similar to the consolidation of the Houthi Movement – a Zaydi revivalist movement turned militant in the early 2000s – state repression cemented the Hiraq’s resolve and their calls for secession.

The Yemen Revolution in 2011 gave the Hiraq, in addition to other non-state groups such as the Houthi Movement, the opportunity to mobilize against the 33-year regime of President

Ali Abdullah Saleh under a broader umbrella of popular and elite discontent. Fearing a destabilized Yemen, the Gulf Cooperation Council led by Saudi Arabia alongside the United Nations, negotiated the departure of President Saleh and his replacement by Vice-President Abd Rabbu Mansour Hadi.^{xvii} This was successfully completed during the first phase of the transition, meanwhile the second stage sought to reform the factionalized military in parallel to launching a broadly inclusive National Dialogue to reform Yemen's constitution. Although a subsection of the National Dialogue Conference of 2013-2014 was dedicated to solving the Southern Issue in a transparent and inclusive manner,^{xviii} the process was marred by differences within the HIRAK, assassinations, and the bias selection of more moderate HIRAK representatives by conference organisers, thus discrediting the process.

At the end of the conference, given the absence of agreement, the six-state federal system proposed and pushed through by President Hadi was rejected by the HIRAK in addition to Houthis. In response, the Houthis justified their southward expansion into the capital, Sana'a, on the basis of the unjust distribution of territory between the newly proposed states and a lack of consultation on the matter. While the Hadi government shifted Yemen's capital from Sana'a to Aden in September 2014, the political crisis deepened, eventually spurring the Houthi takeover of Aden in early 2015.

The capture of Aden by the Houthis in 2015 echoed the Northern incursions of the 1994 Civil War. In reaction, the Southern Movement and their affiliated Southern Resistance militias played a key role alongside the Arab Coalition in driving the Houthis out of Aden and Lahj governorates. With the Yemeni government predominantly based in Riyadh and the military divided, the Southern Resistance filled the security vacuum in Aden taking over key security responsibilities alongside the forces of the Arab Coalition. However, lack of payment by the Yemeni government, sparked multiple protests by Southern Resistance members.^{xix} Meanwhile, on the national level, a "silent power struggle" between Hadi and members of his government, including former-Prime Minister Khaled Bahah, continued to destabilise the political and security environment in the areas re-captured from the Houthis.^{xx}

Seeking Legitimacy

The creation of the Southern Transitional Council is more than a local response to the 'Southern Question' and is reflective of three trends within the Yemeni conflict.

First, the STC is a product of the disconnect in goals between the Hadi government and local constituencies within Yemen. This disconnect is particularly evident in the government's call for Saudi intervention, that instituted a naval blockage at the expense of non-aligned Yemeni civilians.^{xxi} Moreover, the pro-Hadi coalition of political entities and militias, were united not-so-much by a pro-Hadi stance as an anti-Houthi position.^{xxii} Thus, the alliances of the Hadi government – particularly with a militarily empowered HIRAK – were likely to come into question. Moreover, the governing style of Hadi, who instigated multiple reshuffles of the Cabinet and other political appointments – four since December 2015^{xxiii} – has been disruptive to the peace process and appear to be founded on political loyalty rather than professional capability.

The disconnect between the Government-in-exile and local constituencies is further reinforced in the South after large areas ceased being on the frontline. This ties into the second trend, which is a lack of progress in regards to the humanitarian situation as well as reconstruction for which the Yemeni Government is unable to secure sufficient funding.^{xxiv} In addition, the national-level Yemeni peace process has remained deadlocked since August 2016. On the other hand, in the South there has been an attempt in consolidating political coalitions and goals since the expulsion of al-Qaeda from Mukalla in April 2016. Such a process is evident beyond the establishment of the STC, in the outcomes of the Inclusive Hadramawt Conference of April 23, 2017, that consolidated the political aims of Hadramawt's state, military and tribal leaders.^{xxv}

The third trend embodied in the STC is the establishment of localised political entities that assume governance responsibilities. Throughout Yemen's statebuilding experience, the inability of the state to penetrate into the periphery has led to the creation of rival governance organisations based on kinship or ideological affiliations ranging from tribal councils, military commander fiefdoms or pockets of al-Qaeda control. In this environment, the post-liberation period in Aden was marked by insecurity and an inability of the Hadi government and Arab Coalition to assert full control due to challenges from rival groups including the Southern Resistance. Consolidation of Aden under Governor Zubaydi following his appointment in December 2015 with support from the UAE, has placed ownership of the South back "into the hands of its sons."^{xxvi} However, despite playing an essential role in Aden's liberation and affirming greater control over the region, these gains have not translated to a greater political voice on the national level. At the Kuwait round of peace negotiations held between May and August 2016, for example, Southern Movement leaders were largely absent,^{xxvii} hence fueling further frustration.

The core of the abovementioned tensions ultimately implicate questions of legitimacy. For Hadi's government is facing a challenge that meets most transitional governments. Indeed, the challenge of maintaining a semblance of legitimacy becomes increasingly difficult as they attempt to reconcile a non-democratic appointed governmental body with democratic rhetoric and the promise of reform. Both the international community and the Yemeni Government have attempted to short-cut this process by simply labelling Hadi's regime as the 'legitimate government' in official documentation and rhetoric. However, a lack of improvement in conditions on the ground, political maneuvering by government officials with self-serving undertones, in addition to government officials operating from Riyadh rather than Yemen, together act to erode the goodwill among a struggling population whose lives are at the whim of individuals hundreds of miles away.

The Politics of Recognition

Among its tasks, the STC placed emphasis on ensuring "a continued alliance with the Arab Coalition against the Iranian intrusion into the area, and a partnership with the international community in fighting terrorism."^{xxviii} However, the initial response by international actors including Saudi Arabia, the Gulf Cooperation Council and the Arab League has been overwhelmingly negative. Reactions have varied from being "disturbed" by the development.^{xxix} Others warned that the council will ultimately entrench divisions within

Yemen and potentially prolong the war,^{xxx} or it will weaken the alliance giving an upper hand to the forces of President Saleh and the Houthis.^{xxx1}

Nonetheless, within the first four weeks of its creation, STC members were busy building bridges internationally. Although Zubaydi and bin Burayk were reputedly rebuked by Saudi officials after flying to Riyadh,^{xxxii} STC member Lutfi Shatara reportedly met with Western officials, while other delegations allegedly flew to Egypt and the UAE.^{xxxiii} The rejection by Saudi Arabia seems to be an attempt at avoiding legitimizing the STC, however, their simultaneous arrival in Riyadh with that of UN Special Envoy, Ismail Ould Cheikh Ahmed, has led to speculation of potential meetings between them.

Domestically, the Council has also been met with diverse reactions. Within weeks of the STC's formation, Hadi dismissed the governors of Hadramawt, Shabwah and Socotra for their involvement with the council.^{xxxiv} From a legal perspective, the announcement of the STC could be perceived as a coup d'état against President Hadi in the South. As a result, it is no surprise that President Hadi rejected the formation of the STC. Hadi supported his stance by arguing that the Council contradicted "the three foundations agreed upon locally, regionally and internationally – the Gulf Initiative and its Executive Mechanism, the National Dialogue Conference's outcomes and the United Nation's Resolution 2216."^{xxxv} Indeed, the path dependency created by these documents and their legal underpinning under Chapter VII of the UN Charter have been an asset for the Hadi government in justifying their stance in stalled peace negotiations with the Houthis and former-President Saleh.^{xxxvi}

Opinions among other national and Northern actors has been mixed. In late July, Hadi's former-Prime Minister Khalid Bahah allegedly assured the STC of his support.^{xxxvii} Meanwhile, a Houthi representative dubbed the STC a product of American imperialism^{xxxviii} whereas one commentator labelled the STC a manifestation of Iranian expansionism.^{xxxix}

Within the South, however, reactions have been predominantly positive. The former-President of the South and leader of one of the largest Hirak factions, Ali Salem al-Beidh, considered the STC "a great historical achievement."^{xl} The five provincial governors of al-Dhale, Shabwah, Lahj, Hadramawt and Socotra who form part of the Council, were also positively inclined to its aims. However, Governor of Hadramawt, Ahmed Said bin Burayk, also stressed "the recognition of the role of the President of legitimacy Hadi as the consensus President" in the early stage.^{xli}

However, opposition to the STC emerged among other leading figures within the Southern Movement. Maj. Gen. Nasser Ali al-Nuba, a Southern Movement founder, declared the Council "illegitimate" and organised protests against it in Shabwah's provincial capital, Attaq.^{xlii} A similar opinion was held by Hassan Baum, another Southern Movement founder and head of the faction known as the High Council of the Revolutionary Movement.^{xliii} In addition, some of the Hadramawt tribes issued a statement reiterating their support for President Hadi.^{xliiv} Thus, there are grounds that the STC's aims of representing 'united South' may be contested.

The Pitfalls and Opportunities of Sub-state Political Settlements

The creation of the STC exposes the weaknesses of internationally-led technocratic peace processes that contrast sharply to the political and everyday aspect of conflict resolution. While the national peace processes pursues an elusive elite between national elites and geo-political allies with regard to stopping the violence, developments in the South have a more bottom-up relationship to people affected by conflict. Yet, the emergence of sub-national settlements places peacemakers in a difficult position because developments on the ground outpace the trajectory of incremental peace processes and go beyond the scripted nature of political roadmaps.

In the case of Yemen, regional approaches to the Council are ultimately framed by two aspects. First are internal tensions between the Arab Coalition members of Saudi Arabia and the United Arab Emirates that view the fate of the STC through respective spheres of influence. Second is that the legal justification of the Arab Coalition interventions rests with the continuation of Hadi as Yemen's president. Nonetheless, the question that arises is whether the emergence of a strong regional entity with a clear position, will help or hurt Yemen's peace negotiations.

From a positive perspective, the STC could represent an opportunity for Southern Yemenis and members of the international community. The fractured nature of the South has posed considerable difficulties in consolidating the aims of Southerners since the Hirak first emerged, resulting in competing voices and in-fighting. Such in-fighting has made it easier to exclude the movement from negotiations. For peace processes such heterogeneity in demands are difficult to overcome as certain sticking-points stall negotiations. Reminiscent of the two platforms that emerged to represent the positions of Tuareg rebels in the Mali intra-Azawad peace process after 2012,^{xiv} the STC could form the basis of a more coherent coalition, than what currently exists in Yemen (although to the detriment of plurality).

In addition, in states where the old political settlement has ruptured and the new settlement has yet to fully manifest, local governance entities are instrumental in forming 'Islands of Peace' through the resolution of localized disputes.^{xvi} The theory is that creating peaceful regions within countries can be a way of stabilizing that which can be stabilized, and thus creating a vision and will for greater peace. Legitimate governance by the STC with assistance from the Emirates could also be a means of consolidating governance in the South. Tackling issues of security, for example, could be accomplished via a more astute recognition of the needs that must be addressed, proposing local solutions to issues of disarmament and security reform, as well as a more in-depth knowledge of context and place when tackling the al-Qaeda insurgency.

On the other hand, consolidation of local governance can also viewed as operating to 'spoil' the peace processes for five reasons. First, local governance institutions pose a challenge to technocratic means of conflict resolution that often have entrenched path dependencies which are difficult to break. Such institutions diverge from these processes as they were not party to previous rounds of negotiation and hence were not factored into any proposed roadmap. Second, local governance institutions challenge the legitimacy of internationally-backed governments. Thus, as with armed groups, if governments concede to the demands of such local institutions it may encourage their emergence elsewhere. Third, as indicated by Pokalova, when organisations institutionalize over time there become fewer available options

for their peaceful inclusion in the process and as a result the conflict ‘freezes’.^{xlvii} In this context, institutionalized local governments are often viewed as waystations to secession although this is not necessarily the case. Fourth, the formation of local governance entities may agitate regional divisions by provoking a backlash from opposing local actors and exacerbate conflict. And lastly, conflict may also be exacerbated should a local governance organisation fail after a period of consolidation, due to either internal or external pressures.

To illustrate these points, the case of Somalia offers two converse examples of how local governance structures have interacted with the ‘mother’ state. Somaliland offers an example of a frozen conflict wherein the development of local structure have solidified into a de facto statehood where it seems unlikely that the state will join the rest of Somalia following over 25 years of de facto independence. However, it is also unlikely that statehood will be internationally recognized. In contrast, similar processes of local settlement in Puntland, possibly due to its position closer to Mogadishu and its different history, and an influx of national and international rents to combat crime and piracy, offers an example of how a sub-state political settlement can support the development of a greater federal entity.

With regard to Yemen, the approach taken by the GCC member states and President Hadi to the STC is that it is antithetical to the UN-led peace process. However, the outright rejection of the STC by the majority of regional actors threatens to make their predictions of ‘entrenched divisions’ a self-fulfilling prophecy. Particularly if reports of counter-maneuvering by President Hadi and Saudi Arabia to form an opposing council of Southern activists to challenge the STC are correct.^{xlviii} Moreover, hostility towards Saudi Arabia by the Houthis highlight the difficulty in sharing a long and porous border Yemen. In addition, considering the terms under which the 2000 border treaty between Riyadh and President Saleh was signed,^{xlix} it may not be in the best interest of Riyadh to reject the STC outright.

Potential Scenarios

What might be the outcomes of this development. Beyond “managing and representing the South, domestically and internationally,”ⁱ the short term aims of the STC remain unclear. By decree the Council may extend its authority as it deems necessary, although by the time of its meeting in Aden on July 5, it has yet to do so.ⁱⁱ If the STC manages to maintain its position, various possible scenarios exist. However, a key factor in any of the following scenarios is the level of Emirati support, particularly if the STC is designated a spoiler, whereby wherein the UAE could form a ‘life-line’ for the flow of goods and people into Southern Yemen.

The first potential scenario is the possibility of the STC declaring independence. However, the norm of protecting state integrity means that this option will not be supported internationally, and this makes it unattractive. Moreover, as the majority of Yemen’s fossil fuels is located in Hadramawt attempted secession may fuel further conflict. If independence does occur, it is likely to either be temporary in nature, or the foundation of a de facto pseudo-state unrecognized by the international community, but for all intents and purposes an independent territorial entity such as Somaliland. Although a long-term goal, secession is more likely to be attainable by the South if undertaken transparently or partnership with neighbouring states and the international community and with deference to the Yemeni government in exile.

Nonetheless, a move towards independence appears to be in progress. The former-Governor of Hadramawt, Ahmed bin Burayk, in an interview with *Aden al-Ghad* on June 18, 2017, spoke of the potential of declaring a new state “between September and October [2017].”^{lii} This independent state would itself be based on a federal model with the view of providing a level of self-governance with Hadramis in mind.^{liii} As reported by *al-Arabi al-Jadeed* support from Hadramawt is essential for the Southern project to work. However, the situation remains precarious since including Hadramawt within an independent Southern state would erase the opportunity for Hadrami autonomy within a united Yemen that could be equally or more beneficial.^{liv}

The second scenario is that the development could be rolled into a national solution based on federalism, if the federal framework was re-written from Hadi’s six states to become a two-state federal framework. In such a scenario, the STC could become the first foundation of a regional government in the South, with a northern counterpart possibly found in the High Political Council that was announced by the Houthis and General People’s Congress in July 2016.^{lv} In such a case, the STC could represent an emerging federal entity representing a united South in any future peace negotiations, as hoped by Bashraheel Hisham Bashraheel, Deputy Editor of the Aden-based *Al-Ayyam* newspaper.^{lvi} This also appears to be the original aim^{lvii} of the former-Governor of Hadramawt, Ahmed bin Burayk, who was careful to voice the legitimacy of Hadi while supporting the Council,^{lviii} but now appears to have shifted his position towards independence.^{lix} To some extent, the second scenario mirrors the Somali model of incremental federalism by incorporating bottom-up regional entities into a federal structure wherein a coherent and fairly legitimate leadership can be formed, although not without its problems.

The third scenario, which seems unlikely in the short-term considering current Emirati support, is the disintegration of the Council in the face of domestic and external pressure. As seen, the South is not entirely united under the banner of the STC and this could lead to a political crisis or even the outbreak of conflict between opposing factions. Moreover, many observers agree that the fate of the Council will depend on the level of support from the Arab Coalition and what is agreed upon between the Emirati and Saudi governments.^{lx} As stated by the Yemeni Government Prime Minister, Ahmed bin Dagher, the coalition “could control some of the crisis in Aden”^{lxi} despite the initial momentum of STC activity. The rumoured house arrest of the governors of Hadramawt, Shabwah and Socotra in late June appears to be such an attempt at control.^{lxii}

Another detriment to the longevity of the Council, however, would be how it tackles the same challenges that face the Hadi government, namely, the provision of services and security, as well as improving the standard of living and maintaining control of its forces. If these aspects are not accomplished, the any political gains will be fragile at best. In addition, decades of weak governance in the South means that the STC will likely face challenges by local political entities. The use of the ‘terrorism’ label has already become prominent in the rhetoric of the council, the defeat of which is listed as one of its overall goals.^{lxiii} The means by which the STC deals with political contenders – particularly in light of rights violations in conjunction with Emirati support^{lxiv} – will be a valuable indicator of authoritarian entrenchment or democratic reform.

Conclusion

A political constellation akin to Libya, with opposing regionalized governments and an internationally-backed government appears to be emerging in Yemen. Such a political constellation poses considerable difficulties in maintaining the current peace process laid out in UNSC resolution 2216. However, given that this peace process has been floundering, the STC can also be viewed as an opportunity to approach the South as a consolidated political bloc and for Southerners it will grant them the opportunity to effectively lobby for their cause at the negotiation table. Moreover the STC offers an opportunity to consolidate peace in the South and tackle wide-ranging issues from humanitarian aid, security, and the al-Qaeda insurgency from a more localized perspective. In the longer-term the STC may even form a preliminary governmental body absorbed into a decentralized, possibly federal, Yemen.

However, the STC also emerged as a sub-state challenge to the legitimacy of President Hadi. Rather than approaching the Council and negotiating with it, the Yemeni government with Saudi-backing has, as a result, opted to maneuver against it. This is being accomplished through potential plans to create a rival council loyal to Hadi, in addition to limiting access and movement of some of STC members that have been stripped of their administrative positions. Moreover, intra-Southern rivalries can be stoked to limit the abilities of the Council to operate. For Hadi, this approach may succeed in dismantling the Council in the short-term. However, it is also likely to fuel resentment among those Southerners that view the body as legitimate and exacerbate North-South relations, possibly prolonging the conflict.

In attempting to end the Yemeni conflict, international policy makers are confronted with a difficult decision, although their options are limited by the near unanimous international support for President Hadi, the GCC Initiative, the National Dialogue Outcomes and resolution 2216. Nonetheless, their approach to the STC can have great implications for the continued stability in the South and curbing the spread of conflict through intra-regime factionalization forming an 'island of peace' in an otherwise conflict-torn state. However, it should be noted that, as with all regimes that arise in conflict, it remains uncertain whether the STC will form a pathway to a more inclusive political settlement, or simply as a tool to consolidate power among Southern elites.

More broadly, the Yemen case illustrates a conflict dynamic with global relevance, namely the tension between locally-driven and internationally-driven peace processes and the questions of legitimacy that arise. In addition, the Yemen case shows how local/regional consolidation of governance can create so-called 'Islands of Peace' and increase access to public goods in parts of the state. In addition, such consolidation has some potential for enabling negotiation between the national entities and sub-national entities by offering a clearer opposition platform. The opportunities, however, are contrasted by the threat that such governance entities pose to governments of countries in conflict, particularly when they align with secessionist claims.

International actors would do well to harness the opportunities presented by such entities, while also managing the mis-match between national-level peace processes that they have committed to. When the situation is fluid and processes have stalled, it is shrewd to adopt

an open-minded approach and maintain open dialogue with all actors, particularly those with commitments to alleviate humanitarian needs on the ground.

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