

# Yemen's Southern Question: Avoiding a Breakdown

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## *Executive Summary*

Yemen is at a critical juncture. Its six-month National Dialogue Conference (NDC) was to have closed on 18 September, ushering in constitution drafting, a constitutional referendum and new elections. The timetable has slipped, and, though no end date has been set, there is an understandable urge among many international and some domestic actors to stick closely to agreed deadlines, wrap up the NDC negotiations and finish the transition to-do list. But despite progress, there is no broad-based, implementable agreement on the state's future structure, and thus on the South's status. Worse, such a result is unlikely to emerge from the current dialogue, even with a short extension. A rush to declare victory and complete the transition checklist could mean forcing through an outcome without necessary legitimacy or buy-in. It would be better to agree to a time-limited delay of the referendum, put in place modified transitional arrangements and ensure the next round of negotiations is in concert with confidence-building measures and includes a wider, more representative array of Southern voices.

How to structure the state arguably has become the most complicated and divisive political issue and must be a key component of any new constitution and durable political settlement. Parties have presented a wide array of options: from the current unitary system, through multi-region federalism, to two-state federalism (one entity in the North, the other in the South). Even this broad spectrum fails to include what, in the South, has turned into an increasingly attractive rallying cry: the demand for immediate independence.

Indeed, the question of the state's structure inevitably is tied to the so-called Southern issue, shorthand for the political, economic and social demands emanating from the South, which had been an independent state prior to 1990. There, a loosely aligned mix of organisations and activists, known as the Southern Movement (Hiraak), is calling for separation or, at a minimum, temporary two-state federalism followed by a referendum on the South's future. Separatist sentiment is running high and appears to have strengthened over the course of the transition.

To an extent, the NDC has made advances. It helped launch a healthy and overdue public debate over the roots of the Southern problem and began the consideration of potential outcomes. But the conference faced severe limitations. Debate in Sanaa is far removed from the increasingly separatist Southern street. Within the NDC, discussion of solutions, bereft of detail, was squeezed into the last two months of negotiations. Although consensus appears to be forming around a federal structure, critical elements remain unresolved: how to define administrative boundaries; redistribute political authority; and share resources. Even a general agreement will be hard to achieve. It will require bridging the yawning gap between Hiraak delegates, who demand a three-year transition under two-part federalism in order to rebuild the Southern state in advance of an ill-defined referendum on the South's future status, and staunch pro-unity advocates, who passionately reject this option.

Garnering popular support for any eventual agreement will be more challenging still. The Hiraak delegation suspended its participation for nearly three weeks, complaining that negotiations were biased against it; even that delegation hardly is representative of broader and more militant Hiraak sentiment. Only a small slice of the

Hiraak – many enjoying close ties to President Abdo Robo Mansour Hadi – agreed to join the NDC. The bulk of the movement chose to stay on the sidelines of talks they deemed illegitimate.

The South's lack of faith in the NDC process perhaps was inevitable, but it has been exacerbated by the absence of genuine measures to improve security and economic conditions in the region. Government promises notwithstanding, little has changed, further undercutting those Southerners willing to negotiate and providing fodder to those for whom the only way out is separation.

As the time for reaching an agreement nears, all parties appear to be digging in their heels. The Hiraak NDC delegation demands significant concessions, arguing that anything short of two-state federalism and/or a promise to organise a referendum on the South's future status is unacceptable; leaders from the former ruling party, the General People's Congress (GPC), and from the predominant Islamist party, Islah, flatly refuse either prospect, clinging to the notion of a federal model with multiple administrative units. Each has made bets on the effect of competing political pressures: the former believe that their more militant rank and file will force the North to move toward them; the latter wager that Hadi's interest in overseeing a successful transition will lead him to impose a compromise on his Hiraak allies. Both cannot be right, and middle ground remains elusive.

Then there are those on the outside. Most Hiraak members bank on the negotiations' failure, due to inability to reach a substantive compromise or, if it comes to it, lack of implementation on the ground. They vow to escalate protests and a civil disobedience campaign, regardless of NDC decisions, until they achieve independence. A constitutional referendum would provide a focal point for their opposition, triggering a boycott and likely violence. The result would be to further undermine the transition's legitimacy.

If Yemen hopes to forge a more stable future, it desperately needs to agree on the basic question of its state structure. That much is clear. But it does not mean forcing through a final settlement in circumstances where basic trust, legitimacy and consensus are lacking. That would be more than a fragile state, fragmented country and fractured political class could handle. It likely would further discredit the process, strengthen more militant Southern views and provoke dangerous brinkmanship and bloodshed. The goal instead should be a broad-based agreement that only continued, more inclusive negotiations in the context of improved security and economic conditions potentially can achieve.

## *Recommendations*

### **To NDC participants, the Yemeni government and international supporters of the transition (including the UN special envoy, U.S., UK, GCC, EU and member states):**

1. Define success of the NDC as reaching agreement on some issues, while others (notably the question of state structure) remain unresolved, save perhaps for broad principles, and discussions continue.
2. Agree on extended transitional arrangements, such as:
  - a) a time-limited delay of the constitutional referendum and subsequent elections;
  - b) confidence-building measures for the South (including, inter alia, addressing employment and land grievances; improving security conditions; and devolving greater financial and administrative responsibility to local government), along with a clearly defined implementation timeline, mechanism, funding and oversight;
  - c) formation of a technocratic government until elections are held;
  - d) continued negotiations either on the broad matter of the state's structure or – if agreement on those principles is reached – on its details; and
  - e) inclusion of a wider set of Southern activists in negotiations to be held without preconditions, especially Hiraak leaders inside and outside the country.

### **To the Gulf Cooperation Council states:**

3. Play a more active facilitation and, possibly, mediation role, along with the UN, in continuing negotiations.

### **To the Hiraak:**

4. Join, in the case of those presently not participating in the NDC, any extended negotiations without preconditions, raising the option of independence for debate.
5. Continue efforts to develop a coherent leadership structure, with special attention to promoting the younger generation.
6. Curb provocative rhetoric that pits South against North.

### **To the General People's Congress party and Islah:**

7. Support an extension of negotiations over the issue of state structure without preconditions and with a wider range of Hiraak activists.
8. Emphasise positive aspects of unity and federal arrangements publicly, rather than oppose separation on principle or underscore its negative consequences.

**Sanaa/Brussels, 25 September 2013**



# Yemen's Southern Question: Avoiding a Breakdown

## I. Introduction

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Debates over territorial integrity, resource allocation and power sharing between the North and South are nothing new. In 1994, a mere four years after the two regions united, then-President Ali Abdullah Saleh, his allies in Islah<sup>1</sup> – a Sunni Islamist party – and a group of Southerners known as the Zumra,<sup>2</sup> defeated separatists led by Ali Salim al-Beedh, former South Yemen president. Yet, the battle over the status of the South was far from over. For some, the war closed the chapter on separation and solidified unity. In the minds of others, it closed the chapter on unity and ushered in a period of Northern occupation, marginalisation and discrimination.<sup>3</sup> In 2007, a popular protest movement known as the Southern Movement (Hiraak) began a rights-based campaign demanding more equitable access to jobs and services and greater local autonomy. By 2009, faced with inadequate government action and increased brutality, it had moved on to calls for separation.<sup>4</sup>

Prior to the 2011 national uprising against Saleh, Southern separatist sentiment had been on the rise; the Hiraak in particular was gaining traction. Anti-regime protests initially appeared to put the brakes on this evolution as many Southerners, including some Hiraak affiliates, joined northerners in opposing Saleh. However, cooperation with Northern activists quickly soured over the perception that the uprising was compromised by participation from old regime elites, as well as disputes over how the Southern issue should be addressed in the future. By April 2012, Hiraak activists who had put the question of the South on hold revived their calls for separation.<sup>5</sup>

In November 2012, Saleh agreed to a negotiated transition known as the Gulf Cooperation Council (GCC) initiative, as well as to a set of UN-backed implementation mechanisms. Under the agreement, the president transferred power to his deputy, a Southerner, Abdo Robo Mansour Hadi, in return for domestic immunity from prosecution. The former opposition bloc, the Joint Meeting Parties (JMP), which is dominated by Islah, now holds the prime ministership in a government whose members

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<sup>1</sup> The Yemeni Congregation for Reform (Islah) is the most powerful opposition party. Established shortly after 1990, it contains a number of overlapping groups and tendencies, including tribesmen, entrepreneurs, members of the centrist Muslim Brotherhood and militant Salafis.

<sup>2</sup> The Zumra refers to a Southern political group that hails mostly from Abyan and Shebwa governorates. Its political rival, the Tuqma, primarily comes from Dalia and Lahj governorates. In 1986, the Tuqma and Zumra fought a bloody civil war that by some estimates killed as many as 10,000 people in ten days. After the Tuqma prevailed, some 30,000 Zumra, led by Ali Naser Muhammed, fled north, where they allied with Saleh. The current president, Abdo Robo Mansour Hadi, belongs to this group.

<sup>3</sup> For an explanation of these two post-1994 war narratives, see Crisis Group Middle East Report N°114, *Breaking Point? Yemen's Southern Question*, 20 October 2011, pp. 5-6.

<sup>4</sup> *Ibid.*, pp. 6-8.

<sup>5</sup> *Ibid.*, pp. 11-12.

are equally split between it and the General People's Congress (GPC), the former ruling party. The cornerstone of the transition has been a National Dialogue Conference (NDC) that began on 18 March 2013, charged with debating longstanding issues and producing a new constitution to guide elections theoretically scheduled for February 2014.<sup>6</sup>

NDC delegates are grappling with a number of thorny issues. These include defining and resolving conflicts in and around Saada governorate (where Huthi rebels fought six rounds of conflict with the government between 2004 and 2010);<sup>7</sup> the role of Islamic law (Sharia) in the legal system; transitional justice arrangements; and the future political and electoral system. Still, there is wide agreement across the political spectrum that the most difficult, immediate challenge is the Southern issue.

At stake is the nation's territorial integrity; at issue, too, is success of the fragile transition. Agreement on state structure is pivotal to any durable constitution and political settlement. A collapse of current negotiations would raise the prospect of resumed national conflict. This inevitably would strengthen the hand of hardline Southern separatists, making a return to productive negotiations ever more difficult.

An alternative, arguably more likely scenario – a rushed, thinly supported compromise on the Southern question that proves impossible to implement on the ground in the pro-separatist South – would be equally worrying. Organising a constitutional referendum in such circumstances could further radicalise the Hiraak and trigger a confrontation between its sympathisers on the one hand and the central government, as well as staunch pro-unity advocates, including Islah, on the other. At a minimum, this would risk increased political unrest in the South, an outcome the already weak central government and limp economy could ill afford. In other words, if failure of current negotiations would be catastrophic, a rushed and half-baked outcome could be equally bad.

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<sup>6</sup> For details on the transition roadmap, see Middle East Report N°125, *Yemen: Enduring Conflicts, Threatened Transition*, 3 July 2012.

<sup>7</sup> Huthis are Zaydi revivalists primarily located in Yemen's far North (Zaydism is a form of Shiism distinct from the Twelver Shiism prevalent in Iran, Bahrain, Lebanon and Iraq). For more, see Crisis Group Middle East Report N°86, *Yemen: Defusing the Saada Time Bomb*, 27 May 2009.



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## II. The Southern Issue in the National Dialogue

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### A. *The Search for Hiraak Representation*

According to the GCC agreement, the national dialogue is the cornerstone of the transition and chosen venue for resolving the Southern issue. After months of wrangling over its structure, governing rules and participation, Yemenis belatedly launched the conference (NDC) on 18 March, gathering 565 delegates from diverse political parties, regions and social groups. Parties control a substantial share of seats: the GPC and its allies have 112; Islah 50; the Yemeni Socialist Party (YSP) 37; the Nasserites 30; and five small parties four each. The Hiraak has 85 and the Huthis 35. Overall, women are approximately 30 per cent of participants, the youth 20 per cent.<sup>8</sup> Recommendations from working groups should attract 75 per cent of votes to be endorsed by the conference and then passed on to a constitution-writing committee.<sup>9</sup>

Most political groupings both welcomed the NDC and dispatched delegates. Yet, from the outset its Achilles heel has been inadequate Hiraak representation and an ensuing legitimacy deficit in the South. In an effort to ensure its participation, the NDC preparatory committee – which the Hiraak boycotted – mandated that 50 per cent of all total delegates come from the South. The UN and prominent Yemenis also engaged in intensive diplomatic efforts to convince Hiraak leaders, especially those in exile, to join.<sup>10</sup> Ultimately, all foreign-based and the overwhelming majority of domestic-based leaders decided not to attend.

Most Hiraak activists rejected the NDC on principle. An activist said:

We [the Hiraak] do not accept the entire framework for the NDC, because we do not accept the existence of the Republic of Yemen. We do not consider unity legitimate and view what is happening now as Northern occupation. The political forces that formed the NDC and decided its rules are completely illegitimate.<sup>11</sup>

Others raised more practical objections, including the widely held belief that the premise governing NDC discussions was unity, and thus separation was not a serious option for debate.<sup>12</sup> There also was dissatisfaction that the NDC bundled the Southern issue with other national-level problems; Hiraak activists consider the former to be fundamentally different and thus deserving of a separate negotiation between North and South. As an alternative to the existing framework, Hiraak activists typically proposed that such a North–South dialogue be held outside the country under international auspices, the goal being to agree on terms for peaceful separation.<sup>13</sup>

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<sup>8</sup> “National Dialogue Conference’s share distribution decided”, *Yemen Times*, 29 November 2012. The conference is divided into nine working groups, and voting procedures are designed to encourage consensus.

<sup>9</sup> See “National Dialogue Frequently Asked Questions”, the official NDC website, [www.ndc.ye/page.aspx?show=73](http://www.ndc.ye/page.aspx?show=73). Voting procedures were designed to ensure maximum buy-in. Only recommendations garnering 75 per cent approval in working groups are to be presented to the general plenary; all recommendations receiving fewer than 90 per cent of votes in a working group are to be referred to the Consensus Committee, which is required to try to produce a higher level of agreement before a plenary vote. These voting requirements will likely produce broad, vague recommendations, leaving significant interpretation authority to the Constitution Committee.

<sup>10</sup> Crisis Group interviews, Western diplomat, Sanaa, May 2013; Yemeni diplomat, Sanaa, July 2013.

<sup>11</sup> Crisis Group interview, Hiraak activist, Aden, May 2013.

<sup>12</sup> Crisis Group interviews, Hiraak activists, Aden, May 2013, Hadramawt, July 2013.

<sup>13</sup> *Ibid.*

In the end, a small group of Hiraak representatives – some politically affiliated with Hadi (a GPC member) and all of whom were willing to negotiate solutions short of immediate separation – joined the conference. But their grassroots influence is limited and their negotiating flexibility, given a separatist-leaning Hiraak majority, severely constrained. Some are individually respected yet lack sufficient influence with the rank-and-file Hiraak, especially in solidly pro-separatist areas like Dalia and Lahj. In many ways, their standing within the Hiraak is on the line, contingent on their gaining significant concessions or walking out of negotiations.

The Hiraak's overall refusal to participate undoubtedly damaged the NDC's credibility. Still, international backers of the GCC initiative – particularly the U.S., European Union (EU), UK and Germany – were vocal in their conviction that it should proceed and that one group should not be permitted to hold up the entire process.<sup>14</sup> Looking back, a Yemeni observer questioned the risky gamble: "The national dialogue train left the station, but there were far too few passengers on it".<sup>15</sup>

## B. *A Hostile Political Environment*

The Hiraak aside, support for the transitional process among constituencies appeared relatively widespread at the outset. Northern reformers who wished to tackle the problem of excessive centralisation of resources and power in Sanaa – an issue that vexes not only Southerners, but also marginalised constituencies in Saada, Marib, Taiz and Hodeidah governorates – viewed resolution of the Southern question as key.<sup>16</sup> Likewise, Southerners unaffiliated with the Hiraak expressed guarded optimism that the transition would improve their economic lot and offer the South greater control over local resources and politics by ushering in a more decentralised, federal model.<sup>17</sup> Yet, almost two years into the transition, hopes have dimmed and prospects for a relatively quick, implementable solution have all but dissipated. Several factors are to blame.

### 1. Failure to implement confidence-building measures

Deteriorating security and economic circumstances almost certainly have been among the most important factors impairing negotiations. Some progress notwithstanding, these conditions remain below pre-uprising levels, prompting frustration with both the government and the transition as a whole. The result has been to strengthen centrifugal forces pulling the country apart, while undermining confidence in the NDC and narrowing potential bargaining room for Hiraak representatives in that process.

Southerners routinely complain about growing criminality, lawlessness, political assassinations and the activism of al-Qaeda on the Arabian Peninsula (AQAP).<sup>18</sup> In

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<sup>14</sup> Crisis Group interview, Western diplomats, Sanaa, February 2013; prominent diplomat, Sanaa, July 2013.

<sup>15</sup> Crisis Group interview, Yemeni civil servant, Sanaa, July 2013.

<sup>16</sup> Crisis Group interviews, civil society activists, Sanaa, June 2011 and March 2012; activist from Taiz, Yemeni businessman, independent politician, Sanaa, March 2012.

<sup>17</sup> Crisis Group interviews, GPC members, Hadrami businessman, Hadrami civil servant, Islah member, civil society activist, Sanaa, September 2013.

<sup>18</sup> Crisis Group interviews, Aden and Mukullah residents, April-July 2013. AQAP was formed in January 2009 by a merger between al-Qaeda's Yemeni and Saudi branches. It is headed by a Yemeni militant, Naser al-Wuhayshi, a graduate of Saudi Arabia's "rehabilitation" program (aimed at reform-

the port city of Aden, residents from across the political spectrum worry that various political factions – including the Hiraak, Islah and Saleh supporters – are bringing weapons into the city.<sup>19</sup> In turn, Hiraak detractors claim that separatists threaten violence against those who balk at joining their bi-weekly civil disobedience campaign.<sup>20</sup> For its part, the Hiraak points to allegations of continued brutality against peaceful protesters and unlawful detentions.<sup>21</sup>

The security collapse is most striking in the Eastern governorates of Hadramawt and Shebwa, where AQAP activities are on the rise,<sup>22</sup> prompting U.S. drone strikes and government military action near the port city of Mukullah in June 2013.<sup>23</sup> Residents call the latter political theatre by a government more concerned with gaining Western counter-terrorism support than with combating the real threat of al-Qaeda influence.<sup>24</sup> Since the 2011 uprising, a string of political assassinations has targeted mid-level Southern security personnel; although the government blames al-Qaeda, it has consistently failed to identify perpetrators or hold them accountable.<sup>25</sup>

Local security personnel feel overwhelmed, with some unwilling to wear uniforms in public; this has added to the feeling of a security vacuum.<sup>26</sup> Many Hadrami residents suspect the central authorities and various Northern groups of conspiring to spread insecurity in order to prove to the international community that they are incapable of self-rule.<sup>27</sup>

Economic conditions are no better. The security void, coupled with the Hiraak's civil disobedience campaign – which has led to twice-weekly government agency, school and local business closures – is weakening an already moribund economy. The transitional government has failed to provide electricity on a consistent basis; while the North is suffering from similar cuts, the impact in the South is more profound, given summer temperatures that can reach 40 degrees Celsius.<sup>28</sup>

Hiraak activists have been quick to seize upon these circumstances to bolster their case for independence, arguing that the transitional government has improved little and that the optimal – if not only – chance for change is through independence.<sup>29</sup>

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ing detained militants) who subsequently resumed violence. He is now the deputy of al-Qaeda's international brand, second only to Ayman al-Zawahiri. Yemenis never refer to AQAP but rather to al-Qaeda.

<sup>19</sup> Crisis Group interviews, Hiraak founder, military general, political independent, journalist, YSP members, Islah member, Adeni civil servant, female civil society activist, Aden, May 2013.

<sup>20</sup> Crisis Group interviews, Adeni civil servants, Aden, April 2013; political independent, journalist, civil society activist, Islah member, Aden, May 2013.

<sup>21</sup> Crisis Group interviews, Hiraak activists, Aden, April 2013.

<sup>22</sup> On 20 September 2013, for example, the government accused al-Qaeda militants of a brazen attack on two military installations in Shebwa that killed between 21 and 33 security personnel responsible for guarding oil and gas installations. See Nasser Arrabyee and Dan Bilefsky, "Soldiers in Yemen are killed in attacks on 2 military targets", *The New York Times*, 20 September 2013.

<sup>23</sup> See "Yemen forces launch anti-al-Qaeda offensive", Agence France-Presse, 5 June 2013.

<sup>24</sup> Crisis Group interviews, government officials, local businessman, Hiraak activists, Mukullah, July 2013.

<sup>25</sup> Crisis Group interviews, Hiraak activists, local businessman, security personnel, government official, Mukullah, July 2013.

<sup>26</sup> Crisis Group interview, police officer, Mukullah, July 2013.

<sup>27</sup> Crisis Group interviews, Hiraak activists, government official, Mukullah, July 2013.

<sup>28</sup> Temperatures are similarly high in the North along the Red Sea Coast in an area called the Tihama. There, citizens routinely protest power outages, and a group called the Hiraak al-Tihami is calling for greater regional autonomy.

<sup>29</sup> Crisis Group interviews, Hiraak activists, Aden, May 2013; Hiraak youth activists, Mukullah, July 2013.

A young Hiraak activist said, “there is a real crisis of confidence between North and South. The North thus far has not provided any specific program or tangible action to build confidence in the South. The situation has gotten worse, and the Hiraak is only gaining strength”.<sup>30</sup>

This should come as no surprise. Political leaders as well as members of the international community urged Hadi to take measures aimed at the South shortly after he assumed the presidency.<sup>31</sup> Instead, until 2013 at least, he focused chiefly on rearranging the power balance in Sanaa and within the military, his priority being to dilute the influence of Saleh and his supporters and, to a lesser extent, clip the wings of Saleh’s rival, Ali Mohsen al-Ahmar.<sup>32</sup>

Likewise, in August 2013, only one month after it was formed, the NDC preparatory committee urged action on what commonly is referred to as the “twenty points” – eleven of which concern means of addressing specific Southern grievances: land ownership; access to government employment and pensions; release of political prisoners; an apology for the 1994 war and reopening the South’s most prominent newspaper, *al-Ayyam*, among others. While reiterating the need for several of these steps, the NDC’s Southern issue working group urged additional confidence-building measures (known as the “eleven points”), such as halting the sale of both new oil and gas concessions (during the transition period) and of Southern lands (until the land committee finishes its work).<sup>33</sup>

To date, the government has fully implemented only one measure. On 21 August 2013, days after the Hiraak NDC delegation began a three-week boycott of negotiations, it apologised for the 1994 war.<sup>34</sup> While NDC Hiraak delegates welcomed this as a positive step, the apology immediately was rejected by a majority of activists, who questioned its timing and reaffirmed their commitment to separation.<sup>35</sup>

That same month, the government announced its endorsement of and intent to implement both the twenty and the eleven points, including releasing political prisoners, compensating victims of the 1994 war and anti-Hiraak crackdown and taking steps to allow *al-Ayyam* to reopen.<sup>36</sup> But save for the formation of various government committees and an 11 September presidential decree reinstating approximately 800 of the nearly 70,000 soldiers and officials dismissed or forcibly retired, there

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<sup>30</sup> Crisis Group interview, Hiraak youth, Mukullah, July 2013.

<sup>31</sup> Crisis Group interviews, Western diplomat and civil society activists, Sanaa, December 2012.

<sup>32</sup> Crisis Group Middle East Report N° 139, *Yemen's Military-Security Reform: Seeds of New Conflict?*, 4 April 2013. The president’s supporters argue that he immediately prioritised security in the South by launching a military campaign against AQAP. Crisis Group interviews, Sanaa, June and July 2013. In 2012, Hadi ordered a military campaign to drive AQAP affiliates out of cities in his home governorate of Abyan, but the ensuing victory was short-lived. AQAP remains active, recruiting and training militants as well as assassinating security personnel, although not controlling territory.

<sup>33</sup> Crisis Group interviews, NDC Hiraak delegates, Sanaa, August 2013. Also, see Muhammed al-Hassani, “Hadi says government must find funding for 20 point implementation”, *Yemen Times*, 11 July 2013; and “11 conditions for Southern issue discussion”, *Yemen Observer*, 5 April 2013.

<sup>34</sup> See “Yemen: Government issues public apology for wars”, *The New York Times*, 21 August 2013. The government also apologised for the 2004-2010 attacks in Saada against Huthi rebels.

<sup>35</sup> Hiraak activists staged large demonstrations in August and September, especially in Aden and Mukullah, refusing the apology. Crisis Group interviews, Hiraak NDC activists, Sanaa, August 2013. See “Yemen apologizes to north, south for past wars”, *The Daily Star*, 22 August 2013; “South leaders reject govt. apology, insist on separation”, *Yemen Fox*, 24 August 2013; “Thousands rally for south Yemen independence”, *France 24*, 1 September 2013.

<sup>36</sup> Saeed al-Batati, “Yemen approves release of separatist rebels”, *Gulf News*, 29 August 2013.

has been no tangible action.<sup>37</sup> For Southerners, such lack of speedy and transparent implementation is evidence that little if anything has changed in Sanaa and that they thus cannot trust the government or transitional process.<sup>38</sup>

Whether such material improvements would soften calls for separation is unclear. They would certainly leave political aspirations unaddressed,<sup>39</sup> but they might help restore some trust and thus provide additional space for compromise. Some potential confidence-building measures – such as resolving complicated land ownership issues and retuning Southerners to government jobs – face considerable obstacles, requiring significant time and resources the government lacks.

At a minimum, however, the government could have put forward a clear implementation plan, including identifying agencies responsible for each action, funding streams and oversight mechanisms.<sup>40</sup> Instead, the process has been haphazard and reactive, lacking transparency regarding what can be achieved and when, generating greater frustration and giving fodder to critics who see separation as the sole way forward.<sup>41</sup>

## 2. Fear of old regime comeback

Yet another obstacle impeding negotiations has been the perception – powerful among Southern proponents of independence in particular – that former regime elites from the North who repeatedly have proved untrustworthy dominate the transition.<sup>42</sup> They are convinced that any agreement on changes within a unitary state structure would be worthless, because it would remain unimplemented. The 2011 uprising, during which old power centres were shaken and new actors – the Huthis, independent youth and civil society activists – gained strength, briefly challenged this view. Over time, however, optimism has waned, reinvigorating calls for separation.

In some ways, Yemen is paying the price for its relatively peaceful transition. The GCC agreement avoided further bloodshed but at the cost of protecting established

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<sup>37</sup> Crisis Group interview, Hiraak NDC member, Sanaa, August 2013. “Yemen’s Hadi reinstates officers in the South”, Agence France-Presse, 12 September 2013.

<sup>38</sup> Crisis Group interviews, Hiraak activists, political independents and Southern civil society, Aden, April, May, June 2013, Mukullah, July 2013.

<sup>39</sup> Crisis Group interview, prominent Hiraak activists, Aden, April 2013. A Southern military officer said, “it is impossible to separate economic and political rights. The government in Sanaa wants to show that if they solve economic demands, then this will resolve the political demand for independence. But Southern civil servants and military personnel are part of the South, and solving their economic issues will not change their position on the Southern issue. They will still demand independence”. Crisis Group interview, Aden, May 2013.

<sup>40</sup> In July 2013, Hadi formed an eleven-member ministerial committee charged with finding funding for implementation of the twenty points. See al-Hassani, “Hadi says government must find funding”, op. cit. But it did not produce a clear account of available funds or allocate responsibilities.

<sup>41</sup> Crisis Group interviews, Hiraak activists, political independents, Southern civil society activists, Aden, April, May, June 2013, Mukullah, July 2013.

<sup>42</sup> A prime example of failed implementation relates to the 1990 unity accords, which some Southerners – particularly Yemeni Socialist party members who ruled the South prior to unity – believe the North violated by a campaign of political marginalisation and even assassination between 1990 and 1993. See Crisis Group Report, *Breaking Point?*, op. cit. Most recently, Hiraak activists point to an agreement between on the one hand the Cairo group, a group of Southerners supporting two-state federalism followed by a referendum on unity, and on the other Hamid al-Ahmar and the revolutionary council, a group representing anti-Saleh activists during the 2011 uprising. According to Cairo group members, Hamid and the council had agreed to support their proposal for the South but reneged as soon as the uprising ended. Crisis Group interview, Sanaa, July 2013.

elites (the Salehs and their allies in the GPC; Saleh's arch rival, General Ali Mohsen al-Ahmar; and his allies within the Ahmar clan and Islah), ensuring they would play a key role in reforming the very system they helped create. This has both stymied the transition and fuelled scepticism toward it.

Activists are particularly frustrated with the transitional government, evenly split between the GPC and the JMP. Political infighting largely has paralysed the cabinet, whose members appear more focused on divvying up state spoils than effectively running the government.<sup>43</sup> Hadi and the government also appear helpless in the face of repeated tribal sabotage of state oil, gas, electrical and internet infrastructure that routinely disrupts business and complicates daily lives.

The underlying political economy has remained virtually unchanged; the same political groups control – albeit in a slightly different manner – the lion's share of state resources.<sup>44</sup> In this environment, the NDC increasingly is viewed as a sideshow, while the real game involves intra-elite negotiations in tandem with a process of territorial fragmentation in which groups like the Huthis and, to a lesser extent, the Hiraak expand influence and territorial writ.

This perception of a transition dominated by remnants of the former regime vastly complicates resolution of the Southern issue, at least in the short-term. Proponents of immediate separation underscore this reality to boost their case that independence alone can secure their rights. Ali Salim al-Beedh, former South Yemen president and prominent Hiraak leader in exile, stressed that the revolution had failed in the North:

The basis of power in Sanaa is built on three elements: the tribes, the military and *takfiri* religion.<sup>45</sup> These are not peaceful and democratic forces capable of building a civil state. There has been no change since Saleh left power; the same powers rule the North. There was no real revolution there, unlike the real revolution that is happening in the South.<sup>46</sup>

Suspicion has spread to Southerners open to federal options within a unitary state, who now worry that the Salehs, Mohsen and Islah will thwart genuine implementation of any new power-sharing arrangement. Their response has been to identify potential guarantees, such as a referendum on Southern independence after a transitional three-year period during which federal options would be tested.<sup>47</sup>

It is true that the current government includes many prominent Southerners, including the president, prime minister and defence minister. Nevertheless, Hiraak activists typically claim that they either are not genuine powerbrokers with the financial resources or authority to affect decisions in Sanaa, or that they have been bought off, enjoying financial interests in the North's corrupt system.<sup>48</sup>

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<sup>43</sup> See Crisis Group Report, *Yemen: Enduring Conflicts*, op. cit.

<sup>44</sup> Ibid.

<sup>45</sup> *Takfir* refers to an accusation of apostasy. The statement implies that Northern religious power centres, which have supported Saleh, Mohsen and the Ahmars, are extremists that engage in exclusionary politics.

<sup>46</sup> Crisis Group interview, Beirut, 20 June 2013.

<sup>47</sup> Crisis Group interviews, NDC Hiraak delegates, Sanaa, July-August 2013.

<sup>48</sup> Crisis Group interviews, group of Hiraak activists, Aden, May 2013; Hiraak activists, Mukullah, July 2013; NDC Hiraak delegates, Sanaa, July and August 2013.

### 3. Hiraak fragmentation

Fragmentation and competition within the Hiraak have proven serious impediments to the talks as well. A decentralised, fluid grassroots movement, it comprises numerous organisations and individual supporters.<sup>49</sup> While its amorphous structure has made it a nimble and durable protest movement, in many ways it has impeded effective participation in negotiations requiring clearly empowered representatives.

In response, Hiraak activists insist they are united in demands for reestablishing a state in the South.<sup>50</sup> However true, this cannot conceal genuine differences regarding the means of achieving separation. Some – the most vocal and visible – urge immediate independence; others are prepared to accept a transitional period designed to rebuild local state institutions. Perhaps more importantly, standing atop this genuine popular movement for independence is a complicated web of leaders competing for control and influence over the street.

The two most important and influential Hiraak groups are associated with Ali Salim al-Beedh, who lives in exile in Beirut, and Hassan Ba'um. Both are former socialist leaders and strong proponents of immediate separation; both reject the NDC and any federal compromise. Some of their supporters even reject the idea of a referendum on unity, claiming that street protests already have confirmed the people's preference for independence.<sup>51</sup>

In addition to al-Beedh, several other exiled leaders play important roles, though their openness to compromise arguably has cost them popular support. The most prominent are Ali Naser Muhammed (former South Yemen president and Zumra leader) and Haydar al-Attas, a Southern technocrat and unified Yemen's first prime minister. They organised the May 2011 Cairo conference that voiced support for a two-state federal system followed by a referendum on unity after five years.<sup>52</sup> The ultimate goal of conference participants remains somewhat opaque; some say they will settle for nothing short of independence, after a gradual, negotiated state-building process;<sup>53</sup> others maintain they genuinely want to test two-part federalism as a lasting solution, despite deep scepticism the North would implement the reforms required to enable this.<sup>54</sup>

Intra-Hiraak divisions have been exacerbated by allegations of divergent external sources of support. Most exiled leaders – including Ali Naser Muhammed and Haydar al-Attas – widely are believed to enjoy financial and political ties to influential government officials and private citizens in Saudi Arabia and other Gulf Arab countries.<sup>55</sup> By contrast, the government, GPC, JMP, parts of the Hiraak and Western dip-

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<sup>49</sup> For an overview of Hiraak organisations through October 2011, see Crisis Group Report, *Breaking Point?*, op. cit., pp. 19-21.

<sup>50</sup> Crisis Group interviews, Hiraak supporters, Aden, April and June 2013 and Mukullah, July 2013.

<sup>51</sup> Crisis Group interviews, Hiraak leader associated with al-Beedh's group, Aden, April 2013; Hiraak member associated with Ba'um's group, Mukullah, July 2013.

<sup>52</sup> For more on the Cairo group, see Crisis Group Report, *Breaking Point?*, op. cit., p. 13.

<sup>53</sup> Crisis Group interviews, Cairo group participant, Sanaa, May-June 2013.

<sup>54</sup> Crisis Group interviews, Cairo group participants, Cairo, July 2011.

<sup>55</sup> Crisis Group interviews, Adeni activists, Aden, May 2013; Hiraak activist, Sanaa, May 2013; tribal sheikh, Hiraak activist, diplomat, prominent civil servant, Sanaa, July 2013. Hassan Ba'um, who resides in the country, allegedly shares the same ties to Gulf Arab countries. Ibid. Gulf support for Southern leaders is, in many ways, opaque and does not translate into official support for separation. However, several Gulf states appear to be hedging their bets by extending advice and financial support to Southerners seeking a referendum (in the case of al-Attas) and immediate separation (in the case of Ba'um). A Yemeni diplomat explained: "The difference between the Gulf states and other

lomats routinely accuse Ali Salim al-Beedh of receiving financial support from Iran.<sup>56</sup> True or not, such perceptions coming at a time of deep regional polarisation have both undermined the Hiraak's ability to speak in one voice and heightened divisions within an already fragmented movement.

The transition also produced an entirely new grouping, the NDC Hiraak – what many politicians refer to as Hadi's Hiraak.<sup>57</sup> Of the 85 Hiraak representatives who agreed to attend the national dialogue and were willing to discuss options short of immediate separation, 45 belong to the Southern People's Conference, a group headed by Muhammed Ali Ahmed, close Hadi confidant from the president's home governorate of Abyan. More generally, the group's leadership – essentially individuals open to federal options, hailing mostly from Abyan and associated both with the Zumra and Hadi – are seen in North and South as speaking for only a sliver of the Hiraak.<sup>58</sup>

Equally problematic is the growing gap between old-generation Southern leaders – whether in or out of the NDC – and young activists frustrated with past rivalries. Frustration has been especially acute in Aden, where protesters frequently barred old-generation YSP leaders from taking the stage during rallies.<sup>59</sup> At the same time, academics, youth and civil society activists seek to forge a new Southern leadership.<sup>60</sup> More broadly, as popular sentiment in the South tilts towards separation, the relevance and legitimacy of NDC negotiators increasingly is in doubt. Even as they suggest possible compromises, protesters voice ever more open hostility toward federalist outcomes, chanting: “*la lilwahda, la lilfederaliya, baara, baara ist'imar*” (“No to unity, no to federalism, out, out occupation”).

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international players is that the Gulf always has plan B in Yemen. The Saudis, the Emiratis and Omanis all want influence in the South in the event there is eventual separation. Southern leaders like Ali Naser Muhammed, Haydar al-Attas and others will not move politically without the Gulf's blessing”. Crisis Group interview, Sanaa, July 2013.

<sup>56</sup> Crisis Group interviews, Western diplomats, Sanaa, February 2012; Yemeni diplomat, May 2013; prominent Hiraak leader, YSP leaders, Islah leader, civil society activist, Adeni activists, Aden, May 2013; government official, Mukullah, July 2013. Al-Beedh neither denies nor confirms the claim, a stance that has added to suspicions. He said, “I stand firmly with the demands of the people of the South and am focused on achieving their aims. If any group wants to help us, then we will accept help in building our state. The Southern revolution was not started in Iran or anywhere outside the South”. Crisis Group interview, Beirut, 20 June 2013.

<sup>57</sup> Crisis Group interviews, GPC member, Sanaa, May 2013; JMP member, GPC member, Sanaa, June 2013; JMP member, Hiraak activists, Mukullah, July 2013; prominent civil servant, Sanaa, July 2013; civil servant, JMP member, Sanaa, August 2013.

<sup>58</sup> The issue of Zumra versus Tuqma is not as clear-cut as it once was, as Hiraak leaders from all areas generally are united in their goal of separation and because the younger generation does not necessarily carry this historical baggage. However, it still is relevant: strongholds of those urging immediate separation are in Dalia and Lahj, areas associated with the Tuqma; conversely, Zumra living in the North tend to be more open to compromise solutions, whether federalism leading to separation or a federal system with significant authority residing in the Southern governorates. NDC Hiraak reject this typology, pointing out that its sympathisers come from all Southern governorates and that many in the group historically have not been aligned with the Zumra. Crisis Group interviews, NDC Hiraak delegates, Sanaa, August 2013. To describe them as Hadi's Hiraak likewise is somewhat overstated: the president campaigned to convince participants to join the NDC and has strong personal ties with many NDC Hiraak members, but the group does not always toe his line. Recently it disagreed with Hadi over multiple-part federalism (which he advocated) versus two-part federalism. Ibid.

<sup>59</sup> Crisis Group interviews, Hiraak activists, Sanaa, Aden, May 2013.

<sup>60</sup> Crisis Group interviews, Southern Intellectuals Movement members, Aden, June 2013.



Overall, the struggle over representation, the leadership void in the South and widespread perception that the NDC Hiraak does not truly represent the movement has undermined the talks and is likely to do the same for implementation of any agreement. Unsurprisingly, Hiraak elements not part of the dialogue, including Ba'um's and al-Beedh's group, reject it and call on sympathisers to obstruct future elections.<sup>61</sup> Conversely, many Northerners who favour a unitarian state structure have seized on these divisions to argue that there is no clear Southern leadership with which to negotiate.<sup>62</sup>

#### 4. A hardening of Southern identity politics

Conditions have favoured solidification of a stark "us versus them" narrative in the South, hindering discussion of possible compromise. A growing number of activists appear to endorse blunt and grossly oversimplified comparisons between an allegedly tribal, violent, corrupt and uncivilised North and the peaceful, civilised, non-tribal, law-abiding South.<sup>63</sup> This is especially true among young street protesters, unfamiliar with difficulties experienced by the South during its socialist period and excessively familiar with conditions that prevailed in the North under Saleh.<sup>64</sup>

In some instances, the hardening narrative appears to be breeding a culture of hatred at odds with the image the Hiraak wishes to propagate. This occasionally has led to violence against Northern citizens living in the South.<sup>65</sup> Some Northerners fear travel in the South; individuals with Northern license plates are careful not to drive through Hiraak strongholds for fear of harassment.<sup>66</sup> In Sanaa, this development is viewed with apprehension; a civil servant said, "there is now a new culture that has developed in the South, one that no one [in Sanaa] wants to talk about. It is a mixture of grievances and identity issues which is producing loud calls for separation".<sup>67</sup>

This partly explains difficulties in conducting serious, detailed discussions on a range of institutional options, such as federalism, that fall short of separation. Increasing numbers of Southerners appear convinced that the two cultures and value systems cannot coexist in a unified state. A young Southern Islamist said, "there is no hope of federalism with the North. Our cultures differ completely. We cannot live in the same system as the North because Northerners have a tribal culture and do not respect the rule of law".<sup>68</sup> A unified state, under this perspective, represents nothing less than an existential threat to Southern identity.

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<sup>61</sup> Crisis Group interviews, Ba'um and al-Beedh supporters, Mukullah, July 2013.

<sup>62</sup> Crisis Group interviews, GPC members, Sanaa, May 2013.

<sup>63</sup> Crisis Group interviews, Southerners, Hiraak affiliates, Sanaa, Aden, Mukullah, April-July 2013. Some interviewees admitted that the distinction is not so clear-cut in practice, yet all framed differences roughly in these terms.

<sup>64</sup> Crisis Group interviews, independent journalist, Hiraak youth activists, Aden, June 2013; Hiraak youth activists, Mukullah, July 2013.

<sup>65</sup> In February 2013, angry protesters reportedly attacked Northerners in the city of Tarim in the Hadramawt following a brutal crackdown by the government on a peaceful Hiraak demonstration. Crisis Group interviews, Southern civil society activists, Mukullah, July 2013.

<sup>66</sup> Crisis Group interview, Northern businessman with ties to Aden, May 2013. In an April-May visit to Aden, Crisis Group saw license plates with Northern governorate numbers covered with paper/tape. In one case, a car with Northern tags displayed a Southern flag and picture of Ali Salim al-Beedh, presumably as a protective measure.

<sup>67</sup> Crisis Group interview, Sanaa, July 2013.

<sup>68</sup> Crisis Group interview, Aden, May 2013.

Such a rigid divide risks overshadowing – or clashing with – the diversity that exists in both areas. First, it frustrates northern constituencies sympathetic to the Southerners' plight. A young Northern sheikh who is open to federal options argued that the Hiraak's rigid outlook may cost it allies: "Now Northerners are referred to as occupiers and are treated badly in the South, even if they did not do anything wrong. I am sympathetic to the Hiraak, but their rhetoric makes me turn against them".<sup>69</sup>

Secondly, it frightens some Southern constituencies that worry emphasis on Southern identity will subsume their own aspirations for greater autonomy at the sub-regional, governorate level.<sup>70</sup> This is especially the case in Hadramawt, where many argue they are neither Southern nor Yemeni but rather Hadrami; a group called the Hadramawt League has gone so far as to advocate self-determination.<sup>71</sup> By the same token, Adenis – who long have complained of victimisation by both North and South – increasingly demand special autonomous status for their port city.<sup>72</sup> Micro identities and insistence on local autonomy do not stop there. Socotra Island and Mahra governorate have their own autonomy movements within the Hiraak, arguing for their right to become unified administrative units within an independent Southern state.<sup>73</sup>

Many Hiraak affiliates view these governorate-level identities as potential liabilities in their drive for independence, insofar as they can be exploited by the North to challenge the idea of a unified South. As a result, they generally downplay them, or promise a degree of decentralised federalism within an independent South.<sup>74</sup> Still, many Hadramis and Adenis, both within and outside the Hiraak, express scepticism toward such promises, wary of intra-Southern political oppression.<sup>75</sup>

<sup>69</sup> Crisis Group interview, Sanaa, July 2013.

<sup>70</sup> Historically, territories of the former People's Democratic Republic of Yemen (PDRY, or South Yemen) were controlled by mini-states or sultanates. Under British occupation, focus was on the port of Aden, while the hinterlands were addressed through treaties with local sultans. The eastern provinces, comprising contemporary Hadramawt, Shebwa, Mahra governorates and Socotra Island, were distinct from the immediate areas surrounding Aden and furthest from colonial control. Under the PDRY, socialist leaders unsuccessfully sought to erase regional and tribal identities by forbidding tribal surnames; numbering (as opposed to naming) governorates; and killing or exiling sultans and their families. Crisis Group interviews, Southern politicians, Sanaa, June-July-August 2013. Also, see Noel Brehoney, *Yemen Divided: The Story of a Failed State in South Arabia* (London and New York, 2013), pp. 5-12, 203-207; Paul Dresch, *A History of Modern Yemen* (Cambridge, 2000), pp. 35-38, 62-64, 71-77, 96-102, 120-122.

<sup>71</sup> Crisis Group interview, Hadramawt League members, Mukullah, 3 July 2013. See also Crisis Group Report, *Breaking Point?*, op. cit., pp. 24-25.

<sup>72</sup> Crisis Group interviews, Adeni activists, Aden, May 2013. See also Crisis Group Report, *Breaking Point?*, op. cit., pp. 23-24.

<sup>73</sup> Crisis Group interviews, representatives from Mahra and Socotra Hiraak movements, Mukullah, July 2013.

<sup>74</sup> Crisis Group interviews, al-Beedh supporters, Mukullah, July 2013; NDC Hiraak delegate, Sanaa, July 2013.

<sup>75</sup> Crisis Group interviews, Adeni activists, Aden, May 2013; prominent Adeni activist, Aden, June 2013; Hadrami activists, Mukullah, July 2013. A supporter of Hadrami self-determination expressed his fear of mainstream Hiraak: "The Hiraak may tell us that they support self-determination for Hadramawt, but they will not put this in writing. We know they really do not support our rights". Crisis Group interview, Mukullah, July 2013. Unity advocates in both North and South view Hadramawt in particular as a bulwark against Southern separation. Crisis Group interviews, civil society activist, Sanaa, May 2013; civil servant, Sanaa, July 2013. Because Hadramawt contains the bulk of the South's oil reserves and has a rich mercantile community with ties to the Gulf and Asia, a Southern entity without it would be far less attractive or viable.

### C. *NDC Negotiations: Substance and State of Play*

Despite real hurdles, some progress has been made in the NDC. The Southern issue working group discussed and defined root causes of the conflict as well as its component parts; along with the state-building working group, it has begun to canvass potential solutions, notably alternative state structures. Most importantly, for the first time ever, representatives of various entities – political parties, the Hiraak, youth groups, civil society activists, Huthis and others – openly expressed and debated views. Hiraak delegates presented detailed documents on land, employment and other violations in the South since 1990. As several delegates acknowledged, this has raised awareness, inside and outside Yemen, in a way that might facilitate a final settlement.<sup>76</sup> Increasingly, delegates are converging around a federal solution, although details are bitterly disputed.

Still, a final settlement is distant. One obstacle is technical. The working group devoted four months to discussing causes and elements of the Southern issue, leaving the more difficult topic of solutions and implementation guarantees to the final two months (of which one was Ramadan).<sup>77</sup> The Eid holiday (8-15 August) was followed by a three-week Hiraak boycott of negotiations it deemed biased.<sup>78</sup> Time constraints aside, delegates complained from the outset that they lacked adequate technical expertise as well as active mediation assistance to effectively assess the political and economic impact of various options.<sup>79</sup>

By far, however, the most significant obstacle remains political. A wide gulf separates demands of the Hiraak delegation from what most other delegates find acceptable. Fourteen solutions were put forward before the Ramadan recess.<sup>80</sup> At one end of the spectrum, the NDC Hiraak presented a plan for rebuilding an independent Southern state, including a three-year transitional period under two-state federalism along the old North-South border, followed by an ill-defined referendum to determine the South's future. At the opposite pole, Salafis propose a simple, unitary state. In between were suggestions for multi-state federalism as well as a YSP submission for two-part federalism without the option of a future referendum.<sup>81</sup>

After these proposals were presented, the Hiraak concluded that negotiations were stacked against it, that a single Southern position was put forward, while the North offered thirteen.<sup>82</sup> An informal Ramadan meeting organised by a prominent GPC member to forge a common position on the Southern issue also angered it. The meet-

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<sup>76</sup> Crisis Group interviews, working group members, Sanaa, May 2013.

<sup>77</sup> Prior to the Ramadan break, there had been little substantive debate, including about the economic and political implications of various scenarios. Crisis Group interview, NDC Southern working group member, Sanaa, May 2013.

<sup>78</sup> See below for details.

<sup>79</sup> Crisis Group interviews, NDC Southern working group delegate, Sanaa, May 2013; NDC delegate, Sanaa, June 2013; NDC Southern working group delegate, Sanaa, June and July 2013.

<sup>80</sup> For copies of all proposals, see the NDC official website, [www.ndc.ye/default.aspx](http://www.ndc.ye/default.aspx).

<sup>81</sup> In practice, the YSP is divided along regional lines. Its leadership in Sanaa as well as its NDC representatives support a two-part confederation; local Southern branches endorse self-determination. A leader explained: "The YSP has a real problem: if the party supports self-determination, it will lose its Northern constituency. If it supports federalism [in multiple parts], it will lose its Southern constituency". Crisis Group interview, Yemen, July 2013.

<sup>82</sup> Crisis Group interview, NDC Hiraak member, Sanaa, August 2013.

ing brought together members of the GPC, Islah, the YSP, and Nasserites but left out the Hiraak.<sup>83</sup>

The Hiraak refusal to attend negotiations following the Ramadan recess essentially brought the talks to a halt. In a letter to Hadi, Muhammed Ali Ahmed asked that the Southern issue negotiations be moved outside Yemen and be conducted between two sides, the North and South, demands that echoed those of mainstream Hiraak.<sup>84</sup> The boycott ended only on 9 September, with a compromise that established a sixteen-member sub-committee (the eight plus eight committee), split equally between Northern and Southern delegates, charged with taking the lead in producing a compromise.<sup>85</sup>

That the GPC and Islah have proposed a multi-state federalist outcome is, from their perspective, a significant leap that cannot be pushed further. Prior to the uprising, Sanaa-based politicians tended to dismiss the Southern question as one that could be solved through better governance and services. A more nuanced understanding of the depth of Southern discontent – one that takes account of political and identity issues – in turn has paved the way for more serious discussion of alternative state structures. More generally, federalism has gained support among a wide range of Northern constituencies, including the Huthis and activists in Taiz, Ibb, Hodeidah and Marib governorates, all of whom have an interest in more equitable power sharing with Sanaa.

Of course, such sympathy has limits. Many Northerners complain that Southern politicians are overplaying their hand. A prominent politician expressed frustration, saying that “the grievances of the South are absolutely not sufficient to call for separation”.<sup>86</sup> A GPC NDC delegate explained that his party would never accept two-part federalism, much less any program explicitly leading to separation.<sup>87</sup> The party’s general secretary, Saleh, summed up a sentiment common among its Northern rank and file: “The establishment of a federal state based on two entities is treason, aimed at tearing unity”.<sup>88</sup>

Moreover, the GPC’s shift is both somewhat questionable – some members admit it reflects the immediate political necessity of preserving unity as opposed to a genuine conviction it is the best option.<sup>89</sup> It is also internally controversial. There has been strong pushback within the party, resulting in a number of defections.<sup>90</sup>

Reaching a compromise will be hard. Whereas even a multi-state federal structure falls short of minimum Hiraak demands, the GPC and Islah remain deeply suspicious of any two-part federal solution and/or referendum, viewed as de facto endorsements of separation.<sup>91</sup> Members of those parties continue to express guarded optimism that, under pressure from Hadi, most of Hiraak can accept some version of

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<sup>83</sup> Crisis Group interviews, NDC Hiraak members, Sanaa, August 2013.

<sup>84</sup> Letter on file with Crisis Group.

<sup>85</sup> Arafat Madabish, “Yemen Southern Mobility Movement returns to National Dialogue Conference”, *Asharq al-Awsat*, 11 September 2013.

<sup>86</sup> Crisis Group interview, Sanaa, July 2013.

<sup>87</sup> Crisis Group interview, Sanaa, August 2013.

<sup>88</sup> Ahmed al-Haj, “Yemen ex-leader slams south over push for autonomy”, Associated Press, 21 September 2013.

<sup>89</sup> Crisis Group interview, group of GPC members, Sanaa, July 2013. The same is true for some Islah members. Crisis Group interview, Islah member, Sanaa, June 2013.

<sup>90</sup> Crisis Group interview, GPC members, Sanaa, July 2013.

<sup>91</sup> Crisis Group interviews, GPC members, Sanaa, May 2013; prominent Islah and GPC member, Sanaa, August 2013.

multi-part federalism.<sup>92</sup> Their hopes were buttressed in July, when dozens of Southern delegates from Hadramawt, Shebwa and Mahra demanded creation of an Eastern province in a unified Yemen.<sup>93</sup> A GPC official said, "this announcement broke the back of the Hiraak. Now they must accept multi-part federalism".<sup>94</sup>

The Hiraak delegation sees things differently. In its view, its acceptance of two-part federalism (albeit accompanied by a plan to rebuild the Southern state) is a huge step forward, given loud calls for separation on the Southern street. Members also suggest that the only alternative to their proposal is not multi-part federalism (as the GPC and Islah would have it), but rather failure of the political process as a whole and resurgence of protest and, possibly, violence. They claim there are real limits to what they can sell to their Southern constituency.<sup>95</sup>

While the ability to sell any compromise is questionable, a significant number of Southerners might accept an outcome of substantial local authority coupled with a guaranteed future referendum. Southern elites appear to be converging toward principles not far removed from those defended by the NDC Hiraak delegation: that self-determination is required at some point, and a transition period is needed to build state institutions.<sup>96</sup> Even some founding Hiraak members who solidly favour eventual independence and have boycotted the NDC have been signalling acceptance of an interim, transitional period.<sup>97</sup> In this context, the Hiraak has called on the UN, U.S., UK and others to support its position lest talks stall or collapse.<sup>98</sup> As for July's Eastern regional call, they say it was a ploy by Islah and the GPC to undermine Southern demands.<sup>99</sup>

Finding a sweet spot between positions is complicated by constraints on each side's manoeuvring room. This is particularly true for the Hiraak delegation, whose position already is far removed from that of the movement's most vocal and active members, who insist on immediate separation. Arguably, early implementation of confidence-building measures in the South coupled with more aggressive efforts to formally or informally include a broader range of Hiraak activists in the talks might have given them more flexibility. Instead, Hiraak delegates have felt hemmed in, unable to back down from their demands for two-part federalism and the promise of future self-determination.<sup>100</sup>

Politicians seem to be drifting toward non-negotiable public positions, and it is unclear who will (or can) budge first. But not all appears lost. When the Hiraak delegation ended its brief boycott, it signalled interest in compromise; by the same token, the GPC and Islah share an interest in bringing the Hiraak delegation along in order to legitimise the NDC.<sup>101</sup>

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<sup>92</sup> Crisis Group interview, GPC members, Sanaa, May-June 2013; Islah members, Sanaa, July-August 2013.

<sup>93</sup> Document requesting Eastern region on file with Crisis Group.

<sup>94</sup> Crisis Group interview, GPC official, Sanaa, July 2013.

<sup>95</sup> Crisis Group interviews, NDC Hiraak delegates, Sanaa, July-August 2013.

<sup>96</sup> Crisis Group interviews, Hiraak founding member, Aden, April 2013; prominent Hiraak leader, Hiraak NDC delegate, YSP/Hiraak leaders, Aden, May 2013; NDC Hiraak delegation members, Sanaa, May 2013; YSP/Hiraak activists, Mukullah, July 2013.

<sup>97</sup> Crisis Group interview, founding Hiraak member, Aden, April 2013.

<sup>98</sup> Crisis Group interviews, NDC Hiraak delegates, Sanaa, July-August 2013.

<sup>99</sup> Crisis Group interviews, two NDC Hiraak members, Sanaa, August 2013.

<sup>100</sup> Crisis Group interviews, Southern movement conference members, Sanaa, May-June-July 2013.

<sup>101</sup> Crisis Group interviews, GPC members, Sanaa, July 2013.

Hiraak delegates have floated the possibility of being flexible with regard to the timing and precise wording of an eventual referendum. Some appear willing to consider alternatives to an up-or-down vote on independence, such as an international conference to assess the results of two-part federalism. Others could be open to a version of multiple-part federalism that preserves the territorial integrity of the former South even as it divides it into two federal states, one in the East and one in the West – though they couple this with a demand for a referendum on self-determination.<sup>102</sup> The GPC and Islah are unlikely to endorse such proposals without modification; they adamantly reject a referendum and would almost certainly insist that any federal borders mix Northern and Southern territories together.<sup>103</sup>

Still, several lessons stand out. First, discussions are far from exhausted. Secondly, bridging the remaining gaps will be difficult, and the best that can be hoped from this dialogue is likely a very general agreement leaving critical details unaddressed.<sup>104</sup> Thirdly, even if consensual recommendations on state structure emerge from the NDC, agreeing on details and, especially, implementing those decisions would be a challenge of yet a higher order.

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<sup>102</sup> Crisis Group interviews, NDC Hiraak delegates, Sanaa, August 2013.

<sup>103</sup> Crisis Group interview, GPC member, Sanaa, August 2013.

<sup>104</sup> Nor can one dismiss the risk that the process will be derailed by an external event – an attack against a Southern NDC delegate or clashes between Huthis and their various opponents. Already violence opposing Huthis to al-Ahmar and Islah-affiliated tribesmen have taken over 40 lives in September; violence could spread to the capital. See “Yemen Sunni-Shiite clashes ‘leave 42 dead in 10 days’”, France 24, 9 September 2013.

### III. Conclusion: A Way Forward

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For the past two years, Yemeni politics has been guided by an imperfect transition agreement that, for now at least, has averted violence, initiated a political process and made some progress on substantive issues. But, the NDC cannot fully resolve the Southern issue. Far more work is needed to forge a broad-based solution acceptable to most Northerners and Southerners alike.<sup>105</sup>

The best that can be hoped for at this stage is agreement on principles for a future solution, then continued negotiations on details and a plan for implementation. Even that would be no mean feat. It requires several immediate actions. First, NDC delegates, with input from the Yemeni government and international backers of the GCC initiative, ought to redefine and publicly promote a revised notion of NDC success: a favourable outcome means resolving some issues, reaching broad compromise on general principles, while launching more detailed negotiations on others, including the question of the state's structure. The objective, in other words, is to ensure that the NDC initiates a process rather than ends it.

Secondly, and relatedly, political actors should agree on a set of extended arrangements that would guide this additional transitional period – the make-up of the government; delaying the constitutional referendum and elections for a defined period; and coming up with a more inclusive format for negotiations over the Southern issue.<sup>106</sup> This last point is central. To merely extend the clock without altering the existing negotiation framework is unlikely to do much good. Too many stakeholders – particularly among the Hiraak – remain outside the process and, even assuming an agreement can be reached, the state cannot implement it without far broader Southern buy-in.

To attract greater participation, future discussions might be held abroad, possibly in the Gulf, and without any preconditions. In other words, separatists should be included and be free to put their proposals on the table. Given profound distrust of the North among Southerners and the leverage that Gulf states – notably Saudi Arabia – enjoy over their leadership, joint sponsorship by them and the UN could be one way to draw in more participants and, ultimately, produce a more consensual solution. Gulf support also could be translated into funding economic projects.

Changing negotiation dynamics in large part hinges in turn on the speedy implementation of confidence-building measures that positively affect daily lives, restore trust in the government and open space for compromise. NDC delegates, the government and their international supporters should define a list of prioritised steps for the South that incorporate and build upon the twenty and the eleven points. To be credible, these ought to be accompanied by clear implementation timelines and mechanisms, including who will be responsible for carrying them out, how they will be funded and who will monitor them.

International backers of the transition have been understandably hesitant to discuss any extension of timelines or transitional arrangements while negotiations are

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<sup>105</sup> Other issues, such as agreeing on the status of the Huthis' military capabilities, also require continued negotiations.

<sup>106</sup> Some preliminary discussions on this have begun within the NDC, though only at the leadership level, in the eight plus eight Southern issue working group and in the consensus committee, a body charged with assisting working groups. Crisis Group interviews, consensus committee member, Sanaa, July 2013; Southern activist and GPC member, Sanaa, September 2013.

ongoing. They fear providing excuses to defer decisions and procrastinate. However, the alternative to a bounded delay of certain elements, especially the referendum, and to defining a new transitional roadmap, at best is a thinly-backed agreement lacking sufficient elite and popular support. The end result most likely would be what nobody should want: further instability and a messy, perilous process of territorial fragmentation.

**Sanaa/Brussels, 25 September 2013**



Appendix A: Map of Yemen



Map No. 3847 Rev. 3 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

Appendix A: Map of Yemen with governorates and cities



Produced by Crisis Group

- |               |                |            |
|---------------|----------------|------------|
| 1. Aden       | 8. Al-Mahra    | 15. Lahij  |
| 2. Amran      | 9. Al-Mahwit   | 16. Marib  |
| 3. Abyan      | 10. Sanaa City | 17. Rayma  |
| 4. Al-Dhala   | 11. Dhamar     | 18. Saada  |
| 5. Al-Baydha  | 12. Hadramawt  | 19. Sanaa  |
| 6. Al-Hudayda | 13. Hajja      | 20. Shabwa |
| 7. Al-Jawf    | 14. Ibb        | 21. Taiz   |

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## Appendix C: Glossary

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**Abdo Robo Mansour Hadi** – Yemen's president. Previously Ali Abdullah Saleh's vice president, Hadi became president through uncontested elections in February 2012 as part of the Gulf Cooperation Council's transition initiative. He is originally from Abyan governorate and is a General People's Congress party member.

**Ali Naser Muhammed** – Former South Yemen president from Abyan governorate. Currently he is a prominent Hiraak expatriate leader who supports self-determination for the South.

**Ali Salim al-Beedh** – President of South Yemen in 1990 and first vice president of unified Yemen. Currently a leading Hiraak figure in exile who aggressively advocates immediate Southern independence.

**AQAP** – Al-Qaeda on the Arabian Peninsula was formed in January 2009 out of the merger between al-Qaeda's Yemeni and Saudi branches. In the South, it is particularly active in Abyan, Shebwa and Hadramawt governorates.

**GPC** – The General People's Congress is Yemen's former ruling party. It is a broad umbrella group that resembles a patronage distribution mechanism more than a political party with a clear ideology and platform. It now holds 50 per cent of cabinet positions.

**Hiraak** – The Southern Movement began in 2007 as a popular protest movement for reform. By 2009, it was championing Southern independence. It is loosely organised, internally diverse and fluid. Its most vocal and visible affiliates demand immediate separation, while others are open to a transitional period designed to rebuild state institutions.

**Haydar al-Attas** – Prominent Southern technocrat and politician who was unified Yemen's first prime minister. He is now a Hiraak expatriate leader who supports self-determination for the South.

**Islah** – The Yemeni Congregation for Reform (Islah) is Yemen's most powerful opposition party. Established shortly after 1990 unification, it contains a number of overlapping groups and tendencies, including tribesmen, entrepreneurs, members of the Muslim Brotherhood and militant Salafis.

**JMP** – The Joint Meeting Parties is a coalition of five opposition parties: Islah, the Yemeni Socialist Party, the Naserist Popular Unionist Party, al-Haqq (the Party of Truth) and the Union of Popular Forces. The latter three have little to no popular base. Al-Haqq and the Union of Popular Forces are small Zaydi parties. The coalition was formed in 2002 to challenge the General People's Congress. It holds the prime minister position and 50 per cent of cabinet seats.

**Muhammed Ali Ahmed** – Prominent Southern politician from Abyan governorate who fought with Ali Salim al-Beedh in the 1994 civil war. A close confidant of President Hadi, he currently leads the Hiraak delegation at the National Dialogue Conference.

**National Dialogue Conference (NDC)** – The cornerstone of Yemen's transition agreement. It began on 18 March 2013, bringing together 565 delegates from the country's diverse political parties and regional and social groups to discuss longstanding issues and inform a constitution-writing process. It was scheduled to end on 18 September 2013 but has been extended, largely because of complications surrounding negotiations over the Southern issue.

**Southern People's Conference** – A group of Hiraak delegates to the National Dialogue Conference headed by Muhammed Ali Ahmed.

**YSP** – The Yemeni Socialist Party is what is left of South Yemen's ruling party. Officials in Sanaa support two-part federalism (North and South) as a final solution, while affiliates in the South (many of whom are Hiraak activists) believe that two-part federalism must be followed by a referendum.

## Appendix D: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 34 locations: Abuja, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Bujumbura, Cairo, Dakar, Damascus, Dubai, Gaza, Guatemala City, Islamabad, Istanbul, Jakarta, Jerusalem, Johannesburg, Kabul, Kathmandu, London, Moscow, Nairobi, New York, Pristina, Rabat, Sanaa, Sarajevo, Seoul, Tbilisi, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala and Venezuela.

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**September 2013**

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### Israel/Palestine

*Tipping Point? Palestinians and the Search for a New Strategy*, Middle East Report N°95, 26 April 2010 (also available in Arabic and Hebrew).

*Drums of War: Israel and the "Axis of Resistance"*, Middle East Report N°97, 2 August 2010 (also available in Hebrew and Arabic).

*Squaring the Circle: Palestinian Security Reform under Occupation*, Middle East Report N°98, 7 September 2010 (also available in Arabic and Hebrew).

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*Syria's Mutating Conflict*, Middle East Report N°128, 1 August 2012 (also available in Arabic).

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