

Mediating Transition in Yemen: Achievements and Lessons

STEVEN A. ZYCK



Cover Photo: March for Taiz in Sana'a, Yemen, May 30, 2011. © Raja Althaibani.

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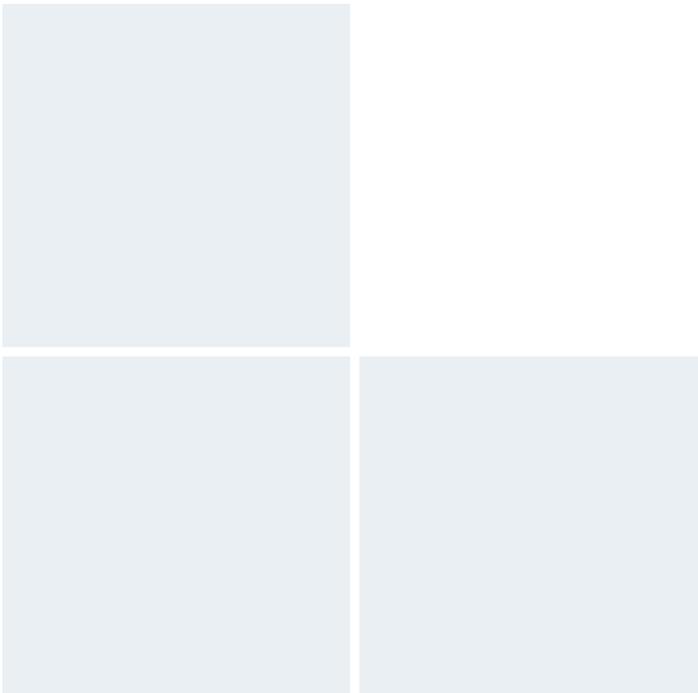
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Introduction

Yemen remains the only site of an Arab Spring uprising that has ended in a negotiated agreement and a structured, internationally supported transition process. As Jamal Benomar, the United Nations Special Adviser to the Secretary-General on Yemen, stated, “Yemen was definitely heading towards a Syria-type scenario” before international actors, including the United Nations (UN), helped to shepherd a complex transition process, which continues at the time of writing.¹ Benomar, with support from a wide array of stakeholders, helped avert an escalating conflict in Yemen by stepping in to offer the good offices of the UN secretary-general without waiting for the UN Security Council or the embattled Yemeni regime to demand UN action. Benomar’s interventions—including bringing Yemen’s major political parties together amid the uprising—helped ensure that the country did not devolve into civil war when President Ali Abdullah Saleh stepped down after thirty-three years in power. That is, the UN opened a space for dialogue where none had previously been considered possible.²

Later, the UN closely participated in designing and implementing a plan for Yemen’s transition that involved an inclusive National Dialogue Conference (NDC), among other steps. Benomar personally and successfully championed, with support from civil society, embassies, and others, the inclusion of women, youth, and southerners in the NDC. However, as the UN turned from managing a crisis to shepherding a large and complex transition, opportunities appear to have been missed. The UN, hoping to emphasize the Yemeni-led nature of the NDC, maintained a limited role and a small team relative to the size and

complexity of the NDC. UN personnel, particularly those from the Mediation Support Unit (MSU) within the UN Department of Political Affairs (DPA), provided crucial technical support to the NDC but were unable to keep track of—let alone support—the myriad deliberations unfolding within and around the conference.

Many note that, despite Benomar’s credibility among many factions, the UN did not respond adequately to ongoing and escalating conflicts in Yemen’s North and South. Yet it would not be fair to fully credit or fault the UN or the secretary-general’s special adviser for either progress or problems. Indeed, Yemen’s formal transition process was initiated by the Gulf Cooperation Council (GCC), led by the interim government of Yemen, and heavily influenced by a number of other countries and institutions, particularly the United States and Saudi Arabia.³ The transition in Yemen is a rather rare example of collaboration among global, regional, and national actors rather than being attributable solely to the UN.

Ultimately, despite some missed opportunities, this study highlights the potential of the UN to proactively employ the good offices of the secretary-general to open an impartial space for dialogue and design inclusive transition processes.⁴ These conclusions are based on the literature concerning Yemen’s transition and, most importantly, on interviews with several individuals closely familiar with the UN role in Yemen, including Benomar himself.⁵ However, it is important to acknowledge that the details of sensitive diplomatic processes are generally not intended for revelation, and this study cannot comprise a comprehensive record of the UN’s multifaceted and still-evolving contribution to Yemen’s transition.

* The content of this paper is based on research, including interviews with relevant stakeholders, in March and April 2014. It is not intended to capture developments in Yemen beyond that point in time. Given the sensitive nature of the transition process and diplomatic engagement, the names and affiliations of interviewees, other than Jamal Benomar, are not specified directly or indirectly in this paper. All interviews as part of this project took place on the basis of nonattribution.

1 United Nations Department of Political Affairs, “Yemen: The Middle East’s Only Negotiated Transition,” New York, 2012.

2 Chatham House, “Transcript: Friends of Yemen: Aid and Accountability,” Yemen Forum, London, March 6, 2013.

3 Charles Schmitz, “Yemen’s National Dialogue,” Middle East Institute Policy Papers Series 2014-1, Washington, DC: Middle East Institute, February 2014.

4 For further discussion of the UN’s application of the secretary-general’s good offices, see Anna Magnusson and Morten B. Pedersen, “A Good Office? Twenty Years of UN Mediation in Myanmar,” New York: International Peace Institute, 2012.

5 The interview with Jamal Benomar was conducted in New York by Marie O’Reilly and Andrea Ó Súilleabháin of the International Peace Institute; it was recorded and subsequently shared with the author.

Historical Context

Yemen is a complex and dynamic environment marked by several ongoing conflicts, entrenched tribal issues, intersecting political and economic interests, shifting alliances, and strong regional and international involvement.⁶ Even before the Arab Spring, Yemen was facing a range of interconnected humanitarian, political, and security challenges. The country remains by far the poorest in the region and has the second lowest level of food security in the world. Amid these social and economic challenges, the regime of former president Saleh maintained power for thirty-three years—ten of those as the head of North Yemen—by purchasing loyalty from key power-holders and manipulating tribal and political divisions.⁷ Such a strategy enabled short-term stability but also meant that the state achieved more in the way of obedience than loyalty or legitimacy.

The regime's tenuous balancing act—bolstered by support from neighboring Saudi Arabia and close security cooperation with the United States—began to unravel prior to the Arab Spring. President Saleh sought to consolidate power, taking leadership and resources away from allies, as a way to hand the presidency to his son, Ahmed Ali. In doing so, the regime lost the goodwill of key backers such as the powerful al-Ahmar family, who controlled a vast network of businesses, a key tribal confederation, and the largest opposition party.⁸ Hence, the several hundred young activists who began demonstrating against the regime in Taiz and Sana'a in January 2011 eventually found themselves joined by thousands mobilized by former regime allies and members of Yemen's "official opposition."⁹ For this reason, many in

Yemen now consider their "revolution" to be an engineered rather than bottom-up process.

Opposition to President Saleh's rule grew in intensity after March 18, 2011, when government snipers killed more than fifty peaceful demonstrators and wounded nearly 200 more.¹⁰ Acknowledging the regime had lost key domestic supporters and the backing of the international community, the GCC—with the strong involvement of the United States and other Western powers—developed the broad strokes of a transitional plan, known as the GCC Initiative,¹¹ which it presented to President Saleh and his party, the General People's Congress (GPC), in mid-2011.¹² This one-page agreement offered the president and his associates immunity if President Saleh would step down.¹³ It required the formation of an interim government, the transfer of power to the vice-president, the organization of presidential elections within sixty days,¹⁴ and the formation of a committee to draft a new constitution (to be ratified through a national referendum).

Yet President Saleh refused to agree to the GCC Initiative and remained in power despite being injured in an attack on the presidential compound in June 2011 and despite UN Security Council Resolution 2014 urging his departure.¹⁵ He finally agreed to the GCC Initiative in November 2011 once it became apparent that his situation was untenable and once the United States and the European Union threatened to freeze or confiscate his ill-gotten fortune if he refused to step down.¹⁶ While Saleh's rationale for ultimately agreeing to step down remains unknown, analysts suggest that he valued his financial position and appeared to have used his last months in power to ensure he would not lose his fortune upon stepping down. Hence, the threats of

6 Steven A. Zyck, *Conflict Assessment: Republic of Yemen* (Sana'a: United Nations, 2013).

7 Hugh Naylor, "Social Contracts: Yemen's Network of Tribes Key in Rebuilding Country," *The National*, February 28, 2012, available at www.thenational.ae/news/world/middle-east/social-contracts-yemens-network-of-tribes-key-in-rebuilding-country.

8 Ginny Hill, "Yemen Unrest: Saleh's Rivals Enter Elite Power Struggle," *BBC News*, May 27, 2011, available at www.bbc.co.uk/news/world-middle-east-13560514.

9 Nada Bakri and J. David Goodman, "Thousands in Yemen Protest against the Government," *The New York Times*, January 27, 2011, available at www.nytimes.com/2011/01/28/world/middleeast/28yemen.html.

10 Adrian Blomfield, "Yemen Protests: Evidence Snipers Shot To Kill," *The Telegraph*, March 19, 2011, available at www.telegraph.co.uk/news/worldnews/middleeast/yemen/8392796/Yemen-protests-Evidence-snipers-shot-to-kill.html.

11 Tim O. Petschulat, "Political Change with Pitfalls: An Interim Report on the Yemeni Transition Process," Sana'a: Friedrich Ebert Stiftung, September 2012.

12 The GCC Initiative is also the label often applied to the Implementation Mechanism for the GCC Initiative, which is a longer document developed with extensive UN support to identify a series of steps that Yemen's transition would follow.

13 "Yemen Transition Agreement 2011," *Al-Bab* (blog), available at www.al-bab.com/arab/docs/yemen/yemen_transition_agreement.htm.

14 These elections were, from the beginning, intended to be noncompetitive, serving to validate President Hadi's tenure in compliance with the existing Yemeni constitution.

15 UN Security Council Resolution 2014 (October 21, 2011), UN Doc. S/RES/2014, available at [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2014\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2014(2011)).

16 The total number killed during the entire revolution is unconfirmed though estimates range from 200, according to Amnesty International, to 2,000, according to Yemen's Ministry of Human Rights.

international financial sanctions proved particularly effective in this instance.

After President Saleh stepped down, the transition quickly proceeded per the GCC Initiative; the powers of the presidency were transferred to Vice-President Abd Rabbu Mansour Hadi, who was formally elected president in February 2012.¹⁷ The interim parliament controversially conferred immunity on the former president and 500 of his associates that same month. Preparations for the National Dialogue were soon underway. While Yemen's transition also includes a constitution-writing process and open presidential elections, many Yemeni and international stakeholders viewed the NDC as the lynchpin given that it was intended to restore confidence in the state, propose a new state structure, and address several other crucial issues.¹⁸ These issues were to be tackled in plenary and through nine working groups on the conflicts in the South and North, transitional justice, statebuilding, good governance, military/security issues, socioeconomic development, rights/freedoms, and "special entities."¹⁹ Many felt that the GCC Initiative and, hence, peace and stability in Yemen, would be undermined if the six-month NDC was not successful.²⁰

The NDC reflected a Yemeni tradition, exemplified in the civil war in the North in the 1960s, of resolving major disputes via large and inclusive discussions among multiple parties. Yet, in other respects, it was also relatively unique for Yemen and the international community—a single, lengthy conference intended not only to design a new state structure and tackle issues such as development, transitional justice, and security sector reform but also to resolve several ongoing conflicts. These included a secessionist movement in southern Yemen led by *Al-Hiraak Al-Janoubi* (the Southern Movement). Hiraak, which comprises several factions, felt that the South of Yemen had been dominated by northern elites since North and South Yemen united in 1990.²¹

Likewise, in the far northern provinces, the Houthis movement felt that members of the Zaydi branch of Shia Islam had been increasingly maligned and marginalized within Yemen; the group fought and survived six rounds of conflict with the Yemeni military from 2004 to 2010.²² During and since the uprising, the Houthis greatly expanded the territory under their control, and the movement found itself increasingly under attack from conservative Sunni Salafist groups and others associated with the Islamist Islah party.

Meanwhile, Yemen was facing additional threats and myriad factions. These included former regime elements and members of President Saleh's party, the GPC, who retained a strong role in Yemen's government throughout the uprising and transition. The GPC was increasingly being challenged by opposition groups, which were collectively referred to as the Joint Meeting Parties (JMP). The JMP includes the Islamist Islah party, which has clashed repeatedly with the GPC, the Southern Movement, and the Houthis as they have attempted to gain power and supporters in post-Saleh Yemen.

The UN was thus entering a highly complex environment that posed numerous challenges for mediation. The Arab uprisings across the region appeared to make a strong case for intransigence; instead of proving the benefits of dialogue and mediation, events in Tunisia and Egypt, in particular, seemed to suggest that groups could get their way simply by holding fast for extended periods of time (a message not lost on the Southern Movement). Furthermore, the UN was not the sole or "official" mediator and did not "own" the transition process. Instead, it had entered Yemen welcome, but uninvited, and eventually signed onto a process initiated by the GCC. And all UN efforts took place alongside many other international and regional stakeholders' contributions, including those led by Yemen's strongest backers, Saudi Arabia and the United States.

17 "Profile: Yemen's Abd Rabbu Mansour Hadi," *Al Jazeera*, February 25, 2012, available at www.aljazeera.com/news/middleeast/2012/02/2012219133034774204.html.

18 Project on Middle East Political Science, "Arab Uprisings: Yemen's National Dialogue," POMEPS Briefings 19, Washington, DC: Middle East Institute, March 21, 2013.

19 Raya Barazanji, "Dialoguing for Reconciliation in Yemen," Washington, DC: United States Institute of Peace, June 16, 2014.

20 The NDC was initially intended to last six months, though it continued for ten months as a result of slow progress on certain issues. See Stephen W. Day, "The 'Non-Conclusion' of Yemen's National Dialogue," *Foreign Policy*, January 27, 2014.

21 International Crisis Group, "Yemen's Southern Question: Avoiding a Breakdown," Brussels and Sana'a, September 25, 2013.

22 Barak A. Salmoni, Bryce Loidolt, and Madeleine Wells, *Regime and Periphery in Northern Yemen: The Houthi Phenomenon* (Santa Monica, CA: RAND Corporation, 2010).

The UN Role in Yemen's Transition

The UN played a key role in facilitating dialogue among the various stakeholders noted above and many others. Its engagement was led by Benomar himself and his team, which this paper refers to collectively as the Office of the Special Adviser, or OSA. The OSA included a small number of team members deployed by the MSU, though it functioned as a single office rather than necessarily having a stand-alone MSU contingent. The OSA generally had seven to ten international staff members, though the numbers fluctuated. However, only three of these were generally in Yemen on a nearly full-time basis, with the rest, including Benomar himself, flying in and out of Sana'a as needed. For instance, in his first eighteen months as special adviser, Benomar traveled to Yemen twenty-four times, according to media reports.²³ These trips each lasted at least two weeks, with several lasting three or four weeks. While a few stakeholders felt that it would have been beneficial for the OSA to have had a larger continuous presence in Yemen, many diplomats and others found Benomar's in-and-out role to be effective. Yemeni stakeholders were eager to make rapid progress in time for his arrivals and before he would depart, particularly when he was bound to New York to brief the UN Security Council; such a degree of urgency may not have applied if the special adviser were consistently in Yemen.

Benomar and the OSA were involved in Yemen's transition from the spring of 2011, with their role broadly divided among the following three phases: creating space for dialogue and a transition plan, preparing for the NDC, and shepherding the NDC. As further examined in latter sections of this paper, these various phases broadly reflected the key "mediation fundamentals" noted within the UN *Guidance for Effective Mediation*,²⁴ which include: (a) preparedness, (b) consent, (c) impartiality, (d) inclusivity, (e) national ownership, (f) international law and normative frameworks, (g) coherence, coordination, and complementarity of the media-

tion effort, and (h) quality peace agreements.²⁵

CREATING SPACE FOR DIALOGUE AND A TRANSITION PLAN

The first and arguably most important contribution of the UN to Yemen's transition began in April 2011, two months after the Arab Spring spread to Yemen, with the appointment of Benomar as the Secretary-General's Special Adviser on Yemen. Despite having a team of only two or three people, Benomar quickly stepped into the fray without any mandate from the UN Security Council or General Assembly. Shortly after being appointed, Benomar traveled to Yemen at Secretary-General Ban Ki-moon's request to "find out what was going on" and informally explore whether it might be beneficial to extend the secretary-general's good offices in line with the UN Charter. Benomar not only met with Yemeni leaders and foreign diplomats but also spent time speaking with Yemenis demonstrating in squares around Sana'a. When in meetings in Yemen, the special adviser is reported to have exhibited an unusual degree of patience, allowing Yemenis to tell their stories in great detail and express their frustrations.

This "soft intervention," as Benomar characterized it, was significant for a number of reasons. Firstly, it represented a more liberal use (and interpretation) of the UN role in establishing good offices than is presently common, and it was highly proactive in a UN structure that has grown increasingly wary of overstepping its mandate or drawing the ire of the permanent five members of the Security Council (P5). Secondly, in the context of the Arab Spring, Benomar's early action was unique; the UN had been far slower and more cautious to become involved in uprisings in Egypt and Syria, doing little while situations in those countries proceeded to deteriorate. Thirdly, from the Yemeni perspective, the early involvement of the UN created a crucial space for dialogue. Benomar brought all of Yemen's major political parties together for the first time since the uprising began. In doing so, he helped to open lines of dialogue and begin tangible planning on how to move Yemen forward—avoiding chaos or a

23 Farea al-Muslimi, "UN Envoy on Yemen Deserves Spotlight," *Al-Monitor*, October 23, 2013, available at www.al-monitor.com/pulse/originals/2013/10/yemen-un-adviser-benomar-controversy-success.html.

24 United Nations, *Guidance for Effective Mediation*, September 2012.

25 However, individuals associated with the OSA generally indicated that they had not drawn upon the *Guidance* document despite being aware of it.

factional conflict—once Saleh ultimately stepped down. Lastly, without direct Security Council involvement,²⁶ Benomar was able to emphasize his and the UN's independence among Yemeni leaders and the Yemeni public. He was ultimately able to state and demonstrate that he was not a “fig leaf” for foreign powers but was instead entering Yemen as an honest broker concerned more for Yemen's future than for American or Saudi security interests or French energy investments. Such an achievement is particularly notable given that, particularly in the Middle East, the UN is often greeted with a strong degree of mistrust.

While playing a crucial role, Benomar and his team were not directly involved in the design of the GCC Initiative, which Benomar has repeatedly and publicly criticized for offering broad immunity (in violation of international law, according to some) to Saleh and his associates.²⁷ Likewise, the UN was only marginally involved in Saleh's crucial decision to sign the GCC Initiative. Instead, diplomats and analysts indicate that Saudi and American pressure, the loss of Saleh's key domestic allies, and, perhaps most importantly, credible threats of international financial sanctions proved decisive in pressing the Yemeni president to step down in late 2011.

However, in the months while the GCC and others were pushing Saleh to step down, Benomar and his team continued to work with major Yemeni parties in designing the Implementation Mechanism that was to put meat on the bare-bones GCC Initiative. This process involved pro- and anti-regime elements, both of which personally (and separately) invited Benomar to mediate their discussions. Indeed, this sort of tangible transition planning—which had not taken place in Tunisia or Egypt amid the Arab Spring—largely emerged as a result of Benomar's soft advocacy. The special

adviser had spent several months trying to convince key Yemeni stakeholders that a structured agreement was necessary given that Yemen had a history of rudimentary peace agreements that were vague and that easily collapsed (e.g., the 1990 unification agreement between North and South Yemen or the numerous ceasefires agreed between the Houthis and the Yemeni military).

As negotiations around the transition plan began, Benomar noted that the pro- and anti-regime sides put forward separate proposals that were directly contradictory and that did not show clear areas for compromising. Recognizing an impasse, the two Yemeni sides asked Benomar to put forward an alternative proposal. Anticipating such a moment, the OSA had been working on a transition plan since June or July 2011. This OSA plan, which was reportedly very detailed, ultimately served as the jumping-off point for negotiations among Yemeni stakeholders; for instance, this was the first document to propose the organization of the NDC (discussed later). Ultimately, however, the content of these negotiations is not a matter of public record, and it is not possible to tell how much the final Implementation Mechanism resembled the plan that the OSA initially put forward. However, stakeholders involved in these negotiations did note that Benomar pushed for the transition to be inclusive (particularly of women and youth), to demonstrate general adherence to the existing Yemeni constitution, and, most importantly, to include a clear role for the GPC.²⁸ This final element helped reassure the GPC that they would not be stripped of power (à la Iraqi de-Baathification) and, thus, helped convince key figures in the GPC to also push for Saleh to step down.

26 Benomar's initial visit to Yemen took place without the UN Security Council being aware; however, Security Council member states quickly heard of his mission to Yemen and asked for a briefing upon his return. Following the briefing, the council asked Benomar to remain engaged in Yemen, thus giving his later efforts a sort of soft approval or authorization from the council.

27 “Yemenis Protest against Immunity for Saleh,” *Al Jazeera*, January 22, 2012, available at www.aljazeera.com/news/middleeast/2012/01/201212210178891840.html.

28 For a key discussion of the normative and instrumental roles of inclusivity in peace processes, see John Packer, “Challenges and Opportunities of Inclusivity in Peace Processes,” Discussion Paper No. 7, Brussels: Civil Society Dialogue Network, 2013.

Managing International Pressures

While the OSA was able to maintain its impartiality throughout Yemen's transition, it had to strategically grapple with pressure from a number of UN member states. At times, these proved beneficial and relatively consensual. For instance, in October 2011 Benomar and the British government pushed for a UN Security Council resolution calling for a negotiated settlement to the crisis in Yemen. Despite anticipating resistance, the Security Council ultimately agreed and issued Resolution 2014 by consensus. The international agreement behind this resolution reportedly strengthened Benomar's legitimacy and also showed President Saleh that the international community was united behind the GCC Initiative.

Later, however, the OSA faced more challenging diplomatic pressures. For instance, Benomar at one stage gave President Saleh a preview of his upcoming and very negative briefing to the Security Council on the situation in Yemen. Saleh asked Benomar to delay his council presentation to allow him to make more tangible progress. While two members of the P5 reportedly opposed any delay, Benomar was able to work with the then-chair of the council to postpone his briefing before others could stop him in a demonstration of diplomatic and bureaucratic maneuvering.

In another instance, Benomar reportedly faced harsh criticism and pressure after he declined to visit a particular Western embassy immediately after meeting with key Yemeni leaders. The special adviser felt that it would be inappropriate—and compromise his perceived impartiality—for him to go directly from the president's office to a Western embassy. To avoid looking as if he were reporting directly to any foreign country, Benomar offered to meet with that country's ambassador the following day.

Likewise, the OSA declined to share copies of the Implementation Mechanism for Yemen's transition with foreign diplomats, including the P5, while it was still being negotiated. According to Benomar, the P5 and Saudi Arabia received the Implementation Mechanism only once it had been finalized. These sorts of actions, and those listed above, reportedly caused diplomatic rows and opened the OSA to criticism from particular governments. However, Benomar and others noted that, given his seniority, experience, and thick skin, the special adviser was able to weather these minor controversies relatively unscathed. A more junior or less independent mediator may have given in or been forced out amid similar pressures.

PREPARING FOR THE NATIONAL DIALOGUE CONFERENCE

As the Implementation Mechanism moved forward, the UN supported the preparatory work surrounding the NDC. This included an initial period of preparations from April to August 2012, during which time Benomar and his team worked with President Hadi's office and other Yemeni stakeholders to build trust and to ensure that all major factions would be willing to be involved in the NDC. At this point, the UN primarily provided technical support on issues such as the restructuring of the Yemeni military, confidence-building gestures with the Southern Movement (the so-called 20 points²⁹), and the formation of a formal Technical Committee to chart a course for the

NDC. While providing support on a number of issues—and encouraging Yemeni leaders to make rapid progress in building trust with the South and other groups—Benomar and his team particularly worked with stakeholders to promote the inclusion of women, youth, and civil society figures in the Technical Committee.

Ultimately, the Technical Committee, which operated from September 2012 to March 2013, included twenty-five individuals from across Yemen's largest political parties.³⁰ The committee addressed a wide variety of issues, including foundational issues such as the number of participants in the NDC, the share of seats to be reserved for each faction or party, the involvement of women and youth, and the actual agenda. The OSA

29 As later discussed, the OSA actively pushed the interim government and president's office to act on the 20 points, but Yemeni government officials generally resisted these pressures and made very little progress on the 20 points.

30 Christina Murray, "Yemen's National Dialogue Conference," October 2013, available at www.academia.edu/5925389/Yemens_National_Dialogue_Conference.

provided technical inputs into these discussions based on other countries' experiences with transition and comparable dialogue processes. This sort of support, which was particularly provided by a small number of MSU-affiliated experts, was widely lauded by UN, non-UN, and Yemeni stakeholders.

In addition, Benomar and his team also helped to break logjams as they emerged in and out of the Technical Committee. When members of the Technical Committee would reach an impasse, the special adviser reportedly put forward middle-ground solutions—for instance, on how many seats each group would have in the NDC—that the parties were willing to tolerate but could not themselves propose. In addition, Benomar reportedly used his frequent briefings to the UN Security Council to press parties to reach a compromise, informing members of the Technical Committee—who were top officials from major political factions—that he needed firm decisions from them to demonstrate tangible progress to the council.

These sorts of micro-mediations were bolstered by Benomar's popularity within Yemen and the respect he commanded from key factions in the country, who were keen to curry the special adviser's favor and publicly align themselves with him. Benomar's popularity emerged partly from the perception that his arrival marked a new degree of international respect for Yemen, which has often chafed at being manipulated by regional or Western powers. In addition, many Yemenis found the presence of a nominally Muslim mediator to be particularly appropriate, and Benomar, who is from Morocco, was reportedly referred to as Brother Benomar, in a sign of religious affinity, by Yemenis. Some Yemeni stakeholders felt that being from an Arab country equipped the special adviser with great patience, which he frequently demonstrated as Yemeni officials and factions often prolifically reiterated their grievances, frustrations, and positions to him. Such personal traits also endeared him to the Yemeni media, which Benomar courted and which generally tended to treat him and his work with a somewhat uncommon degree of reverence.

This popularity also allowed Benomar and the OSA to help ensure that the NDC was inclusive. The special adviser made it a personal mission to ensure that the NDC included a significant number of women and youth, a goal shared by several international organizations and foreign embassies. Ultimately the NDC included 30 percent women and 20 percent youth, most of whom were at least partly affiliated with particular parties or factions, among its 565 participants.³¹ To overcome many Yemeni stakeholders' misgivings about the inclusion of women, in particular, Benomar reportedly drew upon UN norms and standards—frequently stating that he could not remain involved with the process, and that the NDC would not have international backing, if it did not include a significant number of women. In doing so, Benomar and others involved in this process note that the OSA gradually worked to help Yemeni stakeholders understand that it remained impartial but was not necessarily neutral (i.e., it supported the need for change and would not sacrifice women's participation and human rights).

The special adviser also emphasized the inclusion of Southern Movement and southern participants given that the secession of the South posed a tangible and existential threat to the future of Yemen in its current form. Ultimately, half of all seats in the NDC were reserved for individuals originating in southern Yemen (including a number of individuals from the South who had lived much of their lives in the North or who were not associated with Hiraak).³² A further eighty seats were allotted to official representatives of the Southern Movement. However, Hiraak members who agreed to participate in the NDC represented only one element within the Southern Movement and were not viewed as representative of the South as a whole.

While some analysts have claimed that Benomar and his team failed to secure more broad-based southern (or Hiraaki) participation, this is an area where context is crucial. The tenor of the southern secessionist movement had grown so strong during the transition, partly as a result of Yemeni security forces' shootings of southern protestors, that many

31 Erica Gaston, "Process Lessons Learned in Yemen's National Dialogue," Washington, DC: United States Institute of Peace, February 7, 2014.

32 Tik Root and Peter Salisbury, "Jamal Benomar and the Fine Art of Making Peace in Yemen," Atlantic Council, June 17, 2014, available at www.atlanticcouncil.org/blogs/menasource/jamal-benomar-and-the-fine-art-of-making-peace-in-yemen. See also Murray, "Yemen's National Dialogue Conference."

southern factions were fundamentally opposed to the NDC and the broader transition, which they viewed as a northern-led process. Furthermore, President Hadi repeatedly declined to make good on trust-building measures (the “20 points”) necessary to attain greater Hiraaki participation in the NDC despite repeated appeals from Benomar for him to do so. Indeed, this situation highlights the fact that, aside from the bully pulpit, the special adviser wielded little in the way of carrots or sticks to influence Yemeni stakeholders. Lastly, Benomar was reportedly blocked by the UN Department of Safety and Security from traveling to southern Yemen on at least one occasion, thus blunting his ability to make large personal gestures to build trust with the southern people and Hiraaki leaders. While many analysts have rightly criticized the limited southern buy-in to the NDC, it may not be appropriate to attribute this outcome to Benomar and his office.

SUPPORTING THE NATIONAL DIALOGUE CONFERENCE

Having spent a great deal of effort on NDC preparations, Benomar and the OSA were ultimately to play a relatively modest role in the conference itself. In addition to providing day-to-day support to the NDC secretariat and seminars for NDC participants on a range of issues, OSA and its team of experts attended some plenary sessions and issue-specific working groups. One constitutional expert and an MSU-deployed legal specialist were considered by many to be crucial sources of information and practical solutions during the NDC; for instance, they would, when requested, present examples of approaches adopted in other countries (or in other transition processes) to better inform NDC discussions. Yet these experts were few in number—fewer than half a dozen at any time—compared with the size of the NDC, where even the nine working groups each contained more than fifty participants. Each OSA specialist was generally assigned to at least two or three NDC working groups, which made it difficult for them to keep track of the discussions and understand whether the participants were making progress. The process of monitoring the working groups—and engaging comfortably with NDC participants—was made more difficult by the fact that very few OSA personnel working on the transition spoke Arabic. High-quality interpreters were

only periodically available, and the OSA reportedly relied from time to time on ad hoc assistance with interpretation, which varied widely in quality.

From the early days of the NDC, several diplomatic stakeholders in Sana’a expressed surprise that OSA personnel were present in the NDC only sporadically and were not actively involved in “firefighting,” i.e., helping to settle disputes where they emerged among or within particular factions. Many asked whether UN personnel should have played a stronger, but subtle, role in terms of helping mediate disagreements among participants or at least helping the working groups to craft clear agendas and timelines to ensure that they were likely to stay on track. Without clear external facilitation, some working groups reportedly engaged in circular discussions and proved somewhat directionless.

The OSA’s lack of engagement reportedly stemmed from a combination of factors. These include the special adviser’s desire to maintain a Yemeni-led process but also a range of other more practical factors. Firstly, the OSA team in Sana’a had little clear instruction or strategic guidance on what role they were to play in the NDC; no written or unwritten strategy or standard operating procedures had been established within Benomar’s team. Without this guidance, and with Benomar being frequently hard to reach, it was often difficult to obtain his inputs or go-ahead. Secondly, as already mentioned, the size of the OSA team was small compared to the massive scope of the conference; and a majority of the special adviser’s team traveled with Benomar or were only sporadically in Sana’a. For instance, MSU specialists working with the OSA frequently had to juggle several crisis situations around the world and were able to dedicate only a portion of their time to Yemen. Thirdly, and as previously noted, the lack of Arabic linguists on the team—and the inconsistent availability of interpreters—posed a key challenge; some indicate that Benomar’s team had requested additional Arabic-speaking political officers from the UN, but that such individuals were short in supply and often unwilling to temporarily relocate to Yemen.

Furthermore, Benomar’s office was, aside from individual exceptions, not able to draw upon the broader resources of UN humanitarian and development agencies in Yemen, which had several

hundred staff members, most of them Arabic speakers and many with backgrounds related to peacebuilding, governance, socioeconomic development, transitional justice, land reform, and other NDC-relevant topics. Animosity emerged early between the UN special adviser and senior UN development figures in Yemen and ultimately prevented the OSA from drawing fully upon other UN agencies in the country.³³ Many note that, had these frictions not existed, Benomar and his team could have involved UN governance and development specialists in at least monitoring the NDC working groups, providing more robust and frequent technical inputs, and providing additional capacity building for NDC members.³⁴

The special adviser and his team also played a key role outside of the formal confines of the NDC. This includes, for instance, support from Benomar to the so-called “eight-plus-eight” discussions, which formed amid, but partly separate from, the core NDC working groups once it became apparent that Yemen’s future state structure would not be resolved within the NDC.³⁵ Benomar was reportedly asked to take a leading role in mediating between the eight northerners and eight southerners in the sixteen-person body, also known as the Regions Defining Committee. This reportedly included intense negotiations, and Benomar was credited by some with helping participants approach and conceptualize their positions and interests in a new way that helped make the deliberations more fruitful. At the same time, the special adviser reportedly also used his leverage and popularity to push through compromises and convince groups to abandon immovable positions. Ultimately the eight-plus-eight committee was able to put forward a plan for a six-part federal state that, despite controversy, is considered viable (though many questions regarding revenue sharing, the powers allotted to states and the central government, and other divisive issues have yet to be addressed).

While Benomar was particularly involved in

resolving the conflict within the eight-plus-eight committee, he reportedly did not always engage so proactively to other matters. Several stakeholders pointed to the conflict in northern Yemen,³⁶ which intensified markedly among the Houthis, Salafist groups, and others during and since the NDC. Benomar had personally built up a strong degree of credibility with the Houthis before the NDC but had reportedly proven relatively unwilling to leverage this relationship and become significantly involved in the conflict brewing in northern Yemen. Yet many in Sana’a felt that the special adviser’s involvement could have helped to quell the violence more effectively and could have yielded a more durable ceasefire between the Houthis and their opponents. According to several stakeholders, the UN appeared to limit its focus to the NDC and other steps involved in the GCC Initiative’s Implementation Mechanism while not necessarily addressing other issues and challenges facing the country.

Analysis

The narrative above, while identifying some challenges, is altogether a promising one with significant implications for the UN. Despite not referencing the UN *Guidance for Effective Mediation*,³⁷ the OSA’s work reflected many of its core messages and principles. Benomar and his team earned the consent of the major stakeholder groups involved in the transition, and the special adviser himself was generally seen as impartial despite having good relations with multiple groups (aside, perhaps, from those closely associated with the ousted president in the later stages of the transition). The UN also took great pains to ensure the process was inclusive and was always led by Yemenis and national institutions. The inclusion of women and the special adviser’s critical stance vis-à-vis immunity for the former president and his associates also reflected deference to international law and normative frameworks. Indeed, the special adviser repeatedly informed Yemeni stakeholders

33 Interviewees frequently noted the reasons for this animosity but indicated that, for institutional reasons, they did not wish to discuss these on the record.

34 For a discussion of the contribution of UN humanitarian and development agencies to mediation missions, see Charles T. Call, “UN Mediation and the Politics of Transition after Constitutional Crises,” New York: International Peace Institute, February 2012.

35 Erica Gaston, “Process Lessons Learned in Yemen’s National Dialogue.”

36 Nasser Arrabyee, “National Dimensions of the Saada Conflict,” Washington, DC: Carnegie Endowment for International Peace, November 26, 2013. See also Peter Salisbury, “Yemen’s ‘Hidden Wars’ Threaten Peace Process,” *Al Jazeera*, December 3, 2013, available at www.aljazeera.com/indepth/features/2013/12/yemen-hidden-wars-threaten-peace-process-2013123898288137.html.

37 United Nations, *Guidance for Effective Mediation*, September 2012.

that international norms required the strong inclusion of women in the NDC, leveraging these norms and frameworks to strengthen his negotiating position.

The main deviation from the *Guidance* and its principles appeared to involve preparedness. While individuals associated with the OSA built up a great deal of contextual awareness, new arrivals to the team often found few materials to help them prepare to engage. As previously noted, no strategy or mission-specific guidelines existed, and records of past meetings were rarely maintained. Nor was the OSA guided by any structured analysis of the various stakeholder groups involved in the transition and their underlying interests. Even regular media monitoring was reportedly not undertaken. The OSA reportedly declined to produce these materials for a number of reasons. As in many diplomatic processes, Benomar was at times concerned about sensitive documents being intentionally or accidentally leaked. However, many note that the special adviser's style, including a penchant for micro-management, had at times served to discourage initiative among those around him.

This section now turns to a broader question: what best practices and lessons learned can be taken away from the UN's mediation or facilitation of Yemen's transition?

BEST PRACTICES

- **Early, exploratory engagement can be crucial and should be drawn upon with increasing frequency.**

The UN special adviser's proactive engagement in Yemen proved crucial in helping to build relations among all parties. Benomar and a small number of colleagues in the early days were relatively free from specific UN Security Council pressures and were able to engage in a more exploratory manner, focusing on analyzing the situation and building relations with key stakeholders rather than achieving any short-term outcomes. Many stakeholders felt that this proactive form of engagement and liberal application of the secretary-general's good offices should be viewed as a model meriting replication

in future contexts that appear to be falling deeper into crisis. However, it is important to note that this form of engagement in Yemen is often seen as part and parcel of Benomar's personal style, which was seen to be well matched to the Yemeni context, and to his level of seniority, which allowed him to strategically ignore pressures from particular UN member states keen on influencing his work.

- **A unified UN Security Council can be a powerful ally for mediators and can strategically employ resolutions.**

Many analyses have recently compared UN involvement in Yemen, Syria, and Libya. In the latter two countries, the council was deeply divided, a fact that many feel enabled continued escalation. While such a finding likely passes for common sense, the case of Yemen demonstrates the power of the Security Council when it is in agreement or willing to find common ground. For instance, Security Council Resolutions 2014 and 2140, which were coordinated closely with Benomar's office, were useful in helping to convince Saleh to step down and in discouraging him and his allies from attempting to spoil Yemen's transition.³⁸ Furthermore, since Benomar was likely to receive a fair and open hearing at the council, the special adviser was able to use his briefings to push Saleh and others to make concessions. Such leverage would not have existed if the council had not trusted Benomar's briefings or if members of the P5 had publicly challenged them.

- **The NDC, while problematic at times, demonstrates the potential of large, transformative events amid transitions.**

The National Dialogue had a number of flaws, but it did provide a historic opportunity for stakeholders to assemble and tackle a wide range of challenges. Many felt that it partly validates such events, which received a tarnished reputation after they yielded partial or problematic outcomes in Afghanistan and Iraq. While it is not possible to say that National Dialogue processes are inherently a good practice, it is clear that they can be useful in launching a slow process of

³⁸ However, UN Security Council Resolution 2140 also raised concerns that the UN was inappropriately taking sides or collaborating with those eager to see the former president further marginalized; this perception appears to have had implications for Benomar's perceived neutrality in certain circles. See Nasser Arrabyee, "How the U.N. Could Help Yemeni Dialogue," *Yemen Times*, March 27, 2014.

negotiation among key stakeholders, building trust among several parties, and turning many stakeholders' attention away from the battlefield and toward a major political undertaking.³⁹ In this respect, it may comprise a useful first step toward national elections by modeling peaceful political contestation.

LESSONS LEARNED

- **Reconsider the scope of National Dialogue processes, moving particular issues to separate venues.**

The NDC addressed an unreasonably broad set of issues, thus making it difficult for the participants to fully understand and engage with the various issues at hand. Furthermore, including highly sensitive issues related to the structure of the Yemeni state and Southern Movement in a relatively public and highly visible venue such as the NDC undermined the prospects for progress. That is, parties found it difficult to discuss such issues in the NDC, and it is telling that the state structure issue was ultimately decided in a closed-door, sixteen-person forum. That said, dialogue processes would be likely to lose their credibility if they wholly ignored the largest and most divisive political issues of the day; hence, there is a careful balance to be struck when setting the agenda for such processes.

- **Recalibrate technical support to dialogues and transitions, focusing much more on mediation and communication skills among participants.**

The OSA in Yemen provided regular support to the NDC and ran a number of workshops for NDC participants. Yet many felt that, instead of technical information on individual issues, they required more in-depth capacity building to allow them to define their agendas, develop negotiating strategies, mediate day-to-day disputes, and communicate effectively. The sorts of rapid seminars focused on technical issues related to governance, security sector reform, and other somewhat academic topics that the UN provided were deemed to be valuable though varied widely in quality and relevance; however, many stakeholders noted that NDC participants instead needed a broader form of skill building.

Basic planning, negotiation, and communication skills were deemed particularly crucial in overcoming asymmetries among groups in the NDC. For instance, some groups were represented at the NDC by internationally-trained experts, while other delegates were relatively poorly educated; this means that they often faced difficulties negotiating given differences in preparation and communication/negotiation styles.

- **Strong mediators should have an empowered and competent manager as second-in-command.**

The UN special adviser was frequently so in demand, whether in New York or Sana'a, that he was not necessarily able to fill the role of day-to-day team manager. Hence, a senior manager or chief of staff role should be incorporated into the OSA and into similar missions in the future. This manager should have a diplomatic background and be attuned to the senior UN mediator's agenda and style and be implicitly trusted by him; the senior diplomat (e.g., Benomar in this instance) should be closely involved in selecting this individual. Most importantly, the manager or chief of staff should be empowered to oversee routine team management, manage resources, document progress, and make non-critical decisions without the direct involvement of the special adviser.

- **The skills required for mediation may be different from the skills required for large and complex dialogue processes.**

Mediators must have a certain skill set that often involves an ability to build relationships and engage with stakeholders in relatively small group settings. In contrast, dialogue processes such as Yemen's 565-person NDC require a manager (or an "orchestra conductor," as one individual termed it) who is comfortable dealing with information and process management, the development of technical coordination mechanisms, and communications strategies. Hence, the UN, specifically DPA and the MSU, may wish to build capacity not only for mediation but also for dialogue facilitation and management. In practice, these "conductors"

³⁹ For a broader discussion of national dialogue processes, including in Yemen, see Katia Papagianni, "National Dialogue Processes in Political Transitions," Discussion Paper No. 3, Brussels: Civil Society Dialogue Network, 2014.

would not replace senior mediators once a conflict is resolved; instead, they could serve as empowered deputies capable of leveraging the mediator's credibility and channeling it into postmediation dialogue processes.

- **Consider developing guidance and training for UN mediators and facilitators that enable them to quickly access and draw on cross-context comparisons.**

As noted earlier, those familiar with the transition and the OSA indicated that many members of the special adviser's team were broadly aware of the UN *Guidance for Effective Mediation*, but that it was not actively drawn on given its breadth and relatively normative perspective. That said, many involved in Yemen's transition felt that guidance materials were sorely needed. According to some, these materials—and accompanying trainings—should equip mediators and facilitators to draw on cross-context comparisons. Many NDC participants and Yemeni stakeholders were eager to hear examples from other transition processes, and the most valued and respected members of the OSA were generally those capable of drawing upon these. While such a broad knowledge base is often rooted in a lengthy career and first-hand experience, many cross-context comparisons can be documented and taught to individuals participating in transition and dialogue processes such as those unfolding in Yemen.

Conclusion

The UN mediation of Yemen's transition was ultimately crucial in helping to head off a broader conflict and build broad consensus regarding the post-Saleh transition process. The proactive and low-key use of the secretary-general's good offices represent a promising practice that merits further replication under appropriate conditions in the future. That said, it will be important to avoid generalizing too broadly from the Yemeni case. Benomar's ability to proactively engage in Yemen reflected a number of very specific conditions. The uprising in Yemen was being watched closely by several global powers, not least the US and Saudi

governments, but no nation or member of the P5 had necessarily taken on responsibility for responding to it; hence, there was scope for low-key UN involvement. Likewise, Yemenis were accustomed to dialogue, negotiation, and mediation, which have a long history in Yemen. Key factions and figures were generally open to middle-ground solutions rather than an all-or-nothing mentality; this pragmatism was seen during the Saleh regime, when several political parties, tribes, and others often balanced public opposition to the state with behind-the-scenes cooperation.

Beyond the OSA's success in averting a larger-scale conflict in Yemen, Benomar and his team had several other successes. They proved naysayers wrong by helping to ensure that the NDC and Yemen's transition was far more inclusive in terms of women, youth, and civil society. In the end, the NDC ended with a promising, but daunting, set of 1,800 recommendations and—through a somewhat parallel process—a broad roadmap for the future Yemeni state.⁴⁰ While challenges arose, these did not necessarily undermine the foundational success of UN engagement.

Now Yemen continues with its transition. And despite the NDC, the number of challenges facing the country has multiplied. As previously noted, conflict in northern Yemen intensified during the National Dialogue and largely went unaddressed by the OSA. The announcement of a six-part federal structure was followed by a new round of fighting in the South in the Al-Dhale governorate. Yemen is, simply, less stable now than when the NDC began, and it is not necessarily clear that UN diplomatic engagement in Yemen was responsive to changing circumstances on the ground across Yemen.

With a constitution-drafting process underway, a referendum to approve a draft constitution, and coming elections all within the next year, many anticipate that Yemen will only become less stable. The open dialogue established among key parties and factions in Yemen will become increasingly important, and the need for Benomar and his office will only grow. Many analysts and officials are, in

40 Arab Center for Research and Policy Studies, "Outcomes of Yemen's National Dialogue Conference: A Step Toward Conflict Resolution and State Building?" Assessment Report, Doha, February 2014.

particular, hopeful that the OSA will be able to soften the requirement that Yemen's draft constitution be approved by a national referendum. While the GCC Initiative established the need for a referendum, many note that Yemen's political system would be thrown into disarray if, as many expect, the draft constitution were to be rejected no matter what it contains.

Work remains to be done, but the UN has established itself—despite an initial lack of carrots and sticks—to be an indispensable key player in Yemen's transition. An expanded UN team will be beneficial in allowing the OSA to fulfill its mandate,

as will improved management arrangements within the OSA. Even so, Benomar and his team will have an opportunity not only to draw on their internal resources but also on the broad networks and key figures that they were able to develop and refine through the NDC. These include key NDC delegates as well as Yemeni civil society groups, international NGOs, UN humanitarian and development agencies, and others who are keen to support Yemen's transition—and who would be wise to do so in an increasingly harmonized manner.



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