Things Fall Apart: Holding the Centre together through Yemen’s 2011 Popular Uprising (April-November 2011)

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Introduction

Looking at today’s headlines on Yemen, it may be hard to remember that at one point, six years ago, Yemen was heralded as a “success story” of the Arab Spring uprisings. In contrast to Egypt, Syria and Libya, Yemenis had managed a largely peaceful political transition and launched an ambitious, inclusive national dialogue process. The following case study seeks to tell the story of that moment in time and to illuminate the role the UN played in resuscitating a seemingly moribund peace process and nudging it through to an agreement.

The decision to focus on this period in Yemen’s history is meant, in no way, to detract from the conflict that has unfolded in the years since and continue to unfold. But all too often Yemeni achievements of 2011 are eclipsed by the ensuing civil war and regional meddling, and, with them, the lessons learned about why Yemen did not go the way of Libya, Egypt or Syria in 2011. The UN played an important role in helping national stakeholders arrive at a negotiated settlement, but the process was Yemeni led and was built on extensive work of the international diplomatic community already in Yemen. The particulars of the UN’s involvement, its strategy and its impact during this period have yet to be fully recounted.

Overview

This case study will first review the conflict dynamics present in the period directly preceding the UN’s April 2011 intervention. It will then recount the significant developments of the conflict from the moment of the UN’s arrival to the moment when the standoff between the regime and the opposition was defused. This section will include a discussion of the primary conflict actors and how their positions changed over time. The narrative will then explore the role of the UN in helping deescalate the conflict through creating space for UN engagement, reviving and building upon an existing peace agreement, coaxing the parties into direct talks, preparing targeted inputs for those talks, and then nudging the parties to compromise sufficiently in order to reach a mutually agreeable deal. The case study will conclude with a discussion of takeaways and an exploration of the counterfactual: what might have happened in Yemen in 2011 if the UN had not intervened?

This case research was based on over 29 interviews with individuals central to the events in Yemen in 2011, including former President Saleh’s confidants, members of the major opposition parties, leaders of the protest movement, human rights activists, local and international journalists, the UN Special Envoy, Jamal Benomar, members of his mediation team, members of DPA supporting the Special Envoy’s mission and officials who have served in subsequent missions in Yemen. Lastly, this study includes interviews with representatives from key member states with a stake in the outcome of events in 2011. The interviews were supplemented with an internal document review of past mission reports and closed briefings to the Security Council as well as desk research across a range of external and internal sources.

1. Conflict Dynamics: Escalation Story

Yemen, at the start of 2011, was like a Jenga tower one or two blocks short of collapse. A surge in oil revenue had enabled the Government of Ali Abdullah Saleh to feed his large patronage network of allies and subdue his potential adversaries successfully for years. In 2011, oil generated approximately eighty percent of Yemen’s national revenue. But it was widely recognized at the start of 2011 that Yemen’s oil revenue was dwindling and that, with it, regime loyalty would as well. In January 2011, the Yemeni rial was dropping in value, one third of the country was living below the breadline, Yemen’s foreign exchange reserves had hit a record low, and fifty percent of the Yemeni’s youth were unemployed. The downturn was felt most severely in the South, which already saw itself as disproportionately marginalized from the enjoyment of state benefits and national resources.

Added to the concern over his diminishing coffers, President Saleh faced the looming issue of his successor. The president had initially promised to step down before the 2006 elections, following 28 years in office. But, in a controversial about-face, the President announced he was running for re-election and won in a landslide victory against the opposition candidate, with 77 percent of the vote. The next elections were set for 2013 and it appeared increasingly clear that Saleh was grooming his son, Ali Ahmed, to take over. This turn of events did not sit well with two heavyweights of the Yemeni elite – General Ali Moursin al-Ahmar, a longtime friend and ally of the President’s, and – Hamid Al-Amar – a billionaire and ambitious son of the founder of the main opposition party, Islah. Both men were rumored to see themselves as the rightful successors to Saleh’s fiefdom and to the spoils it entailed.

Zooming out from the internecine power struggles amongst Sana’a’s elite, further problems were threatening the stability of the Yemeni state. A secessionist movement was brewing in the South of Yemen. Ever since Saleh had won a decisive victory against the South in a short-lived civil war in 1994, many Southerners had felt themselves to be victims of Sana’a’s (or rather Saleh’s) victor’s justice; a second-class state within a state. A sub-group of Southerners emerged in 2007, peacefully advocating equal rights for the people of the South within a unified state. This group called itself “al Hiraak al-Janoubi” (hereafter “al Hiraak”). Following two years of unsuccessful protests, the group’s demands escalated to include the South’s succession. The leaders of this movement generally lay outside Saleh’s patronage networks and, thereby, his ability to co-op. While al Hiraak protests remained largely peaceful, by 2011, the leaders were “warn[ing]” of increased violence if their demands for
Yemen

The Yemeni youth uprising began with a small gathering of

January – April 2011: Uprising and Crackdown

independence were not met.”

Another block of the Yemeni state was coming loose in the form of a simmering rebellion in the North, led by a subsection of Northern Zaydi tribal elites known as the “Houthis.” Although most of the governing elite of Yemen hailed from northern Zaydi tribes, the leaders of the Houthis felt marginalized from Saleh’s regime and the patronage networks he maintained. By 2011, the Houthis and the Government had already engaged in six rounds of fighting, and unrest in Sana’a was providing an opportunity for the Houthis to consolidate and strengthen their hold in the North.\(^{11}\)

Another force was shaking the precariously balanced Yemeni state: the battle between al Qaida in the Arab Peninsula (AQAP) on the one hand and US and Saudi counter-terrorism efforts on the other. Al Qaida had long had roots in Yemen, with its notorious offshoot, AQAP earning US intelligence officers’ designation as the “most active and sophisticated cell outside of the Pakistan- Afghanistan border region.”\(^{12}\) While Saleh’s alliances flip-flopped between these sides, he had recently signed a confidential agreement with the US. In this agreement, Saleh agreed to take responsibility for the drone strikes the US wished to launch at terrorist targets in Yemen. WikiLeaks had only just revealed this clandestine deal to Yemenis in December 2010, exposing Saleh on a new front to a population generally opposed to the US counter-terrorism strategies in Yemen.\(^{13}\) The Saudi regime, a declared target of AQAP, was also engaged in counter-terrorism initiatives in Yemen and alleged to be financing and providing military support to Saleh’s efforts to suppress the Houthi rebellion in the North.\(^{14}\)

In 2011, gun ownership per capita in Yemen was second only to the US. According to the 2011 Small Arms Survey, no types of firearms [in Yemen] were restricted for civilian use.\(^{15}\) Or, put more bluntly by an Atlantic Monthly article: “[Yemen] is second only to the U.S. in gun ownership — and second to none in weapons culture.”\(^{16}\) What is most relevant for this study, however, is that small arms were diffuse in Yemen at the start of 2011. They were in the hands of the regime, the opposition, the Houthis, the Southerners and members of the general public.\(^{17}\)

Add to this picture food and water shortages, sixty percent youth unemployment, one of the lowest life expectancies in the Middle East and one is left with a tower that the slightest breeze could send crashing down.\(^{18}\) The mystery of the story to come, however, is that when that breeze – or rather windstorm came, in the form of youth uprising in January 2011 – the tower, somehow, held. And to understand why is crucial for understanding both what Yemen had going for it as well as why this same tower eventually collapsed just two years later.

January – April 2011: Uprising and Crackdown

The Yemeni youth uprising began with a small gathering of students peacefully demonstrating their solidarity for the protesters in Tunisia on January 15\(^{\text{th}},\) 2011 at Sana’a University. Within the next few weeks, the ranks of the protest movement swelled from dozens to hundreds, while broadening and diversifying its goals.\(^{19}\) Throughout January, protesters flocked to Sana’a and camped out around the university in areas dubbed “Tahrir” (“Change”) Square, as Saleh had already strategically placed his pro-regime counter-protesters in the capital’s preexisting, and dangerously symbolic, “Tahrir” (“Freedom”) Square.\(^{20}\) Key squares in cities throughout the country were also designated as “Change” squares and filled up with protestors, who saw themselves as part of the same cause spearheaded in Sana’a. The ever-growing protest movement soon united around a series of demands which included a call for President Saleh to step down and for an end to the widespread corruption plaguing his government.\(^{21}\) The leaders of the protest insisted on using peaceful means to achieve their goals.\(^{22}\)

The regime used a range of tactics it its effort to defuse the momentum of the youth protests – including imprisoning one of their charismatic leaders, Tawakkol Karman, in January 2011, organizing counter-protests and using rubber bullets and water hoses to disperse the growing number of demonstrators.\(^{23}\) Saleh also tried offering concessions to assuage the protesters, including a moratorium on recent unpopular constitutional changes and a guarantee that he would not put his son forward as his successor. However, neither Saleh’s sticks nor his carrots served to diminish their ranks.\(^{24}\)

In the midst of this growing crisis, Saleh called on key members of the international diplomatic corps to ask for their help in persuading the Joint Meeting Parties (JMP), a coalition of five opposition parties, not to join the ranks of the youth protesters. Islah, a party rooted in political Islam, was the most powerful party within the JMP, followed by the Yemeni Socialist Party (YSP), a vestige of South Yemen’s socialist past. But, as one of these Ambassadors explained, “We tried, but it was too late. Saleh had already burned the bridges with his opposition. He had made too many promises [to Islah and Socialist leaders] that he did not fulfil.”\(^{25}\) Similarly, international journalist Ginny Hill recounts that “trust was too low [in February 2011]...Few opposition politician believed that Saleh would be true to his word.”\(^{26}\) Soon leaders of the opposition parties were publicly supporting the ever-growing masses camped out on the streets and joining the demonstrators’ calls for Saleh to step down.\(^{27}\)

Events took a significant turn on Friday March 18, 2011, a day that came to be known as “Jumaa al-Karama” (“the Friday of Dignity”); government snipers shot live ammunition at unarmed protesters, killing approximately fifty people and injuring hundreds more.\(^{28}\) This moment was the first in a series of key turning points that began to significantly shift the balance of support away from President Saleh and increase the risk of more widespread violence. Following this Friday, the ranks of the protesters expanded, rather
than diminished. On the Sunday following the massacre, Ali Mohsin, Saleh's childhood friend and trusted General, publicly resigned. Mohsin appeared on national television and said, as paraphrased by one international observer at the time: “I am now supporting the students, I am supporting the opposition and I demand that Saleh leaves.”29 In private consultations, the General even offered to leave if Saleh would leave, in order to maintain the delicate balance of power between Saleh's supporters and his own.

Ali Mohsin's resignation was followed by a number of other key resignations, including that of the widely respected former Prime Minister, Abdul Karim Ali Al-Iryani. Al-Iryani joined the protesters not only in their calls for Saleh to step down, but also in their demands for Saleh and members of his regime “to face justice for the wrongs committed against the people.”30 According to a number of sources close to Saleh at this time, Ali Mohsin's defection dramatically shifted Saleh's assessment of his position. He worried that the General's action would trigger mass resignations from the military and lead to its dissolution. Ali Mohsin had recruited most members of the general forces, and Saleh feared these recruits would remain loyal to their General and follow his example by defecting.31 Judging that the odds were stacking up against him, Saleh agreed to step down within a week.32 He called on representatives of his party, the General People's Congress (GPC) and members of the opposition (including Mohamad Yadomi, head of the Islah party and Yasin Said Numan, the leader of the Socialists) and asked them to negotiate his departure within the framework of Yemen's constitution.

The negotiating parties called in the US Ambassador to Yemen, Gerald Fierstein, and requested him to “witness” their negotiations.33 Ambassador Fierstein had already been charged with a similar role, in the preceding year, in the context of the standoff between the regime and the opposition parties on the issue of term limits and the upcoming elections. As a result, Fierstein was well known to all parties involved. Negotiations began in earnest at Vice President Hadi's home.34

In the meantime, the mass defections Saleh feared did not occur. Instead, three separate sources close to the former President suggest that the people around Saleh, perhaps even represented by his son, Ali Ahmed, came and “forbade” him from stepping down.35 Two of these sources explained that Saleh's supporters threatened to kill him if he should try to resign, given how intimately linked their own welfare was to their patron's.36 By the end of that same week in March, Saleh had reneged on his promise to step down, digging in his heels for a long stand-off with his opponents. The result was an extended, militarized standoff between Saleh's supporters and a coalition made up of opposition parties, regime defectors, Houthis, Southerners and the youth-initiated protest movement. The sides were heavily armed, evenly matched, and held mutually exclusive demands. Throughout this period, bi-lateral talks continued, although the parties refused to be in the same room. By declaring that he would step down, Saleh had narrowed his options. It was now a matter of “when” and “under what conditions” rather than “whether” the father of modern Yemen would go.37 However there was no agreement between the opposition and the regime over the conditions for and nature of the coming transition.

Saleh's interests centered on a desire to “exit with dignity” and to ensure that he (and his family and associates) were immune from prosecution for acts taken while he was in office. The opposition, in contrast, wanted Saleh's resignation as a precondition for any further talks.38 Once again, members of the international diplomatic community stepped in to mediate and began to develop what became known as the Gulf Cooperation Council Initiative (“GCC Initiative”).39

It was during this period that the UN Secretary-General, who had been following events in Yemen with concern and interest, “called up Saleh and asked to send a UN representative on a fact-finding mission.”40 Special Adviser Jamal Benomar, who was appointed to this task, was charged with adopting “a listening mode...to understand what the press reports on Yemen were not telling us about the situation.”41 Benomar's first report back to the Security Council was damning. It spoke of Yemen being “on the brink of civil war...A scenario where the current chaos that thrives in Somalia and other parts of the Horn of Africa crosses borders and spreads into Yemen is not a far-fetched prospect.” Benomar concluded: “To sum up, the political impasse continues. The situation is very volatile, and the risk of an outbreak of violence and bloodshed are real.”42

April – June 2011: GCC Initiative and the Mosque Bombing

The second round of negotiations was spearheaded by a larger group of international diplomats. On the Yemeni side were the usual suspects: representatives of the GPC party, led by Vice President Abdrabubh Mansur Hadi (henceforth, “Hadi”) and Al-Iryani as well as the leader of the two main opposition parties, Islah and the Socialists. The international community representatives included the P5 and EU Ambassadors on the one hand and Ambassadors from the Gulf Cooperation Council (GCC) member states on the other. The Secretary-General of the GCC, Abdullatif bin Rashid Al Zayani (of Bahrain), oversaw the talks.

Amongst the diplomats called upon to mediate between the parties, the US had the most sway with the regime, given the Obama Administration's recent investment in both humanitarian and military aid (the latter was more than doubled between 2010 to 2011 and was due to jump to 250 million USD in 2011).43 The Americans were more skeptical of Islahi influence in a future governing structure and thus preferred to seek a replacement for Saleh from within his own GPC party (including members of his own family).44
Saudi Arabia also had leverage over Saleh and his supporters. Since Saleh rose to power in 1978, Saudi Arabia was alleged to be bankrolling a significant portion of Yemen's elite. Saleh had also learned from his “mistake” following Yemen’s tacit support for Iraq during the 1990 Gulf War, when Riyadh deported thousands of Yemeni migrants back to Yemen. While, similar to the Americans, the Saudis had their own complicated history with Saleh, they also generally felt that it was better to support the “devil you know” than risk a transfer of power and, with it, uncertainty. But their interest lay not in the man, per se, but, in someone who would remain under their influence. Yet until a reliable replacement candidate could be found, the Saudis remained on the fence regarding Saleh's necessary removal from office.

The leverage, however, was not all weighted against Saleh. He held an ace card when it came to both the Americans and the Saudis. Since September 11th, 2001, Saleh and his family members in key government posts had proved themselves, at times, quite indispensable to the US’ “war on terror.” Saleh was also quite deft at fanning the fears of both governments that if he should step down, a power vacuum would emerge and be quickly filled by either AQAP or the Houthis (a group also hostile to the US and the Saudis). Saleh’s implicit threat was made all the more credible by the fact that these two groups had already demonstrated their skill in filling the shortcomings of Saleh’s government in North and South Yemen. Moreover, the US feared the more radical elements in the Islah Party, which US officials worried were shaping this powerful opposition ground in the image of the Muslim Brotherhood in Egypt.

By mid-May, through these GCC-led talks, the Yemeni parties agreed to a common document and were prepared to sign it. The document called for Saleh to step down within 30 days of the signing and for elections to be held within 60 days thereafter. Saleh insisted on a grand signing ceremony and on holding the signing on the anniversary of the unification of North and South Yemen. Once everyone but Saleh had signed the agreement, Saleh stalled again. This time, he argued that because the members of his party (the GPC) had signed, there was no need for him to do so as well. The lead international negotiators were forced to leave Saleh’s palace without a deal.

Violence surged following Saleh’s failure to sign. The capital was split into a standoff between the three most powerful families, including Ali Mohsin, the declared “protector of the protesters”, the powerful Al-Ahmar family (which included Hamid Al-Ahmar) and Saleh and his supporters. Each side was heavily armed and fairly equally matched. While restraining their forces from an all-out military confrontation, they exchanged fire in an effort to secure key assets throughout the city. Unarmed protestors were caught in their crossfire as these three factions sparred to wrest control of strategic sections of the city. And prominent tribal sheiks (Yemen’s traditional peace brokers) were killed on their way to help mediate a truce.

The UN’s Special Adviser, Jamal Benomar, had returned to Yemen in May 2011. His following report to UN Security Council members spoke of the situation as a “powder key ready to explode.” He challenged the Security Council that “if ever there was an opportunity to put preventive diplomacy to the test, Yemen presents a prime example to put this discourse into action.” On June 3rd, 2011 the powder keg both figuratively and literally exploded, when a bomb, planted in Saleh’s palace mosque, detonated during Friday prayers. Saleh was severely injured in the explosion and evacuated to Saudi Arabia for medical care. His Vice President, Hadi, was appointed to represent Saleh in his absence.

July – September: the long summer

Over the months following Saleh’s departure, the parties decided to resume negotiations, although the risk of more widespread violence remained very high. During the July round of talks, the parties asked Special Adviser Benomar to serve as their “witness.” In what came to be known as the “July Talks,” Saleh was represented by his Vice President, Hadi, Al-Iryani and Saleh’s Foreign Minister, Abubaker Qirbi. The opposition was represented by Yadomi, for Islah and Numan for the Socialists. As will be discussed in more detail in the following section, “Role and Strategies of the UN,” Benomar used the summer months to help the parties think beyond the GCC Initiative’s basic (“1.5 page”) terms, to a longer, more detailed implementation agreement. This agreement spelled out timelines, procedures, and provisions for the post-agreement implementation stage. During the summer, many drafts were developed in consultations with the parties, but also with the benefit of expertise from the UN’s Mediation Standby Team and DPA’s Mediation Support Unit. According to Benomar’s July 2011 Briefing to the Security Council, the parties engaged in direct talks for the first time during this period. Prior negotiations had been held bilaterally. Building upon the GCC initiative, developed between March and May, this third round of consultations, the “July Talks,” led to what would later be referred to as the “GCC Implementation Mechanism.” This adjoining document spelled out how the transition process, following Saleh’s resignation, would take place. UN interlocutors involved in these talks spoke of the importance of helping the parties plan for the transition well before it took place.

But progress came to a halt when, to most everyone’s surprise, Saleh returned to Yemen in September, having ostensibly escaped Saudi Arabia. The talks were called off. Violence, once again, escalated. Saleh’s return had come at a moment when it was not fully clear which way the tide was flowing – in his favor or against it. In Saleh’s absence, the anti-regime protesters had started to lose some momentum, without a clear action to advocate. His return reinvigorated their cause, prompting new protests and with these protests, another outbreak of tit-for-tat violence between Saleh’s and Ali Mohsen’s forces.
By early October, the parties seemed, once again, to have reached a military stalemate. But, in contrast to the late spring stand-off, this stalemate was hurting Saleh’s position as his base was weakening with time.\(^{61}\) Moreover, events in the broader region were not lost on Saleh. Moammar Gadhafi had been deposed and executed by his opponents in Libya that October. Bashar al-Assad was fighting off a growing, internationally-backed insurgency in Syria. And memories of Saddam Hussein’s demise, in the name of popular justice in Iraq, were clear in Saleh’s memory. Some interviewees, close to the regime, seemed to suggest that it was becoming increasingly clear to the President that the tide of the Arab Spring might not be flowing in the direction he had expected, and that, therefore, waiting it out might no longer be the safest option.\(^{62}\)

It also was becoming increasingly clear that neither Ali Mohsen nor Saleh were sure they could win in an all-out military confrontation and, as a result, both were less inclined to try to do so. As another strong point in favor of a negotiated settlement in this case, it is important to note that Saleh was continuing to pay not only his own security forces’ salaries during this period, but also those of Ali Mohsen’s First Armored Division.\(^{63}\) Saleh understood that there was a particular balance of power that needed to be maintained, in order for the center to hold. As one close confident of Saleh’s put it, “Benomar was lucky because all the [Yemeni] parties to the conflict wanted an honorable way out [by fall 2011].”\(^{64}\)

Beyond the governing elite, Yemenis on the various sides were growing increasingly weary of the constant state of siege that existed in the capital and other major cities.\(^{65}\) Shelling, electricity outages, and roadblocks were becoming all too common aspects of daily life in Sana’a.\(^{66}\) Moreover, key international actors were losing patience with Saleh. According to one source, the Saudis, by November, had made it clear to Saleh that “his time was up.”\(^{67}\) This shift in position, one international journalist has argued, was due in part to a regime change that occurred in Riyadh in October, following the death of the Sultan bin Abdulaziz al Saud, the Crown Prince and Defence Minister, and a reexamining of whether Saudi Arabia was receiving an “adequate return on its investments” in Saleh’s leadership.\(^{68}\) The Americans had signaled their own expiring patience with Saleh, ever since Hadi had proved himself a “reliable replacement [during Saleh’s summer absence] that the US found it could work with…proving more reliable than Saleh had been.”\(^{69}\)

October - November 2011: Ripening for Resolution

A critical change occurred in October 2011, which seems to have fundamentally tipped the balance of risk in Saleh’s mind.\(^{70}\) The Security Council, following six months of briefings from Special Adviser Benomar on the deteriorating situation in Yemen, unanimously adopted Resolution 2014, demanding all parties in Yemen to cease their use of violence to achieve their political ends and calling upon the parties, including specifically President Saleh, to sign and implement the Agreement the UN had helped develop based on the GCC Initiative.\(^{71}\) The Security Council Resolution also required Benomar to report back to the Security Council within thirty days, on conflict parties’ compliance with the terms of the resolution, and then every sixty days thereafter.\(^{72}\) The unanimous passing of Resolution 2014 and the language it included signaled to the parties on the ground that this was a rather rare instance of Security Council members, especially the Permanent Five, standing united on a way forward.\(^{73}\) This decision placed the UN at the center of the diplomatic effort, although the effort was still characterized as under the auspices of the GCC initiative.

According to a number of sources closely involved, this resolution was critical for three reasons: first it provided concrete evidence to the negotiating parties that the UN Security Council was watching them and tracking their progress (or lack of progress).\(^{74}\) Second, those close to Saleh insist that he paid particular attention to the threat of “further action” publicly discussed in Council sessions leading up to the adoption of the resolution. Yemen’s president was worried by rumors from New York that further action might imply the pending application of an assets freeze.\(^{75}\) As one close confident put it “for Saleh, it was all about the money. His money. He wanted to keep it safe.”\(^{76}\) Finally, the fact that Benomar had been briefing the Council following each mission to Yemen, had been privy to the negotiations around the resolution and was now formally charged with reporting back to the Council on his own assessment of Yemeni compliance, significantly increased the Special Adviser’s leverage vis-à-vis the regime. The thirty-day reporting deadline also incentivized the parties to demonstrate to Benomar they could send good news back with him to the Council. It was in this context that Benomar traveled to Yemen on November 10th, 2011.

November Negotiations: the Home Stretch

“From the moment we arrived in Yemen [in November 2011], it was unclear that any progress was possible” reflected a member of the UN team at the start of this sixth mission. “The city was still divided between the warring factions, there were roadblocks, and shelling….”\(^{77}\) But the UN mediation team was not coming empty-handed. They had been consulting with parties on the terms of an implementation agreement for months and now, in addition to this draft, they had the backing of the UN Security Council Resolution and the public time pressure of the reporting requirement.

As had been Benomar’s custom, he once again met with each of the parties, including those not represented at the negotiation table.\(^{78}\) Benomar had managed to assure members of civil society, especially leaders of the youth movement and groups focused on women’s rights, that he would bring certain core interests of theirs into the formal negotiations, even if they themselves were not able to sit at the table at this early point. He assured them, as well as the leaders of the Southern movement and of the Houthis, that
the signing of the GCC Agreement was just the first step in a
two-stage process. The Implementation Mechanism, which
spelled out the way forward following Saleh’s departure,
would provide these other key stakeholders the opportunity
to have their voices directly heard and to ensure there were
mechanisms to address their concerns around the immunity
 provision in the original GCC agreement.73

It was in a critical meeting with President Saleh, early in
this visit, that one member of the UN team reported that:
“everything changed...Walking into that meeting, I did not
think it was anything important. I was even ready to skip
it assuming it was more of the same,” i.e., implying it was
just another case of Saleh stalling and thereby wasting their
time.80 But this meeting was different. Over the course of
the discussion, it became clear that Saleh had some “worries”
about the nature of the “further actions” the Security Council
could take against him if he failed to comply with Resolution
2014.

Benomar neither disabused him of those notions nor sought
to reassure him of what, at the time, Benomar assessed to
be the almost non-existent likelihood of the Council applying
targeted sanctions, including an assets freeze, in the near
future. According to one international observer in Yemen
at the time, Ali Mobsin and Hamid Al-Ahmar had also
come to worry that any “additional measures” imposed by
the Security Council might apply to them as well.81 By the
conclusion of the meeting, Saleh had agreed to enter time-
bound negotiations with the goal of arriving at a deal he
could sign before Benomar returned to report to the Security
Council.82 Over the next few days, with Benomar serving as
the facilitator, the regime and the formal opposition parties
hammered out the details of a final deal, which, in turn, Saleh
signed at a ceremony in Riyadh on November 23rd 2011.

Beyond the implied threat of “further UN measures,” three
additional factors appear to have influenced Saleh’s decision
to finally sign the November 23rd Agreement. One, critically,
was an assessment on Saleh’s part that he could not “win
militarily” at this point in time.83 While additional information
is lacking on how Saleh arrived at such an assessment, one
account gives a specific time and location to this realization.
According to one interviewee: three days before Saleh agreed
to sign the implementation agreement, he called together
his supporters, with the exception of his family members.
He then challenged them on whether or not they would be
willing to go to war to end the stalemate once and for all
and restore his government to dominance. Those in the
room, apparently, refused. From this Saleh inferred that an
all-out military “solution” to the stalemate was off the table,
leaving only a mediated solution or flight and exile.84 The
latter option presented another series of risks given that the
immunity provision within the GCC Agreement only applied
domestically.85

The other two explanations given for Saleh’s decision to
finally sign his name to the Agreement rest with external
pressures: namely the Saudis and the Americans. According
to former Ambassador to Yemen, Gerald Fierstein, as well
as international journalist and Yemen expert Ginny Hill, the
regime change in Saudi and the subsequent pressure on
Saleh during this period to step down, contributed to his
decision to resign. According to Hill, the Saudis had finally
decided to pick a side by supporting Saleh’s departure.86 In
addition, other interviewees suggest that both the Saudis and
Americans promised increased support as well as medical
treatment for Saleh in the US, following his signing of the deal.
These combined external incentives, contributed to Saleh’s
impression that the cost of the stalemate might imminently
increase beyond what Saleh was willing to pay.87

Epilogue: February 2012, Saleh Formally Steps Down

Within three months of the November 23rd signing ceremony,
elections were held, a consensus candidate (vice president
Hadi) was put forward and confirmed through elections on
February 21st, 2012, and on February 25th, 2012, in a lavish
ceremony, President Saleh peacefully handed over power to
his deputy. For international observers watching the Middle
East, Yemen’s mediated transition represented a rare success
story in a region that had seen long-time rulers violently
deposed and clashes between factions spiral into civil war.

This optimism may seem hard to comprehend in light of the
current conditions in Yemen.88 One Yemeni journalist opined:
“We used to write articles warning that Yemen could become
another Iraq. Now we write articles cautioning that Iraq could
become another Yemen!”89 But those who have followed
events in Yemen for the past decade, recognize that what
happened in 2011 was distinct and therefore should not be
lumped in with the tragedy to follow. While some threads do
run throughout, the majority of commentators view events in
2011 and 2015 as two separate conflict episodes with distinct
triggers and distinct outcomes.

We now turn to the question: what was the nature of the UN’s
contribution to the mediated transition in Yemen?

2. Role and Strategies of the UN

The UN played a role of varying influence between April and
November 2011, helping to head off potential escalation
at key moments in the political standoff. The UN political
presence in Yemen started as a concerned observer, grew
into an impartial facilitator, began to insert input on substance
and process, and, finally, exerted borrowed leverage from the
Security Council, to push the most reluctant party (Saleh) to
seal the deal. What started as a quiet, Good Offices “fact
finding” and “listening” mission transformed, over the course
of seven months, into a robust role as the central facilitator in a
time-bound, Security Council-mandated, mediation process.

Five key moments in this story warrant particular attention. These include: (1) the UN’s decision to engage politically in
Yemen in the first place and its initial style of engagement;
(2) the UN’s emphasis on the need for a road map for the transition to follow Saleh’s resignation, (3) the Security Council’s adoption of Resolution 2014 (2011), (4) the UN’s approach to the immunity provision, and (5) the UN’s contribution to the parties’ eventual decision to sign the Agreement.

First Key Moment: UN’s Arrival in Yemen

The UN’s Special Advisor’s initial role in Yemen, was simply to urge all parties to pursue a peaceful resolution to the crisis, through mediation, while also supporting national and regional efforts aimed at resolving the crisis. In practice, his mandate was described as a “fact finding” and “listening” exercise. Accordingly, Benomar devoted time to building his understanding of the situation and establishing relationships with the key parties. He demonstrated the UN’s ability to share its knowledge of past, similar experiences and suggest possible avenues for a way forward.

The first task, better understanding the situation, served two purposes: first it helped add credibility to the UN’s claims that it had no pre-existing agenda in Yemen. And second, it demonstrated the UN’s proverbial adage that, in contrast to other potential mediators in this case, its Special Adviser both could and would ‘talk to everyone.’ The information Benomar gathered in these meetings, which he in turn, relayed to the Security Council and to the Secretary-General, reinforced his growing impression that a new approach to a mediated solution was needed, and that there might be space for the UN to help the parties identify and pursue this new approach.

But this first task was not always easy. Members of the Special Adviser’s team faced persistent security concerns. One remembers being told by the UN’s Department of Security Services (DSS) that kidnappings of international figures were on the rise and that their delegation “was a primary target for AQAP.” Another member of the team remembers sitting on a lumpy cushion during a consultation with a key interlocutor, only to realize that there was a loaded gun under the cushion. Rather than apologize for this discovery, their host, with a grin and wink, lifted his own seat cushion to reveal another firearm. “You never know,” he explained, “You must be prepared for anything.”

Moreover, building understanding was never a quick process. As one member of the mediation team recalled: “before you could get to [a key stakeholder’s] true concerns, you had to hear him start at the beginning of time and take you through the full history of humanity!” According to parties on the ground, many international figures, such as US Secretary of State Clinton or Germany’s Foreign Minister Guido Westerwelle, did not take sufficient time to understand the parties’ positions, as they dashed in and out on one- to two-day missions. Other members of the team noted the high number of cups of tea that were necessary to consume or social gatherings to attend before one could ever get the “real story” of a key interlocutor’s opinions and interest.

Yet despite such conditions, Benomar and his team insisted on meeting with as broad a range of stakeholders as possible, including members of the formal opposition, Saleh and his supporters, representatives of the youth movement, leaders of the women’s movement, and spokespersons for both al Hiraak and the Houthis. Through these efforts, the Office of the Special Adviser proved quite adept at building trust amongst these diverse and often competing constituencies. In fact, some former members of the team and well as international observers suggest that by November 2011, Benomar had achieved a type of Yemeni superstar status. “He could summon anyone he wished to talk with to a meeting in thirty minutes or less!” one observer recounted. “In all the other regions I have worked in, I have never seen someone granted such access.” Another observer described how people from all sides, especially the members of the Youth movement, thought Benomar “could walk on water.” A third explained: “If he had [been able to] run for president during this period, he would have swept the polls. Compared to the other leaders Yemenis were contemplating, Benomar had the aura of a savior.”

The Special Adviser’s team also proved quite successful in raising awareness of the UN’s added value in designing negotiations in general, during this initial stage of engagement. However, this success, to a certain extent, came at the cost of collaboration with those driving the GCC initiative. At the time of the UN’s arrival, the mediation space was quite crowded. Members of the GCC as well as the in-country representatives of the PS and the EU were already quite invested in an ongoing negotiation track. By May, their track had stalled, but its drivers assumed it would resume in the future. In consultations with various stakeholders, Benomar’s assessment was that the initial process had not only stalled but that it had died and could only be resuscitated if significant changes were made to the approach. The Special Adviser was particularly concerned by one aspect of the initial process, based on his consultations with Yemenis: the 1.5 page GCC initiative provided no road map for the post-Saleh transition process, leaving parties with no vision of how things would unfold if they were to sign the agreement. As one interviewee described the situation, asking the parties to sign the [GCC Initiative] without an implementation plan was akin to saying: “Imagine there is a river. And you say to the parties: ‘Jump across it!’ They say, ‘I can see a rock, but then what?’ You say, ‘Trust me. There will be other rocks. And eventually a shore.’ Would you jump?” These concerns fed into the approach Benomar took from July 2011 forward, as the Office of the Special Adviser (OSA) began to guide the parties in crafting an addendum to the GCC initiative, known as the “Implementation Mechanism.”

Second Key Moment: UN’s Role in Drafting the Implementation Mechanism
Over the course of Benomar’s third and fourth missions to Yemen, his mandate shifted. No longer was he simply “gathering facts” and seeking to “better understand the situation.” Instead, the special advisor’s team had become part of the events on the ground, as active facilitators and advisers to the parties in the negotiation process. While the Special Adviser’s official mandate remained unchanged during this period, the way in which his mandate was interpreted shifted.

According to interviewees, there was a key turning point in the UN’s strategy in summer 2011. Two members of the UN’s Mediation Standby Team had differing opinions on how best to revive the mediation process. One member felt that a transition agreement, nearly fully formed, should be presented to the parties, based on the UN’s extensive expertise. The other member felt that while an implementation agreement was needed, it would need to emerge from bilateral consultations with each of the parties rather than be imposed from above. “The UN needed to first understand each of the parties’ bottom line and, as a result, the space for compromise,” one team member observed. Benomar chose to adopt the latter approach and spent the next few missions quietly consulting with parties to this effect. At the time, members of the team argued that it was crucial to keep the content of these consultations secret so that the parties would feel more comfortable exploring compromises without losing face.

Enormous precautions were taken to ensure the secrecy of the various iterations of the draft mechanism as it was built line by line from consultations with the various stakeholders. One source spoke of how members of the UN’s team even had to buy their own printer to ensure that drafts were not confiscated by hotel staff linked to interested parties (whether Yemeni or external). A member of the team described checking and re-checking hard copies of the document each time someone came in to serve tea, to ensure that one of the otherwise tightly monitored versions of the text, distributed for the parties’ review, had not slipped out of the room with the teapot.

By the time Benomar and his team left Yemen, following his fifth mission, all of the key parties had more or less agreed to the basic terms of the adjoining Implementation Mechanism. The opposition parties had every incentive to sign, given that they only stood to gain influence in the future governing structure. But Saleh and his supporters were still holding out, weighing options, and biding their time. It was in these moments, when the GPC or Saleh would drag their feet, that one observer remembers Benomar getting frustrated and feeling the need to “report them to the Council” as a means of pushing Saleh to quit his stalling.


Benomar’s frequent reports to the Council paid off. By October 2011, the UK Mission to the UN was circulating a draft resolution calling on all parties in Yemen to cease their fighting and sign the GCC Agreement and the adjoining implementation mechanism. “While the UK [Mission to the UN in NY] was skeptical at first,” one observer recalls, “they eventually came around and played an invaluable role in convincing other more hesitant members of the P5 to support the resolution on Yemen.” As one observer recalls, the Russian Federation and PRC in particular needed to be reassured that Yemen “would not become another Libya…” They needed to be able to see a sequence that was not a Libya sequence. And having the transition spelled out through the adjoining implementation mechanism helped persuade these two key states that there was a plan for the transition. On 21 October 2011, Resolution 2014 was finally adopted. This was a rare feat in a year where intra-Council tensions were already forming over the Council’s overreach in Libya.

Fourth Key Moment: Confronting the Immunity Provision

Benomar and Security Council members also faced another challenge during this period: the UN had inherited the May 2011 GCC Initiative when it joined the mediation efforts. There were many reasons for building on this pre-existing agreement rather than starting from scratch. However, the GCC Initiative quite openly endorsed the concept of immunity for Saleh and, depending on the draft version, for some subset of his family members and associates. But the UN cannot endorse agreements that include blanket immunity provisions. UN mediators are bound to condemn peace agreements that include immunity for acts that constitute war crimes, crimes against humanity, genocide, or gross violations of human rights.

As the story is told, one of the members of DPA’s mediation standby team suggested a compromise: could the UN not suggest that the Implementation Mechanism be “based on” the GCC Initiative rather than part of it? Such ambiguity was readily accepted by Security Council members as can be seen in the language adopted in the Security Council Resolution 2014 (2011), in which the drafters preformed verbal somersaults in order to link the implementation mechanism to the GCC initiative, without explicitly endorsing the GCC Initiative.

In the context of his critical November 2011 mission to Yemen, Benomar reached out to the Office of Legal Affairs (OLA) to request guidance on engaging with an agreement that included, at its core, a provision that the UN could not endorse. OLA came back with unambiguous guidance: not only could the UN not endorse such an agreement, but it was the responsibility of the Special Advisor to publicly condemn the agreement. The Implementation Mechanism, however, was a different story. It made no mention of an immunity provision. And thus, the OSA could stand behind this document, while simultaneously distancing itself from the Initiative.
Fifth Key Moment: Getting the Parties across the Finish Line

By early November, despite the fact that the negotiating parties had more or less agreed on a draft implementation plan, the Council had passed a supporting Resolution, and a “fix” had been found to a potential legal stumbling block, Saleh would still not sign. As a result, the military standoff continued and the risk of more serious violence persisted. In this context, Benomar set out on his sixth mission to Yemen, with only eleven days left before he was due to report back to the Council on the “progress” parties had made towards a peaceful resolution of the conflict.

By the time of Benomar’s sixth mission to Yemen, his mandate, and accordingly, the overarching goal of UN involvement in Yemen, had significantly evolved. He was now not only exercising the Good Offices of the Secretary-General, but he was also the designated emissary of a united Security Council, charged with reporting back on the parties’ progress towards a deal. In other words, his leverage had significantly increased as well as the global expectations of what he and the UN could achieve.113 “I still remember the night of the Special Adviser’s arrival in Yemen,” one source recalled. “It was the middle of the night when the [“fajr” (dawn)] call to prayer could be heard. The muezzin had taken some creative liberty and inserted into the call something like: ‘Jamal Benomar, please bring peace to Yemen!’ I remember thinking, Mr. Benomar, no pressure, right?!”

The critical meeting with Saleh, in which he indicated his willingness to enter into time-bound negotiations to end with a signed agreement, came early in his Special Advisor’s trip. However, it was not with sufficient time to meet the Council’s reporting deadline. Thus, in a much-famed demonstration of the influence Benomar wielded in New York and the strength of the relationship he had with particular Council members, Benomar rang the President of the Council at the time, Portuguese Permanent Representative, José Filipe Moraes Cabral, and requested that his briefing be delayed by a few days in order to allow the parties more time to reach a deal. “This time it is really going to happen!” Benomar is remembered arguing.115 According to sources in NY at the time, certain members of the Council were quite reluctant to agree to such a request, given their skepticism that anything would change so soon after the adoption of Res. 2014. Saleh had wriggled his way out of so many earlier commitments. Why would this one be any different? Despite the hesitation, the delay was granted and to the sceptics’ surprise, the parties did reach an agreement and Saleh appeared in Riyadh on 23 November to formally sign the Agreement, with key members of the international community and international media bearing witness. With Saleh’s signing of the agreement there was an immediate reduction of the risk of violent conflict. Both sides to the agreement had achieved what they wanted: a dignified exit and the removal of Saleh to make way for political reforms to follow.

Yet, in true Saleh fashion, even this final act was uncertain. According to one source, Saleh himself had requested that the signing ceremony take place in Saudi Arabia (rather than Yemen). Yet, the night before the signing was scheduled to occur, a representative of Saleh’s government called the UN team and informed them that Saleh would not be able to attend the signing ceremony in Riyadh due to “security concerns.” Whether these were well-founded or represented Saleh’s final attempt to squeeze out of the corner in which his own people, the UN and the international community had placed him, is not clear. But what is clear is that by morning the message from his office had shifted once again: “he was already in Riyadh and waiting for the UN to arrive.”116

3. Conducive Elements to UN Preventive Diplomacy Efforts

There were a number of elements that enabled the UN to play a constructive role in 2011 in Yemen. Key elements included: a united Security Council, the receptivity of the parties to a UN role (compared with that of other mediators in the market), matching the right mediator to the right situation, and the relationship between the parties themselves and their disposition for finding a peaceful way out of the standoff. These are, perhaps unsurprisingly, common elements across successful cases of UN preventive diplomacy interventions.117 How they played out in Yemen, however, bears explaining.

United Security Council

In 2011, the UN Security Council was united on a way forward in Yemen, and, as a result, was willing to pass a resolution and threaten further action. This unity can be contrasted to Council members’ divisions over action in Libya and Syria during this same period. As mentioned earlier in this case, there was some nervousness on the part of PRC and the Russian Federation, who needed reassuring that the P3 would not pursue a similar path in Yemen as the one they had pursued in Libya. According to interviewees, Saleh did attempt to play members of the Council off each other, but was unsuccessful, as P5 representatives on the ground as well as in NY were well appraised of the situation and of each other’s and the OSA’s activities vis-à-vis the conflict parties.

Receptivity to a UN Role

Perceptions of the UN at the time when the UN first engages matter enormously. In some conflict theaters, sentiments towards the UN may preclude a UN role. In Yemen, however, the UN benefitted from, to quote the Special Adviser, its “lack of comparative baggage.” Yet it is also important to note, in 2011, sources suggest that the UN, as a political actor, had no distinct reputation in Yemen.118 The last political delegation to visit Yemen was Lakhdar Brahimi, in the exercise of the Secretary-General’s Good Offices during Yemen’s 1994 civil war. In 2011, in contrast, most of the other key international players had reputations that precluded them from being
seen as impartial. While the UN might not have had the “baggage” of Saudi Arabia or the US in Yemen, for example, it also did not have their equivalent ability to force Saleh’s hand. If either of these two actors had decided to continue backing Saleh, it is unlikely that UN efforts, vis-à-vis Saleh, would have been fruitful. But Saleh was not the only actor that needed to be assuaged and either coaxed to the negotiation table or persuaded to have faith in the type of agreement that would come from negotiations at the table. It was the UN’s ability to approach and build relationships of trust with these other stakeholders as well as with the regime that gave the UN an advantage over the Americans and the Saudis. In other words, the UN gained leverage over key conflict actors in Yemen by engaging broadly and showing its value to all sides.

Profile of the Mediator

The individual qualities of the mediator and his or her fit for the conflict situation matter. When the UN Special Adviser, Jamal Benomar, first arrived in Sana’a on 5 April 2011, he had a few distinct advantages compared to other actual and potential mediators at the time.

First, Benomar’s own specific biography and set of experiences facilitated his efforts to gain the parties’ trust in this case. Benomar was a Moroccan-born, fluent Arabic speaker with significant experience working in the region. He had recently accompanied the Secretary-General on his visits to Tunisia in the context of the start of what became known as the Arab Spring and had a keen sense for the frustrations that might be driving the protest movements as well as the complexities belying the oversimplified tropes of “good protesters” versus “bad regimes.” Moreover, Benomar was known amongst the leaders of Yemen’s youth protest movement for his own involvement in peaceful youth protests against his own government, when he was a teenager. Benomar served eight years in prison on charges of allegedly trying to overthrow the Government. The sentence followed months of torture. Benomar eventually escaped and sought political asylum in the UK. Thus, not only could Benomar speak to the political leaders of Yemen as a respected member of the international elite, but he could also speak to the leaders of the youth protest movement with the credibility of someone who had actually stood in their shoes and was thus more likely to understand the grievances they felt and the personal risks they were willing to take to ensure these grievances would be heard and addressed. Moreover, Benomar not only came from the region, as one interviewee put it, Benomar also came from the “right sort of Middle Eastern country” – one that had neither strong alliances with the opposition nor the regime.

The second advantage Benomar possessed was his career-long experience working within the UN system. This system knowledge, as well as the wide network of relationships he could lean on to push an agenda forward, assisted in his efforts to nudge the parties towards a deal. It was also evident in his decision to keep the Security Council members appraised of his first few missions even though he was initially mandated only under the Secretary-General’s Good Offices and neither under a Security Council resolution nor via a General Assembly mandate. He continued to demonstrate this influence through his involvement in the Resolution drafting process and through his successful request to the Security Council President, to delay his scheduled briefing to enable the parties more time to reach a deal during the critical period in November 2011.

In sum, it is clear that Benomar had a well-matched profile for this particular job. He had the appropriate combination of experiences and background to inspire a sense of trust with divergent stakeholders in Yemen.

Relationship between the Parties

Unlike in other situations where the conflict parties may be strangers to each other, the key actors in Yemen were not only well known to each other, but, at least at the elite level, had a number of overlapping interests and long histories of both collaboration and tension. Some have argued that these overlapping relationships and interests were so strong that, absent the UN, Yemeni leaders would have simply “done a dirty deal” and “gotten on with it,” finding their own solution to the 2011 standoff through a reshuffling of handouts and positions amongst the ruling elite. Others describe a state in collapse with relationships and old mechanisms for “solving problems” broken and beyond repair. What interlocutors do generally agree upon, however, is that parties to the formal negotiations in Yemen wanted an honorable way out of the standoff and were reluctant to risk all-out violence to reach the desired outcome.

4. Particular Strategies Adopted by the UN in the Yemen Case

Early Action

Within just a few weeks of the outbreak of violence (following “Jumaa al-Karama”), the UN Secretary-General reached out to President Saleh and requested his permission to send a Special Adviser to Yemen. Saleh accepted the UN’s overtures. The UN was initially at a comparative disadvantage in terms of knowledge about the situation and the key actors involved when it first engaged, compared to the international diplomatic corps on the ground or in the region. In light of this fact, the Special Adviser used his first two missions to build relationships with Yemeni and foreign stakeholders on the ground and to better understand what role, if any, the UN could play at the time. In May 2011, the primary mediation effort fell apart. Two months later, the UN was asked to take up the position of chief facilitator in renewed inter-party talks. At this point, the relationships and understanding cultivated...
over these first two months proved indispensable to the UN’s access to the parties and to the parties’ future willingness to accept the UN as their mediator.

Groundwork and Anticipation

Multiple sources, including the Special Adviser, his team members and stakeholders he met with spoke of the amount of time the OSA took to listen to and build relationships with various stakeholders. This kind of involvement required six missions, usually consisting of a few weeks each, over a period of eight months. In addition, Benomar and his team put concerted effort into building an appropriate groundwork of not just knowledge and relationships, but also a contingency plan, which took the form of the Implementation Mechanism. Anticipation was required in order to plan for the type of roadmap the parties might want, once they were ready for direct talks. This took months of work and consultations with all relevant parties, re-drafting, bringing in consultants for an opportunity that, as far as the team knew, might never come. But when the opportunity did come, DPA and the OSA team were ready, with a draft that was in a shape and appropriately pitched to serve as the platform from which direct talks between the parties could begin. In a nutshell, it was a form of anticipating the parties’ needs just one step before the parties themselves knew them, that facilitated the UN’s ability to assist the negotiating parties in this case.

Importance of Direct Talks

At the time of the UN’s arrival, the parties were not negotiating face-to-face. The OSA succeeded in fostering direct talks first in July and then again in November, 2011. When members of the Special Adviser’s team were asked to clarify what they saw as the importance of direct talks compared to shuttle diplomacy, they emphasized that direct talks were the only way to build up a sense of local ownership and, with that ownership, a sense of responsibility for the agreed outcome. As one member described it, “Indirect talks with starts and stops are not sustainable. When [talks] are just externally driven, and not resulting from internal talks, [they] wouldn’t stick.” Other observers acknowledged the ultimate importance of direct talks, but conditioned their usefulness on a preceding period of extensive bi-lateral consultations, which the UN and other diplomatic actors conducted in the nine months prior to November 2011.

Living with Constructive Ambiguity

One of the most frequently discussed elements of the UN’s strategy in 2011, was the fact that key decisions makers felt comfortable living with constructive ambiguity. There are a number of key points that depended on the parties agreeing to accept or even endorse an apparent contradiction in order to build sufficiently broad support for a final deal. In the UN’s case, the most striking is its opposition to blanket immunity but its strong support for an agreement based on an initiative that provided blanket immunity. In a similar vein, interviewees often spoke of the fact that the UN proved its impartiality to parties in Yemen in 2011 because its involvement earned it criticism from the US and the UK (chief drivers of the original GCC initiative). Yet interviewees also suggested that the OSA was successful, in part because of Benomar’s close relationship with the UK Ambassador in New York and his connections to influential players in Washington. Thus it was both the censor from great powers as well as their support than enabled the Special Adviser’s success.

In addition, some interviewees suggest that Benomar was seen as particularly impartial in this case, due to the fact that he had only a Good Offices mandate rather than a Security Council mandate when he first arrived in Yemen in April 2011. He only gained an explicit Security Council mandate through Res. 2014, adopted in October of that year. Yet, many witnesses also emphasize that when the Special Adviser visited Yemen during his first five missions, he carried with him, either inadvertently or strategically, the weight of the Security Council.

Moreover, despite the fact that the Implementation Mechanism was pieced together and negotiated without the participation of GCC members, it was still called the “GCC Implementation Mechanism.” As one interviewee put it: “We had to call it the GCC implementation mechanism, even though the [GCC Initiative and the Implementation Mechanism] were two separate agreements.” Because without the link to the GCC’s initial initiative it would have been much harder to build broad international support for the mechanism.” Such constructive contradictions are likely common to complex and politically charged peace processes. What would seem to differentiate actions taken in Yemen from other cases, however, was how skillfully political actors danced around such apparent contradictions, thereby ensuring that the media and the public’s attempts to resolve them did not, ultimately, compromise the 2011 peace deal.

5. A Note on Sustainability of the 2011 Peace Agreement

Yemen in November 2011 and February 2012 contrasts sharply with the reality in Yemen today. The UN has labeled the situation a “catastrophe,” following years of widespread violence, 10,000 civilian casualties, famine affecting more than three million people, and nearly one million with cholera. With regional powers pitted deeply against each other and willing to use the civilian population as pawns in their fight, a political solution to the current crisis appears a distant prospect. In this context, it may seem jarring to speak of a preventive diplomacy “success” in Yemen in 2011, as success can be judged not only by whether parties were pulled back from the brink of violence in the moment, but also by whether this withdrawal was sustained.

In light of the way events have turned out in Yemen, some
commentators have sought to peg current troubles on how the 2011 talks were handled. Given the state of affairs in Yemen today, their critiques bear examining. The first critique argues that a lack of inclusivity in the 2011 talks “sowed the seeds” for the later conflict. Three key constituencies were not party to the November 2011 agreement: representatives of civil society (including both leaders of the youth and women’s movements), representatives of the Houthis, and representatives of Hiraak. These three groups were, however, promised seats at the National Dialogue Conference that would follow Saleh’s resignation and form the basis for decisions about what form a future Yemeni state would take. Some critics argue that these groups’ exclusion from the 2011 Agreement was one of the reasons for the eventual role some of them played as spoilers in Yemen’s political transition process. These voices contend that efforts should have been made to include these key constituents at the negotiation table in 2011 and thereby ensure their grievances were concurrently rather than subsequently addressed. This “hindsight” critique is an crucial one to consider, in light of the importance of both the northern territories and the southern question in the current conflict. However, international journalists, Yemeni commentators, Yemeni party members, close advisers to Saleh, foreign diplomats based in Yemen, and senior UN officials consulted for this study emphasized how hard it was to coax even the “formal” political parties (GPC and JMP) to sign a common document in 2011, despite their overlapping interests, shared stake in the existing governing structures, and personal ties. Many present in Yemen at the time argue that it is highly unlikely to imagine that these parties would have come to an agreement if even more constituencies, with even more divergent goals, fewer overlapping interests, and fewer personal ties would have taken seats at the same table. And if the parties had not succeeded in signing the agreement, most Yemen watchers predict that the country would have collapsed into civil war in 2011. Thus, arguments that holding off for a more inclusive agreement in 2011 would necessarily have reduced the likelihood of civil war in 2015, must be weighed against arguments that absent the elite deal stuck in 2011, Yemen would have collapsed into civil war four years sooner.

A second critique focuses on the fact that the UN and other actors did not challenge the pre-existing understanding, enshrined in the GCC Initiative, that Saleh would receive immunity in exchange for stepping down. These commentators often argue that the UN’s failure to challenge this promise and see it expunged from the GCC Agreement, was at the core of Saleh’s ability to act as the chief spoiler of the post-NDC period in Yemen. Some have argued that the fact that Saleh resigned became almost irrelevant with time, as Saleh, despite stepping down, was still holding onto many of the reins of power and directing events from the sidelines. Indeed, Benomar would make this precise point to the Security Council in closed consultations on several occasions throughout 2012 and 2013. When challenged on this point, all those interviewed for this case remained emphatic that Saleh would never have stepped down peacefully without an assurance of immunity. And, they add, if he had refused to step down peacefully, the country would have collapsed into civil war in 2011.

A third critique acknowledges the great contributions of the UN in initiating and guiding the drafting of the implementation mechanism but is quick to criticize the mechanism’s implementation following the conclusion of the NDC in 2014. As one interviewee put it: “Five percent of success is drafting, 95 percent is implementation...The UN got the former right but failed in the way it facilitated the later. So their success [in drafting] doesn’t really matter in the grand scheme of things.” This critique needs examining but the timeframe (January 2014 forward) is outside the scope of this current study. It has been considered quite effectively in a range of other studies.

These three critiques should be taken seriously and factored into assessments of the “success” of the UN’s intervention during the 2011 crisis. The critiques must also, however, be considered against the fact that the 2011 agreement was never meant as a one-off agreement. Rather, it was designed as the first step in a multi-step process of transition, scheduled over the next two years. As far as the UN team saw the issue at the time, there was plenty of time for the stakeholders not currently sitting at the negotiation table to join the discussion and make their voices heard through the subsequent national dialogue process. Members of the OSAs team also felt the UN had succeeded in inserting core international law and human rights language into the Implementation Mechanism, and thus, into the ensuing steps of the transition, even while such principles were lacking in the initial GCC agreement. But, in turn, it was understood that no national dialogue could occur until Saleh had stepped aside, clearing the way for an inclusive, democratic, and normatively-based discussion by Yemenis about Yemen’s future.

6. Summary of UN Contribution and Conclusion

In each interview conducted, the interlocutor was challenged with the counter-factual: what would have happened in 2011 absent the UN’s intervention? What might have been different? Stayed the same? The answers of 29 expert interviewees help shed light on the relative contribution of the UN versus that of other actors involved. Their responses fell largely into three categories: those who thought the UN played a marginal role, those who thought the UN played an important but not an incommensurable role, and those who thought the UN played a uniquely indispensable role.

The first group saw the UN’s role as marginal when compared to, on the one hand, pressures from the US and Saudi Arabia on Saleh and his party, and, on the other hand, the decisions and choices of the parties themselves regarding whether to strike a deal, fueled, in large part, by the military standoff.
and pressures from the street. To echo the observation made earlier, observers in this category suggest that Yemeni elites, if left to their own devices, would have simply “done a dirty deal,” shuffling seats and privileges and “got on with it.” Yet it is not clear in this vision, whether Saleh would have stepped down, or whether the 2011 standoff would have eventually been defused through a reshuffling of benefits and patronage schemes or, as most commentators agree, led to state collapse and civil war.

The second category of responses comprised those who were quick to acknowledge that the UN played a key role in brokering the implementation mechanism and in nudging Saleh to sign the agreement on November 23rd, 2011. However, this second group is more confident that, in the UN’s absence, either other international external mediators (GCC members, the US, the EU) or internal mediators (such as Yemeni elites or tribal leaders) would have stepped in and guided (or forced) the parties to a negotiated solution, given how interests, at that time, were stacked against going to war.139

The third group argues that the UN played an indispensable role in 2011. Without the UN’s intervention in 2011, this group felt certain the Jenga tower of blocks making up the Yemeni state would have come crashing down. “No Benomar, no deal,” on interviewee responded. “Without the UN [in 2011]? Easy. There would have been civil war,” answered another. One international journalist who was in Sana’a during the immediate aftermath of the November 2011 negotiations characterized the UN’s contribution in the following way: “At times it seemed that Benomar’s presence in Yemen, and the international community’s insistence on the success of the transition, were the only things keeping the process on track – a vital but elaborate multi-lateral confidence trick.”140

Despite their differences, what all three groups agree upon is that despite the dire prediction of imminent violent conflict in 2011, Yemen’s center held, civil war was temporarily averted, and the Middle East witnessed its first largely peaceful and more or less voluntary transfer of power in the context of the Arab Spring. These three groups also generally agree that, while not the only nor the most important factor, the OSA’s mediation efforts contributed to the 2011 outcome by influencing key actors’ decisions away from violence and towards a negotiated settlement through 1) sustaining parties’ involvement during moments of uncertainty, 2) subsequently reducing uncertainty through co-developing a post-agreement roadmap with the parties, 3) helping establish a conducive environment for direct talks given the mediator’s reputation for impartiality, and, 4) providing a final nudge to Saleh to sign the GCC agreement, through an implied threat of pending UN sanctions.
Endnotes


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2 See chart for yearly estimates of Yemen’s oil revenue: http://www.theglobaleconomy.com/Yemen/Oil_revenue/


7 Interview with two separate sources close to Saleh; See also “Hamid Al-Ahmar Yemen’s Next President?” Newsweek 2011: http://www.newsweek.com/hamid-al-ahmar-yemens-next-president-67803


11 In addition to feeling marginalized, the Houthis also resented Saudi support for Saleh’s government and the Salafi influence it entailed, had strayed too far from the Zaydi roots unique to Yemen. This movement, rooted in a Shia’s branch of Islam, pushed for a restoration of the values on which Zaydiism prides itself including opposition against oppression. They saw the removal of Saleh and certain members of his regime as the only way to restore Zaydi influence and cleanse Yemen of the stains of Salafism. For more on this issue see “Salafism in Yemen: a ‘Saudisation’, in Madawi al-Rasheed (ed), Kingdom without Borders (Hurst, 2008): “Black Box; Houthi-led Insurgency in the Northern Province of Saada,” in Hill, G. Yemen Endures 2017.; and “Yemen: Diffusing the Saada Time Bomb,” ICG, 27 May 2009.


16 Gun Control Yemen Style: https://www.theatlanticcouncil.com/international/archive/2013/02/gun-control-yemen-style/273058/

17 According to a number of sources interviewed, what made the youth protest movement particularly unique, however, is that many protesters chose to either leave their firearms aside or refrain from using them (Sources withheld).


19 See international journalist, Tom Finn’s, frequent blog posts during this period: https://tomwfinn.wordpress.com/yemen-blog/page/3/. Finn was one of the few international journalists in Sana’a during the uprisings.


22 Interviews with activists amongst the protesters; See also Tom Finn, Sarah Isaq, and many more blogs and videos recorded by protesters or those covering the protests during this period.

23 Tawakkol Karman, a Yemeni journalist, member of the Isahli party, and founder of the group “Women Journalists Without Chains,” went on to win the Nobel Peace Prize for her leadership and courage throughout this period.

24 ICG, 10 March, 2011.


26 Hill, Yemen Endures, p. 205.

27 ICG, 10 March, 2011, p. 2-4.
While members of the elite were shocked by the heavy-handed nature of the regime’s response, the event also provided a premise for breaking with the regime, although their differences had been festering for a few years prior. Some analysts accuse defectors of hijacking the protests for their own needs at this point.

Source withheld.


Source withheld.

Source withheld.

Source withheld.

Interview with participant from negotiations.

Interview with participant from negotiations.


Interview with Dr. Abubaker Al Quibri, former President Saleh’s lawyer October 2017.

Source withheld.

Source withheld.

Source withheld.

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Source withheld.

Source withheld.

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Sources withheld.

July 2011 Briefing to the UN Security Council on Yemen.

Source withheld.

While the parties were still negotiating on the basis of the GCC initiative, some of the international parties that had helped oversee the document’s initial drafting, felt sidelined from this third round of negotiations and the development of the implementation mechanism. The UN defended its approach based on the need to maintain its appearance of neutrality. It argued that if the mediation team was seen as running to report directly to the US or EU following talks with a stakeholder, then this neutrality that allowed the UN to perform its function, would be lost.

Source withheld.

See, for example: https://www.thetimes.co.uk/article/bloodshed-in-change-square-as-president-returns-to-yemen-hs-062x99hg.


Sources withheld.

Sources withheld.

Source withheld.


Sources withheld.

Source withheld.

Source withheld.

Hill, G. Yemen Endures, 2017, p. 239.

Source withheld.

Various interviews with interlocutors privy to Saleh’s thinking during this period.
74 Sources withheld.
76 Source withheld.
77 Source withheld.
78 These included leaders of the youth protest movement, members of civil society, representatives of the Southern secessionist movement, and leaders of the Houthis.
79 Sources withheld. Among other things, the Mechanism details a roadmap for elections, Security Sector Reform, an inclusive national dialogue and a trust and reconciliation body.
80 Source withheld.
82 Source withheld.
83 Source withheld.
84 Sources withheld.
85 Sources withheld.
86 Source withheld. See also Hill, G. Yemen Endures, 2017, p. 240.
87 Source withheld.
90 24 April 2011 Yemen Security Council Briefing.
91 DPA and EOSG officials from 2011.
93 Source withheld.
94 Source withheld.
95 Source withheld.
97 Source withheld.
98 Source withheld.
99 Source withheld. While this cachet may well have helped Benomar through the period under study, other analyses suggest that this elevated status and the expectations that came with it, may have complicated UN efforts in later episodes of involvement, when delivery on expectations became ever more challenging.
100 One source noted a second, far more basic concern of the OSA. According to this source, the initial GCC agreement had been crafted in English, and very poorly translated into Arabic, leading to confusion over key terms. In contrast to the initial agreement, the OSA spent extensive time crafting the Implementation Mechanism directly in Arabic.
101 Source withheld.
102 Source withheld.
103 Despite these precautions, the team still met with a number of challenges regarding leaks. For example, it came to light during this period that one of the translators the group had been using during confidential bi-laterals with various stakeholders was linked to the government security services. It also came to light, according to one source, that OSA feared that some of the reports sent through the UN country team in Yemen occasionally made their way to a senior figure in NY, who was close to Saleh’s regime. While both of these stories would need further verification, even the mere suspicion could help explain what later became a decision to keep the OSA team very small, to limit the paper trail and, at times, to resist sharing certain information with the broader UN mission in Yemen at the time. The result, however, was that the relationship between the Special Adviser’s team on the one hand and the broader UN presence in Yemen on the other, was not particularly good. For more on this issue see: “Mediating the Transition in Yemen: Lessons Learned,” ODI Report, October 2014: https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9205.pdf; “Lost in Transition: UN Mediation in Libya, Syria and Yemen,” IPI, November 2016: https://www.ipinst.org/wp-content/uploads/2016/11/1611_Lost-in-Transition.pdf.
105 Source withheld.
106 Source withheld. According to a few sources, Benomar played a role in convincing the UK to propose a resolution on
Yemen, through his personal and long-standing relationship with the UK’s Permanent Representative to the UN, Sir Mark Lyall Grant.

107 Source withheld.
108 Source withheld.
109 The primary reason was to ensure regional and international buy-in for the adjoining Implementation Mechanism, given regional and international investment in the existing GCC Agreement.
111 In Article IV of Resolution 2014, the Security Council: “Reaffirms its view that the signature and implementation as soon as possible of a settlement agreement on the basis of the Gulf Cooperation Council initiative is essential for an inclusive, orderly, and Yemeni-led process of political transition…calls on all parties in Yemen to commit themselves to implementation of a political settlement based upon this initiative, notes the commitment by the President of Yemen to immediately sign the Gulf Cooperation Council initiative and encourages him, or those authorized to act on his behalf, to do so, and to implement a political settlement based upon it, and calls for this commitment to be translated into action, in order to achieve a peaceful political transition of power, as stated in the Gulf Cooperation Council initiative and the Presidential decree of 12 September, without further delay.” Appearing almost as an additional safeguard against accusations of having endorsed a blanket immunity for Saleh and his associates, Resolution 2014’s second article also, “stresses that all those responsible for violence, human rights violations and abuses should be held accountable [sic].” See exchange between Security Council President and UN journalists at a Security Council Media Stakeout on this issue, following the signing of the Agreement, where the SC President, when questioned about the contradiction replies: “Beyond the agreement that was signed, we believe that those responsible for human rights violations should be held responsible”: http://webtv.un.org/meetings-events/security-council/watch/sc-president-h.e.-jose-filipe-moraes-cabral-portugal-on-yemen---security-council-media-stakeout/5238095946001/?term=.
113 Sources withheld.
114 Source withheld.
115 Source withheld.
116 Sources withheld.
118 Source withheld.
120 It is important to note that receptivity to the UN as the “least controversial foreign actor” in this case, did not last. Interviewees who worked in or lived through events in Yemen from 2014 forward, occasionally argued that Benomar (and the UN as a political actor) benefited from an initial grace period in 2011. As it was the first time the UN had engaged politically in Yemen since 1994, they argue that the UN had a reputation to lose rather than one to prove or re-make. By 2013, however, this grace period began to expire, especially as the Special Adviser began to exert more muscular leverage. The more leverage Benomar exerted or was perceived to exert, the less impartial the UN appeared to key stakeholders on the ground.
121 Source withheld.
123 Sources withheld.
124 Source withheld.
125 Source withheld.
127 Source withheld.
128 Source withheld.
129 Especially John Brennan. Source withheld.
130 Sources withheld.
131 Source withheld.
132 See exchange between Security Council President and UN journalists at a Security Council Media Stakeout on this issue, following the signing of the Agreement: http://webtv.un.org/meetings-events/security-council/watch/sc-president-h.e.-jose-filipe-moraes-cabral-portugal-on-yemen---security-council-media-stakeout/5238095946001/?term= These contra-
dictions, however, would come back to complicate efforts in the second stage of UN involvement in Yemen.


134 But Security Council unanimity on Yemen was not a given. As one source recalled: “Saleh was smart. He had tried to play the Council members off each other – appealing to Russia, to China and then even to the regional blocks of states to protect his hold on power. But it didn’t work because we kept the Russians and the Chinese briefed all along. There were no surprises. And they were smart. They came to understand that Yemen would not become another [case of Council overreach in] Libya.” As a result, Saleh’s attempts to pit potential adversaries against each other ultimately failed.


137 Source withheld.

138 See, for example, “The Sana’a Illusion: Why Yemen is Not a Model for Iraq,” Farea Al-muslimi, Foreign Affairs, July 20, 2014.

139 Sources withheld.