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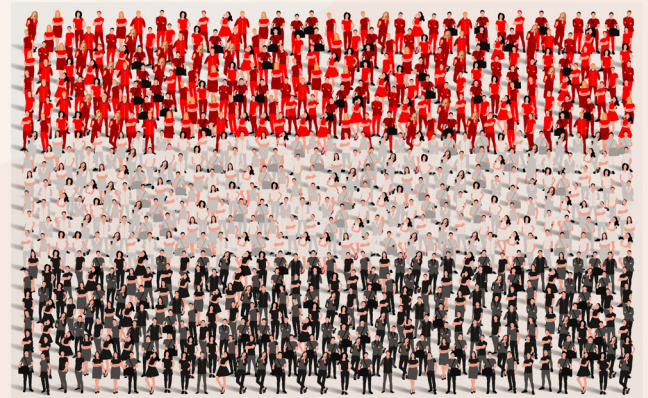
Civic Space Monitor

National Reports on Civic Space 2023



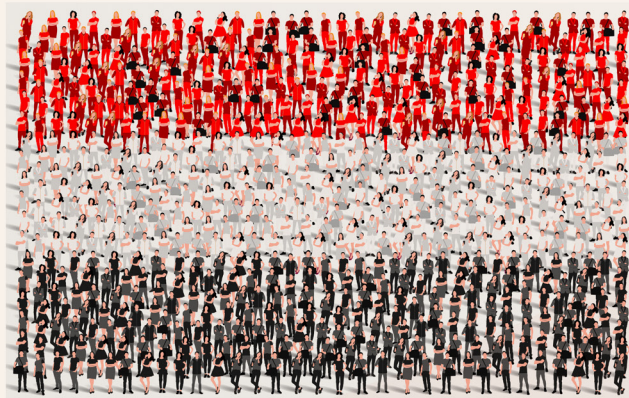
Yemen

Continuing conflict leads to civic space erosion and civil society disintegration



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Political and Socio-economic Frameworks

Political Framework

At the theoretical level, there are four governing references in Yemen as follows:

- The 1990 Constitution, or the Constitution of the “Unitary State”
- The 2011 GCC Initiative and its implementation mechanism
- The 2014 National Dialogue Conference outcomes
- Relevant international resolutions, mainly Resolution 2216. The three references govern all international resolutions issued by the United Nations, the Security Council, and all its affiliated bodies

In terms of governance and practice, there are two authorities in Yemen: the internationally recognized legitimate government and the de facto authority of the Houthis.

The Houthi Movement is characterized by extreme centralization, as the leader of the Movement, Abdul Malik Al-Houthi, holds absolute power according to a strict hierarchy that he worked to consolidate throughout the years of war. His powers are broader than those of the Imam in the Zaydi Madhab (Zaidi School of Thought) and even the leader of the Iranian Model. Indeed, he appointed a president and a puppet government in Sana'a that handles business but practically lacks powers.

On the ground, the Houthis control the capital, Sana'a, and most of the northern governorates, practicing the most severe types of absolute totalitarian authoritarianism through oppression and violent coercion and strictly rejecting all human references such as constitutions, democracy, civilization, etc. The "Quranic" text is their sole reference, and, according to their interpretive narrative, the ruling is exclusive to "Ahl al-Bayt" (the Houthis).

On the other side, and at the theoretical level, the legitimate authority considers the three references the ruling references. However, the weak government has been constantly losing its influence in favor of the paramilitary actors (the Al Islah Party, which practically dominates the National Army, and the Republican Guard affiliated with the nephew of President Saleh, Brigadier General Tareq Saleh, the Salafi-oriented Southern Giants Brigades led by Abdul Rahman Al-Mahrami, and Southern Transitional Council separatists, led by Major General Aidaroos Al-Zubaidi).

In governance and practice, the legitimate government controls all Southern and small parts of the Northern governorates (Hodeidah, Taiz, and Marib, rich in gas and oil).

The legitimate government consists of Yemeni political parties equally in the North and South and the Transitional Council, but they have different ideologies and politics. Recently, the legitimate government witnessed a pivotal shift: on April 7, 2022, from his residence in Riyadh, the elected president, Abd Rabbo Mansour Hadi, announced that he had ceded power and appointed a Presidential Council

consisting of 8 members equally between South and North, including six soldiers headed by Dr. Rashad Al-Alimi.¹ He attached a Constitutional Declaration to his statement, which included the determinants governing the work of the Presidential Council and other emerging bodies (the Consultation and Reconciliation Commission - the Legal Team - the Economic Team). In Article (8), the Constitutional Declaration stipulated the termination of the Council's work under a comprehensive political solution and the establishment of comprehensive peace across the Republic or when general elections are held under the new constitution.² Thus, the Constitutional Declaration constitutes a new reference to be added to the previous ones.

In terms of war developments and the current prospects for peace, Yemen witnessed a dangerous escalation earlier this year (2023) through record-breaking hostilities since the end of the truce last October, followed by a relative breakthrough on January 14, 2023, as the government and the Houthis reached an agreement to exchange prisoners after holding challenging consultations in Switzerland. This agreement and the Saudi-Iranian rapprochement constituted a critical turning point from escalation to de-escalation.³ The upcoming months will undoubtedly determine the final aspect of the Yemeni crisis, whether it be peace or war. This path is closely related to regional and international calculations. However, it does not leave out the local forces, which still have room for maneuver.

Socioeconomic Reality

The 9-year-long conflict dismantled the structures of society, as it was split at the geopolitical level into North and South, horizontally at the ethnic level into Yemeni and Hashemite, and to a lesser extent, into Sunni and Shiite.

External interference in all its forms has contributed in one way or another to fueling these splits, specifically Iranian interference in support of the Houthis, under purely sectarian motives, and Emirati interference, which strengthened the separatists in the Southern governorates.

According to 2021-2022 statistics, we notice high rates of poverty and unemployment and a sharp decrease in food and health security. Moreover, the war economy has deepened inequality and class disparity.

Statistics indicate that 71% to 78% of Yemenis suffer from poverty, and women are the most affected groups.⁴ According to the 2023 UN Yemen Humanitarian Response Plan, about 80% of the population struggles to access food, safe drinking water, and adequate health services.⁵

The conflict has also caused a massive displacement of the population, and the UNHCR estimates the number of displaced people in Yemen to be four million.⁶

Many reports indicate that the education indicator has been declining since 2014 as an inevitable result of the ongoing conflict. The level of illiteracy in rural areas has reached about 70%, compared to 40% in urban cities. The number of school dropouts has reached

two million, in addition to 4 million affected by the war, bringing the total number to 6 million students, including dropouts and those involved. The war has also destroyed many schools, led to the scarcity of school books and supplies, and forced thousands of teachers to leave the education sector and look for other sources of livelihood.⁷

At the economic level, the conflict has caused severe damage to the national economy, and according to the Ministry of Planning and International Cooperation, the Yemeni economy lost \$90 billion during the years of war.⁸ Statistics indicate a GDP contraction of about 50% during 2012-2019.⁹ The United Nations Development Program (UNDP) estimated lost opportunities in GDP at about \$93 billion, increasing to \$126 billion in 2020. Yemen has been witnessing a steady deterioration of the national currency since the outbreak of hostilities, as its value has fallen by about 500% against foreign currencies.¹⁰

Despite the relative cessation of hostilities in 2022, economic conditions haven't improved. They are still deteriorating noticeably in all aspects, despite the many steps taken by the government and international institutions, namely, efforts aimed at maintaining the stability of the currency and supporting commodities through a cash contribution by the KSA via the Arab Monetary Fund, amounting to one billion dollars,¹¹ and other grants estimated at \$270 million provided by the WB to the government.¹² The reason for the continued economic decline is due to many internal and external factors:

Internal Factors

- Continued rupture of the Central Bank and the national currency
- Suspension of oil and gas exports
- Massive destruction of infrastructure and various economic sectors and activities

External Factors

- Decrease in international aid allocated to funding humanitarian response plans, as the deficit in financing the 2023 Humanitarian Response Plan has reached about 75%¹³
- Increase in food, energy, and transportation costs associated with the fallout from the Ukraine-Russia war

Civic Space and Civil Society Status

Yemen's civic space and civil society have undergone three major transformations from (2011 to 2022): (Escalation, containment, and setback).

First: Escalation

The 2011 protests, which coincided with the interactive media revolution, unleashed civil society, as conditions were created for most segments of society to engage in public affairs, which had remained limited to the authorities and power and opposition parties since the 1994 war. Instead of working in the shadows of the opposition parties, civil society initiated the movement, and the tables were turned. Within the social movement, youth and women emerged as the most prominent driving forces toward bringing about a fundamental shift in the structure of the political system and the actions and thoughts of civil society, given the large numbers that were involved in the mass movement and took the lead in its activities, and their distinction in devising innovative methods and means of pressure and influence that were not previously familiar internally. During 2011-2014, about 1,800 civil organizations and institutions out of 8,000 were established.¹⁴

After the success of the popular movement in forcing President Saleh to step down in 2012 and electing Abd Mansour Hadi as a transitional president under what was known at the time as the "GCC Initiative and its Implementation Mechanism," the relationship between civil society, the authority and

political parties changed, as trade unions and civil society organizations were able to break free from security and political influences for the first time since the birth of modern civil society in 1990, and turned into a more independent and effective political actor than ever. In conjunction with the formation of the transitional government by the government and opposition parties on December 7, 2011, civil society continued to engage in the popular movement during the transitional period, either by observing the performance of the transitional government and correcting its path or by supporting it while confronting forces opposed to change, as it continued to form, along with the groups affiliated in the protests, the popular cover for all policies and decisions that pave the way for political transition, specifically those related to the restructuring of the security and military apparatus.

In conjunction with the mass movement momentum at the time, civil society could impose itself as a key player in the National Dialogue Conference (2013-2014) despite the reluctance of many political forces. Civil society representatives sought to protect its gains by including civil and political rights, a civil state, and transitional justice in the draft constitution to be put to a referendum. They also clashed with many traditional forces that rejected the civil state, such as Political Islam, some tribal forces, and Counter-revolution forces, which continued to adhere to Islamic law as the sole reference for legislation until they could finally impose it. However, Islamic law (Shariah) was one of the sources of legislation in the 1990 Constitution.¹⁵ Civil society succeeded under the escalation pressure in including articles

promoting women's political participation and freedom of belief and thought and limiting the presidential term to two terms only. Civil society organizations also played an active role in monitoring the violations to which demonstrators were subjected, launching several projects related to building the capabilities of young activists and training them in dialogue and advocacy.

Second: Containment

The containment of the popular movement and civil society began practically in parallel with the National Dialogue Conference convening. Political parties worked to adopt a discourse stating that the "Revolution" had achieved its goals. Consequently, street protests were no longer necessary. They also worked to attract many prominent activists within government departments and involve many partisan organizations and youths within civil society organizations, and independent youths and women organizations selected to participate in the dialogue, which led to differences between the components of civil society, the street, and the political power.

Throughout the Conference, politicians put forward their positions, some of which were not without ideological biases, on core issues related to the form of the state and the political system. The disputes over these issues escalated, and, due to the failure to resolve them, they have become a subject of public debate, leading to the division of the street and civil society over the Conference contents as well. The popular movement and civil society lost their power, given the disintegration of the main goals that

formed their overarching framework during the outbreak of the protests, which were "bread, freedom, and social justice."

Due to the weak institutional structure of civil society, which was still groping its way towards distinction and independence, and its lack of inclusion in a general institutional formation, as is the case of the Labor Union in Tunisia, in addition to the state's failure to monopolize weapons, the possession of armed factions by many political and religious forces, their dominance over the economy and external connections, and their long experience in governance, these forces succeeded in reorganizing their ranks and regaining the initiative. Consequently, civil society was gradually contained, and its effectiveness was reduced, noting that it found itself exposed and unprotected in the most decisive battle. The former government and opposition parties together became the transitional authority. Many parties, including leftist, liberal, and nationalist parties, preferred to maintain political consensus rather than risk supporting civil society, even though the goals that civil society was seeking to achieve were the same as those previously adopted by said parties and constituted the political doctrine of most of their masses.

Third: Setback

The ongoing conflict since 2014 has severely affected civic space and society. According to a survey conducted in 2015, 60% of civil society organizations were subjected to violence, looting, and harassment or found their assets frozen. They also encountered many challenges, including security and safety risks, such as detention, extortion, assault, kidnapping, and attempts to kill employees by armed groups or individuals. Campaigns were launched to discredit organizations and activists and undermine their work. Restrictions were imposed on freedom of expression and assembly.¹⁶

The conflict also led to civic space militarization and pushed civil society towards disintegration. Under the pressures of war, civil society underwent a functional transformation; it gave up its autonomy and became indirectly involved in the conflict structure. In more precise terms, civil society has adapted during the war to the de facto outcomes. Adaptation has two facets: one positive and the other negative. Positive adaptation is keeping a short distance between civil society institutions and the de facto authority. In contrast, the institution/organization/union operates within the authority's control. Negative adaptation transforms the institution/ organization/ union into a submissive tool at the hands of the de facto authority.

The unregulated violence that civil society faced during the first days of the conflict constituted a critical shift in civil awareness and practice. Peace has always been the strength of the popular movement in a country where

weapons are widespread, and the tribal system constitutes a large part of the social structure. The violence and civil reaction, namely the loss of confidence in continuing the protests in the face of violence, marked the initial stride towards the fundamental transformation civil action would later undergo.

The overall map of the last form for which the (disintegrated) civil society settled until May 2023 is as follows:

- A (unitary) civil society that still clings to the spirit and tools of civil work and struggle at the national level, despite the shrinking margin of freedom represented by political rights, the right to expression, and the right to form civil work institutions, and despite the lack of opportunities to protest.
- A (separatist) civil society that came to the conviction that the Houthis could not be defeated militarily and therefore joined the Transitional Council demanding secession, for the alleged reason that unity had been achieved between free citizens and after the Houthi coup against the republic and democracy and its rejection of these references, making unity unlikely with the north at this point. Many Southern poets and writers kept requesting the establishment of the Southern Writers and Poets Union. The headquarters of the Journalists Syndicate were seized by force in Aden and handed over to the just-formed Southern Media and Journalists' Syndicate.¹⁷
- A civil society that has become a tool for the de facto authority (the Houthis) and its agenda.

- A civil society that has become part of the internationally recognized tools of power, or one of its forces, and has become an integral part of it.

Legislative Framework Developments

During the years 2020-2022, Yemen did not witness any legislative developments related to laws regulating civil society, mainly due to the inability of parliament to convene, as it did not convene during 2014-2023, except twice.

Freedom of Association

Civil society organizations face systematic targeting and threats by the authorities of Sana'a and Aden, where the license is accepted or denied based on the organization's position on the current authority. Licensed organizations are forced to give up a valuable part of their professionalism and independence. Large sums amounting to \$10,000 are imposed for license renewal,¹⁸ in addition to the illegal request for prior approval for each activity or event. In specific cases, employees were imposed in organizations in return for facilitating licensing procedures.¹⁹

With the growing separatist tendency in Aden, many northern organizations' licenses are refused by the Ministry of Social Affairs and Labor, which is part of the Southern Transitional Council. This refusal reflects the Council's orientation to perpetuate separation on the ground, incompatible with the Prime Minister's and Presidency's orientation. However, this

does not absolve them of responsibility.

Freedom of Expression

During the years 21-22, journalists in Yemen witnessed the worst years ever, as Yemen was ranked among the three most dangerous countries for journalists in the world due to the high level of violence against them.²⁰ For the first time in Yemen, two journalists were assassinated by bombs planted in their cars,²¹ leading to panic among journalists and negatively affecting freedom of expression and journalistic work.

The year 2022 also witnessed the Houthis launching massive arrest campaigns against social media content creators and influencers, subjecting them to politicized trials.²² Also, journalists' phones and computers were hacked.

The Houthis had released four journalists on death row as part of a prisoner exchange deal between the government forces and the Houthi movement; in return, Houthi war prisoners were also freed, a flagrant violation of International Humanitarian Law. The two journalists, Al-Salahi and Al-Junaid, are still detained in Al-Houthi prisons despite having already served their sentences. Amnesty International issued a statement demanding their immediate release.²³ The Southern Transitional Council still detains the journalist Ahmed Maher.

The Yemeni Journalists Syndicate reported how the war undermined the independent press and media, in contrast to the proliferation of the press and media affiliated with the parties to the conflict. The study indicated that 162 media outlets were suspended during the war, while

137 media outlets were established. Out of the 365 media outlets, 40 have contracts with journalists. Among the 26 media channels, 13 broadcasts from abroad, including government media, indicate security chaos. Also, 29 out of 147 news sites maintain their independence. Among the 60 radio stations, 42 are affiliated with parties to the conflict, 18 remain independent, 22 operate at a regional level, and international organizations support two.²⁴

Newspapers and magazines were the most affected by the war, as 119 daily, weekly, or monthly newspapers and magazines out of 132 were suspended.²⁵

Summary of the Civic Space Status in Yemen

The Yemeni case can be summed up as follows:

- Houthis pose the greatest danger to civil society, as their totalitarian, sectarian-based approach undermines civic space and civil society.
- The terrorist organization Al-Qaeda is a danger that threatens civil society organizations in many governorates where its members operate, as they accuse CSOs of being agents of the "infidel" West.
- Rising separatism in Southern governorates was associated with the division of Yemeni civil society along sectarian lines. With the recent increasing influence of the Transitional Council, which practically dominates the interim capital, Aden, and many Southern governorates, the residing and displaced northern civil society in the Southern governorates is facing harassment by the Council.
- The tribal system and political Islam in general in Yemen constitute a form of political and authoritarian domination and a powerhouse and influence in developing successive government policies. These two systems are often characterized by conservatism and sectarianism and are opposed to all forms of civilization.
- Competing political parties seeking to contain and employ civil society to serve their goals constitute one of the risks threatening civil society.

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