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What Role(s) for the European Union in National Dialogues? Lessons Learned from Yemen

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Abstract

National dialogues aim to reconstruct a legitimate institutional framework after a conflict through broader representativeness as well as a new social contract between the state and the society. The European Union (EU) can play various roles in such processes. However, the involvement of an external actor may undermine the national ownership and credibility of national dialogues. Hence, the first aim of this paper is to analyse how the EU can support national dialogues without undermining their national ownership and legitimacy. To answer that question, this paper develops a new analytical grid conceptualising the various roles that the EU can play in national dialogues. This analytical grid, the Analysis of National Dialogues External Support model – or ANDES model - shows that the EU has various entry points to support national dialogues and that those vary from one national dialogue to the other. It is then only through lessons learned that the EU may find the right balance between pushing for liberal reforms and respecting the national ownership of the national dialogue. In order to illustrate the ANDES model by a concrete example, the Yemeni National Dialogue Conference (NDC) is analysed. While the Yemeni NDC was considered at the beginning as highly promising, this paper's second objective is to analyse why this national dialogue failed. The paper finds that various elements in the process-design, the decision-making management and the operationalisation of the Yemeni national dialogue were not appropriate for the country's situation, reflecting a general lack of social cohesion of the Yemeni society during the national dialogue and undermining the success of the process.

Introduction: the EU's role(s) in post-conflict national dialogues abroad

The Arab Spring has revealed deep divisions among Middle Eastern and North African (MENA) societies that were previously hidden behind authoritarian regimes. As the polarisation between secular and liberal political forces, military, Islamist, Sunni and Shia communities led to the return of violence in the region, mediation appeared as the only way to resolve these conflicts.¹ In order for these societies “to make a clean break with the past and move forward toward forging a new social contract”,² a new narrative of social inclusion and civil participation in state affairs has been encouraged by various stakeholders such as political leaders and civil society organisations. Among various confidence-building measures and inclusive dialogue processes, national dialogues emerged in various MENA countries, including Morocco, Libya, Tunisia, Egypt, Sudan, Lebanon, Jordan, Bahrain and Yemen.³ National dialogues are defined by Barnes as “nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions”.⁴ In that sense, national dialogues aim to reconstruct a legitimate institutional framework through broader representativeness, as well as a new social contract between the state and society.⁵

As the legitimacy of national dialogues is based on social inclusivity and national ownership, the involvement of an external actor such as the European Union (EU), promoting its own interests and principles, is delicate and could undermine the whole process.⁶ National dialogues, like all peace processes, are indeed unlikely to have a positive impact if they seem “illegitimate, imposed or going against the grain of locality”.⁷ In order to engage in national dialogues, the EU must therefore be seen as

¹ J. Bisard, “The EU’s Mediation Role in the post-Arab Spring Era: A Comparative Analysis of Tunisia, Egypt and Libya”, *POMEAS Policy Brief*, no. 9, Istanbul, Project on the Middle East and the Arab Springs, 2015, p. 1.

² I. Fraihat, *Unfinished Revolutions: Yemen, Libya and Tunisia after the Arab Spring*, New Haven, Yale University Press, 2016, p. 7.

³ Berghof Foundation, *National Dialogue Handbook: A Guide for Practitioners*, Berlin, Berghof Foundation, 2017, p. 19.

⁴ C. Barnes, “Dilemmas of Ownership, Inclusivity, Legitimacy and Power: Towards Transformative National Dialogue Processes”, *National Dialogue Handbook Background Paper*, no. 1, Berlin, Berghof Foundation, 2017, p. 7.

⁵ T. Paffenholz, A. Zachariassenn & C. Helfer, “What Makes or Breaks National Dialogues?”, *Report Inclusive Peace and Transition Initiative*, Geneva, Graduate Institute of International and Development Studies, 2017, p. 22.

⁶ J. Harlander, “Supporting a National Dialogue: Dilemmas & Options for Third Parties”, *Mediation Practice Series*, Centre for Humanitarian Dialogue, Geneva, 2016, p. 6.

⁷ A. Ramsbotham & A. Wennmann, “Legitimacy and Peace Processes: From Coercion to Consent”, *Accord*, no. 25, London, Conciliation Resources, 2014, p. 15.

a legitimate actor by the various stakeholders and the national population. Defined by Suchman as a “generalized perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions”,⁸ the legitimacy of an external actor in mediation and dialogue facilitation is closely linked to its impartiality in the conflict.⁹ An impartial external actor treats the various stakeholders fairly and should not have any material interests in the negotiations. However, being impartial does not mean being neutral, as external actors may promote universal principles and values vis-à-vis the parties.¹⁰ Youngs stresses that external actors must keep in mind that “targeted reform efforts [...] are needed to make mediation work”, by ensuring that all actors can effectively and fairly participate in the peace-building process.¹¹ Thus, “it is in this relationship between mediation and reform aims that a new framework for assessing external actors’ role in today’s divided Middle East is most required”.¹²

Hence, the first objective of this paper is to analyse how the EU can support national dialogues abroad without undermining the national ownership of such processes. To answer that question, this paper puts forward a new analytical grid analysing the roles that an external actor such as the EU can play to support national dialogues. This new analytical grid, the Analysis of National Dialogues External Support model – or ANDES model – combines the roles that external actors can play in national dialogues, conceptualised in the National Dialogues Handbook of the Berghof Foundation,¹³ and four general factors to analyse national dialogues in general. These four factors are inspired by the ‘Change Burger’ model designed by the psychologists Leroy and Schiffers for companies in managerial transition:¹⁴ (1) the process-design of the national dialogue, (2) its decision-management, (3) its operationalisation, and (4) the social cohesion of post-conflict societies going through national dialogues. The ANDES model shows that the EU has various entry points to support each of these factors, such

⁸ M.C. Suchman, “Managing Legitimacy: Strategic and Institutional Approaches”, *Academy of Management Review*, vol. 20, no. 3, 1995, p. 573.

⁹ United Nations, “Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, Conflict Prevention and Resolution”, *Report of the Secretary-General A/66/811*, New York, United Nations, 2012, p. 25, https://peacemaker.un.org/sites/peacemaker.un.org/files/SGReport_StrengtheningtheRoleofMediation_A66811.pdf

¹⁰ *Ibid.*

¹¹ R. Youngs, *From Transformation to Mediation: The Arab Spring Reframed*, Brussels, Carnegie Europe, 2014, p. 15.

¹² *Ibid.*, p. 18.

¹³ Berghof Foundation, *op.cit.*, p. 161.

¹⁴ J.F. Leroy & C. Schiffers, *Aperçu général du Change Burger*, Liège, Pragmagora, unpublished.

as being a funder, an enabler, an observer, a facilitator, a provider of technical support and expertise, and an actor in the implementation of the process. However, these entry points vary from one national dialogue to another. It is then through the analysis of various national dialogues that the EU may learn some lessons for finding the right balance in its activities between pushing for liberal reforms and respecting the national ownership of the national dialogue.

In order to illustrate the ANDES model with a concrete example, the Yemeni National Dialogue Conference (NDC) is analysed in this paper. This process was initially designed as one of the most inclusive and democratic peace process in the Middle East. Yet, Yemen is today highly divided and violent hostilities continue between the parties on the ground, creating one of the biggest humanitarian crises worldwide.¹⁵ As Yemen's national dialogue was initially highly promising, the second aim of this paper is to analyse why the Yemeni National Dialogue 'failed'. The paper finds that various elements in the process-design, the decisions procedures and the operationalisation of the Yemeni national dialogue were not appropriate for the Yemeni situation, reflecting a general lack of social cohesion of the Yemeni society during the national dialogue, which undermined the success of the process.

The paper is divided in two parts. The first part is dedicated to explaining and applying the four factors of the ANDES model to the Yemeni National Dialogue Conference. The second part focuses on the various roles that an external actor such as the EU may play in national dialogues, and what the entry points of the EU to support the Yemeni National Dialogue Conference were. The paper concludes with some lessons learned from the Yemeni case for the European Union's action in future national dialogues.

The Yemeni National Dialogue Conference: the road to a failure?

The context of the conflict in Yemen

As in most of the countries where the Arab Spring took place, Yemeni uprisings were driven by long-standing frustration over the economic situation as a whole, the rate of unemployment, the corruption, the lack of services provided by the state in areas such as education, health, physical security (increase in transnational terrorist groups), food security, water and energy resources. Moreover, Yemen is characterised by ethnic

¹⁵ European Commission, European Civil Protection and Humanitarian Aid Operations, "Yemen", 27 June 2018, retrieved 17 October 2018, https://ec.europa.eu/echo/where/middle-east/yemen_fr.

and regional tensions as well as power rivalries. The People's Democratic Republic of Yemen, alias South Yemen, was independent from 1967 to its unification with the Yemen Arab Republic (North Yemen), in 1990. After an unachieved democratic transition, the civil war of 1994 ended with the North taking the city of Aden, the centre of South Yemen, and the escape of South Yemen's former president Ali Salim al-Beidh. The victory of the North engendered two types of narratives. On the one hand, the first narrative promotes the end of the separation in order to deepen Yemen's unity. The second narrative, on the other hand, highlights the robbing of the southern resources and the general violence perpetrated by President Ali Abdullah Saleh's regime which in 2011 had been in power for 33 years.¹⁶ In addition to the North-South tensions, the marginalisation and the repression of the Houthis, a Zaydi Shia group in the north of the country, reflected an ethnic fracture in Yemen. Furthermore, the central political system was on the verge of a break down after three decades of corruption and political rivalries which led some political entities and tribal actors to join the protests.¹⁷

Confronted with thousands of people in the streets at the end of January 2011 and the fragmentation of his traditional political elite and the military forces, President Saleh asked the Gulf Cooperation Council (GCC) for mediation.¹⁸ With the permanent members of the United Nations (UN) Security Council and the EU, the GCC formed the 'Group of Ten' (G10). The GCC Initiative, based on a plan tabled by the US and the EU, was on 23 April 2011 submitted to President Ali Abdullah Saleh. The latter signed the GCC's Implementing Mechanism six months after its submission, on 23 November 2011. The GCC Initiative presented a two-year democratic 'Transition Roadmap', divided into two phases. The first phase included Saleh's delegation of presidential powers to his Vice-President Abd Rabbuh Mansur Hadi, the cessation of the hostilities and the formation of a transitional government of national unity. This government comprised Saleh's former party, the General People's Congress (GPC), and the opposition Joint Meeting Parties (JMP).¹⁹ The second phase comprised the setting up of a National Dialogue Conference, in order to work on a broad agreement for a new constitution, which would be the basis for the Constitutional Drafting Commission. This new Constitution was then supposed to be submitted to a referendum, before the

¹⁶ N. C. Girke, "A Matter of Balance: the European Union as a Mediator in Yemen", *European Security*, vol. 24, no. 4, 2015, p. 515.

¹⁷ E. Gaston, "Process Lessons Learned in Yemen's National Dialogue", *Special Report*, no. 342, United States Institute of Peace, Washington, DC, 2014, p. 2.

¹⁸ Girke, *op.cit.*, p. 515.

¹⁹ *Ibid.*, p. 514.

organisation of parliamentary elections, finalising the transition process.²⁰ Yemen's National Dialogue Conference started in March 2013 and was concluded in January 2014. This almost one-year long dialogue had held significant promise and was described in 'The UN Constitutional' newsletter as an "historic milestone in Yemen's transition from authoritarianism to democracy".²¹

However, by the time the Constitutional Drafting Commission was about to start its work, the political landscape in Yemen changed significantly and the outcomes of the national dialogue became impossible to implement. The regional and ethnic fragmentation led to a total breakdown and triggered a new civil war. In August 2014, the Houthis started an offensive and gained almost complete control of Sana'a and other cities. The Houthis formed the Supreme Revolution Committee and adopted a Constitutional Decree to govern the country, put the members of government under house arrest, and forced President Hadi to resign.²² Finally, President Hadi escaped and fled to Aden, where he withdrew his resignation and branded the Houthis's actions as an illegal *coup*.

In response to the Houthis' advancement, Saudi Arabia launched a massive offensive operation – 'Decisive Storm' – in March 2015 in order to replace Hadi's government in Sana'a.²³ In April 2015, this operation was renamed 'Renewal of Hope', and replaced by a coalition including the GCC members and other Sunni countries such as Jordan or Morocco.²⁴ The return of the hostilities has led to the largest humanitarian crisis worldwide, with 80% of the Yemeni population being in need of assistance and protection.²⁵ It is therefore important to analyse why the Yemen's National Dialogue Conference failed and resulted in the current situation.

The Yemeni National Dialogue Conference: analysis of a long-term mechanism

Inspired by the 'Change Burger' managerial transition model for companies developed by psychologists Jean-François Leroy and Christophe Schiffers, this part of the paper introduces the four factors of the ANDES mode analysing national dialogues

²⁰ Gaston, *op.cit.*, p. 3.

²¹ J. Gluck, "Constitution-building in a Political Vacuum: Libya and Yemen in 2014", in M. Allen *et al.*, *Annual Review of Constitution-Building Processes: 2014*, Stockholm, International IDEA, 2015, p. 46.

²² H. Hamidi, "A Comparative Analysis of the Post-Arab Spring National Dialogues in Tunisia and Yemen", *African Journal on Conflict Resolution*, vol. 15, no. 3, 2015, p. 17.

²³ Fraihat, *op.cit.*, p. 40.

²⁴ *Ibid.*, p. 50.

²⁵ European Commission, *op.cit.*

in general:²⁶ the process-design, the decision-making management, the operationalisation, and the social cohesion of the post-conflict society going through a national dialogue. According to the type and the function of the national dialogue, the importance of the four factors will vary.

The Yemeni National Dialogue Conference is considered as a long-term mechanism that aimed to deeply redefine “state-society relations or establish a new ‘social’ contract”.²⁷ Long-term mechanisms contrast with short-term mechanisms that aim to (re-)establish a minimal political consensus in order to prevent or resolve violent crises. This was for example the case in Tunisia, where a limited national dialogue was set up to finalise the democratic transition in a period of crisis and high tensions between the secularists and the religious political forces in Tunisia.²⁸ The aim of the Tunisian national dialogue was therefore to resolve a specific crisis, and not to redefine a new social contract and the whole organisation of the state such as in Yemen. The goals and characteristics of short-term and long-term national dialogue are therefore different, and will vary in the process-design, the decision-management, the operationalisation, and the social cohesion needed for the national dialogue to succeed.

Process-design

The process-design of the national dialogue refers to the planning of the process. It includes the mandate of the national dialogue, the setting of the agenda, the choice of the convener or the chair of the dialogue, the size of the participation and the selection criteria for the participants.

In Yemen, a 25-member Technical Committee was established by Presidential Decree in July 2012 to design all aspects of the NDC. The Technical Committee was composed of representatives coming from political parties which had signed the Implementation Mechanism, as well as the other constituencies listed in the Implementation Mechanism, including the Houthi Movement, youth civil society and women. However, the Technical Committee was boycotted by the Southern Movement, although some individuals linked to it accepted the invitation to join the Committee.²⁹

²⁶ Leroy & Schiffers, *op.cit.*

²⁷ Berghof Foundation, *op.cit.*, p. 22.

²⁸ C. Thornton, “The Rocky Path from Elections to a New Constitution in Tunisia: Mechanisms for Consensus-building and Inclusive Decision-making”, *Oslo Forum Background Paper*, Geneva, Centre for Humanitarian Dialogue, 2016, p. 10.

²⁹ K. Papagianni, “National Dialogue Processes in Political Transitions”, *Discussion Paper*, no. 3, Brussels, Civil Society Dialogue Network, 2014, p. 6.

First, the mandate reflects the general aim of the national dialogue. The mandate can contain various objectives such as the reaching of a cease-fire, trust-building measures, political reforms and democratic transition or constitution-making goals.³⁰ As the basis of the future discussions, the mandate has to be negotiated in transparent and inclusive ways. It is also important to agree on it with a large-consensus approach in order to foster the commitment of all the parties involved in the national dialogue.³¹ The Yemeni NDC mandate had as general aim to work on a broad agreement for a new constitution. Several issues had to be discussed, and the NDC was divided into nine working groups: (1) the status of South Yemen, (2) Saada instability and the Houthis, (3) transitional justice, (4) state-building, (5) good governance, (6) military and security, (7) special entities, (8) right and freedoms, and (9) economic reforms and development.³² This high number of issues tackled in the Yemeni NDC raised a lot of expectations and made it difficult to assess and fund all of them simultaneously. Therefore, the energy dedicated to the NDC came at the expense of other transitional mechanisms such as institutional reforms.

Second, the setting of the agenda is crucial as it is the moment when the stakeholders decide on the sequencing of the topics discussed during the national dialogue. The general timing, sequencing and duration of the national dialogue will therefore vary from one mandate to another, as well as from one context to another. Inclusiveness and transparency have to be considered as guiding principles during the agenda-setting, as it can constitute a turning point in trust-building and understanding between the parties. According to Zahar, "the time-frame is always problematic".³³ In Yemen, The agenda-setting phase was too short given the number of issues to deal with. Starting in March 2013, the NDC was supposed to last six months but was finally extended to four additional months until January 2014.³⁴ It was indeed necessary to assure the negotiation of core issues such as the regional organisation of the Yemeni state and "to work through the complex political and structural conflicts inherent in transition".³⁵ As the political elites were more focused on the National Dialogue Conference than on ensuring public services and basic needs across the country

³⁰ Paffenholz, Zachariassenn & Helfer, *op.cit.*, p. 29.

³¹ Papagianni, *op.cit.*, p. 2.

³² C. Schmitz, "Yemen's national dialogue", *MEI Policy Paper*, Washington, DC, Middle East Institute, 2014, p. 6.

³³ Interview with M.-J. Zahar, Professor at Université de Montréal, via telephone, 17 April 2018.

³⁴ Girke, *op.cit.*, p. 519.

³⁵ Gaston, *op.cit.*, p. 12.

(particularly in the South), “the longer the NDC continued, the more divorced it appeared from this reality”.³⁶ The time-frame happened to be a crucial element participating on the rise of disillusion of the population, losing interest in a process increasingly seen dealing with elites and external powers concerns.

Third, the choice of a convener, as a central figure chairing the whole process, is a sensitive issue as the legitimacy of the process depends also on his/her acceptance by the population. The convener can be an individual or a group of people, an international or regional organisation – or several of them. The legitimacy of the conveners will highly depend on the process of their appointment, their independence, their multi-partiality, credibility and their political power vis-à-vis the parties.³⁷ The NDC was chaired by the interim President Hadi himself, with eight additional representatives of the various actors participating in the NDC. Besides regional actors, the UN has taken the role of first sponsor for the NDC. Jamal Benomar, UN special adviser to Yemen, was the main UN mediator in the negotiations during the NDC until 2015.

Fourth, the size of participation depends on the general context of the national dialogue, its aims, the issues at stake and the resources available. It has to be balanced between the desires of inclusivity and efficiency. A large participation would indeed increase the inclusivity and therefore the legitimacy of a national dialogue, yet at the risk of a decrease in efficiency and proper representation.³⁸ With 595 delegates, the Yemeni national dialogue was perceived at the beginning as the most inclusive and democratic process the region had ever seen, including a large number of youth, women and civil society representatives as well as the various regional actors, on an equal level as the traditional political parties and tribal leaders.³⁹ However, the large number of participants was detrimental to the efficiency of some issues.⁴⁰ According to Gaston, “smaller groups of the right political actors – those who actually had traction within their parties or constituencies to be able to negotiate and enforce political compromises – were needed to work through many of the issues”.⁴¹

³⁶ *Ibid.*, p. 9.

³⁷ S. Stigant & E. Murray, “National Dialogues: A Tool for Conflict Transformation?”, *Peace Brief*, Washington, DC, United States Institute of Peace, 2015.

³⁸ Berghof Foundation, *op.cit.*, p. 81.

³⁹ Hamidi, *op.cit.*, p. 18.

⁴⁰ Gluck, *op.cit.*, p. 50.

⁴¹ Gaston, *op.cit.*, 2014, p. 10.

Fifth, the selection of the participants is vital because, like the size of participation, it increases the inclusivity, legitimacy and thus the efficiency of the process.⁴² The selection criteria consist in defining which kind of groups, stakeholders and actors are going to participate in the discussions. The selection procedure is about the actual individual selection of the participants, either by election, application, nomination or appointment. The panel of participants also has to be balanced with regard to other criteria like regional affiliation, age, ethnicity, socio-economic status, or the symmetry of power between the parties.⁴³ In Yemen, the selection of the participants was a combination of a self-selection and an appointment approach by the Technical Committee. While the various conflicting parties selected their own representatives, the working groups were composed by 30% of women, 20% of youth and 20% of civil society organisations appointed by two sub-committees of the Technical Committee, one for the South and one for the North.⁴⁴ It had also been agreed that 50% percent of the representatives would be from the Southern part of Yemen. However, the representatives of the Southern region did not form a homogenous group, and some leaders of the al-Hiraak party were not willing to participate in the National Dialogue Conference. Thanks to the insistence of the international community and other national stakeholders, some southern representatives finally participated. Nevertheless, they lacked the legitimacy to defend and implement the agreement in their part of the country, which finally led to the rejection of the agreement as a whole.⁴⁵

Decision-making management

The decision-making management focuses on the general rules that will conduct the national dialogue discussions. It includes the decision-making and the consensus modalities. This factor is highly important as it will determine the credibility and legitimacy of the national dialogue.

First of all, the decision-making procedures have to be determined in order to ensure a democratic mode of decision-making, the legitimacy of the process and the parties' strong commitment during the discussions and the implementation. It is important that the decision-making procedures and general rules of the national dialogue are the result of a pre-negotiation process either in sub-committees or in plenary session.

⁴² Paffenholz, Zachariassenn & Helfer, *op.cit.*, p. 37.

⁴³ Papagianni, *op.cit.*, p. 7.

⁴⁴ Schmitz, *op.cit.*, p. 6.

⁴⁵ *Ibid.*, p. 9.

Moreover, the ratification procedure constitutes a crucial element for the legitimacy of the national dialogue, as it finalises the outcomes of the process before the implementation phase begins. It is therefore crucial to establish how the agreement resulting from the national dialogue will be ratified, since delegitimised existing institutions or unelected interim governments may not be the most legitimate bodies to ratify the agreement. Public mechanisms such as referendums or elections may therefore be alternative mechanisms used to confirm and legitimise the outcomes of the national dialogue.⁴⁶ However, consensus decision-making procedures may lead to deadlocks and difficulties to find a common ground for everybody, resulting in a lowest common denominator outcome.⁴⁷ Second, consensus-building procedures are important in order to find an agreement in case of difficulties and deadlocks. Examples of deadlock-breaking mechanism are resorting to a 'passive consensus' (with abstention) or a 'general consensus' (on a general text).

In Yemen, the Consensus Committee was conceptualised as a structure that would take charge of the final vetting of issues where it was difficult to find an agreement in the working groups. However, a high level of consensus was required during all the stages of the process before the decisions, provisions and recommendations reached the Committee. The Consensus Committee was made up of the National Dialogue Conference presidency, the chairpersons of the nine working groups, the Technical Committee and representatives of civil society organisations, youth and women (in the same proportions as the national dialogue itself). Once the Consensus Committee had dealt with the deadlock, the agreement was sent back to the working group where the decisions could be adopted by a 75% majority in a second round. If no agreement was found on articles left over at that stage, the final decision was made by President Hadi, giving him a power that was not perceived as legitimate by all the stakeholders.⁴⁸

Operationalisation

The operationalisation of the national dialogue is related to all the mechanisms set-up to carry out the process itself and to guarantee the implementation of its outcomes. Another factor includes the technical support structures, the deadlock-breaking

⁴⁶ *Ibid.*, p. 1.

⁴⁷ Berghof Foundation, *op.cit.*, pp. 102-103.

⁴⁸ A. Eshaq & S. Al-Marani, "Assessing the EU's Conflict Prevention and Peacebuilding Interventions in Yemen", *Whole of Society Conflict Prevention and Peacebuilding (WOSCAP)*, Sana'a, Political Development Forum - Yemen, 2017, p. 24.

mechanisms, the funding and the implementation of the outcomes of the dialogue. In Yemen, the operationalisation of the national dialogue was particularly challenging. Support structures, deadlock-breaking mechanisms and safety nets should ensure the continuation of the national dialogue. While safety nets are mechanisms that support the process as a whole, the deadlock-breaking mechanisms consist of more comprehensive structures to respond to stalemate situation. The deadlock-breaking mechanisms may consist of the involvement of a mediator, facilitator or arbitrator in order to overcome situations in which no consensus has been found.

In Yemen, the Consensus Committee was created to manage contradictory outcomes during the NDC. However, the Consensus Committee could not act as an efficient deadlock-breaking mechanism as some fundamental issues were 'resolved' without the support of all stakeholders.⁴⁹ This was the case for the organisation of Yemen into six federal regions. In August 2013, the southern representatives threatened to boycott the last meetings of the national dialogue unless a certain political status was met. As they had enough participants in the NDC to jeopardise any of its outcomes, this was considered as a serious warning.⁵⁰ Since neither the working groups nor the Consensus Committee were able to reach an agreement on the issue, a new deadlock-breaking mechanism was set up as the '8+8' or North-South Committee. This new Committee of 16 members (8 from the North and 8 from the South) agreed on certain issues of the federal organisation: Yemen will become a federal state with more local autonomy for the regions. However, this agreement fell apart when no consensus was found on the precise repartition of financial, administrative and political competences.⁵¹ The decisions to end the national dialogue and discuss this subject in another body – the Regions Committee composed of 22 members – rushed the discussions, since the Regions Committee had only one week to come up with a proposal. Chaired by President Hadi, the Regions Committee decided that Yemen would be divided into six regions, with two regions in the South and four regions in the North. This decision appeared to be more the "reflection of the President's attempts to force a compromise than a genuine elite bargain"⁵² and was strongly rejected by the southern parties; they wanted to return to a two-region federal state as before the

⁴⁹ Gaston, *op.cit.*, p. 5.

⁵⁰ *Ibid.*, p. 3.

⁵¹ Fraihat, *op.cit.*, p. 43.

⁵² Gluck, *op.cit.*, p. 51.

unification.⁵³ The Houthis were also against this agreement. They wanted to have their own region with access to the Red Sea, including Saada. Protests in the streets of both the southern and the northern parts of the country were mounting, renouncing the national dialogue and calling for secession. Because of the lack of solutions for these crucial issues, the outcomes of the national dialogues attracted few supporters.⁵⁴

The implementation of the national dialogue outcomes includes setting up infrastructures, guarantees and monitoring mechanisms to further the dialogue between the parties and to keep working on the social deadlocks. Internal and external actors can rely on such instruments in order to encourage the various stakeholders to effectively implement the final agreement.⁵⁵ During the implementation phase, the culture of dialogue and compromise should persist and become a recurrent mechanism.

Yemen's national dialogue is an example of failed implementation. The Constitutional Drafting Commission was supposed to constitutionalise the political agreement reached at the end of the Yemeni national dialogue. Nonetheless, in addition to the question of the federal organisation of the state, the transitional justice committee was not able to submit a final document. While the GCC Initiative gave immunity to President Saleh and the members of his party, the GPC, in exchange for their resignation, many members of the transitional justice committee wanted to prosecute and banish the people responsible of the killing of unarmed protestors in 2011 from the right to stand in the elections.⁵⁶ Finally, the GPC continued to be a major actor on the Yemeni political scene, even though it represented one of the main causes of the uprising in the first place. The Constitution Drafting Committee was therefore ill-equipped to deal with the political problems left by the NDC. The increasing armed presence of the Houthis in Sana'a led the Constitution Drafting Committee to move to Abu Dhabi in late 2014 in order to finish the draft constitution.⁵⁷

Social cohesion

Social cohesion of post-conflict societies going through national dialogues constitutes the fourth factor of the ANDES model, and the cornerstone of processes such as long-

⁵³ Schmitz, *op.cit.*, p. 9.

⁵⁴ Gaston, *op.cit.*, p. 4.

⁵⁵ Berghof Foundation, *op.cit.*, p. 153.

⁵⁶ Schmitz, *op.cit.*, p. 8.

⁵⁷ Gluck, *op.cit.*, p. 52.

term national dialogues. One of the national dialogue's main aims is indeed to redefine a social contract and the relationship between the government, the political elites and the various parts of civil society. In order to reach this objective, working on deep social fractures, conflicts and feelings of frustration – often unresolved since decades in authoritarian societies – is as crucial as difficult to manage in order to go through a national dialogue. Hidden behind the uprisings that characterised the Arab Spring, social cohesion concerns are sensitive and irrational issues that make all reasoned discussions far harder and more complex.⁵⁸ Indeed, political fissures of post-conflict societies “will prevent them from forging new social contracts, reforming state institutions, or rebuilding their ruined economies – all core demands of the uprisings in the first place”.⁵⁹ The lack of social cohesion was the main issue of the Yemeni national dialogue. Even if the NDC was designed to be highly inclusive and wanted to create more social cohesion in the Yemeni society, it ended up increasing the ethnic and regional fragmentation.

Jane Jenson elaborated five useful dimensions of the social cohesion concept: belonging, inclusion, participation, recognition, and legitimacy.⁶⁰ Belonging means that individuals refer to the existence of shared values, shared history and shared identity.⁶¹ Because of deep religious and regional fragmentations, the lack of a common identity and feeling of belonging to the same society is a crucial element explaining the failure of the Yemeni national dialogue. Thus, even if the process-design and the decision-making procedures wanted to be highly inclusive, the operationalisation of the NDC turned out to be problematic.

Inclusion refers to the economic inclusion of the actors, meaning that they need to have access to the national market and should not be economically isolated from the rest of the society. In the context of a national dialogue, the inclusion of economic considerations directly impacting the population is crucial for the legitimacy of the process and for not addressing only elite issues. As already mentioned above, the extended time-frame of the Yemeni NDC frustrated the population, which had the feeling that the “national dialogue was to overlook ‘bread and butter’ issues which

⁵⁸ J.R. Rudolph & W.J. Lahneman, *From Mediation to Nation-building: Third Parties and the Management of Communal Conflict*, Lanham, Lexington Books, 2013, p. 3.

⁵⁹ Fraihat, *op.cit.*, p. 6.

⁶⁰ J. Jenson, “Mapping Social Cohesion: The State of Canadian Research”, *CPRN Study*, no. 3, Ottawa, Canadian Policy Research Network, 1998, p. 15.

⁶¹ Jenson, *op.cit.*, p. 15.

regular citizens were facing while the dialogue was taking place".⁶² Both the economic and security situations worsened with an unemployment rate close to 50%. Furthermore, the transitional government decided to lift fuel subsidies in July 2014, "providing the Houthi coup with a veneer of public support" to take control over the capital.⁶³

Participation raises the question of the political involvement and representation both at the local and national levels of the various actors composing a society such as political parties, non-governmental organisations (NGOs), civil society organisations, independent citizens, national experts, representatives of groups, etc. In a national dialogue, a high and diversified participation is crucial to ensure that different groups of the society work on their issues and express their concerns, which are not always the same as the political elites. A national dialogue representing the various stakeholders composing a post-conflict society thus increases the legitimacy of the process and the credibility of the final agreement. As explained previously, the political participation was highly challenging in Yemen. First, important Southern leaders from al-Hiraak did not take part in the NDC, which jeopardised the legitimacy of the NDC's final agreement.⁶⁴ Second, while the Yemeni NDC was designed in order to have a broad participation and to be highly inclusive, the process suffered from inefficiency and a lack of technical expertise in some working groups. Third, the Yemeni NDC shifted from being largely inclusive, to increasingly exclusive as the final decisions had to be taken. The Regional Committee, which had the last word on some fundamental issues, was perceived as being a "small, fairly unrepresentative committee".⁶⁵ Fourth, even if some mechanisms were set up for the delegates to engage with the larger public, ensuring the involvement of Yemen's population outside of Sana'a in the process was highly difficult.

Recognition entails the acceptance of the diversity within a society by all the actors and thus in the national dialogues' participation. The lack of recognition was so deeply rooted in some Yemeni societal groups that the failure regarding state organisation was highly sensitive. Indeed, neither the southern population nor the Houthis felt that

⁶² Hamidi, *op.cit.*, p. 23.

⁶³ Fraihat, *op.cit.*, p. 51.

⁶⁴ Gaston, *op.cit.*, p. 6.

⁶⁵ *Ibid.*, p. 4.

their territorial claims were recognised in the new organisation of a six-region federal state, pushed for by President Hadi.⁶⁶

Legitimacy refers to the capacity of the state institutions to endorse the role of a mediator among its citizens, in order for the outcomes to be accepted by the population.⁶⁷ The legitimacy of the Yemeni national dialogue was put into question by two main elements. First, the chair of the national dialogue was President Hadi and his transitional government, who was not recognised by all the parties in Yemen and perceived as the prolongation of the former regime.⁶⁸ Second, the NDC was more perceived as “an external process driven by the international community rather than as a Yemeni national process”.⁶⁹ Planned as the second phase of the GCC Initiative’s Implementation Mechanism, the national dialogue was mentored by the G10, with a prominent role for Saudi Arabia, the United States and the United Nations. Moreover, the Implementation Mechanism was highly perceived as an ‘elite deal’ negotiated between foreign actors and old political elites and not by the leaders of the street protests.⁷⁰

In conclusion, several elements of the process-design, the decision-making and the operationalisation can explain the lack of social cohesion within the Yemeni society and between its representatives participating in the NDC. The mismanagement of the first three factors can indeed jeopardise the feeling of belonging, inclusiveness, participation, recognition and legitimacy of the various stakeholders participating in the national dialogue and the Yemeni population, undermining the peace process as a whole.

Nevertheless, evaluating the success or the failure of mediation processes in general “poses serious conceptual and methodological problems”.⁷¹ According to Bercovitch, considering mediation as “unsuccessful where it does not produce a full settlement, irrespective of the nature of the conflict, represents a failure to appreciate the full complexity of the conflict, the different outcomes that may bring a conflict to an end,

⁶⁶ Hamidi, *op.cit.*, p. 31.

⁶⁷ Jenson, *op.cit.*, p. 16.

⁶⁸ Schmitz, *op.cit.*, p. 3.

⁶⁹ Gaston, *op.cit.*, p. 8.

⁷⁰ Schmitz, *op.cit.*, p. 4.

⁷¹ J. Bercovitch, *Theory and Practice of International Mediation: Selected Essays*, London, Routledge, 2011, p. 28.

and the decision process underlying the entry or exit of a mediator".⁷² Hence, the Berghof Foundation makes the distinction between two kinds of outcomes: the tangible and the intangible ones.⁷³ The tangible outcomes are the expected results of a national dialogue, shaped in the original mandate (such as political or constitutional change, human rights, social and economic reforms, etc.). By contrast, intangible outcomes are unexpected results that can come out of the process such as the experience in itself, the increase in dialogue or the transformation of the relationships between the actors.⁷⁴ National dialogues may therefore have a broader function, namely developing a fruitful environment for reconciliation and fostering the understanding of the "needs, perceptions and perspectives of the 'other' and progressively developing joint visions between the conflicting parties".⁷⁵ In Yemen, the inclusion of Houthis and some representatives of Al-Hiraak, for the first time in the national history, demonstrated the readiness to set up a more inclusive transition process, which is very important in societies that have experienced authoritarianism.⁷⁶ This is also key for the long term as it creates a precedent and a basis for future political discussions in Yemen.⁷⁷

What roles for the EU in Yemen's national dialogue?

Over the past decade, international mediation has become part of the European Union's comprehensive toolbox for conflict prevention, conflict resolution and peace-keeping in crises and conflicts. Thanks to its large spectrum of foreign policy instruments and its international network, the EU is described as "well placed to mediate, facilitate or support mediation and dialogues processes".⁷⁸ However, the absence of professionalisation and standardisation of the EU mediation activities, the lack of coherence both between the member states themselves and with the institutions, the divergence in interests and the lack of knowledge and expertise to support peace

⁷² J. Bercovitch & S. S. Gartner (eds.), *International Conflict Mediation: New Approaches and Findings*, London, Routledge, 2009, p. 22.

⁷³ Berghof Foundation, *op.cit.*, p. 142.

⁷⁴ *Ibid.*

⁷⁵ H. Siebert, "National Dialogues and Legitimate Change", *Accord*, no. 26, London, Conciliation Resources, 2014, p. 37.

⁷⁶ Interview with M.-J. Zahar, Professor at Université de Montréal, via telephone, 17 April 2018.

⁷⁷ Gaston, *op.cit.*, p. 8.

⁷⁸ Council of the European Union, "Concept on Strengthening EU Mediation and Dialogue Capacities", Brussels, 10 November 2009, p. 2; A. Herrberg, "International Peace Mediation. A New Crossroads for the European Union", *DCAF Brussels – ISIS Europe*, Brussels, 2012, p. 21.

mediation processes constitute real disadvantages.⁷⁹ In order to remedy this situation, the EU had already produced in 2009 the 'Concept on Strengthening EU Mediation and Dialogue Capacities'.⁸⁰ This key document provides the EU officials "who are, in accordance with their mandate, engaging in multiple ways in a conflict region with mediation", with some guidance.⁸¹ Furthermore, the Lisbon Treaty, through its institutional reforms, has enabled new actors such as the High Representative and the EU Special Representatives to take on a role of international mediator.⁸² Finally, the EU has developed a Mediation Support Team within the European External Action Service's (EEAS) Division for Conflict Prevention, Peacebuilding and Mediation.⁸³ Established in 2011, the EEAS Mediation Support Team provides EU officials with mediation support and technical expertise, through training and drawing on lessons learned.⁸⁴

While the 2009 Concept presents various functions that the EU can have in mediation processes in general, it may in national dialogues assume additional roles. More precisely, the Berghof Foundation's Handbook has developed six different roles for external actors to engage in national dialogues: enabler, funder, observer/guarantor, provider of technical and expert support, facilitator, and implementer/monitor/verifier.⁸⁵ According to the type and function of the national dialogues analysed (long-term or short-term mechanism), the EU will have a different way to engage in the various roles.⁸⁶ In a large process aiming at fundamental change, it is indeed even more important for the EU to find a delicate balance between assuring both liberal reforms and the credibility and legitimacy of the process.

This section focuses therefore on the various entry points of the EU for supporting the process-design, the decision-management procedures, the operationalisation and the social cohesion of the Yemeni national dialogue, which is considered as a long-

⁷⁹ C. Gündüz & K. Herbolzheimer, "Standing United for Peace: The EU in Coordinated Third-Party Support to Peace Processes", *Initiative for Peacebuilding*, Brussels, International Alert, 2010, pp. 17-19.

⁸⁰ Council of the European Union, *op.cit.*, p.2

⁸¹ Girke, *op.cit.*, p. 510.

⁸² C. Gourlay, "The European Union as a Peacemaker – Enhancing EU Mediation Capacity", Brussels, European Policy Center, 2013, pp. 1-2.

⁸³ P. Morillos, "From Policies to Politics: The European Union as an International Mediator in the Mediterranean", *Papers IEMed*, no. 23, Barcelona, Joint Series with Euromesco, 2015, p. 7.

⁸⁴ Girke, *op.cit.*, p. 513.

⁸⁵ Berghof Foundation, *op.cit.*, p. 161.

⁸⁶ A. Sherriff & V. Hauk, "Study on EU Lessons Learnt in Mediation and Dialogue: Glass Half Full", *FWC COM 2011 – LOT1 Request no. EEAS.K2.002*, Maastricht, European Center for Development Policy Management, 2012, p. 33.

term process. EU-Yemen relations are mostly framed by the Cooperation Agreement signed in 1998, dealing with economic and development policies. In 2004, relations developed further when the EU and Yemen took up a 'political dialogue'.⁸⁷ The EU also opened a Delegation in Sana'a, and in 2006 the EU was invited to support Yemen's elections with an Observer Mission.⁸⁸ While the UN had undeniably taken the role of the leading mediator in the Yemeni transition process, the European Union supported the national dialogue in a more informal way.

Enabler

Enabler means that the external actor will use its influence and resources to encourage the parties to engage in a constructive dialogue. In a power-based approach, the EU can use leverage, meaning economic and diplomatic incentives or restrictive measures, in order to bring the parties to the table and ensure their effective and fair participation.⁸⁹

In Yemen, the EU politically promoted the idea of a national dialogue, with both the Yemeni parties and the regional actors to be included in the GCC Initiative.⁹⁰ The EU acted as an enabler by threatening President Saleh to freeze his financial assets and by participating in the general international pressure for his resignation.⁹¹ The EU also put pressure on both the GPC and the JMP, the two main political parties, to sign the GCC agreement.

Funder

The role of funder includes providing financial resources for supporting the process itself as well as the implementation of the outcomes, and ensuring the continuity of the government functions during the national dialogue. In general, this role is possible thanks to the various financial instruments of the EU which contain funds for mediation action: the Instrument for Stability, the African Peace Facility, the Policy Advice and Mediation Facility, the Peace-building Partnership and the Early Response Mechanism.⁹²

⁸⁷ Eshaq & Al-Marani, *op.cit.*, p. 10.

⁸⁸ Girke, *op.cit.*, p. 516.

⁸⁹ H.J. Giessmann & O. Wils, "Seeking Compromise? Mediation through the Eyes of Conflict Parties", in B. Austin, M. Fisher & H.J. Giessmann (eds.), *Advancing Conflict Transformation: The Berghof Handbook*, Opladen, Barbara Budrich Publishers, 2011, p. 190.

⁹⁰ *Ibid.*

⁹¹ Eshaq & Al-Marani, *op.cit.*, p. 18.

⁹² Council of the European Union, *op.cit.*, p. 10.

In Yemen, the EU unblocked a large amount of funds to support the NDC.⁹³ It financed the NDC through the UN Yemen National Dialogue and Constitutional Reform Trust Fund. Between 2012 and 2014, the EU contributed around 2 million US\$, in addition to 20 million US\$ from the UK, Sweden, the Netherlands, Germany and Denmark.⁹⁴

Support provider

The EU can be a provider of technical and/or expert support in the various factors of national dialogue thanks to its relevant expertise from past experiences. Indeed, “national dialogues are complex processes, and external actors can help in the establishment of structures and administrative frameworks, particularly when the parties have a limited experience of public services”.⁹⁵ This can include training and trust-building exercises and specific thematic knowledge and analysis, such as the promotion of inclusive governance reforms.⁹⁶

According to a former EEAS official, providing technical and expertise support was a “high added-value of the EU in Yemen, in comparison to the other members of the G10. The EU in that regards brings also international legitimacy in the peace process”.⁹⁷ The EU offered mediation advice to the members of the political elite – namely Vice-President Abd-Rabbu Mansour Hadi and the members of the GCP –, the opposition parties, the Technical Committee and to the various working groups it was attending. The EU also provided capacity-building support for youth, women and non-traditional actors, to help them adopt a common negotiating position.

Observer/guarantor

Being an observer and/or a guarantor is the third role that an external actor can play. As an observer, the EU is present during the operationalisation of the national dialogue and ensures international observance and support just through its presence as a third party in the working groups. Being an observer is close to being a guarantor as, by combining the two roles, the external actor can “help to create a conducive environment for rapprochement and for negotiations based on trust between the

⁹³ Girke, *op.cit.*, p. 520.

⁹⁴ United Nations, “Multi-partner Trust Fund Office: Yemen National Dialogue and Constitutional Reform Trust Fund”, retrieved 20 April 2018, <http://mptf.undp.org/factsheet/fund/YEM00>.

⁹⁵ Interview with M.-J. Zahar, Professor at Université de Montréal, via telephone, 17 April 2018.

⁹⁶ S. Lundström & M. Dressler, “Assessing EU Support to Governance Reform”, *Whole of Society Conflict Prevention and Peacebuilding (WOSCAP)*, Berlin, Berghof Foundation, 2016, p. 8.

⁹⁷ *Ibid.*

sides".⁹⁸ As a guarantor, the EU could also assure the security of the negotiation by monitoring a ceasefire or security agreement, while supporting confidence-building measures. In Yemen, the EU acted as an observer and a guarantor during the NDC in itself, and particularly in the working group where it was present.

Facilitator

EU actors can also play the role of facilitator by "acting as go-betweens and helping to build trust or resolve specific issues in the process".⁹⁹ For that function, the EU can help the conflicting parties to identify the different claims, interests and needs during the process-design of the national dialogue. This can be done by setting up informal discussions to explore options in case of deadlock at a higher official level, especially when some leverage is needed. Moreover, supporting a transformative type of mediation in order to reshape the perception that the conflicting parties have of each other is also important to increase the social cohesion of post-conflicting societies. External actors like the EU can support various projects with transformative objectives on different 'tracks' and levels of society by providing funding and political backing.¹⁰⁰ This was particularly the case in Yemen, where the EU particularly adopted the role of a facilitator, by providing a fruitful environment for some informal meetings between the representatives of the various conflicting parties (Houthis, the South Yemen groups, youth and Central Security Organisations) besides the higher-level mediation activities of the GCC Initiative.¹⁰¹ As the EU Delegation had been in Sana'a for several years, it enjoyed a large network and contacts with the majority of the parties and was perceived as being the most neutral and "trustworthy of the G10 members".¹⁰² Thus, the EU was in a better position than some other members of the G10 to reach out to conflicting parties such as the Houthis and the Southern region in order to bring them into the political dialogue.¹⁰³

Implementer/monitor/verifier

The last role is being an implementer, a monitor and a verifier during the implementation phase. Thanks to its 140 Delegations around the world, the EU also has

⁹⁸ Berghof Foundation, *op.cit.*, p. 165.

⁹⁹ *Ibid.*, p. 167.

¹⁰⁰ A. Herrberg, C. Gündüz & L. Davis, "Engaging the EU in Mediation and Dialogue: Reflections and Recommendations. Synthesis Report", *IFP Mediation Cluster*, Brussels, Initiative for Peacebuilding, 2009, p. 14.

¹⁰¹ Girke, *op.cit.*, p. 517.

¹⁰² Interview with a former EEAS official, Bruges, 16 April 2018; Eshaq & Al-Marani, *op.cit.*, p. 15.

¹⁰³ *Ibid.*

the capacity to engage directly with the parties on the ground, and monitor the development and operationalisation of the national dialogue.¹⁰⁴ Relying on and supporting non-state actors by establishing constructive partnerships is central, as they are in a better position to implement the outcomes of mediation processes on the ground.¹⁰⁵ The EU can therefore help the various actors to implement the national dialogues' outcomes, such as the supervision of elections.

While the EU played various roles in the Yemen's NDC, several limits of its action can be highlighted. First, the EU did not have enough leverage on President Saleh to push him to resign. In that regard, the EU's enabler role was limited to supporting the Gulf countries that were more likely to have some clout. Yemen was indeed neither part of the Euro-Mediterranean Partnership, the MEDA programme nor any of the EU multilateral arrangements, therefore limiting the leverage of EU economic sanctions on Yemen's government.¹⁰⁶ Moreover, the EU's engagement as a facilitator diminished radically during the NDC in itself. This can be explained by two main reasons. First, the arrival of the UN Special Adviser Jamal Benomar in 2012 gave to the UN a highly proactive role as the main mediator of the NDC. The EU Delegation did not make full use of its mediation capabilities in order not to duplicate Benomar's efforts.¹⁰⁷

Second, the EU Head of Delegation changed during the conflict resolution process. While the first Head of Delegation focused on both the Houthis and the youth, the second focused more on the Houthis, leading to some frustration and disappointment within the other group.¹⁰⁸ On the other hand, the new Head of Delegation was perceived as more 'approachable' by the civil societies organisations. The difference between the first and second Head of Delegation shows how the EU, through its officials on the ground, is limited in its ability to be trusted and politically accepted by the parties.¹⁰⁹ Moreover, even if the UN was considered as the main mediator, the EU could have better followed up the application of the decision-management rules of the transition process, by denouncing some failures of the procedures.¹¹⁰ This was

¹⁰⁴ Gündüz & Herbolzheimer, *op.cit.*, p. 15.

¹⁰⁵ Herrberg, *op.cit.*, p. 14.

¹⁰⁶ Eshaq & Al-Marani, *op.cit.*, p. 12.

¹⁰⁷ Girke, *op.cit.*, p. 521.

¹⁰⁸ *Ibid.*, p. 519.

¹⁰⁹ Interview with a former EEAS official, Bruges, 16 April 2018.

¹¹⁰ G. Hill, *Yemen Endures: Civil War, Saudi Adventurism and the Future of Arabia*, Oxford, Oxford University Press, 2017, p. 271.

particularly the case for Hadi's failure to implement confidence-building measures and install an Interpretation Committee as the GCC Agreement had stipulated.¹¹¹ Then, the decision to follow the GCC Initiative "has shaped the course of the EU's relationship with Yemen".¹¹²

The first agreement between Saleh and the GCC contained indeed Saleh's immunity and the possibility for his party, the GCP, to stay in the political landscape. This Initiative was referring only to the opposition party, the JMP, and the GCP, neglecting the other political forces such as the Houthis and the Southern parties. As Eshaq and Al-Marani claim, "the EU was seen to push a solution that involved the wrong parties and excluded many others. This was seen to reflect the desire of regional and international actors for a solution, rather than being driven by the sincere concern to address the needs of the Yemeni people".¹¹³ This qualifies the perception of the EU's relative neutrality, which was described above as the main added-value of the EU as a facilitator in the process. This role is even more constrained today as the EU Delegation moved to Amman (Jordan), making it difficult to maintain the relationship with the parties.¹¹⁴ Moreover, a number of EU member states declared full support for the Saudi-led military campaign, including the UK and France. This has weakened the 'impartial' position of the EU that it had in the eyes of many parties. Constrained by the mandate from the member states, the EU Delegation has difficulties operating on the ground and to resume the dialogue between the various actors.¹¹⁵

The following table summarises the roles and the limits of the EU's involvement in the Yemeni case.

¹¹¹ Eshaq & Al-Marani, *op.cit.*, p. 43.

¹¹² *Ibid.*, p. 16.

¹¹³ *Ibid.*, p. 43.

¹¹⁴ Interview with an EU diplomat, via telephone, 20 April 2018.

¹¹⁵ *Ibid.*

Factors: Roles:	Process- design	Decision- making management	Operationali- sation	Social cohesion
Enabler	Diplomatic and economic pressure on the conflicting parties for their participation in the NDC	General lack of leverage to ensure <i>per se</i> the NDC and the respect of NDC rules by the conflicting parties The EU had less leverage in the G10 discussions regarding the planning of the transition process and the immunity of Saleh's government		
Funder	General EU funding through the UN Yemen National Dialogue and Constitutional Reform Trust Fund			
Observer/ guarantor	EU presence during the process-design	Lack of EU presence in the follow up of compliance with procedural rules	EU presence in the working groups of the NDC, in particular on the Saada issue	
Provider of technical and/or expert support	Expertise support to the Technical Committee	Mediation advice for Hadi's government in the final decision-making steps	Technical support in the working groups	Capacity-building support for civil society actors to reduce the asymmetries in expertise
Facilitator	Informal meetings to understand the needs of parties and to convince reluctant participants		Support to increase dialogue in case of deadlocks and help building relations between the UN and some parties (e.g. Houthis)	Informal meetings to build bridges between civil society and the political elites
Implementer/ monitor/ verifier	<i>De facto</i> limited role because of the return of instability and violence. Relocation of the EU Delegation to Amman. Limited monitoring role in the setting up of confidence-building measure by Hadi's government and of an Interpretation Committee.			

Conclusion and lessons learned

Analysing a national dialogue is highly complex as such a process has to be studied in "the broader national history where it takes place".¹¹⁶ This paper presents a new model to analyse national dialogues in various contexts. Applied to the Yemeni National Dialogue Conference, the ANDES model offers some keys to understand why a national dialogue such as the Yemen's NDC failed, while the process was at the beginning highly promising. Concerning the Yemeni case, this paper finds that working on the process-design, the decision-making procedure and the operationalisation of a national dialogue is crucial in order to increase the social cohesion of post-conflict

¹¹⁶ Interview with M.-J. Zahar, Professor at Université de Montréal, via telephone, 17 April 2018.

societies participating in this process. The mismanagement of the first three factors indeed jeopardised the feeling of belonging, inclusiveness, participation, recognition and legitimacy of the various stakeholders participating in NDC and the larger Yemeni population, deepening the historical fragmentations. The ANDES model highlights therefore how crucial it is to find for each of these factors the right equilibrium between efficiency and inclusiveness, short-term deadlock breaking mechanisms and long-term transformational aims as well as consensus-building and goals. Nevertheless, this dialogue was necessary to initiate a shift in the governance and the citizens' participation in the decision-making process on national issues.¹¹⁷ In this regard, the NDC did contribute to producing a draft constitution that can serve as a basis to work on when the political climate will be stable enough to restart the negotiations.¹¹⁸

The paper's second objective was to analyse how the EU can support national dialogues abroad without undermining the national ownership of such processes. The involvement in a national dialogue requires various tools and roles in order to provide a sustainable and comprehensive support. The EU can indeed get involved in national dialogues thanks to funding and dialogue facilitation activities, leverage to ensure the participation of all the stakeholders, the provision of technical support and as an observer and guarantor. However, "it is these multiple dimensions of a potential EU role which makes the approach to mediation more complex as [...] the EU is never engaged only in mediation but also in development cooperation, diplomacy and trade relations".¹¹⁹ While the EU can play various roles, those may come into conflict with the needs of the actors and the respect for national ownership.¹²⁰ Ensuring the inclusiveness, fairness and efficiency in the process-design, the decision-making management and the operationalisation of national dialogues without undermining the national ownership underlying such processes is therefore crucial.¹²¹ However, this balance has to be found in different ways for each national dialogue, as "it depends largely on the conflict dynamic, the situation and the perception of the EU in the field, and its relations with the actors".¹²² It is through lessons learned from various cases that

¹¹⁷ *Ibid.*

¹¹⁸ Gluck, *op.cit.*, p. 55.

¹¹⁹ N.C. Brandenburg, "EU Mediation as an Assemblage of Practices: Introducing a New Approach to the Study of EU Conflict Resolution", *Journal of Common Market Studies*, vol. 55, no. 5, 2017, p. 995.

¹²⁰ S. Touval, "Mediation and Foreign Policy", *International Studies Review*, vol. 4, no. 5, 2003, pp. 91-95.

¹²¹ C. Collen, *National Dialogues and Internal Mediation Processes: Perspectives on Theory and Practice*, Helsinki, The Ministry for Foreign Affairs of Finland, 2014, p. 40.

¹²² Interview with a former EEAS official, Bruges, 16 April 2018.

the EU will increasingly be able to engage in national dialogues in a “comprehensive, systemic and multilevel way”.¹²³

From the application of the ANDES model to the Yemeni NDC, five main lessons learned can already be suggested. First, having a strong relationship with the country involved in a national dialogue, as well as a considerable influence in the region surrounding the country concerned, helps to pressure the conflicting parties into participating in national dialogues in a fair and sustainable way (enabler role). By increasing its weight in the discussions, the EU can better promote its considerations regarding various topics such as liberal reforms, transitional justice and the design and operationalisation of the process at large in order to ensure its fairness, inclusiveness and legitimacy. The low degree of the EU’s influence in Yemen had, for example, direct consequences for its weight in the discussions of the GCC Initiative regarding President Saleh’s immunity. Moreover, the EU could have exercised more pressure on Hadi’s government to ensure that confidence-building measures and decision-making procedures were respected until the end of the process.

Second, it is important to deepen the connections and links with civil society organisations, opposition parties, NGOs and various ethnicities composing the post-conflicting society. It is this large network on the ground that has enabled the EU to play a facilitating role and bring various actors to the tables of the Yemen NDC. This role was clearly the biggest added-value of the EU in the Yemeni case.

Third, the EU must continue its funding activities to support national dialogues, which are highly expensive in the long-term. Providing financial support is crucial to help the national authorities ensure the provision of basic services to the population, such as water, electricity, healthcare, food, etc. If the basic needs are put aside to focus on the national dialogue only, this can lead to a loss of legitimacy of the process, and sometimes restart uprisings, as was the case in Yemen.

Fourth, providing technical support and expertise is also important, as some participants may not have sufficient training and know-how to be on an equal footing with other conflict parties that are used to the political scene. This can help reduce the power asymmetries between the participants, and reinforce the inclusiveness and fairness of the process.

¹²³ Interview with an EU diplomat, via telephone, 20 April 2018.

Fifth, the EU should increase its collaboration and coherence with both its member states and the other external actors involved in national dialogues. As the United Nations were increasingly perceived as favourable to Hadi's government by the southern and northern parties, the collaboration between the EU and the UN was even more important, in order to keep all the actors at the negotiation table. Furthermore, the EU crucially needs to improve coherence with its member states. The support, in 2015, for Saudi Arabia's military coalition by some member states deeply harmed the EU's credibility as a mediator on the ground and its ability to interact with all the conflicting parties.

These 'lessons learned' constitute general considerations for any future EU involvement in national dialogues. However, as the present paper covers only one case study, it would be highly interesting to conduct the same analysis for a series of national dialogues where the EU was involved. The ANDES model described above provides key entry points for the EU's support to national dialogues according to the specificities of each process (process-design, decision-management procedures, operationalisation and social cohesion). While this model does not pretend to be exhaustive, as additional roles and/or factors characterising national dialogues may be added in future analysis, it offers an analytical tool that can be used both at the academic and practitioner levels.

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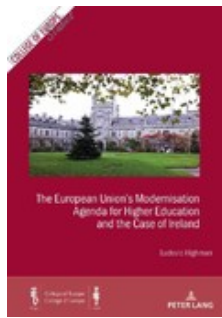
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