

ROUNDTABLE

## Effective Citizenship, Civil Action, and Prospects for Post-Conflict Justice in Yemen

Stacey Philbrick Yadav

Department of Political Science, Hobart and William Smith Colleges, Geneva, NY 14534  
[philbrick Yadav@hws.edu](mailto:philbrick Yadav@hws.edu)

A woman takes on work repairing cell phones in a small town in the southern governorate of Lahj. In Aden, an *'aqila* (neighborhood representative) refuses to authorize the marriage of an underage girl. In a rural village outside of Sana'a, women petition the shaykh for permission to build a community center in which they can market home crafts to other women. Young women and men in Ibb and in Hadramawt work as volunteer teachers and coordinate with very different municipal authorities to ensure children can learn. And in the divided city of Taiz, a youth organization trains internally displaced Yemenis in the maintenance of the solar technologies that are keeping the city running.

Everyday practices like these in different communities across a highly fragmented Yemen at war receive far less attention than do the conflicts between the country's armed factions. Yet these everyday practices are arguably renegotiating the parameters of Yemeni belonging and the prospects for sustainable peace. Over the past year, I participated in a multi-team research project that enabled me to learn about a broad range of everyday peace-building practices by Yemeni noncombatants. This has helped me think about citizenship and belonging less as a set of *de jure* rights that originate with the state and more as a set of practical capacities for action that are built through, around, and sometimes against state institutions. The forms of citizenship being enacted in local communities include practices of civil action that can be distinguished from other forms of nonviolence by their focus on "mere civility."<sup>1</sup> These practices, if properly recognized and integrated into the formal peace-building process, can help lay the groundwork for a more democratic and inclusive post-conflict future.

### Effective Citizenship and Conflict

Research in other contexts shows that the institutionalization of difference is a core determinant of violence, and that its effects are most pronounced when differences form the basis of asymmetric access to citizenship rights.<sup>2</sup> Variations in access to citizenship rights can exist *de jure* or *de facto*; the latter is associated with the practical experience of rights-bearing central to the concept of *effective citizenship*. Patrick Heller describes effective citizenship as "the actual capacity of citizens to make use of formal and civic political rights."<sup>3</sup> As such, expanding effective citizenship means challenging entrenched social inequalities that create informal (and sometimes also formal) subordination and domination.<sup>4</sup> This lens for thinking about citizenship is particularly helpful in a republic like Yemen, where citizen rights have long existed on paper as what an interlocutor once described as "the envy of Plato." The distinction between these rights on paper and the practical experience of rights-bearing, however, has often been sharp. Throughout the 2000s, Yemenis spoke of a "rights consciousness" in marked tension with a reality of rights denied. The experience of effective citizenship, in other words, has been highly uneven and far from guaranteed.

<sup>1</sup>Teresa Bejan, *Mere Civility: Disagreement and the Limits of Toleration* (Cambridge, MA: Harvard University Press, 2017).

<sup>2</sup>Evan S. Lieberman and Prerna Singh, "The Institutional Origins of Ethnic Violence," *Comparative Politics* 45, no. 1 (2012): 20–21; Andreas Wimmer, *Waves of War: Nationalism, State-Formation, and Ethnic Exclusion in the Modern World* (Cambridge, UK: Cambridge University Press, 2012), 4.

<sup>3</sup>Patrick Heller, "Democracy, Participatory Politics, and Development: Some Comparative Lessons from Brazil, India, and South Africa," *Polity* 44, no. 4 (2012): 643.

<sup>4</sup>Martha Nussbaum, *Creating Capabilities* (Cambridge, MA: Harvard University Press, 2011), 19; Séverine Deneulin, *Well-Being, Justice, and Development Ethics* (London: Routledge, 2014), 94–97.

Demands for greater effective citizenship were arguably at the core of the 2011 uprising, but were shunted aside during a 2012–14 transitional process that was itself premised on asymmetric forms of social and political exclusion. Despite the rhetoric of inclusivity that accompanied the high-profile National Dialogue Conference, decision-making was narrowly guarded. Even those formal exclusions from power in the transitional government—of the Hirak and the Houthi movement, especially, but also of youth activists and women—were knock-on exclusions of a more informal kind, insofar as these groups had expressed grievances during or prior to the 2011 uprising that were based on their (different) practical experiences of political exclusion or subordination. In the eyes of the many hundreds of thousands of Yemenis who mobilized to protest the transitional framework, its exclusions undermined the legitimacy of the transition; even in its heyday, it was viewed by many as a path to war.<sup>5</sup>

If asymmetric access to rights is a driver of conflict, the expansion of effective citizenship might be critical to conflict abatement and post-conflict reconstruction.<sup>6</sup> One core means of expanding effective citizenship is through decentralization and participatory governance at the local level. In Yemen, various opposition movements and organizations worked for greater decentralization of political and economic decision-making for more than a decade before the current war began, but few concrete measures were taken by the Saleh government or the transitional regime that was its successor. Instead, it is the current war that has produced a deep if unplanned decentralization in Yemen. Local communities in different parts of the country contend with rival authorities, cope with the collapse or political capture of state institutions, and navigate very different conditions from one part of the country to the next. The needs and aspirations of Yemenis regarding the post-conflict state and society consequently also are fragmented.

Empirical comparisons from elsewhere suggest that decentralization expands effective citizenship best when institutions can (a) avoid partisan capture by ruling parties and (b) construct “chains of sovereignty” that pass binding obligations on government upward from the local level (rather than discharging power from the top downward to localities). This is true insofar as “preference formation without a secure chain of sovereignty will inevitably lead to dashed expectations and de-legitimization” of institutions as a whole.<sup>7</sup> In short, when people have reason to believe that their preferences—as individuals and in groups—animate government and create the state’s capacity to act, they experience effective citizenship.

Unfortunately, approaches to post-conflict reconstruction often emphasize the need to rebuild institutions from the top down, with an emphasis on inclusive institutions; the National Dialogue Conference played this role in the Gulf Cooperation Council transitional framework, although it was undermined by practices of subordination and exclusion that operated outside of formal institutions.

Looking ahead, if opportunities for effective citizenship are blocked, legal equality and inclusion initiated from the top will be undermined even when they are advanced *de jure*. Subordinated groups, especially, can expect to continue to enjoy fewer practical rights and less effective citizenship than their fellow Yemenis. By contrast, the kind of radical decentralization that has developed (without planning) in the context of Yemen’s fragmented war has created unplanned opportunities for greater effective citizenship at the local level. This unplanned decentralization is arguably hyper-local, as practical governance is being developed in territories that are smaller than or otherwise not congruent with previous municipal boundaries and their institutions. Among the many approaches that international organizations adopt in post-conflict societies, research suggests that only those enacted by “peace building learners” succeed in advancing their aims.<sup>8</sup> In other words, peace-builders who work from the bottom up and learn from, integrate, and build upon Yemenis’ experience of effective citizenship in local communities during the war itself can imbue post-conflict institutions with the legitimacy they need to function effectively and secure peace.

<sup>5</sup>Sheila Carapico and Stacey Philbrick Yadav, “The Breakdown of the GCC Initiative,” *Middle East Report* 273 (2014), <https://merip.org/2014/12/the-breakdown-of-the-gcc-initiative>.

<sup>6</sup>Wimmer, *Waves of War*, 175.

<sup>7</sup>Heller, “Democracy,” 662.

<sup>8</sup>Susanna P. Campbell, *Global Governance and Local Peace: Accountability and Performance in International Peacebuilding* (Cambridge, UK: Cambridge University Press, 2018), 3.

### Effective Citizenship and Civil Action in Yemen

Examining the ways in which local actors have met acute need with creativity and resilience also highlights an underlying conceptual connection between effective citizenship and civil action. Although there is a well-developed literature on civil resistance as a nonviolent means of advancing political change, new work disaggregating civil action from civil resistance raises important questions about the forward-looking implications of other forms of nonviolence. Scholars of civil action understand it to be “broader [than civil resistance] because it also includes less conflictual engagement with various stakeholders—legally and illegally, institutionally or extra-institutionally.”<sup>9</sup> The decisive characteristic of civil action is not its nonviolence (although it is certainly nonviolent), but the necessary feature of what scholars call “mere civility.” This is a kind of restraint and recognition of the other that “does not require agreement or consensus and does not entail avoiding conversation about issues on which people vehemently disagree” but which avoids exclusionary rhetoric and action associated with more confrontational models of civil resistance.<sup>10</sup> Research on the character and microdynamics of civil action demonstrates that this relational and engagement-oriented approach is more closely associated with democratic and inclusive changes in the post-conflict period. Nonviolent mobilization of any sort may be more effective than violence in producing change, but civil action is important to the *character* of that change and the prospects for a more just and sustainable regime.<sup>11</sup>

In communities across Yemen, the profound insecurity produced by the ongoing war has led actors to engage in a broad range of activities designed to support their survival, many of which can be understood as exhibiting the “mere civility” of civil action. In the context of a war that offers powerful incentives to take up arms, Yemenis continue, individually and in groups, to choose nonviolence. In doing so, they engender forms of mutual recognition that can contribute to reduced violence and social cohesion.<sup>12</sup>

Women play an absolutely central role as civil actors across the country. Recent research has shown that women work effectively with representatives of all armed factions to address the provisioning of basic needs, especially in their work to secure access to water and fuel and, most recently, with regard to responses to Covid-19.<sup>13</sup> They navigate norms (and, in some areas, formal rules) regarding gender segregation even as they show themselves to be essential mediators with a range of local authorities in different parts of the country, including with representatives of the Hadi government, the Southern Transitional Council, and the Houthi movement.<sup>14</sup> In the North, where gender segregation is more pronounced, women have helped to provide other women with necessary forms of physical and social security, negotiating with local officials and raising funds to construct, sometimes literally, spaces in which women can gather for community events, to address shared concerns, and to market goods among other women.<sup>15</sup> In some areas of the South, women are working in local industry and trade, taking on new and often very public-facing roles. This work is contributing to shifting dynamics at the household level and is reflected among men’s attitudes as expressed in interviews and focus groups, as well as women’s perceptions of themselves and others.<sup>16</sup> Many women express a desire to continue these new forms of work after the war, although they anticipate different kinds of barriers in different parts of the country. Peace-builders will need to recognize women’s capacities for action and build bottom-up

<sup>9</sup>Deborah Avant, Marie E. Berry, Erica Chenoweth, Rachael A. Epstein, Cullen Hendrix, Oliver Kaplan, and Timothy Sisk, eds., *Civil Action and the Dynamics of Violence in Conflict* (Oxford, UK: Oxford University Press, 2019), 3.

<sup>10</sup>Ibid., 4.

<sup>11</sup>Erica Chenoweth and Maria Stepan, “Mobilization and Resistance: A Framework for Analysis,” in *Rethinking Violence: States and Non-State Actors in Conflict*, ed. Erica Chenoweth and Adria Lawrence (Cambridge, MA: MIT Press, 2010), 251–52; Marie-Christine Heinze and Stacey Philbrick Yadav, “For a Durable Peace in Yemen, Inclusion Must Mean More than Simply a Voice for Civil Actors,” *Responsible Statecraft*, 8 June 2020, <https://responsiblestatecraft.org/2020/06/08/yemen-peace-inclusion-civil-actors>.

<sup>12</sup>Avant et al., 6.

<sup>13</sup>Iman al-Gawfi, Bilkis Zabara, and Stacey Philbrick Yadav, “The Role of Women in Peacebuilding in Yemen,” CARPO Brief 14, 27 February 2020, 12, [https://carpo-bonn.org/wp-content/uploads/2020/02/carpo\\_brief\\_14.pdf](https://carpo-bonn.org/wp-content/uploads/2020/02/carpo_brief_14.pdf).

<sup>14</sup>Marie-Christine Heinze and Marwa Baabad, “‘Women Nowadays Do Anything’: Women’s Role in Conflict, Peace, and Security in Yemen,” *Saferworld*, June 2017, 21, <https://www.saferworld.org.uk/resources/publications/1125-awomen-nowadays-do-anything-a-womenas-role-in-conflict-peace-and-security-in-yemen>.

<sup>15</sup>Al-Gawfi et al., “Role of Women,” 10.

<sup>16</sup>Ibid., 7.

chains of sovereignty that neither ignore or work around women nor reverse the gains in effective citizenship that at least some women have experienced under conditions of war.

Likewise, youth activists remain an important source of civil action, despite strong pulls toward militant recruitment by all sides. Civil action by youth activists is most pronounced in areas of environmental concern and economic development, and youth also have undertaken essential work to support internally displaced Yemenis in several local communities over the past several years.<sup>17</sup> In some parts of the country, youth have worked to actively challenge norms of gender segregation through civil action undertaken jointly by young men and women.<sup>18</sup> Youth have worked with local authorities aligned with different warring factions around the country and sometimes worked around them. This shows that youth activists are neither wholly constrained by the authorities' logics of governance, nor do they immediately reject them. This aligns with theories of civil action that see actors as advancing claims within and outside of institutions concurrently.

The private sector is another source of civil action, although one with perhaps more complex effects. As elsewhere, "local companies can conduct 'quiet diplomacy' with actors in local conflicts or use their economic influence to lobby for peace agreements" and their "material resources are generally greater than many movements or NGOs."<sup>19</sup> It is private sector actors who have helped move goods to market in Yemen, even across barricades and partial blockade.<sup>20</sup> Doing so has required engagement with all warring factions and international organizations and an ability to work with political adversaries. At the same time, the private sector has (by necessity, perhaps) contributed to the construction of a war economy that promises to be very difficult to dismantle.<sup>21</sup> The private sector has enjoyed more recognition by formal peace-builders and postwar planners than other groups of civil actors owing to its potential to contribute materially to the work of rebuilding. This arguably affords private sector actors greater effective citizenship, yet the impact of unplanned decentralization and the fragmentation of authority has hurt business in the form of multiple and opaque forms of taxation and regulation, where actors cannot rely on any state actor for purposes of enforcement.<sup>22</sup> In these ways, private sector actors' experience of effective citizenship—the exercise of rights and responsibilities—is asymmetric and may contribute to the kinds of inequalities that drive conflict if this is not consciously addressed by negotiators.

And, of course, the groups of civil actors identified here (and others who are not mentioned) intersect. Research shows that women, for example, can and do simultaneously identify as youth and as part of the private sector, even as they negotiate through their everyday actions for greater recognition of their role in each group. This makes the politics of inclusion and representation challenging but also offers more opportunities for the expansion of effective citizenship. Recognizing that claims made by and recognized for civil actors in any one of these categories may resonate in others can bring us closer to thinking about a peace-building process that could expand effective citizenship for a larger share of Yemenis and help to support peaceful and sustainable postwar rebuilding.

### Civil Action, Justice, and Democracy

Both civil action and its more familiar cousin, civil resistance, are productive means of promoting change that can coexist alongside violent contention. Civil action, however, can also help shape the character of postwar institutions in a democratic direction because of the role that mere civility plays in supporting opportunities for public reason. Although Amartya Sen does not use the language of civil action in discussing what he describes as "democracy as public reason," he centers the mutual recognition and mere

<sup>17</sup>Maged al-Kholidy, Yazeed al-Jedawwy, and Kate Nevens, "The Role of Youth in Peacebuilding in Yemen," CARPO Brief 17, 27 April 2020, [https://carpo-bonn.org/wp-content/uploads/2020/04/carpo\\_brief\\_17\\_27-04-20\\_EN.pdf](https://carpo-bonn.org/wp-content/uploads/2020/04/carpo_brief_17_27-04-20_EN.pdf).

<sup>18</sup>Ibid., 5.

<sup>19</sup>Avant et al., 11–12.

<sup>20</sup>Tarek Barakat, Ali al-Jarbani, and Laurent Bonnefoy, "The Role of the Private Sector in Peacebuilding in Yemen," CARPO Brief 19, 18 May 2020, 6, [https://carpo-bonn.org/wp-content/uploads/2020/05/carpo\\_brief\\_19\\_18-05-20\\_EN.pdf](https://carpo-bonn.org/wp-content/uploads/2020/05/carpo_brief_19_18-05-20_EN.pdf).

<sup>21</sup>Peter Salisbury, *Yemen: National Chaos, Local Order*, Chatham House Research Paper (London: Royal Institute of International Affairs, 2017), 3, <https://www.chathamhouse.org/sites/default/files/publications/research/2017-12-20-yemen-national-chaos-local-order-salisbury2.pdf>.

<sup>22</sup>Barakat et al., "Role of the Private Sector," 7.

civility that enable people to develop an awareness of others and their needs and, critically, to support policies that address them.<sup>23</sup> Beyond this, democracy as public reason serves as an essential counter to solitarism, or those forms of identity-based reductionism that demagogues rely on to foment conflict.<sup>24</sup> Solitarism can be overcome, Sen argues, “only through the championing of broader values that go across divisive barriers,” and recognizing the “multiple identities of each person.”<sup>25</sup> These ideas come together in civil action, which brings differently positioned interlocutors into positions of claims-making premised on the very minimal standard of mere civility.

Safeguarding the mere civility embodied by civil actors in Yemen will be essential to countering efforts to use transitional justice mechanisms to settle scores. As Susan Waltz has argued, transitional justice is “a political device that can be used for several purposes, some at odds with others. Some elements of civil society may hope for an improvement in human rights, but political leaders endorsing or prompting the idea of transitional justice may simply want to mark a political moment or consolidate regime transition—or punish rivals and seal away an unpalatable past.”<sup>26</sup> Each of these scenarios seems plausible in the context of a postwar Yemen, especially when considered in both regional and historical comparison. During the 2012–14 transitional period, even those elites from among the previous president’s political opposition lacked the stomach for accountability or truth-seeking measures, perhaps concerned that they also might be implicated.<sup>27</sup> During the war, those same parties have ceased to function as an opposition, or even as parties as such, due to a process of organizational disintegration that began during the 2012–14 period.<sup>28</sup> One consequence of the further deracination of party institutions over five years of war is that negotiations reflect priorities set almost exclusively by warring antagonists, and parties lack any meaningful way to gauge public support. Greater inclusion of civil actors who already engage with diverse others on the basis of mere civility in the design and implementation of any peace framework, however, might help to prevent or reduce its political capture by the war’s antagonists and thereby enable post-conflict institutions that can deliver more effective citizenship for more Yemenis.

Civil actors—whom I hesitate to describe in blanket terms as “civil society” because they may not be organized or view themselves as such—are a potential resource for Yemen’s post-conflict period, but only if they are recognized by international organizations as the peace-builders that they are. Up to this point, the role of noncombatant actors in Yemen’s peace process has been as providers of data: they are essential to gathering the information included in needs assessments used by international agencies that provide humanitarian relief and plan for postwar reconstruction. Yet research conducted during the war has consistently shown that noncombatants are already doing much more than this through their quotidian practices of peace-building. As noncombatants embody the norms of civil action, they participate in public reason and lay ground for a more democratic and inclusive postwar Yemen in which citizens expect not only to have rights before the state but to be free to use those rights in meaningful ways.

<sup>23</sup> Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2011), 344.

<sup>24</sup> Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: W. W. Norton, 2006), 23–24.

<sup>25</sup> Sen, *Idea of Justice*, 353.

<sup>26</sup> Susan Waltz, “Linking Transitional Justice and Human Rights,” in *Transitional Justice in the Middle East and North Africa*, ed. Chandra Lekha Sriram (London: Hurst, 2017), 37.

<sup>27</sup> Ibrahim Fraihat and Bill Hess, “For the Sake of Peace or Justice? Truth, Accountability, and Amnesty in the Middle East,” in Sriram, *Transitional Justice*, 75.

<sup>28</sup> Stacey Philbrick Yadav, “Fragmentation, Disintegration, and Resurgence: Mapping the Islamist Field in Yemen,” *Middle East Law and Governance* 12, no. 1 (2020): 27–29.