

# South Yemen Update

*Dream no small dreams for they do not have the power to move the hearts of men*

Newsletter of the Friends of South Yemen

South Yemen Update Issue -33

March- 2023

## The Legal case for South Yemen to be an independent state

The STC recently organised through the academic group, a zoom meeting with academics and prominent legal experts and activists to discuss the legal case for independence and the challenges ahead.

In context before Yemen's unification in 1990, South Yemen was an independent sovereign state. The union between North and South Yemen was a voluntary union between two independent states. The union did not work and the war between the two partners in 1994 resulted in one state dominating the other. It brought death and destruction and ended in tears. The people of South Yemen demonstrated their unhappiness with the Union right from the very beginning of unification. In reality the two wars conducted against the South throughout the period of unity and the overthrow of the state by the Houthis is a clear and demonstrative reality that the unity project only exists by name. Current negotiations in the back channels between the international community and the Houthis, participants were clear that the Southerners shouldn't anymore accept to be marginalized in any negotiations that would determine the future fate of the Southern state. There were concerns expressed about the absence of the southern viewpoint in these back channel negotiations that could damage the overall peace process.



*Dr. Said Alhakam, Expert in International Law*



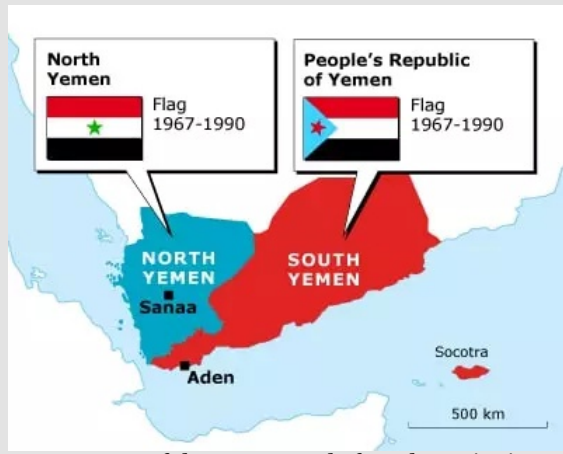
### ورشة عمل بشأن قضية شعب الجنوب من منظور القانون الدولي

دعوة خاصة

There is solid information seen by "South24 Centre" that the Houthis and some parties inside the PLC and the internationally-recognized government desperately seek to keep the main parties in South Yemen outside the path of the international and regional efforts for a comprehensive political operation. Some parties in the government still delay the work of the joint negotiation team which was agreed upon within PLC at an earlier time but has not been officially announced. We would like to remind that all peace efforts with the Houthi militias have failed so far due to the absence of Southerners. The vast majority the people of South Yemen have expressed throughout the period that they wish to leave the union and reclaim their independence. One leading Southern academic said, 'It is undeniable that South Yemen does indeed qualify for

statehood, and it is incumbent upon the international community to recognize it.

The Union established in 1990 brought enormous injustice and suffering to the people of the South. The fact that the 'union between the two states was a failed project, and also malfunctioned when that relationship ended in the war in 1994 and again in 2015. The two wars and the intended consequences makes South Yemen's search for recognition, historically unique and self-justified.



Yemen Map of the two states before the Unity in 1990

Objectively viewed he further said that, our case for recognition to be an independent state should not be linked to the notion of 'opening a Pandora Box'. As such the international community should find a special method of dealing with this outstanding case.'

Another participant explained,

The Challenge for the international community is to provide timely, neutral leadership in order to ensure a just, peaceful and enduring settlement to the current crisis, before confrontation and violence becomes the only option imaginable to Southerners.

The above testimony shows clearly that South Yemen has a historic, political, legal and humanitarian case and right to be recognized. The recognition of South Yemen is in the best interest of the region and the global community and the best grantor of peace, stability, democracy and prosperity in a very strategic but turbulent region.

The main criteria for statehood remain those set by the 1933 Montevideo Convention, generally considered a norm of customary international law:

"The State as a person of international law should possess the following qualifications:

1. a permanent population;
2. a defined territory;
3. government; and
4. capacity to enter into relations with the other states."

It was unanimously agreed in the seminar by all those present, that South Yemen unequivocally meets each of these established legal criteria.

The irony lies in the fact that South Yemen wishes to return to the borders that it had when it gained independence from its colonial power. It is also important to point out that, the case is one of voluntary withdrawal from a union between two states and not a cessation of land area incorporated into a sovereign state. Therefore, it can be logically argued that the UN refusal to recognize South Yemen as a state in its own right is completely unjustified. And so, it appears that the UN is trying to buy time, sending fact finding missions to make reports they intend to ignore, hoping against hope that someday a functional government will arise in Yemen, and if that day were to come, all hopes for an independent South Yemen will cease to exist. This a false narrative that must be challenged. The recent statement of the chairman of the presidential council, that the Southern issue is fair but needs to be dealt with once the war with the Houthis was finished angered many southerners and was challenged by a leading figure in the STC, in the following terms,

"No need to mention the vast difference between our national cause and yours. Your cause lies in sharing power, but ours is restoring a homeland. Our cause is deeply enrooted in the hearts and consciences of the people and has turned into a road map for the people of the South, who have been suffering calamities and bitterness since the invasion of the South in the tyrannous war of 1994, and none stands in their way but triumph, and nothing will be accepted but victory, the cause of blessed martyrs whose pure blood was shed in the fields and squares during the revolution of the southern peaceful movement, then on the frontlines against the Houthi militia with flying colours, and obtaining many political and military gains throughout the eight years. It is far from fair to compare a just cause aimed at restoring the state with one that did not live up to its promise to preserve the state and did not have the guts or determination to liberate even a little hill, free a village, or a single house for eight long years, as is the real designation of the North Frontlines, but 'surrender and flee', despite the huge amount of support and backing they have received".

Another academic further explained that, Undoubtedly, according to announced positions which are always expressed by the STC regarding the issue of South Yemen's people and their political, economic, developmental and security aspirations there, the council will be obliged to refuse any endeavours which may touch its main issue and the entitlements achieved by Southerners over the years of conflict. So far, it is clear that the STC still deals with the developments of the current scene with patience despite the internal and external pressures. However, the updates and current events may increase the severity of disparity and disagreements within the PLC for the aforementioned reasons.

The STC rejected those statements, saying that they "do not indicate the seriousness of the partnership and

consensus that resulted from the GCC consultations." They stressed that discussing the Southern Issue "does not accept postponement."



STC Leader Aidarous Al-Zubaidi

Accordingly, the failure to ensure a real and fair representation for South Yemen in the political settlement efforts to end the conflict would lead to un-calculated escalation at the popular and media levels and probably at the military and security one. This may ultimately lead to new violence circles that would repeat the scenarios of the 2018 and 2019 conflict in Aden. Moreover, this would lead to the dissolution of the PLC and the Aden-based government. This would strengthen the Houthi position in North Yemen and consequently weaken the position of Saudi Arabia which apparently doesn't take these risks into account.

Previously, the STC issued an autonomous rule declaration in April 2020 before backing off this decision in late July of that year. This came after being pressured by Saudi Arabia in return for accelerating the mechanism of the Riyadh Agreement signed in November 2019. As there are challenges regarding the

implementation of the outstanding items of the Riyadh Agreement and the subsequent March 2022 Consultations along with attempts to alienate the Southern forces from taking important and crucial decisions at the level of the government and PLC, a similar move to declare self-rule or self-management permanently is necessary to maintain the achievements made in South Yemen. The STC rejected those statements, saying that they "do not indicate the seriousness of the partnership and consensus that resulted from the GCC consultations." They stressed that discussing South Issue "does not accept postponement."

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Unless the international community addresses our grievances, they may push the Southerners to take their fate into their own hands. as Martin Luther King, Jr. so eloquently put it that "justice denied anywhere diminishes justice everywhere."



#### FRIENDS OF SOUTH YEMEN (FOSY)

2 Firshill Road, Sheffield S4 7BB , United kingdom

Tel: +44 7802 763711

Email: info@friendsofyemen.org

Website: www.friendsofyemen.org

facebook: fb.me/fosy2020

