

Original Research Article

Self-Determination, Secession, and Disengagement in Public International Law: Voluntary Merger and the Problem of Reviving an Extinguished International Legal Personality in Yemen

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Abstract

This article examines claims advanced in the Yemeni case under the headings of self-determination, secession, and disengagement. Its central legal question is whether these claims concern withdrawal of territory from an existing State or an attempt to revive a former international legal personality extinguished through the voluntary merger of 22 May 1990 — related but analytically separate inquiries. Adopting a comparative doctrinal approach, the article tests these claims against the sources of public international law, legal scholarship, international and comparative jurisprudence, and the relevant Yemeni instruments, treating political and contextual documents as evidence of discourse rather than as sources of legal legitimacy. The central argument is that a complete and internationally recognised voluntary merger creates a double legal barrier to revival: there is no unlawful extinction capable of supporting a claim of continuing or suspended statehood, and a single sovereign State — the Republic of Yemen — has continued in existence and international representation since the merger. Disengagement and restoration therefore require a new legal basis; the terminology alone creates no right to external self-determination or renewed statehood. The article concludes that international law establishes no general right to unilateral secession in the Yemeni case, while a possible right of remedial secession outside colonialism and foreign occupation remains contested and has not crystallised into a generally accepted rule. The legally available framework lies primarily in internal self-determination, transitional justice, reparation, constitutional guarantees, and equitable distribution of power and wealth within a single Yemeni State.

Keywords: *self-determination, secession, disengagement, restoration of the Southern State, voluntary merger, revival of international legal personality, State continuity, territorial integrity, Yemen, public international law, comparative constitutional law*

INTRODUCTION

Self-determination and secession occupy a central place in public international law because of their direct bearing upon sovereignty, territorial integrity, State continuity, and the prohibition of the use of force. International law

addresses self-determination within a balanced legal order that protects the rights of peoples while restraining the redrawing of boundaries outside agreed legal rules. A general invocation of self-determination is therefore insufficient to yield a secessionist outcome unless the argument is carried through legal text, doctrine, and jurisprudence, and is then applied to the particular facts.

Historically, self-determination was associated with decolonisation and foreign domination. In the post-colonial period it developed to include internal forms of political participation, good governance, representation, and non-discrimination. A significant doctrinal and judicial trend has settled on distinguishing internal self-determination, as the general form applicable within independent States, from external self-determination, as an exceptional path connected with limited contexts (Cassese, 1995; Crawford, 2006; Shaw, 2021).

In Yemen, the issue arises through the Southern Question and the political, administrative, and economic grievances associated with it, particularly after the 1994 war. Acknowledging grievances, however, does not by itself determine their legal effect. The legal issue is whether such grievances establish a right to secession or disengagement, or instead open a path for internal reforms related to transitional justice, constitutional guarantees, and the distribution of power and wealth.

The importance of the study is increased by the plurality of terms used in the political discourse of some actors in South Yemen, including self-determination, secession, disengagement, restoration of the Southern State, South Arabia, and the former State prior to the re-establishment of Yemeni unity. The study treats these terms as objects of analysis and does not assume that they create legal positions or sovereign rights by themselves.

The study uses the expression “re-establishment of Yemeni unity” as a historical and political description of the context preceding the declaration of the Republic of Yemen on 22 May 1990. In official, political, Yemeni, and Arab discourse, the two entities existing at that time were commonly treated as the two parts of Yemen: the northern part and the southern part. This usage does not predetermine any legal conclusion concerning the consequences of unity or the subsequent legal positions arising from it. It defines only the terminological framework within which the study analyses the unity agreements and State continuity.

The study seeks to offer a concise and integrated reading through six connected sections: the legal framework of self-determination and secession; the effect of voluntary merger on the revival of a former international legal personality; the contested concepts in the southern case; the comparative analysis of reference models; the application of State continuity and territorial integrity rules to the Yemeni case; and, finally, internal self-determination as the legal and political alternative.

The contribution of the study lies in constructing an applied legal test for the Yemeni case that links four interrelated elements: the scope of self-determination in independent States, the manner in which a former international legal personality may cease to exist, the effect of loss or disturbance of effective control, and the legal value of discourse based on the restoration of a former political entity. The study uses this linkage to distinguish methodologically between secession from an existing State and the revival of an international legal personality voluntarily extinguished.

It argues that the Yemeni case falls more within the second category than within classical secession models.

Research Problem and Questions

The research problem lies in the tendency of legal and political discourse concerning the Southern Question to treat self-determination, secession, disengagement, and restoration of the Southern State as adjacent or interchangeable concepts, although each has a different legal effect. The difficulty is sharper in the Yemeni case because the claim goes beyond the secession of a territory from an existing State and includes, in an important respect, an attempt to revive a former international legal personality that was extinguished upon the re-establishment of Yemeni unity on 22 May 1990. The study therefore examines both the legality of secession and the extent to which international law permits the revival of an international legal personality voluntarily extinguished through a complete and internationally recognised merger, as well as the limits of the treatment available through internal self-determination within the framework of a single State.

The study proceeds from the following main question: what is the legal value, in the Yemeni case, of the concepts of disengagement, restoration of the Southern State, and self-determination in its internal and external forms? Do they permit the termination of Yemeni State unity or the revival of a former international legal personality extinguished by complete voluntary merger, or do they direct the treatment towards internal self-determination and constitutional guarantees within a single State? Five questions derive from this main question:

1. What legal boundaries separate internal self-determination, external self-determination, and secession in public international law?
2. Does a complete and internationally recognised voluntary merger create a special legal barrier to claims seeking to revive a former international legal personality?
3. What is the legal value of the concepts of disengagement, restoration of the Southern State, and South Arabia in the light of public international law and Yemeni constitutional law?
4. Does the Yemeni case belong to common comparative models such as Kosovo, Eritrea, South Sudan, and the dissolution of the Soviet Union, or does it represent a distinct legal case?
5. To what extent do the outcomes of the National Dialogue Conference and internal self-determination provide a legal framework for addressing the Southern Question within a single Yemeni State?

Research Objectives

1. To clarify the legal boundaries between internal self-determination, external self-determination, and secession in public international law.
2. To examine the legal effect of complete voluntary merger on attempts to revive a former international legal personality.
3. To assess the legal value of disengagement, restora-

tion of the Southern State, and South Arabia in the Yemeni case.

4. To distinguish the Yemeni case from the principal comparative models commonly invoked in secession debates.
5. To evaluate internal self-determination and the National Dialogue outcomes as a legal and constitutional framework for addressing the Southern Question within a single Yemeni State.

Literature Review, Research Gap, and Scholarly Contribution

Legal literature has addressed self-determination and secession from a general angle, focusing on the relationship between external self-determination and territorial integrity, the problem of remedial secession, State continuity, and the conditions for the emergence of international legal personality. The works of Cassese, Crawford, Raič, Kohen, Sterio, and Shaw remain central references in this field. These works, despite their importance, do not treat the Yemeni case as an independent legal case, nor do they directly test the concepts of disengagement, restoration of the State, and South Arabia in the light of public international law and Yemeni constitutional law (Cassese, 1995; Crawford, 2006; Kohen, 2006; Raič, 2002; Shaw, 2021; Sterio, 2013).

By contrast, several political and historical studies have addressed the Southern Question in Yemen, including the emergence of the Southern Movement, the outcomes of the National Dialogue Conference, the transformations of the Southern Transitional Council, and the political memory associated with the People's Democratic Republic of Yemen. Most of this literature, however, focuses on political, social, and historical context and does not provide an integrated doctrinal legal test of self-determination, secession, disengagement, restoration of the State, and South Arabia under public international law and Yemeni constitutional law (Augustin, 2021; Gaston, 2014; International Crisis Group, 2013; Salisbury, 2018).

Recent Arabic literature is useful for clarifying the political and social context of the Southern Question, without replacing legal analysis. Some studies address the emergence of the Southern Movement and its causes as an expression of political, administrative, and economic grievances accumulated after the 1994 war. Others focus on identity conflict, transformations of political discourse in South Yemen, and the multiplicity of projects ranging from secession to autonomy and federalism. This literature shows that the discourse on the Southern Question is not a single bloc, and that the claims circulating within it range from rights-based grievance, constitutional reform, and decentralised governance to secession and State restoration (Al-Haij, 2018; Al-Hudhaifi, 2019; Abaad Studies and Research Center, 2017). Earlier Yemeni legal commentary had already framed the issue as one concerning the legal basis for disengagement or self-determination in South Yemen, while a legal article published in *Al-Andalus Journal* treated sovereignty and secession as a general doctrinal problem. These materials are useful as Arabic le-

gal and contextual reference points, although the present study uses them only to map the prior discussion and not as controlling legal authority (Al-Jamali, 2021; Al-Mawda, 2012).

More recent studies have also examined the National Dialogue Conference and the transformations of the Southern Question after the intervention of the Arab Coalition. Jawas's study is useful in showing that the treatment of the Southern Question within the National Dialogue Conference passed through an institutional negotiation process, moving from the construction of common ground to the more difficult discussion of solutions and guarantees. Al-Taweel's book traces the movement of the question from political and rights-based grievances to multiple political and military projects after 2015. The policy assessment issued by the Arab Center for Research and Policy Studies monitors developments in late 2025 as a recent context for attempts to impose facts on the ground in southern and eastern governorates. These sources remain political and contextual materials, which the study uses to understand discourse and transformations, not to establish or deny the legal legitimacy of secession (Jawas, 2024, pp. 48–49; Al-Taweel, 2022, pp. 102–119, 184; Arab Center for Research and Policy Studies, Political Studies Unit, 2025, pp. 1–4).

Specialised English-language literature on Yemen's constitutional transition and federalism adds an important contextual dimension to this discussion. It examines the difficulties that accompanied the attempted transition from a unitary to a federal system, particularly disputes over the formation of regions, allocation of competences, management of natural resources, and implementation guarantees. In this study, however, the value of that literature remains contextual and methodological: it helps explain the difficulty of transforming the National Dialogue outcomes into an applicable constitutional structure, without directly addressing the central problem of the effect of complete voluntary merger on the revival of a former international legal personality (Williams et al., 2017; Al-Akhali, 2014; Salisbury, 2015).

Accordingly, the contribution of this study lies in connecting the general legal literature on self-determination and secession with the Yemeni case as one involving a previous voluntary merger, the continuity of an existing State, and a political discourse that has shifted from disengagement to self-determination and State restoration. The study treats these concepts as legal claims to be tested, not as political premises.

Within the Arabic and English literature available to the study, this work is distinctive in providing a specialised doctrinal legal treatment of the Yemeni case. It goes beyond describing the Southern Question politically or historically, and it does not treat self-determination and secession as abstract theoretical concepts. Rather, it tests, in an integrated manner, self-determination, secession, disengagement, restoration of the State, and South Arabia in the light of public international law, territorial integrity, State

continuity, Yemeni constitutional rules, and the outcomes of the National Dialogue. It also seeks to distinguish the political discourse surrounding these concepts from the legal value that may attach to them within the international legal order.

The first scholarly contribution lies in recharacterising the subject matter. The study treats the Yemeni case as a claim that goes beyond the traditional model of secession from an existing State and includes, in a central respect, an attempt to revive a former international legal personality extinguished voluntarily through complete merger in 1990. This characterisation moves the analysis from the abstract question of secession to a more precise question concerning the effect of voluntary merger on the possibility of legal revival.

The second contribution lies in proposing the concept of a double legal barrier as an analytical tool for understanding the effect of complete voluntary merger, not as an independent rule of law in itself. Claims based on restoration of the Southern State face the barrier of the territorial integrity of the existing State and an additional barrier arising from the extinction of the former international legal personality and the establishment of a single internationally recognised State. The restoration argument therefore acquires a more complex legal nature than the ordinary secession argument, because it requires a double legal showing: the legality of exit from the existing State, and the legal possibility of reviving the former international personality.

The third contribution lies in the comparative distinction between the Yemeni case and common reference models. The study examines Kosovo, Eritrea, South Sudan, and the dissolution of the Soviet Union as cases that reveal different decisive legal elements: the nature of the previous status, the position of the existing State, the existence of sovereign consent or an international arrangement, and the continuity or extinction of the previous legal personality. It therefore proposes that the Yemeni case be treated as a legally distinct configuration requiring separate analysis.

The fourth contribution lies in connecting legal analysis with the path of internal self-determination. The study uses the outcomes of the National Dialogue Conference, particularly the document concerning a just solution to the Southern Question, as domestic evidence that claims relating to grievance, representation, and resources can be translated into constitutional and institutional guarantees within a single State. It treats that document as a framework capable of development, without assuming that the solution was complete or implemented.

On the basis of these contributions, the study adopts four methodological controls: testing political concepts in the light of international legal rules rather than accepting their content as given; presenting the opposing argument in its strongest form before examining it; limiting legal inference to primary legal texts, doctrine, jurisprudence, and official documents; and avoiding the conversion of acknowledged grievances into direct legal consequences without subjecting them to analysis in the light of legal

texts, doctrine, jurisprudence, and their application to the Yemeni case.

Methodology

The study adopts a comparative doctrinal legal method. It analyses the rules of public international law relating to self-determination, secession, and State continuity, connects them with legal doctrine and international and comparative jurisprudence, and then applies them to the Yemeni case. It also uses relevant Yemeni constitutional and political documents, particularly the outcomes of the National Dialogue Conference, as sources for understanding the internal framework of the issue, while distinguishing between documents that create legal positions and documents that disclose political discourse or claims under analysis. The study uses the doctrinal method as a way of testing the claims under examination in the light of sources of law, legal doctrine, jurisprudence, and relevant practice (Koskeniemi, 2005). The study is confined to testing the legal effect of the claims under examination, without measuring their political or social weight.

Structure of the Study

The study is divided into six connected sections. The first presents the legal framework of self-determination and secession, including the place of secession in international legal doctrine and the concept of the people and the limits of self-determination within the State. The second discusses the effect of complete voluntary merger on the revival of a former international legal personality, the forms of extinction of international personality, the double legal barrier, and the implications for remedial secession. The third analyses the contested southern concepts and their legal value, especially disengagement, restoration of the Southern State, South Arabia, political memory and southern narrative, and the transformation between the declaration of 21 May 1994 and the constitutional declaration issued on 2 January and published on 3 January 2026. The fourth provides a comparative analysis of the Yemeni case among reference models, especially Quebec, Kosovo, Eritrea, South Sudan, and the dissolution of the Soviet Union, while also testing the precedents closest to the revival thesis: the United Arab Republic, the Mali Federation, and the Senegambian Confederation. The fifth applies the legal rules to the Yemeni case from the angles of State continuity, effective control, non-State actors, referendum, and contemporary claims. The sixth concludes by identifying internal self-determination as the legal and constitutional framework most closely connected with addressing the Southern Question within the single State.

1. THE LEGAL FRAMEWORK OF SELF-DETERMINATION AND SECESSION

1.1 The Place of Secession in International Legal Doctrine

International legal doctrine distinguishes between self-determination as a collective right with multiple forms and secession as an exceptional outcome that does not arise merely from the existence of political or historical

grievances. A significant view holds that, outside colonialism, foreign occupation, and complete denial of internal self-determination, secession remains a very narrow matter in international law. Specialised writing on secession supports this view by linking the emergence of a new State to complex legal and political elements, not merely to the declaration of local will (Cassese, 1995; Kohen, 2006; Shaw, 2021).

The Charter of the United Nations refers to self-determination as one of the purposes of the Organisation, without presenting it as a procedural rule with predetermined outcomes or as a direct path to secession. Interpreting the Charter requires reading this principle together with sovereign equality, the prohibition on the use of force, territorial integrity, and the stability of international relations. Self-determination therefore operates within a legal system that does not permit the principle to be separated from the structural constraints surrounding it (United Nations, 1945; Crawford, 2006).

General Assembly resolutions, especially Resolution 1514 of 1960 and Resolution 2625 of 1970, played a decisive role in defining the scope of self-determination. The former is connected with decolonisation, while the latter links the exercise of self-determination with non-impairment of the unity of States that represent their population without discrimination. It follows that self-determination does not operate as a general licence to dismantle independent States, but as a rule to be read in the light of territorial integrity and State unity (United Nations General Assembly, 1960, 1970).

Common Article 1 of the two International Covenants includes self-determination among collective rights, but it does not provide a legal mechanism for secession within an independent State. The prevailing reading is that the Covenants strengthen State obligations concerning participation, equality, and development and open a path to internal self-determination, without becoming an automatic basis for redrawing borders (Cassese, 1995; Crawford, 2019).

The distinction between internal and external self-determination is central to the study (Figure 1). Internal self-determination rests on political participation, local or autonomous governance, non-discrimination, and constitutional guarantees. External self-determination is firmly established in colonial and foreign occupation contexts. Whether it may also support remedial secession following grave and systematic denial of internal self-determination remains contested; the Supreme Court of Canada discussed that possibility while expressly declining to treat it as a clearly established rule of international law (Shaw, 2021; Supreme Court of Canada, 1998, paras. 126–138). International law contains no general entitlement to unilateral secession. In the Kosovo advisory opinion, the International Court of Justice declined to determine whether international law conferred a positive right to secede and confined its answer to whether the declaration of independence itself violated international law. The Court also

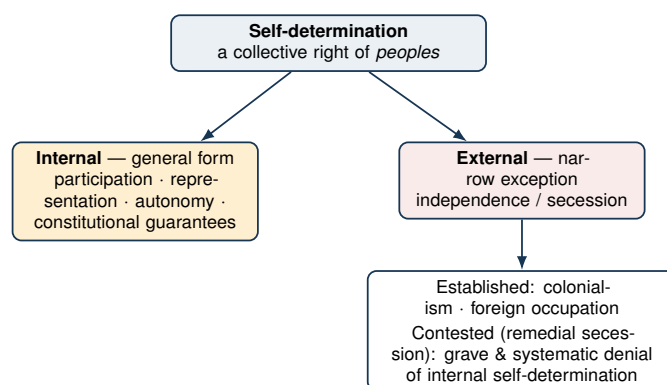


Figure 1. Internal versus external self-determination: the general form exercised within the State and the narrow exception of secession, whose remedial limb remains contested.

stated that the principle of territorial integrity, as reflected in the Charter and the Friendly Relations Declaration, operates in the sphere of relations between States. Kosovo therefore supplies no general rule transferable to other secessionist contexts (International Court of Justice, 2010, paras. 79–84).

Remedial secession raises a further problem. It is more a doctrinal concept than a settled legal rule, and it rests on the assumption that a State has gravely and systematically denied a particular group internal self-determination. Even in this formulation, secession remains subject to severe restraint and does not operate as an ordinary legal remedy for political, economic, or administrative grievances (Cassese, 1995; Sterio, 2013).

This distinction is particularly important in long internal conflicts, where the central government's control over part of the territory may weaken without, by that fact alone, extinguishing the State's international legal personality or transferring sovereignty to a local armed actor. In international law, State continuity is assessed by a set of legal and political elements, including international recognition, the persistence of a general constitutional framework, continued international membership, and the absence of a lawful basis for transferring sovereignty. Disturbed effective control in Yemen therefore raises a legal question concerning State effectiveness, but does not by itself create an alternative State or a right to secession (Marek, 1968; Crawford, 2006, 2019).

Effective control, however extensive or stable, does not alone determine statehood or international personality. The assessment also considers a permanent population, territory, governmental capacity, independence, the legality of the entity's emergence, the position of the parent State, and international recognition and practice. The prohibition on acquiring territory by force is principally an inter-State rule, while recognition and counter-recognition practice shows that States may also withhold recognition from de facto entities whose emergence is connected with serious breaches of international law (Crawford, 2006, 2019; Ker-Lindsay, 2012).

1.2 The Concept of the People and the Limits of Self-Determination within the State

The right of self-determination is one of the problematic concepts of public international law because of its multiple levels of meaning and the overlap between its legal dimensions and political or ideological uses. Legally, self-determination cannot be reduced to a mere “right to secession” or treated as a principle open to all outcomes. It operates within defined contexts and conditions, whose content differs according to the setting in which the right is exercised (Cassese, 1995).

In prevailing international legal doctrine, self-determination is defined as the right of peoples freely to choose their political status and determine their economic, social, and cultural development without external interference. This general definition, however, raises several problems, foremost among them: who is the relevant “people”? What is the scope of the right? Does it necessarily entail the creation of an independent State? These questions have been central to doctrinal debate seeking to distinguish the legal concept of self-determination from its loose political uses (Shaw, 2021).

Antonio Cassese distinguished between the narrow legal meaning of self-determination, connected with colonial contexts and the termination of foreign domination, and the broader meaning that later developed to include internal forms of exercising the right within the existing State without impairing its unity or international legal personality. Cassese emphasises that confusion between these two levels is a primary source of misunderstanding in contemporary disputes over self-determination (Cassese, 1995).

International doctrine also notes that self-determination is a collective right attributed to “peoples”, which requires distinguishing a people as a legal-political community from minorities or ethnic and regional groups within a State. Not every group within a State acquires a right to external self-determination merely by asserting peoplehood. The Quebec Reference did not need to decide whether Quebecers constituted a “people”; even on that assumption, it held that external self-determination would arise only in the exceptional circumstances it identified (Supreme Court of Canada, 1998, paras. 123–138; Crawford, 2006).

Judicial and quasi-judicial practice confirms this distinction. The Åland Islands question addressed at an early stage the relationship between the protection of a distinct local community and the territorial integrity of the State, and moved towards guarantees of protection and autonomy rather than secession. The African Commission in Katanga likewise held that self-determination does not necessarily mean secession, and that the absence of a grave denial of political participation makes internal treatment more consistent with law than the creation of a separate State. These two cases help distinguish between the existence of a local or regional community with political or cultural claims and the existence of a legally independent people possessing a right to external self-determination (African Commission on Human and Peo-

ples’ Rights, 1995; League of Nations, 1920).

In this context, James Crawford affirms that self-determination does not in itself create an automatic right to secession. The right is understood within an integrated system of principles that includes respect for State unity, territorial integrity, and the inadmissibility of undermining the international order through the fragmentation of existing States on the basis of unilateral claims. Any legal definition of self-determination must therefore always be read in conjunction with those principles, not in isolation from them (Crawford, 2006).

The Charter of the United Nations provides the first legal foundation for self-determination in contemporary international law. The right appears expressly among the purposes of the Organisation in Article 1(2), which refers to the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples (United Nations, 1945).

The wording of the Charter indicates that self-determination was included as a guiding principle within the purposes of the United Nations, not as a procedural rule with determinate outcomes. The Charter did not define the content of the right, the mechanisms of its exercise, or its legal consequences, nor did it expressly connect it with secession or the redrawing of international borders. This deliberate ambiguity reflects the drafters’ attempt to balance recognition of the rights of peoples with the stability of an international order based on State sovereignty (Shaw, 2021).

This understanding is reinforced by reading the Charter as a whole, since self-determination is accompanied by principles of equal sovereignty of States, the prohibition on the use of force, and respect for territorial integrity. International doctrine has emphasised that these principles together form a single normative framework that cannot be disaggregated or arranged in a way that deprives one element of its content (Crawford, 2006).

Accordingly, the Charter does not create an automatic right to secession. It establishes the general normative foundation that is interpreted and completed through international practice and General Assembly resolutions. Reliance on the Charter to justify secessionist claims within an independent State must therefore be examined in the light of the full system of its principles, not by relying on Article 1(2) in isolation from its general legal context.

General Assembly resolutions provided the most detailed framework for shaping the content of self-determination after its general recognition in the Charter. Although such resolutions do not, as a rule, have the same binding force as treaties, they acquired in this field a special interpretive and normative value because of their repetition, consistency, and direct connection with the development of international practice.

Resolution 1514 of 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, marked a turning point. It affirmed that subjection of peo-

ples to alien subjugation or domination violates human rights, and that all peoples under colonial rule have an inalienable right to self-determination, including political independence (United Nations General Assembly, 1960). Its scope, however, remained, in substance and purpose, confined to decolonisation and did not establish a general right of secession within independent sovereign States.

The legal limits of self-determination appear more precisely in Resolution 2625 of 1970, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. The Declaration affirmed, on the one hand, the right of peoples to self-determination; on the other, it imposed an express limit on the interpretation of that right by providing that it may not be used to impair the territorial integrity or unity of sovereign States so long as those States conduct themselves in compliance with the principle of equal rights and provide political representation without discrimination (United Nations General Assembly, 1970).

This balance shows that the General Assembly did not treat self-determination as an absolute rule. It linked the legitimacy of its exercise with the extent to which the relevant State respects political participation and non-discrimination. In this way, self-determination moved, in that Declaration, from being a tool for ending colonial domination to being a conditioned principle operating within a broader system of sovereignty, territorial integrity, and State unity (United Nations General Assembly, 1970).

Contemporary international doctrine has settled on internal self-determination as the original and general form of exercising the right in independent sovereign States. It means enabling peoples to participate effectively in the management of their political, economic, social, and cultural affairs within the existing State through constitutional and institutional mechanisms that secure fair representation, equality before the law, and respect for fundamental rights (Cassese, 1995).

Internal self-determination takes several forms, including free political participation, periodic elections, autonomy or administrative and political decentralisation, and constitutional reforms that broaden representation of different groups and regions. This understanding confirms that political or regional grievances should, as a general rule, be addressed from within the State rather than through the undermining of its unity or its international legal personality (Shaw, 2021).

The Friendly Relations Declaration linked respect for internal self-determination with the protection of State unity by conditioning the prohibition against impairing the territorial integrity of States on the State's representation of all peoples belonging to the territory without discrimination. A State's failure to comply with duties of participation and non-discrimination creates internal reform obligations, not an automatic right to secession (United Nations General Assembly, 1970).

Internal self-determination is therefore the principal legal instrument for addressing political or regional disputes

within independent States, and it is the form towards which international law directs self-determination claims in the post-decolonisation era.

By contrast, external self-determination refers to the exercise of the right through secession or the creation of an independent State. In prevailing doctrine, this is a narrow exception used only in very limited circumstances. Historically, this form of self-determination was connected with foreign colonialism or occupation, where independence was the legal means for ending external domination (Crawford, 2006).

Outside that context, international law does not recognise a general or automatic right to external self-determination. The Supreme Court of Canada, in the Quebec Secession Reference, affirmed that external self-determination does not arise from political or economic grievances alone and remains confined to cases of complete and systematic denial of internal self-determination, under strict exceptional conditions (Supreme Court of Canada, 1998, paras. 126–138).

The concept of remedial secession emerged in contemporary international doctrine as a theoretical attempt to justify secession in extreme exceptional cases, where the existing State is assumed to have completely and systematically denied internal self-determination and committed grave violations that preclude any internal constitutional remedy. This standard appears in no binding text of public international law; rather, it emerged within doctrine as a response to certain contemporary violent conflicts (Buchanan, 2003).

A significant doctrinal view treats remedial secession as a theoretical proposition subject to broad disagreement, not as a settled legal rule. Some scholars see it as a possible exceptional exit in extreme cases to protect fundamental rights systematically violated; others warn that adopting the standard without strict limits would undermine State unity and open the door to the fragmentation of the existing international order (Cassese, 1995; Buchanan, 2003; Sterio, 2013).

Cassese emphasised that remedial secession, even in its most cautious formulation, remains problematic because of the difficulty of objectively controlling its criteria and the danger of transforming political assessment of violations into a basis for redrawing international boundaries. The absence of an express legal text itself reflects the international community's reluctance to transform this doctrinal proposition into a general legal rule (Cassese, 1995).

Supporters of remedial secession require the accumulation, not the substitution, of several conditions before the legality of secession may be examined. These include complete and systematic denial of internal self-determination, exhaustion of all constitutional and political remedies within the State, and the existence of grave and continuing violations of fundamental rights that cannot be protected by other means (Shaw, 2021).

The Opposing Argument and Its Legal Limits

The strongest version of the opposing argument holds that grave and continuing denial of political participation, combined with the closure of internal reform avenues, may open the way to an exceptional conception of external self-determination. This position relies on writings supportive of remedial secession and on a broad reading of the idea that a State which denies a regional group effective participation loses part of the protection that territorial integrity provides. In its present legal condition, however, this argument remains a conditioned doctrinal proposition, not a settled rule. The International Court of Justice did not adopt it in Kosovo as a general rule, and the Supreme Court of Canada in Quebec confined it to strict conditions relating to colonialism, foreign occupation, or complete denial of internal self-determination (Buchanan, 2003; International Court of Justice, 2010, paras. 80–84; Supreme Court of Canada, 1998, paras. 126–138).

The argument gains theoretical strength when framed on the basis that the group concerned seeks secession as a last resort after effective participation within the State has become impossible. Yet this construction does not relieve the argument of a compound legal burden: proving the existence of a group entitled to self-determination in the legal sense; proving grave and systematic denial of internal self-determination; proving exhaustion of constitutional and political means less intrusive to State unity; and proving that secession is the only remaining means to protect the right invoked.

Prevailing international doctrine nevertheless confirms that the existence of these conditions, even cumulatively, does not create an automatic right to secession. At most, it opens an exceptional legal discussion concerning the compatibility of secession with the purposes of the international order. The Supreme Court of Canada stressed in Quebec that international law does not recognise a general right to secession and that external self-determination is activated only in very rare circumstances, after exhaustion of all forms of internal self-determination (Supreme Court of Canada, 1998, paras. 126–138).

The International Court of Justice likewise refrained, in the Kosovo advisory opinion, from recognising a general rule permitting remedial secession. It limited itself to assessing the legality of a declaration of independence in a special context, without attaching to that assessment a generalisable normative effect (International Court of Justice, 2010, paras. 80–84). This judicial approach indicates that international courts treat the standard with considerable caution and avoid converting it into a settled legal rule.

The comparative models examined in the study are not invoked as precedents directly transferable to Yemen, but as tools for testing the limits and conditions of the opposing argument. Quebec defines the scope of external self-determination and unilateral secession within an existing State and affirms the priority of internal self-determination. Kosovo reveals the caution of international adjudication in treating declarations of independence as a general source

of a right to secession. Eritrea and South Sudan highlight the effect of sovereign consent and special political arrangements in the emergence of a new State. The dissolution of the Soviet Union reveals the specificity of federal States composed of founding republics with distinctive constitutional and political status. The United Arab Republic, the Mali Federation, and the Senegambian Confederation show that the dissolution of some voluntary unions was connected with specific legal and political circumstances and did not generate a general rule permitting the revival of a previous international legal personality in every case of voluntary merger. The legal value of these models therefore remains tied to their particular elements; apparent similarities are insufficient to transfer their outcomes to the Yemeni case.

Territorial integrity is one of the structural principles of the contemporary international order. The UN Charter entrenches it through the prohibition on the use of force against the territorial integrity or political independence of any State. Existing international borders therefore enjoy special legal protection, and interference with them is accepted only within very narrow limits and according to specific rules (United Nations, 1945).

General Assembly resolutions, especially the Friendly Relations Declaration of 1970, affirmed that respect for State unity is an essential condition for the lawful exercise of self-determination. This reflects the international community's awareness of the danger of allowing States to be fragmented on the basis of unilateral claims that may produce armed conflict and lasting instability (United Nations General Assembly, 1970).

International doctrine confirms that territorial integrity functions as a structural principle closely connected with international peace and security. Any discussion of the legality of secession must therefore begin from the place of this principle within the international legal order, while examining whether exceptional conditions recognised by international rules or comparative jurisprudence are present (Crawford, 2006, 2019).

In the face of secessionist claims, international law tends to prefer the unity of the State while calling for internal disputes to be addressed through political and constitutional mechanisms that guarantee participation, representation, and non-discrimination. Self-determination is understood, in independent States, primarily as internal rather than external (United Nations General Assembly, 1970; Shaw, 2021). Secession is thus viewed as a failure in managing diversity within the State, not as an ordinary legal remedy for such problems, a view confirmed by prevailing doctrine in its analysis of the relationship between self-determination and State unity (Crawford, 2006, 2019).

As applied to Yemen, the acknowledgement of political, administrative, and economic grievances is not by itself sufficient to move the claim from the field of internal constitutional reform to that of external self-determination. The outcomes of the National Dialogue Conference, including their recognition of the Southern Question and

their proposed treatments of representation, partnership, resources, and reparation, keep the path of internal self-determination open in principle, even if implementation has been obstructed by war and political division. The opposing argument remains open to discussion as an exceptional doctrinal claim, but it does not by itself produce a legal right to secession or the revival of a former international legal personality.

2. VOLUNTARY MERGER AND THE REVIVAL OF A FORMER INTERNATIONAL LEGAL PERSONALITY

2.1 Forms of Extinction of International Legal Personality

Analysing the idea of restoring the Southern State requires distinguishing among forms of extinction of international legal personality. A personality may be extinguished by an unlawful act, such as the use of force or forcible annexation; it may enter a federal or treaty arrangement that leaves a degree of personality or competence to the constituent entities; or it may be voluntarily extinguished through a complete merger that creates a new or unified State enjoying international recognition. The consequences of each form differ for claims of revival, continuity, or subsequent secession (Marek, 1968; Crawford, 2006; Raič, 2002; Vidmar, 2013). Table 1 summarises these three forms and what each implies for a later claim of revival.

Table 1. Forms of extinction of international legal personality and their consequences for a later claim of revival.

Form	How personality ends	Consequence for revival
Unlawful / coercive extinction	Use of force, coercion, or annexation contrary to international law	Unlawfulness may leave room to invoke State continuity or non-recognition
Federal / treaty arrangement	Constituent entities cede some sovereignty but may retain rights, exit mechanisms, or representation	Effect depends on the founding instrument; analogy with full merger is inexact
Complete voluntary merger	Personality, external representation, and membership pass to the single new State	Former personalities cease to exist; revival needs a fresh legal basis and recognition

Recent literature on State succession confirms that the consequences of succession are not governed by a single automatic rule. The distinction between secession, dissolution, unification, and merger depends on the legal structure of the constitutive event, the position of the parties, and subsequent international practice. This reading supports the methodological caution adopted by the study in refusing to transfer the results of comparative precedents to the Yemeni case merely because of an apparent similarity in union or dissolution (Etinski, 2022; Devaney, 2020).

2.1.1 Unlawful or Coercive Extinction

Unlawful or coercive extinction means the disappearance or suspension of international personality as a result of the use of force, coercion, or annexation contrary to international law. This differs from voluntary merger because the unlawfulness of the extinction may leave room to invoke State continuity or non-recognition of the situation created by the unlawful act. This idea rests on the established rule prohibiting the acquisition of territory or sovereign rights by force, and on the literature of State continuity that studied cases in which legal personality remained contested despite loss of effective control (Marek, 1968; Crawford, 2019).

2.1.2 Extinction or Restriction in Federal or Treaty Arrangements

A second form appears when political entities enter a federal or treaty arrangement that restricts some aspects of sovereignty without necessarily erasing all traces of the legal personality or constitutional identity of the constituent entities. This varies according to the founding instrument: some entities may retain constitutional rights, exit mechanisms, or representational positions that make comparison with complete merger inaccurate. The analysis must therefore examine the founding text, the nature of retained competences, and the position of the international community towards the new or federal entity (Elazar, 1987; Watts, 1999; Raič, 2002).

2.1.3 Complete Voluntary Merger

For the purposes of this study, complete voluntary merger means a consensual act by which two or more existing States create a single sovereign State, so that international legal personality, external representation, treaty capacity, international membership, and the core attributes of sovereignty are exercised by the resulting State. The third form therefore occurs when the former personalities cease to exist as independent subjects of international law. In this case the former personalities are not suspended or legally dormant. Any party seeking their revival must establish a subsequent legal basis justifying the creation or renewed recognition of a new entity (Crawford, 2006; Raič, 2002; Vidmar, 2013).

2.2 The Double Legal Barrier in Cases of Complete Merger

The study proposes to describe the effect of complete voluntary merger through the concept of the double legal barrier as an analytical tool, not as an independent legal rule. This barrier consists of two elements: the absence of unlawfulness in the extinction of the former international legal personality, and the emergence of a single internationally recognised State exercising international legal personality. The result is that any subsequent claim of revival becomes, from the standpoint of international law, a claim to create a new entity rather than to restore an existing or suspended legal status (Crawford, 2006, 2019; Vidmar, 2013). Figure 2 depicts this structure.

The soundness of this concept requires testing it against precedents in which the international community accepted the resumption or continuation of an international personal-

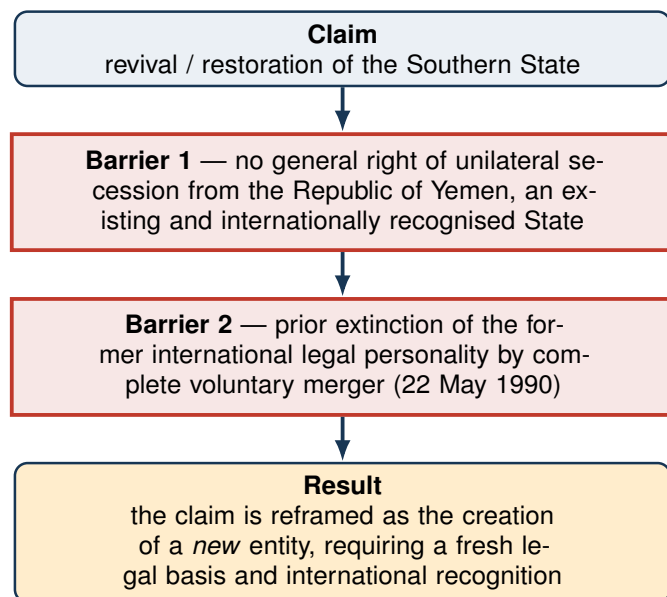


Figure 2. The double legal barrier confronting claims to revive an extinguished international legal personality after a complete voluntary merger.

ity after the dissolution of a unitary or federal arrangement. The cases of the United Arab Republic, the Mali Federation, and the Senegambian Confederation show that the subsequent dissolution of a voluntary arrangement is not governed by a single automatic rule. Its legal effect depends on the constitutional structure of the union, the duration of merger, the degree of institutional integration, the position of the parties concerned, and the way in which the United Nations and States dealt with membership and recognition. The study therefore uses these precedents as tests of the thesis, not as general rules permitting the revival of any former international legal personality merely because political circumstances have changed (Bühler, 2001; Crawford, 2006; Foltz, 1965; Hughes, 1992; United Nations, nd).

2.3 Effect on the Yemeni Case

As applied to Yemen, this distinction leads the study to characterise the declaration of 22 May 1990 as a unifying merger between two existing States that produced the Republic of Yemen as a single international legal person. This characterisation rests on the Agreement Establishing the Republic of Yemen, the constitutional and political instruments following unity, and the subsequent practice of the United Nations, which treated Yemen after 1990 as one member under the name of the Republic of Yemen after each of the two former States had possessed separate international membership. Read together with the doctrine of State succession and continuity, these materials support the conclusion that the former international personalities did not remain in existence as separate subjects of international law after complete merger. Their later revival would therefore require a new legal basis accepted by the existing State and by the international community, rather than mere invocation of a former name, territory, or institutional memory (Agreement Establishing

the Republic of Yemen, 1990, arts. 1, 10; Marek, 1968; Crawford, 2006; United Nations Security Council, 1992; United Nations, nd; Republic of Yemen, 2001).

Historically, the 1990 merger does not appear as an abrupt event detached from its context. It was preceded by several political and negotiating milestones between the two parts of Yemen, including the Cairo Agreement and the Tripoli Statement of 1972, the post-1979 war process, the draft constitution of the State of unity in the early 1980s, and the understandings of the late 1980s preceding the declaration of the unified State. The January 1986 events within the People's Democratic Republic of Yemen also reshaped the southern political environment from within the former State itself. Those events revealed the limited ability of the party and security structure in Aden to manage pluralism and power conflict within a stable institutional framework, and produced deep political and human effects on leadership balances and on the southern elite's perception of the risks of continuing the former State in its existing form. The move towards unity in the late 1980s should therefore not be read as an isolated legal transition, but as part of a reordering of the political field after a severe internal crisis and a prior negotiation process between the two parts. This background does not negate later defects in the management of unity, but it supports the description of merger as a political and constitutional act issued by the authorities of the two parts, not as an act of external coercion or military annexation (Al-Qasimi, 1985; Al-Rahmi, 2010; Mohammed, 2020; Brehony, 2011; Day, 2012).

2.4 Effect of Voluntary Merger on the Remedial Secession Thesis

The thesis of remedial secession assumes the existence of a regional group within an existing State that has been gravely and systematically denied internal self-determination, after all internal avenues of treatment have failed. The discourse of restoring the Southern State adds another element that this thesis does not directly address. It combines a claim to territorial separation from an existing State with a claim to revive a former State. This overlap requires distinguishing between two questions: have the grievances reached a level that opens discussion of external self-determination? And is there, beyond that, a rule permitting the revival of a voluntarily extinguished international legal personality? The study argues that the answer to the second question is the most decisive legal weakness in the restoration argument (Buchanan, 2003; Cassese, 1995; Kohen, 2006).

3. CONTESTED SOUTHERN CONCEPTS AND THEIR LEGAL VALUE

3.1 Disengagement

The concept of disengagement is used in southern discourse to refer to the termination of the political and constitutional relationship created upon the re-establishment of Yemeni unity on 22 May 1990. The legal value of the concept, however, is not determined by the label but by

the nature of the legal entity that emerged after the re-establishment of unity and by the continuity of the Yemeni State's international legal personality. Disengagement therefore raises a question of State continuity more than it establishes, by itself, a right to secession.

Disengagement is among the most frequently used terms in political discourse concerning the Southern Question in Yemen, but its legal use raises conceptual problems concerning its nature and its status as a recognised concept in public international law. The term does not enjoy an independent position among the basic legal concepts addressed by international treaties or international jurisprudence. Nor does it constitute, in itself, a free-standing legal rule that can be invoked apart from the general principles governing relations between States, territorial unity, and sovereignty (Crawford, 2006; Raič, 2002; Shaw, 2021).

Linguistically and politically, disengagement refers to terminating an existing political or constitutional relationship between two or more parties. Its legal value differs according to the nature of the relationship to be terminated. In some international experiences the term was connected with the end of unions or contractual arrangements between entities that retained independent legal personalities; in others, it was used to express political claims calling for secession or for the reconfiguration of the existing State (Raič, 2002).

In Yemen, the use of disengagement raises a legal question concerning the nature of the unity declared on 22 May 1990: was it a contractual relationship terminable by unilateral will, or did it produce a single State with an independent international legal personality replacing the two former entities? This question is important because the legal consequences of terminating a federal relationship between legally existing entities differ from those arising from an attempt to secede from an existing and internationally recognised State (Republic of Yemen, 2001; Crawford, 2006; Raič, 2002).

International doctrine does not treat disengagement as a concept independent of the rules governing State continuity, State succession, and territorial unity. Evaluation of a claim based on this term remains tied to examination of the legal status of the State concerned, the nature of the existing international legal personality, and the existence of a legal basis permitting termination of the relationship under public international law (Raič, 2002; Shaw, 2021).

Accordingly, disengagement does not acquire legal meaning from the label itself, but from the legal situation to which it is applied. Determining whether the concept applies to Yemen requires first examining the effect of Yemeni unity on the State's international legal personality and the survival or extinction of the pre-unity entities, matters addressed in later sections of the study (Crawford, 2006; Raič, 2002).

3.2 Restoration of the Southern State

The argument for restoring the Southern State appears as an attempt to distinguish secession from a return to a

previous status. It relies on the existence of the People's Democratic Republic of Yemen before 1990 and on the international recognition it enjoyed at that time. Historical recognition of a previous State, however, is insufficient to revive its legal personality after its merger into an existing State with continuing international recognition. International law distinguishes between historical fact and present legal effect (Crawford, 2006; Raič, 2002).

In this context, the concept of restoring the Southern State raises a problem concerning the meaning of restoration itself. Does it mean restoring a former political system, restoring a territory previously under a particular authority, or restoring an independent international legal personality? The distinction is important because the legal consequences differ in each case. Certain institutions, constitutional arrangements, or political symbols may be restored, while international legal personality remains governed by different rules relating to international recognition, State continuity, and State succession (Crawford, 2019; Shaw, 2021).

In Yemen, restoration of the Southern State is usually connected with the People's Democratic Republic of Yemen, which existed before the declaration of the re-establishment of Yemeni unity on 22 May 1990. This claim requires examination of the legal effect of unity on the international legal personality of the two former States, and of whether that personality survived or was extinguished after the establishment of the Republic of Yemen as a single internationally recognised State. It also requires examining the relationship between pre-unity historical facts and the legal status that arose after unity under public international law (Raič, 2002; Crawford, 2006; Shaw, 2021).

The existence of a political entity or State at an earlier historical stage does not suffice to establish the possibility of automatically restoring its international legal status. International experiences differ according to the circumstances in which the previous State emerged, the subsequent transformations that affected it, and the position taken by the international community. The evaluation of any claim based on restoration of the Southern State therefore remains tied to analysis of the legal rules governing State continuity, State succession, and the effects of international merger, matters addressed in detail when these rules are applied to Yemen (Crawford, 2006; Shaw, 2021; Raič, 2002; Vidmar, 2013).

3.3 South Arabia

The term South Arabia requires historical and constitutional clarification. It was linked to British arrangements in the late colonial period, including the Aden Protectorate and the Western and Eastern Protectorates, and later British-sponsored federal formulas such as the Federation of the Emirates of South Arabia and the Federation of South Arabia before independence. At independence in 1967, however, this designation did not become the name of the new State. The People's Republic of Southern Yemen emerged, and from 1970 it bore the name People's

Democratic Republic of Yemen. Its constitutional texts included a conception of Yemeni unity as a national objective (Mawby, 2005; Brehony, 2011; People's Democratic Republic of Yemen, 1970).

The invocation of South Arabia in contemporary discourse has political and identity value that may be studied, but it does not by itself create a legal status independent from the broader Yemeni national framework. Legal analysis must distinguish the historical, administrative, or symbolic name from the international legal personality of the State.

Historically, South Arabia was not the expression of an independent State with unified international legal personality throughout its use. It was employed in different political and administrative contexts connected with British colonial rule and the period preceding independence. Its meaning also changed according to the political transformations of the region, making its legal content a question that requires distinguishing historical use from contemporary political use (Dresch, 2000; Crawford, 2006).

Critical writing in the history of international law cautions that terms created under colonial arrangements may later acquire symbolic force in political discourse, but that symbolic value is insufficient to transform them into independent legal status. Studying South Arabia is therefore useful for understanding the effect of colonial legacy in constructing political identity, without giving the term constitutive effect for sovereignty or international personality (Anghie, 2005).

3.4 Political Memory and the Southern Narrative

A sociological reading of the Southern Movement shows that the discourse of restoring the Southern State rests on a present political claim and also on intergenerational collective memory. Augustin shows that southern generations born after the re-establishment of unity adopted the narrative of the former State through family, public spaces, symbols, and media, although they did not directly experience that State (Augustin, 2021).

This reading helps explain the mobilising force of concepts such as restoration of the Southern State, disengagement, and the display of pre-unity symbols. Yet the social density of memory is not equivalent to a legal effect that creates sovereignty. Lackner's review also notes that Augustin's study focuses on pro-independence voices and does not provide sufficient systematic representation of southern positions supportive of federalism, unity, or more complex positions (Lackner, 2022).

It follows that political memory is important material for understanding discourse, but it does not function as an independent source of legal right. The study treats this narrative within the analysis of grievance, identity, and mobilisation, while keeping the legal conclusion subject to the standards of State continuity, territorial integrity, and internal self-determination.

3.5 Transformation in Legal Basis and Political Identity between the Declaration of 21 May 1994 and the Constitutional Declaration of 2 January 2026

A reading of the declaration of the "Democratic Republic of Yemen" on 21 May 1994 and the constitutional declaration issued by the Southern Transitional Council on 2 January 2026 reveals an important transformation in the legal and political basis of the discourse calling for disengagement or restoration of the Southern State. This comparison traces the movement of discourse from objecting to the formula and administration of unity to an attempt to re-define the political community and the identity reference to which sovereignty is attributed, without treating either declaration as legally valid by itself.

The 21 May 1994 declaration was issued in the context of an internal war between the two sides of power and unity, and proclaimed an entity under the name "Democratic Republic of Yemen". Available sources indicate that this entity did not obtain international recognition and that the Security Council treated the conflict from the standpoint of ceasefire and return to political settlement, without recognising a right to secession or a new international legal personality. The name of the entity declared on 21 May 1994 indicates, politically, the continued presence of the Yemeni reference in the discourse, even while attempting to recreate an independent political entity in wartime (United Nations Security Council, 1994a,b).

The constitutional declaration of 2 January 2026 belongs to a different logic. It uses the designation "State of South Arabia", bases its discourse on the right of self-determination and the popular will of the people of the South, provides for a transitional period and later referendum, and speaks of the borders of the former State of the People's Democratic Republic of Yemen. This shows a movement from objecting to the administration of unity or demanding correction of its course towards constructing an identity and political reference separate from the broader Yemeni national framework (Southern Transitional Council, 2026a).

From the standpoint of public international law, this transformation changes the nature of the legal argument under examination. The 1994 declaration, in its general structure, raises the question of the effect of war and the collapse of political partnership on a unity created in 1990. The 2026 declaration raises a broader issue concerning external self-determination, the definition of the "people" entitled to the right, and the possibility of creating or reviving an international legal personality outside the existing Yemeni State. The centre of discussion thus shifts from assessing the effect of political disagreement on an existing unity to assessing the legal basis for redefining the political community, sovereignty, and identity.

The practical legal result remained the same in both cases: neither declaration produced an internationally recognised change in legal status. Constitutional language and invocations of self-determination cannot alone create a State or revive a former international legal personality. Such an

Table 2. The Yemeni case against the principal comparative reference models: the decisive legal element in each and its bearing on Yemen.

Reference case	Decisive legal element	Bearing on the Yemeni case
Quebec	Unilateral secession within a democratic State; a clear vote creates at most a duty to negotiate	Confirms the priority of internal self-determination; a regional referendum has no autonomous effect
Kosovo	ICJ assessed only the declaration of independence, not a right to secede	Supplies no rule for reviving a former legal personality
Eritrea & South Sudan	Independence through sovereign consent and an agreed referendum	Yemen lacks parent-State consent or an agreed referendum path
Dissolution of the USSR	Federal republics with constitutional status; a comprehensive federal break-up	Yemen had a complete merger, not a surviving federal structure or exit clause
United Arab Republic	Short union; Syria resumed its UN seat while Egypt continued the personality	Closest precedent, yet short union and UN practice differ from Yemen's decades-long single State
Mali Federation	Short federal experiment amid decolonisation	Founding context unlike a stable unified State
Senegambian Confederation	Members retained their international personalities throughout	No model for reviving an already-extinguished personality

outcome would require a legally effective process, satisfaction of the relevant conditions of statehood, and international practice accepting the new status. The double legal barrier proposed here therefore consists of the absence of a general right to unilateral secession from the existing Republic of Yemen and the prior extinction, through the 1990 merger, of the separate international personality claimed as the object of restoration.

4. COMPARATIVE ANALYSIS: THE YEMENI CASE AMONG REFERENCE MODELS

4.1 Methodology of Comparison

The comparison relies here on the criterion of structural difference: identifying the legal element that produced the result in the reference case, then examining its presence or absence in the Yemeni case. General similarity in the existence of political conflict or territorial claim is insufficient. The legal significance lies in the nature of the previous status, the manner of its disappearance or survival, the position of the existing State, the degree of identity differentiation, and the international community's position towards the event giving rise to the claim. Table 2 summarises the comparison developed across the subsections that follow.

4.2 Quebec

The Quebec case is an important comparative judicial reference because it concerned a claim by a province within an existing democratic State to secede unilaterally. The Supreme Court of Canada distinguished the democratic significance of a clear vote from its direct legal effect. Such a vote would create a constitutional obligation to negotiate, but it would not itself confer a unilateral right to secede. The Court treated external self-determination as established for colonial peoples and peoples subject to alien subjugation, domination, or exploitation. It also discussed a possible third case involving complete denial of meaningful internal self-determination, while observing that it remained unclear whether this proposition reflected an established international-law standard ([Supreme Court of Canada, 1998](#), paras. 87–104, 126–138, 150–151).

Quebec is useful to the Yemeni case from two angles. First, a regional referendum does not acquire independent international legal effect outside the constitutional and sovereign framework of the existing State. Second, the political or historical specificity of a regional group does not, by itself, suffice to move the claim from internal to external self-determination. Quebec therefore supports the study's argument that the treatment of grievances, representation, and resources lies within constitutional guarantees and internal self-determination unless grave and systematic denial and actual closure of internal avenues are established.

4.3 Kosovo

Kosovo differs from the Yemeni case in essential respects. Kosovo concerned a territory within an existing State, and its claim was not based on the revival of an independent State that had voluntarily merged into another State. The ICJ advisory opinion was limited to the narrow question of the absence of a general prohibition on a declaration of independence as a declaration, without recognising a general right to secession or creating a rule for recognition of new States. Kosovo therefore does not, by itself, provide a basis for establishing a rule permitting the revival of a former international legal personality in the Yemeni case ([International Court of Justice, 2010](#), paras. 80–84; [Crawford, 2006](#)).

4.4 Eritrea and South Sudan

Eritrea and South Sudan demonstrate the importance of sovereign consent and organised process in the emergence of a new State. The independence of each was connected with special political and legal arrangements, acceptance by the parent State or an international negotiation framework, and a referendum or agreement-based path different from the imposition of facts on the ground by a unilateral local actor. These cases confirm that external self-determination, when realised outside classical colonialism, requires a particular political and legal basis that goes beyond local mobilisation or historical memory ([Raič, 2002](#); [Shaw, 2021](#); [Bell, 2008](#)).

4.5 Dissolution of the Soviet Union

The dissolution of the Soviet Union does not provide a model identical to the Yemeni case. The Soviet republics retained special constitutional and federal positions within the structure of the federal State, and the dissolution itself was connected with comprehensive constitutional and political transformations within that State. The Yemeni case, by contrast, rests on a complete voluntary merger that produced a single internationally recognised State, without the survival of a bilateral federal structure or a constitutional exit mechanism for a former entity. Analogy with the Soviet dissolution therefore ignores the difference between the nature of merger and the nature of previous legal status (Marek, 1968; Raič, 2002; Vidmar, 2013).

4.6 Dissolved Voluntary Unions: The United Arab Republic, Mali, and Senegambia

The United Arab Republic is the precedent closest to the opposing argument. A voluntary union between Egypt and Syria was established in 1958. Syria then resumed its separate membership in the United Nations in 1961 without substantial objection, while Egypt continued the same international personality under the name United Arab Republic until 1971. The distinction between Syria's resumption and Egypt's continuation shows that the effect of dissolution was not the automatic revival of two equivalent personalities, but was handled according to the short structure of the union, United Nations practice, and the position of the parties. This precedent shows that the international community may accept the resumption of a former personality after a short voluntary union, where clear political will, international acceptance, and a federal or union structure that did not produce long and stable institutional absorption are present. Its significance remains limited when compared with Yemen, because of the short duration of the union, the nature of the Syrian separation, the way the United Nations dealt with membership, and the difference from a unified State whose membership and international practice have continued for decades (Bühler, 2001; Podeh, 1999; United Nations, nd).

The Mali Federation and the Senegambian Confederation confirm the same result from another angle. The Mali Federation was a short federal experiment in the context of decolonisation, and Senegal and Mali were accepted as independent States in a founding context different from that of a stable unified State. Senegambia, by contrast, was a confederation between two States that retained their international personalities during the arrangement; its dissolution therefore does not provide a model for reviving a personality that had already been fully extinguished. These precedents do not negate the double legal barrier, but they define it: the barrier is not an absolute rule preventing every later disentanglement, but an analytical tool showing that revival requires a legal structure and international practice accepting resumption of the former personality, elements that do not appear in the same form in the Yemeni case (Foltz, 1965; Hughes, 1992; Raič, 2002).

4.7 Comparative Result: The Yemeni Case as a Legally Distinct Configuration

The comparison shows that the Yemeni case does not fit precisely within the models of Quebec, Kosovo, Eritrea, South Sudan, or the dissolution of the Soviet Union. It also differs from the dissolution of voluntary unions, especially the United Arab Republic, the Mali Federation, and the Senegambian Confederation. Those cases arose in specific legal and political contexts, including unilateral secession within an existing State, decolonisation, sovereign consent, a distinctive federal position, a special international arrangement, the short duration of a union, or the retention by the parties of separate international personality. The Yemeni case, by contrast, rests on a combination of interlocking legal elements: a complete voluntary merger internationally recognised in 1990; the continued exercise by the Republic of Yemen of its international legal personality as a single State; the absence of a constitutional or legal arrangement keeping the former international personality suspended or capable of resumption; and the existence of an internal path for addressing the Southern Question through the National Dialogue Conference. These elements permit the Yemeni case to be characterised as a claim to revive an extinguished international legal personality within an existing and continuing State, a legal formula different from the traditional model of secession from an existing State.

5. APPLYING THE RULES TO THE YEMENI CASE

5.1 The Effect of the Re-establishment of Unity and State Continuity

The legal argument in the Yemeni case begins with the merger of the Yemen Arab Republic and the People's Democratic Republic of Yemen on 22 May 1990 into a single sovereign State, the Republic of Yemen. The United Nations thereafter represented Yemen through one membership. Whatever doctrinal characterisation is adopted regarding succession and continuity, neither former State continued after that date as a separate subject of international law. Subsequent claims therefore arise within the legal framework of an existing State rather than from a continuing treaty relationship between two internationally separate States (Agreement Establishing the Republic of Yemen, 1990, art. 1; United Nations Security Council, 1992; United Nations, nd).

This understanding is supported by the principle of State continuity. Political and constitutional changes and internal wars do not by themselves extinguish the international legal personality of a State so long as the State continues to be recognised internationally, represented externally, and bound by international obligations. Subsequent grievances or conflicts therefore do not automatically revive the personality of a former State or create a unilateral right to secede (Crawford, 2006; Shaw, 2021).

This view is also supported by scholarship on collapsed or weakened States. The loss by a government of a substantial degree of effective control, or the serious deterioration

of its institutions, does not automatically extinguish the State in international law. Continuity of international legal personality is assessed in the light of international recognition, the continued existence of territory and population, and the persistence of a general legal framework, not merely by measuring governmental effectiveness at a moment of conflict or institutional collapse (Moscoso de la Cuba, 2011).

Security Council Resolutions 924 and 931 of 1994 require careful reading. They focused on ceasefire, political settlement, and the inadmissibility of resolving the dispute by force. They did not recognise a right to secession or the return of a former State. Reliance on these resolutions to establish a legal right of disengagement therefore exceeds their direct legal content (United Nations Security Council, 1994a, operative paras. 1–3; United Nations Security Council, 1994b, operative paras. 1–2).

The Document of Pledge and Accord, as a Yemeni political document preceding the escalation of the 1994 war, is useful in showing that the treatment of the crisis at that stage was framed from within the project of reforming the State and correcting the course of unity through the reorganisation of power, development of decentralisation, and treatment of institutional and security imbalances. Including it in the documentary context does not change the legal conclusion concerning the continuity of the Republic of Yemen, but it shows that an internal reform path was present before the conflict moved to a more intense military and political level (Political Forces Dialogue Committee, 1994; Peace Agreements Database, nd).

5.1.1 Former International Personality and the Context of Merger

This characterisation rests on distinguishing between the independent international personality enjoyed by each of the two former entities before 22 May 1990 and the subsequent legal effect of their merger into a single State. Before unity, the northern part and the southern part each possessed international membership and independent legal personality. Yet the constitutional, political, and agreement-based discourse prior to unity treated them, in several stages, as the two parts of Yemen rather than as two foreign peoples separate from one another. This conception was reflected in successive unity agreements and in constitutional and political literature that presented the unity of 1990 as the reconstruction of the unity of a national entity politically divided. This discourse is useful for interpreting the context of voluntary merger, without itself producing a decisive legal effect. The final legal effect remains governed by international recognition, State continuity, and State succession (Al-Qasimi, 1985; Al-Rahmi, 2010; Mohammed, 2020; Republic of Yemen, 2001; Crawford, 2006; Shaw, 2021).

5.2 Effective Control and Non-State Actors

From the perspective of public international law, effective control over territory is an important factual consideration but is not independently determinative of statehood or sovereign entitlement. The assessment must address the

traditional criteria of statehood, the entity's independence and governmental capacity, the legality of its emergence, the position of the parent State, and international recognition and practice. Domestic constitutional legality and recognition are relevant to that assessment without operating as universally conclusive criteria. This framework is particularly important in Yemen, where political and armed actors may combine de facto control with participation in internationally supported transitional institutions.

The Southern Transitional Council illustrates this mixed status. It is a non-State political and armed actor pursuing a secessionist project, yet it has also participated in internationally supported transitional arrangements, including the Riyadh Agreement and the Presidential Leadership Council. Its political and military prominence therefore cannot be reduced to the categories of rebellion or government. Participation in State institutions does not convert its unilateral declarations into sovereign acts, while its institutional position must be considered before assigning it a definitive legal classification. The relevant inquiry concerns the source and scope of its authority, the character of its territorial control, its relationship with the internationally recognised government, and whether any claimed status satisfies the applicable rules of statehood and recognition (Heibach, 2021).

Recent political analyses similarly indicate that the Southern Transitional Council has become a prominent actor within part of the southern political field, but that this prominence does not make it the exclusive representative of all southern currents or governorates. Its rise has also been linked, in part, to wartime arrangements and external support, which reinforces the need to distinguish political or military capacity from the acquisition of international legal status or comprehensive sovereign authorisation (Heibach, 2021).

On the basis of these standards, military or administrative control over parts of the national territory, regardless of its stability or territorial reach, does not by itself create a right to secession or automatically generate independent international personality, unless the legal and constitutional conditions for such a result are satisfied under international law and the domestic law of the State concerned.

This analysis also requires avoiding the reduction of the southern governorates to a single homogeneous political bloc. Hadramawt, al-Mahra, and Shabwa have geographic, social, economic, and historical characteristics that make exclusive representation by a single actor legally and politically problematic. Hadramawt, with its demographic and economic weight and its land and maritime outlets, al-Mahra, with its distinctive location and social and regional connections, and Shabwa, with its resources and overlapping local balances, reveal that the problem is not simply a binary division between North and South. The issue is also one of relations between the centre and localities, between governorates, and between local communities themselves. This strengthens the need to treat internal self-determination through a decentralised or fed-

eral formula that does not convert territories into parallel sovereignties and does not reduce diverse local demands to a single secessionist claim (Gaston, 2014; Salisbury, 2018; Al-Akhali, 2026a,b).

5.3 Referendum on Secession and the Limits of Regional Will

A referendum is sometimes presented as the procedural expression of self-determination. In legal analysis, however, a referendum does not produce the same effect in every context. A referendum conducted within a colonial territory or pursuant to an agreement with the parent State differs from a unilateral regional referendum conducted outside the constitutional framework of an existing State. The legal effect of a referendum depends on the subject, legal basis, authority calling it, conditions of participation, and the position of the State and the international community (Supreme Court of Canada, 1998; Crawford, 2006).

The Quebec Reference is central here. The Court held that a clear referendum result in favour of secession would carry democratic significance and might create a duty to negotiate, but it would not by itself create a unilateral right to secede. Constitutional legitimacy, the rule of law, federalism, democracy, and minority protection all shape the legal effect of popular will. This reasoning is relevant to Yemen because a local or regional referendum cannot, outside the constitutional framework of the State and without international legal basis, terminate the international legal personality of the Republic of Yemen or revive a former State.

Accordingly, the idea of a referendum in South Yemen requires asking prior legal questions: who is the people entitled to vote? What is the territorial unit? What is the constitutional basis? What is the status of those displaced by war or conflict? What guarantees ensure free expression of will in a militarised and fragmented environment? Without answers to these questions, a referendum remains a political demand rather than a legally sufficient mechanism for secession or revival.

Within the existing Yemeni constitutional order, a unilateral regional referendum has no independent competence to alter the State's international legal personality. Its legal effect would depend on a valid constitutional or negotiated framework, the position of the State, the definition of the electorate and territory, and subsequent international practice. A southern vote could carry substantial political and democratic weight, but it could not by its unilateral operation alone terminate the sovereignty or international personality of the Republic of Yemen (Crawford, 2006; Supreme Court of Canada, 1998, paras. 87–104).

Eritrea and South Sudan are often invoked as precedents for the legality of a regional referendum leading to secession. Comparative legal analysis, however, shows that these two cases confirm the general rule rather than departing from it. In both cases, secession did not occur as a result of military control or unilateral regional will, but through express sovereign consent by the parent State, reflected in recognised international agreements:

the Ethiopian transitional government's acceptance of the result of the Eritrean referendum, and the Sudanese government's signature of the 2005 Naivasha Agreement, which expressly provided for the South's right to a referendum (Raič, 2002; Crawford, 2006; Shaw, 2021).

The legal analysis does not need to deny the existence of political, historical, or administrative distinctions within Yemen. Even if one assumes the existence of a distinct southern political identity, that assumption alone is not sufficient to create a right to external self-determination unless accompanied by grave and systematic denial of internal self-determination and actual closure of constitutional and political remedies within the State. The issue therefore moves from the question of identity to the question of the legal effect of that identity in the light of territorial integrity and State continuity (Supreme Court of Canada, 1998, paras. 126–138; United Nations General Assembly, 1970).

A referendum may become part of a lawful path to separation when authorised by a constitutional process or negotiated agreement with the parent State. In the present Yemeni context, no such framework has been established. Popular demands, local political arrangements, and external sponsorship may influence negotiations, but they cannot alone supply the legal authority required to alter the State's international status.

The possibility that Yemen's current executive authority might consent to a process of external self-determination raises separate questions of domestic competence and international effect. Determining the form of the State or relinquishing territory typically engages constituent authority and procedures of the highest constitutional order. The 7 April 2022 Presidential Declaration transferred presidential powers to the Presidential Leadership Council for the transitional phase, but it did not expressly confer an autonomous power to alter the State's territory or international personality. The transitional character of the present institutions, internal war, institutional division, and substantial external involvement therefore strengthen the need to identify the precise constitutional source and limits of any purported consent (Republic of Yemen, 2001; Republic of Yemen Ministry of Foreign Affairs and Expatriates, 2022).

This limitation is reinforced in situations of internal armed conflict, loss of effective control over parts of the territory, and structural dependence on external support. In such circumstances, analysis must examine constitutional competence and the actual capacity to express a collective sovereign will, rather than relying on formal recognition of a government or on unilateral executive consent. Specialised doctrine confirms that territorial acts issued in circumstances of coercion or absence of free will do not produce stable legal effects when they concern sovereignty or territorial integrity (Crawford, 2019; Shaw, 2021).

The Vienna Convention on the Law of Treaties requires a careful distinction. Article 52 concerns coercion of a State by the threat or use of force and would apply only if the relevant consent took treaty form and the demanding

conditions of that provision were satisfied. Article 46 is more directly relevant to a claim that consent violated a fundamental and manifest rule of internal law concerning competence to conclude treaties. Neither provision automatically resolves the Yemeni question. The primary inquiry remains one of constitutional competence, the legal authority of transitional institutions, and the procedures required for decisions affecting the State's form, territory, and international personality (United Nations, 1969, arts. 46, 52).

The Quebec Reference confirms that a clear democratic expression in favour of secession has constitutional significance while leaving the legal outcome dependent on negotiation and the governing constitutional principles (Supreme Court of Canada, 1998, paras. 87–104, 150–153). The Kosovo advisory opinion addressed a narrower question and should not be used to determine the competence of transitional governments to consent to territorial change. It establishes neither a general right to secession nor a general prohibition on negotiated separation (International Court of Justice, 2010, paras. 51, 79–84).

As applied to Yemen, these rules show that any consent issued by a public authority operating in transitional or exceptional circumstances concerning external self-determination or secession cannot be legally characterised as a complete expression of the State's final sovereign will unless it rests on a clear constitutional authorisation and procedures that reflect the popular will within the prescribed legal frameworks. These controls become especially important in contexts of armed conflict, institutional division, and disturbed exercise of public competences, which require a higher degree of scrutiny of legal capacity to take decisions affecting the unity of the State and the integrity of its territory. The legality of any such act therefore remains dependent on satisfying constitutional legitimacy and free expression of the popular will according to settled standards of public international law (Crawford, 2006; Shaw, 2021).

Accordingly, executive consent issued under the present transitional arrangements would require close scrutiny before being treated as the final sovereign will of Yemen. Its domestic validity would depend on the constitutional powers of the issuing authority and the procedures followed. Its international effect would depend on the form of the act, the authority apparent to other parties, the applicability of the law of treaties, and subsequent State and international practice. Until a legally valid process produces a different result, the Republic of Yemen retains its status as a single internationally recognised sovereign State (Republic of Yemen, 2001; Republic of Yemen Ministry of Foreign Affairs and Expatriates, 2022).

5.4 Contemporary Claims and the Limits of Their Legal Effect

Confusing the “act of unification” with the “result of unification” is one of the central conceptual errors in contemporary Yemeni political discourse. Unity was a defined historical event whose procedural effect ended with the

declaration of the new State. What resulted from it is an existing State with an independent international legal personality, governed by the rules of State continuity in public international law.

By contrast, shifting to the discourse of asserting State sovereignty returns the discussion to its correct legal frame. Any impairment of the Republic of Yemen becomes an impairment of the sovereignty of an internationally recognised State, and the matter moves beyond the idea of withdrawal from an old political agreement. International law protects existing States with recognised legal personality in the international order and regulates changes to their status through sovereignty, territorial integrity, and State continuity (United Nations, 1945).

A review of contemporary southern political discourse shows that claims with a secessionist orientation do not rest on a single argument, but on an interrelated set of arguments: self-determination, disengagement, restoration of the Southern State, pre-1990 borders, political grievance after the 1994 war, popular authorisation, and a transitional phase accompanied by a referendum. This study treats these arguments as objects of legal analysis, not as political premises. Documenting a claim from its primary sources does not mean accepting its legal basis (Southern Transitional Council, 2026a,b). Table 3 sets out these arguments against their legal status and the channel of treatment most consistent with international law.

Table 3. Principal secessionist arguments in southern discourse, their legal status, and the channel of treatment most consistent with international law.

Argument	Legal status	Appropriate channel
Self-determination	Not a basis for secession outside colonialism, occupation, or grave denial of participation	Internal self-determination: equality, representation, local self-government
Disengagement	No autonomous rule; cannot undo a single international legal personality	Governed by State-continuity and succession rules
Restoration of the Southern State	Historical recognition is not a present right; faces the double legal barrier	Requires a fresh legal and constitutional process and recognition (not available)
Post-1994 grievances	A real basis for redress, but not for secession	Transitional justice, reparation, redistribution of power and wealth
Local political authorisation	Non-State declarations are not sovereign authorisation	A constitutional path within the single State

The institutional position of the Southern Transitional Council also changed after the January 2026 declarations. On 9 January, officials announced the dissolution of the Council and closure of its bodies and offices; other Council figures disputed the authority and voluntariness of that announcement, while pro-STC activity continued in parts of the South. The study therefore treats dissolution

and its rejection as a contested political development, not as a legal determination of the Southern Question or as proof that a sovereign status was either created or extinguished (Saudi Press Agency, 2026; Sana'a Center for Strategic Studies, 2026).

First, the argument of self-determination is insufficient to establish an automatic right to secession. Outside colonialism, foreign occupation, or grave and systematic denial of participation, self-determination is exercised primarily in internal forms relating to equality, representation, and local self-government. A call for a regional referendum within an existing State must therefore be examined in the light of the constitution, State unity, territorial integrity, and the conditions of fairness, representation, and competence; it does not acquire legitimacy from the slogan of self-determination alone (Cassese, 1995; Supreme Court of Canada, 1998; United Nations General Assembly, 1970).

Second, the term disengagement does not change the governing legal rule. If the re-establishment of Yemeni unity on 22 May 1990 created a State with one international legal personality, the claim of terminating the relationship by unilateral will is insufficient to revive a former international legal personality or create a new State. Security Council Resolutions 924 and 931 of 1994, despite affirming ceasefire, political solution, and the inadmissibility of settling the dispute by force, do not contain recognition of a legal right to secession or automatic return to the pre-unity status (United Nations Security Council, 1994a, operative paras. 1–3; United Nations Security Council, 1994b, operative paras. 1–2; Crawford, 2006; Raič, 2002).

Third, the argument of restoring the Southern State is among the arguments most in need of conceptual discipline. Historical recognition of the People's Democratic Republic of Yemen before 1990 does not mean the continuing existence of a present legal right to restore it whenever political balances change. International law distinguishes historical fact from present legal effect. Recreating the international legal personality of a former State requires a legal and constitutional process and international recognition; it is not achieved merely by invoking its name, borders, symbols, or by imposing facts on the ground (Crawford, 2006; Shaw, 2021; Vidmar, 2013).

Fourth, political and economic grievances after the 1994 war provide a strong basis for claims of redress, reparation, and constitutional guarantees, but they do not by themselves become a legal basis for secession. The treatment most consistent with international law is therefore transitional justice, restitution of rights, and reform of the distribution of power and wealth, not the dismantling of the State. The outcomes of the National Dialogue themselves moved in this direction when they linked treatment of the Southern Question with building a new democratic federal State, reparation, and protection of vital interests of the South (National Dialogue Conference, 2013; Gaston, 2014; International Crisis Group, 2013).

Fifth, local political authorisation, whether based on mass gatherings, a political charter, or a constitutional declara-

tion issued by a non-State actor, does not reach the level of sovereign legal authorisation capable of changing State borders. The issue concerns the source of competence, the inclusiveness of representation, the existence of a recognised constitutional path, and the absence of armed coercion or external support producing a *fait accompli*. Such documents remain important for understanding political discourse, but they are not sufficient by themselves to produce an international legal effect (Southern Transitional Council, 2026a,b; United Nations General Assembly, 1970).

Accordingly, the study treats the principal secessionist claims by legally reordering them while acknowledging their political existence. What may serve as a basis for internal redress belongs under transitional justice and constitutional guarantees. What goes beyond that towards creating parallel sovereignty or redefining borders is returned to the rules of State unity, continuity of international legal personality, and the prohibition on acquiring rights by force.

6. FROM SECESSION TO INTERNAL SELF-DETERMINATION

The outcomes of the National Dialogue Conference, particularly the document concerning a just solution to the Southern Question issued on 23 December 2013, provide an important internal reference for addressing the Southern Question. That document moved towards recognising grievances, providing reparation, guaranteeing partnership, and building a new democratic federal State within the framework of a single State (National Dialogue Conference, 2013).

The importance of the Dialogue outcomes lies in the fact that they do not deny the Southern Question or reduce it to a narrow administrative demand. They direct treatment towards internal self-determination through the distribution of competences, resource guarantees, effective southern representation, protection of vital interests, and mechanisms of implementation and oversight. The outcomes therefore show the existence of an internal Yemeni path for addressing the question without dismantling the State.

Reference to the Dialogue outcomes does not mean that they were a complete or implemented solution. Arab and international research has noted that the Dialogue made important progress in recognising the Southern Question and formulating guarantees of representation and partnership, but left sensitive questions concerning the number of regions, distribution of power and wealth, and mechanisms of implementation insufficiently resolved. This limitation confirms the need to develop the internal path and transform the outcomes into enforceable constitutional and institutional guarantees, without those outcomes themselves creating a basis for secession or disengagement (Al-Sharjabi, 2014; Gaston, 2014; International Crisis Group, 2013; Schmitz, 2014).

Reference to the federal State in the Dialogue outcomes requires methodological caution. The six-region model,

with its division of Yemen into multiple regions, formed part of an attempt to transform the Southern Question and other State imbalances into an internal constitutional formula. It remained politically contested, however, over the number of regions, distribution of resources, maritime outlets, and the position of Hadramawt, al-Mahra, and Shabwa in any new arrangement. Specialised readings of Yemen's federalism process support this caution: the difficulty lay not only in the principle of transition away from centralisation, but also in the design of regions, allocation of powers, management of natural resources, and implementation guarantees. Recent Yemeni literature likewise rereads decentralisation and federalism as tools for addressing imbalances between the centre and localities, not as ready-made formulas for settling the conflict or necessary preludes to dismantling the State (Williams et al., 2017; Al-Akhali, 2014, 2026a,b; Salisbury, 2015; Gaston, 2014; Schmitz, 2014).

This understanding is reinforced by a recent negotiation study of the Southern Question in the National Dialogue Conference. The study concludes that the negotiations moved from a principled pattern in the first half of the Dialogue to a more rigid pattern in the second half when solutions and guarantees were discussed, and that the final document reflected a consensual formula representing the minimum common ground among most participating components. The Dialogue outcomes thus appear as an institutional attempt to direct the issue towards an internal settlement based on guarantees, while implementation and political consensus remained problematic (Jawas, 2024, pp. 48–49).

This path is also consistent with Security Council Resolutions 2051 and 2140, which supported the transitional process, the National Dialogue Conference, and its outcomes, and treated the political and constitutional settlement as the adopted framework for addressing Yemen's crises. Reference to these resolutions indicates that UN practice after 2011 moved towards supporting an internal political transition based on dialogue, the constitution, and implementation of agreed outcomes (United Nations Security Council, 2012, para. 5; United Nations Security Council, 2014, paras. 1–2).

The legal and political alternative requires transforming grievance into a programme of transitional justice and reparation. This includes addressing exclusion from public service, land issues, military and civil dismissals, discrimination in development, and denial of political participation. This path requires enforceable institutional guarantees, not merely general acknowledgement of grievance.

Internal self-determination also requires constructing a disciplined decentralised or federal model that preserves the unity of sovereignty, international legal personality, foreign policy, defence, nationality, and international representation, while granting regions effective competences in administration, development, and distribution of resources. Federalism in this sense is an instrument for organising the State, not a path for producing parallel sovereignties

(Elazar, 1987; Watts, 1999).

Sovereign symbols acquire particular importance in this context. The flag, anthem, external representation, and founding discourse of an independent political people are not neutral elements when linked with armed formations or de facto authorities. The internal model must therefore distinguish between protecting local and cultural specificity and creating parallel sovereign symbols that redefine the State from outside the constitution.

It follows that addressing the Southern Question requires a compound path: recognition of grievances, transitional justice, constitutional guarantees, effective decentralisation, and reconstruction of security and military institutions on a national and professional basis, while preventing duality of force or the conversion of local control into a basis for sovereignty. This path addresses the drivers of secessionist discourse without transforming them into a legal right to secession.

The legal analysis of the legality of secession is not complete merely by showing the weakness of the legal basis of secessionist claims. Legal denial alone does not address the political and social causes that make secessionist discourse capable of circulation. The study therefore, while concluding that no legal right to secession or disengagement exists in the Yemeni case, does not assume that the continuation of the State in a centralised or defective form is an adequate solution. The more important legal conclusion is that treatment should be inside the State rather than outside it, and through reconstruction of the constitutional contract rather than dismantling the existing international legal personality (Supreme Court of Canada, 1998; United Nations General Assembly, 1970).

The constitutional settlement should begin from recognition of the political, economic, and administrative grievances accumulated in the South and in other regions of Yemen. Recognition of grievance, however, does not mean transforming it into a legal basis for secession. International law opens broad space for internal self-determination through participation, local governance, constitutional guarantees, equality, and protection of identity before approaching any exceptional conception of external self-determination (Cassese, 1995; United Nations, 1966a,b).

Internal self-determination becomes a measurable legal concept when translated into specific constitutional institutions. These include elected local and regional authorities, distribution of competences between the centre and regions, relative fiscal autonomy, fair participation in federal authority, and judicial guarantees that prevent constitutional provisions from being emptied of their content. In this sense, federalism or broad decentralisation becomes a mechanism for protecting State unity by reducing the drivers of secession, not a concession of that unity (Elazar, 1987; Watts, 1999).

Federalism, however, must not become parallel sovereignty. The boundary between expanded local administration and a project to dismantle the State lies in

the single State's retention of unified international legal personality, foreign policy, defence, currency, nationality, and international representation. The administration of services, local development, and regional resources under transparent rules lies at the core of lawful internal self-determination (Crawford, 2006; Shaw, 2021).

In Yemen, any federal or decentralised formula should be designed to address imbalances, not reproduce division. This requires clear criteria for distributing resources, ensuring effective southern representation in State institutions, preventing monopolisation of decision-making at the centre, and at the same time preventing any region from building symbols or instruments of sovereignty separate from the State (National Dialogue Conference, 2014; Republic of Yemen, 2001).

CONCLUSION

First: Findings

1. The study concludes that self-determination in public international law is not synonymous with secession. In independent States, its general form is internal self-determination through political participation, fair representation, non-discrimination, constitutional guarantees, and effective local or decentralised governance. External self-determination is established in colonial and foreign occupation contexts. A further right of remedial secession following grave and systematic denial of internal self-determination remains contested and has not crystallised into a generally accepted rule.
2. The study shows that an internationally recognised complete voluntary merger creates a special legal barrier to claims seeking to revive a former international legal personality. On 22 May 1990, the two former Yemeni States merged into the Republic of Yemen and were thereafter represented through a single United Nations membership. Neither former State continued as a separate subject of international law. Revival of the former personality of the People's Democratic Republic of Yemen would therefore require a new legal basis beyond the invocation of its former name, borders, or symbols.
3. The study finds that the concepts of disengagement, restoration of the Southern State, and South Arabia do not, by themselves, have constitutive legal value creating a right to secession or sovereignty. The effect of disengagement depends on the nature of the legal relationship invoked; restoration of the State confronts the extinction of the former international personality through voluntary merger; and South Arabia remains a concept with political and identity significance unless grounded in a legal status recognised in public international law and Yemeni constitutional law.
4. The study explains that the Yemeni case differs from common comparative models such as Quebec, Kosovo, Eritrea, South Sudan, and the dissolution of

the Soviet Union. It also differs from precedents of dissolved voluntary unions such as the United Arab Republic, the Mali Federation, and the Senegambian Confederation. Those cases arose in specific legal and political contexts involving sovereign consent, distinctive federal status, special international arrangements, short duration of union, or retention of separate international personality. These elements do not appear in the same form in Yemen, which is distinguished by a previous voluntary merger and the continuing international recognition of the Republic of Yemen.

5. The study shows that effective control over parts of the territory, the existence of non-State armed formations, or political and constitutional declarations by actors not internationally recognised are insufficient to acquire the status of State, government, or national liberation movement. Such facts do not by themselves create a legal effect that affects the continuity of the Yemeni State or changes its international legal status.
6. The study concludes that the outcomes of the National Dialogue Conference, particularly the document concerning a just solution to the Southern Question, represent an important internal framework for translating internal self-determination into the Yemeni context. Their importance lies in linking the treatment of grievances with State reconstruction, reparation, partnership guarantees, and redistribution of power and wealth within a multi-region constitutional conception inside the single State.
7. The study concludes that the treatment most consistent with public international law and comparative constitutional law lies in internal self-determination, transitional justice, constitutional guarantees, and disciplined decentralisation or federalism, while preserving the unity of the international legal personality of the Republic of Yemen.

Taken together, these findings locate the article's originality in its recharacterisation of the Yemeni case as an attempt to revive an international legal personality extinguished by complete voluntary merger. The resulting double legal barrier comprises the absence of a general right to unilateral secession from the existing State and the prior extinction of the separate international personality sought to be restored.

Second: Recommendations

1. The study recommends redirecting legal and political discussion of the Southern Question from the question of secession to the question of internal constitutional treatment, including transitional justice, reparation, political representation, and equitable distribution of power and wealth.
2. The study recommends building on the outcomes of the National Dialogue Conference, particularly the document concerning a just solution to the Southern Question, as an internal framework capable of development, while transforming it into enforceable

constitutional and institutional guarantees rather than general political commitments.

3. The study recommends developing a disciplined decentralised or federal formula that reflects Yemen's geographic, political, and social diversity. It should distribute competences and resources within a single State, preserve unified sovereignty and international legal personality, and prevent either exclusive representation of a region by one actor or reduction of the constitutional settlement to a closed North–South binary.
4. The study recommends linking any comprehensive political settlement in Yemen to a specific treatment of grievances associated with the Southern Question, including land, public service, military and civil dismissals, political representation, resource distribution, and guarantees of non-repetition.
5. The study recommends distinguishing recognition of grievance from transforming grievance into a legal basis for secession. Recognition of grievances is an entry point for reform and redress; it does not automatically produce a legal effect leading to the dismantling of the State or the revival of a former international legal personality.
6. The study recommends subjecting all local actors, including forces exercising effective control on the ground, to the standards of the rule of law, accountability, and protection of rights and freedoms, so that previous grievances do not become a justification for producing new grievances or imposing political representation by force.
7. The study recommends rebuilding State security and military institutions on a national and professional basis, preventing duality of force and preventing local control or armed formations from being transformed into a basis for claims of sovereignty or legal representation.
8. The study recommends neutralising the effect of external support for non-State actors in any discussion concerning the future of the Yemeni State, and affirming that external political, military, or financial support does not create an international legal status and cannot substitute for a comprehensive constitutional will or lawful international recognition.
9. The study recommends treating political documents issued by local actors as sources for understanding discourse and claims, without converting them into sources that create legal legitimacy or substitutes for the constitution and international law.
10. The study recommends developing a legal discourse that focuses on the continuity and sovereignty of the State while at the same time acknowledging the need for deep internal reform that addresses the causes of grievance and prevents recurrence, so that State unity becomes a framework for redress and participation rather than merely an existing legal status.

Third: Limits of the Study

The limits of this study remain connected with its doctrinal legal nature. It does not provide a field survey of public opinion trends, does not measure the actual social weight of each political discourse, and does not examine in detail the responsibility of internal or external actors for all developments of the conflict. Its scope is confined to testing the legal value of self-determination, secession, disengagement, and restoration of the State in the light of public international law, doctrine, comparative jurisprudence, and relevant Yemeni documents.

The study's use of political sources and recent reports remains contextual. It aims to understand the discourse and surrounding facts of the claims under analysis and does not transform those sources into evidence that creates legal legitimacy. The study may later be developed by deepening the comparison with other federal cases, expanding the discussion of international recognition and non-State actors, and adding an independent field study of public opinion trends in the different Yemeni governorates.

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