



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

Situation Assessment | 20 April 2022

Transfer of Power in Yemen to a Presidential Council: Political Context and Implications

Unit for Political Studies

Transfer of Power in Yemen to a Presidential Council: Political Context and Implications

Series: **Situation Assessment**

20 April 2022

Unit for Political Studies

The Unit for Political Studies is the Center's department dedicated to the study of the region's most pressing current affairs. An integral and vital part of the ACRPS' activities, it offers academically rigorous analysis on issues that are relevant and useful to the public, academics and policy-makers of the Arab region and beyond. The Unit for Political Studie draws on the collaborative efforts of a number of scholars based within and outside the ACRPS. It produces three of the Center's publication series: Assessment Report, Policy Analysis, and Case Analysis reports. .

Copyright © 2022 Arab Center for Research and Policy Studies. All Rights Reserved.

The Arab Center for Research and Policy Studies is an independent research institute and think tank for the study of history and social sciences, with particular emphasis on the applied social sciences.

The Center's paramount concern is the advancement of Arab societies and states, their cooperation with one another and issues concerning the Arab nation in general. To that end, it seeks to examine and diagnose the situation in the Arab world - states and communities- to analyze social, economic and cultural policies and to provide political analysis, from an Arab perspective.

The Center publishes in both Arabic and English in order to make its work accessible to both Arab and non-Arab researchers.

The Arab Center for Research and Policy Studies

Al-Tarfa Street, Wadi Al Banat

Al-Dayeen, Qatar

PO Box 10277, Doha

+974 4035 4111

www.dohainstitute.org

Table of Contents

Context of the Announcement 1

Formation of the Presidential Council 2

Reactions to the Formation of the Council 3

Prospects for a Political Settlement 3

Conclusion 4

Intra-Yemeni consultations, held in Riyadh under the auspices of the Secretariat General of the Gulf Cooperation Council from 30 March to 7 April 2022, ended with President Abdrabbuh Mansur Hadi announcing the formation of a presidential council, to which he will transfer his and Vice President, Ali Mohsen al-Ahmar's powers. The circumstances and implications of this step, which coincided with United Nations sponsored truce, have attracted widespread speculation. The move also accompanies the seventh anniversary of the outbreak of the war, which has drained every party of their capacity to achieve a decisive victory, with no resolution in sight.

Context of the Announcement

The President's announcement was preceded by a major escalation of fighting following a "redeployment" operation carried out by the UAE-backed forces on the western coast of Yemen, headed by Brigadier General Tareq Saleh, who carried out sudden withdrawals in November 2021 that enabled the Houthi group to re-establish control over the directorates of the Hodeidah Governorate. The Houthis were also able to make important breakthroughs in the governorates of Shabwa and Marib as a result of the campaign they launched in February 2021. The Giants Brigades, backed by the Saudi-Emirati coalition, launched a counterattack through which they managed to regain districts of Shabwa Governorate, before entering the south of Marib governorate. This contributed to the failure of Houthi attempts to seize control Marib city and its oil resources, a move that would have served a major blow to the Hadi government.

In January 2022, the Houthis lost all the gains they had made throughout 2021 through the battles raging in Shabwa and Marib, but became clear to both parties that it was impossible to achieve a decisive victory on the ground. The United Nations took advantage of both parties running out of steam to broker a truce in conjunction with the start of the month of Ramadan. The text of the United Nations initiative stated: "Recognizing the urgent need to de-escalate violence and to address humanitarian and economic needs, the parties will implement a two-month Truce, starting 02 April 2022 and ending 02 June 2022, with the possibility of extension. The purpose of the Truce is to provide a conducive environment for a peaceful settlement of the conflict."¹ The truce included a "halt to all offensive ground, aerial, and maritime military operations, inside and outside of Yemen, and a freeze in current military positions on the ground." It provided the appropriate atmosphere for holding a round of Yemeni consultations in Riyadh, which ended with President Hadi announcing the transfer of powers to a Presidency Council consisting of eight members chaired by Rashad Al-Alimi, after dismissing his vice president from his post. Hadi himself has not said he will resign from his position once the powers have been transferred.

¹ United Nations, Office of the Special Envoy of the Secretary-General for Yemen, "United Nations Initiative for a Two-Month Truce", 2/4/2022, accessed on 14/4/2022, at: <https://bit.ly/3xAZlFS>.

Formation of the Presidential Council

The decision to transfer power to a Presidential Council took two parallel tracks, the first of which was through the Muscat negotiations, which resulted in the UN-sponsored truce, and the second through Riyadh's GCC sponsored consultations between the Yemeni political forces, which the Houthis refused to attend. Although it is not the first time that a collective leadership has been formed in Yemen,² questions have been raised about the constitutionality of this step, and fears have arisen that it may undermine the legitimacy represented by Hadi's government, as the internationally recognized authority for a unified Yemen. This could be further undermined by the presence of some public supporters of southern secession in the new Presidency Council, including Aidarous Al-Zubaidi.

Legally, the decision to transfer power was based on the authority granted to the president by the constitution, and the Gulf initiative and its executive mechanism, including the power to take all the necessary legislation to implement the guarantees contained therein.³ Supporters of the formation of the Presidential Council say that the executive mechanism of the Gulf initiative states that the two signatories consider that former President Ali Abdullah Saleh irrevocably delegated to the Vice President the necessary presidential powers to negotiate, sign and enforce this mechanism along with all constitutional powers related to its implementation and follow-up.⁴ However, critics of the move believe that the Article 124 of the constitution does not grant the president the authority to delegate his full powers to others, even though the constitutional declaration regulating the rules of governance during the transitional period, in its penultimate article (Article 14) voids all constitutional provisions that contradict its own provisions.⁵

Political and ground developments in Yemen over the past three years have prompted a reconsideration of the overall power structure, headed by President Hadi. On the one hand, the legitimate government does not have sufficient support to confront the Houthis on the ground in the north, nor the Southern Transitional Council, which exercises great influence in the interim capital of Aden, and some southern governorates. The role of the Giants Brigade on the West Coast before they were repositioned to the east in the governorates of Shabwa and Marib, and the forces of Brigadier General Tareq Saleh, nephew of former President Ali Abdullah Saleh on the West Coast and Bab al-Mandab, which enjoy the support of the UAE, have led to new political and field realities. The formation of the Presidential Council reflected these balances of power on the ground by representing the south with four members, while seven of the eight members of the Council come from a military

2 The Presidency of the Republic in both parts of Yemen took the character of a collective presidency, with different names: a republican council, a leadership council, and a presidency council, whose members hailed from varied civil or military backgrounds, and reflected the nature of each stage. Following the declaration of the unified state, a Presidential Council was established before the constitution was amended in 1994 so that the president would be elected by direct popular vote and a vice president would be appointed. Vice President Hadi assumed the presidency following the February 2011 revolution, according to the texts of the executive mechanism of the Gulf initiative after President Ali Abdullah Saleh stepped down. After the Houthis took control of the capital in September 2014, the then-UN envoy, Jamal bin Omar, suggested the formation of a presidential council, but the idea fell through with the military intervention of the Arab coalition.

3 "The Presidential Declaration on the Transfer of Power and the Formation of the Presidential Leadership Council," Saba Net Agency, 7/4/2022, accessed on 14/4/2022, at: <https://bit.ly/3KF02se>.

4 "Text of the Executive Mechanism of the Gulf Initiative," National Information Center, 23/11/2011, accessed on 4/14/2022, at: <https://bit.ly/3KUJnD>.

5 See: "The Constitution of Yemen of 1991, including amendments up to the year 2015," Constitute Project, 26/08/2021, accessed on 17/4/2022, at: <https://bit.ly/36IGXMV>.

and security background, three of whom lead military formations extending from the western coast to the southern governorates. Their political orientations are different, and they have not declared loyalty to the legitimate government, but simply share hostility towards the Houthis.

Reactions to the Formation of the Council

The formation of the council received strong support from the Kingdom of Saudi Arabia and the United Arab Emirates, as the result of an understanding between them. Following the announcement, the two countries also announced the provision of financial aid worth three billion dollars to support the Yemeni economy. The move was welcomed by the GCC Council of Foreign Ministers, which had sponsored the Yemeni consultations at its headquarters in Riyadh, as well as by the United Nations and the League of Arab States.⁶

Meanwhile, the Houthis group declined the invitation to the Riyadh consultations,⁷ consistent with its continued refusal to conduct negotiations with the legitimate Yemeni government in Saudi Arabia. The group describes the kingdom as not neutral, and, as a party to the war, it cannot play the role of mediator. The Houthis do not object to direct negotiations with Saudi Arabia, which happened early in the war, in the negotiations in Dhahran, but in the context of confirming its control and representation in Yemen. The group considers stopping the war, opening Sanaa airport, lifting the siege and allowing the entry of oil as a starting point for any serious negotiations. Therefore, it was expected that the Houthis would not attend Riyadh's consultations, with one of its leaders stating that "any activity outside the borders of Yemen is farcical [...] practiced by the countries of aggression."⁸

Prospects for a Political Settlement

During the past year, a number of political initiatives aimed at ending the war have been issued, including the Saudi initiative announced in March 2021 by Saudi Foreign Minister Faisal bin Farhan, in cooperation with the UN and US envoys for Yemen. The initiative provides for a comprehensive ceasefire under UN supervision as a step towards reaching a political agreement, the entry of 18 fuel ships to the ports of Hodeida, taxes and customs revenues to be deposited in the joint account with the Central Bank of Yemen in Hodeidah, according to the "Stockholm Agreement," and the opening of Sana'a airport to specific flights. The Saudi initiative was welcomed internationally and welcomed by the legitimate government, but the Houthi group responded negatively because of its conviction in a military solution, especially now that the Biden administration has stopped its support for the Saudi-Emirati alliance in Yemen and removed the designation of the group as a terrorist organisation.⁹

⁶ "Yemeni Consultations Conclude in Riyadh by Calling on all Parties to Negotiate, and Positions Differ regarding the Formation of the Presidential Council, *Al Jazeera Net*, 8/4/2022, accessed on 14/4/2022, at: <https://bit.ly/3O9J5IH>.

⁷ "The Supreme Political Council: We Reject Calls for Surrender... and Yemen is with True Peace", *Al-Mayadeen*, 20/3/2022, accessed on 14/4/2022, at: <https://bit.ly/37Sq38M>.

⁸ "The Head of the National Delegation: The Pretexts of Aggression Have Fallen/ The Present and the Future of Yemen Will Be Decided within Yemen", *Ansar Allah*, 4/8/2022, accessed on 16/4/2022, at: <https://bit.ly/3rvHbrY>.

⁹ "Saudi Initiative to End the War in Yemen," *The Independent Arabic*, 22/3/2021, accessed on 14/4/2022, at: <https://bit.ly/3vloHf6>.

On the other hand, the Houthi group presented an initiative for the city of Marib in August of the same year,¹⁰ coinciding with its push towards military escalation in the governorate. The initiative included “the formation of an equal joint administration from the people of Marib to lead the province and manage its affairs, and the formation of a joint security force, and the expulsion of all foreign forces from it...” But it was met with condemnation by the government, which considered the move an “attempt to divide the crisis and the solution.”¹¹

In conjunction with the seventh anniversary of the outbreak of the war and the launch of massive missile attacks targeting oil facilities in Saudi Arabia in March 2022, the Houthi group announced an initiative that included suspending missile and drone strikes and all military actions towards Saudi Arabia by land, sea and air, and stopping offensive confrontations on all fronts in the field, including the Marib front for a period of three days, with readiness to turn the cessation of confrontations into a final commitment if Saudi Arabia announced the withdrawal of all foreign forces from Yemen.¹² Meanwhile, the GCC invited the Yemeni parties to hold consultations in Riyadh.¹³ The Houthis did not respond to the invitation, but agreed to attend the truce talks in the Omani capital, Muscat.

The context and implications for this transfer of power suggest Saudi Arabia’s desire for a political solution to end the seven-year war and the ongoing political crisis raging since the February 2011 revolution. This was indicated by the chairman’s assertion that the Presidential Leadership Council is a “peace council, but it is also a defence council: Its mission is to defend the sovereignty of the country and protect the citizens.”¹⁴ Article VII of the decision to transfer power stipulates that the Presidential Leadership Council negotiate with the Houthis for a permanent ceasefire throughout the republic and reaches a final and comprehensive political solution that includes a transitional phase that will move Yemen from state of war to state of peace. The cessation of air strikes and adherence to the conditions of the truce confirms the commitment to this goal.¹⁵

Conclusion

The announcement of the transfer of power and the formation of a presidential leadership council came outside the framework of constitutional arrangements and the transitional period. But it reflects the changes that have taken place on the ground during the past three years and the consensus between Saudi Arabia and the UAE and their Yemeni allies to share power and influence in the

10 “Abdul Salam Reveals the Details of the Leader of the Revolution’s Initiative regarding Marib,” *26 September Net*, 9/8/2021, accessed on 14/4/2022, at: <https://bit.ly/3BuVqzG>.

11 “The Yemeni Government Denounces the Houthi Initiative regarding Marib,” *Xinhua Net*, 13/8/2021, accessed on 14/4/2022, at: <https://bit.ly/3EgxAKR>.

12 “President Al-Mashat’s Peace Initiative,” Ansar Allah Media Center, YouTube, 26/3/2022, accessed on 14/4/2022, at: <https://bit.ly/3JM73pQ>.

13 “Gulf Cooperation Council calls on Yemeni Parties to Hold Consultations in Riyadh to Stop the Fighting,” *Al Jazeera Net*, 17/3/2022, accessed on 14/4/2022, at: <https://bit.ly/3O5wTIO>.

14 “Speech of the Presidential Leadership Council Chair, Dr. Rashad Al-Alimi, Addressed to the Yemeni People at Home and Abroad,” *YouTube*, 8/4/2022, accessed on 11/4/2022, at: <https://bit.ly/3KJ6MFr>.

15 “The Presidential Declaration on the Transfer of Power and the Formation of the Presidential Leadership Council.”

governorates that fall outside Houthi control. The Council seems to be a body of divided Emirati and Saudi influence, but will try to uphold the legitimacy that the Hadi government, despite its weakness, enjoyed against the Houthis. It will try to obtain the approval of the House of Representatives, which stipulated the decision to transfer power in its fifth article on the continuation of its mandate with the Shura Council. It is likely that The Houthi group seeks to exploit the divergent agendas of the members of the Council to weaken and dismantle it, which means that the chances of reaching a political solution are still inadequate, despite war fatigue affecting every party.