

A Presidential Council: Is it an Acceptable and Achievable Solution for Peace in Yemen?



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The biggest dilemma which could face the disputing parties in Yemen is how they would arrange their political positions after stopping the war. The political settlement for which the regional and international powers have been working represents one the main current concerns.

Considering the urgent need to stop the war, KSA has adopted talks for completing the implementation of the Riyadh Agreement, despite the internal tension between STC and Hadi Government, due to clashes that have erupted in more than one area. Those clashes include Abyan's escalation between Lawdar tribes and the Security Belt Forces, on the one side, and Hadi's Forces controlled by Al Islah Party on the other side. This has caused fatalities including civilians as a result of the bombing campaigns and the military raids on the governorate by Hadi Forces over last days as well as the earlier tension in Shabwa after the Hadi Forces stormed a demonstration field in Abdan, the supposed scene of an STC's rally, and carried out detentions, in an outright violation of the military and security side of the Riyadh Agreement which, in its second stage, requires the withdrawal of military forces from Hadhramaut and Shabwa, partially controlled by the latter. However, this was not the case because of the escalation of the military forces affiliated with Al Islah party. It looks like a strategy to gain more time in negotiations.

Parallel to that, the US, and the UN, through their envoys to Yemen, have adopted ceasefire efforts between the Arab Coalition and the Houthis. Despite the Coalition's commitment towards ceasefire, the Houthis look very obstinate while Hadi does not show any attitude towards southern developments, whether in the path to complement the Riyadh Agreement the recent escalation in Shabwa and Abyan in addition to the international and UN's negotiation path. This reflects Hadi's negative attitude which is part of the problem and a main obstacle against an all-out and consensual solution for the Yemeni crisis.

Until now, there are no clear features about final solution agreement in Yemen despite the promising indicators of the regional and international dynamics, especially after news of appointing the Swedish diplomat Hans Grundberg as a Special Envoy to Yemen. However, many parties have suggested the idea of "A Presidential Council" as a governance structure for a transitional period promoting it as a "magic solution" through which the disputing parties can find an exit like the resurrection of a Yemeni Phoenix.

The political transition is not an easy task, contrary to what some try to portray. The political and military powers face historical and current conflict complexities which intervene with the interests of regional states and major powers wishing to secure the geostrategic location of Yemen. More realistic and logical solutions should be proposed as some could see this as a desire to score an ostensible and temporary victory to escape from reality.

Moreover, the history of presidential councils in Yemen has not revealed successful patterns, whether in North and South, before and after unity. This is because of the flaring military and political conflicts which have been developed now to include the ideological and sectarian conflicts tearing the social fabric making it difficult not to remain divided. This requires providing steps prior to such the transitional procedure such as a national reconciliation, to reach consensus and relative agreement from all parties to secure the necessary guarantees, and to suggest determinants for building trust among parties, and reaching an agreement with the Southerners on a political and scheduled framework to make a radical solution for the case.

Additionally, the first obstacle obstructing the presidential council is related to the most important issue, i.e., to merge the military and security forces. The anti-Houthi parties faced this dilemma during completing the implementation of the Riyadh Agreement's items related to its military and security sides, especially considering the refusal of some parties in Hadi Government to reach serious solutions. This has been proven by its latest military escalation in Shabwa and Abyan revealing hostile intentions that is almost impossible to fix considering the continuing military violations of the pacification. As for the controversy related to the military merger difficulties, it could be also referred to the negative response towards the proposal about Tareq Saleh Forces' participation in the battle to liberate Marib by leaders in the National Army. Tareq Saleh's refusal is due to his desire to continue his direct leadership of those forces.

Accordingly, it can be said that if the merge between the military and security forces fails so far with two parties who exchange accusations and provocative statements, how it can be achieved later with the existence of four or five parties of the settlement equation through one presidential council gathering all those disputing parties including the Houthis and their military power?

Such an approach indicates that there is a possible reversal towards fighting again, much bigger than in the case of the war ended by one party scoring a complete victory, as parties of the conflict have relatively equivalent military power.

Otherwise, the continuing division of each party's military forces reflects sharp political divisions that gradually would pave the way towards resorting to military power for settling the political dispute, like what happened in the 1994 War if what happened today. In other words, in both cases, regardless of whether the assumed Presidential Council would attempt to merge the forces or not, it is likely that the general situation will degenerate towards a more dangerous path.

There is no exaggeration in saying that the presidential council will be a new maze for a new transitional period, producing more armed disputes for various essential reasons that will be mentioned later.

Likewise, the Southerners are cautiously looking to such interim solutions which could further complicate the political and military scene according to many of them.

The experience of the Presidential Council following the unity between Democratic Republic of Yemen and Yemen Arab Republic in 1990, which resulted in a destructive war in 1994, has been one of the lessons learned. Its first consequence has been represented in Southerners' inability to reconcile with the outcome of the harshest war within their collective memory.

This leads us to another question, about how to build a presidential council on the ruins of a failed state that was unable to do its general tasks, not to mention its security and military jobs, considering reopening the space for possible other solutions and suppositions.

Based upon this background, it can be said that most of southern forces, including factions not affiliated with STC, the political entity which represents the widest grass root base in South, demand South independence even in case of some disaccords with the STC but they agree about the establishment of an independent federal civil state.

This returns us to the abovementioned note about the necessity of reaching an agreement with the Southerners on a political and scheduled framework to radically solve South affair, before putting a framework for a political solution to end the war and produce a transitional power in any form whether in the shape of a consensual president or a presidential council.

Considering this reality, South wants to ensure its security after determining its interests. It does not aim to control geographical areas in North or to reach Sanaa in the same way as other northern parties, but it wants to maintain its political and military gains within its territories and to negotiate upon such a basis. Taking the STC as a pattern, given its powerful position today, South wants to be an essential party in forming any solution, within any arrangements in case of the success of efforts to stop war and enter the path of peace.

Consequently, talking about forming a presidential council in a later transitional stage is not practical and almost unacceptable for various political powers in South. How political parties are in parity with other parties within one presidential council despite the different points of strength for each, and the lack of compatibility among them. In an earlier analysis, South24 has outlined the strengths and weakness levels of the parties involved.¹

¹[End_War_Yemen_En.pdf \(south24.net\)](https://south24.net/End_War_Yemen_En.pdf)

The expected positions: a consensual president or a presidential council?

The Houthis: Presidential Council

Supposedly, any political settlement resulted in establishing a presidential council ensures a suitable solution for the Houthis for some considerations, the most prominent of which is that such a council will not have the constitutional authority to request external intervention in the face of a coup as its decisions requires consensus while they are part of it.

The second reason is that all the disputing parties will not accept a consensual president who belongs to the Houthis, who in turn will not accept one who does not support them. Therefore, the presidential council is the most suitable solution for the Houthis. Its notable that the Supreme Political Council, formed by the Houthis in 2016 during their alliance with the former President Ali Abdullah Saleh witnessed significant disagreements between each, mainly over who chairs the Council (Although the agreement was formed between two allied parties), so they decided to apply rotating presidency system that began with the Houthis who insisted on accelerating the implementation of the military side of the agreement by merging the republic presidential guards, affiliated with Saleh, to work under their leadership headed by Abdul Khaliq Al Houthi, without implementing the agreement's political items. Ultimately, they turned against their ally, while the General People's Congress, headed then by Saleh, has not able to head the council. Hence, a presidential council is the most suitable solution for the Houthis, as this gives them the biggest chance to turn against it later.

President Hadi: a consensual president

Everyone believes, even himself, that President Hadi is the one who will hold no political place after the settlement, as it is a settlement that paves the way to a new transitional period not resuming the one he heads. He came to power as a consensual president in 2012 for two years, and for more than 10 years as a legitimate president due to the coup against him in 2014. Therefore, President Hadi is likely the only Yemeni party who does not care about the form of the presidency after the political settlement, whether a transitional consensus president, or a presidential council. As President Hadi is an important party in reaching the settlement that will not include him, it is possible that he may exploit his importance to reach the settlement in another way. This may justify the accusations against Al Islah party of exploiting the legitimacy of President Hadi for its favor. This may also push Hadi's authority members to work with Al Islah under the cover of the legitimate president to ensure a future status for them after his departure. It can be said that the Yemeni Congregation for Reform (Al Islah party) may be closer to accept a consensus president if it is given a choice between him and a presidential council, given the wide polarization that it

has conducted among independents and elements of other parties, under the dominant influence it enjoyed within the presidency and the government.

The STC: Not clear yet

It is likely that the STC will not accept a presidential council that would repeat the experience of North-South partnership which resulted in invading South in 1994. It will not also accept a consensus president who stands against restoring the Southern State even in the case of a southern president.

The STC's view could be clear if understandings are reached with it about the future of solving the southern issue before agreeing on what will result in the form of an all-out political settlement. The STC's participation within a joint delegation with Hadi Government has not been clear yet with the failure to complete the implementation of the Riyadh Agreement which includes such participation.

Tareq Saleh: Presidential Council

Through declaring a political office for his military formations in the Western Coast (the National Resistance), Tareq Saleh has attempted to play a future political role for the family of the former president, Ali Abdullah Saleh, due to the failure of getting that role through General People's Congress which has been brimming with a lot of divisions.

Given the UN Security Council Resolution 2216, which includes penalties against Ahmed, the son of Late President Saleh, and as Tareq Saleh depends on his military weight in parts of the Western Coast, as well as the lack of his political influence, it is likely he believes that a political council including some presidential members is more probably to select him than a consensual president he would not even participate in his selection consultations. This echoes his earlier statements that see a presidential council as a suitable solution for the crisis.²

Unorganized parties: not clear attitude

The unorganized parties are the socially influential groups that are not included politically, the most important of which are independents, women, and youth. It is difficult to predict the attitudes of these groups due to the absence of organizational frameworks expressing their collective position. Despite the interest of successive UN envoys, especially the outgoing Martin Griffiths, in these categories, and women in particular, his perceptions and preparations for the peace consultations were limited to involve these groups within advisory services for his office. He promised to involve them within the dialogues of the post- political settlement stages.

² طارق صالح يكشف لأول مرة عن عرض عسكري رفضته حكومة هادي... فيديو - Sputnik Arabic (sputniknews.com)

Nevertheless, these groups, which have been least contributor, yet the most affected by the conflict, are mostly concerned with achieving a fair and comprehensive peace. Their participation aspiration could be achieved through equal opportunities, regardless of the form of the institution of the presidency.

Sharing the Presidential Council's quotas

This analysis supposes that the presidential council (as an assumed solution) will include an odd number of seats to avoid obstructing decision making in the case of equal votes if there is an even number of seats. Supposedly, the number of these seats should vary between 3-7 giving the number of the influential parties on the ground, and the attempt of each to own seats on an equal foot with its rivals. However, this hypothesis does not seem practical due to the futility of forming a presidential council considering the current Yemeni conflict equation.

- **3 seats- council**

Forming a presidential council consisting of 3 seats only will be difficult as it will not include all dominant parties. Moreover, 2 vs. 1 division will not be acceptable for both North and South. As for South, the Southerners will not accept having one seat against 2 seats for North. It is a dilemma which is difficult to overcome. If North agrees on taking one seat against 2 seats for South, it will be hard for the northern parties to give up the seat for the Houthis and vice versa.

- **A 5 seats presidential council**

It seems that 5 seats would be a reasonable option if the settlement includes a presidential council rather than a consensus president. However, this presidential council itself could represent the basis for a new conflict rather than a way for a permanent solution. We expect the 5 seats could be divided as follows:

2 seats for South, including one seat for STC and the other would go to one of the other southern formations while excluding the rest.

2 seats for North" it is likely that one of them would be in the hands of the Houthis while the other will go to President Hadi's representatives (Al Islah), consequently, the exclusion of Saleh as an influential part is expected.

Unorganized parties:

It is expected to take one seat through selecting an independent figure that represents both women and youth. However, selecting such an independent figure would be subjected to the agreement of political formations and the disputing parties which will later affect her decisions' independence.

- **7-seats presidential council**

It is believed the forming a presidential council with more than 5 seats will be a burden affecting its performance and the flexibility to decision making. This number is bigger than the number of controlling parties. The influential parties will find it difficult to accept it if they will be on parity with less influential parties or if this affects the form of quotas between North and South.

Leading the presidential council and the way of vote

The consensus over who heads the presidential council constitutes another dilemma. It is a difficult task to elect a president of the council with the consensus of all disputing parties. It will be difficult also to apply the rotational presidency system, given that the transitional period will not exceed 2 years. The powers of the council's president will be a source of big disaccord that hinders his continuity. It is difficult to agree on granting him even the mere right of the decisive vote in equal votes. Scenario.

The decision-making process will face complexities such as whether it will adopt a majority voting approach in taking decisions, as many important decisions may not be able to secure a majority. Adopting the consensus mechanism will be almost impossible as it has proven its failure even in the House of Representatives whose decisions, according to the Gulf initiative, are based upon consensus rather than the majority.

The relationships inside the presidential council

The shape of the military conflict and its divergent complexities would later impose themselves on the competition situation and the political dispute within the council. This internal conflict could take many forms. Although it is more likely to appear in separate forms in which one party works against another separately, its collective level will be directed against the STC, on one form, and against the Houthis on another.

The appearance of isolated conflicts between each political party against another is expected to happen along with the consensus of some parties against one party, given the existence of inter-conflicts between parties which would unify in the face of a particular opponent.

For example, the possible conflicts between Al Islah and the Houthis, on the one hand, will not hinder their unification against the STC. Simultaneously, Al Islah and the STC's efforts could be unified to curb the Houthis' ambitions despite their continuing mutual conflicts. Likewise, the STC efforts may unify with the Houthis to curtail Al Islah regardless of their inner conflicts.

The nature of the map of the dynamics of military battles from 2016 until now strongly supports this hypothesis. We find out that the Houthis and Al Islah have been involved in fierce battles against each other in Marib, while they face the STC in Al Dhalea through the Houthis and in Abyan through Al-Islah. This complex nature of the war and the political conflict after the supposed settlement is a result of the variant premises and motives for each side of this war, as well as the employment of political settlement.

Accordingly, it is expected that all the disputing parties, including the Houthis, will unite to curb the STC's presence within the Council, with the participation of the Houthis. It is also expected that all the disputing parties, including the STC would cooperate to reduce the Houthis within the council, and so on.

This form of conflict inside the presidential council would completely hinder its political job and accelerate the failure of the whole political settlement. The confirmation of its failure will be the beginning of declaring a more tragic round of the conflict.

The presidential council and the other authorities

Regardless of the governmental nature after the assumed political settlement, it is likely that the possible big disaccords inside the presidential council will affect the government's performance, even if it is technocratic, due to the need of reaching a consensus among the political parties of the settlement to name its members.

Furthermore, the big polarization within the government's members will curb the public institutions with the first stalemate of the presidential council, especially in light of the slouches and the huge divisions within the public institutions because of war, as well as the legislative authority, represented in the elected House of Representatives are no longer reliable or be taken into consideration after 20 years of electing it.

Therefore, the presidency is supposed to constitute a basic source of authority practicing its related powers, in a way that would enhance the governmental performance in managing the public institutions and achieving the political requirements of the transitional period. This cannot be achieved in the case of a presidential council in which any possible disagreement will result in an inevitable lose of the council's authority and the government's job.

Turning against the settlement hypothesis

With the very central nature of the political management in Yemen and the lack of autonomy regional governments, and the essential disaccord over a number of regions and the failure to reach a consensus basis to solve the southern affair, and with Sanaa continues to be the political capital(based upon the constitution)and Aden as an interim capital as required by the war against the Houthis coup, the conflict between the two capitals is likely to go on, With a possible victory of Sanaa over Aden due to the lack of political cover that supports the existence of the capital in Aden except some possible pressure from STC in the face of counter pressure from other parties in favor of Sanaa.

Moving the political and economic administration to Sanaa after the settlement, especially the Central Bank, would give advantage to the Houthis who control Sanaa, and seduces them to turn against the whole political settlement, especially if there are signs of disaccord inside the presidential council between them and any opponent party. The Houthis who have turned against President Hadi, who has had a consensus legitimacy, sponsored by the UN and the international community. They also turned against their ally President Saleh, that is why they may believe that launching a coup against a political settlement, of which they are part, will be more beneficial and less harmful for them in comparison with the previous coups. All parties will be under their control, and each has a legal position equivalent to the other, none of them has absolute constitutional or consensual legitimacy, as was the case with President Hadi. Therefore, a Houthi coup against the settlement is more likely in the case of a Presidential Council.

The weakness and corruption of Hadi era since he took office in 2012, and the complexity of the political dilemmas after launching a coup against his consensual legitimacy in 2014 are not enough reasons to choose a presidential council as a form of governance, especially in the absence of Hadi and his current vice president who will hold no place in the transitional period, the outcome of a possible political settlement.

Furthermore, Yemen, with its presidential system, needs a powerful presidency, regardless of its form. This could not be achieved through a multi-loyalty presidential council which is restrained by complexities and the difficulty to hold parliamentary elections during the transitional period because of the fragmental status of areas under the control of disputing forces.

The coup's effect on the political settlement

Peace:

A possible coup against the political settlement would insert Yemen during a long-term and endless war with the legal equivalence of all parties which represent the legitimacy in total rather than each alone. Their lack of legal position could curdle any UN attempt to ask the member states to intervene militarily in Yemen according to Article 7 of UN Charter.

With the possibility of a continuous Iranian support of the Houthis who threaten the regional states, the latter will lose the legal cover for their intervention in Yemen, as it will be difficult to ask an idle and divided presidential council for a request to intervene again.

The humanitarian situation

The beginning of another round of the bloody conflict would move Yemen, which suffers "the worst humanitarian crisis" to a much worse situation. With the collapse of institutions which will be without representatives after a possible collapse of the presidential council and the government. Many of those who are still engaged in public jobs in areas outside the Houthis' control will be forced to lose their jobs and engage in war which will be the source of their livelihood. the Houthis will continue to mobilize at a higher rate within the areas under their control.

Efforts to counter terrorism

With the resurgence of terrorist organizations in Yemen, and the increase of their accession due to the proper environment provided by the existent war, the international efforts to combat terrorism is expected to lose a strong, legitimate, and internal essential party with whom they can be corporate in the field of combating terrorism.

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Main photo: Ali Salem al-Beidh and Ali Abdullah Saleh, after the Unity Agreement and the formation of a Presidential Council in 1990 (Abd al-Rahman al-Jabri)

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