

PRESIDENTIAL COUNCILS IN YEMEN:

EXPLORING PAST ATTEMPTS AT POWER SHARING AND POSSIBILITIES FOR THE FUTURE



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COVER PHOTO: Abdrabuh Mansour Hadi Mansour, President of the Republic of Yemen, addresses the general debate of the General Assembly's seventy-third session (Photo from UN Library)



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INTRODUCTION

During the past six years of war, President Abdo Rabbu Mansour Hadi has failed spectacularly in administering the situation in Yemen on the military and political levels. For many Yemenis, Hadi, after spending much of the conflict in exile in Saudi Arabia, is no longer viewed as a legitimate president. Instead, he is considered only a cover for the Saudi war in Yemen. This lack of authority has resulted in the proliferation of militia rule across Yemen – most notably the armed Houthi movement but also groups supposedly allied with the Hadi government.

Still, an argument persists that Hadi, despite his failings, is indispensable as the last symbol of the legitimacy of the Yemeni state. This point has its logic; Hadi assumed the presidency in a single-candidate election in 2012, held as part of the Gulf Cooperation Council (GCC) initiative to facilitate the transfer of power from former president Ali Abdullah Saleh in the aftermath of Yemen's 2011 uprising. Therefore, dispensing with the Hadi presidency would throw the country into a constitutional crisis and open the door for the legitimization of militias that have managed to gain power in various parts of the country through force, a prospect that threatens further fragmentation and political chaos. However, this line of reasoning crucially overlooks many devastating consequences that have resulted from Hadi's unaccountable presidency, as well as the important fact that ending the war does not serve Hadi's personal interests.

Given that President Hadi has become an obstacle to peace and good governance, alternatives for achieving a more collaborative and accountable Yemeni government, and putting it on a stronger path politically, should be explored. One option in this regard is the formation of a presidential council, given their precedent in Yemen's modern political history.

Now is an apt time to revive discussions surrounding a presidential council for several reasons. First, it represents a reasonable alternative for executive rule, rooted in Yemen's modern history, in the event of Hadi's sudden incapacitation or death to avoid a political crisis and uncertainty over succession. Second, a presidential council would install a collective mode of executive decision making and prevent decisions from being taken by single individuals, particularly ones that serve narrow personal interests over the collective benefit for the country. Third, a more structured process for decision making at the executive level would enhance transparency and provide openings for greater accountability.

To further explore the idea of a presidential council, it is useful to examine past executive councils in Yemen's history, including their composition, strengths and weaknesses. This includes councils under four different presidents in the Yemen Arab Republic (North Yemen) from 1962-1978, a ruling council in People's Republic of Southern Yemen (South Yemen) from 1969-1978, and finally, a presidential council following unification in 1990. The fact that many of those bodies were ultimately judged to be ineffective or overthrown by force makes such an examination more critical, in the hope that identifying past issues may help a potential future executive council avoid similar pitfalls.

PRESIDENTIAL COUNCILS IN YEMEN'S HISTORY

The Presidency of Abdullah al-Sallal (September 1962 - November 1967)

The first executive councils in Yemen's history were formed after the republican revolution that overthrew the imamate in North Yemen. These initial revolutionary bodies were intended to replace the near absolute religious, political and social authority previously vested in the imam, and provide collective representation for the various political and social forces that participated in the revolution.

A Revolutionary Command Council was formed on September 26, 1962, the day the last imam, Mohammed al-Badr was deposed. The body was made up entirely of military officials, with eight of ten members hailing from Sana'a and its environs to the north. It was headed by Abdullah al-Sallal, the first president of the new Yemen Arab Republic. The creation of a five-member civilian executive body, the Sovereignty Council, was announced the following day, headed by Mohammed Ali Othman, a prominent figure from Taiz. Two of the other members were from Sana'a, including one Hashemite. The Sovereignty Council was intended to exercise executive authority, but in reality, authority was vested in the Revolutionary Command Council, specifically the faction led by President Al-Sallal, and in Vice President Abdulrahman al-Baydhani, the protégé of Egypt, the main backer of the new republic.^[1]

A shift took place after Al-Baydhani was removed and forced into exile in Egypt in January 1963, and on April 17, a new executive council – The Political Office – was formed, presided over by Al-Sallal and consisting of 33 members. This expansion was notable for the inclusion of 13 tribal sheikhs, along with five Hashemites,^[2] coming as the Egyptians began to rely more heavily on northern tribes during the civil war against the royalists, and as part of a realization that it was important for the new republican government to expand its base of tribal support.

Ultimately, the Political Office proved to be no more than cover, an attempt to

1 "Yemen in one century," , Sana'a: Saba'a news agency, pg. 124

2 Abdulrahman al-Eryani, "Biography of the Judge President Abdulrahman al-Eryani, 2nd part" Cairo: Dar al-Hay'at al-Masirya al-'Amah, 2013, pg. 79

show a representative government to the public. It had no regular meetings, no specified duties for each member and no effective role in decision making. According to a letter signed by Mohammed al-Zubairy, Abdulrahman al-Eryani, and Ahmed Noman – three influential civilian council members known for their history of political opposition to the imamate^[3] – Al-Sallal made decisions alone and remained subject to heavy Egyptian influence.^[4]

Growing divide in the republican ranks over the Egyptian military intervention in Yemen and the civil war's trajectory led the creation of a slimmed down nine-member council, still known as the Political Office, on January 8, 1964. The driving force behind this change was the republican faction led by Al-Eryani, Noman and Al-Zubairy, which opposed Egyptian hegemony in the country and Cairo's influence on Al-Sallal. While Al-Sallal remained head of the new body, this council was notable for attempting to lay out procedures to guarantee debate over decisions. However, these rules ultimately had no ability to constrain Al-Sallal, and he remained the sole decision maker. Seeing the failure of their efforts, Al-Eryani, Noman and Al-Zubairy resigned on December 4, 1964, in protest of the arbitrary and individual nature of decision making in the council.^[5]

In May 1965, a temporary constitution issued after the conclusion of the Khamer peace conference^[6] created a new executive body: the Republican Council. The three-member council was chaired by Al-Sallal, with the other seats held by Al-Eryani and Noman bin Qaed Rageh, a tribal sheikh from Taiz. It was expanded in September to include three more members: Ahmed Noman, and two military officials from Sana'a.

Egypt, frustrated with the quagmire it found itself in years into the civil war in North Yemen, essentially abolished the council in September 1966, arresting Yemeni figures opposed to Cairo's policies in the country.^[7] Little more than a year later, on November 5, 1967, after the Egyptian army's withdrawal from the country, Al-Sallal was overthrown by a faction that opposed Egypt's heavy handed intervention in the country and argued for ending the war by negotiating peace between Yemenis.

3 Al-Zubairy was a writer and poet. Al-Eryani was a qadi (judge). Noman was known as "the teacher" for his active role in building schools and promoting education.

4 Abdulrahman al-Eryani, "Biography of the Judge President Abdulrahman al-Eryani, 2nd part" Cairo: Dar al-Hay'at al-Masirya al-'Amah, 2013, pgs. 76-81.

5 Ibid.

6 The peace conference, held in Khamer area of Amran city, 50 km north Sana'a, on May 1, 1965, was attended by almost all northern tribes sheikhs, with the goal of reaching political agreements to consolidate to the republican system.

7 Abdulrahman al-Eryani, "Biography of the Judge President Abdulrahman al-Eryani, 2nd part" Cairo: Dar al-Hay'at al-Masirya al-'Amah, 2013, pgs. 319-320.

Overall, Yemen's first presidential councils under Al-Sallal were merely tools to demonstrate popular support for the new regime during the civil war. There was no clear criteria for membership, and, ultimately, they were not genuine bodies for participatory decision making. Al-Sallal held absolute authority, with obvious Egyptian influence behind the scenes.

The Presidency of Abdulrahman al-Eryani (November 1967 - June 1974)

A new presidential council, still named the Republican Council, was formed after the overthrow of Al-Sallal. As with the previous councils, there was no clear criteria for selecting members. The five-member body included: new President Abdulrahman al-Eryani, Ahmed Noman, Mohammed Othman, judge Abdulsalam Sabra and general Hussein al-Amri.^[8] The composition of this council was notable for the fact that it was majority civilian. It also clearly sought to institute more collective decision making in reaction to failings of the presidential councils under Al-Sallal.

In 1968, Noman resigned in protest against the continuation of the civil war, and a second military official, General Hamoud al-Jaifi from Sana'a, was added to replace him. In March 1970, the republicans and royalists reached an agreement to end the war. Ahmed al-Shami, a Hashemite representing the royalists, joined the council, along with the returning Ahmed Noman.

In December 1970, the first permanent constitution was adopted in North Yemen, which mandated that the country should be ruled by a three-to-five member presidential council. For the first time, a clear process for membership was laid out: 'elections' would be held for a new body, the Shura Council,^[9] which would then choose the Republican Council members. In April 1971, the first Republican Council mandated under the constitution was formed, made up of President Al-Eryani, Mohammed Othman and General Hassan al-Amri. Al-Amri later left Yemen for Egypt in 1972 and judge Abdullah al-Hajri was elected to replace him. The next year, Othman was killed in a personal dispute and replaced by Noman.^[10]

8 Ibid. pp. 621

9 Members of the Shura Council were not chosen via direct elections. Rather, every regional or tribal power selected members to represent them in Shura Council, which in turn selected members for the Republican Council.

10 Lutfi Noman, "Ahmed Mohammed al-Noman Biography," Beirut: Dar Riaydh al Rayes, 2019.

The presidential council chaired by Al-Eryani stands out from the rest in Yemen's history for two main reasons: it was the first formed based on a permanent constitution; and it included clear mandates to regulate its work. As president, Al-Eryani considered the opinion of other council's members and did not take decisions unilaterally. This tendency toward compromise likely stemmed from several factors, including Al-Eryani's personality, his experience working in state institutions in both the imamate and the republic, and the fact he hailed from the qadi social class (this separated him from army officials and tribal leaders, who could call on supporters that tended to be more militarized). A willingness to compromise was also essential at the time to maintain the balance of power within the republican ranks, and to facilitate Al-Eryani's main aim of reaching an agreement to end the civil war.

However, divisions and behind-the-scenes intrigue continued to be a hallmark of early politics in North Yemen, and on June 13, 1974, a bloodless coup forced the first and last civilian president in North Yemen to step down.

The Presidency of Ibrahim al-Hamdi (June 1974 - October 1977)

Taking over as president from Al-Eryani in the wake of the coup was Lieutenant Colonel Ibrahim al-Hamdi, who suspended the constitution and formed a seven-member body, the Military Forces General Command Council, to govern the country. This presidential council solidified the military's role in Yemeni politics—all future presidents in North Yemen, and later the unified Yemen, would come from the ranks of the army.

The Military Forces General Command Council included ten members, all of which came from military backgrounds except Muhsin al-Aini, who was close to the influential Bakil tribal sheikh Sinan Abu Luhum, who was one the main plotters in the overthrow of Al-Eryani's government.^[11] Al-Hamdi later purged potential competitors from the body, including some of his early supporters from the Bakil tribe, which was heavily represented in the council. This was likely done in an attempt to expand the authority and influence of the state, and Al-Hamdi himself, at the expense of tribes.

11 "Yemen in one century," Sana'a: Saba'a news agency, pgs. 213-214

A new four person council was appointed in April 1975, which included general Ahmed al-Ghashmi from the Hashid tribal confederation, general Abdullah Abd al-Alim from Taiz, and Abdulaziz Abdulghani, a technocrat also from Taiz. The body was chaired by Al-Hamdi until his assassination in unclear circumstances in October 1977.

Ultimately, president councils under Al-Hamdi lost all importance. They did not serve as a show of support for the new system of government – as was the case under Al-Sallal – or as a consultative decision making body – as they did under Al-Eryani. Rather, Al-Hamdi was a charismatic military leader and wannabe strongman in the mold of Egyptian president Gamal Abdel Nasser. He was buoyed politically by his ability to connect with the public, and the sense of improved stability, particularly on the economic front, that followed the end of the civil war. However, the fact that Al-Hamdi hailed from a qadi family and had no tribal support base meant he was totally dependent on the army, made up mostly of northern tribesmen, for keeping him in power.

The Presidency of Ahmed al-Ghashmi (October 1977-June 1978)

On October 11, 1977, Ahmed al-Ghashmi succeeded Al-Hamdi as president. The previous council was kept in place until January 1978 when a constitutional declaration abolished it, along with any illusions of collective rule. Al-Ghashmi's term did not last long – he was unpopular and many people suspected his involvement in the killing of his predecessor. Al-Ghashmi himself was assassinated in June 1978. His tenure as president was notable, however, for being the first constitutionally-sanctioned unitary executive in North Yemen.

The last presidential council in North Yemen was formed to facilitate the transfer of power after the sudden death of Al-Ghashmi. It was presided over by judge Abdulkareem al-Arashi, with the other members being prime minister Abdulaziz Abdulghani, commander-in-chief of the army Ali al-Sheiba, and Ali Abdullah Saleh, the commander of the army in Taiz. The body lasted a little over a month before Saleh seized power on July 17, 1978. He would rule as president for the next 33 years.

The Presidential Council in South Yemen (1969 - 1979)

The first and only presidential council in South Yemen was formed after president Qahtan al-Shaabi (from Lahij) was overthrown by hardline marxists on June 22, 1969. Its main purpose was to manage political divisions within the ruling Socialist Party and balance between different regions in the south.

The council included five members: Abdelfatah Ismail (from Taiz in North Yemen), Mohammed Ali Haytham (Abyan), Mohammed Saleh al-Awlaqi (Shabwa), Ali Antar (Al-Dhalea) and council president Salim Rubai Ali (Abyan). Personnel changes took place in the first two years of the council, starting with the replacement of Mohammed Haytham with Ali Nasser Mohammed (Abyan), and later the removal of Al-Awlaqi.^[12] Home region and influence within the Socialist Party appeared to be the main criteria for selecting members. Unlike in North Yemen, influence within the army was not a primary consideration.

The presidential council in South Yemen differed from its northern counterparts in that members had equal power and influence. As a result, South Yemen essentially had three presidents – Salim Rubai Ali, Abdalfatah Ismail and Ali Nasser Mohammed – that always appeared together in speeches and meetings. However, there was simmering conflict between Rubai (more commonly known as Salmeen) and Ismail, with the former advocating a pro-Russian marxist model of governance and the latter wanting to apply a Chinese model. In their power struggle Salmeen was assisted by his social background and base of support from Abyan, charismatic personality and the loyalty of the army. Ismail, originally from Al-Hujaria region in Taiz (part of North Yemen), lacked any social support base in South Yemen and therefore relied mainly on his role as the primary ideologue of the Socialist Party as well as a popular militia he established as a parallel army. Ali Nasser was the mediator between them.

While the balance of power in the presidential council among members created a real experience of power sharing, it was unable to prevent internal conflict. President Salmeen was killed by his colleagues in 1978. Ismail became president for one year before he was replaced by Ali Nasser Mohammed, who himself was removed following a short but bloody civil war in 1986.

The deadly power struggles within the executive council can be partly attributed to the fact that the body was not intended to be a democratic one; rather, the division of power within the council reflected the factionalized state of the ruling Socialist Party at the time.

¹² Ibid, pg. 194.

The Unity Presidential Council (1990-1994)

Following the collapse of the Soviet Union, North Yemen and South Yemen agreed to unify into a single country on May 22, 1990. According to the unification agreement, a presidential council consisting of five members would be formed, which would elect a president and vice president in its first session.

Membership on the council was not based on any clear criteria, though it did adhere to a rough geographic balance. Three members were from North Yemen – President Ali Abdullah Saleh, Abdulaziz Abdulghani and Abdulkareem al-Arashi – and two were from South Yemen – President Ali Salem al-Bidh and Salem Saleh Mohammed – while the prime minister was also a southerner. Saleh came from a military background, Abdulghani was a technocrat from Taiz and Al-Arashi was a politician and judge from Sana’a. Among the southerners, Al-Bidh was from Hadramawt and served as South Yemen’s first defense while Mohammed was from the Yafa’a tribes in Lahij.^[13]

While Saleh was elected as a president of the council and Al-Bidh became the vice president, authority remained divided between the two men. Each exercise had an equal and independent budget and enjoyed presidential power in decisions and appointments in their respective areas (north and south). Meanwhile, the two parliaments of North and South Yemen were integrated into a single body, which had the authority to approve any presidential decision. A permanent constitution was adopted in a referendum on May 22, 1991, which was followed by parliamentary elections on April 27, 1993.

Due to imbalances between the north and south of the country in terms of population, the Socialist Party managed only the third most seats in the united parliament. Ahead of them were two mostly northern parties, Saleh’s General People’s Congress (GPC) and the Yemeni Congregation for Reform (Islah), an Islamist party linked to the Muslim Brotherhood. To reflect these results, Al-Arashi was replaced on the council by hardline cleric Abdulmajeed al-Zindani. The growing collaboration between President Saleh and Islah was an obvious sign of escalation against the Socialist Party.

The parliamentary elections in 1993 ultimately altered the balance of power that had been laid out in the unification agreement, based on partnership between the respective ruling parties in North and South Yemen: the GPC and the Socialist

¹³ Ibid, pg. 307.

Party. Growing collaboration between President Saleh and Islah, which could call on a large number of supporters in the more populous areas of northern Yemen, was seen as an obvious escalation against the Socialist Party, a mutual rival for both parties.^[14]

While the unification presidential council did experience some real power sharing in the sense that Saleh did not exercise absolute authority, it was chaotic and ultimately short-lived. In some ways, the council was similar to the factionalized South Yemen presidential council that allowed members to exercise influence in specific areas. The fact that the army remained divided along north-south lines under the unification agreement also helped set the stage for Saleh and Al-Bidh to ultimately resort to military force to settle their political disputes.

Simmering tensions since the 1993 parliamentary elections and the failure to solve mounting political crises through negotiation led to the outbreak of open hostilities between northern and southern forces. Southern leaders announced that South Yemen would secede in May 1994, which was followed by a brief but bloody civil war in which forces aligned with Saleh defeating the secessionists. After the victory of northern forces in the civil war, Saleh had sole authority over the entire country.^[15]

14 Ibid, pg. 194.

15 Yemen in one century. PP 319-321. Sana'a. Saba'a news agency

WHY PAST ATTEMPTS AT COLLECTIVE RULE FAILED IN YEMEN

Identifying commonalities among Yemen's past presidential councils provides a better understanding of why they were all ultimately unsuccessful. These failings provide potentially crucial insights on what can be done differently to improve the feasibility and effectiveness of a future executive council.

Nearly all past presidential councils suffered from having no clear mandate. There was no clear delineation of responsibilities, duties and obligations. The exception was the Republican Councils chaired by President Abdulrahman al-Eryani (1967-1974), where supervisory tasks were divided among council members. Its legitimacy was also boosted by a constitution that clarified how the council would be chosen, along with its specific makeup and mandates.

A second common theme among the councils was the overwhelming influence granted to the president/chairman. Rule tended to be based on the individual personality of the president or chairman, who were viewed as the leader of the country, rather than head of a body with authority shared among various members. Members of the councils were generally selected by the president with no clear criteria besides social, historical, tribal, and regional considerations at the time. In reality, the illusion of collective rule mostly served as window dressing for rule by a single individual or faction.

Finally, the failed presidential councils can be partly attributed to the lack of democratic experience in Yemen. Given that most councils ultimately fell to civil or internal conflict, there was little accumulation of experience or setting of precedence that was carried over from council to council. Power-sharing formulas were employed mostly to suit the unique political circumstances at the time.

RECOMMENDATIONS FOR A FUTURE PRESIDENTIAL COUNCIL

Returning to the present, it is clear that any effort to form an executive council would face resistance politically. The biggest opposition would inevitably come from President Hadi and his allies, most notably the Islah party. The two currently have an alliance of necessity. Hadi protects Islah from the United Arab Emirates' hostile policy toward the Muslim Brotherhood and covers for the party's tendency to consolidate power in areas under their control. Meanwhile, Hadi lacks a real support base, given the fragmentation of the GPC, so Islah crucially provides him with popular support and media capabilities.

Thus, any initiative to form a more collaborative and accountable executive would inevitably require pressure to be exerted on Hadi. While the UN and other international stakeholders could push for such an outcome, this would run into messy issues related to state sovereignty. Therefore, there is only one actor capable of influencing Hadi's calculus and behavior: Saudi Arabia.

As the main backer political and military backer of Yemen's internationally recognized government, Saudi Arabia could inform Hadi that he will not receive any further support until he agrees to relinquish some of his authority to an executive council. The framing of such an initiative is crucial to assuage both Hadi and his allies. For instance, Islah, given its massive media and propaganda machine, would need to be given guarantees that they will remain a primary partner in power in Yemen.

An initiative to form a presidential council could be presented as a first step in a much-needed process of comprehensive governance reform in Yemen. There is already a recognized necessity to reactivate Yemen's democratic institutions, given that executive authority is the only branch of government still functioning. Parliament has become essentially defunct; MPs were last elected in 2003 and it has held only one session since the start of the conflict. The country has undergone a radical political transformation since the last parliamentary elections, rendering the legislature no longer representative of the country's main political stakeholders, nor the needs and ambitions of the Yemeni people overall.

Thus, the primary aims in forming a presidential council should be preventing the individual monopolization of power, and instituting more collective decision making in a body representing Yemen's major social and political groups. In terms of numbers, the council must balance the need to represent the country's main stakeholders while also striving to limit the number of seats to facilitate the efficiency of its work. As a starting point, a 12-15 member council (to allow for representation of the country's various social and political entities) presided over by a president and two vice presidents. Hadi should remain president of the council, but his role would be limited to endorsing the composition of the council and transferring his powers to the new body. He would have no other powers. Decision making in the council will be based on majority rule.

A plenary session would be convened to agree on representation and the selection of based on clear and transparent criteria. Membership in the presidential council should be wide enough to comprise representatives from different regions and powerful actors to avoid any marginalization or concentration in power. In addition to ensuring that different political and social entities are represented (including the parties participating in the current cabinet), this council should also include women, independents and civil society representatives.

The executive council should be given clear and limited mandates laid out in the councils regulations. These could include the authority to make certain appointments such as the prime minister, provide oversight on government institutions, and set the general framework for foreign and defense policies. It should be granted limited access to the financial budget of the state, given that their main mission is oversight, not implementation. Council regulations should also clearly define the frequency of meetings, the process for voting, and the rights and duties of each member.

Importantly, such a governing structure would leave implementation duties to a cabinet made up of technocrats, chosen solely based on their qualifications, not political or social considerations. Expanding the authority and mandates of governors and local councils would also be a positive move toward decentralization and promoting more accountable and empowered local governance.

This proposal also acknowledges the difficulty in achieving such reforms within Yemen's current constitutional framework. However, given the current lack of legitimacy for Yemen's outdated parliament, it is not a good idea for it to take the lead on such an initiative. Rather, a group of parliamentarians and political party

members advocating for a presidential council proposal could work to gain wide buy-in from various power clusters and regional powers. With cover from regional powers and the United Nations Security Council – and given the fact that Yemen is under Chapter 7 of the UN Charter – the legitimacy of a presidential council will be similar to that of the internationally recognized government represented by Hadi. Thus, whatever legitimacy Hadi gained from resolution 2216 will be passed on to a presidential council. Such a mechanism could also serve as a potential guide on how to incorporate other parties into the government in a post-conflict scenario, such as the armed Houthi movement.

Detractors may say that such a proposal would further weaken the internationally recognized government and undermine the idea of a republican Yemen. However, a presidential council is consistent with the new reality on the ground, defined by the fragmentation of authority and the increasing autonomies of governorates and local bodies and groups. Crucially, it also provides a plan B for a post-Hadi scenario to avoid a political crisis. Furthermore, such an arrangement should be considered only as a temporary solution to extraordinary circumstances, not a permanent framework for governing Yemen.

While a change at the executive level is not a panacea to Yemen's problems, reformulating how presidential power is exercised is a crucial step that can be carried out alongside other reforms to put the government on a more stable footing politically. Real debate and discussion on how the Yemeni government can better exercise executive authority is necessary to pull the country out of its multiple crises. In this process of reform, the priority must be ensuring fair and inclusive representation without weakening the performance of the government.

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