

SUDDEN SUCCESSION



Examining the Impact of Abrupt Change in the Middle East

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A Caretaker President Clings to Legitimacy in Yemen

Abdu Rabu Mansour Hadi was selected as a temporary president during a moment of national and regional consensus in 2012, following the protracted Arab Spring crisis in Yemen that led to former president Ali Abdullah Saleh's departure from power. Hadi has remained president well past his expected two-year term, overseeing a war with the Houthi rebel group primarily in the north and a conflict with secessionists in the south. This study examines what might happen when he departs the scene.



As the Yemen war creeps toward its fifth year, now under the stewardship of President Abdu Rabu Mansour Hadi, its resolution remains a mirage. Talks occur between various parties in fits and starts, progress comes to light on occasion, only to disappear again into the shadows, and as time passes, the conflict fragments into ever-more pieces and parts. The United Nations envoy to Yemen, Martin Griffiths, has repeatedly said that the end of the conflict is clear to the main parties; it merely remains a question of political will.¹ What is less clear is how Yemenis will piece their country back together. Such an effort will require robust, responsible, and balanced political leadership.

Given the role the current government has played in the war, a change at the top will almost certainly be necessary either in the transitional process or through a post-transition election. The current president's legitimacy derives from a UN- and Gulf Cooperation Council–agreed framework, not from the loyalty of followers or control of a unified military. Moreover, Hadi is in the somewhat paradoxical position of being a southerner leading a government that faces a renewed secessionist movement among southerners, further confusing his legitimacy in the public's eyes.

Hadi's Origins and Ascent

Born in Abyan province, in the south, Abdu Rabu Mansour Hadi graduated from military school and then received his training in the 1960s at Britain's Royal Military Academy Sandhurst.² In 1986, four years before North and South Yemen unified, a short but bloody war broke out between two southern camps. Hadi led military units on the side that ultimately lost, and he was forced to flee to the north. In 1994, he eventually joined the ranks of Ali Abdullah Saleh—just as other southerners were seeking to break with the future Yemeni president. Saleh appointed Hadi defense minister at about the time when the 1994 north-south civil war began. Shortly after the northern forces triumphed, Saleh named Hadi vice president. Despite being cast as a contentious figure, Hadi actually remained a mostly quiet vice president for almost two decades. By 2011, when the Arab Spring uprisings pulsed through Yemen, the opposition to Saleh



Source: European Council on Foreign Relations, <https://www.ecfr.eu/mena/yemen>

began to regard Hadi as a potential candidate for a transitional presidency.

Ironically, the very qualities some believed would render Hadi a sound candidate for transitional president have ultimately made him inadequate as a war-time president. In 2012, he was a quiet, reserved, nonthreatening official with no discernible separate political following who some hoped could perhaps even bridge the north-south divide. Moreover, he was sixty-six years old, and in uncertain health, which led many to assume he would not cling to power. His lack of a strong base was seen as a safety valve since he, as president, could not enlist such strength to distort the UN- and GCC-sponsored National Dialogue Process for Yemen. Such attributes, sought after in peacetime, have become liabilities in wartime. Rather than bridging the north-south divide, he has in some ways come to represent it.³ Moreover, the lack of a following—either among the population or in the military and security services—has resulted in his dependence on foreign powers and has fostered a sense of weak legitimacy.

The legitimacy of Hadi's successor raises equally vexing questions. If a peace process concludes in Yemen during Hadi's tenure, a new transitional president may be selected in a similarly UN-backed formulation. But if peace does not prevail before Hadi—now seventy-four and suffering from chronic heart disease—passes from the scene, the next president's lack of legal legitimacy may create a constitutional crisis. The

kind of conciliatory political leadership Yemen needs for a lasting peace will be elusive under the best of circumstances, but viable leaders are more likely, given present circumstances, to arise through a UN-driven political process and agreement than through a constitutional succession.

A Presidency Founded on International Consensus

Hadi came to power on the back of unusual circumstances. When the Arab Spring swept Yemen in 2011, the roiling unrest led to a GCC-led stage-managed exit for then president Ali Abdullah Saleh. The presidential legitimacy of his successor, Hadi, rests on a legal construct born in the brief moment of national and international consensus in 2012, following that protracted Arab Spring crisis. As such, Hadi began as a temporary peacetime president overseeing the National Dialogue Conference, an imperfect but admirably democratic exercise meant to give all parties in Yemen a seat at the table and a voice.

Underpinning Hadi's legitimacy—unusually, by name—are the GCC initiative of 2011, its implementation mechanism, and UN Security Council Resolution 2216 (2015).⁴ According to the GCC initiative, which followed Saleh's resignation, the parties in Yemen committed "not to nominate or endorse any candidate for the early presidential elections except for the consensus candidate Vice-President Abd Rabbuh Mansur Hadi."⁵ Hadi was meant to serve as a transitional president who would oversee the National Dialogue Process, the writing of a new constitution, and the restructuring of the military, then oversee elections that would almost certainly unseat him.

This process, however, was interrupted in September 2014 by the Houthi march into Sana and the rebel group's eventual takeover of the state in early 2015. Hadi thus became defined as a wartime and mostly self-exiled president, based mainly in Saudi Arabia, overseeing a seemingly never-ending and deeply fractious war.

By March 2015, when the civil war began, Hadi had been serving for three years, a year longer than

anticipated in the GCC initiative. Those who had supported extending his term beyond the two years had based their view on a reading of the initiative that bound the timeframe to tasks rather than a set period. The initiative did not spell out what would happen if the process to elections lasted longer than two years, so it was on this basis that Hadi remained president when the Houthis occupied Sana.

As a result of this unusual situation, some Yemenis contest Hadi's legal legitimacy altogether. They point out that he was only supposed to be president for two years—until February 2014—and that his extension was without either an election or a negotiated settlement. Even those who accept the one-year extension point out that his term should have ended in February 2015, a month before the start of the current war. Complicating things further, Hadi resigned in January 2015 while detained by the Houthis and under pressure, only to revoke his resignation once he had fled shortly thereafter to freedom in Aden. Thus, four years after the GCC initiative, in April 2015, UN Security Council Resolution 2216 reaffirmed Hadi's legitimacy, making no mention of a successor or a succession process.

The threadbare legal basis for the Hadi presidency is thus a product of regional and international consensus, not necessarily affirmed by a domestic one. President Hadi does not, as noted, have a large base of domestic loyalists, and many of those who support "the legitimacy," as his government is often called, do so out of opposition to Houthi aspirations to remove him by "coup," while not necessarily backing Hadi himself. In other words, they support the Yemeni government as an institution. Moreover, Hadi commands little loyalty among his meager military forces, compelling him to rely on the militaries of major regional partners—particularly Saudi Arabia, supported by the United States—and a hodgepodge of local armed groups to remain in power.

After Hadi

Hadi is thus a president without a constituency and without the levers of a state, yet his embodiment as the legitimacy has provided Saudi Arabia's justification

for carrying out the war. Saudi Arabia has consistently asserted that its intervention came about entirely at the request of the internationally recognized Yemeni government. Such an argument allows the Saudis to contest any notion among Yemenis, who are fiercely anti-interventionist, that they are a colonizing power.

Furthermore, the embodiment of the Legitimacy in Hadi has significantly complicated questions of succession: What legal basis might the next leader enjoy? From where would his legitimacy derive? How would he be selected?

There are two general ways a transition to the next leader of Yemen could occur: first, through a domestic and internationally agreed-upon process, perhaps as part of a peace deal to end the war, or second, as an involuntary rupture through death, a serious health matter, or forced removal—all of which might precipitate a constitutional crisis.

A NEW LEGITIMACY FORMULA

Under the first scenario, Hadi would leave power through a negotiated settlement that hands power to another leader or governing council for a set period; in the event that Hadi himself served as the transitional leader, his powers would be transferred later through an election process.

In the past, Hadi has balked at any plan to strip him of his perceived right to lead the transition out of war. Because of his representational status as the Legitimacy, coalition partners and the UN have struggled to find a compromise. For example, UN-led negotiators have long sought a transitional presidential council, and in 2016, when talks between the warring parties looked promising, the Houthis were adamant that Hadi could not lead the council. Rumors circulated that then vice president Khaled Bahah might be a compromise candidate, but Hadi unceremoniously fired Bahah shortly before the 2016 Kuwait talks, presumably to scuttle such a scenario. Hadi replaced Bahah with Gen. Ali Mohsen al-Ahmar, a military leader despised by the Houthis for running six wars against them between 2004 and 2010. These maneuvers lent the impression that Hadi was opposed to relinquishing power. It is cheekily said that by trading a second-in-command

who was more popular than himself for one less so, Hadi ensured he would not be replaced as president.

The scenario of a peaceful transition from Hadi to a successor requires either Hadi's willingness to step down or the Houthis' willingness to have him lead during a transition period. If comprehensive peace talks resume, the idea of a presidential council is likely to arise again. It may even be championed by the international community, parts of which view Hadi as being an obstacle to any settlement, seeing him, at best, as subscribing to the notion of *l'état c'est moi*. At worst, he is seen as wedded to continuing the war since, as posited in the January 2019 UN Panel of Experts report on Yemen, those close to him may be accruing wealth and power through it.⁶ A central question is this: will Hadi go quietly into the night or demand to remain at the helm? For the Houthis' part, in 2016 they eventually accepted the idea of Hadi remaining as the head of a transitional presidential council, but it should not be assumed they would accept the same in future negotiations.

Whatever the transitional phase looks like—and whatever Hadi's role in it—the main parties to the conflict agree notionally that a transitional government would be replaced through an election process, likely one or two years after the start of a peace agreement. With a transitional process still not decided and elections at least two years away, the question of who would win an election is merely a parlor game.

As in any transitional, pre-negotiations government, certain actors in Hadi's circle are vying actively for position, but peacetime could well relegate those involved in the war to the sidelines. (Such a stipulation exists in the Riyadh Agreement signed between the Hadi government and the Southern Transitional Council [STC] in November 2019.) Other Yemeni technocrats who are staying above the war's fray now may start jockeying for position during a transition period, including those sympathetic to the Islah Party (an Islamist bloc), the General People's Party Congress (the political home of the late president Saleh), and the STC (a southern separatist bloc), among others. The major factors determining which figure rises to the top, however, will be the makeup of any negotiated political system, the

events of the ensuing transitional period, and the resulting power of the various political blocs at election time.

TRANSITION THROUGH THE YEMENI CONSTITUTION

An alternative scenario would have Hadi going the way of all flesh. Hadi's health has been worrisome for years. His heart condition has prompted frequent visits to the Cleveland Clinic for decades, occasionally for stays lasting weeks or months. Yet he has consistently beat the rumors and remained an involved president, if one forced by security threats to rule largely from Saudi Arabia rather than his own war-torn country.

Although the GCC initiative says it "shall supersede any current constitutional or legal arrangements," it does not refer to succession, and thus it is assumed the 2001 Yemeni constitution would become the legal document framing succession amid a presidential passing. According to this constitution, "if the post of the President...becomes vacant...the Vice President temporarily takes over the presidential functions for a period that does not exceed sixty days, during which

new elections for the President of the Republic shall take place."⁷

Thus, barring the appointment of a different vice president, Gen. Ali Mohsen would become acting president for sixty days. Given the implausibility of fair and representative elections in Yemen during wartime, a constitutional crisis may result after this sixty-day period. The UN and GCC do not appear to have a clear game plan to resolve this potential legal crisis, even though they stewarded the agreements that enshrined Hadi's legitimacy.

Section 114 of the Yemeni constitution, which allows a current president to continue his rule if elections are not possible, may permit Ali Mohsen to rule past sixty days, but this would be yet another legal stretch since he would be acting president and not actual president.

Indeed, complicating matters further, Ali Mohsen is an untenable long-term option for southern Yemenis, the Houthis, the United Arab Emirates, and perhaps the United States. If the STC joins the Hadi government, as is expected by December 2019, southerners may be in a position to reject his rule past sixty days. The STC

ALI MOHSEN



Appointed as vice president in April 2016, Ali Mohsen was the preeminent military commander during the three-decade rule of former president Ali Abdullah Saleh.* As such, he supported Yemeni mujahedin in Afghanistan in the 1980s, then recruited many of them back home to fight a civil war against the south in 1994. In the process, he cultivated relationships with extremist clerics and militants who would later be tied to terrorist activity inside Yemen. He also led a war against the Houthis in 2004–2010.

Politically, Ali Mohsen is an ally of Islah, a movement that has historically included the Muslim Brotherhood, Salafis, and some northern tribal families. He was named vice president in part because his tribal ties and military experience in the north were expected to help the coalition war effort. Currently, he spends his time between Saudi Arabia, with whom he has a good working relationship, and Yemen's Marib province, where many Islah fighters are now based.

Given his affinity for Islamists and his commanding role in past wars against the south and the Houthi movement, Ali Mohsen is reviled across much of Yemen and objectionable to both the United States and the United Arab Emirates.

*This write-up is pulled from the author's "Yemen's Second-in-Command May Have a Second Coming," PolicyWatch 3040, Washington Institute for Near East Policy, November 9, 2018, <https://www.washingtoninstitute.org/policy-analysis/view/yemens-second-in-command-may-have-a-second-coming>.

and the UAE in particular would be loath to accept him as the “legitimate” Yemeni president given their perceptions of his affiliation with the Islah Party, which includes the local Muslim Brotherhood affiliate, and may work furiously behind the scenes to prevent such an outcome.⁸ The Houthis, despite their likely great displeasure, would only be able to raise their complaint with the UN because they lack a direct say in the internationally recognized Yemeni government. Under such conditions, wherein the vice president rises to power and elections cannot be held, the international community would likely have to step in to prevent a larger political crisis, perhaps quickly establishing a governance council.

Yet another scenario would be the voluntary resignation of Ali Mohsen from the acting presidency within the sixty-day window. Under the constitution, if the presidency and vice presidency are vacant simultaneously, the head of parliament becomes the temporary president. The Saudi-led coalition supports Sultan al-Barakani as head of parliament. Yet the parliament was elected so long ago—in 2003—that its own legitimacy is in question. Furthermore, when it convened in April 2019 and “elected” Barakani as its new leader, the body may have lacked the quorum necessary to do so legally. A constitutional crisis thus might develop even in the case of Ali Mohsen stepping down.

Last is the possibility that Hadi could be removed by coup or some other coercion, as many feared might happen when the STC overran Aden in August 2019. This scenario would go beyond a constitutional crisis, embroiling the international community and the coalition in particular.

Impact of Succession on the War in Yemen

A constitutional crisis or the rise of a controversial figure like Ali Mohsen to the presidency might reorient the chess pieces in Yemen, providing either an opportunity for alternative solutions to the war or prompting further entrenchment. In the former case, an unpopular Ali Mohsen presidency might spur common cause among his adversaries for moving into a postwar transitional council with a more palatable figure at the helm. In the latter, the collapse of the recognized Yemeni government could grant an effective win to the Houthis, creating a leadership vacuum in areas “liberated” by the government and destabilizing the Saudi-led coalition.

The United States, Saudi Arabia, the UAE, and the UN can anticipate these possibilities and prepare for them. Ideally, those parties would untangle the related dilemmas before they happen, addressing them directly with President Hadi and Vice President Ali Mohsen, and resurrecting proposals that envision a presidential council leading Yemen during an interim period. Such an effort will require regional and international consensus and could enjoy domestic consensus, if done properly, given the Yemeni historical preference for such councils.

Most important for Yemenis, the war needs to end with either a council of leaders or elections so that a future leader has popular legitimacy, the power of the military backing him, and full control over state institutions. In an ideal scenario, the next Yemeni leader or leadership body would also be sensitive to southern demands, northern grievances, provincial desires for autonomy and fears of marginalization, and a people altogether exhausted by war. Finding the right formulation to install a new president will be hard enough; selecting a person or council that fits the bill may be harder yet.

Notes

¹ Martin Griffiths, “The Secret of Yemen’s War? We Can End It,” *New York Times*, September 16, 2019, <https://www.nytimes.com/2019/09/16/opinion/yemen-war.html>.

² An Arabic-language biography is available here, <http://bit.ly/2OBKQR4>.

³ Elana DeLozier, “Yemen’s Second-in-Command May Have a Second Coming,” PolicyWatch 3040, Washington Institute for Near East Policy, November 9, 2018, <https://www.washingtoninstitute.org/policy-analysis/view/yemens-second-in-command-may-have-a-second-coming>.

⁴ For the 2011 GCC initiative, see https://osesgy.unmissions.org/sites/default/files/gcc_initiative_yemen_english.pdf; for its implementation mechanism, see https://osesgy.unmissions.org/sites/default/files/5-yemen_mechanism_english_official_v2_0.pdf; for the UN resolution, adopted April 14, 2015; see [https://www.undocs.org/S/RES/2216%20\(2015\)](https://www.undocs.org/S/RES/2216%20(2015)).

⁵ See the implementation mechanism, https://osesgy.unmissions.org/sites/default/files/5-yemen_mechanism_english_official_v2_0.pdf.

⁶ Elana DeLozier, “In Damning Report, UN Panel Details War Economy in Yemen,” Washington Institute for Near East Policy, PolicyWatch 3069, January 25, 2019, <https://www.washingtoninstitute.org/policy-analysis/view/in-damning-report-un-panel-details-war-economy-in-yemen>; for the report text, see UN Security Council, “Letter Dated 25 January 2019 from the Panel of Experts on Yemen Addressed to the President of the Security Council,” <https://undocs.org/en/S/2019/83>.

⁷ Constitution of the Republic of Yemen, available at <https://www.refworld.org/pdfid/3fc4c1e94.pdf>.

⁸ On the UAE-Yemen relationship, see Barbara A. Leaf and Elana DeLozier, “The UAE and Yemen’s Islah: A Coalition Coalesces,” PolicyWatch 3046, Washington Institute for Near East Policy, December 6, 2018, <https://www.washingtoninstitute.org/policy-analysis/view/the-uae-and-yemens-islah-a-coalition-coalesces>.

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