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The Biden Administration's Opportunities to Promote Peace in Yemen

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Brief Analysis

A federalist system is the only viable option for a new government in Yemen.

In announcing a new special envoy to Yemen, the Biden administration appears to be opening a new chapter in U.S. involvement in the years-long conflict—a shift from the United States' prior involvement centering around an almost exclusive focus on the presence of al-Qaeda (AQAP) in Yemen.

Just days after Biden announced that Timothy Lenderking would serve as the new U.S. special envoy to Yemen, Lenderking appeared in Riyadh pushing for a ceasefire—bringing the United States alongside longstanding UN efforts, including Martin Griffith's most recent trip to Iran for the first time. Yet a commitment to ending the war in Yemen requires the Biden administration to also articulate what type of peace it expects, and what it is willing to do against those who prevent this peace from occurring.

Bringing the Houthis to the Table

When discussing an end to the war in Yemen, the U.S. special envoy and the international community must acknowledge that an armistice or negotiations will have no value without a change in the military balance of power on the ground. In light of the increasing Houthi threat to Marib and continued Houthi control over Hodeidah, addressing ongoing Houthi attacks is imperative before the Security Council can help Yemen work towards a ceasefire and a transitional period.

The United States has already entered itself into the question of the Houthi's military role by announcing its

designation of the Houthis as a terrorist organization, and then revoking that announcement on February 16. Responses to the initial designation varied widely: the internationally recognized Yemeni government and the Saudi-led Arab coalition argued that the designation “could contribute to ending the war in Yemen” while other observers such as Martin Griffiths, UN Special Envoy to Yemen, have claimed that the designation will further exacerbate the humanitarian situation without ending the war.

I have some reservations about the term “terrorist,” since it seems that the U.S. administration applies this term loosely according to its interests without outlining any clear definition and seems more motivated by domestic concerns than any linkage to a particular event—such as the Houthi attack on Saudi Arabia’s Abqaiq oilfields. It is also important for the U.S. administration to set up mechanisms to prevent a potential negative impact on humanitarian issues, building on the new administration’s one-month exemption for human rights groups.

But if the Biden administration hopes to establish an end to the war in Yemen, it must understand that it will have to create new incentives—and penalties—for the Houthis in order to seriously pursue a peace agreement. At this point, it is vital to handle the decision to remove the designation in a way that works towards a breakthrough in Yemen’s ongoing war. If the Biden administration hopes to make progress towards bringing the Houthis to the negotiating table, it will have to determine some other means of creating pressure, as the Houthis show no signs of stopping their assault on Marib.

The reality is that U.S. administration will likely not be able to bring all sides to the table unless it hints at severe penalties against all who hinder the peace process, whether the obstructors are the Houthis themselves or their opposition, including the STC and Tariq Ali Saleh’s forces.

Federalism Is the Only Option

The second question is what type of government the U.S. administration would support in Yemen if a ceasefire was actually successful. All things considered, federalism is the only opportunity for Yemen to evolve into a functioning state, and a federalist system is the only possible way to guarantee Yemen’s unity, sovereignty, and position in the world that enjoys normalized, secure relations and mutual interests with countries in the region and beyond. Ending the war in Yemen without a move towards federalism will simply set the country up for another conflict later on.

The way in which the international community advocates for governance in Yemen matters; setting up a federalist system in the wake of a ceasefire will require a long transitional period that could provide an opportunity to test out the practicality of a peace agreement. Yemen already has a draft constitution on which to build, and the constitution should be adopted as a basis for a peace agreement and its related decision-making process, which will have to balance all sides’ concerns before putting a new constitution to a popular referendum at the ballot box at the end of the transitional period. This process is likely possible only with full international support and advocacy for this model.

Negotiations towards a federalized state must be paired with a long transitional period, providing an opportunity to make sure that the proposed solutions are sustainable and practical, and to agree upon any changes necessary to ensure a transition to a normalized state of affairs through a referendum held within a democratic and modern federal state. However, several elements are particularly important, including support for the just distribution of wealth and power and the establishment of strong institutions through broad partnerships grounded in good governance, both of which are necessary to break Yemen from its current cycles of war.

The transitional period will also have to grapple with a flood of logistical issues, from financial arrangements that ensure the receipt of taxes and customs duties from all the country’s points of entry, to ensuring the continued flow of mineral resources, namely oil and gas, along with the sustainable success of Yemen’s fishing industry. A unified

central bank is needed with federal arrangements that guarantee support for the national economy and pay salaries and contributions. Moreover, this period will have to face Yemen's severe humanitarian crises, focusing on health while combating poverty and famine.

Federalism is uniquely suited to tackling these ongoing challenges and ensuring that power and wealth will be shared fairly between all sectors of Yemeni society. Implementing power-sharing agreements like the Riyadh Agreement can similarly only succeed in the context of a federal system. This would involve allowing an independent authority with joint representation of experts in the field to gather resources from all regions of Yemen. Moreover, the peace process should emphasize decentralized legislation, such as facilitating a second reading through the shura council in the manner of a bicameral legislature to ensure broader input into future legislation.

In addition, federalism is also important because it has the best chance of actually being accepted by the conflicting sides. It is the already agreed-upon outcome from the draft constitution from the 2013 National Dialogue Conference, and while much has changed since, the draft constitution and its proposal of federalism is still likely the most acceptable compromise.

The increased involvement of the Biden administration presents a potential opportunity at this stage: all sides will be more likely to acquiesce to the federalist model through a combination of international guarantees and pressures.

The most likely complication is the need to gain the confidence of the Southern Transitional Council, which does not currently recognize the outcomes of the National Dialogue Conference and generally seeks to have southern Yemen secede entirely. The STC's acquiescence to federalism could be greatly aided by an international guarantee providing logistical support for this process and control over implementation mechanisms.

Convincing the legitimate government in Yemen to apply and support federalism will require a different tack; the U.S administration and the international community must convince the Hadi government that its talk of restoring the Yemeni state to the centralized political structure that existed before the war is clearly impossible under the current conditions. Although the transformation of Yemen into a federal system is what the legitimacy camp promotes, actual steps on the ground and political agreements - including the Riyadh agreement - do not suggest this conviction. The approach of federalism offers a middle ground between secession on the one hand and complete centralization on the other, Here, increased international prodding will likely be needed.

Therefore, Biden's special envoy should outline and emphasize that it sees federalism as the ultimate end-goal for Yemen: outlining a modern civil federalized state that will maintain national unity and social cohesion. The United States will have to underline that a fully centralized system has clearly failed, whereas the agreed-upon federal system is yet to be tested after the National Dialogue Conference's efforts were aborted by the Houthi coup in 2014.

Accordingly, the new U.S. special envoy has an opportunity to work with the United Nations and the international community to issue an international resolution through the Security Council formalizing a commitment to supporting a ceasefire and negotiations based on a federalized state in Yemen.

In both these cases—the question of Houthi militarism and the ultimate direction of Yemeni governance—the key is that the new U.S. administration not rush towards pursuing any solution whatsoever in Yemen. Working towards an end to the war in Yemen without clear end goals and tools for implementation is likely to lead to a continuation of the war in one form or another. The U.S. special envoy should be clear about what type of end to the war the U.S. government supports and expects. Otherwise, movement on ending the conflict is unlikely. ❖



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