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CEASEFIRE NEGOTIATIONS IN YEMEN

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Executive Summary

The current war in Yemen (2014-Present) (the “Conflict”) has thus far lasted eight years, killing thousands of civilians and decimating critical infrastructure in Yemen. Yemen has had a history replete with religious and cultural challenges, owing to its history of European colonialism. Contemporarily, the Republic of Yemen came about as a result of the unification of the U.S.-and Saudi-backed Yemeni Arab Republic and the Soviet-backed People’s Democratic Republic of Yemen in 1990. Thereafter, it only took four years for a cycle of conflict to break out. This cycle continues to incite instability and humanitarian crises almost twenty years later. During the Conflict, there have been two ceasefire agreements: the 2018 Stockholm Agreement (the “Stockholm Agreement”) and the 2022 truce (the “2022 Agreement”). This memo discusses the Stockholm Agreement and the 2022 Agreement. It will outline the issues that lead to their failures and the multiple negotiation phases.

While both the Stockholm Agreement and the 2022 Agreement have facilitated some degree of stability and reconciliation, neither has led to a durable and lasting peace. Both have been agreements more in principle, rather than full blown accords, and each possess flaws that have led to limitations on their impact. For example, the substance and detail needed to implement a lasting and durable ceasefire are notably absent in the Stockholm Agreement, with many important details left out of the text. This is particularly poignant regarding provisions in the Stockholm Agreement relating to compliance and enforcement, which are vague and do not have mechanisms for determining whether the parties are complying with the agreement. Furthermore, while the Stockholm Agreement prompted a ceasefire in the city of Al Hudaydah, Yemen’s fourth-largest city and a principal port in international trade, the ceasefire was not well managed – socialization and lack of enforcement of the Stockholm Agreement proved to be key challenges.

Similarly, the 2022 Agreement halted fighting in Yemen for six months. However, it was not renewed in October 2022 and, as of this writing, there are indications that violence will continue. The 2022 Agreement was negotiated between two parties with asymmetrical political capital and leverage. The Yemeni Government, backed by Saudi Arabia, is an indirect party to the Conflict and its prior iterations and possesses superior negotiating leverage and military power, while the Houthis had little credibility, having reneged on a United Nations (“UN”) peace deal to take the capital of Sana’a in 2014. The lack of trust, symmetry,

balance, and poor implementation of the 2022 Agreement ultimately led to its failings.

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TABLE OF CONTENTS

Statement of Purpose	1
Introduction	1
The 2018 Stockholm Agreement	2
<i>Issues and Successes</i>	<i>6</i>
The 2022 Ceasefire	8
<i>Issues and Successes</i>	<i>10</i>
Conclusion	12
About the Public International Law & Policy Group Policy Planning Initiative	13

Statement of Purpose

The purpose of this case study is to examine the multiple phases of ceasefire negotiations in Yemen, map out the various ceasefire efforts and agreements, and outline the issues that led to their failure or success.

Background

Participants in the conflict in Yemen include the internationally recognized Yemeni government, which is backed by a Saudi-led military coalition (the “Yemeni Government”), the predominantly Zaidi Shia political and armed movement of rebels supported by Iran (the “Houthis”)¹ and various other non-state actors, including militant Islamist groups and separatists backed by the United Arab Emirates. As such, the Conflict is frequently characterized as a proxy war, making bottom-up approach to peace negotiations difficult.

The Houthis rose up against the Yemeni Government six times between 2004 and 2010, before the Houthis took control of Sana’a, the Yemeni capital, in 2014 and the Conflict formally began. Following the events of the Arab Spring, the Houthis demanded lower fuel prices and a new government.² In 2015, Saudi Arabia and a coalition of nine other countries (United Arab Emirates, Sudan, Bahrain, Kuwait, Qatar, Egypt, Jordan, Morocco, and Senegal) initiated military action in Yemen.³ Saudi Arabia intended to restore President Abdrabbuh Mansour Hadi to power.⁴ As of 2022, it is believed that roughly 150,000 civilians have died as a direct result of the war, including 15,000 civilians who have died in direct targeted attacks.⁵ It is estimated that the war has displaced over three million Yemenis, with total casualties estimated to be about 370,000.⁶

The Houthis took control of Sana’a, the Yemeni capital, in September 2014, and forced Abd Rabbu Mansour Hadi to leave the capital along with the rest of the

¹ Center for Preventative Action, *War in Yemen*, Council on Foreign Relations, (Nov. 7, 2022), available at <https://www.cfr.org/global-conflict-tracker/conflict/war-yemen>.

² Center for Preventative Action, *War in Yemen*, Council on Foreign Relations, (Nov. 7, 2022), available at <https://www.cfr.org/global-conflict-tracker/conflict/war-yemen>.

³ Center for Preventative Action, *War in Yemen*, Council on Foreign Relations, (Nov. 7, 2022), available at <https://www.cfr.org/global-conflict-tracker/conflict/war-yemen>.

⁴ ACLED, *Country Hub: Yemen*, (Nov. 7, 2022), available at <https://acleddata.com/middle-east/yemen/>.

⁵ ACLED, *Country Hub: Yemen*, (Nov. 7, 2022), available at <https://acleddata.com/middle-east/yemen/>.

⁶ Center for Preventative Action, *War in Yemen*, Council on Foreign Relations, (Nov. 7, 2022), available at <https://www.cfr.org/global-conflict-tracker/conflict/war-yemen>; Also see Amnesty International, *Yemen War: No End in Sight*, (Nov. 7, 2022), available at <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

Yemeni government.⁷ Six months later, a coalition led by Saudi Arabia and the United Arab Emirates and including the Yemeni Government (the “Coalition”) intervened in order to restore Hadi’s government.⁸ An aerial bombing campaign was launched, and war consumed the country. Additional groups have become involved in the war, including paramilitary groups such as the Security Belt and the Giants and the Elite Forces, exacerbating the difficulty of achieving a negotiated peace.⁹ These groups have been actively trained by the Coalition, allowing the Coalition to simultaneously project power in Yemen while claiming to be scaling back its military presence.¹⁰ The UN, meanwhile, has tried to initiate peace talks and stop the violence. These attempts, however, have largely failed. Conflict in Yemen has entrenched a culture of hostility between the Yemeni Government and the Houthis.

The first major peace talks of the Conflict took place in Sweden in 2018, resulting in the Stockholm Agreement signed in December 2018. While the Stockholm Agreement brought the combatants together to find common ground and build rapport, it did not deliver on its larger promises to resolve the conflict. In 2022, a truce (“the 2022 Agreement”) was established between the Houthis and the Yemeni Government, lasting for roughly six months. However, in October 2022, the truce was not renewed.

The 2018 Stockholm Agreement

The Stockholm Agreement was negotiated in 2018 when a battle over the port city of Al Hudaydah appeared to be imminent. As a large net-importer of food and medicine (handling about 70% of Yemen’s food and medicine imports), Yemen relied heavily on Al Hudaydah.¹¹ The UN Office for the Coordination of Humanitarian Affairs estimated that the port’s destruction would have been a tipping point in the already nutrition-poor country, putting over 300,000 children at risk of death by starvation.¹²

⁷ Amnesty International, *Yemen War: No End in Sight*, (Nov. 7, 2022), available at <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

⁸ Amnesty International, *Yemen War: No End in Sight*, (Nov. 7, 2022), available at <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

⁹ Amnesty International, *Yemen War: No End in Sight*, (Nov. 7, 2022), available at <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

¹⁰ Amnesty International, *Yemen War: No End in Sight*, (Nov. 7, 2022), available at <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>.

¹¹ OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

¹² OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

Although limited, the Stockholm Agreement was hard fought, and initially there had been little hope that the parties would come together in Sweden.¹³ It may have been significantly accelerated by the murder of Jamal Khashoggi by Saudi Arabia in Istanbul.¹⁴ This caused increased U.S. scrutiny of Saudi Arabia and prompted both the American Secretary of Defense and Secretary of State to push Saudi Arabia to take a seat at the table in Sweden.¹⁵ These efforts continued with more U.S. officials taking a stance on the situation in Yemen and eventually led to then-Secretary of Defense Jim Mattis making last minute phone calls to Saudi Arabia and the UAE to support the deal.¹⁶ This international pressure, along with the worsening humanitarian crisis, led to the Yemeni Government and the Houthis negotiating the Stockholm Agreement in good faith.¹⁷

The Stockholm Agreement included three main components. It was designed to: (1) establish a ceasefire in the city of Al Hudaydah, along with the three seaports of Hudaydah, Salif, and Ras Issa; (2) initiate a prisoner exchange; and (3) mitigate the conflict in the city of Ta'iz.¹⁸ These important goals lacked a well-organized and thorough effort, causing conditions to worsen and undermining the purpose of the Stockholm Agreement.¹⁹ Viewed more successfully as a test of the potential compromises the various parties could make rather than a fully comprehensive accord, the Stockholm Agreement was the first agreement between

¹³ Peter Salisbury, *Making Yemen's Hodeida Deal Stick*, INTERNATIONAL CRISIS GROUP, (Nov. 7, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/making-yemens-hodeida-deal-stick>.

¹⁴ Peter Salisbury, *Making Yemen's Hodeida Deal Stick*, INTERNATIONAL CRISIS GROUP, (Nov. 7, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/making-yemens-hodeida-deal-stick>.

¹⁵ Peter Salisbury, *Making Yemen's Hodeida Deal Stick*, INTERNATIONAL CRISIS GROUP, (Nov. 7, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/making-yemens-hodeida-deal-stick>.

¹⁶ Peter Salisbury, *Making Yemen's Hodeida Deal Stick*, INTERNATIONAL CRISIS GROUP, (Nov. 7, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/making-yemens-hodeida-deal-stick>.

¹⁷ Peter Salisbury, *What Does the Stockholm Agreement Mean for Yemen?*, THE WASHINGTON POST, (Nov. 7, 2022), available at <https://www.washingtonpost.com/news/monkey-cage/wp/2018/12/21/what-does-the-stockholm-agreement-mean-for-yemen/>.

¹⁸ OSESGY, *A Year after the Stockholm Agreement: Where Are We Now?*, (Nov. 7, 2022), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

¹⁹ ReliefWeb, *Three Years Since the Stockholm Agreement, Civilians Are Still Under Fire in Yemen*, (Nov. 7, 2022), available at <https://reliefweb.int/report/yemen/three-years-stockholm-agreement-civilians-are-still-under-fire-yemen>.

the two main conflicting parties during the Conflict, suggesting that the parties to the conflict could indeed find common ground after four years of heavy fighting.²⁰

With respect to the first element of the Stockholm Agreement, the Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa (“Prong 1”), the text of the Stockholm Agreement focuses on a cessation of hostilities in key jurisdictions, the geospatial reconfiguration of military forces in key jurisdictions, and the return of freedom of commerce and movement of civilians in key jurisdictions. It also provided for the creation of the Redeployment Coordination Committee, a multilateral body designed to facilitate negotiations on redeployment. Notably, the text of the agreement provides that implementing provisions of the agreement may not be “referred to in any subsequent consultations or negotiations,” making its value as a starting point quite challenging.²¹ Furthermore, such a component is in tension with the fact that several of the provisions are drafted to be mutually agreed upon at a later date. For example, most notably, the mutual redeployment of military forces in key jurisdictions to locations outside of the applicable cities and ports was to be agreed.²² A year later, forces on either side hadn’t been re-deployed, as agreed upon in the text of the agreement, which is especially damaging considering the text of the Stockholm Agreement provides that a “full mutual redeployment of all forces” shall be completed within “21 days” after the Stockholm Agreement going into effect.²³ The Stockholm Agreement has several mandates, including improving local security, facilitating people and goods movement, and setting up a monitoring system. However, it lacks crucial elements like enforcement, procedures, handling defaults, remedies, commitments, conditions, and dispute resolution. In short, textual inconsistencies, the lack of substantive details, and ambiguous language ultimately make Prong 1 unsuccessful.

Unlike Prong 1, the Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest (the “Detainees”) (“Prong 2”) was, relatively speaking, the most motivated aspect of the Stockholm Agreement. It is guaranteed and sponsored by the Office of Special Envoy of the Secretary-General for Yemen, and includes a

²⁰ OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now> (last visited Nov 17, 2022).

²¹ OSESGY, *Agreement on the City of Hodeidah and Ports of Hodeidah, Salif and Ras Ipsa*, (2018), available at https://osesgy.unmissions.org/sites/default/files/hodeidah_agreement_0.pdf.

²² OSESGY, *Agreement on the City of Hodeidah and Ports of Hodeidah, Salif and Ras Ipsa*, (2018), available at https://osesgy.unmissions.org/sites/default/files/hodeidah_agreement_0.pdf.

²³ OSESGY, *Agreement on the City of Hodeidah and Ports of Hodeidah, Salif and Ras Ipsa*, (2018), available at https://osesgy.unmissions.org/sites/default/files/hodeidah_agreement_0.pdf.

specific implementation mechanism that could be operationalized. Prong 2 is essentially unconditional, providing that all Detainees held in relation to “the events in Yemen” shall be released. While this is likely a key aspect in getting the Stockholm Agreement accorded, it also makes implementing the mandate politically challenging, as the managers of the exchanges could be seen as releasing culpable or even guilty persons.²⁴ In total, Prong 2 contemplated the exchange of about 15,000 prisoners.²⁵ Notably, unlike Prong 3 (as defined below), the recitals of Prong 2 contain more express references to religion. For example, the parties recognize in regard to Prong 2 that “this is a humanitarian issue and it shall not be subject to any political scores or other matters and the perspective of parties shall be to reunite the bereaved families, as it is endorsed in Islam.”²⁶ In short, while clean and simple from a drafting perspective, the broadness of the mandate and a lack of carve-outs makes implementation politically challenging. This is evidenced by the fact that the number of exchanges thereunder is measured in the low thousands, rather than the tens of thousands. However, given that progress in this category was challenging, the fact that lists of prisoners were exchanged, logistical problems were deliberated,²⁷ and a concerted initiative was taken on both sides to release hundreds of prisoners²⁸ can be recognized as reactive progress.

Finally, the Statement of Understanding on Ta’iz (“Prong 3”), consisting of five sentences, is the least specific accord of the Stockholm Agreement.²⁹ In essence, Prong 3 delayed actual deliberations to a future joint committee.³⁰ Such a joint committee was to include representatives from civil society and the UN, as well as the Yemeni Government and the Houthis, and to produce a report. A year later, the UN acknowledged Prong 3 had not been successfully implemented.

²⁴ OSESGY, the Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, (2018), <https://osesgy.unmissions.org/prisoners-exchange-agreement>.

²⁵ OSESGY, the Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, (2018), <https://osesgy.unmissions.org/prisoners-exchange-agreement>.

²⁶ OSESGY, the Agreement for the exchange of prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest, (2018), <https://osesgy.unmissions.org/prisoners-exchange-agreement>.

²⁷ OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

²⁸ OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

²⁹ OSESGY, *Statement of Understanding on Ta’iz*, (2018), available at <https://osesgy.unmissions.org/stockholm-agreement>.

³⁰ OSESGY, *Statement of Understanding on Ta’iz*, (2018), available at <https://osesgy.unmissions.org/stockholm-agreement>.

Issues and Successes

The Yemeni Government and the Houthis commenced talks under UN auspices.³¹ The Stockholm Agreement was not designed to create a sustainable and durable peace in Yemen. It has generally been seen as more of a stopgap specifically designed to prevent increased fighting in Al Hudaydah, and alleviate suffering of the Yemeni people in that area.³² Such analysis characterizes the Stockholm Agreement as a product of fleeting international consensus, which the UN capitalized on as a way of jumpstarting peace in Yemen.³³ This put the Houthis and the Yemeni Government under increasing international scrutiny – not just from the UN, but from the United States as well.³⁴ The U.S. pressure on Riyadh subsequently pushed the Hadi government to sit at the table and accept some degree of compromise. However, all of this pressure and jockeying led to a rushed agreement that was not even formally signed.³⁵ Furthermore, the language of the deal is vague, and there was not a clear understanding of what the parties had agreed on. For example, regarding Al Hudaydah, the Yemeni Government believed that the Stockholm Agreement required complete and total removal of the Houthi forces, while the Houthis believed that the agreement simply required redeployment of frontline forces.³⁶ Even UN officials agreed that the language was so ambiguous that there were varying interpretations of the Stockholm Agreement.³⁷

³¹ UNMHA, *Hudaydah Agreement*, (Nov. 8, 2022), available at <https://dppa.un.org/en/mission/unmha-hudaydah-agreement>.

³² OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>

³³ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

³⁴ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

³⁵ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

³⁶ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

³⁷ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

In sum, while the agreement provided a valuable alternative relative to the continued heavy fighting that almost assuredly would have taken place, the Stockholm Agreement's effects have been uneven, fallible, and minor, relative to the scale of the Conflict. In Al Hadaydah, the Houthis have since boycotted the Redeployment Coordination Committee.³⁸ Without provisions governing dispute resolution or events of default, in a contractual sense, the parties to the agreement were not subject to consequences for acting in breach of the Stockholm Agreement. Indeed, there are no technical details that one would normally expect in a ceasefire, nor does there exist any systems for stopping any fighting if it does break out.³⁹ In fact, there is still fighting in the region, such as gunfights and shelling, and, as of November 2021, renewed hostilities in the Red Sea coast, which have forced over 25,000 people to leave their homes. Both the Houthis and the Yemeni Government have credible claims that the other is building up forces around Al Hadaydah in violation of the Stockholm Agreement.⁴⁰ Furthermore, while the UN has installed a team in Al Hadaydah to monitor and observe the situation, they have largely been unable to determine the level of compliance with the Stockholm Agreement.⁴¹ In short, a lack of substance in the Stockholm Agreement relating to enforcement, dispute resolution, undertakings and, the operationalization of a deal, was a main driver of its un-workability and, more or less, its failure to be fully implemented and enforced.

Regarding Ta'iz, the site of heavy fighting and a siege, the Yemeni Government and the Houthis negotiated the creation of a joint committee to address humanitarian concerns. Despite the creation of such a committee, little seems to have developed from the Stockholm Agreement. The UN itself states that the Stockholm Agreement has provided little benefit and there needs to be much

³⁸ Peter Salisbury, *Five Steps to Save Yemen's Stockholm Agreement*, INTERNATIONAL CRISIS GROUP, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/five-steps-save-yemens-stockholm-agreement>.

³⁹ Peter Salisbury, *Five Steps to Save Yemen's Stockholm Agreement*, INTERNATIONAL CRISIS GROUP, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/five-steps-save-yemens-stockholm-agreement>.

⁴⁰ Peter Salisbury, *Five Steps to Save Yemen's Stockholm Agreement*, INTERNATIONAL CRISIS GROUP, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/five-steps-save-yemens-stockholm-agreement>.

⁴¹ Peter Salisbury, *Five Steps to Save Yemen's Stockholm Agreement*, INTERNATIONAL CRISIS GROUP, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/five-steps-save-yemens-stockholm-agreement>.

more effort in de-escalating hostilities in that region.⁴² In Ta'iz, shelling continues to destroy critical public infrastructure and kill civilians. Key transportation routes are unavailable, and because of this, civilians are required to use dangerous routes to reach life-saving services.⁴³ By any measure, the Stockholm Agreement has been unsuccessful in sufficiently alleviating the situation in Ta'iz.

On a high level, the reality that the combatants were able to negotiate in good faith was a success. Without the multiple confounding and exogenous events that forced the parties to the table, it is unlikely that an agreement would have been made at all. That said, this also seems to be a major reason for the Stockholm Agreement's failures. The attempt to capitalize on the international community's momentum led to a top-down, vague and ultimately unworkable agreement. The gains made by the Stockholm agreement have been generally minimal and seem to be successes on paper only.

The 2022 Ceasefire

In April of 2022, the Houthis and Saudi Arabia agreed to a two-month ceasefire that coincided with Ramadan.⁴⁴ The truce was extended twice and ultimately lasted from April 2 to October 2, 2022.⁴⁵ During that time, the Saudi blockade of Houthi-held territory was lifted, which allowed medicine, food, and assistance to be delivered to the people.⁴⁶ Like the Stockholm Agreement, this truce initially raised hopes that there could be a political solution to the Conflict. However, in October 2022, the parties failed to extend the truce.⁴⁷ Not only was the truce not extended, but the Houthis also explicitly stated that they would resume combat operations upon the truce concluding.⁴⁸ The UN envoy has indicated that

⁴² OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

⁴³ OSESGY, *A year after the Stockholm Agreement: Where are we now?*, (2019), available at <https://osesgy.unmissions.org/year-after-stockholm-agreement-where-are-we-now>.

⁴⁴ Bruce Reidel, *Yemen: Peace at last?*, BROOKINGS, (Nov. 8 2022), available at <https://www.brookings.edu/blog/order-from-chaos/2022/04/06/yemen-peace-at-last/>.

⁴⁵ Bruce Reidel, *Yemen: Peace at last?*, BROOKINGS, (Nov. 8 2022), available at <https://www.brookings.edu/blog/order-from-chaos/2022/04/06/yemen-peace-at-last/>.

⁴⁶ Amjad Tadros, *Yemen's Houthi rebels vow "return to military operations" as U.S. laments failure of ceasefire talks*, CBS NEWS, (Nov. 8, 2022), available at <https://www.cbsnews.com/news/yemen-war-houthi-rebels-return-military-operations-us-laments-ceasefire-collapse/>

⁴⁷ Amjad Tadros, *Yemen's Houthi rebels vow "return to military operations" as U.S. laments failure of ceasefire talks*, CBS NEWS, (Nov. 8, 2022), available at <https://www.cbsnews.com/news/yemen-war-houthi-rebels-return-military-operations-us-laments-ceasefire-collapse/>

⁴⁸ Amjad Tadros, *Yemen's Houthi rebels vow "return to military operations" as U.S. laments failure of ceasefire talks*, CBS NEWS, (Nov. 8, 2022), available at <https://www.cbsnews.com/news/yemen-war-houthi-rebels-return-military-operations-us-laments-ceasefire-collapse/>

the risk of renewed fighting is real and that finding a political solution to the war in Yemen could be lost.⁴⁹

As part of the truce, the parties initially agreed to: (1) halt all offensive military operations, (2) allow fuel ships to enter the Hudaydah region, (3) allow for commercial flights to operate from Sana'a, and (4) meet under UN auspices to open roads in Ta'iz and other areas.⁵⁰ The truce made measurable gains in each of these regards. However, generally speaking, the gains of the truce have been disproportionate. For example, the Houthis have benefited from international pressure on the Yemeni Government to maintain the truce.⁵¹ In some regards, this has led to the Houthis having more power in negotiations than the Yemeni Government. Because both Saudi Arabia and the U.S. would like to end the Conflict, pressure is placed on the Yemeni Government to secure continued peace.⁵² The Houthis have used this pressure to their advantage. It seems that their public rejection of the continuation of the ceasefire in July 2022 was a way of increasing their leverage, and obtaining more concessions from the Yemeni Government through back-channel talks.⁵³ As a result of both negotiation parties seeking to extract more value from the deal, the short-lived peace was unstable.

On the ground, the truce had generally been unstable, with each subsequent extension of the truce determined at the last minute.⁵⁴ In June 2022, the ceasefire was extended on the last day available, with both sides claiming that the other side violated the truce. In August 2022, the ceasefire was barely extended and during that time there were claims that the Houthis were simply using that time to bolster

⁴⁹ Samy Magdy, *UN envoy says risk of war in Yemen is 'real'*, PBS, (Nov. 8, 2022), available at <https://www.pbs.org/newshour/world/un-envoy-says-risk-of-war-in-yemen-is-real>.

⁵⁰ UN News, *UN welcomes announcement of two-month truce in Yemen*, (November 8, 2022), available at <https://news.un.org/en/story/2022/04/1115392>.

⁵¹ Ibrahim Jalal, *One sided and incomplete, Yemen's truce faces implementation hurdles as extension deadline nears*, MEI, (Nov. 8 2022), available at <https://www.mei.edu/publications/one-sided-and-incomplete-yemens-truce-faces-implementation-hurdles-extension-deadline>

⁵² Ibrahim Jalal, *One sided and incomplete, Yemen's truce faces implementation hurdles as extension deadline nears*, MEI, (Nov. 8 2022), available at <https://www.mei.edu/publications/one-sided-and-incomplete-yemens-truce-faces-implementation-hurdles-extension-deadline>

⁵³ Ibrahim Jalal, *One sided and incomplete, Yemen's truce faces implementation hurdles as extension deadline nears*, MEI, (Nov. 8 2022), available at <https://www.mei.edu/publications/one-sided-and-incomplete-yemens-truce-faces-implementation-hurdles-extension-deadline>

⁵⁴ The Guardian, *Yemen's warring parties agree to extend ceasefire by a further two months*, (Nov. 8, 2022), <https://www.theguardian.com/world/2022/aug/04/yemen-warring-parties-agree-to-extend-ceasefire-by-a-further-two-months>.

their armies and increase their recruitment of child soldiers.⁵⁵ In addition, the Houthis continued to maintain control over the area surrounding Ta'iz and maintained a strict security cordon around it. Despite the truce, which stated that roads would be opened to Ta'iz, the Houthis have not allowed for the free movement of people and goods on such roads. In short, notwithstanding what had been included in the 2022 Agreement, each of the Yemeni Government and the Houthis actions remained inconsistent with the letter and spirit of the 2022 Agreement.

As a result of the failure to extend the 2022 Agreement, the UN Special Envoy tried to initiate a six-month truce extension. Their plan included mechanisms to pay civil servants, and increase movement of goods throughout the country.⁵⁶ The Houthis have unilaterally rejected that offer and made statements that they will continue to attack the infrastructure of Saudi Arabia and the UAE.⁵⁷ The Houthis have generally mandated that, as part of the peace process, police, military and other security forces, which, ostensibly includes the Houthis themselves, should receive their back-pay before other civil servants. However, this has been criticized as a ploy to obstruct the peace talks, given a priority of payments that prioritize combatants could be politically challenging to achieve. Generally, the Houthis have remained steadfast in their demands, and have been criticized for playing a zero-sum game throughout these and prior negotiations.⁵⁸

Issues and Successes

The 2022 Ceasefire was successful in many regards, despite its simplicity, ambiguity, and limited length of only about a half a page. For example, during the ceasefire, there was a 90% drop in reported fatalities, a cessation of Saudi air strikes, which had been particularly effective at deteriorating civilian conditions,

⁵⁵ The Guardian, *Yemen's warring parties agree to extend ceasefire by a further two months*, (Nov. 8, 2022), <https://www.theguardian.com/world/2022/aug/04/yemen-warring-parties-agree-to-extend-ceasefire-by-a-further-two-months>.

⁵⁶ Mohammed Alghobari and Reyam Mokhashef, *Yemen truce expires as UN keeps pushing for broader deal*, REUTERS (Nov. 8, 2022), available at <https://www.reuters.com/world/middle-east/yemen-truce-expires-un-keeps-pushing-broader-deal-2022-10-03/>.

⁵⁷ Mohammed Alghobari and Reyam Mokhashef, *Yemen truce expires as UN keeps pushing for broader deal*, REUTERS (Nov. 8, 2022), available at <https://www.reuters.com/world/middle-east/yemen-truce-expires-un-keeps-pushing-broader-deal-2022-10-03/>.

⁵⁸ International Crisis Group, *Saving the Stockholm Agreement and Averting a Regional Conflagration in Yemen*, (Nov. 8, 2022), available at <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/203-saving-stockholm-agreement-and-averting-regional-conflagration-yemen>.

and an establishment of communication channels that had helped with local, discrete de-escalations.⁵⁹

However, the ultimate failure to extend the ceasefire in October 2022 was likely because there was too large a negotiation gap between the parties' relative positions. The Houthi's negotiation delegation claimed that they had reached a dead end, that the coalition had played their cards and that their desire was not peace. Likewise, the Yemeni Government claimed that the Houthis continued to maneuver during the ceasefire and failed to lift siege positions in Ta'iz.⁶⁰ This claim is a particularly egregious violation of the truce, which explicitly states that "[the truce] is not a pause to be used by the parties to regroup and resume military operations." For example, the Yemeni Government's Prime Minister, Maeen Abdulmalek Saeed, publicly stated that the Houthi's actions were inconsistent with a mutual pursuit of the end of the Conflict, noting that, while they had sincerely responded to the world's call for peace, the Houthis had only hampered and refused peace.⁶¹ Shortly after the truce concluded in October 2022, a Houthi military spokesperson issued a warning to both Saudi Arabia, as well as the United Arab Emirates: "the Houthi armed forces give oil companies operating in the UAE and Saudi Arabia an opportunity to organize their situation and leave" – a warning likely to be unheeded, given the stakes.⁶² Statements from the Houthis are indeed inconsistent with the Yemeni Government's position, which makes finding common ground challenging.

Like the Stockholm Agreement, these peace talks which yielded the 2022 Agreement were top-down initiated by international players trying to create some semblance of peace in the region. Saudi Arabia is desperately trying to leave and the United States would like to see peace in the region.⁶³ The Houthis, however, have been able to use this renewed vigor in Yemen to their advantage. The recent abandonment of peace talks have provided the Houthis with significant leverage. If peace is to be established, there needs to be a reason for the Houthis to want peace.

⁵⁹ Sarah Nishioka, *Yemen's Peace Process: Peace at Last or Doomed to Fail?*, AMERICAN SECURITY PROJECT, (Nov. 8, 2022), available at <https://www.americansecurityproject.org/yemens-peace-process-peace-at-last-or-doomed-to-fail/>.

⁶⁰ Jess Diez, *Truce in Yemen Not Extended*, MIDDLE EAST POLICY COUNCIL, (Nov. 8, 2022), available at <https://mepc.org/commentary/truce-yemen-not-extended>.

⁶¹ Jess Diez, *Truce in Yemen Not Extended*, MIDDLE EAST POLICY COUNCIL, (Nov. 8, 2022), available at <https://mepc.org/commentary/truce-yemen-not-extended>.

⁶² Jess Diez, *Truce in Yemen Not Extended*, MIDDLE EAST POLICY COUNCIL, (Nov. 8, 2022), available at <https://mepc.org/commentary/truce-yemen-not-extended>.

⁶³ Bruce Riedel, *Yemen ceasefire expires with country poised for more war, not peace*, RESPONSIBLE STATECRAFT, (Nov. 8, 2022), available at <https://responsiblestatecraft.org/2022/10/04/yemen-ceasefire-expires-with-country-poised-for-more-war-not-peace/>.

As of now, the Houthis biggest supporter, Iran, sees no reason for peace in the region. The Conflict proves to continue to be a quagmire for Saudi Arabia, and a challenge for the United States. Both of these realities further Iran's foreign policy objectives, making their pivotal support for a durable and lasting peace unlikely.⁶⁴

Conclusion

The Conflict has had dire consequences for the civilian population and peace has been fleeting in the region. While the Stockholm Agreement and the 2022 Agreement each provided temporary relief from the fighting, both ceasefires failed to maintain any sort of lasting peace. The major failure of the Stockholm Agreement was that it capitalized on international attention without a plan, and therefore made vague promises that couldn't be actualized. The major failure of the 2022 Ceasefire was that there was no real incentive for the Houthis to stay at the negotiation table, as all the pressure was on the Yemeni government, giving the Houthis a significant amount of leverage. Ultimately, if a preliminary agreement is going to be developed to negotiate a definitive deal, then the term sheet of that agreement should include a wider swath of provisions and appropriate detail as to the undertakings of the parties, breaches, events of default, and remedies.

⁶⁴ Bruce Riedel, *Yemen ceasefire expires with country poised for more war, not peace*, RESPONSIBLE STATECRAFT, (Nov. 8, 2022), available at <https://responsiblestatecraft.org/2022/10/04/yemen-ceasefire-expires-with-country-poised-for-more-war-not-peace/>.

About the Public International Law & Policy Group Policy Planning Initiative

PILPG's Policy Planning Initiative supports the development of long term, strategic policy planning that is crucial to international accountability, global conflict resolution, and the establishment of international peace. The Initiative provides timely and accurate policy planning analysis and work product on pressing and future policy conundrums by leveraging PILPG's deep network of talent within the international legal and policy communities and experience with its *pro bono* clients globally. PILPG Policy Planning focuses on advising policymakers, policy shapers, and engaged stakeholders on pressing issues within the arenas of international law, war crimes prosecution, and conflict resolution efforts. This includes identifying and addressing gaps within existing policies, anticipating key conundrums and questions that will riddle future policy decisions, applying lessons learned from comparative state practice, and proactively producing and sharing work product to inform such policies and avoid crisis decision making.