Working Toward Peace in Yemen

Building on the Security Council Framework

Geneva International Centre *for* Justice

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Geneva International Centre for Justice (GICJ)

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Map of Yemen   **(July 2015)**

INTRODUCTION

This report was developed in an effort to highlight the need for the UN and international community to work toward peace in Yemen and end the ongoing conflict. This report builds on the prior efforts of numerous other individuals and organizations who have documented and attempted to raise awareness of the human rights abuses occurring in Yemen every day.

The current conflict in Yemen started as civil unrest in 2011 resulting from disaffection with the Yemeni government. However, the unrest developed into a protracted armed conflict between the Houthi militia and the government after the Houthis stormed the capital in 2014. Since then, Yemeni citizens have been terrorized by the Houthi militia and have become the victims of a humanitarian crisis in their own country.

The crisis is so severe that, by the end of 2017, more than 60% of Yemenis were food insecure and 16 million lacked safe drinking water.[1] A 2018 report sponsored by UN Development Programme indicates that almost 75% of the population are surviving on the equivalent of less than $100 per month, including 21% who have no income and rely entirely on aid.[2]

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[1] Joint statement by WHO, UNICEF, and WFP, *Yemen's Families Cannot Withstand Another Day of War, Let Alone Another 1000* (29 Dec 2017), http://www.who.int/en/news-room/detail/29-12-2017-who-wfp-and-unicef-yemen-s-families-cannot-withstand-another-day-of-war-let-alone-another-nbsp-1-000.

[2] Tom Lambert & AFAR Consulting, *Yemen Multi-Sector Early Recovery Assessment* (2018), https://www.humanitarianresponse.info/sites/www.

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Recently, Save the Children determined an additional one million children are at risk of famine, bringing the total now at risk to over five million.[3]

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To move forward, the international community needs to follow the clear framework established by the UN Security Council under its Article VII powers for interacting with the various parties involved. This framework has clearly identified the Houthi militia and its allies as the primary aggressors in the conflict. It further requires all members states, and the UN, to isolate the Houthis and assist the legitimate government in pursuing a negotiated, Yemeni-led political solution.

Therefore, the UN needs to work out a plan to end the bloody conflict based on the Security Council framework; a plan that addresses root causes rather than focusing on surface issues and impacts. Without an honest examination of the main causes, whether they be sectarian in nature, economic, or otherwise, there will be no peace and likely no end to the human rights violations resulting from the ongoing conflict.

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humanitarianresponse.info/files/documents/files/yemen-multisector-earlyrecoveryassessment.pdf.

[3] *Yemen Crisis : Five Million Children at Risk of Starvation, Save the Children Warns* (19 Sep. 2018), https://www.independent.co.uk/news/world/yemen-crisis-conflict-children-famine-starvation-death-a8545666.html.

BACKGROUND

Yemen is a country of over 28 million people located at the southern extreme of Arabian Peninsula, at the mouth of the Red Sea, bordered by Oman and Saudi Arabia. The population is very young, with an average age of less than 20 and nearly half of its population under the age of 15. Yemen has an ancient history; it was the cradle of ancient civilizations and home to wealthy trading empires.

Unfortunately, in modern times, Yemen is one of the world's poorest countries and is the poorest among Arab countries. Partly in response to the economic condition of the country, a peaceful uprising against the Yemeni government occurred in early 2011. The uprising, also based on grievances related to corruption in the government of long-serving late President Ali Abdullah Saleh, was contemporaneous with other similar Arab Spring uprisings. The current conflict in Yemen had its beginning in these protests.

As protests escalated, with government resistance and violence marking later protests, Pres. Saleh eventually agreed to participate in Saudi-led talks sponsored by the Gulf Cooperation Council (GCC). The aim of the talks was to resolve the situation through regional efforts to avoid further escalation of violence and the potential for civil war. The GCC initiative was strongly supported by the UN Security Council, which called on all parties to sign and implement a settlement agreement as soon as possible.[4]

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[4] S/RES/2014, §4 (2011).

Peaceful protest in 2011　　　　　　　　　　*Source: Wikimedia/Email4Mobile*

Unfortunately, Pres. Saleh resisted agreeing to a negotiated resolution by backing out of an agreement on several occasions through 2011. As dissatisfaction with Pres. Saleh's refusal to accept an agreement grew, opposition factions, which had joined together into the Joint Meeting Parties (JMP), created their own transition council. Finally, in late 2011, Saleh signed a power-transfer agreement that was also accepted by the JMP. Following a presidential election in February 2012, Saleh officially relinquished his position on 25 February 2012 and former vice-president Abd-Rabbu Mansour Hadi assumed the presidency.

DEVELOPMENT OF THE CONFLICT

Not satisfied with the transfer of power, Houthi militia solidified control of a portion of northern Yemen that they established during the initial uprising. The Houthis are a sectarian group with the diplomatic and military support of Iran.[5] They participated in the National Dialogue Conference, which was part of the transition agreement and took place from 2013-2014. The Dialogue, supported by the UN Security Council, resulted in an agreement to restructure the government by decentralizing power to new provincial governments. However, a few groups, especially from the former South Yemen region, rejected the agreement and announced continued peaceful efforts to advocate their cause. The Houthis also refused to accept the final accord. In addition,

they had continued to expand and strengthen their control of northern Yemen throughout the period of the Dialogue.

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[5] *Iran Arming Yemen's Huthi Rebels Since 2009: UN Report* (30 Apr. 2015), https://www.yahoo.com/news/iran-arming-yemens-huthi-rebels-since-2009-un-202936346.html; *Iranian Support Seen Crucial for Yemen's Houthis* (15 Dec. 2014), https://www.reuters.com/article/us-yemen-houthis-iran-insight/iranian-support-seen-crucial-for-yemens-houthis-idUSKBN0JT17A20141215.

In the midst of protests in 2014 caused by dissatisfaction with the Hadi government, the Houthi militia, supported by former Pres. Saleh and forces loyal to him,[6] launched an attack on the capital Sana'a in September 2014, forcing concessions from Pres. Hadi that included the promise of a greater role for the Houthis in the government. During and after their takeover of Sana'a, the Houthi militia occupied several schools, using them for barracks, and were suspected of targeting hospitals and killing of civilians.[7]

In the face of ever-increasing Houthi demands, the government resigned en masse, and the Houthi militia confined Pres. Hadi to his residence in January 2015. In February 2015, Houthis dissolved parliament and formed its own "Revolutionary Committee" to govern the country, sparking protests in many parts of the country. One protest in Sana'a against the takeover was suppressed by Houthis with arrests of protesters after firing live rounds into the crowd.[8] The Houthi militia also took over control of the television station and newspapers in Sana'a and began using them to disseminate propaganda supporting their cause. In spite of tight control by Houthis, Pres. Hadi

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[6] Although they became allies against the Hadi government, the Houthi militia later killed Saleh when fighting their former allies over Saleh's apparent willingness to consider peace talks. *Ali Abdullah Saleh, Yemen's Former Leader, Killed in Sanaa* (4 Dec. 2017), https://www.bbc.com/news/world-middle-east-42225574.

[7] *Yemen: Civilian toll of Fighting in Capital* (18 Nov. 2014), https://www.hrw.org/news/2014/11/18/yemen-civilian-toll-fighting-capital.

[8] *Thousands Protest Against Houthi Coup in Yemen* (7 Feb. 2015), https://www.aljazeera.com/news/2015/02/thousands-protest-houthi-coup-yemen-150207082035654.html.

managed to escape to Aden to reconstitute the government there and oppose the Houthi take-over of the country.

Pres. Hadi appealed to the Security Council on 21 March 2015 for help by "all available means."[9] In response, an international coalition, led by Saudi Arabia and the UAE, formed to assist the Hadi government in re-establishing control of the country. The coalition has enjoyed the support of the international community, through actions of the UN Security Council, as well as advice and support from the US and UK.[10] Security Council resolutions have repeatedly condemned actions of the Houthi militia against the government and established an embargo against the Houthi-aligned forces (including the pro-Saleh

Aden after clashes between Houthi and opposition forces, 2015   *© EPA*

[9]*Yemen on "the Edge of Civil War," UN Warns as Tensions Escalate* (22 Mar. 2015), https://www.cbc.ca/news/world/yemen-on-the-edge-of-civil-war-un-warns-as-tensions-escalate-1.3005007.
[10] S/RES/2014 (2011); S/RES/2051 (2012); S/RES/2140 (2014).

forces).[11] Since 2015, the Yemeni government-aligned forces (including the Coalition) have fought the Houthi-aligned forces to a relative stalemate. During this time, the UN has sponsored several attempts at peace negotiations between the government and the Houthi militia. Most recently, the first talks in two years were scheduled to take place in early September 2018 in Geneva. The representatives of the Yemeni government arrived in Geneva, but the Houthis never did. Initially, talks were postponed several days as the Houthi representatives demanded different transportation and conditions for their participation. After extensive efforts by UN Special Envoy Martin Griffiths to arrange passage and special transportation for the Houthis, talks were called off because the Houthi representatives refused to leave Yemen.[12]

Start of peace talks in Dec. 2015   *© AFP*

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[11] S/RES/2201 (2015); S/RES/2204 (2015); S/RES/2216 (2015).
[12] *Yemen Peace Talks Collapse in Geneva After Houthi No-Show* (8 Sep. 2018), https://www.reuters.com/article/us-yemen-security-un/yemen-peace-talks-collapse-in-geneva-after-houthi-no-show-idUSKCN1LO08Z.

IMPACTS OF THE CONFLICT

The unfortunate result of this protracted conflict has been a rapid deterioration in the humanitarian situation in a country that was already the poorest in the Arab world. Extensive human rights abuses have been documented by the UN's Independent Experts and various human rights organizations, including violations by all parties to the conflict. While human rights violations should be identified and called out regardless of who is at fault, such documentation needs to be thorough and clearly call out the limitations of the research and weaknesses of the data.

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The fact is that Yemen faces the dire situation it is in today primarily because the Houthi militia refuses to honestly participate in efforts to peacefully resolve political disputes. Although many efforts have been made to avoid civil war, the

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Houthis have taken each effort at peace-making as an opportunity to solidify military power, gain territory, and ultimately push out the government and take over the country by force.

During their drive to control the country, Houthis have repeatedly violated human rights of countless people. According to Human Rights Watch, the Houthi militia makes

extensive use of child soldiers.[13] They have also used land mines resulting in civilian casualties, including at least 18 dead and 39 injured in Taizz governorate between May 2015 and April 2016.[14] During 2017, one group documented 5,023 cases of civilians subjected to human rights abuses by Houthis, including abduction, disappearance, killing, and torture.[15]

The Houthi militia has a history of silencing criticism of its activities. Many people have been subjected to unlawful detention without charges or legal advice, and sometimes with no communication to family members. They have consistently

Source: Times Headline

interfered with attempts by organizations, including the UN High Commissioner for Human Rights' group of Independent Experts, to document the human rights situation in areas under their control.[16]

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[13] *Yemen: Houthis Send Children into Battle* (12 May 2015), https://www.hrw.org/news/2015/05/12/yemen-houthis-send-children-battle.

[14] *Yemen: Houthi Landmines Claim Civilian Victims* (8 Sep. 2016), https://www.hrw.org/news/2016/09/08/yemen-houthi-landmines-claim-civilian-victims.

[15] Yemeni Coalition for Monitoring Human Rights Violations, *Human Rights Situation in Yemen* (2018).

[16] *Yemen: Houthis Ban Rights Advocate's Travel* (12 Mar. 2016), https://www.hrw.org/news/2016/03/12/yemen-houthis-ban-rights-advocates-travel; Group of Independent Eminent International and Regional Experts, U.N. High Commissioner for Human Rights, *Situation of*

The most recent example of Houthi obfuscation was their failure to participate in the Geneva talks. Likely interpreting an advance version of the Independent Experts' report as supporting their cause because it gives little attention to the potential human rights violations of the Houthi militia and its allies, the Houthis were emboldened to place conditions on their participation in the talks.[17] Although the UN Special Envoy organizing the talks attempted to meet their demands, the Houthis kept pushing for more special treatment, a delay tactic allowing them to continue consolidating their military position. Ultimately, the Houthis failed to show up for the talks even as the representatives of the Yemeni government were present and prepared to sit down to discuss an end to the fighting.

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human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43 (advance edited version, 17 Aug. 2018).

[17] *Houthi Last-Minute Demands Delay Yemen Peace Talks in Geneva* (6 Sep. 2018), https://www.thenational.ae/world/mena/houthi-last-minute-demands-delay-yemen-peace-talks-in-geneva-1.767669.

MOVING FORWARD

As indicated in the introduction, the key to moving forward in ending the conflict in Yemen is to understand and address its root causes. This does not mean it is necessary to go back over hundreds of years of history. Rather, looking at developments since the peaceful protests in 2011, it is possible to understand the main sources of discontent, as well as the main perpetrators of the violence and instability in Yemen.

To move forward, the international community needs to follow a clear framework for interacting with the various parties involved. Early on, the UN Security Council established clear positions regarding the most important elements of the conflict that create such a framework, which the UN needs to follow in addressing the Yemeni situation. This framework has taken shape through a series of Security Council Resolutions since 2011. There are several elements of the framework, summarized in the following three points, which are further described below.

- **The ultimate outcome must be decided by Yemenis** – changes should be made by peaceful means.
- **President Hadi heads the legitimate government of Yemen** – the Houthi militia takeover of governmental institutions is illegitimate and internationally condemned.
- **The situation in Yemen constitutes a threat to international peace and security** – the international community must not provide any financial or military support to the Houthi militia, its allies, or any party contributing to violence and political instability.

Yemeni-led Solution

From its very first resolution on the matter, the Security Council has stressed the importance of a "Yemeni-led process of political transition."[18] Such a process must also be peaceful, and the Security Council has specifically supported the negotiation initiatives of the GCC to achieve a peaceful resolution among the parties to the conflict. Following the transition of power from Pres. Saleh to Pres. Hadi in 2012, the Security Council supported the National Dialogue Conference called for in the transition agreement as a means achieve "peaceful change and meaningful political, economic and social reform" that "meets the legitimate demands and aspirations of the Yemeni people."[19] At this early point, the Security Council

Yemen National Dialogue Conference, 2014   © Reuters

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[18] S/RES/2014 (2011), § 4.
[19] S/RES/2051 (2012), pmbl.

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also called upon all the parties in Yemen to "reject the use of violence to achieve political goals."[20]

Government Legitimacy

Since the transition of power in 2012, the Security Council has consistently refused to accept the Houthi militia as a legitimate authority within Yemen. Starting with its support of "the efforts of President . . . Hadi and the Government of National Unity to move the transition process forward," the Security Council has been unwavering in its attitude that the legitimate government is the one selected through the political process. De facto authority established by means of force is not recognized. The Security Council deplored the Houthi militia's unilateral takeover of

Houthi militia outside presidential palace   © AFP/Mohammed Huwais

government institutions and demanded the Houthis release Yemeni government officials, including Pres. Hadi and his ministers. [21] After the Houthis refused to stand down, the Security Council confirmed its characterization of the Houthi takeover as illegitimate when it demanded the Houthi militia withdraw from the capital and "cease all actions that are

[20] S/RES/2051 (2012), § 2.
[21] S/RES/2201 (2015), pmbl., § 7(c).

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exclusively within the authority of the legitimate Government of Yemen."[22] As a result, the government of Pres. Hadi is clearly the only legitimate governmental authority within Yemen.

Threat to International Peace and Security

UN Security Council   *© AFP*

During 2013–2014, ongoing violence marred the National Dialogue process. Although several groups were involved in fighting, the Houthi militia's efforts to expand its control of more territory was a primary driver of the ongoing violence. Based on the escalating armed conflict, the Security Council determined, according to its Article VII powers under the UN Charter, that the situation in Yemen constituted a threat to international peace and security in the region in early 2014.[23]

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[22] S/RES/2216 (2015), § 1(b), (d).
[23] S/RES/2140 (2014), pmbl.

This determination allows the Security Council to make decisions that are binding on all UN members and also opens the door to the legal use of force and other coercive measures by the international community in accordance with the directives of the Security Council. What followed was a gradual identification and isolation of the Houthi militia and its allies as the primary perpetrators of violence and political destabilization. Starting with financial sanctions and travel bans to be determined on an as-needed basis by a Sanctions Committee,[24] the Security Council ultimately named the Houthi leader and former Pres. Saleh as being responsible for perpetuating the violence and political crisis in Yemen and specifically subjected them and their allies to financial sanctions, an arms embargo, and a travel ban.[25]

This series of measures by the Security Council has established a clear framework by which the UN is to approach the Yemen conflict. Unfortunately, recent efforts have strayed from this framework with the result of undermining the Yemeni government's efforts to craft a peaceful political resolution. For example, in 2015 the Yemen government established a National Commission of Inquiry to investigate human rights abuses. Unfortunately, there was no cooperation from the Houthi militia, and a lack of support by the UN gave the wrong signal to the Houthis to continue opposing the government's efforts.[26]

Also, Iran's ongoing support of the Houthi militia with military supplies is a clear contravention of the Security Council-

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[24] S/RES/2140 (2014), § 19.
[25] S/RES/2216 (2015), §§ 3, 14, annex.
[26] *Yemeni Rights Inquiry Not Up To the Job* (28 Sep. 2016), https://www.reuters.com/article/us-yemen-un-idUSKCN11Y2L2.

declared arms embargo, which is mandatory for all UN members. This continuing supply of arms allows the Houthis to continue flouting Security Council directives, resulting in more fighting, leading to more destruction, death, and human rights abuses.

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CONCLUSION

As previously mentioned, the most recent outcome of UN involvement in the human rights situation in Yemen was the Independent Expert report. Because that report failed to thoroughly examine the terrorist acts and human rights record of the Houthi militia, it has emboldened the Houthis to continue refusing to participate in efforts to reach a peaceful political solution. This type of approach by the UN will not achieve a lasting peace.

The UN must return to the framework established by the Security Council resolutions to work toward peace and support the government of Yemen in creating a dialogue that addresses the root causes of this conflict. Without ongoing investigation and recognition of the main cause of the current situation, such as was attempted during the National Dialogue, there will ultimately be no peace and likely no end to the human rights violations resulting from the ongoing conflict.

It is important for the UN to take action against parties who add obstacles to the situation, such as Iran's ongoing diplomatic and military support of the Houthi militia. The international community must abide by the framework established by the Security Council in order to contribute to the peace process. As the Security Council has recognized, ultimately it is up to Yemenis to decide on the best resolution for their country. The UN and international community should put forward their utmost effort to support the Yemeni government and create an environment that is truly productive for working toward peace and ending the humanitarian crisis in Yemen.

Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring that rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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