

Crisis in Yemen: A contradictory UK approach

Submission to the International Development Committee inquiry on the crisis in Yemen, December 2015

Introduction

1. We strongly welcome the International Development Committee's inquiry on the crisis in Yemen, where one of the worst humanitarian crises in the world is currently unfolding. Saferworld, an independent conflict-prevention and peacebuilding organisation working with communities affected by conflict in over 20 countries, has been working with Yemeni communities to promote inclusive, responsive and accountable peacebuilding and governance since 2010. We are continuing to work with communities in Yemen during the current conflict through our committed team and partners on the ground. This submission will focus on the Committee's line of inquiry on the cross-departmental UK response to the conflict in Yemen, particularly focusing on arms export decisions, which we believe require urgent attention by parliamentarians. This submission will also briefly touch upon some of the long-term development issues that Department for International Development (DFID) might support through its response.

Inconsistencies in the UK approach

2. Yemen was already one of the world's most fragile states before the outbreak of armed conflict in March 2015. In addition to fighting on the ground between the Houthis and former President Saleh's forces and local resistance groups, the conflict has featured a Saudi-led coalition aerial bombardment campaign which has received political and materiel support from the UK Government. Since the airstrikes began in March 2015, the humanitarian impacts of the fighting on the ground, the aerial bombardment, and a de-facto blockade have been severe:
 - Over 32,000 casualties, including 5564 deaths and over 26,500 injuries from 19 March to 11 October¹
 - 2.3 million people have been internally displaced²
 - 21.1 million people, over 80 per cent of the population, are in need of humanitarian protection or assistance³
 - 14.1 million people lack access to basic healthcare⁴
 - Endemic diseases, such as malaria and dengue fever, as well as acute diarrhoeal diseases are spreading due to limited access to health care services and a breakdown in safe water supply⁵
3. The UK Government has committed a total of £75 million to date to address the severe humanitarian crisis in Yemen.⁶ While the UK's contribution to the humanitarian effort is desperately needed and should be welcomed, we have serious questions about the consistency of the wider government response to the crisis.⁷ Given its knowledge of the humanitarian situation on the ground, we argue for a greater role for DFID in setting the UK Government's policy towards Yemen. We believe that this is particularly relevant in

¹ UN OCHA, Yemen, <http://www.unocha.org/yemen>

² *Ibid.*

³ UNICEF Yemen Humanitarian Situation Report, 18 November – 1 December 2015, <http://reliefweb.int/report/yemen/unicef-yemen-crisis-humanitarian-situation-report-21-november-3-december-2015>

⁴ [UN OCHA, 2016 Humanitarian Needs Overview \(November 2015\)](http://reliefweb.int/sites/reliefweb.int/files/resources/2016_HNO_English_%20FINAL.pdf)
http://reliefweb.int/sites/reliefweb.int/files/resources/2016_HNO_English_%20FINAL.pdf

⁵ *Ibid.*

⁶ Department for International Development, (27 September 2015), "Urgent action needed to prevent famine in Yemen, warns Justine Greening", <https://www.gov.uk/government/news/urgent-action-needed-to-prevent-famine-in-yemen-warns-justine-greening>

⁷ See Saferworld's submission to the APPG on Yemen's inquiry on the current conflict <http://www.saferworld.org.uk/resources/view-resource/1013-yemen-in-crisis-urgent-action-needed-for-peace>

relation to the approval of arms export licences to parties to the conflict amid reports of violations of International Humanitarian Law (IHL) on all sides, and the devastating impact the Saudi-led operations are having on Yemen's long-term development prospects.⁸

4. The UK Government has openly stated its support for the Saudi-led coalition aerial bombardment campaign in Yemen, undermining humanitarian relief efforts. While we recognise that the Foreign and Commonwealth Office has been engaged behind the scenes to try and facilitate a solution, we must question the effectiveness of a 'quiet diplomacy' approach as the conflict enters its ninth month. Furthermore, we question how these efforts sit alongside ongoing UK arms exports to Saudi Arabia and other coalition partners of equipment known or likely to be used in the Yemen conflict.⁹ While the full picture in terms of what has been exported to Saudi Arabia since the coalition bombardment began is unclear under current UK transparency requirements, parliamentary questions have highlighted that 104 export licences for military goods were issued between 25 March and 19 October 2015.¹⁰ The latest available UK Strategic Export Controls quarterly report revealed that licences were granted during April to June 2015 for the export of approximately £1.7 billion worth of military items, the overwhelming majority of which (by value) appear to be for combat aircraft and air-delivered bombs to the Royal Saudi Air Force (RSAF).¹¹
5. The current situation has demonstrated a fundamental weakness in the role of DFID in the UK arms export licensing system. Despite the impact on development in Yemen of the coalition bombardment campaign, DFID is formally excluded from having any say in whether transfers to Saudi Arabia and some of the other coalition parties engaged in the conflict should go ahead, on two different grounds. First, DFID is not consulted on applications for arms transfers to non-ODA-eligible countries (i.e. effectively those that are not regarded as 'developing countries'). Second, even if DFID were consulted, provisions in UK arms licensing criteria relating to sustainable development apply only to the impact of the arms transfers in the recipient country (i.e. in this case Saudi Arabia), not the country where those items might ultimately be used (i.e. Yemen). We therefore face the situation where sustainable development considerations are completely ignored in the case of those arms transfers that are having an enormous negative impact on sustainable development in Yemen. We believe that this is a fundamental problem with the existing system that should be addressed as a priority.
6. Furthermore, under UK national arms export criteria, as well as the EU Common Position on arms exports (the Common Position) and the international Arms Trade Treaty (ATT), which regulate the UK trade and sale in arms, licences cannot be granted where there is a risk that they will be used in violation of international law. All sides to the conflict are causing devastation and damage across the country, including multiple reports of violations of the laws of war. There is strong and mounting evidence from *inter alia* respected credible NGOs operational in Yemen that the coalition is violating IHL through its airstrikes, including recently hitting a Médecins Sans Frontières (MSF) clinic in Taiz.¹² While the UK Government has been calling for all sides to respect humanitarian law, it is concerning that the UK has not supported an independent international investigation into the alleged violations. As the UK is a major weapons supplier to Saudi Arabia, and notably to the RSAF, there is an obvious risk that UK arms exports to the country will be used in violations of IHL in Yemen, which obliges the UK Government to cease exports.
7. In a legal opinion commissioned by Saferworld and Amnesty International, eminent international law experts Professor Philippe Sands QC and Blinne Ní Ghrálaigh of Matrix Chambers and Professor Andrew Clapham concluded that the UK Government is breaking national, EU, and international law by supplying weapons to Saudi Arabia in the context of its military intervention and bombing campaign in Yemen.¹³

⁸ See reports from Human Rights Watch outlining violations by both coalition and anti-government forces <https://www.hrw.org/middle-east/n-africa/yemen>

⁹ Cusick, J. (28 November 2015), "UK could be prosecuted for war crimes over missiles sold to Saudi Arabia that were used to kill civilians in Yemen", *The Independent*, <http://www.independent.co.uk/news/uk/politics/uk-could-be-prosecuted-for-war-crimes-over-missiles-sold-to-saudi-arabia-that-were-used-to-kill-a6752166.html>

¹⁰ 37 export licences were granted between March and June 2015 and 67 thereafter; see Parliamentary question, HoC written question 3711, 1 July 2015 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-23/3711/> and Parliamentary question, HoC written question 11231, 19 October 2015 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-10-09/11231>

¹¹ Department for Business, Innovation and Skills, Strategic export controls: licensing statistics, 1 April to 30 June 2015 <https://www.gov.uk/government/statistics/strategic-export-controls-licensing-statistics-1-april-to-30-june-2015>

¹² Shaheen, K. (4 December 2015), "MSF accuses Saudi-led coalition of bombing clinic in Yemen", *The Guardian*, <http://www.theguardian.com/world/2015/dec/04/msf-accuses-saudi-led-coalition-of-bombing-clinic-in-yemen>

¹³ Professor Philippe Sands QC, Professor Andrew Clapham, Blinne Ní Ghrálaigh, (December 2015), Matrix Chambers, "The lawfulness of the authorisation by the United Kingdom of weapons and related items for export to Saudi Arabia in the context of Saudi Arabia's military intervention in Yemen" <http://www.saferworld.org.uk/resources/view-resource/1023-the-lawfulness-of-the-authorisation-by-the-united-kingdom-of-weapons-and-related-items-for-export-to-saudi-arabia-in-the-context-of-saudi-arabias-military-intervention-in-yemen>

The legal opinion found that the UK Government is acting in breach of its obligations arising under the UK's Consolidated Criteria on arms exports, the Common Position, and the ATT by continuing to authorise transfers of weapons and related items to Saudi Arabia within the scope of those instruments, capable of being used in Yemen. The opinion also concludes that the UK Government can properly be deemed to have "actual knowledge... of the use by Saudi Arabia of weapons, including UK-supplied weapons, in attacks directed against civilians and civilians objects, in violation of international law", since at least May 2015. Although the focus of their opinion was on the UK Government's legal obligations regarding the authorisation regime for weapons transfers to Saudi Arabia, the lawyers underscored that all sides to the conflict in Yemen are accused of serious breaches of international law.

8. A political solution to this conflict is needed, and the UK Government should be using all the leverage it has over parties to the conflict to agree a ceasefire and come to the negotiating table, instead of continuing to support one side of the military campaign. Saferworld believes the UK Government must withdraw its public and political support for the coalition airstrikes, and cease material support for the coalition by suspending arms transfers to Saudi Arabia and other parties to the conflict for weapons to be used in Yemen.
9. We also note with concern the continued delay in the re-establishment of the joint Committees on Arms Export Controls (CAEC), of which the International Development Committee has always been a member. Effective accountability is a key component of a robust arms transfer control system, and in this regard for almost 20 years the UK Parliament, through the existence of the CAEC, has been a world leader and a significant influence on attitudes to transparency and accountability in other States. The place of the International Development Committee in the CAEC has also functioned as an example to others of the relevance of development issues in arms transfer policies. Effective parliamentary oversight is needed to properly scrutinise the UK's arms export policy and practice; the CAEC should be re-established as soon as possible. The example of Yemen demonstrates the urgent need to hold the Government to account on its adherence to its own arms export control laws and policies.

10. Recommendations:

- 10.1. **DFID should be consulted on any arms transfer licence application where there is likely to be an impact on sustainable development, regardless of the recipient country and including where this impact is outside of the recipient country. DFID should therefore be consulted on arms exports to Saudi Arabia and other parties to the conflict where there is a risk that they will be used in Yemen.**
- 10.2. **The UK Government must withdraw its public and political support for the coalition airstrikes and throw its weight behind efforts to reach a peaceful resolution. It must cease material support for the coalition by suspending arms transfers to Saudi Arabia for weapons being used in the conflict.**
- 10.3. **The International Development Committee should push for the immediate re-establishment of the Committees on Arms Export Controls (CAEC) or formation of a similar body to scrutinise the impact and legality of the UK's arms export practices.**

Addressing long-term development issues

11. The following outlines a few areas where the UK Government might seek to lay the ground-work for addressing longer-term development issues in Yemen, with a focus on the prospects for social reconciliation and healing which will be critical for long-term peace. In this regard, we would encourage the Committee to question the impact on DFID's work in light of the UK's role in supporting parties to the conflict.

12. Supporting local civil society

- 12.1. In the absence of functioning local or national government institutions, and extremely limited access for international organisations, a large proportion of local assistance and relief in Yemen is currently being provided by local civil society groups and businesses. Civil society initiatives are working to support internally displaced persons, distribute food and water, coordinate medical treatment, and try and address gaps in basic services.¹⁴ While at the moment these initiatives are primarily focused on immediate humanitarian needs and mitigating the impact of the violence on Yemeni civilians, over time, these groupings will serve as an important channel for peacebuilding in

¹⁴ For example, see case study from Saferworld's community action group in Taiz: "Humanitarian need fuels community-led activism in Yemen", (13 July 2015),

<http://www.saferworld.org.uk/news-and-views/comment/180-humanitarian-need-fuels-community-led-activism-in-yemen>

Yemen and recovery from the conflict. Local civil society that are supportive of peace can contribute to building bridges between groups, preventing a further slide into sectarianism and helping to rebuild Yemen's social fabric in the future.

- 12.2. These active local organisations are in need of support; they are often unregistered, informal, and not able to directly access international funds. Supporting local organisations like this requires significant time and resources, and can't easily be achieved through large, top-down approaches. While we would encourage DFID to support organisations that are able to do this work, it should be noted that this is compromised by the UK's role as a conflict actor. Anti-UK sentiment is increasing in some areas of Yemen as the population polarises along conflict lines, making it increasingly difficult for organisations that work with local-level organisations and activists to accept support from the UK.

13. Supporting an inclusive peace process that prioritises the needs of Yemeni citizens

- 13.1. Women and youth played key roles in Yemen's 2011 uprising and the subsequent national dialogue. However, the conflict has hit them hard and reduced the space for them to operate.¹⁵ Civil society has been largely excluded from the limited peace talks that have been taking place, and there are no clear indications that any forthcoming talks will be more inclusive, despite urging from Yemenis and international organisations.¹⁶ The lack of inclusion is a serious matter; not being at the table risks undermining the rights of marginalised groups, but also reduces the likelihood of sustainable peace. It is important that upcoming talks and any related consultations or processes related to the peace talks include a meaningful space for youth and women and other marginalised groups.

- 13.2. There is a serious need for a political settlement that prioritises the needs and addresses the underlying grievances of Yemeni citizens. Decades of elite patronage, corruption, and a 'winner-takes-all' attitude to power on the part of Yemen's political leaders has been hugely detrimental to the Yemeni population's access to basic services, including water, healthcare, education, security and justice.¹⁷ Elite-level deals such as the Gulf Cooperation Council agreement have merely recycled Yemen's power structures, and to date talks and agreements continue to be seen by the main actors as methods for consolidating power rather than addressing the needs of the population and the deteriorating political, economic, security and humanitarian environment.¹⁸

- 13.3. Getting to a more inclusive peace process – and one that actually prioritises the needs of the people over those of the armed actors – is more easily said than done; the risk of trade-offs that favour elite actors at the expense of inclusion and responsive, accountable governance is high. DFID should actively consult with civil society as part of a process of trying to identify practical ways forward on this agenda. It should not be forgotten that a national dialogue took place just before the conflict broke out, and its findings could be incorporated into this exercise.

- 13.4. It should also be noted that networks of youth, journalists, women and activists that are instrumental to this process are currently under threat, particularly in Houthi-controlled areas where they are subject to violence, arbitrary detention, and enforced disappearances.¹⁹ Non-governmental organisations are regularly raided and closed down. The UK must call for an end to all human rights abuses and push for conflict actors to allow for space for these activists to push for a better deal for Yemeni citizens.

14. Recommendations:

- 14.1. **Support efforts to build a political settlement that responds to the needs of Yemeni citizens and civil society. DFID should develop and improve their mechanisms for providing support and funding to local-level, small and unregistered initiatives, empower local communities to build tangible and functional local service provision, and support the recovery of the private sector, with a particular focus on small and medium sized businesses.**
- 14.2. **The UK Government, in partnership with civil society, should develop a plan for involving women and civil society representatives in ongoing peace negotiations, and support efforts to build a political settlement that responds to the needs of Yemeni citizens and civil society.**

¹⁵ For some reflections on the role of youth in Yemen, see Saferworld, "Where next for youth in Yemen?" <http://www.saferworld.org.uk/news-and-views/comment/184-youth-in-yemen>

¹⁶ Oxfam, (December 2015), "Our country, our peace: Why women must be included in Yemen's peace process", https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-yemen-our-country-our-peace-111215-en.pdf

¹⁷ See Saferworld, (October 2015), "Federalism, conflict and fragmentation in Yemen", <http://www.saferworld.org.uk/resources/view-resource/1007-federalism-conflict-and-fragmentation-in-yemen>

¹⁸ <http://carnegieendowment.org/syriaincrisis/?fa=57091>

¹⁹ See International Federation of Journalism statement on targeting of journalists by Houthi groups <http://www.ifj.org/nc/news-single-view/backpid/1/article/ifj-warn-houthis-rebels-leader-over-targeting-journalists-in-yemen/> and Human Rights Watch (December 2015) Yemen: Houthis Shut Groups, Detain Activists, <https://www.hrw.org/news/2015/12/13/yemen-houthis-shut-groups-detain-activists>

- 14.3. **The UK Government should strongly call for an end to all human rights abuses and for Houthi and Saleh-aligned groups to allow space for civil society and journalists; the crackdown on activists, journalists, women and youth is directly impacting the prospects of a more inclusive peace process.**

About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

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