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Agenda item 10
Technical assistance and capacity-building

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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* Issued as received, in the language(s) of submission only.

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Situation in Yemen

Yemen is a country in crisis. Most Yemenis – tens of millions of people – face destitution, famine, and cholera because of a civil war that has been precipitated and prolonged by the political ambitions of the Houthi militia. This statement calls on the international community to utilize the power given to it by the Security Council to end the war and become a true partner with the Yemeni government in building a sustainable political resolution to the conflict.

Houthi Militias Caused the Civil War in Yemen

Starting in 2004, the Houthi militia took up arms and engaged in six armed conflicts with the government of Yemen until a ceasefire was announced in 2010. Then, when peaceful protests erupted in 2011, the Houthi militia took advantage of a period of political upheaval to resume its military activities. Even while participating in a National Dialogue Conference, the Houthi militia expanded its military activity and solidified control over several northern governorates. Eventually, the Houthi militia seized control of the capital, Sana'a, and began forcing concessions from the government at gunpoint. After some efforts at negotiation, the government eventually refused to support additional concessions. Finally, the militia staged a full *coup d'état* by disbanding parliament and taking over state institutions. By effectively declaring war on the government of Yemen and subsequently attempting the military conquest of the entire country, the Houthi militia began the civil war in Yemen.

Security Council Framework for International Action

The best way to bring an end to the violence and instability in Yemen and give Yemenis a chance to create a long-term political resolution is to work within the legal framework established by the Security Council. This framework includes three clear positions regarding important elements of the conflict.

First, any solution for Yemen must be decided by Yemenis. From its very first resolution on the matter, the Security Council has stressed the importance of a Yemeni-led political transition process. The Security Council has provided explicit support for regional efforts, undertaken by the Gulf Cooperation Council (GCC), to aid the Yemeni government in developing a lasting political solution to the crisis. The Security Council also supported the National Dialogue Conference proposed in 2012 as a means to peacefully achieve meaningful political, economic and social reform for the Yemeni people.

Second, there is only one legitimate government of Yemen. The Security Council has been unwavering in its attitude that the legitimate government of Yemen can only be one selected through a political process and not one imposed by force of arms. The Houthi militia used its military force to progressively seize power and enforce on the country its own political interests to the exclusion of others. As a result, the Security Council has consistently refused to accept the Houthi militia as a legitimate authority within Yemen. The international community continues to reject the Houthi militia's sham government and not accord it with any of the respect that is normally due to the legitimate government of a state.

Finally, the Houthi militia must be prevented from threatening international peace and security. Early in the Yemeni conflict, the Security Council was cautious about assigning responsibility for the security situation to any particular group. Resolution 2140 established the authority to ban travel and freeze financial assets of designated individuals and entities,[1] but the Council did not make specific designations. This cautious approach continued until the Houthi militia took control of the capital in September 2014. At that point, its Sanctions Committee determined that the acts of two Houthi leaders and the Houthi-allied former

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[1] The resolution created a Sanctions Committee with the authority to designate anyone found to be "engaging in or providing support for acts that threaten the peace, security or stability of Yemen." S.C. Res. 2140, § 17 (26 Feb. 2014).

president Saleh threatened the "peace, security or stability of Yemen" and subjected them to international sanctions on 7 November 2014.[2] Since then, the Security Council and its Sanctions Committee have clearly identified the Houthi militia as the primary actor perpetuating war and instability in Yemen.

It is important to note that the Security Council has acted under its Chapter VII powers in addressing the Yemen conflict. Therefore, the international community is both empowered and obligated to take actions in line with this framework to bring the conflict to an end.

International Actions Must Support the Framework

The international community has a responsibility to do more in Yemen than just document human rights violations and send humanitarian aid. *We need to end the war.* The key to ending the war is to understand and address its primary causes using the framework of the Security Council outlined above.

First, to address the issue of political dissatisfaction, the framework requires that any process is Yemeni-led and supports the efforts of the Yemeni government. Political solutions imposed on a country from outside are almost certainly destined for failure. Fortunately, regional members of the international community played a role early on in helping Yemenis to develop their own solution to the issue of political dissatisfaction. The UN has also assisted in the development of local solutions through its use of "good offices," shuttle diplomacy, and sponsorship of talks in neutral venues. It is critical that the international community continues to follow the lead of the Yemenis as the conflict evolves.

Second, as part of being Yemeni-led, the international community must support the Yemeni government in developing and implementing the political process. Early on, GCC and UN efforts both provided support to the Yemeni government in addressing difficult issues with other parties within Yemen. Unfortunately, we believe more recent international actions have strayed from the framework and undermined the Yemeni government. For example, after initially highlighting the responsibility of the Houthi militia in its resolutions about Yemen, the Human Rights Council (HRC) dropped these references in 2017 and 2018 and no longer refers to the Houthis by name. Also, after the Government of Yemen established a National Commission of Inquiry to investigate human rights abuses, statements from the UN Office of the High Commissioner for Human Rights indicated a lack of confidence in the National Commission. Regardless of any shortcomings of the Commission, this pronouncement gave a boost to the continuing refusal of the Houthis to cooperate with the Commission's work, thus further undermining the government's efforts.

The September 2018 Group of Experts report to the Human Rights Council was similarly counterproductive.[3] That report suffered from several limitations admitted by the Group, including lack of access to key locations and facilities under Houthi control, especially detention facilities, where human rights violations are highly likely to occur. This lack of data from Houthi facilities and the unbalanced way the Experts presented their findings made the report appear biased in favour of the Houthis. Proper reporting of human rights violations is critical, especially in conflict situations. However, when reported violations are admittedly based on skewed data and the reporting brings with it a high risk of emboldening the perpetrator of an armed conflict, then the reporting becomes counter-productive by perpetuating the very situation that caused the violations. Such was the case here because the report likely emboldened the Houthis to refuse to participate in September 2018 peace talks.

Finally, the Security Council framework directs the international community to isolate the Houthi militia by cutting off its access to money and weapons. The Houthi militia cannot maintain its control of territory and government institutions without outside military assistance. Therefore, starving that group of its means to fight will ultimately force it to use

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[2] *2140 Sanctions List*, United Nations Security Council Subsidiary Organs, https://www.un.org/sc/suborg/en/sanctions/2140/materials.

[3] Group of Independent Eminent International and Regional Experts, U.N. High Commissioner for Human Rights, *Situation of human rights in Yemen, including violations and abuses since September 2014*, U.N. Doc. A/HRC/39/43 (17 Aug. 2018).

other – less violent – means of addressing its grievances with the government. Iran's widely-reported support of the Houthi militia with military supplies is, therefore, particularly concerning. Member states, especially those who are members of the HRC, need to engage with Iran to encourage that country to end its support of the Houthis to help bring an end to the war.

Recommendations

Ultimately it is up to Yemenis to decide on the best resolution for their country. However, it is important for the international community to act against parties who add obstacles to the situation and thwart the directives of the Security Council.

We recommend that:

- All states comply with the Security Council's travel, finance and military supply embargo against the Houthi militia and its allies.

- All states support the legitimate government of Yemen in working toward a peaceful political solution to the crisis.

- All states and UN entities avoid actions that may prolong the conflict due to timing or known limitations of data.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Association Maonah for Human Rights and Immigration, Human Rights Defenders (HRD), The Brussells Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), NGO(s) without consultative status, also share the views expressed in this statement.