Introduction

Having killed and injured thousands of people, the Yemeni Armed Conflict continues to intensify; since March 2015, there have been numerous war crimes and human rights abuses. The Civil War has caused a cholera outbreak and wide-spread famine in the region constituting the one of the world's worst humanitarian crises. The conditions in Yemen have deteriorated over the course of the conflict with numerous human rights abuses and war crimes are committed by both the Houthi rebels and the Hadi regime. Although the United Nations (UN) suggested that there are at least 7,025 civilians killed and 11,140 injured since March 2015, the US-based Armed Conflict Location & Event Data Project believes the death toll to be much higher, with more than 67,650 civilians and combatants killed since January 2016. (BBC, 2019)

As the conflict continues to be the world’s worst humanitarian catastrophe, both the coalition and the Houthi forces continue to conduct airstrikes on markets, hospitals, residential areas, funerals, weddings, and schools violating the International Humanitarian Law. Moreover, the United States, United Kingdom, France and other major parties maintain their sale of banned weapons to the Saudi-led coalition and Houthi rebels. While the Saudi-led coalition are known for using cluster munitions, the Houthi forces use antipersonnel landmines, fire artillery indiscriminately, and recruit children as soldiers. These war crimes have exacerbated the situation in Yemen and as Kamel Jendoubi, a human rights activist, pointed out “there is little evidence of any attempt by parties to the conflict to minimize civilian casualties.” Moreover, the coalition has failed to comply with its own “no-strike list” of more than 30,000 sites in Yemen. Overall, many war crimes committed in the Yemenis Civil War should be prohibited and examined. Similarly, many human rights abuses should be abolished right away.

The conflict has its roots in the Arab Spring in 2011, and it has transformed into a full-on armed conflict. During 2015, a Saudi led coalition intervened, launching an airstrike against the Houthi rebels on behalf of the internationally recognized Hadi government. With the influence of other parties supporting the two factions involved, the conflict has developed into a proxy war. While the Saudi Arabian government and its allies side with the internationally recognized Hadi government, Iran backs the Houthis Rebels by providing military aid. Under these influences, the peace process is constantly impeded; thus, multiple parties take advantage of the war in Yemen, manifesting its power in the Middle
East attempting to seek control in the region. The geopolitical factors affect the situation of the war severely; in fact, the location of Yemen accounts for its unique stance in the global economy. Yemen stands on the southern tip of the Arabian peninsula at the entrance of the Bab-el-Mandeb Strait, which connects the Red Sea and the Indian Ocean. Next to some of the world’s most critical shipping lanes, the civil war in Yemen is capable of jeopardizing global trade and increasing the risk of growing terrorism. In addition, the instability in the region creates a safe haven for terrorism. In fact, the United Arab Emirates and Saudi Arabia had been accused of funding terrorism by cutting deals with Al Qaeda.

**Definition of Key Terms**

**International Humanitarian Law**

The International Committee of the Red Cross (ICRC) defines International Humanitarian Law (IHL) as “a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict.” (ICRC, 2004). The IHL amount to a major part of the Four Geneva Convention of 1949; the idea is rooted in ancient civilization where warfare has always been restricted by certain customs. The IHL is made to protect individuals who do not or are no longer engaged in combat, moreover, restricting the means or method of warfare in order to minimize the effects of armed conflicts. The IHL is significant in this case because multiple countries involved including Yemen are parties to numerous human rights conventions and treaties, which entitles civilians and combatants to numerous rights and protections.

**Humanitarian Assistance**

Humanitarian assistance is the material or logistical support organized to alleviate human suffering, protecting human rights in response to man-made crisis or natural disasters. Humanitarian assistance can be provided through various ways ranging from the introduction of military forces to providing basic supplies. While humanitarian assistance can be beneficial during conflict through providing basic humanitarian supplies such as clean water, shelter, or food, when military force is introduced by power seeking nations intending to extend power or insert hegemony, the conflict may turn into a proxy war. Whereas *humanitarian intervention*, a state’s use of military against another state with the purpose of exterminating human rights abuses, is not to be confused with humanitarian assistance, which is merely the supply of material or supplies to end human suffering.

**Proxy War**

A proxy war is an indirect conflict between two states or non-state actors, which is fought on third party soil that is disguised as an internal conflict or civil war. In the Yemeni Civil War, Saudi Arabia is fighting a proxy war with Iran to expand regional dominance in the Middle East. As the governments
participate in the Yemenis civil war, they send supplies, funding, or direct military support to the parties they support.

Internal Armed Conflict

An internal armed conflict is a non-international armed conflict describing a situation where violence involving weaponry occur between either government forces and organized armed groups, or between such groups themselves, on the territory of the state. In contrast to international armed conflict, an internal armed conflict involves at least one non-state armed group. In order for the IHL to be applied, when collective violence erupts in a region, the ICRC assesses the situation using legal criteria characterizing it as an armed conflict. When the internal armed conflict meets the criteria, it triggers the application of the International Humanitarian Law (IHL) which informs both parties of their legal obligations following the IHL. (ICRC, 2012)

Internally Displaced Persons (IDPs)

The Guiding Principles on Internal Displacement refers an IDP as any “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border.” In contrast to a refugee, who crossed borders and gained legal status, an IDP is a descriptive term that does not grant any special status to a person, in fact, they do not have special or any guaranteed rights.

War Crimes

War crimes are serious violations of international laws or customs during international armed conflicts. The concept of war crimes emerges in the late 19th century and around the beginning of the 20th century when the International humanitarian law was codified in the Geneva Conventions and the Hague Conventions. War crimes are also defined in the Rome Statute of the International Criminal Court Article 8, including a list of violations that constitutes as a war crimes. Since war crimes are a violation of the International Humanitarian Law, as a result, in contrast to crimes against humanity, these crimes have to occur in the context of an armed conflict.

Background Information

History

Prior to unification
While Yemen has been a defined territory since before Islam, the country has rarely been ruled under a single government. After the Ottoman Empire collapsed in November 1918, North Yemen was ruled by Shia imam, a muslism leadership position, and established a republic in 1962. The south, on the other hand, became a British colony in 1937 and it was not until 1967 that British colonial rule ended and the People’s Republic of South Yemen was formed. For much of its history, a deep divide exists within Yemen, splitting the country into the north, Yemen Arab Republic (YAR), and the south, the People’s Democratic Republic of Yemen (PDRY).

The YAR established an Islamic republic allied with Egypt and the United Arab Emirates, whereas, the PDRY constituted a socialist state allied with the Soviet Union. While the political divide in Yemen had fueled the conflict, the religious difference sparked the conflict; with the YAR consisting of a majority of Zaidi Shia and the PDRY consisting a majority of Sunni Muslims. (European Council on Foreign Relations, 2015)

As a member of the Zaidi, a Shia minority in Yemen, Hussein Badreddin al-Houthi founded the Houthi movement in the 1990s. The Zaidis were once a powerful group in north Yemen; however, during the 1962-70 civil war, they were sidelined then further estranged in the 1980s due to the Salafist Sunni ideals that influenced and became dominant across the border in Saudi Arabia, which then spread to Yemen. As a result, the Zaidi clerics initiated militarising of followers to defend their power in the north. Moreover, the intermittent insurgency is supported from the Shia population who were dissatisfied with the corrupt and cruel authoritarian Saudi allied president, Ali Abdullah Saleh, especially during the aftermath of 9/11 and the US invasion in Iraq. (Mckernan, 2018)

**Unification**

During the unification process, there were two factors that led it to be unsuccessful: natural resources and the democratization of the Soviet Union. As the discovery of oil and natural gas was located roughly in the same geographic regions, both parties decided that it is inappropriate to fight for such crucial resources; therefore, by taking a step back, both parties compromised and negotiated the unification deal. The second factor was due to the democratization of the Soviet Union which caused Gorbachev, the President of the Soviet Union, to abandon the Democratic People's Republic of Yemen (DPRY). As the south had been depending on the Soviets for financial resources and personnel aid, unification became their best option. As Saleh became the first president of Yemen after the unification, he held power for more than three decades in spite of the underdeveloped economy. The Houthis initiated rebellions in 2004 against the Saleh regime condemning it as pro-American and pro-Israeli. The
entrenched systematic discrimination against the South caused an outbreak of protests within the country.

The Civil War

The war in Yemen, started by uprisings and demonstrations against the government, had evolved into a proxy war that has major parties backing different sides. Having the Saudi back the Hadi government, Iran counters by backing the Houthi rebels. The Saudi and Iran have been rivals fighting over power and hegemony within the middle east. The US and Russia both have interests in the war as well since both countries are rivals. They wish to gain influence and dominance within the middle east for the natural resources and to counter extremism. With that being said, as the US is an ally of Saudi Arabia, they back the Saudis by selling weapons and refueling their aircraft which allows them to attack the Houthis. On the other hand, Russia backs Iran by supporting the Houthi Rebels. Parties are opposing each other by supporting different sides, fueling the war and preventing the facilitation of the peace process.

Humanitarian crisis

The three years of fighting and conflict in Yemen has created the world’s worst humanitarian crisis. As the poorest nation in the world since even before the war, Yemen currently faces an epidemic outbreak and famine, with half of its population relying on humanitarian aid to survive. There are more than 11.3 million people that need assistance to secure their dignity, safety, and rights. in fact, more than 5000 people is infected with Cholera every day (according to an OCHA report). The Houthis have confiscated medical and food supplies from citizens preventing any from entering Taizz, (Yemen’s third largest city), as well as blocking humanitarian assistance to the city. In the region, the Houthis attempted to confiscate supplies and humanitarian aid from civilians and the Coalition imposed both naval and aerial blockade. The health system is collapsing due to the cholera outbreak and the lack of supplies. Aid workers and volunteers are kidnapped, killed, and unlawfully detained when they attempted to perform humanitarian operations and provide humanitarian assistance. Human rights violations and war crimes have caused living conditions to deteriorate, and civilians face severely entrenched discriminatory systems; attacks on health institutions restrict civilians from accessing humanitarian aid. “On August 15, 2016, a Saudi-led coalition airstrike hit a Medecins Sans Frontiers (MSF)-supported hospital in Hajja, killing 19 people, and the fourth on an MSF facility. Following the strike, the organization pulled its staff out of six hospitals in northern Yemen.” (Human Rights Watch, 2016). These events show that severe violations of human rights are being committed in Yemen by both parties.

The Yemeni government had signed an UN Action Plan to abolish the use of child soldiers, however, the action plan has not been implemented. In Yemeni law, 18 is the legal age for a person to legally for military service, yet many children are recruited by the Houthis to serve in the military. The use
of child soldiers violates child rights as listed in the Convention on the Rights of the Child (CRC), which provides a comprehensive framework identifying the rights of a child inspiring domestic and international efforts to effectively implement measures ensuring children’s rights. Domestic and sexual violence is directed towards women, making them one of the most vulnerable populations in the region. There are no passed provisions or laws prohibiting discrimination based on gender or ensuring equality; neither is there a draft of child’s rights law ensuring the rights of the child. Moreover, forced marriage rates have increased as the Yemen conflict continues.

**International Law**

The Yemen conflict is classified as a non-international armed conflict according to Common Article 3 to the Geneva Convention of 1949. Parties, even non-state militant groups, are bound to the legal obligations and are responsible to comply with the minimum standards of the IHL. Those requirements are not reciprocal, meaning that parties must abide by the requirements regardless of whether the opposing side respects it. The IHL protects civilians and those who do not take part in the fighting are immune and distinguished, in other words, parties are required to take all feasible precautions to avoid or minimize harm to civilians. Moreover, there are restrictions on the weapons and tactics prohibiting all means that fails to discriminate between civilians and those fighting, causes unnecessary suffering, and generates severe environmental damage. Therefore, the IHL had banned the use of numerous weapons such as chemical weapons, biological weapons, or exploding bullets.

Numerous war crimes and violations of the IHL have been identified in the conflict committed by both parties. Although both parties are legally obligated to protect its civilians and abide by the IHL provisions, they have been using imprecise weaponry targeted at heavily populated civilian areas such as schools, neighborhoods, and hospitals. Amnesty International has documented 36 airstrikes led by the Saudi led coalition against 6 different governments violating the IHL, and seemingly killing more than 513 civilians and injuring more than 379 civilians. Moreover, cluster munitions that are being banned internationally have been used in the war, the Human Rights Watch (HRW) have documented and identified six types of air-dropped and ground-launched cluster munitions in multiple locations in Yemen, including those produced in the US and Brazil (HRW, 2016). UN Human Rights experts have been releasing reports claiming that war crimes have been committed by all parties involved in the conflict. The experts revealed that they have found evidence indicating arbitrary detention adopting punitive measures that cause unnecessary suffering and ill-treatment to its prisoners. All of those attacks severely violates the core principles of the IHL, which is to protect those who do not take part in the fighting. There is little to no evidence of any attempt to minimize harm to civilians or of taking any feasible precautions to reduce casualty.
Major Countries and Organizations Involved

**United States**

The US holds a unique stance in the conflict, as they are backing their ally, Saudi Arabia, by preventing decisive actions to be executed by the United Nations Security Council (UNSC) that would threaten Saudi Arabia’s stance in the situation. They are accused of funding terrorism in Yemen and committing numerous war crimes. Saudi Arabia has been continuously using US-made cluster munitions that are banned by the IHL in Yemeni cities and civilian populated areas. However, the Pentagon has been denying that Washington seeks a role in the conflict. According to The Atlantic, the Trump administration attempts to intensify efforts aimed to counter Al-Qaeda, a terrorist organization active in the Arabian Peninsula, and the Houthi maritime threats. President Obama justifies US involvement in the war by citing the Authorisation for Use of Military Force (AUMF), which is an act passed by congress that authorizes the use of force against any associates of the September 11 attack. This gave the president the power to use force against Al-Qaeda and other militant groups. However, the US has not enacted any specific legislation authorizing the use of force in Yemen as according to the Politico. The US passed measures to end military involvement in Yemen according to the Washington Post in February.

**Saudi Arabia**

Saudi Arabia has been continuously supporting the Hadi government over the course of the conflict; launching international coalitions and airstrikes against the Houthis. They have bombed civilians and been allegedly accused of committing war crimes in the region; using its power in the UNHRC to keep it from committing investigations. According to the Huffington Post, the coalition led by Saudi Arabia had caused the devastating political and humanitarian crisis in Yemen. A report released by the OHCHR accused the Saudi led coalition of causing the most direct civilian deaths and casualties, and they have committed an act that is determined by courts of law to have violated international law amounting to war crimes. The coalition has imposed severe naval and aerial restrictions constituting a violation of the proportionality rule of the IHL; they have been disregarding international human rights laws. However, Saudi Arabia responds to the report by saying: "We genuinely want to improve the situation in Yemen: We are spending money there, our people are getting killed there. And Yemen is not a wealthy state, it's just our neighbor. And we think it is our responsibility to make sure that this country is not used to attack the neighboring countries."

**Iran**
Iran has been supporting the Houthis since the beginning of the conflict. According to the Heritage Foundation, Iran seeks to undermine Saudi influence in the Middle East through the supporting of Houthis, symbolizing a much larger conflict between Saudi Arabia and Iran struggling to obtain hegemony and dominance within the region. However, a panel of UN experts affirms that there is no definite evidence of Iran providing material support to the Houthis (in a report released by the London School of Economics). Iran plays a significant role in the conflict, however there is no proof that they are involved in a proxy war against the Saudis or seeking to undermine Saudi influence in the region. It will be impossible to end the war if Iran maintains its position to support the Houthis.

**Houthi**

Founded in the 1990s by Hussein Badreddin al-Houthi, the Houthi movement after Saleh resigned attempted to establish a new and stable government in Yemen. Nonetheless, in 2015, they allied with the former President Saleh, to overthrow the new president, Abd Rabbu Mansour Hadi. With the sogan “God is great, death to America, death to Israel, curse on the Jews, victory to Islam,” the Houthis stated no governance goals for Yemen. After Saleh’s assasination, the structure of the leadership collapse causing infighting among Houthi leaders. The Houthis are backed by Iran and Hezbollah, which they have increased their provision of military training, supplies, and funds to the Houthis.

**Timeline of Events**

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<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tbody>
<tr>
<td>1990</td>
<td>Saleh elected as president</td>
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<tr>
<td>April 2004</td>
<td>hundreds of people died battling the Shia insurgency group led by Houthi</td>
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<tr>
<td>September 2008</td>
<td>Al Qaeda’s attack on the US embassy killed many people</td>
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<td>September 2011</td>
<td>Anwar al-Awlaki, a US-born Al Qaeda leader was executed by US forces</td>
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<tr>
<td>November 2011</td>
<td>A unity government formed as Saleh stepped down and agree to entrust his powers to Abdrabbuh Mansour Hadi.</td>
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<tr>
<td>March 2015</td>
<td>The Islamic State launches its major terror attacks in Yemen of two suicide bombings.</td>
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<tr>
<td>June 2017</td>
<td>Medical agencies announced the outbreak of cholera killing 2,100 and affecting almost 900,000 others</td>
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<tr>
<td>December 2017</td>
<td>The fighting in Sanaa, the capital, had killed Saleh, the former president during a grenade and gun attack.</td>
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<tr>
<td>November 2018</td>
<td>The US calls for a cease-fire, after months of fighting around the key Houthi-held port of Hudaydah and a mounting humanitarian crisis. (BBC, 2018)</td>
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Relevant UN Treaties and Events

- **Resolution 2402**, The situation in the Middle East, 26 February 2018, S/RES/2402

  This resolution renewed sanctions and the travel ban, as well as, reaffirmed the arms embargo, calling upon Yemen to comply with international laws and human rights laws.


  This resolution is passed to establish a UN mission to support the Hodeidah Agreement (UNMHA).

- **Resolution 2481**, 15 July 2019, S/RES/2481

  This resolution is passed in order to renew the mandate for the mission supporting the Hodeidah Agreement passed in January 2019.

- **Resolution 2481**, 26 February 2019, S/RES/2456

  This is the latest resolution passed to renewed the travel bans, arms embargo, and frozen assets calling for Yemen to comply with international standards of human rights and international laws.

Previous Attempts to Solve the Issue

Although there were a number of attempts to settle peace talks, negotiations, treaties, and several resolutions created, many of them were unsuccessful, particularly the UN sponsored talks. The Atlantic Council states that the two previous draft resolutions established as UN independent international investigation commissions into the possible Yemen war crimes are unsuccessful. These talks are failing since both Saudi Arabia and Iran refuse to withdraw from the region. As mentioned, they are fighting a proxy war in the region, so neither Saudi Arabia nor Iran want to give up their power in the region. Saudi Arabia had been preventing the UN taking decisive actions to resolve the issue. Even though Saudi Arabia is not a member of the UNSC, they are able to use their allies, UK and US to prevent decisive actions from being taken as to threatening to pull out hundreds of millions of dollars in assistance to the UN. Moreover, Saudi Arabia holds a position in the UNHRC, which is supposed to provide them with an opportunity to promote and protect human rights. However, the country has
repeatedly used its position in the UNHRC to prevent UNHRC special procedures and arrest citizens who have spoken in the committee. The US and UK have strong ties with Saudi Arabia. They view the Saudis as a partner in the Middle East to counter extremism and terrorism, and are dependent on the oil Saudi Arabia produces. Therefore, much of the previous attempts and solutions have not been successful.

### Possible Solutions

There are several approaches to the situation of Yemen with the ultimate goal of ending the violent armed conflict and abolishing both human rights abuses and war crimes within the region. One way to approach this issue is to settle for a peace negotiation treaty involving all parties with a neutral third-party mediators to prevent the conflict from escalating. Peace negotiations could be beneficial if they include an agenda addressing topics such as the sale of arms to Yemen, ending blockades, preventing war crimes, and human rights abuses. Another approach would be to call for a humanitarian intervention against the civil war to rescue those citizens who are stuck within the country and to solve the humanitarian crisis. As the conditions within Yemen worsens, it would be reasonable to call for the intervention under the Responsible to Protect (R2P) protocol to ease the situation. Also, humanitarian assistance can also further alleviate the situation for the citizen, allowing them to access the resources they need and medical supplies needed to solve the cholera crisis within the country.

Another aspect delegates can consider is to come up with incentives to drive the coalition and Saudi Arabia out of the issue, effectively ending the blockade. Ending the blockade in Yemen would mean that civilians would be able to receive humanitarian aid, and this would alleviate much of the human suffering in the region. Preventing nations selling weapons to Yemen can work, however, it should be noted that the parties could just buy weapons from other sources.
Bibliography


Hellman, Gregory, and Darren Samuelsohn. “House Declares U.S. Military Role in Yemen's Civil War...


“Questions and Answers about IDPs.” *OHCHR | Freedom of Religion: UN Expert Hails Albania, but*
Notes New Challenges and Unresolved Issues from the Past,

“Unanimously Adopting Resolution 2402 (2018), Security Council Renews Sanctions against Yemen,


“Yemen Profile - Timeline.” BBC News, BBC, 5 Nov. 2018

“Yemen Crisis: Why Is There a War?” BBC News, BBC, 18 Dec. 2018,