

House of Lords Select Committee on International Relations
Yemen: giving peace a chance
Government Response

This Government takes note of the Select Committee of International Relations report on 'Yemen: Giving Peace a Chance', published on 16 February 2019.

This note has been produced in response to a request by the Committee following the debate on April 1. It sets out the Government's initial response to the Committee's conclusions and recommendations. The Committee's text is in bold and the Government's response is in plain text. Paragraph numbers refer to the 'conclusions and recommendations' of the Committee's report.

66. The UK's role in Yemen has three interrelated aspects: diplomacy, humanitarian assistance, and military support for the Saudi-led coalition.

The UK is at the forefront of the international community's response to the conflict in Yemen. We have consistently been one of the largest humanitarian donors to the crisis and are providing £200 million of funding for the 2019/20 financial year. We have used our diplomatic network to help secure vital access for food, fuel and medicine to enter the country throughout the conflict, and we have used our diplomatic leverage – in the region, the European Union and the UN Security Council – to put the Government's full weight behind UN efforts to end this brutal war.

We also have a longstanding diplomatic and defence relationship with Saudi Arabia, which pre-dates the Saudi-led coalition's military intervention to restore the legitimate Government of Yemen to power. This relationship includes the provision of training courses, advice and guidance to Saudi officials in the UK and Saudi Arabia, all of which helps us support the Saudi military's compliance with International Humanitarian Law. The British military has some of the highest standards in the world in how they conduct themselves in armed conflicts and seek to avoid civilian casualties. We have drawn from our own experiences in Afghanistan, Iraq and elsewhere to learn lessons and to improve our processes even further. It is entirely right that we should share techniques for minimising civilian casualties with other countries to support their military campaigns being conducted in the most humane manner possible and in accordance with the Law of Armed Conflict and International Humanitarian Law.

67. The humanitarian situation in Yemen is unconscionable. The Government should give much higher priority to resolving - not just mitigating - this situation, particularly in light of the tension between its support for the Saudi-led coalition and its role as a major donor of humanitarian relief to those affected by the conflict.

68. We commend the Government for its ongoing humanitarian contribution, and the work of the Department for International Development and those British volunteers who are risking their lives to deliver assistance to those in

need. But a solution to the humanitarian situation cannot be achieved through aid alone. The Government must address the root causes of this suffering: the hostilities themselves.

The UK has made Yemen a foreign policy priority. We agree that the gravity of the humanitarian situation in Yemen must be acknowledged. It is the world's largest humanitarian crisis. In Yemen 24 million people require some form of humanitarian assistance and 10 million people are at risk of starvation.

The UK is one of the largest humanitarian donors to Yemen and the UK's support is a critical part of the international response. On 24 February, the Prime Minister announced £200 million of additional support for the Yemen response for the coming financial year (2019/2020). This represents an uplift of £30 million from the year previous and brings the total UK bilateral support to Yemen to over £770 million since the conflict began in 2015. This support will provide vital food assistance across the country to those most at risk of dying from starvation and disease, meeting the immediate food needs of over 1 million Yemenis each month over the year, treating 30,000 children for malnutrition and providing 1 million people with improved water supply and basic sanitation. We have urged other pledging countries to remit funds without delay, as we have.

We agree that this horrific situation results from the hostilities, which began in September 2014 when the Houthi rebels took control of Yemen's capital by force and subsequently deposed the legitimate Yemeni Government. The Saudi-led Coalition intervened militarily in March 2015 at the request of the President of Yemen, with the aim of restoring the legitimate government to power, and this intervention was accepted by the UN Security Council in resolution 2216. We must not forget that the Houthis have consistently failed to adhere to UN Security Council Resolutions and routinely obstruct humanitarian access, including the UK's own programmes, and divert aid for their own uses.

This crisis must be resolved and not simply mitigated, which is why the UK is pushing for a political settlement to end the conflict and bring long term stability to Yemen. Achieving a settlement which ends the suffering of the Yemen people is a key priority for the UK government and we will continue to lead diplomatic efforts to end this brutal war.

69. The efforts to resolve the crisis, led by Martin Griffiths, Special Envoy of the UN Secretary-General for Yemen, are worthy of praise. While the UK has no 'magic wand', it must do more to support this work. It should put its weight behind the UN peace process in new and imaginative ways. It should consider appointing a Special Representative, based in London, to speak to all the parties concerned.

The UK has led support for Martin Griffiths' efforts and the UN-led peace process.

The UK has used its role as penholder at the UN Security Council to secure statements and Resolutions to bolster the UN peace process. In December 2018, UK officials drafted and secured adoption of UN Security Council Resolution 2451

which endorsed the agreements reached in Stockholm and urged all parties to take urgent steps to address the dire humanitarian situation. In January 2019, UK officials drafted and secured adoption of UN Security Council Resolution 2452, which authorised the deployment of a UN mission to support and monitor implementation of the agreements reached in Stockholm.

The Foreign Secretary has also played a pivotal leadership role in support of peace efforts. Following the Foreign Secretary's visit to the Gulf region in November 2018, the Saudi-led Coalition agreed to the evacuation of wounded Houthis from Yemen, one of the key stumbling blocks to the UN Geneva talks in September. In December 2018, the Foreign Secretary attended the peace talks in Stockholm to support the UN Special Envoy and UN Secretary General to encourage the parties to reach confidence-building agreements. Her Majesty's Ambassador to Yemen and a small team of UK technical experts were also in Stockholm throughout the talks to support the UN. In March 2019, the Foreign Secretary visited the region again to support UN efforts to implement the Stockholm Agreements and, on 3 March, he was the first Western Foreign Minister to visit Aden since the conflict began. Finally, the Foreign Secretary has chaired meetings of the Yemen Quad on 13 February in Warsaw and on 26 April in London to further bolster the UN-led peace process and find ways to encourage the Houthis to implement the commitments they made in Stockholm.

In addition to our political support for Martin Griffiths, we have supported the UN-led peace process programmatically too. By the end of the financial year 2017/18 the UK's Conflict, Security and Stability Fund (CSSF) has provided £1.68 million to the UN Special Envoy's office to bolster the UN's capacity to facilitate the peace process - including providing secure office space in Aden which was completed in December 2018, helping to facilitate further access to Yemeni stakeholders. We have also seconded UK experts to The Special Envoy's office to support his efforts – including funding the new Senior Inclusion Advisor and in 2019 the Gender Advisor. On 22 January, the UK Government announced £2.5m of additional funding to support the peace process and have already committed £1.6m of that to the newly established Peace Support Facility. This funding directly supports the Special Envoy fund activities that will support both the implementation of the Hodeidah agreement as well as supporting his efforts to maintain the peace process. The exact activities are determined in close consultation with the Special Envoy and the UN Resident Co-ordinator's office. The UK continues to take an active role in supporting the Peace Support Facility.

70. The Government should be more willing to use its role as penholder at the UN Security Council to intervene if peace talks are not progressing and if blockages arise.

The UK has played an active role as penholder in the UN Security Council in support of the UN-led peace process and will continue to do so. If peace talks are not progressing and blockages arise, we will consider what more the Council can do to support these problems in consultation with other Council members. However, it is important to remember that the pen is not a 'magic wand'. A nationwide ceasefire will only have an effect on the ground if it is underpinned by a political deal between the conflict parties. For the first time there appears to be a window in which both sides

can be encouraged to find a sustainable political solution and we will continue to support UN efforts to achieve this.

71. The UK should redouble its diplomatic efforts with all external Actors - particularly the US, Saudi Arabia, the United Arab Emirates and Iran - to keep them committed to the Hodeidah ceasefire, and its extension to Sana'a and elsewhere in Yemen.

We have been clear that all parties must act in good faith to uphold the agreements reached in Stockholm, including the ceasefire in Hodeidah, and we discuss with the UN how best to support this implementation.

Implementation of the Hodeidah Agreement will be a crucial first step towards the larger goal of an enduring comprehensive political settlement in the country, which was reaffirmed by the Yemen Quad in its meeting of 26 April in London.

The UK has longstanding concerns about Iranian involvement in Yemen, which we have raised with the Iranian government. The provision of weapons to the Houthis is contrary to UN Security Council Resolution 2216 (2015). We are deeply concerned by reports that Iran has provided the Houthis with ballistic missiles and Unmanned Aerial Vehicles which threaten regional security and prolong the conflict. The report of the UN Panel of Experts on Yemen reaffirms our concerns, finding that Iran is in non-compliance with Security Council Resolution 2216 (2015). We call on Iran to cease activity which risks escalating the conflict and to support a political solution to the conflict in Yemen.

72. We reiterate the conclusion of our report, *The Middle East: Time for new realism*, that the UK's sales of arms to Saudi Arabia, which are used against Yemeni civilians, are the source of considerable public disquiet. We are deeply concerned that the Saudi-led coalition's misuse of their weaponry is causing—whether deliberately or accidentally—loss of civilian life. Relying on assurances by Saudi Arabia and Saudi-led review processes is not an adequate way of implementing the obligations for a risk-based assessment set out in the Arms Trade Treaty.

73. We recognise that there are legitimate reasons for UK arms exports overseas. Export licensing decisions for the sale of arms always require fine judgements, balancing legitimate security concerns against human rights implications, and each situation must be assessed individually. The Government asserts that, in its licensing of arms sales to Saudi Arabia, it is narrowly on the right side of international humanitarian law. Although conclusive evidence is not yet available, we assess that it is that it is narrowly on the wrong side: given the volume and type of arms being exported to the Saudi-led coalition, we believe they are highly likely to be the cause of significant civilian casualties in Yemen, risking the contravention of international humanitarian law.

74. The UK should immediately condemn any further violations of international humanitarian law by the Saudi-led coalition, including the blocking of food and medical supplies, and be prepared to suspend some key export licences to members of the coalition.

75. The Government should also signal that failure by Saudi Arabia, the United Arab Emirates or Iran to back the Stockholm Agreement in deeds as well as words would have negative consequences for our relations with these countries.

76. The Government should state clearly that it is ready to strengthen its contribution to the UN's work in Yemen, in particular to the UN Verification and Inspection Mechanism for Yemen through the provision of specialist personnel and equipment, if required by the UN.

We do not accept that we are “narrowly on the wrong side of the law” regarding our arms exports to the coalition, including Saudi Arabia. The Government takes its export responsibilities very seriously, operating one of the most robust export control regimes in the world. Risks around violations of international humanitarian law are key parts of our assessment against the EU Consolidated Criteria.

We do not export equipment in circumstances where we assess that there is a clear risk that it might be used: in the commission of a serious violation of international humanitarian law; for internal repression; where the equipment would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination; or where we assess there is a clear risk that the intended recipient would use the items aggressively against another country, or assert by force a territorial claim. Export licensing requires us to consider how the equipment will be used by the end-user and this is done by reference to all currently available and relevant information at the time of application.

Our export licensing system allows us to respond quickly to changed circumstances or fluid international situations, with options to suspend or revoke licences if necessary. Wherever possible, we try to achieve this by acting together with our European partners and other international allies but we take unilateral national action when this combined approach cannot be achieved. In the last few years we have suspended or revoked licences for Russia, Ukraine, Egypt, Libya and Venezuela. This shows how seriously we take the guiding principle of responsible export controls.

Regarding Saudi-led review processes, we want to see the Coalition investigate allegations of breaches of international humanitarian law (IHL) which are attributed to them. It is important that the Coalition, in the first instance, conducts investigations into incidents where it is alleged that IHL has been breached, as the Coalition has the best insight into its own military procedures. It will also allow the Coalition to really understand what may have gone wrong and apply any lessons learnt in the best possible way.

Saudi Arabia has publicly stated that it investigates reports of alleged violations of IHL, through the Joint Incidents Assessment Team (JIAT) and has stated that it acts on lessons learned, and we welcome this. To date, the Saudi-led Coalition Joint Incidents Assessment Team (JIAT) has made over 100 statements from its investigations. We continue to monitor the situation closely, seeking further information where appropriate, and will continue to raise any concerns we have with the Saudi authorities.

We also continue to emphasise to all members of the Coalition the vital importance of compliance with international humanitarian law when it comes to permitting access for food and medical supplies. In fact the UK has taken the lead in lobbying across the international community, urging all parties to the conflict to take action to ensure rapid, safe and unhindered humanitarian access. In January 2018, Saudi Arabia launched a Yemen Comprehensive Humanitarian Operations Plan (YCHOP), with a commitment to expand the capacities of Hodeidah and Saleef ports, as well as keep them open. It is important that all parties, including the Houthis, take steps to ensure unhindered access for supplies and personnel. Continued access for commercial supplies including food and fuel through the ports of Hodeidah and Saleef is critical to ensuring that the Yemeni people get the supplies they so desperately need.

The UK continues to be a key contributor to the work of UN Verification and Inspection Mechanism (UNVIM), providing £1.3 million to UNVIM this year to facilitate commercial imports of food and fuel into Hodeidah and Saleef ports. UK support has increased the proportion of physical inspections of commercial ships in Djibouti by more than ten-fold, providing assurance to the Coalition that weapons are not coming in on these ships and sustaining the flow of vital supplies. We will continue to work with UNVIM to respond to needs as the peace process progresses.