



# International Development Committee

House of Commons, London, SW1A 0AA

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From Stephen Twigg MP, Chair

Rt Hon Justine Greening MP  
Secretary of State  
Department for International Development

02 February 2016

## Crisis in Yemen

Dear Justine,

I am writing following the Committee's evidence session on Wednesday 27 January to set out the Committee's serious concerns about the UK Government's approach to the current crisis in Yemen and the need for urgent action. We will produce a formal report on the inquiry in due course.

The Committee recognises the important leadership role DFID has played in the humanitarian response to the crisis in Yemen. The evidence we have received for this inquiry overwhelmingly commends DFID's timely and flexible response, supporting agencies on the ground and allowing for urgent reprogramming to those most in need. We welcome the additional £10 million in assistance which the Department pledged last week.

However, we are concerned that this work is being severely undermined by the wider UK Government approach to Yemen. The UK's support for the Saudi-led coalition, including nearly £3 billion<sup>1</sup> in arms sales to Saudi Arabia since the start of the crisis, undermines the protection of civilians and is inconsistent with DFID's support for the humanitarian response.

**The ability to verify reports of violations of international humanitarian law and to hold those responsible to account is severely hampered by the lack of any independent investigation into these allegations.** Proposals for an international fact-finding mission to Yemen to investigate the conduct of the war were tabled by the Government of the Netherlands at the Human Rights Council in September last year. It is a great disappointment that the UK chose not to support the proposed resolution. It is clear to the Committee that the text that was adopted was watered down to remove the requirement for an independent, international fact-finding mission in favour of investigations undertaken by the Saudis and Government of Yemen.

We were told that the UK position is that:

"Whether it is independent or not, the most effective way of conducting these kinds of investigations, we believe, is for the Saudis to start that process themselves."<sup>2</sup>

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<sup>1</sup> BIS Strategic Export Controls: Country Pivot Reports for 1<sup>st</sup> April 2015 – 30<sup>th</sup> June 2015 and for 1<sup>st</sup> July 2015 – 30<sup>th</sup> September 2015 report 165 licences granted to Saudi Arabia to the value of £2,845,107,903 over that 6 month period. Over the same period, total UK arms exports licences totalled £7,129,002,424.

<sup>2</sup> Q56

We were astonished to hear this. It is a longstanding principle of the rule of law that inquiries should be independent of those being investigated. Furthermore, given the severity of the allegations (that the Saudi-led coalition has targeted civilians in Yemen) it is nearly unthinkable that any investigation led by coalition actors would come to the conclusion that the allegations were accurate. All of the NGOs who gave evidence to the Committee last week advocated for the establishment of an independent, international monitoring body to look into reports of international humanitarian law violations.<sup>3</sup>

*The Government should withdraw its opposition to calls for an independent international inquiry into alleged abuses of international humanitarian law in Yemen, and should do all it can to ensure the creation of such an inquiry. If the Government is not satisfied with existing proposals, such as those put forward in the resolution tabled by the Netherlands at the UN Human Rights Council in September 2015, it should formulate its own proposals and seek international agreement on them.*

**The growing evidence of Saudi-led coalition airstrikes targeting civilians and civilian objects in Yemen, in violation of international humanitarian law, raises serious questions over the Government's continued licensing of arms transfers to Saudi Arabia.** Under UK national arms export criteria, as well as the EU Common Position on arms exports and the international Arms Trade Treaty, licences cannot be granted "if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law."<sup>4</sup> A UN panel of experts has documented 119 coalition sorties relating to violations of international humanitarian law in Yemen, including the targeting of civilians. Despite the status of the UN report as a leaked document, the Committee does not consider that to affect its credibility.

The evidence we heard from representatives of humanitarian organisations who had witnessed bombing and targeting of civilians and civilian objects on the ground in Yemen, suggests that there is a clear risk of violations of international humanitarian law by the Saudi-led coalition. Further evidence comes from a range of reliable sources, such as Médecins Sans Frontières and the UN High Commissioner for Human Rights<sup>5</sup>.

Julien Harneis, Head of UNICEF Yemen, told us that the use of explosive weapons is indiscriminate. He added:

"We see that, in certain areas, the way that the bombing is being conducted, irrespective of whether it is a cluster munition or a conventional bomb, is almost guaranteed to lead to civilian deaths. [...] These are huge bombs dropped into a city of millions of people"<sup>6</sup>

We note that international law experts Professor Philippe Sands QC and Blinne Ni Ghralaigh of Matrix Chambers and Professor Andrew Clapham concluded in a legal opinion that the UK Government is breaking national, EU, and international law by supplying weapons to Saudi Arabia in the context of its military intervention in Yemen.

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<sup>3</sup> Q12

<sup>4</sup> Criterion Two (c) of the Consolidated EU and National Arms Export Licensing Criteria

<sup>5</sup> See also Amnesty International and Human Rights Watch

<sup>6</sup> Q8

We are shocked that the UK Government can continue to claim that there have been no breaches of humanitarian law by the coalition and not only continue sales of arms to Saudi Arabia but significantly increase them since the start of the coalition intervention into Yemen. We received evidence that close to £3 billion worth of arms licences have been granted for exports to Saudi Arabia in the last six months. This includes £1 billion of bombs, rockets and missiles for the 3-month period from July to September last year, up from only £9 million for the preceding 3-month period for the same category of arms<sup>7</sup>. The Parliamentary Under-Secretary of State for the FCO, Tobias Ellwood MP, called the Committee “naïve”<sup>8</sup> for supposedly questioning the UK’s right to sell arms to its allies. What concerns us, however, is the Government’s opinion that it has a right to sell arms to allies in breach of its legal obligations under both national and international arms export criteria.

Mr Ellwood also told us that it is not the amount of arms that the UK sells to Saudi Arabia, but how the equipment is used that is the question.<sup>9</sup> We agree with this point but remain troubled by both. We are convinced that there is more than a clear risk that weapons sold to Saudi Arabia might be used in the commission of serious violations of international humanitarian law. The evidence we have heard is overwhelming that the Saudi-led coalition has committed violations of international law, using equipment supplied by the UK.

*The Government must take urgent action to suspend all sales of arms to Saudi Arabia until it can provide clear and credible evidence that the risk that such arms are being used in serious violations of international humanitarian law has subsided.*

**The security situation in Yemen threatens the safety of humanitarian staff and limits the ability of humanitarian agencies to access those most in need of assistance.**

Médecins Sans Frontières, which has seen three of its medical facilities in Yemen attacked in the last three months, said last week that the war in Yemen is being fought with total disregard for the rules of war.<sup>10</sup> According to the leaked UN report on the Saudi-led campaign in Yemen, a panel of experts found evidence of “airstrikes targeting camps for internally displaced persons and refugees; civilian gatherings, including weddings; civilian vehicles, including buses; civilian residential areas; medical facilities; schools; mosques; markets, factories and food storage warehouses; and other essential civilian infrastructure, such as the airport in Sana’a, the port in Hodaydah and domestic transit routes.”<sup>11</sup>

The deteriorating security situation is exacerbated not only by coalition bombing, but also by atrocities committed by the Houthis which we strongly condemn. This puts humanitarian organisations in a very difficult situation, whereby they cannot guarantee the safety of their staff or those they are caring for. As a consequence, they are understandably cautious about scaling up their operations and accessing the more insecure parts of the country. As Save the

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<sup>7</sup> BIS Strategic Export Controls: Country Pivot Report for 1<sup>st</sup> July 2015 – 30<sup>th</sup> September 2015 shows licences for category ML4 arms to Saudi Arabia to the value of £1,066,216,510. The same report for 1<sup>st</sup> April 2015 – 30<sup>th</sup> June 2015 records category ML4 licences to Saudi Arabia at £9,008,539.

<sup>8</sup> Q37

<sup>9</sup> Q38

<sup>10</sup> <http://www.msf.org.uk/article/yemen-health-facilities-under-attack-msf-wants-answers>

<sup>11</sup> [http://www.theguardian.com/world/2016/jan/27/un-report-into-saudi-led-strikes-in-yemen-raises-questions-over-uk-role?CMP=twg\\_gu](http://www.theguardian.com/world/2016/jan/27/un-report-into-saudi-led-strikes-in-yemen-raises-questions-over-uk-role?CMP=twg_gu)

Children told the Committee, they are being forced to operate in a "shrinking humanitarian space".<sup>12</sup>

As a first step to increasing humanitarian assistance to Yemen and the onward distribution of aid within the country, all parties to the conflict need to respect the civilian and humanitarian spaces protected under international law. Particularly putting pressure on parties to stop the use of explosive weapons in populated areas would demonstrate the Government's commitment to ensuring international norms are adhered to and civilians and aid workers are protected.

*The Government needs to put pressure on all parties to the conflict and other international actors to comply with their obligations under international law and take all possible measures to protect civilians and allow humanitarian agencies a safe space in which to operate.*

I hope you will treat this letter with the utmost urgency which these issues merit, and I look forward to your response in due course.

I am copying this letter to the Prime Minister and the Foreign Secretary.

Yours sincerely,



**Stephen Twigg MP**  
**Chair of the Committee**

cc: Rt Hon David Cameron MP  
Rt Hon Philip Hammond MP

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<sup>12</sup> Q6