Introduction: Yemen’s Refugees and IDPs

Yemen’s conflict is by far one of the worst humanitarian crises that has ever been recorded in history. The United Nations (UN) has reported that Yemen has the most people in need of humanitarian aid in the world. At least 14 million Yemenis, out of a total population of approximately 28 million, are feared to be in danger of immediate starvation. Malnutrition and malnutrition-related diseases already are the greatest threat to life there.¹

UN assistance reaches some 8 million people, but aid is inadequate and spasmodic, subject to the fluctuations of the battlefield and the parties to the conflict on the ground.²

The problem of homeless Yemenis is divided into international refugees and Internally Displaced Persons (IDPs). Refugees, who moved to other countries, have rights under international treaties. IDPs remain in their home country and are only protected by domestic law.

As the Yemeni government battles the Houthi rebels in the on-going civil war, the citizens continue to deal with numerous human rights violations. Complicating the matter is the involvement of regional powers such as the United States, Saudi Arabia, the United Arab Emirates, mercenaries from Somalia and Sudan and Iran. Since the start of the war back in March 2015, the country’s entire health system has been destroyed, thousands of citizens have been killed, and millions are at in risk of famine.


² Ibid.
Aiding the Internally Displaced People and Refugees in Yemen

the protection of formal refugee status. The United Nations can do very little to help the IDPs normally, since they remain under the sovereign authority of their national government. A series of Security Council resolutions called for commitment to the peace process to end the war and asked all parties in the conflict to do as much as possible to help the displaced population. But the government of Yemen is barely functional and the opposition Houthi alliance lacks resources.

More aggressive resolutions have been supported in the Security Council by the United Kingdom, directed at all parties to the conflict—especially Saudi Arabia and the United Arab Emirates (UAE)—to support an immediate ceasefire and to assure delivery of humanitarian assistance. These efforts have been blocked by the United States, on behalf of Saudi Arabia, a non-member of the Security Council but a close ally of U.S. President Donald Trump.

For UN bodies, problems of precedent always are important. While the situation in Yemen is complex and a lasting political solution seems remote, the problem is further complicated for UN bodies like the Human Rights Council by concerns for the impact of new resolutions on other conflicts. If the HRC addresses the problems of IDPs in Yemen, will it be compelled to act much the same way in other acute problems, such as those in Myanmar, South Sudan or Syria?

Current Situation

The “forgotten war” has caused the biggest humanitarian crisis in recorded history. “The war in Yemen is the world’s worst humanitarian crisis, with more than 22 million people - three-quarters of the population - in desperate need of aid and protection, United Nations Secretary General Antonio Guterres said.” After 4 years of non-stop conflict and the lack of basic humanitarian necessities, millions are without access to clean drinking water and the country is at high risk of a cholera epidemic.

Yemen has been wracked by chaos since late 2014, when the Houthis and their allies overran Sanaa and other parts of the country, forcing President Abdi Rabbuh Mansour Hadi and his Saudi-backed government to temporarily flee to Riyadh. ‘The Saudi-led coalition began a military campaign against Iran-backed Houthi militias in March 2015. It sides with President Hadi, while the Houthis are aligned with ousted President Ali Abdullah Saleh, who was ousted after Yemen revolution in 2012.’

Fighting the government is the Houthi rebel army, a religiously founded organization close to Shi’ite Islam, which has some support from Iran but mostly appears to represent age-old divisions within Yemen. The Houthi rebellion is best

---


known for its determination and unwillingness
to compromise.⁶

Food has been used as a weapon of war.
‘Yemen’s situation is now catastrophic, with
nearly half of all children aged between six
months and five years old chronically
malnourished.’⁷ Over 12 million Yemenis are
going hungry as wheat and other staples are in
increasingly short supply. Over 15 million are
without access to health care as most hospitals
have shut down due to lack of medical supplies
and power shortages. The majority of the
country’s people have nowhere to go within the
region.

The war in Yemen has elements of a ‘proxy
war,’ featuring not only local rivalry, but also
outside powers asserting their interests against
each other. In this case, the Yemeni conflict is to
some extent a proxy for Iran and Saudi Arabia,
as they fight for regional influence.

Yemen is in some ways the perfect place for
proxy conflict, where outside countries can fight
on land, air and water. Siding with the Houthis
are Iran, Hezbollah (the political part ruling
much of Lebanon), and in a distant sense the
Democratic People’s Republic of (North) Korea.
Siding with the Hadi government are the Yemen
National Army, Saudi Arabia and United Arab
Emirates, with varying degrees of assistance
from France, Morocco, Qatar, Senegal and the
United States.

Also fighting for control is the Yemeni branch
of the well-known international terrorist
organization, Al-Qaeda. This is the same
organization responsible the September 11
attacks in the United States. Their now-dead
leader Osama bin Laden was a Saudi Arabian
citizen but with a Yemeni heritage. The Yemeni
terrorist branch is a third, separate force in the
conflict.

There are many problems which need to be
addressed with the conflict, but the UN approach
stresses that civilians need to be allowed to
continue their lives in peace, with minimal
disruption, spared from the horrors of conflict.
As the war begins to worsen, a political solution
is now even more critical as we see warring
parties’ splinter. The ongoing violence makes
humanitarian access to those most in need
challenging or impossible.

With fighting continuing unabated, many
Yemenis feel compelled to flee conflict regions
or escape the country entirely. The government
says there are also between 1.7 and 2 million
internally displaced people, asylum seekers and
migrants in Yemen, 460,000 of whom need
humanitarian assistance to survive.⁸ Some

⁶ "Arab League Voices Concerns over Crisis in Syria
and Yemen." Middle East Observer. 30 March 2017.
https://www.middleeastobserver.org/2017/03/30/338
93/

⁷ “Yemeni Revolution”. Wikipedia.
⁸ "Yemen Conflict: How Bad Is the Humanitarian
December 03, 2018.
humanitarian organizations report this number is a significant underestimate. Independent observers say at least 14 million Yemenis, out of a total population of approximately 28 million, lack reliable access to food.⁹

Background

The current state of Yemen was formed in 1990, when the Yemen Arab Republic (North Yemen) and the People’s Democratic Republic of Yemen (South Yemen) were unified. The result of unification is the most populous country on the Arabian Peninsula, and the poorest. The northern part of Yemen is nearly 100 percent Muslim, including both Sunni and Shi’ite residents. The south is predominantly Sunni Islam, with small populations of Christians and Hindus.

The current conflict began with the Yemeni Revolution on 27 January 2011. Also known as the Yemeni Revolution of Dignity, the uprising occurred roughly simultaneously with the Egyptian Revolution of 2011 and other Arab Spring protests. As summarized by Amnesty International, a major non-governmental organization:

In its early phase, protests in Yemen were initially against unemployment, economic conditions and corruption, as well as against the government's proposals to modify Yemen's constitution. The protesters' demands then escalated to calls for the resignation of Yemeni President Ali Abdullah Saleh. Mass defections from the military, as well as from Saleh's government, effectively rendered much of the country outside of the government's control, and protesters vowed to defy its authority.¹⁰


Over 15,000 protesters then took the streets of Sana’a, Yemen’s capital on 27 January 2011. The protests led then-President Saleh to announce that he would not run for reelection in 2013. Protests continued, culminating in protests in Sana’a and Aden, ‘Day of Rage,’ which saw crowds of Yemeni men and boys storm the streets to fight against government security forces. These protests threatened to overthrow the state and created a chaotic enjoinment in which the rebel Houthi movement began to mobilize in an effort to take power. As summarized by one observer:

It wasn’t until March 25, 2015 when an international coalition led by Saudi Arabia began to launch air strikes against the Houthi armed group in Yemen, sparking a full-blown armed conflict. Over the following three years, the conflict in Yemen is showing no real signs of abating. Horrific human rights abuses, as well as war crimes, are being committed throughout the country by all parties to the conflict, causing unbearable suffering for civilians. While coalition forces relentlessly bomb from the air, rival factions are fighting a battle on the ground. On one side are the Houthis, a Yemeni armed group whose members belong to a branch of Shi’a
Islam known as Zaidism. On the other side are anti-Houthi forces allied with the current president of Yemen, Hadi, and the Saudi Arabia-led coalition. Civilians are trapped in the middle – more than 15,000 of them have been killed and injured and a humanitarian crisis has spiraled. For three years, much of the world has ignored this raging conflict and heard little about its devastating consequences.\textsuperscript{11}

**Role of the United Nations**

The basic obligation of the international community to act to suppress and end the conflict in Yemen comes from the UN founding documents.

A central principle of the United Nations is the protection of humanitarian rights. Article 14 of the Universal Declaration of Human Rights (UNDOHR) of 1948 states, ‘Everyone has the right to seek and to enjoy in other countries asylum from persecution,’\textsuperscript{12} and from this declaration the United Nations’ commitment to the protection and assistance of refugees, internally displaced persons and asylum seekers began.

According to the United Nations High Commissioner for Refugees (UNHCR) there are 51 million forcibly displaced people worldwide, all of whom have been uprooted from their homes and must seek asylum elsewhere. This is the most since the end of the Second World War seventy years ago. Such numbers testify to the several problems of internal warfare and armed conflict in countries as diverse as Afghanistan, Central African Republic, Democratic Republic of Congo, Colombia, Iraq, Libya, Myanmar, South Sudan, Sudan, Syria, and Yemen.

While humanitarian obligations are universally accepted, their interpretation depends not only on international law, but also on domestic law of welcoming countries as well as their government policies. Virtually all states say they respect the needs and rights of refugees and internally displaced people but the willingness to accept refugees varies greatly. Countries like Ethiopia, Germany, India, Kenya, Jordan, Pakistan, Russia, Sweden, Turkey and Ukraine, for example, are widely recognized for their willingness to accept refugees. Countries like Australia and the United States have more complicated policies and take far fewer.

Forcibly displaced people globally are categorized as being either internally displaced, asylum seeking, or a refugee. The definition of each category according to the UN High Commissioner for Refugees (UNHCR) is as follows:

- **Refugees** - the definition of a refugee was determined in the 1951 Convention relating to the Status of Refugees, it was decided to be someone who ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.’\textsuperscript{13} International refugees are under the authority of international treaties and the UN High Commissioner for Refugees (UNHCR). The Convention of 1951 and the Protocol of


\textsuperscript{12} UN. "The Universal Declaration of Human Rights, UDHR, Declaration of Human Rights, Human Rights

\textsuperscript{13} UNGA. 1951, 1967. Convention and Protocol relating to the Status of Refugees. \url{http://www.unhcr.org/3b66c2aa10.html}
Aiding the Internally Displaced People and Refugees in Yemen

1967 will both be discussed in more detail in later sections.

- **Asylum Seekers** - Asylum seekers are people who self-identify as international refugees. The difference is they have not been processed through the host state’s national asylum systems to have been deemed a refugee. This means that any asylum seeker deemed to not be a refugee may be deported by the country they denied seeker resides in.\(^\text{14}\)

- **Internally Displaced Persons (IDPs)** - Internally displaced persons are people who have fled their homes to find safety to avoid persecution or out of necessity like a refugee, but they have not crossed an international border. This means they remain under the jurisdiction of their home country (even if their country is the persecutor) and retain the same rights that the country that they are citizens of guarantees. They are not under the responsibility of international law or international institutions like UNHCR.

These displaced people are the inevitable result from any armed conflict, large scale natural disaster, or oppressive government. These people have largely no voice, and the United Nations and its member states are tasked with protecting their basic rights.

---

\(^{14}\)UNHCR. "Asylum-Seekers." UNHCR. http://www.unhcr.org/pages/49c3646c137.html
Landmark UN Resolutions

The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol is split into 6 chapters that cover the topics, general provisions regarding refugees and IDPs, juridical status of refugees, the right to gainful employment, welfare, administrative measures to be taken by the host state, executory and transitory provisions, and final clauses. Each chapter is made of articles and within these the rights of refugees were enumerated.

The general provisions section of the treaty enumerate the basic rights of a refugee and establishes legal definitions for refugees and internally displaced persons (IDPs). The convention defines a refugee as someone forced to flee the country of their residence,

…owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The second agreement, the Protocol relating to the status of refugees, in 1967, goes on to clarify several key rights, they include: refugees are to be granted the same rights as legal alien residents and can freely practice religion. The Protocol also ensures refugees the ability to live under the same circumstances as though they were not a refugee, the protection against discrimination, the obligation to abide by the laws and customs of their host state.

The 1967 Protocol also addresses the judicial rights of refugees, and inside of the chapter the rights to have access to courts, they have the same protection of their intellectual and personal property as anyone else, and the right to free association and to gainful employment. In short, refugees have the right to work as they wish so long as they follow the laws of their new country of residence. Refugees must receive a food ration and the option of public education; otherwise they are to be treated as any other alien would. The rest of the Protocol is directed at the states of residence, to assure refugee relief and establish a system to make sure refugees and IDPs get the help they need. One topic central to the Convention and Protocol is the prevention of the process of refoulement, the process of returning asylum seekers back to their country or origin and specifying the circumstances when return to acceptable and when it is not.

146 UN Member States are parties to either the Convention of 1951 or the 1967 Protocol, but a few key states remain outside the Convention and Protocol, including several in the Middle East. These include Jordan, Pakistan, India, Syria, Iraq, Lebanon, Oman, the UAE, Cuba, Indonesia, Uzbekistan, Mongolia, Nepal, Bangladesh, Sri Lanka, Surinam, Bahrain, Kuwait, Bhutan, North Korea, and Eritrea.

Country and Block Positions

African Union (UA): The Member States of the African Union are home to several other major refugee crises. They are sympathetic with Yemen’s problems, but wish to avoid competing for aid with the new problem country.

Nearly all African countries signed the Convention of 1951 and Protocol of 1967. Because of the gap in wealth and development between places like North America or Europe and Africa refugees put far more of a strain on the governments of African countries. African countries that are host to refugees are usually hosts because of proximity and many of the refugees wish to seek asylum in more developed areas around the world or on the periphery of
Aiding the Internally Displaced People and Refugees in Yemen

Africa (meaning South Africa or countries on the Mediterranean coast of Africa).


Arab League (AU): The Member States of the Arab League generally support the Hadi government and the Saudi-led coalition supporting it. The Yemen government represents the country before the Arab League, where it has strong support from allies like Saudi Arabia and UAE, turning the Arab League into a strong voice against Iranian influence and efforts to support Houthi rebels. It is important to note that Iran, which supports the Houthi rebellion, is not a member of the Arab League.

Yemeni President Hadi told leaders at the 28th Arab League summit in Jordan that his forces and their allies were close to a major victory that would serve as a debilitating blow to Iranian interests in the region. “This is the storm that has shattered the dreams and ambitions of the Iranians … now currently we are on the verge of a great victory,” he said, thanking Saudi Arabia, the UAE and other Arab states which have backed him with military might in his fight against Houthi rebels. In his speech, which lasted more than 20 minutes, Hadi called Tehran “the true sponsor of terrorism” and described Iranian involvement in the Middle East as a “conspiracy”.

It is helpful to note, though, that President Hadi’s speech stood out in a summit where other leaders alluded to Iran’s influence in the region without naming the power. They prefer to speak of general principles rather than blaming specific countries. “We reject any intervention in the internal affairs of Arab countries,” the League’s leaders said, referring to Tehran, in a declaration at the end of their one-day meeting. In another apparent reference to Iran earlier in the day, Saudi Arabia’s King Salman warned of the “interference” and infringement on the sovereignty of Arab countries by outsiders.15

China: China strongly supports resolutions calling for humanitarian action in Yemen, but China expects all action to go through the government of Yemen, reaffirming its national sovereignty. Above all, China resists resolutions that would give legitimacy to the armed opposition Houthis, afraid of any precedent that weakens the sovereignty of legitimate governments.16

On 13 July 2017, China announced that the Chinese government had successfully delivered its first tranche of humanitarian aid to Yemen’s southern port city and the government capital of Aden. “The Chinese government’s assistance package consisted of USD 22.5 million in relief supplies aimed at ameliorating food shortages in Yemen and combating the country’s burgeoning cholera epidemic. Even though China has been reluctant to diplomatically intervene in Yemen, Beijing’s aid to Yemeni President Hadi’s Aden-based government suggests that China is forging an informal partnership with pro-Saudi factions in Yemen.”17

In addition to entrusting Hadi-aligned officials with humanitarian aid, China has criticized attempts by the Iran-backed Houthi rebels to form a new government in Sana’a and has sold stealth weaponry to Saudi Arabia to assist Riyadh’s military intervention in Yemen.

European Union (EU): No bloc has worked harder to end the conflict or provide humanitarian assistance than the 28 Member States of the EU. The EU has brokered peace talks and initiatives. Beginning in 1999 the


15 "Arab League Voices Concerns over Crisis in Syria and Yemen." Middle East Observer. 30 March 2017. https://www.middleeastobserver.org/2017/03/30/33893/

Aiding the Internally Displaced People and Refugees in Yemen

European Union (EU) created a Common European Asylum System (CEAS). Between 1999 and 2005 the EU’s CEAS was gradually finalized. The EU has also adopted several directives to ensure that the asylum system would be fair and open and so that asylum seekers would be treated by the standards the 1951 Convention guarantees. This includes the establishment of the European Asylum Support Office in Valletta, Malta.

Latin America: The 24 countries of Latin America support humanitarian action worldwide, but also seek to strengthen governments in their conflicts with armed groups. Above all, they do not want to create a precedent that would affect their efforts to combat armed groups in their own countries.

Non-Aligned Movement (NAM): Many of the 120 members of the UN’s largest voting bloc support revolutionary movements and tend to advocate the Houthi rebels over the government of Yemen, especially since the Houthis are the strongest supporters of the Palestinian cause, opponents of Israel, and Israeli activism abroad. They want more humanitarian assistance to the people of Yemen but want it to be fair to the Houthi movement and the territory it controls. Iran is the leader of this faction, which has some support throughout the NAM, including among countries of Africa and Southeast Asia.

Russian Federation: In his best-known statement, Ambassador “Vitaly Churkin (Russian Federation) said his delegation had abstained because the Resolution (2116) was not fully in line with what was required by the crisis in Yemen. The text failed to consider proposals his country had made and to call on all sides to halt fire, did not provide for due reflection on consequences and lacked clarity on a humanitarian pause. There were also inappropriate references to sanctions, he added, stating that the resolution must not result in an escalation of the crisis.”

He stressed that for Russia, there was no alternative to a political solution and action by the Council must be based on pre-existing documents. In other words, Russia will not support major changes in international policy.

United States of America: For the United States, the crisis in Yemen creates a contradiction between its historic commitment to humanitarian principles and President Donald Trump’s personal commitment to support Saudi Arabia. Under President Obama, The U.S. government provided more than USD 854 million in humanitarian assistance to Yemen since the beginning of fiscal year 2017.

Through USAID and the Bureau for Population Refugees and Migration, the U.S. Government supports interventions including emergency food assistance, medical treatment and vaccination support for children, emergency obstetric services for women, blankets and household goods for displaced families, and hygiene kits and water treatment supplies to reduce the spread of disease. USAID also supports a small number of health, education, and livelihoods early recovery assistance activities seek to help households and social service delivery systems cope with the effects of the conflict and prepare for the post-conflict recovery.

Even more important, US President Trump is unwilling to support actions that would endanger his relationship with Saudi Arabia, which he values for its purchases of American military equipment. This has led to criticism that the US now indirectly supports atrocities by Saudi forces fighting there. The U.S. has great


influence over the Saudi government but seems unwilling to use it to moderate Saudi military action.

**Proposals for action**

Major approaches to the crisis of Yemeni refugees and internally displaced persons that the Human Rights council might consider include:

**Monitoring and observing:** the most limited action, the least controversial, and perhaps the least effective, is careful monitoring the conflict. Monitoring needs to be formalized, so UN Member States get the information they need to make their own decisions on what to do. If the HRC agrees that no action should be taken, and Member States left free to act as they themselves prefer, monitoring might be the best course of action.

**Establish new resettlement and financial obligations** for the international community to accept refugees from the armed conflict, to insure more equitable sharing of the burdens of international humanitarian obligations.

**Focus on the specific conflict and refugees** in specific parts of Yemen and specific situations there.

**Focus on refugees** as well as the resolution of conflicts creating the greatest refugee problems, including post-conflict resettlement of refugees and IDPs.

**Demand all parties to the conflict**—including outside states—stop all military activity throughout the country to permit refugees and IDPs to return to their homes. The resolution also could demand the international community assure donation of massive financial assistance to permit refugees and IDPs to restart their communities, their employment, and survive until initial harvests.

**Demand all outside states** such as Iran, Saudi Arabia, Sudan and UAE cease all military action and military assistance to parties to the conflict, to facilitate immediate humanitarian assistance throughout the country.

**Demand a specific country withdraw its support,** either Saudi Arabia or Iran, so the side they support—the government or Houthi rebels—can be defeated, allowing the victor to provide humanitarian assistance throughout the country.

**Ask the Security Council to authorize creation of an armed UN force** to guarantee humanitarian assistance reaches civilians throughout Yemen. The force would have to be strong enough to defeat resistance from government or Houthi forces determined to maintain or extend their control throughout the country. It would have to overcome the resistance of outside governments unwilling to risk military involvement there.
Aiding the Internally Displaced People and Refugees in Yemen

Bibliography


Aiding the Internally Displaced People and Refugees in Yemen


