



House of Commons
International Development
Committee

Crisis in Yemen

Fourth Report of Session 2015–16



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to the report*

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The International Development Committee

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Summary

Yemen is facing one of the worst humanitarian crises in the world, with 82% of the population in need of assistance. We commend DFID for its humanitarian leadership to date in response to the crisis, contributing £85 million. DFID is the fourth largest donor to the humanitarian crisis with influence far beyond that. We welcome DFID's timely and agile response to the crisis, particularly its flexibility in transferring funds from development work to emergency work, which has allowed partners on the ground to launch immediate and effective responses. DFID should also be credited for its work with other government departments to influence parties to the conflict and negotiate greater access for commercial supplies entering Yemen, and for humanitarian actors, essential to the humanitarian response. Nevertheless, the humanitarian response to the crisis has been significantly underfunded with last year's UN Fund just 56% funded and with the UN 2016 Yemen Humanitarian Response Plan recently launched requesting \$1.8 billion to reach over 13 million people in need. In view of the expense and grave impact of the conflict on the civilian population in Yemen, we recommend DFID urgently consider further increasing its funding for emergency humanitarian relief in Yemen, particularly to provide food, water and medical supplies, and to support the many children suffering in this crisis. Evidence we received indicated that despite the continuing conflict there are means by which greater aid provision, if made available, can reach affected civilians, such as the large number of internally displaced people, if more aid were made available. At the same time the burden cannot fall on the UK alone. As Minister Desmond Swayne told us "it is not always a question of what more Britain can do; it is often a question of what more Britain can do to get other people to do things."¹ We therefore urge the Government to increase its efforts, using DFID's considerable international leadership role to challenge other potential or existing donors to similarly increase their humanitarian aid contribution. We also urge it to ensure that the needs resulting from the humanitarian crisis in Yemen are more appropriately highlighted on the world stage, proportionate to the level of the crisis occurring there.

The situation in Yemen can be described as a civilian protection crisis: evidence suggests that civilians are bearing the brunt of the fighting. In particular the impact on children has been severe: the number of children not able to attend school has nearly doubled since the start of the crisis, with 47% of Yemen's school age children currently not attending. There is a serious risk of significant long term consequences amounting to a lost generation of Yemeni children. The UK has a strong track record in supporting emergency education, for example for Syrian refugee children through the No Lost Generation Initiative. Urgent action is needed to ensure there is not a lost generation of Yemeni children.

There is also a serious risk that the destruction of the health system in Yemen will have consequences for the country far beyond the end of the conflict. Attacks on facilities and medical staff, coupled with a severe lack of medical supplies, have left the health sector in a state of collapse. At the same time, needs are increasing: 3 million people require treatment or preventative services for malnutrition, and 19.4 million people lack access to safe drinking water and sanitation. It is essential that the health sector is protected, and that programmes to maintain and deliver vital water and nutrition

¹ Q54

services are supported. DFID's support has been crucial in addressing the crisis. Within the deteriorating humanitarian context, DFID identified food, nutrition, and water, sanitation and hygiene (WASH) as top priority sectors and committed additional aid specifically targeting these sectors.

We heard substantial and convincing evidence that parties to the conflict have not adhered to the rules of war, which are designed to minimise harm to civilians. We heard that bombing is indiscriminate and fails to distinguish between civilians and combatants, and that there is a failure to protect civilians, humanitarian space and humanitarian access. This report addresses the impact of the role of the coalition led by Saudi Arabia because the UK has a strong diplomatic and commercial relationship with that nation. Evidence we received, however, indicates that both sides of the conflict are implicated in breaches of international humanitarian law (IHL).

The Foreign Secretary has stated that the Government has “looked at every allegation of breach of international humanitarian law, and we have found no evidence of breach of international humanitarian law”.² In correspondence with us, the Foreign Secretary has stressed that “first and foremost” the UK Government wants the Saudis to conduct thorough and conclusive investigations into breaches of IHL. He has also said that he is “satisfied that all extant licences for the export of arms exports to Saudi Arabia are compliant with the Consolidated EU and National Arms Export Licensing Criteria”.³

The evidence we have received, from humanitarian actors operating on the ground in Yemen and respected human rights organisations including UN commissioned evidence, unanimously suggested that humanitarian law is being breached, making the relief effort difficult and dangerous. In light of the very strong evidence that delivery of humanitarian relief is undermined by ongoing breaches of IHL, we recommend that an independent investigation into alleged violations of IHL by both sides of the conflict in Yemen is conducted without delay. We remain unconvinced that Saudi Arabia is best placed to conduct investigations into reports of IHL abuses by the Saudi-led Coalition. As we stated when we wrote to the Secretary of State for International Development in February 2016, it is a longstanding principle of the rule of law that inquiries should be independent of those being investigated.

We welcome the decision of the Committees on Arms Export Controls (CAEC) to consider in detail the use of UK-manufactured arms in Yemen. As a constituent committee of CAEC, we will continue to pursue these issues and contribute to the CAEC Report accordingly. However, while respecting CAEC to come to its own conclusions in accordance with its terms of reference, in light of the strength and credibility of the evidence we have heard, we recommend that CAEC considers the case for suspending UK arms sales to Saudi Arabia until there is evidence that there is no “clear risk” that arms exported from the UK “might be used in the commission of a serious violation of IHL” in Yemen. An independent inquiry would provide credible evidence on whether UK-manufactured arms have been used in the commission of violations of IHL, and the UK Government should fully support an independent investigation without delay.

2 Conservative Middle East Council, [CMEC Annual Policy Lecture 2016: The Middle East and UK Foreign Policy](#) (February 2016), p 4

3 Appendix 3

A sustainable and inclusive political solution is what is ultimately needed and DFID is right to have this strategic objective in mind. We welcome DFID's support for the UN in facilitating peace talks and its work to protect key institutions, such as the Social Fund for Development, which will be vital for Yemen's recovery. We are encouraged by the ceasefire which began on 10 April 2016 and urge the Government to continue to apply pressure to all parties to the conflict to hold the ceasefire so that it may become more permanent. We also welcome the peace talks held from 22 April 2016 in Kuwait and hope these will lead to an end to the year-long conflict which has devastated the lives of so many civilians in Yemen.

1 Introduction

1. Yemen has long suffered from poverty and instability, leaving it the poorest country in the Middle East: before the current crisis it ranked 157 out of 184 countries on the Human Development Index. Yemen faces a range of deep-seated development challenges including: high levels of poverty; food insecurity; high population growth; deep-rooted gender inequality; a weak economy; and poor social service provision.⁴ In late 2014, the UN assessed that 15.9 million people required some kind of humanitarian assistance.⁵ In addition, the country's history and its religious, tribal and political make-up, are complex: the former President, Ali Abdullah Saleh, described ruling the country as akin to "dancing on the heads of snakes".⁶ On 26 March 2015, an international coalition led by Saudi Arabia launched airstrikes against the Houthi armed group who had taken over the capital Sana'a and forced the Yemeni Government into exile. What was meant to be a short, sharp campaign to stop the advance of the Houthis, and restore President Al-Hadi to power, escalated rapidly into a full-blown armed conflict.

2. Over the ensuing months, the conflict engulfed the country, with 20 out of 22 governorates affected. There have been high numbers of civilian casualties: by the end of 2015, civilians made up half the deaths of the conflict with 2,795 killed and 5,324 injured.⁷ Import restrictions imposed on ports led to severe shortages of commercial supplies and impeded access for humanitarian assistance. On 1 July 2015 the UN declared Yemen a level 3 crisis, a category reserved for the most severe and large-scale humanitarian crises. 82 per cent of the population are now in need of humanitarian assistance with little access to basic services like water and electricity. Food prices have soared, the health system is struggling to cope, and half of school-aged children have no school to go to. The UN Humanitarian Coordinator has described Yemen as "on the brink of an all-out humanitarian disaster."⁸ It was in this context that we decided to hold a short inquiry into the crisis in Yemen. We called for written evidence, looking at the following issues:

- Has DFID's humanitarian response to the Yemen crisis been effective, and does it have the right strategic priorities?
- What more can be done to protect civilians?
- What more can be done to improve Yemenis' access to humanitarian aid and commercial goods and to support the UN and other international organisations on the ground?
- How effectively has DFID monitored and reviewed or redirected its spending in Yemen since its staff were withdrawn from the country?
- How effectively is DFID working with other government departments, including the FCO and MoD, to coordinate the UK Government's response to the crisis and influence relevant organisations and countries?

4 Department for International Development, "[Yemen](#)", accessed 31 March 2016

5 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Needs Overview 2016 - Yemen](#), (November 2015), p 5

6 Conflict in Yemen, Debate Pack [2015/0077](#) House of Commons Library, October 2015

7 UN Office of the High Commissioner for Human Rights, [Press briefing notes on Yemen](#), 5 January 2016

8 "[UN launches new aid appeal as Yemen faces 'looming humanitarian catastrophe'](#)", UN News Centre, 19 June 2015

- How should DFID address long-term developmental issues in its humanitarian response in Yemen?

3. We held an informal meeting with representatives of the Yemeni diaspora and heard compelling evidence from UNICEF, Save the Children, Oxfam and Saferworld on the scale of the humanitarian crisis and the challenges for humanitarian organisations in delivering aid within an area of conflict. They raised serious concerns regarding the conduct of the conflict and the violations of IHL by both sides. We also heard from DFID and FCO Ministers on the Government response to the crisis. Given the urgency of the situation, we wrote to the Secretary of State for International Development setting out our most pressing concerns and made requests which, along with other recommendations, are reflected in this report.⁹

4. We have received responses from both the Secretary of State for International Development and the Foreign Secretary recognising the important leadership role DFID has played in the humanitarian response. The Foreign Secretary further reinforced the evidence we heard from Ministers on the Government's position. In correspondence with us, the Foreign Secretary has stressed that "first and foremost" it wants to see the Saudis conduct thorough and conclusive investigations of breaches of IHL. He has also said that he is "satisfied that all extant licences for the export of arms exports to Saudi Arabia are compliant with the Consolidated EU and National Arms Export Licencing Criteria".¹⁰ The Chair of the Committee wrote to the Foreign Secretary before the publication of the report to provide the opportunity to provide further information on the basis of his analysis. His response is published as an appendix to this report.¹¹ We welcome the response from the Secretary of State for International Development that: "Addressing the crisis in the Yemen continues to be a top priority for DFID. We will maintain our focus on supporting the peace talks to end the conflict; increasing commercial imports of food, fuel and medical supplies; improving humanitarian access; and strengthening the international community's response to the crisis."¹² We strongly support these remarks and the aims they reflect and hope that this report will make a valuable contribution towards them.

9 Annex 2

10 Appendix 3

11 Appendix 4

12 Appendix 2

2 The humanitarian crisis

A forgotten crisis

5. Despite the seriousness of the situation, until very recently Yemen was a forgotten crisis, often overlooked because of events elsewhere in the Middle East. But the intensity and severity of the crisis merit the international community's attention. We were told that Peter Maurer, President of the International Committee of the Red Cross, said in August 2015 that Yemen, after five months of conflict, looked like Syria after five years.¹³ The UN Humanitarian Coordinator, Jamie McGoldrick, has warned "We do not need this to last the way that Syria has lasted because then it becomes embedded and something much more terminal."¹⁴ We heard about the important role DFID has played, including in raising awareness of the situation in Yemen. Josephine Hutton of Oxfam told us:

"I would like to add raising the profile of the crisis. We all know that Yemen is one of the least understood of our most desperate humanitarian crises. We are very grateful that the UK Government takes such an interested role, and hope to continue to see the kind of work that they have done, asking for side meetings at key UN events, pushing with other donors and other governments."¹⁵

6. Much of the evidence we have received credited DFID for its humanitarian leadership, and timely and flexible response.¹⁶ Save the Children stated in written evidence:

"The UK Government—and in particular DFID—should be credited for its response to the humanitarian crisis in Yemen. DFID was quick to re-align existing programmes and its management of grants has been flexible and responsive. Its commitment of an additional £75 million in emergency aid in 2015 represents significant contribution to the response."¹⁷

DFID realigned its programmes in March 2015 to focus on meeting humanitarian needs. In written evidence UNICEF stated:

"This flexibility in transferring funds from the development work to the emergency work has enabled agencies, such as UNICEF, to maintain and continue to deliver life-saving nutrition services to children throughout the country. The initial flexibility in use of funds was crucial in helping UNICEF launch an immediate and successful response."¹⁸

7. It is clear that support from DFID has been essential for humanitarian agencies scaling up their response.¹⁹ In written evidence Oxfam highlighted the scale of DFID's support and its focus on agencies on the ground:

"DFID is to be commended for its overall timely humanitarian response. Adding to this DFID has proactively supported the relief efforts of UN agencies

13 Dr Sarah Phillips ([YEM 0006](#)) para 6

14 "[UN: Yemen on brink of humanitarian catastrophe](#)", Voice of America, 19 February 2016

15 Q18

16 See Oxfam ([YEM 0014](#)) para 15, UNICEF ([YEM 0015](#)), Save the Children ([YEM 0004](#)) para 1.2

17 Save the Children ([YEM 0004](#)) para 1.2

18 UNICEF ([YEM 0015](#))

19 Q7

and humanitarian organisations working on the ground, as a donor it is one of the largest donors to the humanitarian response... DFID has also worked to improve the operational performance and coordination of humanitarian actors in Yemen.”²⁰

8. DFID is the fourth largest donor to the crisis, having recently committed a further £10 million in assistance, bringing DFID’s funding to £85 million. Save the Children told us that “the support of DFID has been really profound and fundamental. Many other donor countries do not have the level of engagement, interest, analysis and awareness.” However, the UN Appeal for 2015 was only 56% funded,²¹ despite efforts by the Secretary of State to improve donor engagement with the Yemen crisis by holding a side meeting at the UN General Assembly in 28 September 2015.²² Grant Pritchard of Save the Children told us:

“It is not to say that DFID has not been extremely generous, and others have said this already, but we would like to see them take more of a leadership role in galvanising donor support internationally. Last year, the UN fund was just 54% funded, I think, so it would be good if DFID could take a leading role and get more donor interest, in terms of the humanitarian response.”²³

9. The UN has recently launched its 2016 Yemen Humanitarian Response Plan requesting \$1.8 billion to assist over 13 million people.²⁴ The UK will have an important role in encouraging other donors to both pledge and deliver the required funding. We heard from DFID Minister Desmond Swayne that “it is not always a question of what more Britain can do; it is often a question of what more Britain can do to get other people to do things.”²⁵ Other witnesses suggested that “the UK is in a strong position to catalyse increased funding from a greater diversity of donors through the hosting of an international donor conference”.²⁶ The Minister told us that DFID will shortly be running a series of meetings on the recovery and reconstruction of Yemen which we warmly welcome, and return to, later in this report.²⁷

10. DFID has been instrumental in supporting and facilitating the humanitarian relief effort through a timely and flexible response. We commend the Department for its commitment to date towards funding the humanitarian crisis in the Yemen and for its work in raising the profile of this crisis among donors. However, much more needs to be done. We are concerned that other countries are not playing their part. It is vital that other donors, in addition to the UK, rapidly provide necessary funds to support the UN’s \$1.8 billion 2016 Humanitarian Response Plan. We urge DFID to play an even stronger leadership role in order to secure these vital resources, both by substantially increasing its own funding contribution and by galvanising other donors to do the same. We welcome the proposed meetings on the recovery and reconstruction of Yemen²⁸

20 Oxfam (YEM 0014) paras 3 and 15

21 “Yemen humanitarian response plan requests US\$1.8 billion to assist over 13 million people with live-saving assistance”, UN Office for the Coordination of Humanitarian Affairs, 16 February 2016

22 Q20

23 Q18

24 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Response Plan 2016 - Yemen](#), (January 2016), p 5

25 Q54

26 Save the Children (YEM 0004) para 2.6

27 Q22

28 Q22

and in addition we recommend that DFID consider hosting and international donor conference to highlight the urgent need for this support, similar to the Supporting Syria Conference 2016 which commendably brought together high level representatives from donors around the world and secured significant funding pledges.

The impact on civilians

11. We have received evidence describing Yemen as a civilian protection crisis.²⁹ Of Yemen's 26 million people: 21.2 million are in need of some form of humanitarian assistance, including 14.4 million people struggling to find enough food, of whom 7.6 million are severely food insecure. 19.4 million people lack access to clean water and sanitation, 14.1 million lack adequate healthcare, and at least 2.7 million are displaced within Yemen or have fled to neighbouring countries. Reports of human rights violations have soared, with an average of 41 reports every day as of January 2016.³⁰ UN Humanitarian Coordinator, Jamie McGoldrick, has called these numbers "staggering" and simply "beyond the humanitarian community's current capacity to respond."³¹ According to Amnesty International they illustrate a "flagrant failure to take sufficient precautions to avoid civilian loss of life as required by IHL."³²

A lost generation

12. Children are amongst the hardest hit by the conflict. As Julien Harneis, UNICEF Representative in Yemen, told us:

"We have recorded 1,933 children who have been killed or injured during the last year...762 children have been recruited, which is a vast underestimate because it is difficult to verify recruitment of children to armed groups. 88 schools have been attacked, destroyed, damaged, or used, and we estimate that 10,000 children under five who would not otherwise have fallen ill will die as an indirect consequence of the conflict, from issues like measles, diarrhoea, etc."³³

The UN estimates that eight children are being killed or maimed every day.³⁴ Nearly half of the 21.2 million people in need of humanitarian assistance are children.³⁵ Grant Pritchard from Save the Children told us that the psychological effects of the crisis are already apparent amongst children, who "had shown a great deal more violent tendencies as a consequence of that trauma, both in terms of fighting with other children but also teachers, which frankly in Yemen is quite unheard of."³⁶

29 See Save the Children (YEM 0004) para 1.5, Médecins Sans Frontières (YEM 0008) para 6, UNICEF (YEM 0015)

30 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Response Plan 2016 - Yemen*, (January 2016), p 5

31 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Response Plan 2016 - Yemen*, (January 2016), p 5

32 "*Yemen: Call for suspension of arms transfers to coalition and accountability for war crimes*", Amnesty International, 7 October 2015

33 Q1

34 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Response Plan 2016 - Yemen*, (January 2016), p 7

35 Save the Children (YEM 0004) para 2.1

36 Q7

13. The education system in Yemen was underdeveloped before the crisis. Since mid-March 2015, an additional 1.8 million children have not been attending school, bringing the total number to more than 3.4 million. This amounts to 47 per cent of Yemen's school aged children.³⁷ Large numbers of university students are similarly missing out on their studies.³⁸ We were told that the education cluster in the 2015 UN Response Plan was "critically underfunded (at just over 5%)".³⁹ This creates a serious risk of millions missing out on an education, creating another "lost generation" with significant long-term consequences for Yemen.

14. **We are gravely concerned about the toll the conflict in Yemen is having on children and young people. Not only are they suffering from deaths and injuries, and severe food insecurity, but many have lost their schools and many have been recruited to armed groups. We fear the psychological effects of witnessing traumatic events at a young age will haunt them for many years to come. Since 26 March 2015, UNICEF has monitored, verified and documented over 1,000 grave violations against children in Yemen.⁴⁰ Protecting children and getting them back into education must be a priority for the humanitarian response. We heard evidence that "there is not enough focus on the displaced and the living conditions of the displaced are appalling" and there are many internally displaced people who have now moved to areas "more or less untouched through this conflict"⁴¹ where emergency education may be possible. The UK has a good track record in supporting emergency education, for example for Syrian refugee children through the No Lost Generation Initiative. Urgent action is needed to ensure there is not a lost generation of Yemeni children and we expect this to be a priority at the upcoming DFID-led meetings on the recovery and reconstruction of Yemen.⁴² At the same time we urge DFID to explore with other humanitarian actors what provision for emergency education could be made for displaced children in Yemen now.**

A health sector crippled

15. The UN has described the health system as "in a state of collapse in Yemen."⁴³ The system was significantly strained prior to the current conflict with only 3 doctors per 10,000 people as of 2010. The conflict has left nearly 14.1 million people in need of assistance to access healthcare. But as the need increases, the availability of health services is declining. As of mid-October 2015, nearly 600 health facilities had stopped functioning, including 69 damaged or destroyed by the conflict. Additionally, 27 ambulances had been hijacked, 8 health workers killed and 20 injured.⁴⁴ Medical facilities have a protected status under IHL. The evidence we have heard about the destruction of health facilities raises serious questions as to whether these laws are being observed.

37 UNICEF ([YEM 0015](#))

38 Annex 1

39 Save the Children ([YEM 0004](#)) para 2.5

40 UNICEF ([YEM 0015](#))

41 Q17

42 Q22

43 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Needs Overview 2016- Yemen](#), (November 2015), p 20

44 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Needs Overview 2016- Yemen](#), (November 2015), p 9

16. Yemen relies on imports for all of its medical supplies.⁴⁵ The restrictions on imports have severely eroded the health sector's capacity to import vital medicines, as well as the fuel to transport them and to power hospital generators.⁴⁶ DFID has been instrumental in negotiating access for imports, which we welcome (see paragraph 24). However, the rapid damage to the health system that is ongoing, will take a long time to repair. Julien Harneis, UNICEF Representative in Yemen, told us, "far more children will die because of disease than they will of bombs and bullets. It is the long-term destruction of the health system that will affect us for 10 to 20 years."⁴⁷ This was echoed by a health professional from the Yemeni diaspora who told us that the fragility of the health system is most starkly illustrated by the recent outbreaks of dengue fever and measles. He also talked of fears of an outbreak of polio, which was eradicated in 2006, because of the lack of vaccinations.⁴⁸ He informed us that many medical supplies are only available, if at all, on the black market at vastly inflated prices. A key priority for UNICEF is to support the existing health infrastructure and health workers who are delivering services in incredibly insecure conditions. Julien Harneis, UNICEF Representative in Yemen, highlighted that:

"If [the health system] is destroyed through this conflict, you will be looking at long-term destruction of the society that will lead to further disease, years after the war is completed. It is very important that, when we look at how we scale up, one of the aspects should be support to encourage the neutral social services to do the job. By "encourage", I mean finance them, because they can deliver anywhere. Keep that going, because we will need it in future."⁴⁹

17. It is very worrying that access to adequate healthcare is decreasing as a result of damage to facilities from attacks, a lack of staff, and a lack of medicines. We remain concerned that the health care system in Yemen will not survive the conflict without further support, the consequences of which will be felt for years beyond the end of the current conflict. As we noted in our report on *Ebola: Responses to a public health emergency*, a fragile and inadequate health system creates systemic vulnerability.⁵⁰ DFID's expertise in health systems strengthening could make a positive contribution to the recovery effort when the time comes. Support for the health care system should form part of the agenda for the meetings DFID is hosting on the recovery and reconstruction of Yemen⁵¹ and in the immediate term DFID should look specifically at how it can work with other humanitarian actors to provide, harness and facilitate the funding and provision of emergency medical supplies which are urgently needed by civilians, as a result of the conflict.

45 All Party Parliamentary Group for Yemen, *Conflict in Yemen: The Forgotten Crisis* (22 October 2015), p 10

46 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview 2016- Yemen*, (November 2015), p 5 and p 20

47 Q7

48 Annex 1

49 Q6

50 International Development Committee, *Ebola: Responses to a public health emergency*, Second Report of Session 2015–16, HC 338, para 30

51 Q22

Food and water

18. While the health system is collapsing, needs in Yemen are increasing. 14.4 million people are now food insecure. The UN estimates that 3 million people require treatment or preventive services for malnutrition. About 320,000 children are currently suffering from severe acute malnutrition, meaning they are nine times likelier to die than their peers.⁵² As Josephine Hutton from Oxfam told us:

“If food, and access to food, remains the biggest issue that most populations have, the rest of what you are trying to do will have limited impact.”⁵³

19. In addition, 19.4 million people in Yemen require assistance to ensure access to safe drinking water and sanitation, of whom 9.8 million are in need as a direct result of the conflict. Commercial water trucks—the main source of water for many—are reportedly between two and four times more expensive and are in some cases unable to enter affected areas due to insecurity or interference by parties to the conflict.⁵⁴ We heard from Oxfam that water has always been a primary crisis issue for Yemen, which is estimated to be the seventh most water-scarce country in the world.⁵⁵ Josephine Hutton told us:

“It is not getting any better; it is getting worse. There is huge dependency on water trucking and the cost of water trucking, which is obviously not a sustainable solution. In terms of the kinds of interventions we need to look at, we need to be trying to focus more on a structured provision of water in key areas, because that is obviously the number one public health concern.”⁵⁶

20. We heard that DFID’s support has been vital to addressing these public health concerns. Within the deteriorating humanitarian context, DFID identified food, nutrition, and water, sanitation and hygiene (WASH) as top priority sectors which were underfunded and had large scale needs. In September 2015 DFID committed additional aid specifically targeting these sectors.⁵⁷ Julian Harneis, told us:

“First, I would like to say that the support of DFID has been absolutely essential to maintaining a very large nutrition programme in Yemen and other services, WASH and health. Without that, we would not have been able to provide the significant scale of assistance that we are providing today.”⁵⁸

21. We welcome DFID’s support for nutrition, water and sanitation programmes, which has been fundamental for maintaining and delivering these vital and life-saving services. However, much more needs to be done in what is one of the worst humanitarian crises in the world and we urge DFID to work with others to scale up the provision of these resources to meet immediate need.

52 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Response Plan 2016 - Yemen](#), (January 2016), p 9

53 Q2

54 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Response Plan 2016 - Yemen](#), (January 2016), p 9

55 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Needs Overview 2016- Yemen](#), (November 2015), p 8

56 Q2

57 Department for International Development ([YEM 0011](#)) para 27

58 Q7

An economy in collapse

22. Yemen is crucially dependent on imports, relying on external sources for 70 per cent of its fuel, 90 per cent of its food and 100 per cent of its medical supplies.⁵⁹ Five days after the start of the aerial campaign, Saudi-led naval forces imposed import restrictions on Yemen's ports in order to inspect all ships for arms. Whilst there is clearly a series of factors leading to challenges with access to humanitarian supplies, Save the Children told us that the "de facto air and naval blockade imposed by the coalition has been the single largest contributor to the current humanitarian catastrophe in Yemen."⁶⁰ Import restrictions have been a major driver of shortages and rising prices of basic commodities, crippling the economy. In September 2015 the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that commercial fuel imports fell to just 1 per cent of monthly requirements.⁶¹ According to the UN World Food Programme, in the second half of November 2015, wheat flour prices were 53 per cent higher and diesel prices 286 per cent higher than pre-crisis levels.⁶² As Julien Harneis, UNICEF Representative in Yemen, noted:

"The economy has imploded. Imports have increased [back] to about 60% of those pre-war, but Yemen was a country that depended heavily on remittances from abroad. The economy is disappearing. Even if you have stuff in shops, who can afford it? Who can afford to pay for health services? In that context, the needs of the population become so vast that no humanitarian organisation or group of humanitarian organisations can ever hope to cover this situation."⁶³

23. Evidence to us has described DFID's "tremendous role in advocating for humanitarian access, including the opening of ports [and] establishing the UN Verification and Inspection Mechanism."⁶⁴ The number of ships entering Yemen did begin to improve from October 2015. DFID is providing £1.42 million for the Verification and Inspection Mechanism which should speed up inspections and improve the level of commercial imports while ensuring that illicit goods do not enter Yemen.⁶⁵ Save the Children told us that DFID's "efforts to ensure the resumption of imports of vital supplies into the country are beginning to show signs of impact."⁶⁶

24. We applaud DFID for its leadership role in improving humanitarian access via port into the country and welcome its focus on interventions that support economic redevelopment. These should offer the prospect of a sustainable means of reducing some of these huge humanitarian needs. We encourage DFID to continue to negotiate at a high level to ensure support for the Verification and Inspection Mechanism and a smoother flow of commercial goods into the country.

25. The Yemeni diaspora told us that aid alone could not cater for the whole country, and that there needed to be commercial activity to provide a more sustainable solution in the

59 All Party Parliamentary Group for Yemen, *Conflict in Yemen: The Forgotten Crisis* (22 October 2015), p 10

60 Save the Children ([YEM 0004](#)) para 2.18

61 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview 2016- Yemen*, (November 2015), p 7

62 "[Yemen Market Situation Update Weeks 3 and 4: November 2015](#)", World Food Programme, 30 November 2015

63 Q6

64 Oxfam ([YEM 0014](#)) para 15

65 Department for International Development ([YEM 0011](#)) para 16

66 Save the Children ([YEM 0004](#)) para 1.2

longer term.⁶⁷ Particular concern was expressed about the near collapse of the banking sector, which is vital to protect what commercial activity currently remains within Yemen, and the jobs and livelihoods which go with it. The UN Development Programme reported in August 2015 that the conflict was paralysing economic activity in Yemen. At that point, it recorded that 26% of businesses had closed since mid-March 2015.⁶⁸ The diaspora representatives told us that the number was much higher, between twice and three times that figure, with a commensurate number of private sector workers losing their jobs accordingly. At the same time as unemployment is rising, and children and students are out of education, they told us that recruitment to extremist groups such as Al-Qaeda in the Arab Peninsula (AQAP) and Daesh has grown. We heard that people, particularly young people, are joining these groups because they can offer their families an income when government and the private sector cannot, not because people agree with their ideologies.⁶⁹

26. We note that the level of need in Yemen is growing to such a level that there are serious concerns that this cannot be met by humanitarian assistance alone. We therefore support DFID’s work to revitalise the private sector. The importance of protecting Yemen’s economy, including a functioning banking system, cannot be emphasised enough if there is to be hope of Yemenis rebuilding their lives after the conflict, and to counter the growth of extremist groups. We urge not only DFID but also Ministers in other Government departments, including Business, Innovation and Skills and the Foreign and Commonwealth Office, to actively prioritise work on this issue. Conflict resolution must also remain a key priority for all.

Challenges for the humanitarian response

Access

27. Most evidence to us suggested that access is one of the greatest challenges for humanitarian actors in Yemen.⁷⁰ We heard that the Houthis are inconsistent in allowing access for humanitarian goods and personnel, and that any movement can require long and protracted negotiations with parties on the ground. Grant Pritchard from Save the Children described a “shrinking humanitarian space”:

“There are daily notifications of movements so, if we want to go and do food distribution, we have to inform the authorities and get prior authority to do that, on a daily basis. These kind of challenges just add to the bureaucracy, I suppose. They also cost money—money that should be going to our beneficiaries rather than elsewhere—and just make what is already an extremely challenging context that bit more challenging.”⁷¹

28. We were told that the most challenging town to reach is Taiz, which has been described by the UN Under-Secretary General for Humanitarian Affairs, Stephen O’Brien, as a

67 Annex 1

68 [“Yemen conflict paralyzes economic activity, puts women businesses at risk”](#), UN Development Programme, 16 November 2015

69 Annex 1

70 See Oxfam [\(YEM 0014\)](#) para 28, Save the Children [\(YEM 0004\)](#) paras 2.18-2.24, Médecins Sans Frontières [\(YEM 0008\)](#) para 11

71 Q6

“city under virtual siege”,⁷² with Houthi militants blocking food and medical supplies entering, and humanitarian agencies denied access to the besieged population. The UN World Food Programme has classified Taiz as one of 10 governorates—out of Yemen’s 22 governorates—in the grip of severe food insecurity at ‘Emergency’ level—one step below famine on the five-point Integrated Food Security Phase Classification scale.⁷³

29. We heard directly from the Yemeni diaspora community in the UK about the dire situation in Taiz. We were told that civilians trying to take water into Taiz had been arrested and tortured. There is one crossing for access in and out of the city, across which families are only allowed to bring in one kilo of food per day. There are also restrictions on deliveries to hospitals and no schools are open. One diaspora representative we spoke to highlighted a loss of hope on the part of the local population: he had been in contact with friends and family in Taiz who told him that they were “waiting to see when they would die”.⁷⁴ Julien Harneis, UNICEF Representative in Yemen, confirmed the extent of the humanitarian crisis in Taiz:

“Obviously being in Taiz is miserable. It is the second highest location for killing and maiming of children in the country. There are only three health facilities out of 22 that are functioning and all three hospitals have been heavily damaged in shelling.”⁷⁵

30. Julien Harneis reported that he had entered Taiz as part of a high-level UN mission on 22 January 2016. Mr Harneis noted that the UN has programmes in Taiz and is delivering aid there, and with “appropriate negotiations and discussions with local partners and the local de facto authorities” there is access to the city.⁷⁶ Nevertheless, it is clear that access to Taiz is severely restricted. The UN mission in January was the first UN-led mission into Taiz, which had been under siege for the previous seven months. It has also been reported that Médecins Sans Frontières managed to deliver aid to the city in January after 5 months of negotiations.⁷⁷ The International Committee for the Red Cross entered Taiz in February for the first time since August 2015.⁷⁸

31. As well as evidence of severe access limitations in Taiz city, there was evidence of a broad reach of humanitarian assistance, for example, in areas where large volumes of internally displaced people are gathered. Humanitarian agencies can do much more in these areas, which is echoed by the UN Office for the Coordination of Humanitarian Affairs (OCHA), which has said that “access continues to pose a serious challenge to humanitarian operations ... However, partners are able to reach almost all communities—albeit with occasional delays due to insecurity or interference by parties to the conflict.”⁷⁹ The Minister told us that DFID’s pledge of £85 million in humanitarian assistance to Yemen was proportionate to what can be spent by the Department’s partners in Yemen because of the challenges of access.⁸⁰ However, UNICEF told us that if there was more funding, they

72 [“Central Yemeni city of Taiz under virtual siege, 200,000 need water, food – UN relief chief”](#), UN News Centre, 24 November 2015

73 [“WFP Food Convoy Enters Conflict Area Inside Yemeni City Of Taiz”](#), World Food Programme, 15 February 2016

74 Annex 1

75 Q1

76 Q1

77 [“Yemen: Medical supplies reach hospitals in besieged Taiz”](#), Médecins Sans Frontières, 19 January 2016

78 [“Yemen: first medical supplies since August reach Taiz”](#), British Red Cross, 16 February 2016

79 UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Response Plan 2016 - Yemen](#), (January 2016), p 19

80 Q21

could get it to the people who need it. Julien Harneis, UNICEF Representative in Yemen, when asked if there was more aid funding, could the people who need it be reached with it, replied:

“Yes, absolutely. The other thing about Taiz that one needs to bear in mind is that the population of Taiz city is not in Taiz city anymore. They have not been waiting around to get shot at. There is four, five or maybe six times the population of Taiz city outside of the enclave, in the governorate of Taiz and the governorate of Ibb, which is 100 kilometres away. We can assist the population. We need to do much more for the displaced in those areas. What is very impressive about Ibb city is that the local religious leaders there have signed an agreement between themselves that peace will be maintained in Ibb, so that it can be a place where civilian populations can move to and receive assistance in a safer environment. Ibb remains more or less untouched through this conflict. There is not enough focus on the displaced, and the living conditions of the displaced are appalling. In Ibb city, I have seen classrooms that have been taken over by displaced people, in which 40 people are living in a room half the size of this. The head height is also a bit less. This is in a functioning school. You have a girl’s school where half the classroom is occupied by 40 people. We need to do much more for the displaced of Taiz city.”⁸¹

32. We recognise that DFID does not have a “bottomless bag”⁸² and must ensure that assistance can get through and make a difference. Security and safety of humanitarian actors must also be a consideration. The fact that the security situation can be an obstacle to providing more funding for humanitarian assistance, and impacts on DFID’s spending decisions, demonstrates the extent to which the ongoing conflict is undermining the relief effort. However, we urge DFID to consider the evidence we have heard that humanitarian agencies would be able to channel more assistance now, if available, to those in need, even within the very challenging constraints on humanitarian access.

Security

33. The deteriorating security situation in Yemen puts humanitarian organisations in a very difficult situation, whereby they cannot guarantee the safety of their staff or those they are caring for. Hospitals and medical facilities have traditionally been a safe haven for civilians and for humanitarian staff in areas of conflict but in Yemen they can no longer offer that protection.⁸³ Three Médecins Sans Frontières (MSF) medical facilities have been struck within three months. MSF has talked of a total disregard for the rules of war:

“Nothing has been spared—not even hospitals, even though medical facilities are explicitly protected by international humanitarian law.”⁸⁴

We heard that some aid workers in Yemen face operating in an almost unprecedented environment of instability and danger, including the daily threat of airstrikes and shelling. Josephine Hutton from Oxfam described the bombing she had witnessed in Sana’a:

81 Q17

82 Q52

83 “Yemen: Health facilities under attack - MSF wants answers”, Médecins Sans Frontières, 25 January 2016

84 “Yemen: Health facilities under attack - MSF wants answers”, Médecins Sans Frontières, 25 January 2016

“To feel just the proximity in an incredibly dense urban area of very large munitions exploding is something I have not experienced anywhere else in my career.”⁸⁵

34. DFID Minister Desmond Swayne told us that the security situation in Yemen was a reason for not increasing DFID support to the country:

“Look at what has happened to Médecins Sans Frontières and the number of staff that they have lost, who have been killed. These things clearly have an impact on what we could do.”⁸⁶

The Minister’s comments underline the importance of addressing the insecurity of the operating environment for humanitarian actors. Whilst we accept that DFID has withdrawn its own staff from Yemen for safety reasons, and has been hesitant to channel more resources toward the humanitarian relief effort because of the risks of operating in what it recognises is a dangerous environment, even for aid workers who should be protected by IHL. There are several decades-long experienced humanitarian actors working in the region, including Save the Children, Oxfam, and UNICEF, who continue to have staff working there and whose evidence to us indicated that they could administer and deliver greater amounts of humanitarian aid within the country if it were made available.

35. Evidence to us further suggested that delivery of humanitarian assistance may be made more difficult because of the perception that Western humanitarian donor countries also support parties to the conflict. Josephine Hutton on Oxfam told us:

“We have to constantly explain that our position is impartial: to try to assist those most in need and those who are vulnerable. In a place like Yemen, people are very politically motivated and, when things are desperate and when people are choosing measures to try to influence the outcome of the conflict in one direction, they will ask hard questions and they have started asking them of us, maybe not directly at a headquarters level but more to our staff themselves, who face the greatest risk in the field.”⁸⁷

36. We remain gravely concerned by the security situation in Yemen, which threatens the safety of humanitarian staff and limits the ability of humanitarian agencies to deliver aid to those most in need of assistance. All parties to the conflict must respect the civilian and humanitarian spaces protected under IHL, where such areas do exist, such as where internally displaced people are gathered. We are encouraged by the Foreign Secretary’s response to our letter, which states that the UK Government is working closely with the UN, the Coalition and the Government of Yemen on peace talks, and regularly raises the importance of compliance with IHL with the Saudi Government, Coalition members, and the Houthis.⁸⁸ The Government should 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 facilitate humanitarian agencies safe spaces in which to operate.

85 Q10

86 Q25

87 Q13

88 Appendix 3

3 The conflict

The humanitarian consequences of the conflict

37. Following the Arab uprisings of 2011, President Saleh, who had been in power in Yemen since 1978, signed the Gulf Cooperation Council Plan to transfer power to his deputy, Abd-Rabbu Mansour al-Hadi. The change in leadership did not lead to any real change for the population, for whom huge economic and social problems persisted. The transition unravelled in the autumn of 2014 when the Houthis armed group capitalised on the weak government and security apparatus to stage a de facto takeover of the capital Sana'a and national institutions. The Houthis pushed south towards Aden in mid-March 2015, prompting President al-Hadi and the government to relocate to Saudi Arabia, where they requested international assistance. On 26 March 2015, an international coalition led by Saudi Arabia launched airstrikes against the Houthi armed group in response to President al-Hadi's request.

38. According to the UN, the conflict has been “brutal and has exacted a severe toll on civilians.”⁸⁹ Health facilities have reported more than 35,000 casualties, including more than 6,100 deaths, since mid-March—an average of 113 casualties per day. In a report prepared for the UN Security Council by the Panel of Experts on Yemen in January 2016, 119 coalition air sorties relating to violations of IHL were identified. The panel 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 Hudaydah and domestic transit routes.⁹⁰ During an address in London on 5 February 2016, the Secretary General of the United Nations, Ban Ki-Moon, said:

“Yemen is in flames and coalition airstrikes in particular continue to strike schools, hospitals, mosques and civilian infrastructure.”⁹¹

A UN press release issued on 22 March indicates that the impact of the conflict on civilians shows no sign of abating:

“The UN human rights chief last week condemned the repeated failure of the Coalition to effectively prevent civilian coalition airstrikes after two deadly strikes—just weeks apart—killed nearly 150 people, including children.

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein said incidents that have hit markets, hospitals, clinics, schools and other civilian structures occur “with unacceptable regularity.”⁹²

89 UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Response Plan 2016 - Yemen*, (January 2016), p 7

90 “UN report into Saudi-led strikes in Yemen raises questions over UK role”, The Guardian, 27 January 2016

91 “Secretary-General's address at event co-organized by the United Nations Association of the United Kingdom and Chatham House”, UN Statement, 5 February 2016

92 “‘Terrible year’ in war-torn Yemen leaves majority of country's people in need of aid – UN”, UN News Centre, 22 March 2016.

International Humanitarian Law

39. The laws of war are intended to minimise harm to civilians and other non-combatants during armed conflict. Attacks that deliberately target civilians, which do not discriminate between civilians and combatants, or that cause disproportionate loss of civilian life or property, all violate IHL.⁹³ This chapter focuses on the role of the coalition led by Saudi Arabia because the UK has a strong diplomatic and commercial relationship with that nation. We recognise, however, that both sides of the conflict are implicated in breaches of IHL.

40. Evidence to us suggests that the bombing in Yemen is indiscriminate, in breach of IHL. For example, Médecins Sans Frontières identified that “grave violations of IHL are almost commonplace, with indiscriminate bombings and ground fighting not sparing civilians. Yemen is in an all-out war, in which the population caught on the wrong side is considered a legitimate target.”⁹⁴ From his experience on the ground, Julien Harneis, UNICEF Representative in Yemen, told us that:

“We see that, in certain areas, the way 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.

Then there is a sort of double-tap. They will drop a bomb. Ambulance and health workers will rush to assist the victims, and then they will drop another bomb two hours later and blow up the ambulance crew.”⁹⁵

Having seen the results of 10 months of bombing in Sana’a, Mr Harneis questioned whether there were any military targets left as they had been “blown to smithereens... I wonder what they are targeting...I wonder what is left to blow up.”⁹⁶

Protection of civilians

41. Save the Children is concerned with the use of explosive weapons in populated areas in Yemen, from which civilians account for 95% of all reported casualties.⁹⁷ As Save the Children told us:

“The conflict in Yemen has been characterised by the use of heavy explosive weapons often in populated areas, with civilians across the country living through a sustained campaign of aerial bombardment and ground attacks.”⁹⁸

93 Human Rights Watch, [What Military Target Was in My Brother's House- unlawful coalition airstrikes in Yemen](#) (November 2015)

94 Médecins Sans Frontières ([YEM 0008](#)) Executive Summary

95 Q8

96 Q8

97 Save the Children, [Nowhere Safe for Yemen's Children- the deadly impact of explosive weapons in Yemen](#) (November 2015), p 5

98 Save the Children ([YEM 0004](#)) para 2.9

42. Amnesty International said that Saudi Arabia has designated entire cities as military targets.⁹⁹ If verified, such targeting would certainly be ‘indiscriminate’ and would clearly make protections of civilians, and humanitarian access in such areas, difficult, if not impossible.

43. Evidence to us suggests that all parties to the conflict have consistently failed to protect civilians in contravention of IHL.¹⁰⁰ Save the Children noted:

“Senior UN officials, the ICRC, and NGOs have accused parties to the conflict of deliberately targeting civilian objects, failing to distinguish between civilian objects and legitimate military targets, and of launching disproportionate attacks. During the first six months of the conflict the Office of the High Commissioner for Human Rights (OHCHR) verified 8,875 reports of human rights violations.”¹⁰¹

44. Civilians are paying too high a price in the conflict in Yemen. There is clear evidence of a disregard for civilian life and for the rules of war which are designed to minimise harm to civilians. We are deeply concerned about reported violations of IHL.

The UK Government position

45. Witnesses to our inquiry emphasised that influencing the conduct of the conflict was the most important thing that the UK Government could do at this stage. Save the Children called for a more vocal approach to condemnation of IHL violations and the establishment of an independent investigation into reports of violations. UNICEF called for an end to indiscriminate bombing and shelling, while Oxfam and Saferworld told us that the UK Government should suspend arms exports to Saudi Arabia.¹⁰²

46. Despite UN commissioned evidence suggesting 119 violations of IHL, more than 60 breaches documented by Amnesty International and Human Rights Watch, and attacks on three MSF hospitals in three months, the UK Government does not accept that there have been breaches of IHL by the Saudi-led coalition. The Foreign Secretary said to the Conservative Middle East Council on 10 February 2016:

“We have been clear with the coalition partners from the outset about the importance of compliance with international humanitarian law and I have said in Parliament, and will say again here: we have looked at every allegation of breach of international humanitarian law, and we have found no evidence of breach of international humanitarian law, and we urge the coalition to go onto the front foot, to investigate where there are allegations and be open about what they find.”¹⁰³

99 “Yemen: Call for suspension of arms transfers to coalition and accountability for war crimes”, Amnesty International, 7 October 2015 and “Saudi warns U.N., aid workers to leave areas near rebel bases in Yemen”, Reuters, 12 February 2016

100 See Médecins Sans Frontières (YEM 0008) Executive Summary, Save the Children (YEM 0004) para 2.12, Dr Sarah Phillips (YEM 0006) para 5

101 Save the Children (YEM 0004) para 2.8

102 Q18

103 Conservative Middle East Council, *CMEC Annual Policy Lecture 2016: The Middle East and UK Foreign Policy* (February 2016), p 4

When we asked the FCO Minister Tobias Ellwood about attacks on civilians and civilian objects, he stated the UK Government has:

“encouraged and indeed made sure that Saudi Arabians are aware of the process that they must follow to do their investigations, along with the Yemeni authorities ... that is what we must confirm ourselves, before we then say that there has been a breach of this, that or the other.”¹⁰⁴

47. Roy Isbister from Saferworld questioned the UK Government’s response to evidence of violations of IHL by human rights organisations, relying instead on investigations by Saudi Arabia. He told us:

“These have been very carefully documented uses by very respected human rights organisations. In other contexts, the Government will cite their reports. Human Rights Watch and Amnesty will be cited in Syria; they have been cited in Libya and Sudan in support of the Government position. Here, they are referred to as not good enough to be considered evidence compared with a reassurance from the Saudis, one of the belligerents to the conflict, that there are no violations of international humanitarian law.”¹⁰⁵

The evidence we have heard of IHL breaches is compelling. Josephine Hutton said:

“We have seen examples. Oxfam has had its own warehouse affected. MSF has reported four incidents now, just in the last few months. It is pretty hard to brush over that and say that the targeting of a hospital was done accidentally. There are many examples of warehouses, schools, etc., that have been raised. You cannot get past that fact.”¹⁰⁶

48. The conduct of the conflict has been brutal. The UN has reminded all parties to the conflict that they have a duty of care in the conduct of military operations to protect all civilian persons and objects, including humanitarian and health care workers and facilities, against attack.¹⁰⁷ We have heard credible evidence of violations of IHL in Yemen. Mark Lowcock, Permanent Secretary, DFID, has spoken of the UK’s strong track record as a “country that has [consistently] tried to uphold the principles of international humanitarian law.”¹⁰⁸

49. It is deeply disappointing that the UK Government does not accept that breaches of IHL have taken place in Yemen. The failure to hold parties to the conflict to account for their actions appears to have contributed to an “anything goes” attitude by both sides to this conflict.

50. *As we stated in our letter to the Secretary of State for International Development in February 2016, pressure must be applied to stop the use of explosive weapons in populated areas. This would demonstrate the Government’s commitment to ensuring international norms are adhered to and civilians and aid workers are protected.*

104 Q39

105 Q9

106 Q10

107 “At Security Council, UN relief chief spotlights need to end ‘human catastrophe’ in Yemen”, UN News Centre, 16 February 2016

108 Oral evidence taken before the Public Accounts Committee on 10 February 2016, HC (2015–16) 728, Q95 (Mr Lowcock)

Calls for an independent investigation

51. Evidence to the inquiry overwhelmingly called for an independent, international investigation into reports of violations of IHL in Yemen.¹⁰⁹ A proposal for such an investigation was tabled at the UN Human Rights Council in September 2015 but not adopted. As Oxfam explained in its evidence to the inquiry:

“In a follow-up to the recommendations in a report by the UN High Commissioner for Human Rights, the Government of the Netherlands tabled a draft resolution at the Human Rights Council which included the provision of an international fact-finding mission to Yemen to investigate the conduct of the war. However, in the face of opposition from the Saudi Arabian Government and its coalition allies, the Dutch draft was not adopted. Instead a Saudi sponsored text without any reference to an independent, international fact finding mission was adopted. The UK is reported to have actively blocked the Dutch draft resolution.”¹¹⁰

52. Clarifying the process at the Human Rights Council meeting, Foreign Office Minister Tobias Ellwood wrote to us saying that:

“there were two different drafts initially put forward and the UK’s priority was to secure cross-regional agreement on a text that would strengthen human rights in Yemen...The two sides tabling resolutions reached an agreement on a single text, which was then adopted by consensus...We believe that the resolution will help create the conditions for the legitimate Government of Yemen to improve its capacity to protect human rights.”¹¹¹

53. The new text does not include an independent investigation but invites Saudi Arabia to conduct investigations of any alleged abuses in the first instance. We were told that the UK position is that:

“The most effective way, whether it’s independent or not, we believe is through the Saudis to start that process themselves.”¹¹²

The Foreign Secretary wrote to us, adding that:

“The Government is not opposing calls for an independent investigation but, first and foremost, we want to see the Saudis investigate allegations of breaches of International Humanitarian Law (IHL) which are attributed to them; and for their investigations to be thorough and conclusive. The Saudi authorities announced more detail of how they will investigate such incidents on 31 January, including a new investigation team outside of Coalition Command to review all existing procedures, and suggest improvements. We believe we should give time for this new team to do its job before considering the issue of an independent investigation.”¹¹³

109 See Save the Children ([YEM 0004](#)) para 3.7, Dr Judith Brown ([YEM 0001](#)) para 2a, Saferworld ([YEM 0012](#)) para 6, Oxfam ([YEM 0014](#)) para 14

110 Oxfam ([YEM 0014](#)) para 26

111 Foreign and Commonwealth Office ([YEM 0017](#))

112 Q56

113 Appendix 3

54. Although agreement on the resolution took place within the auspices of the UN Human Rights Council, the UN Special Advisers on the Prevention of Genocide and on the Responsibility to Protect have recently questioned the effectiveness of investigations conducted by Saudi Arabia, calling for an international independent mechanism:

“We now expect that commitments by the Yemeni authorities and by Saudi Arabia to conduct credible and independent investigations into all alleged violations and provide reparations to victims will be swiftly implemented. It is imperative that the international community also gives immediate consideration to the most effective means of supporting this goal, including the possibility of establishing an international independent and impartial mechanism to support accountability in Yemen”.¹¹⁴

We heard from Josephine Hutton from Oxfam that “it is one of the great disappointments that the [Dutch] resolution did go up and the UK Government did not support it. That was a great opportunity to agree on an independent investigation, which did not happen.”¹¹⁵ The Committees on Arms Export Controls (CAEC), of which we are a constituent committee, were told recently in evidence by David Mepham of Human Rights Watch that:

“It is deeply ironic that at the Human Rights Council meeting in September (that others have referred to) where they [the UK] were opposing an independent international investigation in respect of Yemen, they were championing the one they had advocated for in respect of Sri Lanka. If it’s good enough for Sri Lanka, I don’t see why it’s not good enough for Yemen.

And that would be a very practical way to get to the truth, if there’s dispute, if there’s controversy, about the nature and the veracity of these allegations, let’s get an international body to make the assessment.”¹¹⁶

55. We believe that the verification of reports of violations of IHL and any process of holding those responsible to account is severely hampered by the lack of any independent investigation into these allegations. We remain unconvinced that Saudi Arabia is best placed to conduct investigations into reports of IHL abuses by the Saudi-led Coalition. As we stated when we wrote to the Secretary of State for International Development in February 2016, it is a longstanding principle of the rule of law that inquiries should be independent of those being investigated. We are concerned that any investigation led by Coalition actors is likely to come to the conclusion that the allegations were inaccurate.

56. The resolution which gives authority to the Government of Yemen to investigate alleged abuse was agreed at the Human Rights Council in September 2015, which was more than seven months ago, since when civilian casualties in Yemen have increased by over 2,000¹¹⁷ and the High Commissioner on Human Rights’ representative was

114 “Statement by Adama Dieng, Special Adviser on the Prevention of Genocide and Jennifer Welsh, Special Adviser on the Responsibility to Protect, on the situation in Yemen”, UN Press Release, 16 February 2016

115 Q12

116 Oral evidence taken before the Committees on Arms Export Controls on 23 March 2016, [HC \(2015–16\) 928](#), Q53 [David Mepham]

117 The High Commissioner for Human Rights documented some 6,631 civilian casualties on 1 September 2015 (see “Yemen: UN warns of ‘untenable’ humanitarian situation and steep increase in civilian casualties”, UN News Centre, 1 September 2015), this figure had risen to to 8,814 by 4 March 2016 (see “Press briefing note on Yemen and Honduras”, UN Office for the High Commissioner of Human Rights, 4 March 2016)

briefly expelled from Yemen by the very authorities he was there to assist.¹¹⁸ CAEC recently heard from Human Rights Watch that not a single investigation had been conducted by the Yemeni Commission, and that a Saudi Committee that was set up in January would not be investigating individual strikes.¹¹⁹ This worrying and worsening situation only reinforces the urgent need for an independent investigation.

57. For this reason, whilst we note the response of 9 March from the Foreign Secretary¹²⁰ that the Government is not opposing calls for an independent investigation, despite our reservations, we urge the Government to press the Saudis to complete their review within a short time frame. The longer this takes, the longer the potential impact on the safe delivery of humanitarian aid to those in need. We also urge the Government to support calls for an independent international inquiry into alleged abuses of IHL on the part of both sides in the current conflict in Yemen, and to do all it can to ensure this is established as a matter of urgency.

Arms sales to Saudi Arabia

58. The UN Secretary General recently described Yemen as a region “awash with weapons”, stating that “we need States that are party to the Arms Trade Treaty to set an example in fulfilling one of the Treaty’s main purposes: controlling arms flows to actors that may use them in ways that breach international humanitarian law.”¹²¹ The Arms Trade Treaty (ATT), along with UK national arms export criteria and the EU Common Position on arms exports, which regulate the UK trade in arms, say that 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.”¹²² We heard powerful evidence from representatives of humanitarian organisations who said that they had witnessed bombing and targeting of civilians and civilian objects on the ground in Yemen, which suggests that there is more than a clear risk of IHL violations by the Saudi-led coalition. Both Julien Harneis, UNICEF Representative in Yemen, and Grant Pritchard from Save the Children described the bombing they had seen on the ground as “indiscriminate”.¹²³

59. The ATT Monitor recently concluded that several States Parties appear in direct violation of legally binding Treaty obligations by continuing to supply arms to Saudi Arabia where there is a clear risk that they will be used in breach of international law in Yemen. They described it as “inconceivable that lethal military equipment can continue to be authorised for export”.¹²⁴

118 [“Yemen: UN rights chief urges government to reverse decision to expel envoy from country”](#), UN News Centre, 8 January 2016

119 Oral evidence taken before the Committees on Arms Export Controls on 23 March 2016, [HC \(2015–16\) 928](#), Q3 [David Mepham]

120 Appendix 3

121 [“Ban Ki-moon delivers powerful speech to packed Central Hall Westminster”](#), United Nations Association- UK, 5 February 2016

122 HC Deb, 25 March 2014, [col 11WS](#) [Commons written ministerial statement on the Consolidated EU and National Arms Export Licensing Criteria] see criterion two (c)

123 Q8 and Q9

124 ATT Monitor, [Dealing in Double Standards- how arms sales to Saudi Arabia are causing human suffering in Yemen](#) (26 February 2016), p 7

60. UK arms sales to Saudi Arabia have significantly increased since the start of the current conflict in Yemen. Department for Business, Innovation and Skills documents report nearly £3 billion in military sales to Saudi Arabia for the nine months from April to December 2015, that is a little under 40% of total UK arms sales during that period.¹²⁵

61. The Government insists that the UK has the most robust arms export licensing rules in the world. The Prime Minister told the House of Commons in January:

“we have the strictest rules for arms exports of almost any country anywhere in the world...we are not a member of the Saudi-led coalition; we are not directly involved in the Saudi-led coalition’s operations; and British personnel are not involved in carrying out strikes...our arms exports are carefully controlled and we are backing the legitimate Government of the Yemen.”¹²⁶

The Foreign Secretary wrote to us that the Government monitors the situation in Yemen very closely, taking account of relevant information, including UK, US and Saudi reporting and open source reporting by the media and NGOs. He told us that he “is satisfied that all extant UK licences for the export of arms to Saudi Arabia are compliant with the Consolidated EU and National Arms Export Licensing Criteria.”¹²⁷ These points were reiterated in recent correspondence with the Foreign Secretary, which is published as an Appendix to this report.¹²⁸

62. We heard that Saferworld and Amnesty International commissioned a legal opinion by eminent law experts Professor Philippe Sands QC and Blinne Ní Ghrálaigh of Matrix Chambers and Professor Andrew Clapham. It concluded 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 where there are clear examples of indiscriminate bombing which are in breach of IHL.¹²⁹

63. While we recognise that the arms export industry plays an important role in the UK economy and we are clear that the UK is legitimately allowed to sell weapons to allies, the Government should not sell weapons to allies if doing so would breach the UK’s legal obligations under UK arms export criteria, the EU common position on arms exports and the Arms Trade Treaty. Indeed, we suggest that it is in the long-term interest of the arms industry to be able to demonstrate a robust approach that maintains compliance with IHL.

64. The growing evidence of indiscriminate bombing by the Saudi-led Coalition in Yemen, in violation of IHL, raises serious questions over the Government’s continued licensing of arms transfers to Saudi Arabia must be answered. If there is a risk that it contravenes the UK’s obligations under the laws which regulate the international arms trade, the UK should not be providing arms to one of the parties to the conflict.

65. *In light of the strength and credibility of the evidence we have heard, we welcome the Committees on Arms Export Controls (CAEC) inquiry into the use of UK-manufactured arms in Yemen. We recommend that CAEC considers the case for suspending arms sales*

¹²⁵ BIS Strategic Export Controls: [Country Pivot Reports](#) for 1st April 2015–30th June 2015, for 1st July–30th September 2015 and for 1st October to 31st December 2015

¹²⁶ HC Deb, 27 January 2016, [col 262](#) [Commons Chamber]

¹²⁷ Appendix 3

¹²⁸ Appendix 4

¹²⁹ Saferworld ([YEM 0012](#)) para 7 and Qq3-4

*to Saudi Arabia until such time as there is evidence that there is no “clear risk” that arms exported from the UK “might be used in the commission of a serious violation of IHL”.*¹³⁰ *An independent inquiry would provide credible evidence on whether UK-manufactured arms have been used in the commission of violations of IHL, and the UK Government should fully support an independent investigation without delay.*

A paradox of arms and aid

66. Evidence we received described a “paradox at the heart of the UK Government’s approach to Yemen”,¹³¹ whereby the Government’s licensing of arms exports to Saudi Arabia could be undermining the protection of civilians and be inconsistent with the UK’s support for the humanitarian response. Save the Children told us:

“It is one of the great paradoxes that we face...the UK Government has this incredibly responsible role in terms of the aid side, and yet their role in terms of provision and support, which has become clearer and clearer as the weeks have gone on, in perpetuating the conflict is an incoherence that does not bear out.”¹³²

67. The Foreign Secretary was asked about the issue of arms exports in a *Newsnight* interview in November 2015 in which he confirmed that UK arms are being used in Yemen:

“We’d always like to do more business, more British exports, more British jobs and in this case very high end engineering jobs protected and created by our diplomacy abroad. I know that some of them are being used in Yemen, that doesn’t fall foul of the export licensing criteria.”¹³³

68. DFID Minister Desmond Swayne told us that the conflict is creating challenges for the delivery of humanitarian aid, as “while people are being blown to smithereens, it makes life very difficult.”¹³⁴ However, he explicitly rejected the suggestion that his Department’s work was being undermined by the Government’s licensing of arms exports to Saudi Arabia.¹³⁵ He suggested that maintaining a principle of supporting the Saudi-led coalition helped to provide influence in the negotiations over humanitarian access:

“The United Kingdom is not a party to this conflict. We are not at war. We support the restoration of the lawful government of the Yemen. Now, I have found that my support for the principle has given me a level of access with which I am able to agitate for greater humanitarian access and relief and greater provision to make shipping available...and indeed the observation of humanitarian law.”¹³⁶

130 HC Deb, 25 March 2014, [col 11WS](#) [Commons written ministerial statement on the Consolidated EU and National Arms Export Licensing Criteria] see criterion two (c)

131 Oxfam ([YEM 0014](#)) para 34

132 Q12

133 [“Philip Hammond says he wants UK to sell even more weapons to Saudi Arabia”](#), The Independent, 11 November 2015

134 Q26

135 Q27

136 Q27

69. *The UK Government should listen to the many concerns being expressed, including to this Committee, that the humanitarian crisis that DFID is working to address in Yemen may be being exacerbated by a flow of British arms into Saudi Arabia. Maintaining a relationship of potential influence in the region should not prevent the UK Government from closely examining the contents and evidence of this report. We urge it to use all levers of influence at its disposal to ensure IHL is not violated, and to work to achieve the greatest possible level of cross-governmental policy coherence in respect of the humanitarian crisis in Yemen.*

The Committees on Arms Export Controls

70. The Committees on Arms Export Controls (CAEC), which is comprised of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees, was re-established in January 2016 and has announced an inquiry into the use of UK-manufactured arms in Yemen.¹³⁷ In its evidence to our inquiry, Saferworld credited the UK Parliament, through the existence of CAEC, as being “a world leader and a significant influence on attitudes of transparency and accountability in other States”.¹³⁸ CAEC has previously raised concerns about arms sales to countries like Saudi Arabia that are listed as a Priority Market for arms exports whilst simultaneously listed by the FCO as a country of major human rights concerns.¹³⁹

71. Of the arms licensing criteria, we consider that there are three in particular against which UK arms exports to Saudi Arabia should be thoroughly tested:

- Criterion Two: The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law;
- Criterion Three: The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts; and
- Criterion Four: Preservation of regional peace, security and stability.

72. DFID has a formal role in considering licences under criterion 8 (“whether the proposed export would seriously hamper the sustainable development of the recipient country”). It does not at present have a role in considering the impact on the development of countries where those proposed arms exports might ultimately be used, even if those countries are recipients of UK aid. Nor is it involved in the application of the three criteria listed above.

73. In light of the reports of violations of IHL by the Saudi-led coalition in Yemen, we welcome CAEC’s decision to examine in detail whether UK arms sales to Saudi Arabia breach the laws which regulate the international arms trade. Through our membership of CAEC we will pursue examination of relevant export licences with specific reference to criteria 2, 3, 4 and 8. The CAEC inquiry will consider DFID’s role in arms export

¹³⁷ Committees on Arms Export Controls, [“Use of UK-manufactured arms in Yemen inquiry launched”](#), 10 March 2016

¹³⁸ Saferworld ([YEM 0012](#)) para 9

¹³⁹ Committees on Arms Export Controls, Second Joint Report of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees of Session 2014–15 [Committees on Arms Export Controls Scrutiny of Arms Exports and Arms Controls \(2015\): Scrutiny of the Government’s Strategic Export Controls Annual Report 2013, the Government’s Quarterly Reports from October 2013 to June 2014 and the Government’s policies on arms exports and international arms control issues](#), HC 608, para 88

licensing further and consider expansion of the application of criterion 8 to consider the sustainable development of not only the recipient country, but also those countries where the proposed exports may be used.

4 A political solution

74. The first of DFID's strategic priorities for Yemen is to support a sustainable and inclusive political solution as the only means to bring long-term stability to Yemen.¹⁴⁰ This is an admirable but challenging objective. Evidence received from Saferworld noted that a lasting solution would have to be inclusive and representative of the population:

“Decades of elite patronage, corruption, and a ‘winner-takes-all’ attitude to power on the part of Yemen’s political leaders has been hugely detrimental to the Yemeni population’s access to basic services, including water, healthcare, education, security and justice. Elite-level deals such as the Gulf Cooperation Council agreement have merely recycled Yemen’s power structures, and to date talks and agreements continue to be seen by the main actors as methods for consolidating power rather than to address the needs of the population and the deteriorating political, economic, security and humanitarian environment.”¹⁴¹

75. The UN has acted as the vehicle for peace talks and temporary ceasefires, which have so far been broken and short-lived. A representative of the Yemeni diaspora described the December 2015 talks as a bit of theatre for delegates to reassure allies that they were serious about a political solution, while at the same time the ceasefire on the ground was broken by both sides. The diaspora told us that there needs to be further pressure put on parties to hold the ceasefire on the ground.¹⁴² The UN human rights spokesman has noted that the ceasefire agreed to by the warring parties before the start of the December talks was broken within minutes.¹⁴³ In fact, the UN High Commissioner for Human Rights reported that the number of civilians killed in December by Saudi airstrikes was more than twice that in November.¹⁴⁴ We hope that the ceasefire which began on 10 April 2016 will be upheld and become more permanent. We also welcome the peace talks being held in Kuwait as a positive step towards securing peace. As the UN Special Envoy for Yemen has said:

“Much work lies ahead to ensure full respect of the cessation of hostilities and the resumption of peace talks in Kuwait. Now is the time to step back from the brink. The progress made represents a real opportunity to rebuild a country that has suffered far too much violence for far too long. A positive outcome will require difficult compromises from all sides, courage and determination to reach an agreement.”¹⁴⁵

Recovery and rebuilding

76. DFID suspended its political and economic reform programmes in March 2015 to focus on meeting immediate humanitarian needs, however, the Department has told us that these programmes are ready to scale-up once a political solution to the conflict is found:

140 Department for International Development ([YEM 0011](#)) Executive Summary

141 Saferworld ([YEM 0012](#)) para 13.2

142 Note of meeting with Yemeni diaspora, 19 Jan 2016

143 “Yemen War Taking Big Toll on Civilians”, Voice of America, 5 January 2016

144 “Press briefing notes on Yemen”, UN Office for the High Commissioner for Human Rights, 5 January 2016

145 “UN envoy welcomes the start of cessation of hostilities in Yemen”, UN News Centre, 11 April 2016

“Experience from other conflicts also underlines the value of starting to plan for stabilisation and post-conflict recovery at the earliest opportunity, to lay the foundation for longer-term development. We are engaging with the Government of Yemen, Gulf countries, the World Bank, UN and other donors on these issues.”¹⁴⁶

DFID Minister Desmond Swayne told us:

“Even now, we have a series of meetings beginning next month working on the recovery and reconstruction of Yemen. We will have a multi-year offer that we will announce in due course. The department is even now working through its budgets. There is a huge level of need and we will have to address it.”¹⁴⁷

77. In its written evidence to the inquiry, DFID said that it is supporting interventions to retain resilience at individual, community and institutional level, to aid the transition from conflict to post-conflict recovery:

“For example, our humanitarian partners are supporting households and communities to increase their ability to withstand shocks, and we use unconditional cash transfers as a means of giving households the choice of how to allocate scarce resources. Alongside this humanitarian commitment, we also supported SFD [Social Fund for Development]—a quasi-governmental Yemeni institution—to deliver basic services and provide a social safety net for poor Yemenis prior to April 2015. We are currently exploring whether we can continue to support SFD as it remains a key development institution in Yemen and will be critical to Yemen’s post-conflict recovery. Our suspended economic reform programme (“Improving Aid Impact in Yemen”) is also ready to scale up when a political solution is found.”¹⁴⁸

78. We are encouraged by DFID’s work to consider longer-term development and the Department’s support for the UN’s efforts to facilitate peace talks to bring an end to the conflict in Yemen. 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 civilian and humanitarian spaces protected by international law. We are encouraged by the ceasefire which began on 10 April 2016 and urge the Government to continue to apply pressure to all parties to the conflict to hold the ceasefire so that it may become more permanent. We also welcome the peace talks held from 22 April 2016 in Kuwait and hope these will lead to an end to the year-long conflict which has devastated the lives of so many civilians in Yemen.

79. We urge the Government to apply pressure on all parties to the conflict to agree to the next round of peace talks and particularly to ensure that the accompanying ceasefire is adhered to by all sides. The Government should work to ensure that peace talks are inclusive and represent the needs of the Yemeni population, learning from past experience to seek a more sustainable peace.

80. We support DFID’s decision to start considering recovery and reconstruction now and we commend its proactive approach in taking forward the talks on recovery.

¹⁴⁶ Department for International Development ([YEM 0011](#)) Executive Summary

¹⁴⁷ Q22

¹⁴⁸ Department for International Development ([YEM 0011](#)) para 35

In addition, its work in protecting key institutions such as the Social Fund for Development demonstrate that it has conducted its approach to Yemen without losing sight of the ultimate goal of peace and stability. We hope that other UK Government Departments, and other international donors, will support this approach, with the objective of progressing away from a humanitarian relief effort, towards a long-lasting peace, within which longer term development can be facilitated.

Conclusions and recommendations

The humanitarian crisis

1. DFID has been instrumental in supporting and facilitating the humanitarian relief effort through a timely and flexible response. We commend the Department for its commitment to date towards funding the humanitarian crisis in the Yemen and for its work in raising the profile of this crisis among donors. However, much more needs to be done. We are concerned that other countries are not playing their part. It is vital that other donors, in addition to the UK, rapidly provide necessary funds to support the UN's \$1.8 billion 2016 Humanitarian Response Plan. We urge DFID to play an even stronger leadership role in order to secure these vital resources, both by substantially increasing its own funding contribution and by galvanising other donors to do the same. We welcome the proposed meetings on the recovery and reconstruction of Yemen and in addition we recommend that DFID consider hosting and international donor conference to highlight the urgent need for this support, similar to the Supporting Syria Conference 2016 which commendably brought together high level representatives from donors around the world and secured significant funding pledges. (Paragraph 10)

2. We are gravely concerned about the toll the conflict in Yemen is having on children and young people. Not only are they suffering from deaths and injuries, and severe food insecurity, but many have lost their schools and many have been recruited to armed groups. We fear the psychological effects of witnessing traumatic events at a young age will haunt them for many years to come. Since 26 March 2015, UNICEF has monitored, verified and documented over 1,000 grave violations against children in Yemen. Protecting children and getting them back into education must be a priority for the humanitarian response. We heard evidence that "there is not enough focus on the displaced and the living conditions of the displaced are appalling" and there are many internally displaced people who have now moved to areas "more or less untouched through this conflict" where emergency education may be possible. The UK has a good track record in supporting emergency education, for example for Syrian refugee children through the No Lost Generation Initiative. Urgent action is needed to ensure there is not a lost generation of Yemeni children and we expect this to be a priority at the upcoming DFID-led meetings on the recovery and reconstruction of Yemen. At the same time we urge DFID to explore with other humanitarian actors what provision for emergency education could be made for displaced children in Yemen now. Urgent action is needed to ensure there is not a lost generation of Yemeni children and we expect this to be a priority at the upcoming DFID-led meetings on the recovery and reconstruction of Yemen. At the same time we urge DFID to explore with other humanitarian actors what provision for emergency education could be made for displaced children in Yemen now. (Paragraph 14)

3. It is very worrying that access to adequate healthcare is decreasing as a result of damage to facilities from attacks, a lack of staff, and a lack of medicines. We remain concerned that the health care system in Yemen will not survive the conflict without further support, the consequences of which will be felt for years beyond the end of the current conflict. As we noted in our report on Ebola: Responses to a public health

emergency, a fragile and inadequate health system creates systemic vulnerability. DFID's expertise in health systems strengthening could make a positive contribution to the recovery effort when the time comes. Support for the health care system should form part of the agenda for the meetings DFID is hosting on the recovery and reconstruction of Yemen and in the immediate term DFID should look specifically at how it can work with other humanitarian actors to provide, harness and facilitate the funding and provision of emergency medical supplies which are urgently needed by civilians, as a result of the conflict. (Paragraph 17)

4. We welcome DFID's support for nutrition, water and sanitation programmes, which has been fundamental for maintaining and delivering these vital and life-saving services. However, much more needs to be done in what is one of the worst humanitarian crises in the world and we urge DFID to work with others to scale up the provision of these resources to meet immediate need. (Paragraph 21)
5. We applaud DFID for its leadership role in improving humanitarian access via port into the country and welcome its focus on interventions that support economic redevelopment. These should offer the prospect of a sustainable means of reducing some of these huge humanitarian needs. We encourage DFID to continue to negotiate at a high level to ensure support for the Verification and Inspection Mechanism and a smoother flow of commercial goods into the country. (Paragraph 24)
6. We note that the level of need in Yemen is growing to such a level that there are serious concerns that this cannot be met by humanitarian assistance alone. We therefore support DFID's work to revitalise the private sector. The importance of protecting Yemen's economy, including a functioning banking system, cannot be emphasised enough if there is to be hope of Yemenis rebuilding their lives after the conflict, and to counter the growth of extremist groups. We urge not only DFID but also Ministers in other Government departments, including Business, Innovation and Skills and the Foreign and Commonwealth Office, to actively prioritise work on this issue. Conflict resolution must also remain a key priority for all. (Paragraph 26)
7. We recognise that DFID does not have a "bottomless bag" and must ensure that assistance can get through and make a difference. Security and safety of humanitarian actors must also be a consideration. The fact that the security situation can be an obstacle to providing more funding for humanitarian assistance, and impacts on DFID's spending decisions, demonstrates the extent to which the ongoing conflict is undermining the relief effort. However, we urge DFID to consider the evidence we have heard that humanitarian agencies would be able to channel more assistance now, if available, to those in need, even within the very challenging constraints on humanitarian access. (Paragraph 32)
8. We remain gravely concerned by the security situation in Yemen, which threatens the safety of humanitarian staff and limits the ability of humanitarian agencies to deliver aid to those most in need of assistance. All parties to the conflict must respect the civilian and humanitarian spaces protected under IHL, where such areas do exist, such as where internally displaced people are gathered. We are encouraged by the Foreign Secretary's response to our letter, which states that the UK Government is working closely with the UN, the Coalition and the Government of Yemen on peace talks, and regularly raises the importance of compliance with IHL with the

Saudi Government, Coalition members, and the Houthis. The Government should 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 facilitate humanitarian agencies safe spaces in which to operate. (Paragraph 36)

The conflict

9. Civilians are paying too high a price in the conflict in Yemen. There is clear evidence of a disregard for civilian life and for the rules of war which are designed to minimise harm to civilians. We are deeply concerned about reported violations of IHL. (Paragraph 44)
10. The conduct of the conflict has been brutal. The UN has reminded all parties to the conflict that they have a duty of care in the conduct of military operations to protect all civilian persons and objects, including humanitarian and health care workers and facilities, against attack. We have heard credible evidence of violations of IHL in Yemen. Mark Lowcock, Permanent Secretary, DFID, has spoken of the UK's strong track record as a "country that has [consistently] tried to uphold the principles of international humanitarian law." (Paragraph 48)
11. It is deeply disappointing that the UK Government does not accept that breaches of IHL have taken place in Yemen. The failure to hold parties to the conflict to account for their actions appears to have contributed to an "anything goes" attitude by both sides to this conflict. (Paragraph 49)
12. *As we stated in our letter to the Secretary of State for International Development in February 2016, pressure must be applied to stop the use of explosive weapons in populated areas. This would demonstrate the Government's commitment to ensuring international norms are adhered to and civilians and aid workers are protected.* (Paragraph 50)
13. We believe that the verification of reports of violations of IHL and any process of holding those responsible to account is severely hampered by the lack of any independent investigation into these allegations. We remain unconvinced that Saudi Arabia is best placed to conduct investigations into reports of IHL abuses by the Saudi-led Coalition. As we stated when we wrote to the Secretary of State for International Development in February 2016, it is a longstanding principle of the rule of law that inquiries should be independent of those being investigated. We are concerned that any investigation led by Coalition actors is likely to come to the conclusion that the allegations were inaccurate. (Paragraph 55)
14. The resolution which gives authority to the Government of Yemen to investigate alleged abuse was agreed at the Human Rights Council in September 2015, which was more than seven months ago, since when civilian casualties in Yemen have increased by over 2,000 and the High Commissioner on Human Rights' representative was briefly expelled from Yemen by the very authorities he was there to assist. CAEC recently heard from Human Rights Watch that not a single investigation had been conducted by the Yemeni Commission, and that a Saudi Committee that was set

up in January would not be investigating individual strikes. This worrying and worsening situation only reinforces the urgent need for an independent investigation. (Paragraph 56)

15. *For this reason, whilst we note the response of 9 March from the Foreign Secretary that the Government is not opposing calls for an independent investigation, despite our reservations, we urge the Government to press the Saudis to complete their review within a short time frame. The longer this takes, the longer the potential impact on the safe delivery of humanitarian aid to those in need. We also urge the Government to support calls for an independent international inquiry into alleged abuses of IHL on the part of both sides in the current conflict in Yemen, and to do all it can to ensure this is established as a matter of urgency.* (Paragraph 57)
16. While we recognise that the arms export industry plays an important role in the UK economy and we are clear that the UK is legitimately allowed to sell weapons to allies, the Government should not sell weapons to allies if doing so would breach the UK's legal obligations under UK arms export criteria, the EU common position on arms exports and the Arms Trade Treaty. Indeed, we suggest that it is in the long-term interest of the arms industry to be able to demonstrate a robust approach that maintains compliance with IHL. (Paragraph 63)
17. The growing evidence of indiscriminate bombing by the Saudi-led Coalition in Yemen, in violation of IHL, raises serious questions over the Government's continued licensing of arms transfers to Saudi Arabia must be answered. If there is a risk that it contravenes the UK's obligations under the laws which regulate the international arms trade, the UK should not be providing arms to one of the parties to the conflict. (Paragraph 64)
18. *In light of the strength and credibility of the evidence we have heard, we welcome the Committees on Arms Export Controls (CAEC) inquiry into the use of UK-manufactured arms in Yemen. We recommend that CAEC considers the case for suspending arms sales to Saudi Arabia until such time as there is evidence that there is no "clear risk" that arms exported from the UK "might be used in the commission of a serious violation of IHL".. An independent inquiry would provide credible evidence on whether UK-manufactured arms have been used in the commission of violations of IHL, and the UK Government should fully support an independent investigation without delay.* (Paragraph 65)
19. *The UK Government should listen to the many concerns being expressed, including to this Committee, that the humanitarian crisis that DFID is working to address in Yemen may be being exacerbated by a flow of British arms into Saudi Arabia. Maintaining a relationship of potential influence in the region should not prevent the UK Government from closely examining the contents and evidence of this report. We urge it to use all levers of influence at its disposal to ensure IHL is not violated, and to work to achieve the greatest possible level of cross-governmental policy coherence in respect of the humanitarian crisis in Yemen.* (Paragraph 69)
20. In light of the reports of violations of IHL by the Saudi-led coalition in Yemen, we welcome CAEC's decision to examine in detail whether UK arms sales to Saudi Arabia breach the laws which regulate the international arms trade. Through our

membership of CAEC we will pursue examination of relevant export licences with specific reference to criteria 2, 3, 4 and 8. The CAEC inquiry will consider DFID's role in arms export licensing further and consider expansion of the application of criterion 8 to consider the sustainable development of not only the recipient country, but also those countries where the proposed exports may be used. (Paragraph 73)

A political solution

21. We are encouraged by DFID's work to consider longer-term development and the Department's support for the UN's efforts to facilitate peace talks to bring an end to the conflict in Yemen. 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 civilian and humanitarian spaces protected by international law. We are encouraged by the ceasefire which began on 10 April 2016 and urge the Government to continue to apply pressure to all parties to the conflict to hold the ceasefire so that it may become more permanent. We also welcome the peace talks held from 22 April 2016 in Kuwait and hope these will lead to an end to the year-long conflict which has devastated the lives of so many civilians in Yemen. (Paragraph 78)
22. *We urge the Government to apply pressure on all parties to the conflict to agree to the next round of peace talks and particularly to ensure that the accompanying ceasefire is adhered to by all sides. The Government should work to ensure that peace talks are inclusive and represent the needs of the Yemeni population, learning from past experience to seek a more sustainable peace.* (Paragraph 79)
23. We support DFID's decision to start considering recovery and reconstruction now and we commend its proactive approach in taking forward the talks on recovery. In addition, its work in protecting key institutions such as the Social Fund for Development demonstrate that it has conducted its approach to Yemen without losing sight of the ultimate goal of peace and stability. We hope that other UK Government Departments, and other international donors, will support this approach, with the objective of progressing away from a humanitarian relief effort, towards a long-lasting peace, within which longer term development can be facilitated. (Paragraph 80)

Annex 1: Note of meeting with Yemeni diaspora, 19 January 2016

Meeting with the Yemeni diaspora

Tuesday 19 January 2016

Meeting notes

Political situation

Discussions began with the political situation as one representative talked about a visit she had made with the BBC to North Yemen in August/September 2015, 5 months into the conflict, for a series of Newsnight programmes. North Yemen is mostly controlled by Houthis so there wasn't much evidence of fighting by the rebel group there. Rather, Houthis were more active in fighting in the South, particularly in Aden and Taiz. She was most struck by Omar who she met in an Internally Displaced Persons (IDP) camp in Hajjah. Refugee camps are no longer place of refuge as IDPs move from camp to camp as a result of attacks. Omar had been sipping tea on his porch when it was struck by an airstrike. Omar wanted to tell the world that they are not going to succeed by fighting, they need to negotiate- "They could save us all from so much sorrow if they would just sit around a table and negotiate." It was noted that a definitive military victory was seen as impossible. The only people paying the price for this war were the Yemenis.

Discussion then moved on to the UN peace talks in Biel, Switzerland in December 2015, where one representative had been present. Ahead of the talks, parties were optimistic that the pressure put on the Government of Yemen, the Saudis and, to a lesser extent, the Houthis, would lead to a political solution. There had been progress but as the ceasefire on the ground was broken by both sides, the talks failed. It was suggested that delegates saw the talks as a bit of theatre to reassure allies that they were serious about a political solution. There needed to be further pressure put on parties to hold the ceasefire on the ground. It was mentioned that one of main outcomes from the peace talks was to allow humanitarian access to besieged cities. Since the blockade on ports was lifted in October, it had mostly been the North which had benefitted from the shipments which had been allowed in.

Concerns were raised about the city of Taiz, which had been under siege by the Houthis for months leaving the people there with no food, water or medicine. Taiz was compared to Madaya in Syria but the voices of the people from Taiz are not being heard outside. A representative talked of friends who had tried to take water into Taiz but had been arrested by Houthi fighters and tortured.

Taiz was the third largest city in Yemen, with only one crossing for access in and out of the city. It was explained that families were only allowed to bring in one kilo of food. Hospitals were not allowed to bring in oxygen or cancer drugs. Consequently there was a very high mortality rate.

MSF and ICRC had failed to bring medicines into the city. UN agencies had so far failed to convince Houthi forces to allow them to take food and supplies into city. Taiz had

featured in the recent peace talks but no solution was committed to. The priorities of the peace talks had been to agree the release of political detainees and to open humanitarian access to the country. It was noted that the Syrian city Madaya received significantly more media coverage than Taiz, and that the Houthis are a militia, hence it was difficult to deal with them via the Government of Yemen. It was stressed that war crimes were being committed in Yemen by both sides and that an independent international investigation into war crimes in the country was needed. Members heard that people in North Yemen were not aware of what was happening in Taiz and the South, so Houthis were able to recruit more easily in the North.

Economic situation

The discussion then moved on to the economic situation, with concerns that the economy in Yemen was going from bad to worse. Members heard that economic activity had come to a standstill. For example, manufacturing and food-related activities had ceased with the consequence that there was no supply to the market. The conflict had resulted in the creation of a black market in which prices were inflated by up to 300-400 times. This motivated those that were profiting to keep the war going.

Members were told that the crisis was affecting the entire Yemeni population, with 25 million people at risk of the effects of famine caused by a crippling economy. It was pointed out that aid programmes could only be effective if there was also commercial activity. Aid programmes alone could not cater for the whole country. One representative urged the international community to allow humanitarian aid in to Yemen and for manufacturing activity to continue. Commercial activity had been made difficult as premises and infrastructure have been damaged by the conflict. Concerns were raised about the fragile banking sector in Yemen and the need to support the country's Central Bank. Only 10% of needs in Yemen can be provided for by the aid system so the country needs a commercial sector and for that it needs strong banks.

Returning to the point made on famine in Yemen, one representative clarified that the UN had said Yemen was on the brink of famine 5 months earlier. Much as food was available in Yemen, it was too expensive for most of the population. 80% of the population were reliant on imported food.

Humanitarian situation

The humanitarian crisis was described as collective punishment- the population was being punished for the actions of the Houthis. Continuing the discussion on the economy, Members heard that 77% of private businesses had shut down causing 71% of people employed in private sector to lose their income. If the private sector were allowed to function as it had been, it would contribute to the economy and the workforce, and the country wouldn't be so dependent on international aid.

It was argued that a more holistic approach was needed to treat the crisis in Yemen. One representative said it was like treating a cancer, explaining that you can't just treat the cancer in the hand and leave the rest of the body. He pointed to two problems causing tremendous effects on the population- one being the war and the other the blockade. The war was causing direct deaths, while the blockade was indirectly causing deaths- to people, the economy, supplies, and services. He pointed to fuel, which was 286% more expensive than before the war. 2.3m people had been internally displaced, mainly in areas such

as Taiz, Aden and Saadah. Major cities with big populations like Taiz had been without electricity for more than 6 months. The impact of this on hospitals, schools, services, and businesses had been catastrophic for the population, particularly on maternal and child health. Prices had skyrocketed while nearly everybody was unemployed.

Members heard data obtained on the health system in Yemen as an example to illustrate the scale of the crisis:

26,000 injuries, 5,700 deaths, and displacement that exceeds 400 times what it had been before the war;

Acute malnutrition rates doubled;

Famine already at level 3 in 10 governorates. Another 10 (out of Yemen's 22 governorates) would enter level 3 in the next few months;

The health sector was about to fail, which had resulted in outbreaks of dengue fever and measles. Polio was eradicated in 2006 but there were fears of an outbreak due to lack of ongoing vaccinations;

Health facilities had been bombed by airstrikes and Houthis had damaged services in Taiz;

1.6 million IDPs in Hodeidah and areas with a high risk of malaria;

25% of health facilities and 25% of ambulances had been bombed;

Of those health facilities that remain, only half had any stock to provide treatments;

Business had increased for the private health sector because the public health sector was failing.

The out-of-pocket expenditure on healthcare had increased from 70% to 91%.

Members were told that the war needed to stop and that the international community needed to put pressure on regional powers to stop the war.

Questions

The meeting then moved to questions. On Taiz, it was explained that the only way to get supplies in was by smuggling. There was no humanitarian corridor. There were only 3 hospitals functioning in the Governorate of Taiz for 1.5 million people. Taiz was called the worst of the humanitarian crisis. One representative spoke of family friends in Taiz who stayed in their house because they couldn't go anywhere. They got one or two kilos of food a day, depending on the mood of the guards. There was no school for the children. They had said that they were "waiting to see when they would die". Members heard that Taiz was the only political capital the Houthis had. At the peace talks, priority was given to discussions on political prisoners (which included three days of talks about the President's brother) and Taiz. Taiz was resolved quickly at the talks. For two days, trucks entered Taiz until the third day, when the Government pushed on the ground towards Sana'a, and the Houthis took hold of their Taiz card again.

When asked why the eyes of world are not on Yemen like Syria, one representative held the media responsible, the majority of which was Gulf funded or allied with Gulf Cooperation Council countries. Since the war, nobody would commission documentaries on Yemen. There had also been a crackdown on journalists, with no international journalists entering the country for four months. UK arms exports were also raised as a problem and that the supply of arms to warring parties needed to be stopped.

Questions then moved to the impact of the conflict on children. Members heard that at the beginning of the war all schools in Yemen were closed for seven months. There had been a rise in severe malnutrition among children. 71% of population were unemployed, children were not going to school and students are not going to university. At the same time, extremist groups such as Al-Qaeda in the Arab Peninsula (AQAP) and Daesh could offer people a salary. It was explained that people were joining these groups because they needed an income, not because they agreed with the ideologies. AQAP and Daesh were winning, and were flourishing in the environment the war had created.

Members asked for clarification on what impact opening ports would have, compared with other forms of support to the private sector, and heard that support for the private sector would help more in the short to medium term. It was explained that ports had been damaged, making it difficult to get shipments in and processed, and to allow for the onward distribution of aid.

The final question asked what DFID should be looking at to make sure humanitarian assistance would make a difference in Yemen, the response to which stressed the importance of a political solution. Progressive peace talks were needed with trust building measures such as ending sieges. The diaspora representatives called on the UK Government to push for trust-building measures and a political solution.

Annex 2: Letter to the Secretary of State for International Development, 2 February 2016

From Stephen Twigg MP, Chair

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

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 billion¹⁴⁹ 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.”¹⁵⁰

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

¹⁴⁹ BIS Strategic Export Controls: Country Pivot Reports for 1st April 2015 – 30th June 2015 and for 1st July 2015 – 30th 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.

¹⁵⁰ Q56

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.¹⁵¹

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.”¹⁵² 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 Rights¹⁵³.

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”¹⁵⁴

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.

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

151 Q12

152 Criterion Two (c) of the Consolidated EU and National Arms Export Licensing Criteria

153 See also Amnesty International and Human Rights Watch

154 Q8

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 arms¹⁵⁵. The Parliamentary Under-Secretary of State for the FCO, Tobias Ellwood MP, called the Committee “naïve”¹⁵⁶ 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.¹⁵⁷ 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.¹⁵⁸ 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 Hudaydah and domestic transit routes.”¹⁵⁹

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 Children told the Committee, they are being forced to operate in a “shrinking humanitarian space”.¹⁶⁰

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

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

156 Q37

157 Q38

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

159 http://www.theguardian.com/world/2016/jan/27/un-report-into-saudi-led-strikes-in-yemen-raises-questions-over-uk-role?CMP=tw_t_gu

160 Q6

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

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

Appendix 1: Letter from Tobias Ellwood MP, FCO Under-Secretary of State, 11 February 2016

From Tobias Ellwood MP, Parliamentary Under-Secretary of State for the Foreign and Commonwealth Office

To Stephen Twigg MP, Chair

I am writing following the International Development Committee's evidence session of 27 January. I undertook to reply to the Committee with details on two specific points

Regarding the issue of European Union discussions on a Common Position on allegations of breaches of International Humanitarian Law (IHL) in Yemen, the EU agreed its common position on Yemen in Council Conclusions on 16 November 2015. In these Conclusions, inter alia, the EU:

- called on all sides to ensure the protection of civilians;
- expressed deep concern at the “indiscriminate targeting of civilian infrastructure”;
- called on all parties to ensure the respect of IHL and International Human Rights Law;
- expressed hope that the Yemeni National Independent Commission of Inquiry would be allowed to investigate independently;
- and reiterated a call for the investigation of all alleged violations of IHL and International Human Rights Law.

Secondly, I undertook to reply with more detail on the process by which the UN Human Rights Council adopted a resolution in October 2015, which called upon the UN to provide technical assistance to the Government of Yemen, assist the Yemeni National Independent Commission of Inquiry, and report back to the next session of the Human Rights Council. There were two different drafts initially put forward and the UK's priority was to secure cross-regional agreement on a text that would strengthen human rights in Yemen. Both drafts had elements that were unacceptable to the other side; we encouraged the Member States to work towards a compromise which reflected the current human rights situation in Yemen and made constructive suggestions on how to improve it. The two sides tabling resolutions reached an agreement on a single text, which was then adopted by consensus. The resolution ensured Yemen remained on the Council's agenda (an oral report on developments will be given at the next session in March) and tasked the UN Office of the High Commissioner for Human Rights (OHCHR) to help Yemen investigate human rights abuses and violations. We believe that this resolution will help create the conditions for the legitimate Government of Yemen to improve its capacity to protect human rights, while we continue our significant political engagement and support of UN efforts to end the war.

I would like to use this letter to clarify three further points of detail from my evidence to the Committee.

I referred to the Houthis as a “terrorist organisation” rather than an “armed group”. To confirm, the UK has not designated the Houthis as a terrorist organisation and has no plans to do so.

During my comment on the example of the alleged Iranian Embassy bombing, I referred to this as an unsubstantiated example of a “breach of human rights”. I should have referred to it as an unsubstantiated example of a breach of IHL, which despite being widely reported by the media, has subsequently been proven not to have happened.

Regarding the port of Hodeidah, I can confirm it is not closed, but the number of ships docking there remains constrained, due to physical damage and space limitations. The number of ships arriving in Hodeidah has increased since August. We are funding the new UN Verification and Inspection Mechanism (UNVIM) along with US, EU, New Zealand and the Netherlands to avoid unnecessary delays in the clearance process. Returning commercial shipping to pre-conflict levels remains one of our top priorities and we will continue to urge the Government of Yemen and Saudi Arabian-led Coalition to ensure the current improvement is maintained and extended.

The UK remains fully committed to and actively supports the UN’s efforts to bring about a political solution to the conflict, which remains the best way to bring long-term stability to Yemen and avoid a humanitarian catastrophe.

Yours sincerely,

Tobias Ellwood MP, Parliamentary Under Secretary of State

Appendix 2: Letter from the Secretary of State for International Development, 15 February 2016

From Rt Hon Justine Greening MP, Secretary of State for International Development

To Stephen Twigg MP, Chair

Thank you very much for your letter of 2 February on the crisis in Yemen. I welcome the International Development Committee's attention to one of the world's most serious humanitarian crises, and I look forward to receiving the Committee's formal report.

Addressing the crisis in Yemen continues to be a top priority for DFID. We will maintain our focus on supporting the peace talks to end the conflict; increasing commercial imports of food, fuel and medical supplies; improving humanitarian access; and strengthening the international community's response to the crisis.

In this regard, I am very pleased that the Committee has recognised the important leadership role that DFID has played so far and commended our timely and flexible response.

I have noted your serious concerns about the UK Government's arms sales to Saudi Arabia and their impact in Yemen. I have asked the Foreign Secretary to reply to you on these points, which I understand he is about to do.

Justine Greening

Appendix 3: Letter from the Foreign Secretary, 9 March 2016

From Rt Hon Philip Hammond MP, Foreign Secretary

To Stephen Twigg MP, Chair

The Secretary of State for International Development (DFID) has asked me to respond to your letter of 2 February as the Foreign and Commonwealth Office (FCO) is the lead Department for the issues you raise. I welcome this opportunity to respond to the International Development Committee's recommendations.

The situation in Yemen remains of deep concern to the UK Government, in particular the dire humanitarian crisis. We all agree on the need for urgent action to prevent a further deterioration and to provide life-saving assistance to the Yemeni population. As you recognise, the UK has played a leadership role on this, in particular with regards to humanitarian and commercial shipping access to all of Yemen's sea ports. The FCO, DFID and the Ministry of Defence will continue to work closely together to improve the humanitarian situation and support peace and stability in Yemen.

Regarding your first recommendation, the Government is not opposing calls for an independent investigation but, first and foremost, we want to see the Saudis investigate allegations of breaches of International Humanitarian Law (IHL) which are attributed to them; and for their investigations to be thorough and conclusive. The Saudi authorities announced more detail of how they will investigate such incidents on 31 January, including a new investigation team outside of Coalition Command to review all existing procedures, and suggest improvements. We believe we should give time for this new team to do its job before considering the issue of an independent investigation.

It is untrue that the UK was "not satisfied" with the proposals in the Human Rights Council resolution tabled by the Netherlands and sought to water them down. The two sides which tabled different resolutions at the September/October 2015 Human Rights Council reached an agreement on a single text, which was then adopted by consensus. The UK supports this outcome as it is designed to help the legitimate Government of Yemen (GoY) improve its own capacity to protect the human rights of its people. The UN Office for the High Commissioner of Human Rights will provide an oral update on developments on Yemen at the next Human Rights Council session in March. We will take into consideration the assessment given and recommendations made.

Regarding your second recommendation, we can and do respond quickly and flexibly to changing or fluid circumstances and are able to review licences and suspend or revoke when required. At this stage we do not consider that suspension or revocation is required here, but this is kept under review taking into account any relevant new developments. On the basis of the information currently available to us, we are satisfied that all extant UK licences for the export of arms to Saudi Arabia are compliant with the Consolidated EU and National Arms Export Licensing Criteria. Criterion 2c provides that a licence must be refused if "there is a clear risk that the items might be used in the commission of a serious violation of IHL". All available relevant information, including UK, US and Saudi reporting as well as open source reporting by the media and NGOs, is taken into account

as part of the assessment and this is kept under review, with new information factored in as we receive it. We continually monitor the situation very closely and seek further information where appropriate to inform our overall risk assessment.

Regarding your third recommendation, I agree with you on the importance of putting pressure on all parties to the conflict and other international actors to comply with their obligations under international law and to take all possible measures to protect civilians. Allowing humanitarian agencies a safe space in which to operate is a top priority, and requires the resumption of peace talks alongside work towards a durable ceasefire. The UK is working closely with the UN, the Coalition and the GoY on the peace talks. We regularly raise the importance of compliance with IHL with the Saudi Government and other members of the military coalition and continue to engage with them on this. We also have raised our concerns with the Houthis on the importance of compliance with IHL. We continue to call on all parties to facilitate rapid and safe access to all people in need, to safeguard major access routes and key infrastructure in Yemen, including airports, sea ports, fuel distribution sites and, and to protect civilians.

The UK is the fourth largest donor to this crisis, having more than doubled our humanitarian aid to Yemen this year to £85m for 2015/16. We have helped more than 1.3 million Yemenis providing life-saving assistance such as medical supplies, water, food and emergency shelter, as well as supporting refugees and migrants. The latest £10m will include additional support for food, water and healthcare, and contribute to the UN Verification and Inspection Mechanism. Our support is delivered through the UN (UNICEF, WFP, UNHCR, OCHA) and through international organisations and NGOs (e.g. Oxfam, Save the Children, CARE, International Organisation for Migration).

We continue to urge all parties to engage in good faith in peace talks, which are vital to achieving the sustainable political solution that Yemen desperately needs to resolve the crisis and improve the humanitarian situation.

The Rt Hon Philip Hammond MP

Annex 3: Letter to the Foreign Secretary, 22 March 2016

From Stephen Twigg MP, Chair

To Rt Hon Philip Hammond MP, Foreign Secretary

Dear Philip,

Thank you for your letter of 9 March, in which you confirm that, based on the information available to you, you are satisfied that all extant UK licences for the export of arms to Saudi Arabia are compliant with Consolidated EU and National Arms Export Licensing Criteria. I also note the comments you made in a speech on 10 February at the Institute of Directors to the Conservative Middle East Council, that you had looked at every allegation of breach of International Humanitarian Law and had found no evidence of a breach of International Humanitarian Law.

I recognise that mistakes are made in war and note that the coalition has confirmed that one airstrike on a Médecins Sans Frontières hospital in Yemen was due to error. However, that airstrike was one of three that have hit protected Médecins Sans Frontières clinics in Yemen. The UN has also identified 119 violations of IHL, and Amnesty International and Human Rights Watch have documented more than 60 IHL breaches. The International Development Committee heard very compelling evidence of breaches of IHL from those working on the ground in Yemen.

The Committee will be considering its Report on the crisis in Yemen after the Easter recess. I am writing to you as a courtesy, ahead of that meeting, to give you the opportunity to set out the basis on which you have made the very clear assertion that there is no evidence of breaches of IHL during the conflict in Yemen.

To allow the Committee to consider your reply alongside the evidence we have heard and read, I would be grateful if you could reply to this letter by Thursday 7 April.

Yours sincerely,

Stephen Twigg MP

Chair of the Committee

Appendix 4: Letter from the Foreign Secretary, 6 April 2016

From Rt Hon Philip Hammond MP, Foreign Secretary

To Stephen Twigg MP, Chair

Dear Stephen,

Thank you for your letter of 22 March, in which you give me the opportunity to set out the basis for our analysis of Saudi Arabian activity in Yemen and our current position that all extant UK licenses are compliant with our legal obligations pursuant to the Consolidated EU and National Arms Export Licensing Criteria.

As you point out in your letter, Saudi Arabia has announced the result of the investigation in the airstrike on an MSF hospital. The MOD has monitored and analysed the additional International Humanitarian Law (IHL) allegations highlighted in your letter. In carrying out its analysis, the MOD has access to a wide range of information to which the UN and the NGOs mentioned in your letter do not have access, including: Saudi-led Coalition operational reporting data; imagery; and other reports and assessments, including UK Defence Intelligence reports and some battle damage assessments.

When considering arms export licences there are a number of issues to be considered, pursuant to the Consolidated Criteria. Our analysis in relation to air weapons and equipment that may be used by the Saudis in Yemen has focused in particular on Criterion 2(c), for which the relevant question to ask is whether there is a clear risk that the items to be licensed might be used in the commission of a serious violation of IHL. This is done on a case by case basis with reference to expert advice from both the FCO and MOD including: a considered analysis by MOD of all incidents of alleged IHL violations by the Coalition in Yemen that come to its attention; an understanding and knowledge of Saudi Arabian military processes and procedures; and ongoing engagement with Saudi Arabia, including post-incident dialogue with respect to investigations.

The Government has concluded that the mandatory refusal threshold in criterion 2(c) has not been met. There is no clear risk that Saudi Arabia might use the UK export to commit serious violations of IHL. In particular: (1) the Saudi-led Coalition are not targeting civilians; (2) Saudi Arabian processes and procedures have been put in place to ensure respect for the principles of IHL; (3) Saudi Arabia is investigating incidents of concern, including those involving civilian casualties; (4) Saudi Arabia has throughout engaged in constructive dialogue with the UK about both its processes and incidents of concern; (5) Saudi Arabia has been and remains genuinely committed to IHL compliance.

As you will be aware, on 10 March 2016 the Parliamentary Committees on Arms Export Controls launched an inquiry into the use of UK-manufactured weapons in the conflict in Yemen. We will provide written evidence to the inquiry during April 2016 and several Ministers, including the FCO Minister for the Middle East Tobias Ellwood MP, are scheduled to appear on 27 April 2016 to provide oral evidence. We look forward to this opportunity to further discuss our arms export policy to Saudi Arabia with Parliament.

Yours ever,

The Rt Hon Philip Hammond MP

Formal Minutes

Wednesday 27 April 2016

Members present:

Stephen Twigg, in the Chair

Fiona Bruce

Pauline Latham OBE

Dr Lisa Cameron

Jeremy Lefroy

Stephen Doughty

Wendy Morton

Nigel Evans

Albert Owen

Helen Grant

Virendra Sharma

The following declarations of interest relating to the inquiry were made:

27 April 2016

The Chair declared the following interest: That he is a member of Amnesty International.

Pauline Latham OBE declared the following interest: That she is a Parliamentary Private Secretary to a Foreign and Commonwealth Office Minister of State.

Draft Report (*Crisis in Yemen*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 64 read and agreed to.

Paragraph 65 read, as follows:

In light of the strength and credibility of the evidence we have heard, we welcome the Committees on Arms Export Controls (CAEC) inquiry into the use of UK-manufactured arms in Yemen and recommend that arms sales to Saudi Arabia are suspended until there is a clear evidence base for the assertion that there is no “clear risk” that arms exported from the UK “might be used in the commission of a serious violation of IHL”. An independent inquiry would provide credible evidence on whether UK-manufactured arms have been used in the commission of violations of IHL, and the UK Government should fully support an independent investigation without delay.

Amendment proposed, in line 3, to leave out “and recommend that arms sales to Saudi Arabia are suspended until there is a clear evidence base for the assertion” and insert “. We recommend that CAEC considers the case for suspending arms sales to Saudi Arabia until such time as there is evidence”.—(*Wendy Morton*.)

Question put, That the amendment be made.

The Committee divided.

Ayes, 5

Fiona Bruce

Nigel Evans

Pauline Latham OBE

Jeremy Lefroy

Wendy Morton

Noes, 4

Dr Lisa Cameron

Stephen Doughty

Helen Grant

Virendra Sharma

Question accordingly agreed to.

Paragraph, as amended, agreed to.

Paragraphs 66 to 80 read and agreed to.

Annexes agreed to.

Summary agreed to.

Four Papers were appended to the Report.

Resolved, That the Report, as amended, be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 3 May at 2.00 p.m.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's [inquiry page](#).

Wednesday 27 January 2016

Question number

Julien Harneis, Head of UNICEF Yemen, **Josephine Hutton**, Regional Programme Manager, Middle East, Oxfam, **Grant Pritchard**, Director of Advocacy, Media and Communications on Yemen, Save the Children, and **Roy Isbister**, Head of Arms Unit, Saferworld

[Q1–19](#)

Rt Hon Desmond Swayne MP, Minister of State for International Development, **Juliette John**, Head of DFID Yemen, Department for International Development, **Tobias Ellwood MP**, Parliamentary Under-Secretary of State for the Foreign and Commonwealth Office, and **Nicholas Alton**, Deputy Head of Arabian Peninsula and Iran, Foreign and Commonwealth Office

[Q20–62](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's [inquiry page](#).

YEM numbers are generated by the evidence processing system and so may not be complete.

- 1 Campaign Against Arms Trade ([YEM0005](#))
- 2 Department for International Development ([YEM0011](#))
- 3 Department for International Development Annex A ([YEM0019](#))
- 4 Dr Judith Brown ([YEM0001](#))
- 5 Dr Sarah Philips ([YEM0006](#))
- 6 Foreign and Commonwealth Office ([YEM0017](#))
- 7 Foreign and Commonwealth Office Annex A ([YEM0018](#))
- 8 Foreign and Commonwealth Office Annex B ([YEM0020](#))
- 9 Frontier Horizons ([YEM0009](#))
- 10 Jamila Hanan ([YEM0007](#))
- 11 Klose Dietrich ([YEM0003](#))
- 12 Marie Stopes International ([YEM0002](#))
- 13 Médecins Sans Frontières ([YEM0008](#))
- 14 Musahamatna—The Yemen Health Network ([YEM0013](#))
- 15 Oxfam GB ([YEM0014](#))
- 16 Rebuild Research Programme Consortium ([YEM0010](#))
- 17 Saferworld ([YEM0012](#))
- 18 Save the Children ([YEM0004](#))
- 19 UNICEF ([YEM0015](#))
- 20 Yemeni Communities Coordinating Committee and Yemen Relief and Development Forum ([YEM0016](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publication page](#) of the Committee's website.

Session 2015–16

First Report	Syrian refugee crisis	HC 463
Second Report	Ebola: Responses to a public health emergency	HC 338
Third Report	UK aid: allocation of resources: interim report	HC 927
First Special Report	The Future of UK Development Co-operation: Phase 2: Beyond Aid: Government Response to the Committee's Tenth Report of Session 2014–15	HC 339
Second Special Report	Jobs and Livelihoods: Government Response to the Committee's Twelfth Report of Session 2014–15	HC 421
Third Special Report	DFID's bilateral programme in Nepal: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 422
Fourth Special Report	Department for International Development's Performance in 2013–14: the Departmental Annual Report 2013–14: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 420
Fifth Special Report	Syrian refugee crisis: Government Response to the Committee's First Report of Session 2015–16	HC 902
Sixth Special Report	Ebola: Responses to a public health emergency: Government Response to the Committee's Second Report of Session 2015–16	HC 946