



House of Commons
International Development
Committee

**Crisis in Yemen:
Government Response
to the Committee's
Fourth Report of
Session 2015–16**

Second Special Report of Session 2016–17

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The International Development Committee

The International Development Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for International Development and its associated public bodies.

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Publication

Committee reports are published on the [Committee's website](#) and in print by Order of the House. Evidence relating to this Report is published on the relevant [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Sarah Hartwell-Naguib (Clerk), Daniel Whitford (Second Clerk), Steven Ayres and Rachael Cox (Committee Specialists), Kingsley Boateng and Claire Cozens (Inquiry Managers), Zac Mead (Senior Committee Assistant), Rowena Macdonald (Committee Assistant), Paul Hampson (Committee Support Assistant), and Estelle Currie (Media Officer).

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Second Special Report

On 4 May 2016, the International Development Committee published its Fourth Report of Session 2015–16, *Crisis in Yemen*, HC 532. On 8 July 2016 the Committee received a memorandum from the Secretary of State for International Development which contains a response to the Report. The memorandum is published as an appendix to the Report.

Appendix: Government response

Introduction

The UK Government welcomes the opportunity to respond to the International Development Committee's report on the UK's response to the Crisis in Yemen. We remain deeply concerned by the situation in Yemen, where 80% of the population—21 million people—are in need of humanitarian aid and 2.8 million people have been affected by displacement since March 2015. This inquiry has helpfully shone a spotlight on these issues and helped to raise the profile of what is often referred to as the 'forgotten crisis'.

The UK has been at the forefront of international efforts to address this crisis. As the Committee notes, the UK has played a leading role in the provision of humanitarian assistance to the Yemeni people. In 2015/16, the UK was the 4th largest donor to the humanitarian crisis, more than doubling its commitment to £85 million. We have so far helped more than 1.3 million Yemenis with life-saving food, medical supplies, water, and emergency shelter.

Leveraging input from other donors and coordinating our response with them has also been a top priority. We continue to highlight the humanitarian crisis in Yemen on the world stage and to call on all countries to contribute early and generously to the UN's 2016 Yemen Humanitarian Response Plan (YHRP). The UK successfully led the push to get the UN to declare Yemen a Level 3 crisis in July 2015, a category reserved for the most serious and complex crises (others include Syria, Iraq & South Sudan), and continues to call on the UN to increase its response to the crisis. The Secretary of State for International Development hosted a side event on Yemen at the UN General Assembly in September 2015, which raised an extra £85 million.

As the Committee has noted, however, the level of need in Yemen cannot be met by humanitarian assistance alone. Yemen is reliant on imports for more than 90% of its staple wheat and rice consumption and is heavily dependent on fuel imports. That is why we, in collaboration with other donors, have supported the establishment of the UN Verification and Inspection Mechanism (UNVIM), which became operational on 5 May 2016. This should speed up the clearance process for ships and improve commercial confidence, in turn aiming to reduce the price of basic goods. There is not a moment to lose: according to the UN only 12% of the monthly estimated fuel requirements were imported in April 2016, and just 8% in March. Amongst the reasons for this are delays in the clearance process for ships (prior to UNVIM), difficulties in access to finance, increased uncertainty for importers and port capacity.

Economic collapse in Yemen is a very real possibility. According to the International Monetary Fund (IMF), the economy shrank by more than any other country in 2015 and Yemen recently saw the biggest fall (16%) in its currency in over a decade. Yemen faces serious challenges in maintaining food imports and facilitating external debt, which has potentially catastrophic long term implications. We continue to lobby at the highest levels to emphasize the seriousness of the economic situation—pressing for all parties to cooperate and take ownership of the issues. At the peace talks in Kuwait the UK has led efforts in support of the UN to ensure the economic risks are understood by all sides and that measures are taken to stabilise the economy.

In addition to our focus on the most urgent needs, we are conscious of experience in other conflicts which shows the value of starting to plan for recovery at the earliest opportunity. We have therefore been working closely with the Government of Yemen (GoY), Gulf countries and institutions, the World Bank, IMF, UN and other donors on post-conflict recovery planning. A recovery workshop, proposed and strongly supported by the UK, was convened by the GoY and Gulf Cooperation Council (GCC) in March in Riyadh. The GoY and GCC have proposed a second more in-depth workshop to be held in the region after Ramadan. We anticipate that the Gulf countries and International Financial Institutions (IFIs) will play a leading role in any post-conflict recovery given their financial resources and regional and technical expertise. Where opportunities exist targeted support is being provided to protect key Yemeni institutions, such as the Social Fund for Development (SFD), to help contribute to the country's resilience and to ensure that there are Yemeni-led mechanisms positioned to support the recovery phase when the opportunity arises.

Respecting International Humanitarian Law (IHL) is crucial to enabling both access to, and protection of, civilians. We share the Committee's concern about reported violations of IHL in Yemen. We are aware of reports of alleged violations of IHL by actors on all sides of the conflict and take these very seriously. We regularly raise the importance of compliance with International Humanitarian Law with the Saudi Arabian Government and other members of the military coalition and continue to engage with them on this. We have also raised concerns with the Houthis on the importance of compliance with IHL.

Ultimately a sustainable and inclusive political solution will be the best way to bring long-term stability to Yemen and end the conflict. We fully support the UN facilitated talks which began on 21 April in Kuwait, including through the provision of diplomatic, technical and financial support. This has to be a turning point for Yemen and we welcome progress made so far. We are working closely with the UN to encourage parties to engage in good faith and to respect the ceasefire which started on 10 April.

Response to the 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 an 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)

Partially agree

We welcome the Committee's recognition of DFID's leading role in the international response to the crisis. We have more than doubled our humanitarian commitment to Yemen in 2015–16 to £85 million, making the UK the fourth largest donor last year. We have so far helped more than 1.3 million Yemenis who have been affected by the conflict.

We agree with the Committee that this is not just about what more the UK can do, it is about ensuring that other donors also step up. We have consistently called on other donors to provide funding for the crisis, including through a meeting hosted by the Development Secretary at the UN General Assembly in September 2015, which raised an extra £85 million. We continue to explore ways to encourage others to follow our lead, including through regular dialogue with Gulf States.

The top priority right now has to be ending the conflict and ensuring aid can reach those in need. As such we are focused on supporting the UN-led peace talks; supporting commercial shipping and improving humanitarian access into and within Yemen; strengthening of the international response to the crisis; and supporting the delivery of humanitarian aid. UK humanitarian aid to Yemen is currently focused on urgent life-saving needs, in particular food, nutrition, health, water and sanitation and support to displaced people, in line with the YHRP and the funding requirements it sets out. We will work closely with the UN and other donors to monitor progress against the YHRP closely and consider when the optimal time for an international donor conference would be.

We have been working closely with the GoY, Gulf countries and institutions, the World Bank, IMF, UN and other donors on planning for stabilisation and post-conflict recovery. This includes emphasising the importance of providing security, stabilising the economy, and delivering basic services. A recovery workshop, proposed and strongly supported by the UK, was convened by the GoY and GCC in March in Riyadh. The GoY and GCC have proposed a second more in-depth workshop to be held in the region after Ramadan. We anticipate that the Gulf countries and IFIs will play a leading role in any post-conflict recovery given their financial resources and regional and technical expertise.

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. (Paragraph 14)

Partially agree

We share the Committee's concerns about the welfare of children and displaced people in Yemen and we are already working to address their needs. DFID is funding the UN High Commissioner for Refugees (UNHCR), United Nations International Children's Emergency Fund (UNICEF) and Save the Children to monitor, support and refer displaced children, to provide children with food, nutritional support, water and sanitation, and to raise awareness of child rights. As part of our support to UNHCR, 3,500 refugee and Yemeni children have been enrolled into school.

Through our assistance to UNICEF we estimate that over 150,000 children under 5 with severe acute malnutrition have been treated; 140,000 children screened for childhood infections; and over 750,000 internally displaced people have been provided with access to safe water supply and critical hygiene items in 2015/16. Going forward, we will continue to ensure that life-saving nutrition and health services will be provided for some of the most vulnerable people across Yemen.

DFID supports education in Yemen through the SFD, which reconstructs and rehabilitates schools, as well as training education staff. Since 2010, more than 240,000 children in Yemen have attended schools supported by the SFD. Continued DFID support will enable SFD to resume or start 51 education projects, with work including setting up temporary learning spaces for IDPs, recruitment and training of teaching staff, and rehabilitation and reconstruction of conflict damaged schools.

Our current humanitarian assistance reflects the urgent, life-saving priorities identified in the YHRP, with a focus on food, nutrition, health, water and sanitation, and support to those who have been displaced. We are looking at what further support we can provide to displaced populations, including children, and will also be calling on others to support the needs of children in Yemen. We will help to lay the groundwork for recovery in the medium-term and education will be discussed as part of our support for the resumption and protection of basic service delivery, amongst other priorities at the upcoming recovery workshops.

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)

Agree

Tackling emergency healthcare needs in Yemen is absolutely critical. Since January 2015, UK assistance helped provide healthcare to more than 120,000 Yemenis and improved sanitation for over 650,000 people.

The UK was the largest contributor to the Yemen Humanitarian Pooled Fund (YHPF) in 2015, with contributions of £26.1 million in 2015/16. Aid agencies received approximately £13 million in 2015 from this fund for critical life-saving assistance. This includes emergency medical services to vulnerable communities such as immunisation, emergency primary and secondary healthcare, referrals, evacuation of trauma cases, and communicable disease control and outbreak response.

Through our support to other health partners, thousands of children have been vaccinated, medical staff have been trained, and surgical items, reproductive health supplies and other medical materials have been donated to hospitals and primary healthcare facilities. Our support to the SFD also contributes to the construction and renovation of health facilities and the training of Yemeni health personnel.

The UK is also supporting healthcare in Yemen through funding to the Global Alliance for Vaccines and Immunisation (GAVI), the Global Polio Eradication Initiative (GPEI) and the Global Fund to fight Aids, TB and Malaria.

As per our response to recommendation 2, we will continue to respond to lifesaving needs whilst laying the groundwork for recovery in the medium-term. The healthcare system in Yemen will be discussed as part of our support for the resumption and protection of basic service delivery, amongst other recovery priorities at the upcoming recovery workshops. We will actively participate and consider providing DFID health system strengthening expertise if appropriate. Similarly, we will continue to encourage all countries to contribute early and generously to the UN Humanitarian Response Plan and to coordinate and harmonise our approach with other donors.

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)

Agree

UK humanitarian aid to Yemen is focused on urgent life-saving needs, in particular food, nutrition, health, water and sanitation and support to displaced people. This is in line with the YHRP priorities and the funding requirements it sets out. We have so far helped more than 1.3 million Yemenis who have been affected by the conflict.

As with our response to recommendation 2, our programme with UNICEF includes treatment for children with severe acute malnutrition, the screening of childhood infections, and the provision of safe water and critical hygiene items to internally displaced people. We will continue to prioritise support for water and sanitation services across Yemen.

As explained above, the UK was the largest contributor to the YHPF in 2015. Aid agencies received nearly £6.8 million from this fund in 2015 for the rehabilitation of water points, provision of fuel support to local water corporations, and the purchase of water, hygiene and dignity kits, and water storage tanks. Through our support to other water and sanitation partners, such as Oxfam and Save the Children, we are working with local water authorities to rehabilitate water pipelines and latrines, supporting urban water and sanitation systems, as well as providing critical emergency support through water trucking.

We have been clear that this is not just about what more the UK can do, it is about ensuring that other donors also step up. We have consistently called on other donors to provide funding for the crisis, including through a meeting hosted by the Development Secretary at the UN General Assembly in September, which raised an extra £85 million. We continue to look for more ways to encourage others to follow our lead.

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)

Agree

We welcome the Committee's recognition of DFID's leadership role in supporting commercial shipping and improving humanitarian access into and within Yemen.

Yemen is reliant on imports for more than 90% of its staple wheat and rice consumption, and is also heavily dependent on fuel imports. For a variety of complex reasons, maintaining Yemen's imports at a reasonable level over the course of the last year has been very challenging. Despite some progress, notably the reopening of Red Sea ports last September, commercial imports have decreased again over the past four months. Limited port capacity, delays in the clearance process, difficulties in access to finance and increased uncertainty have impacted on commercial confidence. According to the World Food Programme (WFP), in April the national average price of wheat was still 13% higher than pre-crisis levels; petrol 64% higher and cooking gas 68% higher.

We continue to remind all parties to the conflict to take all reasonable steps to facilitate the delivery of humanitarian assistance to all people in need, and to safeguard key infrastructure, including airports, sea ports, fuel distribution sites and major access routes in Yemen.

DFID is providing £1.42 million for UNVIM, which became operational on 5 May 2016 and has been successfully verifying ships. It should speed up the clearance process for ships and help improve commercial confidence, in turn improving supplies and aiming to reduce the price of basic goods. We will continue to ensure that all relevant parties understand that UNVIM must be respected and must cover all commercial imports so it can continue to facilitate the clearance of imports as has been the case since it went live and to build commercial confidence in the import sector.

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)

Agree

There is a clear humanitarian imperative in preventing Yemen's banking sector from collapse. Indeed the humanitarian crisis has been intensified by the economic crisis that is unfolding. Yemen is running out of foreign reserves and it recently saw the biggest fall in its currency in over a decade. Yemen is finding it increasingly difficult to pay its way in the world whilst it relies on imports for more than 90% of its staple wheat and rice consumption.

The UK has lobbied the GoY and the Houthis and pro-Saleh GPC at the highest levels to highlight the seriousness of the issue, including pressing for all parties to cooperate and take ownership of the issues. We have worked with the international community to help identify the immediate needs to prevent a collapse of the Yemeni economy. At the peace talks in Kuwait the UK has led efforts in support of the UN to ensure the economic risks are understood by all sides and that measures are taken to stabilise the economy.

Yemen is also one of many countries that are finding it hard to access the international banking sector because of a global agenda to reduce banks' exposure to high risk business. This 'de-risking' phenomenon has been identified by the World Bank and others, and is being addressed through international cooperation.

DFID continues to lead on this area but dialogue includes engagement with the FCO, HM Treasury, as well as with NGOs and private sector actors. Further, we recognise the importance of the private sector as a key stakeholder in reaching any viable political settlement and recovering from the conflict. We will continue to do what we can to enable the private sector to function in Yemen.

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)

Agree

Conflict is making humanitarian access within Yemen extremely difficult. The ability of humanitarian organisations to move around the country has been hampered by fears for the safety of their staff. The UK takes concerns over safety and security very seriously. We continue to remind all parties to the conflict to take all reasonable steps to facilitate the delivery of independent, neutral and impartial humanitarian assistance to all people in need, and to safeguard key infrastructure, including airports, sea ports, fuel distribution sites and major access routes in Yemen.

In 2015/16, the UK was the 4th largest donor to the humanitarian crisis, doubling its commitment to £85m. We keep our programme under constant review based on available evidence. Budgets for 2016/17 will be announced in due course.

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)

Agree

The UK Government shares the Committee’s concern with the security situation in Yemen and the impact this has on the ability of humanitarian actors to reach those in need. Allowing humanitarian agencies a safe space in which to operate is a top priority. 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 and fuel distribution sites and to protect civilians.

A political solution is the best way to bring long-term stability to Yemen, end the conflict, and improve the security situation and humanitarian access. We are working closely with the UN and international community to encourage the parties to engage in good faith, without preconditions, in the ongoing UN led talks in Kuwait. The UK strongly supports the work of UN Special Envoy Ismail Ould Cheikh Ahmed, whom the Foreign

Secretary met in late May during his visit to Kuwait, and commends his efforts to date. We are encouraging all parties to respect the cessation of hostilities that began on 10 April and have worked closely with the UN to achieve this. During the Foreign Secretary's recent tour of the Gulf in late May, he also held constructive discussions with all six GCC countries underlining the UK's commitment to finding a peaceful resolution in Yemen and working in partnership with key regional actors to achieve this. The FCO Minister for the Middle East, Mr Tobias Ellwood MP, also regularly engages with the UN Special Envoy for Yemen and President Hadi to encourage commitment to the political process and the UK Special Envoy to Yemen, Sir Alan Duncan, visited the region in April and May to deliver messages to key Yemeni and regional interlocutors. Yemen remains a top priority for the UK Government and we are committed to finding a durable peace.

We are aware of reports of alleged violations of IHL by actors in the conflict and take these very seriously. We regularly raise the importance of compliance with IHL with the Saudi Arabian Government and other members of the military Coalition and continue to engage with them on this. We have also raised our concerns on the importance of compliance with IHL with the Houthis.

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)

Taken with;

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)

Partially agree

We agree that civilians are paying too high a price in the conflict in Yemen. That is why we are working closely with the UN to find a political solution which we believe is the best way to bring long term stability, end the conflict and improve humanitarian access. We are aware of reports of alleged violations of IHL by actors in the conflict and take these very seriously. It is important that all sides conduct investigations where it is alleged that IHL has been breached. We have raised our concerns with Saudi Arabia and other Coalition members on the importance of compliance with IHL. Saudi Arabia has publicly stated that it is investigating reports of alleged violations of IHL, and that lessons will be acted upon. On 29 February Saudi Arabia announced that they are forming an independent committee to provide a clear, full and objective report for each investigation made, including conclusions, lessons learnt and recommendations for future actions. We have also raised our concerns on the importance of IHL compliance with the Houthis.

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)

Disagree

We disagree that there has been a failure to hold parties to account. We have raised concerns with the both the Houthis and Coalition on the importance of compliance with IHL. It is important that all sides conduct thorough and conclusive investigations into all incidents where it is alleged that IHL has been breached.

Saudi Arabia takes its IHL obligations very seriously. Saudi Arabia has publicly stated that it is investigating reports of alleged violations of IHL, and that lessons will be acted upon. In January, Saudi Arabia also announced the result of one investigation, the lessons that have been learnt from this investigation and the changes that have been applied to processes. Saudi Arabia has processes and procedures in place to ensure respect for the principles of IHL. This includes establishing an Independent Committee with foreign advisers to assess Saudi Arabian military activity in Yemen in order to minimise possible civilian casualties and improve internal procedures. We have provided advice to this Independent Committee and have provided training and advice to the Saudi Coalition, to support continued compliance with IHL. This includes the RAF sharing best practice with the Royal Saudi Air Force through the provision of three International Targeting Courses and UK Service Personnel visiting the Saudis to provide advice to a range of personnel in Saudi headquarters and the Saudi Ministry of Defence on how they can improve their processes, including advice to support IHL compliance.

The Houthis and pro-Saleh forces have seized territory and heavy weapons across the country, and have shown a total disregard for civilians and the legitimate rule of law. We continue to raise our concerns over alleged human rights abuses and the importance of complying with IHL with the Houthis.

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)

Disagree

We agree pressure must be applied to all parties to the conflict and other international actors to comply with their obligations under international law and to take all feasible measures to avoid civilian casualties. However there is no blanket prohibition on the use of explosive weapons in populated areas described in IHL, nor can any such prohibition be said to be an “international norm”.

The use of explosive weapons in a populated, or in any other, area must at all times comply with the principles of IHL with the most relevant rules likely to be: the prohibition of direct attacks on civilians or civilian objects; the prohibition of indiscriminate and disproportionate attacks; and the obligation to take all feasible precautions in attack. If

the rules of IHL are complied with there are circumstances in which the use of explosive weapons in populated areas can be lawful. This is the standard we set both ourselves and our allies.

A political solution is the best way to bring long-term stability to Yemen, end the conflict, and improve the security situation. We are working closely with the UN and international community to encourage parties to engage in good faith, without preconditions in the ongoing UN led talks in Kuwait. The UK strongly supports the work of UN Special Envoy Ismail Ould Cheikh Ahmed and commends his efforts to date. We are encouraging all parties to respect the cessation of hostilities that began on 10 April and have worked closely with the UN to achieve this.

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)

Taken with;

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)

Taken with;

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)

Partially agree

The UK Government is not opposing calls for an international independent investigation into the alleged breaches of IHL but, first and foremost, we want to see the Saudi Arabian Government investigate allegations of breaches of IHL which are attributed to them; and for their investigations to be thorough and conclusive. This is because the Saudi Arabian

Government will have the best insight into their own military procedures and will be able to conduct the most effective investigations. It will also allow the country to apply any lessons learnt in the best possible way. This is the standard and approach we set ourselves and our allies, including how NATO members carry out assessments and investigations into military operations.

Saudi Arabia has publicly stated that it is investigating reports of alleged violations of IHL, and that any lessons learned will be acted upon. At a press conference on 31 January they announced more detail of how they investigate such incidents. At this same press conference they also announced the result of one investigation and the lessons that had been learnt from this investigation, and the changes that had been applied to this process.

At the Human Rights Council in October 2015 a resolution was produced which contains mechanisms for monitoring the human rights situation in Yemen. It calls on the UN to provide technical assistance to the GoY, and assist the Yemeni National Independent Commission of Inquiry who will report back to the next session of the Human Rights Council. It is important to continue to support this process until the Commission has reported back to the Human Rights Council in September 2016 where the discussions about the need for any alternative measures can be properly informed.

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)

Agree

The UK Government takes its arms export responsibilities very seriously and operates one of the most robust arms export control regimes in the world. All export licence applications are assessed on a case-by-case basis against the Consolidated EU and National Arms Export Licensing Criteria, taking account of all relevant factors at the time of the application. A licence will not be issued, for any country, if to do so would be inconsistent with any provision of the mandatory Criteria, including where we assess there is a clear risk that the items to be licensed might be used in the commission of a serious violation of IHL.

Our export licensing system allows us to respond quickly to changed circumstances, with options to suspend or revoke licences if necessary. We have suspended or revoked licences when the level of risk changes; for example, most recently in Libya and Yemen in April 2015. This shows how seriously we take the guiding principle of responsible export controls.

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)

Disagree

We disagree that there is evidence that the Saudi-led Coalition is engaged in an indiscriminate bombing campaign. The UK has considerable insight into the systems, processes and procedures that the Saudis have in place as a result of the liaison officers, logistical and technical support, training and defence engagement work we conduct with them. The Foreign Secretary raised the importance of compliance with IHL with the Saudi Government during his visit to the region late May, emphasising the importance for thorough and conclusive investigations of alleged IHL breaches to be conducted.

The key test for our continued arms exports to Saudi Arabia in relation to IHL is whether there is a clear risk that the items to be licensed might be used in a serious violation of IHL. Having regard to all the information available to us, we assess that this test has not been met. The Government is therefore satisfied that extant licences for Saudi Arabia are compliant with the UK's export licensing criteria.

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)

Partially agree

We welcome the inquiries of the Committees on Arms Export Control (CAEC) and the International Development Select Committee (IDC) which have provided an opportunity to set out the Government's policy towards Yemen and the steps we take to apply our exports licensing regime.

The correct test for our continued licensing of arms exports to Saudi Arabia in relation to IHL is whether there is a clear risk that the items to be licensed might be used in a serious violation of IHL. Having regard to all the information available to us, we assess that this test has not been met. It is the presence of a 'clear risk' not the absence of one that is the test that should be applied. It is important this legal test is not rephrased.

Furthermore if there is such a clear risk, licences will be refused and extant licences revoked. There is no question of merely suspending licences if such a clear risk were present.

As stated in response to recommendations and conclusions 13, 14 and 15, the Government is not opposing calls for an international independent investigation, but, first and foremost, we want to see the Saudi Arabian government investigate allegations of breaches of IHL which are attributed to them; and for their investigations to be thorough and conclusive. This is because the Saudi Arabian Government will have the best insight into their own military procedures and will be able to conduct the most effective investigations. It will also allow the country to really understand what went wrong and apply the lessons learnt in the best possible way. This approach is consistent with how NATO members carry out assessments and investigations into their military operations.

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)

Partially agree

The UK is providing desperately needed humanitarian assistance in Yemen; our aid is saving lives. Our support is provided on the basis of need, irrespective of the cause. That is why we provided humanitarian assistance prior to the conflict and have more than doubled our humanitarian support to £85m over the last financial year as needs have grown.

Delivering aid in the midst of a violent and volatile conflict is extremely difficult. The conflict has had a considerable impact on civilians and on humanitarian needs. The UN reports that over 8,000 civilians have been killed or injured since the conflict escalated in March 2015. The ability of humanitarian organisations to move around the country has been hampered by fears for the safety of their staff; we continue to remind all parties to the conflict to take all reasonable steps to facilitate the delivery of humanitarian assistance.

Nevertheless, it is the conflict and the complex and fragile political environment that has constrained the international humanitarian response, not UK licensing of arms exports. That is why we have worked to de-escalate the conflict, support UN-led peace talks, and strongly encouraged all parties to the conflict to respect the ceasefire which began on 10 April.

In addition, we regularly raise the importance of compliance with IHL with the Saudi Arabian Government and other members of the military coalition and continue to engage with them on this. We have also raised concerns with the Houthis on the importance of compliance with IHL.

All relevant parts of the Government are working together in a coherent and joined up manner in order to achieve our shared objective for a more stable Yemen. To this end, DFID works very closely with other Government Departments to ensure that our combined diplomatic, humanitarian and military efforts make the maximum contribution to improving the situation in Yemen.

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)

Partially agree

As noted in our response to recommendation 18, we too welcome the CAEC inquiry into the use of UK-manufactured arms in Yemen. The UK Government takes its arms export responsibilities very seriously and operates one of the most robust arms export control regimes in the world.

While we welcome the opportunity to discuss these issues, any revision of a particular Department's role in relation to the criteria would ultimately be a decision for HMG. To expand DFID's role in the application of criterion 8 would have to come with the agreement of the four involved departments (BIS, DFID, FCO and MOD).

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)

Taken with;

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)

Agree

We welcome and fully support the UN led talks which began in Kuwait on 21 April. This must become a turning point for Yemen and we welcome progress made so far. It is vital that momentum is maintained in reaching an agreement.

As with all negotiations of this kind, they will not be quick or easy. Both sides will need to engage constructively and in good faith to overcome obstacles and find a political solution to end the conflict.

We are encouraging all parties to respect the ceasefire that began on 10 April and working closely with the UN to achieve this.

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 strongly supports the work of UN Special Envoy Ismail Ould Cheikh Ahmed, whom the Foreign Secretary met in late May during his visit to Kuwait, and commends his efforts to date. We are working closely with the UN to encourage parties to engage in

good faith and without preconditions. Through the cross-Government Conflict, Stability and Security Fund, we are providing £1.05 million (over 2 financial years) to the UN Special Envoy's office to bolster UN capacity to facilitate the peace process, and are also supporting work to broaden the dialogue to include women and other under-represented groups.

Our Ambassador to Yemen and other UK officials are present at the Kuwait talks and were at the previous December talks; however the Ambassador and other members of the international community are not directly participating in the talks (which are between Yemeni parties and the UN). The FCO Minister for the Middle East, Mr Tobias Ellwood MP regularly engages with the UN Special Envoy and President Hadi to encourage commitment to the political process and to respect the ceasefire. The UK Special Envoy to Yemen Sir Alan Duncan visited the region in April and May to deliver a message of support for the talks with key Yemeni and regional interlocutors. The Foreign Secretary also held constructive discussions on Yemen with all six GCC countries during his tour of the Gulf in late May and early June, underlining the UK's commitment to finding a peaceful resolution and working in partnership with the Gulf to achieve this.

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)

Agree

We welcome the Committee's recognition of DFID's proactive approach to recovery and reconstruction. We are working closely with the GoY, Gulf countries and institutions, the World Bank, IMF, UN and other donors on planning for post-conflict recovery. This includes emphasising the importance of providing security, stabilising the economy, and delivering basic services. A workshop that brought all of these parties together to discuss lessons from other post-conflict recovery scenarios that were applicable to Yemen was convened by the GoY and the GCC in Riyadh on the 13 March. The workshop followed from an original DFID proposal and we provided extensive support including leading key sessions. The GoY and GCC have proposed another workshop to follow just after Ramadan and including the same parties to further develop planning. We will continue to work closely with all parties to support Yemen's recovery following any political settlement. We anticipate that the Gulf countries and IFIs will play a leading role in any post-conflict recovery given their financial resources and regional and technical expertise.

We are also continuing our work to protect key institutions that will be critical to Yemen's future development. In particular we are continuing our support to the SFD and will look to scale this up where possible. We are also encouraging other donors to provide additional support for the SFD. In addition, we are supporting UN proposals for the resumption of Yemen's Social Welfare Fund (SWF) which provides cash transfers to 1.5m people in poor households.