

**The Humanitarian Crisis in Yemen:**  
**Addressing Current Political and Humanitarian Challenges**

**Testimony before the House Committee on Foreign Affairs, Sub-Committee on the Middle East, North Africa, and International Terrorism**

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Chairman Deutch, Ranking Member Wilson, distinguished members of the Committee:

Thank you for the opportunity to testify before you today on the humanitarian situation in Yemen. I am grateful to the Sub-Committee for giving this important issue the attention it deserves. I have closely followed this crisis since it began in 2015. At that time I served as the Director for Foreign Disaster Assistance at the US Agency for International Development, in which capacity I oversaw the US Government’s humanitarian response to the situation and participated actively in administration policymaking on Yemen more generally. Since leaving that position in January 2017 at the end of the Obama administration, I have continued to follow the situation from my current position as Senior Policy Fellow at the Center for Global Development. The views I express here today are my own.

<b>Overview</b>
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The Yemen war has triggered a man-made humanitarian catastrophe. 20 million people are hungry; 10 million of these face extreme food gaps and at least 238,000 people are in famine-level conditions.<sup>1</sup> 20 million people likewise lack adequate access to essential health care, and the country has experienced severe outbreaks – including cholera and diphtheria – as the health system has imploded. 3.3 million people have fled their homes and are internally displaced. An average of 600 civilian structures are damaged or destroyed each month. As the war approaches the 4-year mark, conditions are deteriorating and needs are growing. The stakes are extremely high: if full-blown famine sets in, I believe it could prove to be the world’s deadliest since the North Korean famine of the mid-1990s.

While conflict in a country as vulnerable as Yemen inevitably creates humanitarian needs, the extreme severity of this crisis flows directly from the conduct of the war. All sides in this conflict share culpability for what is now the worst humanitarian emergency in the world. But that does not mean the culpability is evenly distributed.

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<sup>1</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/2019\\_Yemen\\_HNO\\_FINAL.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Yemen_HNO_FINAL.pdf)

Any fair assessment must assign predominant responsibility for the humanitarian crisis to the Saudi and Emirati-led Coalition and their conscious choices of tactics in this war. While both the Houthis and the Coalition have been responsible for impeding humanitarian response, the Saudi/Emirati Coalition is much more directly responsible for creating and aggravating the underlying conditions that have accelerated the humanitarian emergency.

I want to be clear that the Houthi militants who control much of the country *do* bear a substantial share of responsibility for the abysmal conditions in Yemen today. Their decision to pursue political power by expelling the recognized government through force of arms prompted the conflict in 2015 and triggered the Saudi-led intervention. Since that time they have frequently blocked aid access and committed crimes against the civilian population, including besieging the city of Taiz. They have harassed and periodically abducted humanitarian personnel,<sup>2</sup> and contacts in the humanitarian community report that Houthi interference has been escalating in recent months. Faced with dire conditions in areas under their control, they have obstructed aid assessments and operations from reaching those in need. Their human rights record is also abysmal; the UN has documented numerous incidents of arbitrary detention, torture, and other violations.<sup>3</sup> They have regularly engaged in indiscriminate shelling of civilian areas. Their behavior has been consistently indefensible.

But the Saudi/Emirati Coalition's behavior is the more dominant factor. Yemen's crisis flows fundamentally from the collapse of the country's economy and infrastructure, and this collapse is a direct, foreseeable, and seemingly intentional consequence of KSA/UAE political and military strategy. The Coalition's behavior is also disproportionately important because the US has been involved in supporting and enabling it. For nearly four years, Saudi Arabia and the UAE have mounted an air campaign over Yemen using US-supplied bombs dropped out of US-refueled planes flown by US-trained pilots. This campaign has struck weddings, funerals, relief clinics, a bus full of schoolchildren, water and sanitation infrastructure, ports and roads vital to humanitarian relief, and countless other recklessly illegitimate targets. This involvement gives the US a degree of culpability, but also means the US has unique leverage to change Coalition behavior – something that we lack with respect to the Houthis.

We must begin to apply this leverage. The Trump administration, like the Obama administration in which I served, has publicly called for ending the war, and has called on all sides to address the humanitarian emergency. Yet current US policy still rests on the now- untenable theory that quiet US engagement acts as a meaningful restraint and is helping to improve Saudi and Emirati behavior. The most notable manifestation of this delusion was Secretary Pompeo's decision last year to certify to Congress that Saudi Arabia and the UAE are “undertaking demonstrable actions to reduce the risk of harm to civilians” in the war. In light of the ongoing litany of reckless Coalition military strikes, this claim is absurd on its face. The US has simultaneously run diplomatic interference at the UN level, watering down and hampering recent efforts by Security Council members to call out the Coalition for its role in the crisis. The Trump administration even

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<sup>2</sup> <https://foreignpolicy.com/2019/02/21/in-yemen-targeting-of-aid-workers-risks-unraveling-crisis-middle-east-humanitarian-aid-famine-houthi-rebels/>

<sup>3</sup> <https://undocs.org/S/2018/594>

went so far as to threaten to veto a UK-drafted resolution unless language on humanitarian concerns was removed.<sup>4</sup>

It is long past time that the US Government accept the reality that the Saudi-led coalition will not take civilian harm and humanitarian concerns seriously unless and until the US compels them to do so. Having worked on this issue for several years in the prior administration, I have seen that Saudi and Emirati conduct in the war can be restrained. During the previous administration, the only times that we saw meaningful Coalition steps on humanitarian matters were when the US brought pressure to bear. Meaningfully improving the humanitarian situation will thus require a distinct and explicit shift in policy by the US Government: to apply focused and sustained US pressure on the Coalition toward reducing civilian harm and ending the war.

### **The State of the Humanitarian Response**

Yemen today hosts one of the largest humanitarian aid operations in the world. Humanitarians face a daily struggle to navigate a complex political environment, manage dynamic security challenges, and negotiate safe access to communities in need. Theirs is as much a diplomatic challenge as a logistical one: maintaining credible dialog channels with all parties to the conflict in order to remove impediments to their work. Both the Coalition and Houthis have proved problematic in this respect. The Coalition has periodically blocked and frequently slow-rolled humanitarian requests for importation of relief supplies, blocked fuel imports, undermined public services, and at times hit humanitarian facilities in airstrikes. The Houthis have imposed restrictions on humanitarian movements and increased interference with humanitarian operations. General insecurity is a major further obstacle to effective aid delivery.

Nonetheless, the aid operation has proved resilient in the face of a forbidding operating environment. Each year the relief effort grows more effective, with 48 international groups and nearly 200 local Yemeni organizations partnering in 2018 to reach nearly 8 million people with life-saving aid each month.<sup>5</sup> Total humanitarian funding has tripled since the first year of the war, topping \$5 billion in 2018<sup>6</sup> and trailing only the Syria crisis in terms of aid expenditure. This is an aid mission that can deliver effectively, if both sides give it the space to do so.

The depressing reality, however, is that the price tag will inevitably continue to rise the longer the war drags on. The aid operation, no matter how large or effective, cannot offset state collapse. It cannot offset a war that has targeted civilians with uncanny precision. Saudi Arabia, the United States, and the United Arab Emirates are the largest donors to the operation, jointly accounting for more than half of all resources. This generosity is commendable; yet the aid these countries provide is unable to keep pace with the damage their militaries (or in the US case, military assistance) are doing on the ground. The humanitarian impact of responsible targeting, or a full cessation of hostilities, would far outweigh the good that their aid resources can deliver.

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<sup>4</sup> <https://www.theguardian.com/world/2018/dec/21/un-yemen-ceasfire-stockholm-resolution-us>

<sup>5</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/2019\\_Yemen\\_HRP\\_V21.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Yemen_HRP_V21.pdf)

<sup>6</sup> <https://fts.unocha.org/appeals/657/summary>

## Coalition Culpability for the Humanitarian Crisis

The two most overt dimensions of the humanitarian crisis – the creeping famine and the massive cholera outbreak – both flow directly from Coalition battle tactics and policy decisions. Coalition airstrikes have been particularly problematic. The laws of armed conflict require the Coalition to strike only targets that have military value; to scrupulously distinguish between military and non-military sites in their targeting; and to ensure that the collateral damage of any strikes is proportional to the target’s military importance. From the earliest days of the war the Coalition has disregarded and at times actively contravened these obligations, and similar obligations to facilitate humanitarian access and minimize humanitarian suffering.

Moreover they have pursued this course with the full knowledge of its human impact. I know, because I and others in the US Government told them so repeatedly, as have interlocutors in the UN and the NGO communities. This suggests that the mass suffering they are inflicting is an intentional objective rather than an inadvertent byproduct of their strategy: an attempt to achieve their military aims via a 21-st century version of medieval siege tactics. And things are getting worse. In 2018 the Coalition’s targeting of civilian sites actually increased relative to its strikes on military targets.

### Cholera

Coalition military conduct has directly contributed to Yemen’s cholera outbreak, which erupted two years ago. At up to 1.3 million suspected cases, it is the largest in the world and may be the largest in known history. At its peak, the outbreak was producing an estimated 10,000 new cases each week<sup>7</sup>; intense international assistance has since helped to reduce outbreak, but cases continue.

Cholera preys on infrastructure collapse: it spreads through contaminated water and kills when health systems are weak. Basic sanitation infrastructure and water treatment facilities are normally sufficient to prevent the bacteria from reaching people’s drinking water. Treatment is usually a straightforward matter of rehydration and antibiotics. In addition, there is an effective vaccine that can prevent community-level spread of the disease. The sustained spread of the disease, and in particular an outbreak of over one million cases, only becomes possible when core water, sanitation, and medical infrastructure have collapsed – which is the case in Yemen.

This infrastructural collapse is a direct outcome of the Coalition’s tactics. Coalition airstrikes have repeatedly targeted water and sanitation facilities in the country – with such frequency that it is hard to see it as anything but purposeful. There have been more than 100 Saudi/Emirati attacks on water and electricity infrastructure over the course of the war.<sup>8</sup> Indeed, one water facility in Sa’ada has been hit three times by Coalition airstrikes<sup>9</sup> – a clear indication of intent to deprive that community of clean water. This kind of intentional targeting of civilian infrastructure is a clear-

<sup>7</sup> <https://www.reuters.com/article/us-yemen-security-cholera/yemen-cholera-outbreak-accelerates-to-10000-cases-per-week-who-idUSKCN1MC23J>

<sup>8</sup> <http://yemendataproject.org/data/>

<sup>9</sup> <https://www.unicef.org/mena/press-releases/access-water-continues-be-jeopardized-millions-children-war-torn-yemen>

cut violation of the laws of war, yet it has been a persistent characteristic of the Coalition air campaign.

The war has also pushed the health system to functional collapse, exacerbated by Coalition targeting and related battle damage. Coalition airstrikes have hit medical facilities nearly 70 times<sup>10</sup>, including those run by humanitarian organizations like MSF<sup>11</sup> and the Red Cross<sup>12</sup>. In June of last year, for example, the Coalition struck a newly constructed MSF cholera treatment facility.<sup>13</sup> Coalition behavior has also impeded the importation of medical supplies.<sup>14</sup> The decision by the Coalition and the Yemeni government-in-exile to economically starve the government ministries that fell under Houthi control has simultaneously meant a drastic reduction in payment of salaries and operating costs to sustain Yemen's national health services. Aid groups have attempted to compensate by providing support to keep critical ministry functions operational, but cannot realistically substitute for core government financing.

These attacks have had a clear effect. The UN estimates that today nearly 18 million people in Yemen lack access to clean water and adequate sanitation. Only half of the health facilities in country remain functional, and those that are still open rely heavily on humanitarian assistance for operating costs and supplies. Perhaps most damningly, the Coalition's attacks on water infrastructure and health facilities have continued even after it became amply clear that the country was in the throes of a historic cholera outbreak. This is not the behavior of a military campaign that is seeking to minimize civilian harm.

### Hunger

The country's food crisis has followed a similar pattern. Yemen is a food-insecure country at the best of times. Immediately prior to the start of the Coalition offensive in early 2015<sup>15</sup>, most populated areas of the country were already at phase 2 (stressed) or phase 3 (crisis) on the scale humanitarians use<sup>16</sup> for gauging food emergencies (famine is phase 5). Agricultural production in the country is modest, and so Yemen typically relies on commercial imports for over 85% of its staple cereals, and 35-100% of other staples. Far more so than aid, commercial food imports are the lifeline on which Yemen depends.

The beginning of the conflict in the spring of 2015 proved immediately disruptive to Yemen's food security, and hunger indicators promptly began deteriorating. Among the Coalition's first moves was the imposition of a debilitating naval blockade that enormously disrupted food and other commercial imports. Within a matter of months nearly all of Yemen's heavily populated

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<sup>10</sup> <http://yemendataproject.org/data/>

<sup>11</sup> <https://www.nytimes.com/2016/01/11/world/middleeast/hospital-aided-by-doctors-without-borders-is-bombed-in-yemen.html>

<sup>12</sup> <https://www.who.int/bulletin/volumes/93/10/15-021015/en/>

<sup>13</sup> <https://www.doctorswithoutborders.org/what-we-do/news-stories/story/yemen-airstrike-hits-msf-cholera-treatment-center-abs>

<sup>14</sup> <https://www.amnesty.org/en/latest/news/2018/06/yemen-restrictions-to-life-saving-supplies-putting-millions-of-civilians-at-risk/>

<sup>15</sup> <http://fews.net/east-africa/yemen/food-security-outlook-update/february-2015>

<sup>16</sup> <http://fews.net/IPC>

areas jumped into phase 4 (emergency), the last phase short of famine.<sup>17</sup> The bombing campaign within the country disrupted markets and internal transports; in the initial months of the conflict the Coalition hit transport trucks frequently enough to significantly crimp internal commerce. The blockade also tightly restricted the import of fuel, so the little food that was getting in could not be bulk-milled for consumption, nor easily transported around the country.

A core focus of Obama administration policy during the first year of the conflict was preventing this dire situation from deteriorating into famine – a very real risk in such a vulnerable and import-dependent context. The administration – up to and including the President – put concerted pressure on the Saudis to facilitate humanitarian relief operations. But we also recognized that no amount of relief aid could offset a collapse of the commercial food markets, so we simultaneously pressed the Saudis hard to allow commercial shipments of food and fuel into the country.

The US worked with the UN to establish the UN Verification and Inspection Mechanism (UNVIM), a process for UN-managed validation of commercial shipping to ensure that shipments contained only legitimate cargo. This helped to facilitate food imports into the country while also signaling to the Saudis that a general economic blockade would not be tolerated.<sup>18</sup> The establishment of this mechanism required the US to exert considerable diplomatic pressure on the Saudis to secure their cooperation. And it had the intended impact – within months of UNVIM's establishment, food imports returned to near pre-crisis levels (however prices remained elevated even as supply recovered).

Severe food insecurity sets in when market forces drive essential food prices beyond the reach of most people. Food supply is one part of this calculus, but general household economic conditions are equally important. Deterioration on one or the other dimensions can cause considerable problems; deterioration on both simultaneously risks catastrophe. The political pressure and aid interventions applied by the US in 2015-16 forestalled an abrupt decline, but only temporarily. The longer the conflict dragged on, the greater the pressure it exerted on Yemenis and the more their economic resilience eroded. From 2017 onward, several changes helped to accelerate the deterioration and produce the famine-like conditions we see in the country today.

The extraordinary hunger the world is witnessing in Yemen now is the product of several years of economic decline, paired with Coalition policy of strangling the import channels that deliver the vast majority of Yemen's staple foods. In November 2017, the Coalition re-escalated its economic blockade (previously eased under pressure from the Obama administration) following a Houthi missile attack upon Saudi territory. In the face of international condemnation, the Saudis partially relented. But rather than fully lift the blockade, they began temporarily lifting the blockade in 30-day increments. This incremental approach introduced great uncertainty into food markets, elevated importation costs, and restricted food supply, contributing to a major escalation in food

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<sup>17</sup> <http://fews.net/east-africa/yemen/food-security-outlook-update/june-2015>

<sup>18</sup> [https://www.securitycouncilreport.org/monthly-forecast/2016-09/the\\_story\\_of\\_the\\_un\\_verification\\_and\\_inspection\\_mechanism\\_in\\_yemen.php](https://www.securitycouncilreport.org/monthly-forecast/2016-09/the_story_of_the_un_verification_and_inspection_mechanism_in_yemen.php)

costs. In addition, the Coalition continues to impose secondary requirements upon commercial shipping, over and above UNVIM verification, that further delay imports and inflate costs.<sup>19</sup>

Other Saudi/Emirati-backed decisions have further devastated country's economy, leaving increasing numbers of Yemenis destitute. In September 2016, the Yemeni government-in-exile attempted to starve the Houthis of resources by moving the Central Bank – which until then was still in Houthi-held Sana'a – to Coalition-held Aden. Reporting at the time noted that the Central Bank was the “last bastion of the impoverished country's financial system” and was “effectively running the economy.”<sup>20</sup> The well-respected governor of the Central Bank, who had attempted to keep the Bank politically neutral (though against increasing odds), was sacked in the process.<sup>21</sup> The Central Bank had been receiving Yemen's oil revenues and also providing funds for payment of public sector salaries, an important income source for many Yemenis. The Economist Intelligence Unit noted at the time that the barebones government-in-exile had little technical capacity to effectively take over the Central Bank's functions, and that the move would likely aggravate the country's food insecurity.<sup>22</sup>

This proved a prescient concern. Shortly after the relocation, the Bank stopped paying salaries to a large proportion of the hundreds of thousands of registered public sector workers – predominantly those in Houthi-held areas (most in Coalition-held areas continued receiving payments).<sup>23</sup> This had outsized effects throughout the country, as these salaries had been one of the few reliable sources of income left in the collapsing economy, and often supported extended family members beyond the employees' immediate households. In Houthi-held Hudaydah, the Central Bank finally paid a portion of salaries just last month, after a gap of more than two years.<sup>24</sup> The Bank has also struggled to manage the Yemeni currency, which has lost more than half its value since the beginning of the crisis. In the second half of last year the currency began collapsing, and its slide was only halted after the Saudi government transferred an infusion of \$2 billion to the Hadi-controlled Central Bank.<sup>25</sup>

Beyond the blockade and the economic catastrophe, Saudi and Emirati military conduct also overtly aggravated the food crisis. Throughout the conflict the Coalition has targeted sites involved in commercial food supply, including a notorious strike on Hudaydah port in 2015, damaging offloading cranes and warehouses at the port through which most of Yemen's food imports flow.<sup>26</sup>

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<sup>19</sup> <https://undocs.org/en/S/2019/83>

<sup>20</sup> <https://www.reuters.com/article/us-yemen-cenbank/yemen-president-names-new-central-bank-governor-moves-hq-to-aden-idUSKCN11O0WB>

<sup>21</sup> <http://sanaacenter.org/publications/main-publications/55>

<sup>22</sup> <https://country.eiu.com/article.aspx?articleid=1634627747&Country=Yemen&topic=Politics&subtopic=Forecast&subsubtopic=Political+stability&u=1&pid=1204905704&oid=1204905704&uid=1>

<sup>23</sup> <https://www.reuters.com/article/us-yemen-security-salaries/unpaid-state-salaries-deepen-economic-pain-in-yemens-war-idUSKBN15A1WW>

<sup>24</sup> <https://www.thenational.ae/world/mena/yemen-government-pays-thousands-of-civil-servants-in-hodeidah-1.831486>

<sup>25</sup> <http://fews.net/east-africa/yemen/food-security-outlook/december-2018>

<sup>26</sup> <https://www.reuters.com/article/us-yemen-security-idUSKCN0QNOHX20150819>

At least 250 fishing boats have been damaged or destroyed by Coalition military action.<sup>27</sup> Data compiled by the Yemen Data Project found that from the start of the conflict through late 2017, there had been 356 Coalition attacks on farms, 174 on markets, and 61 on food storage sites. This continued through 2018 with a further 231 attacks on farms and 26 on market places.<sup>28</sup>

This level of consistent targeting of civilian food sites does not appear accidental, a conclusion affirmed by researchers in a 2018 Tufts University study finding extensive targeting of rural agricultural sites across Houthi-held areas of the country. The researchers conclude that there is “strong evidence that Coalition strategy has aimed to destroy food production and distribution” in areas under Houthi control, leading to “mass failure in basic livelihoods.”<sup>29</sup> Few of these strikes serve any plausible military purpose.

The net effect of the economic blockade, macroeconomic collapse, and Coalition targeting of food production and commerce has been a steady decline in Yemenis’ ability to afford sufficient food. Aid groups have done their best to scale up food distribution and nutritional support accordingly, with impressive results considering insecurity and obstacles to movement. Food aid now reaches 7 to 8 million Yemenis each month<sup>30</sup>, roughly a quarter of the country’s total population. A large-scale, synchronized aid surge in early 2018 succeeded, over the course of the year, in pulling 45 of 107 targeted districts back from pre-famine conditions.

But the progress by humanitarian agencies is tenuous – it depends on both sides facilitating access and avoiding major disruptions to aid operations. The biggest current threat to this is the Coalition’s push, late last year, to capture the port of Hudaydah. This port is a major hub for humanitarian operations as it brings in most of the aid and commercial food that reaches Houthi-held areas. A UN-brokered truce late last year has temporarily paused the offensive, and the well-being of much of the country now hinges on that truce holding. A major battle for the port would be devastating to the aid effort and to commercial food supply, and would almost certainly tip large areas of the country fully into famine.<sup>31</sup>

### **Trying – and Failing – to Constrain Coalition Behavior**

The patterns of Coalition behavior outlined above demonstrate a willful disregard for international legal obligations toward protection of civilians and of humanitarian operations. And this in turn puts the lie to the theory that quiet, constructive US engagement can improve and restrain the Coalition’s behavior – a notion that, I regret to acknowledge, predates the present administration. This rationale for maintaining US support to the Coalition, which has been articulated by numerous senior Trump administration officials, echoes debates that we held throughout the latter two years

<sup>27</sup> <https://www.theguardian.com/world/2017/dec/12/bombed-into-famine-how-saudi-air-campaign-targets-yemens-food-supplies>

<sup>28</sup> <https://mailchi.mp/5ccc4f828655/january2019-yemen-data-project-update-456659?e=448295c312>

<sup>29</sup> <https://sites.tufts.edu/wpf/strategies-of-the-coalition-in-the-yemen-war/>

<sup>30</sup> <http://fews.net/east-africa/yemen/food-security-outlook/december-2018>

<sup>31</sup> <http://fews.net/east-africa/yemen/alert/june-15-2018>

of the Obama administration. The Trump administration appears to have learned little from the Obama administration's intense earlier efforts to put that theory to the test.

During the previous administration there was significant discomfort, from early on, with the US role in materially and diplomatically facilitating the war effort. Problems had been evident from the outset of the air campaign, after the Saudis in 2015 declared all of the heavily-populated Houthi stronghold of Sa'ada to be a free fire zone (in violation of the laws of war).

In the last administration the Coalition's military behavior was widely seen as indefensible. But there was vigorous debate over whether the core problem was one of malign intent or simply incompetence. Some believed that the Saudis and Emiratis wanted to abide by the laws of war and their humanitarian obligations, but lacked the training and systems to do so effectively. The solution, by this logic, was not to pressure them or cut US assistance. Instead, it was to provide extensive additional support and training to help Saudi Arabia and the UAE improve their systems for avoiding civilian casualties and facilitating humanitarian operations.

That argument initially carried the day within the administration, helped along by US reluctance to disrupt bilateral relationships already strained by the Iran deal, and a sympathy toward the Saudis' aim of pushing back on Iranian regional mischief. There was also a desire to give Mohammed bin Salman, the seemingly reform-minded new defense minister (and now crown prince), the benefit of the doubt. So from mid-2015 onward, the Obama administration made an all-fronts push to help the Saudis avoid hitting civilian targets in Yemen and to reduce the impact of their combat operations on the humanitarian response. The Pentagon set up a "Joint Combined Planning Cell," to coordinate US military support to the Saudi-Emirati coalition and mitigate strikes on illegitimate targets. The State Department deployed a seasoned expert on civilian protection – who had advised the US military extensively – to train the Saudi military. At USAID, my team assembled ever-growing "no strike lists", catalogs of humanitarian sites that the Saudis were instructed not to hit. When we found that the Saudis seemed to view anything not listed as fair game, we expanded the lists further to include any and all civilian infrastructure that was critical to the humanitarian situation – hospitals, ports, water and sanitation plants, key convoy routes, schools, commercial food processing facilities, and more. But despite our best efforts, the attacks on civilians and civilian infrastructure continued. And continued. And continued.

After each particularly flagrant airstrike, the interagency would review whether we needed to change strategy. Each time, we conveyed our displeasure to the Saudis and Emiratis but otherwise opted to remain patient, recognizing that change in their behavior would not happen overnight. But each subsequent attack provided further evidence against the sincerity of the Coalition's commitment to reducing civilian harm. By January of 2016, senior leaders at the State Department were concerned enough to begin exploring "options to limit US exposure" to Saudi violations of the laws of armed conflict.<sup>32</sup> In June the Pentagon wound down the JCPC mission<sup>33</sup>; inside the administration this was understood to reflect a lack of progress in improving Saudi procedures.

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<sup>32</sup> <https://www.reuters.com/article/us-usa-saudi-yemen/exclusive-as-saudis-bombed-yemen-u-s-worried-about-legal-blowback-idUSKCN12A0BQ>

<sup>33</sup> <https://www.reuters.com/article/us-yemen-security-usa-saudi-arabia/exclusive-u-s-withdraws-staff-from-saudi-arabia-dedicated-to-yemen-planning-idUSKCN10U1TL>

The Pentagon made a point of expressing concern about the Saudis' tactics, saying publicly that US military support was not a blank check.<sup>34</sup>

Occasionally we made some headway. In May of 2015 the Saudis agreed – under intense US diplomatic pressure – to temporarily halt their bombing campaign in a “humanitarian pause” to allow a surge in aid deliveries. Later in 2015, they agreed to allow unfettered humanitarian access, reopen access to Red Sea ports that they had been blockading, and to allow fuel imports into the country. These commitments were critical to enabling an adequate flow of aid, fuel, and commercial goods into the country – in effect allowing the economy to breathe. Securing these commitments, however, took personal intervention by President Obama with King Salman during the King's visit to Washington in September 2015.<sup>35</sup> The consistent pattern we saw with these steps was that only high-level pressure would rein in Saudi behavior.

Things began coming to a head in mid-2016. In August of that year, the Saudis bombed a bridge<sup>36</sup> along the road that carries most of Yemen's food aid – a road that had been specifically cited on the US no-strike lists assembled by my team at USAID. That same month, they bombed an NGO hospital<sup>37</sup>, days after also bombing a school. The Saudi reaction to these strikes followed a consistent pattern: initial denial that the strike even had occurred, followed by acknowledgment and a claim the target had been legitimate, followed by an agreement to investigate, and culminating in opaque investigations<sup>38</sup> that found no wrongdoing. This practice that continues today – after bombing a bus full of schoolchildren last year, the Saudis initially denied responsibility, then claimed the bus was “a legitimate military target”, and finally acknowledged the strike was “unjustified” and promised an investigation.<sup>39</sup>

The dam finally burst after a double-tap airstrike on a large funeral<sup>40</sup> in the Yemeni capital in October 2016. The White House, shocked by grotesque reports of mourners targeted by Saudi bombers, announced a review of US support to the Saudi-led coalition. That review ultimately led to decisions to curtail certain US military support to the war, including sales of precision-guided munitions. But soon thereafter, President Obama left office.

President Trump, eager to cultivate a more positive relationship with Saudi Arabia, quickly rescinded the Obama-era restrictions on PGMs<sup>41</sup> and escalated US support to the Saudi/UAE

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<sup>34</sup> <https://www.reuters.com/article/us-yemen-security-usa-pentagon/u-s-says-support-to-saudis-yemen-campaign-modest-no-blank-check-idUSKCN10U2EX>

<sup>35</sup> <https://obamawhitehouse.archives.gov/the-press-office/2015/09/04/joint-statement-meeting-between-president-barack-obama-and-king-salman>

<sup>36</sup> <https://www.reuters.com/article/us-usa-saudi-yemen/exclusive-as-saudis-bombed-yemen-u-s-worried-about-legal-blowback-idUSKCN12A0BQ>

<sup>37</sup> <https://www.nytimes.com/2016/08/16/world/middleeast/yemen-doctors-without-borders-hospital-bombing.html>

<sup>38</sup> <https://www.reuters.com/article/us-yemen-security-saudi-airstrikes/saudi-investigation-largely-defends-deadly-air-strikes-in-yemen-idUSKCN10F23J>

<sup>39</sup> <https://www.aljazeera.com/news/2018/09/saudi-uae-coalition-admits-yemen-school-bus-bombing-unjustified-180901141048148.html>

<sup>40</sup> <https://www.bbc.com/news/world-middle-east-37598413>

<sup>41</sup> <https://www.reuters.com/article/us-usa-saudi-arms-congress/trump-to-resume-precision-munitions-deliveries-to-saudis-officials-idUSKBN1942GG>

coalition. As humanitarian conditions worsened and millions of civilians moved closer to the brink of famine, the Trump administration has expressed occasional concern about civilian impact, with the President even demanding in December 2017 that Saudi Arabia do more to expedite humanitarian aid deliveries.<sup>42</sup> This flash of high-level US engagement had an effect, again showing that the Saudis respond to public pressure. Within weeks of the President's December 2017 statement, the Saudis launched a new "Yemen Comprehensive Humanitarian Operations" plan<sup>43</sup>, complete with a glitzy accompanying PR campaign.<sup>44</sup> Sadly, the PR campaign proved the most meaningful aspect of the plan (which, it later emerged, had actually been drafted by the PR agency). The Trump administration did not sustain the pressure created by the President's statement, and the plan, having helped alleviate political pressure, was rapidly forgotten.

### **Peace Through Pressure**

It is time to get real. While the Obama administration's quiet engagement approach toward the Coalition was in retrospect misplaced, at least at the time there was plausible reason to hope the new Saudi leadership might be sincere in wanting to reduce civilian harm. Over 19,000 airstrikes<sup>45</sup> later, that hope can no longer be maintained.

If the persistent pattern of mass-scale civilian targeting is due to Saudi and UAE military incompetence, it is clear that years of US engagement, training, support, and arms sales have not led to improvements. Providing further US military support in such circumstances is at minimum willfully reckless on our part. If Saudi and Emirati airstrikes are killing innocent men, women, and children because these governments are actively choosing to target Yemeni civilians, then US training, engagement, and weapons sales are directly enabling war crimes.

Either way, it is indisputable that the Saudis and Emiratis do not meet the standard – demonstrably reducing civilian harm – that Congress laid out last year. And there is no reason to think that sustaining the status quo approach of quiet engagement will deliver any meaningful changes to their behavior. Instead, reducing civilian harm means stopping the war, and using the totality of US leverage to do so. As long as the war continues, the Coalition will continue using civilians as leverage, trying to achieve through their suffering what it has been unable to achieve on the battlefield.

The clear takeaway from nearly four years of US engagement with the Saudis and Emiratis is that when it comes to constraining their behavior, pressure delivers, while quiet engagement does not. To that end, I would make three recommendations for deploying US leverage to address the humanitarian crisis. I would hope to see the administration take these up, but there is also much that Congress can do to shape policy on these areas. I would urge Congress to continue a regular rhythm of engagement and oversight on US Yemen policy, as this attention will both influence the

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<sup>42</sup> <http://thehill.com/policy/defense/363595-trump-saudi-blockade-on-yemen-must-be-lifted-for-humanitarian-reasons>

<sup>43</sup> <https://www.saudiembassy.net/fact-sheets/yemen-comprehensive-humanitarian-operations-ycho>

<sup>44</sup> <https://www.irinnews.org/investigations/2018/02/06/yemen-pr-wars-saudi-arabia-employs-ukus-firms-push-multi-billion-dollar>

<sup>45</sup> <https://mailchi.mp/89dccc9c8978/february2019-yemen-data-project-update-469991>

administration's policy direction and also send a signal to the Saudis and Emiratis that US partnership is not unconditional.

FIRST, the US should halt all military assistance – including ongoing arms sales – that supports KSA/UAE offensive military operations in Yemen. The Saudi/Emirati coalition has made demonstrably clear that they cannot be trusted to use US military assistance in line with US policy and their own international legal obligations. Indeed, they are actively and willfully contravening both, despite years of good-faith US attempts to improve their compliance capacity. Halting all such offensive military assistance would make it materially harder for KSA and UAE to continue the attacks that have crippled Yemeni agriculture, commerce, water infrastructure, and health facilities. It would also send a strong and unambiguous message that US military assistance is contingent upon responsible use.

SECOND, the US should make a concerted diplomatic surge, while halting diplomatic cover for Saudi and Emirati misbehavior. Successive administrations have argued that neither the Houthis nor the Saudi/Emirati Coalition can achieve their objectives on the battlefield, and that both should accept a cessation of hostilities.<sup>46</sup> Yet recent US actions have undermined this message. Protecting KSA and UAE from Security Council criticism, or certifying to Congress that they are reducing civilian harm, in fact sends precisely the opposite signal: that their reckless military behavior and continued offensive operations are acceptable to us. The US should begin a major diplomatic push to make clear to the Coalition that the war must end and to find a more viable political framework for peace. There was an attempt to do so by Secretary Kerry and the White House late in the last administration after the mid-2016 Kuwait talks failed; but it faltered as the parties began hedging during the Presidential transition. Nonetheless that attempt holds lessons for today, namely that senior US engagement with the Houthis themselves can be helpful, and that successful talks will need to reckon realistically with Houthi demands. We should also make clear to the Coalition that sustaining the conflict will deal long-term damage to US-Saudi and -Emirati military cooperation and to the wider bilateral relationships.

THIRD, the US should pull out all the stops to protect the Hudaydah cease-fire and prevent a KSA/UAE offensive to recapture Hudaydah port. The Stockholm agreement signed in December provides hope that a battle for the town can be prevented, but it remains tenuous. A major battle for Hudaydah would set back the potential for more comprehensive negotiations and as importantly would devastate the aid and food import lifelines on which much of the country depends. It must be avoided at all costs. The US should continue to make clear to the Saudis and Emiratis that under no circumstances should they pursue a further offensive against the town. Meanwhile the US should pursue options for extending an UNVIM-like mechanism to operations at Hudaydah port, as UN special envoy Martin Griffiths has proposed.

I thank you again for the opportunity to testify today. I hope that this hearing, and continuing Congressional attention, will advance the cause of peace in Yemen.

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<sup>46</sup> <https://www.state.gov/secretary/remarks/2018/10/287018.htm>

