



General Assembly

Distr.: General
24 June 2019

English only

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Iraqi Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2019]

* Issued as received, in the language(s) of submission only.



The Saudi Arabia-led coalition backed Hadi Government lack of good Faith in negotiating and implementing the terms of the Stockholm agreement in order to continue economic measures that use impoverishment and starvation as a Weapon of war against Civilians in Yemen

IDO, together with Americans for Democracy & Human Rights in Bahrain and Arabian Rights Watch Association, take this opportunity at the 41st Session of the United Nations (UN) Human Rights Council to express our continued deep dismay about the ongoing systematic violations of rights, particularly economic rights, by the Saudi Arabia-led intervention in Yemen. The unlawful economic coercive measures employed by the Saudi-led Coalition (Coalition) are illegally imposed on the entire population, resulting in devastating impacts on the most vulnerable, particularly women, children and the elderly.

On 26 March 2015, before UNSC Resolution 2216 was adopted, the Coalition began conducting daily bombardments on targets in Yemen and simultaneously imposed an aerial and naval blockade. The Coalition's unilateral action occurred without a UN mandate and preceded the adoption of Resolution 2216 by three weeks. Despite this, the Coalition cites the resolution as a retroactive justification for its unilateral military action, claiming that it is enforcing the arms embargo that the resolution mandates.¹ But in practice, the military action has been marked by indiscriminate violence against civilians, resulting in severe human rights violations, particularly against those civilians who are most vulnerable: the elderly, women and children. The Coalition airstrikes, coupled with the aerial and naval blockade, constitute "comprehensive" unilateral coercive measures that seriously impede the Yemeni people's right to self-determination by killing and maiming civilians, destroying civilian infrastructure, and disrupting the import and export of commercial goods (including food, medical supplies, and fuel) and humanitarian aid. In the absence of international action that is enforced in practice rather than merely displayed on paper, the crisis will likely continue to intensify as violations against civilians continue with impunity.

Despite being informed two years ago by the UN Special Rapporteur Idriss Jazairy that "[t]he blockade imposed by the Saudi Coalition involves grave breaches of the most basic norms of human rights law, as well as the law of armed conflict,"² the Saudi Coalition backed Hadi government continues on the same destructive path. Despite being informed by the Group of Eminent Experts who concluded that "no possible military advantage could justify such sustained and extreme suffering of millions of people, the Coalition has failed to cancel or suspend the restrictions, as required under international law."³ The Coalition's unlawful measures are at the very least willful and reckless if not imposed by conscious design – a behavior displayed at the Stockholm Consultations when delegates from the internationally recognized government did not discuss nor attempt in good faith to resolve the outstanding economic issues such as unifying the fragmented Central Bank, paying public sector salaries, removing the unlawful flight ban on Sanaa International Airport and lifting the unlawful blockade.

After a five month delay in implementation due to differing interpretations of the terms of the Hodeidah ceasefire, particularly the phrase "[s]ecurity of the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa shall be the responsibility of local security forces in accordance with Yemeni law" a unilateral redeployment took place. The Chair of the U.N. support mission that is overseeing the Hodeidah Agreement, Lieutenant General Michael Lollensaard, confirmed on 14 May 2019 that "the redeployment of forces from Hodeidah,

¹ Saudi Coalition response to United Nations Special Rapporteurs' Joint Communication. 27 December 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33332>

² Lift blockade of Yemen to stop "catastrophe" of millions facing starvation, says UN expert, OHCHR, 12 April 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21496&LangID=E>

³ Group of Eminent Experts Report, 28 August 2018, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/43

Salif and Ras Issa ports went ahead as agreed, albeit with some exceptions: security of the ports was handed over to the coast guard, but, he said, a lot of work needs to be done to remove military hardware.⁴ We welcome the steps taken by the de facto authorities that we hope will be reciprocated without further delay. Despite the Hodeidah Agreement stipulating that a mutual redeployment of forces from the city of Hodeidah would take place, we have not seen any reciprocation from the Saudi-led Coalition backed government as there has been no redeployment of Coalition fighters to this date, nor a stoppage of shelling on civilian areas in and around the city of Hodeidah.

With the slight but notable progress made on the unilateral redeployment of military forces belonging to the de facto authority, the deputy Head of Mission of the Office of the U.N. Special Envoy for Yemen, Muin Shreim, met the warring parties in Amman, Jordan on 14 May 2019, to begin discussing the implementation of the economic provisions of the Hodeidah Agreement which stipulated that the 1) parties shall facilitate the freedom of movement of civilians and goods and humanitarian aid from and to the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa and 2) revenues of the ports of Hodeidah, Salif and Ras Issa shall be channeled to the Central Bank of Yemen through its branch in Hodeidah as a contribution to the payment of salaries in the governorate of Hodeidah and throughout Yemen.⁵

According to ARWA's Executive Director, Ahmed Alshami, who partook in those discussions with a team of financial, monetary and economic policymakers and professionals, the Saudi Coalition backed Hadi government participated with three people and an observer whose main objective was to thwart the talks and which ended with an announcement by their delegation that the talks had failed.

The goal of the meetings was to provide solutions to the problems facing the economy of Yemen by neutralizing the economy as a whole to limit the effects of the war on the free flow of goods into Yemen and to alleviate the economic deprivation of millions of Yemeni civilians through the payment of public sector salaries. Central to the solution is the unification and independence of the Central Bank of Yemen (CBY) so that it functions to serve all Yemenis without discrimination according to its procedures and bylaws and the Yemeni Constitution. However, since a comprehensive solution was left for later discussions, one solution offered focused on setting up a separate account in the Hodeidah branch, under supervision of the U.N. and both warring parties, that would collect by deposit customs revenues from the ports of Hodeidah, Salif and Ras Issa which would be used to make payments of public sector salaries nationwide with any deficits to be covered by revenues generated from oil exports that have been unaccounted for in Marib, Shabwa and Hadhramawt and customs revenues from ports under Saudi Coalition control.

However, the Coalition backed Hadi government was more concerned with taking control of the CBY branch in Hodeidah and connecting it with Aden's branch even though they do not exercise full control over Aden's branch or other branches particularly those located in Marib and Mukalla where different militias financed by Saudi Arabia and the UAE control the branches and operate separately outside a unified Hadi government command, a command that does not effectively exist. The Hadi government has also sought to mandate that international organizations deposit their donated budgets in the Aden branch of the CBY which would only further politicize humanitarian aid. In addition, the Hadi government continues to: 1) engage in monetary policies that fan the flames of inflation, 2) discriminatorily reject issuing letters of credit to merchants living in the northern parts of Yemen and 3) attempt to render invalid the licenses of merchants in the northern parts of Yemen who are engaged in the foreign exchange market by demanding that only those who are licensed by the Aden branch of the CBY be allowed to conduct foreign exchange transactions which would inevitably affect millions of civilians heavily dependent on foreign remittances for basic daily needs.

⁴ UN monitoring team in Yemen verifies pullout of armed forces from crucial port zones, UN News, 14 May 2019, <https://news.un.org/en/story/2019/05/1038461>

⁵ Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa, 18 December 2018, https://osesgy.unmissions.org/sites/default/files/hodeidah_agreement_0.pdf

Recommendations

Protecting the Yemeni economy is an objective that all parties should strive for given that its decline and potential collapse will affect civilians in all governorates, who must be spared the horrors of war. Unlawful airstrikes on civilian targets must end and the blockade must be lifted. The payment of public sector salaries and continued payment of pensions to all is of critical importance to alleviating the humanitarian suffering faced by millions and will help jump start the economy. To do so, the Central Bank of Yemen must be administered by a board of capable directors established by consensus and revenues from oil exports must be deposited in a CBY account for distribution. In addition, we urge the member states of the United Nations to maintain the pressure on the parties to fully implement the Stockholm Agreement and UN Security Council resolution 2451 and 2542 and express our full support for the efforts of the U.N. Special Envoy Martin Griffiths in that regard.
