



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Stakeholder submission to the Universal Periodic Review of the Republic of Yemen

Transmitted by Habitat International Coalition, NGO in Consultative Status with United Nations ECOSOC (Special Status, 1993), in cooperation with FIAN International (Germany), and Social Democratic Forum (Yemen).

Cairo, 12 June 2018

Introduction

ICESCR obliges Yemen also to respect, protect and fulfill “the fundamental right of everyone to be free from hunger” and to take measures individually and through international cooperation in order “to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.”

Over four years, since the political instability and the outbreak of the war in Yemen, that destroyed the state's resources and committed “gross violations”, considered as war crimes committed by both the Saudi lead-coalition forces that support the Yemen government and the Houthi militias. The civilians, are left to bear the brunt and face death, displacement, and the destruction and grabbing of their properties and lands.

Hunger and malnutrition

The crisis in Yemen, largely as a result of military actions by foreign governments (Saudi Arabia, USA, UK), have resulted in the violation of the people's rights, including the right to food and health. In addition to witnessing armed conflict, the majority of the population is facing severe food insecurity.

According to the recent State of Food Security and Nutrition in the World report (SOFI):

As of March 2017, an estimated 17 million people are experiencing severe food insecurity (IPC Phases 3 and 4) and require urgent humanitarian assistance. This represents 60 percent of the entire population – a 20 percent increase from June 2016 and a 47 percent increase from June 2015. Chronic child undernutrition (stunting) has been a serious problem for a long time, but acute undernutrition (wasting) has peaked in the last three years. Out of 22 governorates, four have levels of global acute malnutrition (GAM) above the emergency threshold of 15 percent, while seven record acute malnutrition prevalence at “serious” (GAM between 10 percent and 14.9 percent) and eight at “poor” levels (GAM between 5 percent and 9.9 percent).

And of these people, some 7 million people were estimated to be on the brink of famine.¹ Compounding this situation has been outbreaks of cholera due to destroyed water and sanitation facilities, with a new outbreak predicted soon.² In November 2017, the Saudi-led coalition blockaded land, air, and sea borders preventing the entrance of critical food and medical goods, as well as aid supplies. The Saudi coalition has since removed the blockade in order to allow commercial and humanitarian imports, however as of March 2018, the import levels have not returned to pre-blockade levels.

At present, the Famine Early Warning System (FEWS) reports that large populations in Yemen continue to face Crisis (IPC Phase 3) or Emergency (IPC Phase 4) food insecurity, with some households at risk of slipping into catastrophe/Famine (IPC 5). In a worst-case scenario, significant declines in commercial imports below requirement levels and conflict that cuts populations off from trade and humanitarian assistance for an extended period can align families and households into situations aligned with Famine (IPC Phase 5).³ And given the recent increased conflict in Hudaydah, this disruption is possible as Hudaydah and Salif receive approximately 70 percent of the monthly food imports and 40-50 percent of monthly fuel imports into Yemen.

Under International Human Rights Law, the right to adequate food and nutrition requires all States with an immediate obligation to provide, “at the very least, the minimum essential level required to be free from hunger.”⁴ Equally, States have an immediate obligation not to discriminate access to food on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁵ The prevention of access to humanitarian food aid in conflicts or other emergency situations also constitutes a violation of the human right to adequate food and nutrition.⁶

Similarly, sanctions and related measures, including multilateral and unilateral economic measures, should not prevent individuals and communities from acquiring essentials such as food items or agricultural inputs, as such actions constitute forms of collective punishment that harm the most vulnerable segments of society and are strictly prohibited in international law.⁷ All States part of the broader international community, in line with the Charter of the United Nations and subsequent human rights instruments, have international obligations to take joint and separate action to achieve the full realization of the human right to adequate food and nutrition. This entails a joint and individual responsibility of States to cooperate internationally in providing humanitarian assistance in times of emergency and to strengthen the role and capacities of international organizations such as the World Food Programme, UNICEF and the FAO, and to ensure that aid is being delivered without influence or subjugation of those perpetrating conflict and human rights violations. In cooperating internationally, States must prioritize the realization of the rights of disadvantaged, marginalized and vulnerable population groups, such as women, children, people with disabilities, and elderly people. Moreover, they

¹ UNOCHA. Statement by the Humanitarian Coordinator in Yemen, Mr. Jamie McGoldrick, on the Urgent need for Funding to Halt the Spread of Cholera. May 24, 2017. Available at: reliefweb.int/report/yemen/statementhumanitariancoordinator-yemen-mr-jamie-mcgoldrickurgent-need-funding-halt.

²WHO, “Amidst the devastation of war in Yemen, efforts are under way to control cholera”, available at <http://www.emro.who.int/yem/yemen-news/amidst-the-devastation-of-war-in-yemen-efforts-are-under-way-to-control-cholera.html>

³FEWS Net, *Key messages update*, May 2018, available at <http://fews.net/east-africa/yemen>

⁴ CESCR General Comment No. 12: The Right to Adequate Food, art.11.

⁵ International Covenant on Economic, Social and Cultural Rights, art.2.

⁶ International Covenant on Economic, Social and Cultural Rights, art.2.

⁷ See A/HRC/30/45 of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 10 August 2015, available at <http://undocs.org/A/HRC/30/45>

should avoid that food aid causes adverse impacts on local food production and small-scale food producers. Also, states have an obligation under international law to cooperate internationally in providing humanitarian assistance in times of emergency and to support the role and capacities of international organizations to ensure the rights of disadvantaged, marginalized and vulnerable population groups, such as women, children, injured and sick persons, those with disabilities, and elderly people. The state is clearly not complying with its obligations to respect, protect and fulfil the right to food and nutrition in all its components, including adequacy, accessibility, availability and sustainability.

Confiscation properties of displaced people and land violations

According to UN reports 75 % of the Yemeni people (nearly 22 million people) are in need of protection and humanitarian assistance.⁸ And an unpublished report issued by World Bank in cooperation with the United Nations in May 2017, estimated the Yemen has incurred US\$ 14 billion in losses and damage as result of the military operations in the country⁹, and left more than 10,000 dead, and more than 40,000 injured since 2015¹⁰ according to the last statement of the UN officer of humanitarian affairs. Additionally, the High Commissioner of the Human Rights Council stated that number of civilian casualties since the outbreak of the conflict 2014, amounted to 13,839, including 5,144 dead and 8,749 injured, 11 indicating that the number of civilian casualties has increased dramatically since the outbreak of the conflict in 2014.

Additionally, there are no real estimates or records of the number of houses and properties destroyed by bombardments targeting populated areas or the looting of land and property committed by Houthi armed militias, particularly in a number of cities that have been severely devastated by siege and encirclement including Taz, Zammar and Houdaydah, raising concerns about the commitment to implement the post-conflict recovery process.¹²

2016 was the year of displacement and forced eviction of the conflict in Yemen, where many of the violations of systematic forced displacement against civilians by some pro-government armed groups and Houthi militias increased. In May 2016, local authorities in Aden organized a systematic campaign to displace hundreds of civilians and return them to their villages in Taz. The number of displaced and 13 forcibly displaced by al-Houthi militias and the Popular Committees of the Saleh regime reached more than

⁸ UN News, available at <https://www.un.org/press/en/2018/sghm18968.doc.htm>

⁹Yara Bayoumy, Exclusive: Civil war costs Yemen \$14 billion in damage and economic losses – report, 16 August 2016, available at <https://www.reuters.com/article/us-yemen-security-damages/exclusive-civil-war-costs-yemen-14-billion-in-damage-and-economic-losses-report-idUSKCN10R2B7>

¹⁰

¹¹ للمزيد حول أوضاع حقوق الإنسان المأساوية في اليمن راجع تقرير:

UN Office of the High Commissioner for Human Rights (OHCHR), *Report on Situation of human rights in Yemen, including violations and abuses since*, A/HRC/36/33, September 2014. at:

<https://www.ohchr.org/en/countries/menaregion/pages/yemenreport.aspx>

¹² هناك محاولات من بعض منظمات المجتمع المدني في تسجيل حالات الاعتداء على المنشآت والممتلكات، ولكنها أرقام متباينة ولا يوجد تقرير رسمي حكومي أو دولي يوثق حجم الدمار للممتلكات والمنازل التي دمرت جراء العمليات العسكرية منذ عام 2015. لمراجعة بعض تقارير المجتمع المدني أنظر: حالة حقوق الإنسان في اليمن، تقرير حقوقي نصف سنوي في الفترة من يناير - 31 مايو 2017، التحالف اليمني لرصد انتهاكات حقوق الإنسان، 2017. على الرابط التالي: <http://www.ycmhrv.org/Home/MonthlyReport/qhju9Fmc/midyear2>، أنظر أيضا: تقرير منظمة سأم للحقوق والحريات، الأرض المنسية، تقرير حقوقي يرصد انتهاكات حقوق الإنسان في اليمن خلال عام 2016، فبراير 2017. على الرابط التالي: <https://www.samrl.org/ar/wp-content/uploads/2017/09/Ar-The-Forgotten-Land-Internet-Odd-SAM-for-Rights-Liberties.pdf>

¹³ مجلس حقوق الإنسان، المفوض السامي لحقوق الإنسان، *حالة حقوق الإنسان في اليمن*، تقرير مفوض الأمم المتحدة السامي لحقوق الإنسان، A/HRC/33/38، 4 أغسطس 2016. على الرابط التالي:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/172/36/PDF/G1617236.pdf?OpenElement>

three million, according to local reports since the beginning of the war. In November 2016, for example, the militias shelling caused large-scale forcible displacement in Houdayda. From January to July 2017, more than 2,403 families were displaced from their villages in the governorates of Taz, Zammar, Dali, Lahj, Ibb and Jof. The most prominent of these operations were the displacements of the villages of Tibhra and Afira at Taz, as well as residents of the Shuram area and the snow market in Zammar governorate.¹⁴

Land looting is also one of the root causes of the conflict in Yemen, including land expropriation, corruption in reallocation, and lack of enforcement of the rule of law in relation to land issues and management. In areas under the control of the Houthi militias, large-scale looting of land is carried out in order to benefit militias and tribes supporting them, including both public land or land owned by citizens, particularly in Sana'a and the governorates of Amran and Rima, as well as the looting of 70% of land in Houdayda, according to local reports¹⁵. The governorate of Ibb, south of the Yemeni capital, also suffers from manipulation of urban plans for the Houthi militiamen it controls, some traders and investors, as well as the looting of the lands of the Waqf, rural lands and even the burial grounds.-In government 16 controlled areas, particularly in Aden, corruption, land allocation and confiscation of public land remain under no control due to weak rule of law. Some local reports have reported that a group of armed militants seized vast land in the Bir Fadl area of the Dar EL-saad, which were allocated to housing houses for low income. which is one of the used to produce Salt (public company) land domain public Also, the ¹⁷ most important assets of the South and has not been removed from the control of the former regime of Ali Saleh, as well as the lands of the General Establishment for Electricity and the area of water tanks, which is considered as tourist area/heritage land.¹⁸

Attack on the agricultural sector

Prior to the current conflict, rural Yemen was home to 65% of the population, and primary site of food production. An analysis of the pattern of bombing over the first 15 months of the war reveals a clear pattern of targeting food production, technical support for agriculture, local food distribution, and water infrastructure.¹⁹ According to the FAO Statistics (FAOSTAT), agriculture covers just under 3% of land in Yemen, 1% of forests, and roughly 42% of pastures.²⁰ In short, to target agriculture requires taking aim. If one cumulates the detailed descriptions provided by the extension officers of the Ministry of Agriculture and Irrigation to the head office in Sanaa for the period of March 2015 to August 2016 into

¹⁴ التحالف اليمني لرصد انتهاكات حقوق الإنسان، التهجير والنزوح في اليمن، تقرير حقوقي لرصد حالات النزوح والتهجير في اليمن في فترة من يناير/يوليو 2017. على رابط التالي:

<http://www.ycmhrv.org/Home/MonthlyReport/ecWIWcfd/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%A7%D9%84%D9%86%D8%B2%D9%88%D8%AD-%D9%88%D8%A7%D9%84%D8%AA%D9%87%D8%AC%D9%8A%D8%B1-%D9%81%D9%8A-%D8%A7%D9%84%D9%8A%D9%85%D9%86>

¹⁵ الحوثيون يدمرون اليمن .. مظاهر من فساد نهب الأراضي، الإصلاح نت، يونيو 2017. على الرابط التالي:

http://alislah-ye.net/news_details.php?lng=arabic&sid=382

¹⁶ تلاعب واسع بالأراضي في إب وغرفة عمليات تدير التزوير والعيث، الموقع بوسنت، 24 مارس 2017. على الرابط التالي:

<https://almawqea.net/reports/17971#.W0SA0tizaC0>

¹⁷ طوفان الاستحواذ على أراضي الجمعيات السكنية في (العماد) يهدد الجمعيات السكنية بالابتلاع، الأمانة نت، 14 يناير 2018. على الرابط التالي:

<https://al-omana.com/news69146.html> ، أيضا: عدن.. مساحات في قبضة الأشرار، 4 مايو نت، 17 إبريل 2018. على الرابط التالي:

<http://www.4may.net/news/2944>

¹⁸ هشام الحاج، بسام البان، قطاع الملح يعدن.. ثروة اقتصادية تهدرها البسط على أراضيها من قبل متنفذين، الياق نت، 11 إبريل 2018. على الرابط التالي:

<http://yafa-news.net/archives/314228> ، أيضا: أحمد حسن العيقري، قيصر ياسين، نهب أراضي الملاح يعدن .. أكبر مصائب الدنيا لم تجد حلاً، الأمانة

نت، 15 مايو 2018. على الرابط التالي: <https://www.alomanaa.net/news75175.html>

¹⁹ s. For cartographic analysis of the material, please see: wp.me/p3Khxv-1eT; and www.athimar.org ; see also M.

Mundy, " Collective Violation: Yemen and the Right to Food," in the 2017 edition of the *Right to Food and Nutrition Watch*, available at https://www.righttofoodandnutrition.org/files/01_rtfanw-2017_eng_17_12_web_rz.pdf

²⁰ For more information, please visit: www.fao.org/faostat/en/#country/249.

basic categories, one finds that targets of bombing (often more than once) were as follows: 53 government agricultural and irrigation offices; 77 animal flocks and poultry farms; 180 farm and agricultural lands; 45 rural markets; 43 rural transportation infrastructure; 30 water infrastructure; and 36 other vital services such as agricultural credit banks and technical schools. These counts are conservative for the period they cover and do not include the targets of bombing since August 2016. Placing the rural damage alongside the targeting of food processing, storage and transport in urban areas, one sees strong evidence that the coalition strategy has aimed to destroy food production and distribution in the areas which the Ansarullah and the General People's Congress (GPC) control. This has particularly harmed rural women and children.

Thus, only 7 months into the war, in a report that puts to shame the silence of the other international organizations, the ILO reported that in the three governorates of Sanaa, Hudayda and Aden "[...] displacement affected mainly the rural population (two-thirds of those displaced came from rural areas) and women, who accounted for 95% of the total displaced population" and that agriculture was "the sector most affected by the crisis with a loss of almost 50% of its workers".²¹

Destruction of access to food and water constitutes a war crime under International Humanitarian Law. The Geneva Conventions III and IV establish the legal obligations of all states to protect the access of civilians and prisoners of war to food and water, prohibiting the use of deliberate starvation as a method of warfare.²² Breaching these obligations constitutes a war crime under International Criminal Law. This breach can be considered as genocide or as a crime against humanity if proven that the denial of food was deliberate.²³

The year 2016 also represented a year of impunity and failure to hold the parties to the conflict responsible for serious violations, some of which may amount to war crimes. The military operations of the coalition supporting the Yemeni government have caused the deterioration of infrastructure, with more than 50% of Yemen's workforce, as well as the destruction of many agricultural lands, crops, livestock, irrigation water sources and infrastructure due to indiscriminate shelling and the use of cluster bombs²⁴.

While third parties are violating their responsibility to respect, protect and fulfill their international obligations by supporting parties to the conflict, providing them with arms deals, political support, and intelligence, making them partners in committing such "grave breaches" with the continuation of the

²¹ Only the International Labor Organization (ILO) undertook new work with the Central Statistical Office in Sanaa to produce an update labor market survey in autumn 2015. For more information, please see: ILO. Yemen Damage and Needs Assessment. Crisis Impact on Employment and Labour Market. ILO Regional Office for Arab States, January 2016, pp. 7, 9. Available at: www.ilo.org/wcmsp5/groups/public/---arabstates/---ro Beirut/documents/publication/wcms_501929.pdf

²² Geneva Convention III, arts 20 and 26; Geneva Convention IV, arts. 23, 36, 49, 55 and 89.

²³ Rome Statute of the International Criminal Court, art. 8 (2) (b) (xxv).

²⁴ بيان وزارة الزراعة والري، المحصلة الاولى عن الاضرار المباشرة التي لحقت بمكونات القطاع الزراعي في محافظات الجمهورية نتيجة العدوان والقصف السعودي الامريكي الغاشم خلال الفترة 1 / 7 / 2015م حتى 31 / 10 / 2015م، موقع الثمار، 31 أكتوبر 2015. على الرابط التالي: <http://www.athimar.org/Article-83?lang=ar>، أيضا أنظر تقرير عن الدمار الذي لحق بالقطاع الزراعي جراء العمليات المسلحة:

Martha Mundy, *The war on Yemen and its agricultural sector*, Elikadura, April 2017. at: <http://elikadura21.eus/wp-content/uploads/2017/04/50-Mundy.pdf> . Iona Craig, Bombed into famine: how Saudi air campaign targets Yemen's food supplies, *the Guardian*, 12 December 2017. at: <https://www.theguardian.com/world/2017/dec/12/bombed-into-famine-how-saudi-air-campaign-targets-yemens-food-supplies> .

warand the prolongation of its destructive effects on the lives of civilians and State institutions. ,²⁵. Therefore, there is a commitment on the part of the Yemeni state and its institutions to seek accountability for serious violations since the outbreak of armed hostilities in 2014, breaches of the laws of war and the Fourth Geneva Convention.²⁶

Recommendations:

- **All parties of the conflict should respect the principles of international law, including the rules of international humanitarian law;**
- **The Yemeni government should promote the principles of the rule of law and fulfill its obligations to protect civilians, especially those displaced and forcibly displaced as a result of military operations;**
- **The Yemeni government must face corruption and illegal behavior in the State's territory and provide protection to displaced persons in accordance with the principle of the rule of law;**
- **The need for State institutions to register and preserve displaced persons so that IDPs can recover their property and land after the war;**
- **The Government of Yemen should apply mechanisms for the implementation of the recommendations of the outputs of the national dialogue, particularly with regard to the establishment of transitional justice and reparation for victims of violations resulting from armed conflict;**
- **Houthi militias should abide by the rules of international humanitarian law and assume their responsibilities to protect civilians, preserve their property, allow relief convoys and humanitarian aid, and not use residential communities as ring for war;**
- **Combined Emergency humanitarian, development and human rights approaches to address the root causes of violations of the human right to adequate food and nutrition by making use and supporting the implementation of the Framework for Action for Food Security and Nutrition in Protracted Crisis, endorsed during the 42ndSession of the Committee on World Food Security; including specific measures for the realization of the right to food and nutrition of women.**
- **Remedial coordinated efforts to adopt strategies that allow the affected individuals and communities to recover their autonomy in feeding themselves in dignity and human rights, with special attention on the right to food and nutrition of women and children.**
- **The international community should ensure the removal of all air, sea, and land blockades with regards to human movement and the import of goods such as food, agricultural inputs,**
- **The international community must take its responsibility to end the war in Yemen, support peace-building and reconstruction efforts, and define the responsibility of the parties to the conflict for violations committed against civilians and the destruction of state infrastructure.**

²⁵ Nicolas Niarchos, How the U.S. Is Making the War in Yemen Worse, the New Yorker, 22 January 2018. at: <https://www.newyorker.com/magazine/2018/01/22/how-the-us-is-making-the-war-in-yemen-worse>

²⁶ اليمن: لا محاسبة عن جرائم الحرب، استمرار انتهاكات قوات التحالف بقيادة السعودية والحوثيين، منظمة هيومان رايتس ووتش، 12 يناير 2017. على الرابط التالي: <https://www.hrw.org/ar/news/2017/01/12/298487> ، أيضا: مجلس الأمن، التقرير النهائي لفريق الخبراء المعني باليمن، S/2017/81، 31 يناير 2017. على الرابط التالي: https://reliefweb.int/sites/reliefweb.int/files/resources/SC_Yemen.pdf