

Injustices Against Aid Workers in Yemen

RETHINKING **SECURITY** IN THE 2020s SERIES – POLICY BRIEF

By Elisa Cherry – Middle East Analyst

1. INTRODUCTION

Following the death of Yemeni national, Fathi Mahmoud Ali Salem Al-Zurigi, in May 2021¹, one of many cases over the course of the civil war resulting in the death of aid workers, Yemen continues to struggle with unsafe working conditions for those working to delivery vital humanitarian aid. Fathi Mahmoud was caught in crossfire by an unnamed group, after crossing through a checkpoint. Despite the reports saying there was no indication that the aid workers were specifically targeted, the three Yemeni nationals that were injured, and one that was killed, should have had unimpeded access to aid routes. Alongside the ongoing humanitarian disaster and increased levels of fighting throughout the country, the international community must address the pressure that aid workers, both nationals and internationals, are put under in Yemen and throughout the world. Further, due to the complex situation on the ground the employment of Yemeni nationals disproportionately impacts them compared to their international counterparts.

The failure to respect international humanitarian laws threatens the lives of aid workers and exacerbates the suffering of millions of Yemenis who are denied the aid that these workers deliver. Injustices against aid workers in Yemen must be addressed as the threats these aid workers face are illegal under international humanitarian law (IHL) and threaten the continuation of necessary aid to Yemeni people around the country. Yemen remains the world's worst humanitarian crisis, and desperately needs the international community to step up and ensure the safety of aid workers in order to continue their access to aid throughout the country.

2. AID: A POLITICAL BARGAINING CHIP

The barriers that humanitarian aid workers have to jump through in “hard-to-reach” environments which define conflict zones are rife with political, bureaucratic, physical

¹ <https://apnews.com/article/middle-east-yemen-95ff022ce6b6fab266c1b29ebee3e01>

and security constraints that inhibit the flow of aid into conflict zones.² In 2019 and 2020, aid agencies said that they spent the majority of their time and resources dealing with bureaucratic constraints for country-wide approval in order to deliver aid in accordance with humanitarian principles, and without interference from the Yemeni authorities or Houthi rebels.³ In the context of conflicts, humanitarian aid becomes politicized, aid workers are not able to perform their duties, but rather focus on logistical details that are seemingly impossible to achieve country-wide access to, given the varying levels of control by warring parties throughout Yemen. In Houthi controlled areas, aid workers have been intercepted at checkpoints and been told to handover their computers, cell phones and other vital supplies that enable aid workers to do their job.⁴

The bureaucratic obstacles that aid workers face come from both government and rebel forces. Names of aid workers are taken by both groups, and for those who are non-Yemeni nationals they face strict visa restrictions that further prevent aid workers from carrying out their work and delivering aid.⁵ In July 2020, UN humanitarian chief Mark Lowcock told the UN Security Council that aid agencies were “facing an uptick in violent incidents targeting humanitarian assets and local authorities are adding new bureaucratic requirements.”⁶ These problems have only been exacerbated by the COVID-19 pandemic and the increase in fighting throughout the country over the course of 2021.

The politicization of humanitarian aid in Yemen has complicated the humanitarian crisis, and renders the situation impossible to uphold the standards set out by international humanitarian work in ensuring neutrality, humanity, impartiality and independence.⁷ Political decisions such as the designation of groups and individuals as terrorists or foreign terrorist organizations (FTO) can result in bureaucratic nightmares that impede access in Yemen, such was the case when the United States shortly designated the Houthis as an FTO in February 2021.⁸ In May 2021, the United States labelled two Houthi leaders, Abd Al Karim Al Ghamari and Yusuf Al Madani, as terrorists due to their role in the fighting in the Mahrib province, which is one of the regions experiencing acute humanitarian crises.⁹ This designation could prevent international aid organizations from entering into the region if there is a deep enough connection to Al Madani and Al Ghamari.

² <https://www.nrc.no/shorthand/stories/the-new-normal---aid-work-on-the-frontline/index.html>

³ <https://www.hrw.org/report/2020/09/14/deadly-consequences/obstruction-aid-yemen-during-covid-19>

⁴ <https://www.thenewhumanitarian.org/news/2020/09/14/Yemen-aid-obstruction-crimes-sanctions>

⁵ <https://www.hrw.org/report/2020/09/14/deadly-consequences/obstruction-aid-yemen-during-covid-19>

⁶ <https://www.un.org/press/en/2020/sc14266.doc.htm>

⁷ https://www.icrc.org/sites/default/files/topic/file_plus_list/4046-the_fundamental_principles_of_the_international_red_cross_and_red_crescent_movement.pdf

⁸ <https://www.brookings.edu/blog/order-from-chaos/2020/11/25/the-mistake-of-designating-the-houthis-as-a-foreign-terrorist-organization/>

⁹ <https://www.commonspace.eu/news/peace-yemen-stalls-us-imposes-new-sanctions>

Designating individuals and groups as terrorists may be beneficial in preventing the flow of goods and resources to them and their regimes but can also have catastrophic humanitarian consequences if aid and aid workers no longer have access to these areas under constraint. The bureaucratic, logistical and security concerns in aid operations hamper humanitarian’s ability to do their job, which is already broadly carried out by the network of locals that international institutions partner with and hire to assist in their aid efforts.

3. LOCALS AT THE FOREFRONT

The right to humanitarian aid under international law encompasses two broad ideas: the ability of those in need of aid being able to access it and the ability of humanitarians to reach these people with unimpeded access.¹⁰ Unfortunately, this is often not the case in conflicts, as warring parties fail to respect the laws of war and IHL, and the international community fails to hold warring parties accountable.

In 2019 there were more attacks on aid workers globally than in any previous year. For the past seven years, Yemen has been one of the most dangerous places for humanitarian aid workers, reporting some of the highest numbers of incidents (kidnappings, killings and violent interactions) in the world.¹¹ Since 2006, 46 aid workers have been killed in Yemen, notably over two-thirds of these people were Yemeni nationals.¹² Landmines, airstrikes, security checkpoints and various warring parties vying for control in Yemen exacerbate the humanitarian crisis, which is worsened by the crippling economic situation in the country. These factors contribute to the dangers that humanitarian workers face in delivering aid. International organizations rely on local partners and contractors to navigate the conflict situations and deliver aid to remote areas of the country. Rural areas of the country experience more severe crises, as they struggle to receive humanitarian aid, and the workers who attempt to deliver aid face greater dangers.¹³ The chart below reflects the number of deaths that have been recorded over the years, from major international institutions working on various humanitarian projects throughout the country. Deaths reflected are disaggregated between Yemeni nationals and international staff.

Table 1: International vs National Staff Incidents in Yemen, since 2009

	Killed	Wounded	Kidnapped	TOTAL Incidents
Yemeni Nationals	33	43	38	114
International Aid Workers	13	3	22	38

*Data gathered from the Aid Worker Security Database¹⁴

¹⁰ <https://www.nrc.no/shorthand/stories/the-new-normal---aid-work-on-the-frontline/index.html>

¹¹ <https://reliefweb.int/sites/reliefweb.int/files/resources/awsdfigures2020.pdf>

¹² <https://aidworkersecurity.org/incidents/search?detail=1&country=YE>

¹³ <https://gdc.unicef.org/resource/frontlines-yemeni-aid-worker-what-its-live-through-worlds-worst-humanitarian-crisis>

¹⁴ <https://aidworkersecurity.org/incidents/search?detail=1&country=YE>

Overwhelmingly, aid organizations hire Yemeni nationals, due to the logistical and bureaucratic challenges of relocating internationals into conflict zones, but also to benefit from local expertise and connections when working to deliver humanitarian aid. It is only logical that the number of Yemeni nationals working in the humanitarian aid sector outnumbers international workers. However, the international community tends to highlight the deaths and kidnappings of international aid workers, without recognizing the threat that Yemenis also face working as humanitarians.

4. INTERNATIONAL RESPONSIBILITY

Since late 2019, international institutions, government donors and NGOs working in Yemen have pressured warring parties, particularly the Houthis, to comply with IHL and to help facilitate the work of aid agencies throughout the country.¹⁵ The job has only become more difficult as the conflict has progressed, and the international community fails to hold warring parties accountable in upholding IHL.

It should be noted that Yemen has ratified several agreements and protocols to strengthen international law within the country.¹⁶ In the context of the ongoing civil war, little has been done to hold the warring parties accountable to IHL, the law of armed conflict or international law in general. In 2019, the UN Human Rights Council established a group of eminent experts that report to the Security Council with findings from Yemen.¹⁷ While the group has noted that human rights violations, war crimes and violations of IHL and international law are taking place, there has been no recent action on the matter from the group of experts. Further, the recommendations they have given to the Security Council have not been acted upon, and largely warring parties have not been penalised for their actions.

While many international actors discuss the humanitarian crisis in terms of numbers: people in need of aid, funding requirements and the resources that are needed in the country, the crisis will only worsen if we cannot guarantee the safety of aid workers in allowing them to do their job by delivering the aid to its destinations.¹⁸

5. CONCLUSION

The ongoing humanitarian crisis in Yemen is exacerbated by the inability of aid workers to perform their duties unimpeded. The bureaucratic, political and security challenges that these workers face are gravely concerning but also illegal under IHL. The international community has a responsibility to hold warring parties accountable and to ensure safe implementation of aid response plans for aid workers.

¹⁵ <https://www.hrw.org/report/2020/09/14/deadly-consequences/obstruction-aid-yemen-during-covid-19>

¹⁶ https://www.un.org/en/ga/sixth/65/StatProtGeneva_StatesComments/Yemen_E.pdf

¹⁷ <https://www.ohchr.org/EN/HRBodies/HRC/YemenGEE/Pages/Index.aspx>

¹⁸ <https://www.worldbank.org/en/country/yemen/overview#2>

RECOMMENDATIONS

To the International Community:

- Hold warring parties accountable under international law, international humanitarian law and the law of armed conflict. Particularly, independent parties must be allowed to enter Yemen to ensure IHL is being upheld and there is unimpeded access to humanitarian aid.
- Gather information and publish an updated report that identifies violations of IHL taking place in Yemen within the United Nations Group of Eminent Experts on Yemen. Further, call upon the Security Council to act against warring parties who are preventing access to aid and violence against aid workers.

To Aid Organizations and NGOs in Yemen:

- Work closely with local organizations and aid institutions to identify areas in Yemen where aid workers face the most problems /concerns (bureaucratic, political, security or safety) while identifying routes that ensure consistent, safe access to humanitarian aid that is safe to humanitarian aid workers.
- Establish sustainable relationships with key stakeholders (i.e., warring parties and those in control) to ensure the continuation of aid into all areas of the country, and the prioritized safety of aid workers.
- Prioritize the safety of aid workers in their response plans and the implementation of coordination mechanisms. By just noting the crisis through numbers without having an established support system for aid delivery, resources cannot be delivered.

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Author

Elisa Cherry | Middle East Analyst



 @BICBrussels  @bicrhr  BIC

 www.bic-rhr.com  info@bic-rhr.com

 Avenue Louise, 89 1050, Brussels, Belgium  Tel:+32 027258466