

December 3, 2020

Dear Speaker Pelosi, Majority Leader Hoyer, and Minority Leader McCarthy:

Dear Senator McConnell and Senator Schumer:

Over the past four years, Congress has sought to use its legislative, oversight, and appropriations powers to help end the conflict and the resulting humanitarian crisis in Yemen. Despite this effort – on which many of the undersigned organizations have worked closely with you and your colleagues in both chambers and both parties – the conflict in Yemen has continued, and the humanitarian crisis exacerbated by the conflict has worsened significantly. Congress now has a new window of opportunity to help prevent millions of Yemenis from facing another year of violence, starvation, and disease. We, the undersigned organizations, urge you to seize this moment.

Over six years since the conflict escalated in Yemen, and after more than 22,000 airstrikes by Saudi Arabia and the United Arab Emirates since 2015,¹ the conflict in Yemen has caused the deaths of nearly a quarter-million people,² including over 112,000 killed directly by ongoing hostilities.³ Despite years of UN-led diplomatic efforts, at times directly supported by senior U.S. Government officials, a negotiated end to the conflict is still needed. As the fighting between the Saudi/UAE-led coalition and Ansar Allah continues to rage in Yemen, civilians face unprecedented threats to their lives and welfare. Many have survived airstrikes, shelling, and landmines, only to face increasing risk of starvation, as the country now again sits on the edge of famine. Millions are at risk of infection with Covid-19 and other contagious diseases, as the destruction of health and sanitation infrastructure – and deep funding cuts by the United States and other international donors – has debilitated the humanitarian response. Meanwhile, the collapse of Yemen’s economy, due to the Central Bank liquidity crisis and severe restrictions on imports imposed by the Saudi-led coalition, has contributed to even greater humanitarian needs. Millions of Yemenis lack a viable source of income amid rising prices for food, fuel, and other basic commodities, further exacerbated by the secondary impacts of Covid-19.

Throughout the conflict in Yemen, Congress has played a key role in pushing to end the conflict and support Yemenis fighting to survive. Congress must now continue to use its leverage to push for a negotiated settlement to the conflict, which is the only way to fully address Yemen’s dire humanitarian crisis and prevent the country from sliding into famine. Taken together, the below steps by Congress between now and early 2021 would maximize U.S. diplomatic leverage to help the UN Special Envoy secure a ceasefire; pressure U.S. partners to negotiate in good faith to lay the groundwork for a sustainable peace; avoid further risk of U.S. complicity in alleged war crimes; and ensure life-saving humanitarian programs have sufficient financial support.

To these ends, we urge Congress to:

- **Vote to suspend U.S. arms sales and other military support to Saudi Arabia and the United Arab Emirates, at least until the conflict in Yemen is ended.** Bipartisan majorities

¹ Yemen Data Project, air raids database (October 2020).

² UNDP, “Assessing the Impact of War on Development in Yemen” (May 2019).

³ Armed Conflict Location Event Database, “ACLED Resources: War in Yemen” (March 2020).

in Congress have voted several times to curtail arms sales and other military support to the Saudi/UAE-led coalition, but the will of Congress has been stymied repeatedly by vetoes and threats thereof.⁴ Worse, in its final weeks in office the Trump administration has notified Congress of arms sales to the UAE totaling more than \$23 billion, including over \$10 billion in munitions, which would send a signal of impunity for UAE violations and indifference to the civilian consequences of the conflict in Yemen.

Suspending U.S. arms sales will prevent further civilian casualties from Saudi/UAE airstrikes, which are responsible for the majority of civilians killed and maimed by fighting. Moreover, a significant number of Saudi and UAE airstrikes have been cited as likely violations of the laws of war, and the documented use of U.S.-sold munitions for many of these airstrikes has left State Department officials concerned that U.S. arms sales could expose them to criminal liability for aiding and abetting war crimes. Suspending U.S. arms sales to Saudi Arabia and the UAE also will support international efforts to negotiate a ceasefire and invigorate peace talks, by making clear to the warring parties that Congress does not support any efforts to continue the conflict. President-elect Biden has stated repeatedly his intention to “end U.S. support for the Saudi-led conflict in Yemen” and to halt U.S. arms sales; Congress should support this policy by ending logistical support, intelligence sharing, targeting assistance, and spare parts transfers for Saudi-led coalition airstrikes, and make clear it opposes further arms sales to both Saudi Arabia and the UAE, at least so long as the conflict in Yemen continues.

- **Hold early hearings on the Biden administration’s plans to address the conflict and the humanitarian crisis in Yemen.** At key moments during the conflict in Yemen, Congress’s continued focus on the conflict has helped to advance negotiations and prevent military actions of potentially catastrophic consequence. A 2018 bipartisan Senate letter warning against a disastrous UAE-led attack on the critical port city of Hodeidah is credited with helping deter the assault, and the Senate’s bipartisan passage of the War Powers Act resolution in November 2018 set the stage for the Stockholm Agreement. Continued attention by the 116th Congress to the conflict in Yemen – including multiple hearings featuring Yemeni civil society leaders as witnesses – also helped focus diplomatic and media attention on the conflict, maintaining pressure on the warring parties to negotiate.

The conflict in Yemen has worsened over the course of 2020. Despite calls from the UN Secretary-General for a Covid-19 ceasefire, airstrikes in the first half of 2020 were more than double the previous six months and hit civilians or civilian objects nearly 40 percent of the time, shelling by Ansar Allah in populated areas has resulted in civilian death and injuries, seven new frontlines emerged, and over 160,000 Yemenis were driven from their homes this year by fighting. Given the number of international conflicts and crises facing the 117th Congress and the Biden administration, Congress must take this opportunity to press the new

⁴ In 2019, bipartisan majorities in both chambers of Congress voted to end U.S. military support for the Saudi/UAE-led coalition in Yemen, and to block over \$8 billion in arms sales to Saudi Arabia and the UAE; President Trump vetoed all four of these resolutions, and Congress failed to override those vetoes. Additionally, White House officials were reported to have staunchly opposed a provision in the House version of the FY2020 National Defense Authorization Act that would have suspended transfers of U.S. munitions to Saudi Arabia and the UAE for one year; the provision was excluded from the final bill after President Trump threatened to veto the NDAA over it.

administration to use its diplomatic leverage, by making clear that Yemen should be an early policy focus.

- **Publicly call for the restoration and expansion of U.S. humanitarian funding to all parts of Yemen.** Under the Trump administration, USAID suspended most funding for humanitarian NGO activities in territory controlled by Ansar Allah. This had the effect of scaling back the humanitarian response – including key health, water, sanitation, and other interventions – exactly as Covid-19 and an escalation in fighting increased the need for aid. Although we share USAID’s concerns about Ansar Allah constraints on humanitarian access, the approach taken by other donor governments and the United Nations – setting clear red lines and negotiating for access – has proven more effective in protecting humanitarian action from abuse and allowed life-saving aid to continue reaching Yemenis in this time of great need.

Today, as Yemen sits on the edge of famine, large-scale conflict, economic collapse, natural disasters like flooding and locusts, and a global pandemic, the key impediment to effective humanitarian relief is funding shortfalls, not humanitarian access. In such dire circumstances, withholding funding for some humanitarian activities in order to leverage improved operating conditions for others simply cannot be justified. NGOs are ready and able to deliver life-saving assistance in Yemen in accordance with humanitarian principles, but need U.S. funding and diplomatic engagement to do so. USAID’s efforts to identify carve-outs for “life-saving activities” have been too narrow to deliver an effective humanitarian response. An early 2021 decision by the Biden administration to lift the USAID suspension and expand support for humanitarian operations in all parts of the country would inject tens of millions in additional aid funding, including for food and for health and sanitation projects desperately needed as Yemen struggles with averting famine and responding to Covid-19. By insisting that the suspension be reversed and that more funding is needed, Congress can indicate to the new administration that humanitarian assistance in Yemen is a priority.

- **Publicly urge other donors to make good on their commitments and generously fund the UN humanitarian response.** The 2020 humanitarian response in Yemen has fallen nearly \$2 billion short of what is required, at a time of unprecedented levels of humanitarian need. There is a renewed threat of famine this year, with the UN Secretary-General warning that “millions of lives may be lost” without urgent action; almost half of all children under five will be malnourished by the end of 2020. There has been a decline in aid to Yemen from a number of donors, but the 2020 drop in assistance compared with previous years is due largely to reductions by Saudi Arabia (which contributed \$1.06 billion in 2019, but only \$300 million in 2020); the UAE (\$420 million in 2019, \$0 in 2020); and Kuwait (\$93.6 million in 2019, \$0 in 2020), in addition to the U.S. aid suspension noted above. Gulf governments at times have cited the U.S. aid suspension in justifying their own funding cuts, but when pressured publicly in October Saudi Arabia quickly ended months of standoff with the UN and signed funding agreements for more than a quarter-billion dollars. (Public pressure has not yet cowed the UAE to contribute.) Gulf donors must provide unconditional, principled humanitarian funding to address needs to the worst affected parts of the country. Other donors, including some European governments, have also reduced their funding in the absence of U.S. leadership. The transition between the Trump and Biden administrations

presents an opportunity for Congress to signal its expectation that at the very least, Saudi Arabia and the UAE must adequately fund the humanitarian response to the crisis caused by both countries' intervention in Yemen.

- **Pressure the warring parties to end their weaponization of food, fuel, and other imported commodities.** Yemen is exceptionally reliant on imports, which remain subject to duplicative inspections and taxation, causing lengthy delays and resulting in exorbitant prices for most Yemenis. Sana'a Airport has been closed to civilians and regular cargo for four years, preventing sick civilians from travelling abroad for urgent medical care and blocking humanitarian and commercial supplies from entering the country. A new competition for influence over fuel markets erupted in June, driving up food prices, cutting off water to large numbers of people, and forcing hospitals to go dark in the midst of a pandemic.
- **Provide ample funding to support a robust Covid-19 response in Yemen.** The decimation of Yemen's health sector by the conflict makes precise calculations difficult, but it is estimated that at least 85,000 Yemeni civilians are at risk of death due to Covid-19. Although a lack of widespread testing means positive cases are more likely to be severe (especially given severe shortages of Covid-19-related medical equipment and supplies), it is alarming that the official case fatality ratio for Covid-19 in Yemen is more than five times higher than the global average, and higher than in any other country in the world. As noted above, the international humanitarian response in Yemen is woefully underfunded; to date, the Covid-19 water and sanitation cluster has received only 19.5 percent of the funding needed for 2020, while the Covid-19 health cluster has received only 24.3 percent of necessary funding.
- **Make clear Congress's concerns about the humanitarian consequences of designating Ansar Allah as a terrorist organization.** Media reports indicate the Trump administration is considering a legal designation of Ansar Allah or its members and affiliates as a Foreign Terrorist Organization (FTO) or Specially Designated Global Terrorist (SDGT) group, which could have catastrophic impacts on the world's largest humanitarian crisis and response, while also hampering UN-led efforts to secure a ceasefire and start to peace talks. Ansar Allah are not a niche armed group with limited control over a small sliver of territory or population; rather, they are the de facto authorities with control over one-third of Yemen's territory where 80 percent of Yemen's population lives. A formal U.S. terrorist designation would exacerbate humanitarian needs, further devastate Yemen's economy, and hamstring the ability of humanitarian agencies to respond, by severely restricting their ability to engage with staff from the Health Ministry or other government agencies controlled by Ansar Allah. Should a designation move forward notwithstanding the potential humanitarian risks, Congress must urge the U.S. Government to mitigate the impact on humanitarian operations and the civilian population by pursuing an OFAC General License and other authorizations necessary to allow continued humanitarian assistance in Yemen. Humanitarians must be enabled to respond at scale and move quickly to meet evolving and deteriorating needs, but a designation would add new barriers and constraints to the already complex operating environment in Yemen.

Only through a political settlement can the conflict and the humanitarian crisis in Yemen be resolved. Action by Congress to suspend Saudi and UAE arms sales and other U.S. support to

the coalition, lift the USAID aid suspension, pressure Saudi Arabia and the UAE to make substantial aid contributions, appropriate the necessary funds for the Covid-19 response, and ensure that terrorism designations do not exacerbate the humanitarian crisis.

However, these actions will not, by themselves, end the conflict in Yemen. Much more needs to be done to protect civilians, de-escalate violence, facilitate the delivery of humanitarian aid, launch inclusive peace talks, and hold accountable those who have violated the laws of war. But by taking these steps, Congress can seize the opportunity to arrest Yemen's humanitarian freefall, bring new pressure on the warring parties to accept a ceasefire and start talks, and avoid further tarnishing America's reputation through its association with Yemen's brutal conflict. We urge Congress to act quickly in doing so, and ask that Congress urge the Biden Administration to do the same. After nearly six years of conflict, Yemen can't wait for these long-overdue changes to U.S. policy.

Signed:

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| 1. Action Corps | 17. Physicians for Human Rights |
| 2. Avaaz | 18. Project on Middle East Democracy |
| 3. Bread for the World | 19. Refugees International |
| 4. Cairo Institute for Human Rights Studies | 20. RootsAction |
| 5. Center for International Policy | 21. Saferworld |
| 6. Demand Progress | 22. STAND: The student-led movement to end mass atrocities |
| 7. Friends Committee on National Legislation | 23. SumOfUs |
| 8. Human Rights First | 24. United for Peace and Justice |
| 9. Humanity & Inclusion | 25. Win Without War |
| 10. Global Centre for the Responsibility to Protect | 26. World Beyond War |
| 11. International Rescue Committee | 27. Yemen Relief and Reconstruction Foundation |
| 12. Justice Call for Rights and Development | 28. Yemeni Alliance Committee |
| 13. Norwegian Refugee Council | 29. Salam For Yemen |
| 14. Oxfam America | |
| 15. PAX | |
| 16. Peace Direct | |

CC: Rep. Eliot Engel, Chair, House Committee on Foreign Affairs
Rep. Michael McCaul, Ranking Member, House Committee on Foreign Affairs
Rep. Adam Smith, Chair, House Committee on Armed Services
Rep. Mac Thornberry, Ranking Member, House Committee on Armed Services
Sen. Jim Risch, Chair, Senate Committee on Foreign Relations
Sen. Robert Menendez, Ranking Member, Senate Committee on Foreign Relations
Sen. Jim Inhofe, Chair, Senate Committee on Armed Services
Sen. Jack Reed, Ranking Member, Senate Committee on Armed Services