Responsibility to Protect in practice? The case of Yemen

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Abstract

This work aims to address the Responsibility to Protect principle to the case of Yemen civil war. It is noted that RtoP has become an important mechanism in International Human Rights, although its scope is still limited. With this case-to-case approach, the principle can be either too broad or insufficient; nonetheless, it can be molded to fit diverse communities and realities. The possibility of RtoP being used in Yemen can open it for a more peaceful outcome for the conflict, instead of the military intervention in course.

Keywords: Responsibility to Protect; Yemen; intervention; Human Rights.

Introduction

The Responsibility to Protect (RtoP) is a relatively new tool for Human Rights protection after the Cold War. After the violations perpetrated shortly after this period, as the genocide in Rwanda, the massacre in Srebenica and others, came the necessity of innovations in humanitarian intervention. The "humanitarian" intervention also got questioned, being targeted as a destabilizing force. As a response, the International Commission for Intervention and State Sovereignty proposed that sovereignty should become a responsibility, and in 2004 its report presented the RtoP concept to the United Nations members and displayed how it could be implemented for a more effective aid to fragile States. This concept, though, is focused on four areas and it has an accountability system to respond before being approved. A military response under RtoP must be tight in its mandate (in legal, operational and temporal matters) to avoid the problems brought by humanitarian interventional intervention.

After the youth revolution of 2011, part of the big picture of the Arab Spring, the Yemeni government started to prosecute those involved in the pacific uprising. The situation worsened to a point where, in 2015, the United Nations authorized a Saudi Arabian-led peace enforcement operation. The operation could not fight the escalation from the Houthi population, who's under a tension with the central government since the 1990s. NGOs have called upon the risks on the civilians, but the concept of RtoP has not been carried on the Yemen situation – despite the fact that some of its tools are taking place, such as health aid in independent manners.

This article seeks to analyse the RtoP principle through the lenses of Barry Buzan's Regional Security Complexes theory, as a form of building a better understanding of the RtoP and its application in the Yemeni case. The research problem is how can the Responsibility to Protect help Yemen and the region to desecuritize the ongoing crisis. It's based on the hypothesis that the approved Saudi-Arabian-led intervention is not enough to solve the current crisis, demanding the region to do more for the Yemeni State, being a multilateral RtoP initiative an adequate solution for the current crisis. The methodology used in this article is a junction between the content analysis of the United Nations reports on the Responsibility to Protect and a bibliographic construct about the Yemen's violence since 2015, and a content analysis of the papers about the

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crisis in the regional integration organizations as well. This article is divided in three sections: first, it will focus on the RtoP development inside the UN; second, it will display the Yemen crisis and the actions that took place since 2015; in the last section, it will recommend paths for the RtoP implementation in Yemen.

Responsibility to Protect and the regional role

This section will approach the internationalist RtoP to the Regional Security Complexes theory. RtoP is mainly globalist, but the core of its regulation, the ICISS¹ of 2001, does not dismiss the regional level. In many postulates, the region is fundamental to prevent, react or rebuild a conflictive area. According to the ICISS report that established the RtoP doctrine (International Commission on Intervention and State Sovereignty et al. 2001), Humanitarian Interventions failed to achieve their final goal. As with when they did not happened, it raised questions about the apathy of the international society. According to the report (ibidem), the problems with interventions highlighted the issues on employing militaries to achieve stability. For the ICISS, this is a denial of the international responsibility of the State – the commitment to the international citizenship of the State and its solidarity towards all human beings. But this solidarity, to be a material of RtoP, must become a security matter. A problem is securitized when it stops being answered by the established rules and starts being a part of special politics or of a high-level policy subject (Buzan, Wæver, and Wilde, 1998). RtoP seeks to solve problems that can rise to that level and to dessecuritize problem which have reached that point. Therefore, the call for a RtoP action is a call for transforming an issue in a security claim.

As Buzan and Weaver (2003) show, to understand security matters after the Cold War one should glaze at the regional level and its capacity for conflict and cooperation. In the chapter about responsibility to prevent, it is perceptible the commitment with conflict avoidance, based on early warning, root causes prevention and direct prevention efforts (International Commission on Intervention and State Sovereignty et al., 2001). An unstable country in a certain region might reflect on bigger regional problems, as a refugee crisis, terrorism, border control issues and others. It is in the best interest of the region to safeguard the country before the costs intensify. As Buzan and Weaver 2003) affirm, security dynamics are territorialized and the regional level is not on the path to globally merge.

In the ICISS document, the organization asks for a better involvement of the regions in early warning. The region is seen as a place where the dynamics are understood, as well as that it is in its best interest to avoid destabilization (International Commission on Intervention and State Sovereignty et al., 2001). The document recommends relocating more resources for regional and sub-regional conflict prevention initiatives, peacekeeping and peace enforcement (ibidem). The document does not focus on the region to describe the root cause prevention of conflicts, but it does sustain that detailed knowledge and understanding of the country's reality and strong cooperation between the helpers and helped are essential for conflict resolutions (International Commission on Intervention and State Sovereignty et al., 2001). Knowledge of a certain country is not exclusive from the region; the document reinforces the importance of NGOs, scholars, journalists and other professionals to raise awareness. Security, according to Buzan et. al. (Buzan, Wæver, and Wilde, 1998), is a relational matter, and must be perceived as the cluster where those relationships are stronger.

In direct prevention efforts, the document offers a variety of alternatives, from diplomacy, economic aid, sanctions, international courts and more (International Commission on Intervention and State Sovereignty et al., 2001). The toolbox presented is mostly international, as the efforts

¹ International Commission for Intervention and State Sovereignty, an ad hoc organization for new form of international intervention.

are foremost to engage the International Community, but the region appears to share their plans for the Human Rights enforcement and strategies for the UN to benefit from the regional level of reality understanding. The region is also where the relationships are deeper (Buzan and Waever, 2003), and as such, it must be specially aware in implementing sanctions and the other responsibility to prevent tools that could be employed.

The chapter entitled "responsibility to react" verses about how and when to intervene in military and non-military ways and it should follow the prevention measures when these are not effective (International Commission on Intervention and State Sovereignty et al., 2001). The region must enforce sanctions and cease military cooperation with a country in risk, and the said country must be suspended from Regional Integration Organizations and not to join any other (ibidem). The six headings for intervention may be observed by the region when they are and are not the intervention carrier: right authority, just cause, right intention, last resort, proportional means and reasonable prospects (ibidem). When analyzing to the regional level, one will have the similar dynamics from the global level, although in the region those are more exacerbated (Buzan, Wæver, and Wilde, 1998), so it is the Security Complexes Theory the one to properly address the intervention.

A RSC is a subsystem of the International System, composed of two or more States in a coherent geographic group, with interdependence in the security matters that is both deep and durable (Buzan, Wæver, and Wilde, 1998). A RSC might be homogeneous (interdependence in certain security areas with similar units) or heterogeneous (a complex with many sectors and actors) (ibidem). Therefore, the Copenhagen School does not erase the importance of non-State actors, seeing these as an important part of the region stability, in similar terms from the RtoP doctrine.

The chapter of the ICISS report on post-intervention obligations will not clash with the regional action as well. It deals with peace-building, security, justice and reconciliation and development. Although the document says there is need for an effective post-intervention strategy in every case, the means to accomplish it are diffuse, relying on the sensitive observation of the International Community (International Commission on Intervention and State Sovereignty et al., 2001). Again, the neighbors, who are embedded in the same security patterns, may be a good solution to observe the case unfolding. The region cohesion might not always be positive. Buzan understands that belonging hinders changes in the subsystems. The RSC creates an interpretation of reality and feeds itself with outlines of legitimacy and valuation around the interpretation of events (Buzan, Wæver, and Wilde, 1998). Buzan and Weaver also notice that many RSC (specially in Southeast Asia, Middle East and Southern Africa) were born in conflict, many times because of external penetration² (Buzan and Waever, 2003). The authors ensure that external powers cannot desecuritize or reorganize a region, but superpowers may influence in the process when dependence of the said superpower is vital for both parts involved in a conflict. The amity and enmity patterns are crucial for a solution, what will be better articulated in the next section.

Yemen from revolution to civil war

Buzan and Weaver see the Middle Eastern Regional Security Complex (RSC) as one of the many who were born fighting (Buzan and Waever, 2003). It is a less coherent complex, with a Jewish State, a Persian, many Arab States with different backgrounds (as former colonies from different European countries and not colonized ones). It is divided between Gulf, Maghreb and Levant subcomplexes – and a weaker "horn of Africa" one. The entanglement of the RSC is that while the nationalisms started many inter-Arab rivalries, it also created many Arab agendas, including the "othering" of the Persians, Kurdish and Jewish (ibidem). For the purposes of this paper, the Gulf subcomplex will be the focus of the following discussion.

² Penetration, according to Buzan and Weaver (2003), occurs when outside powers from the Regional Security Complex makes security alignments with States within the complex.

Under British protectorate after the First World War, the autonomous security dynamic started to flow in the decade of 1970, and it is characterized by the rivalry between Iran, Iraq and Saudi Arabia, who compete to lead Arab States (Buzan and Waever, 2003). The Gulf Arabs (Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and Oman) started a strategic partnership (the Gulf Cooperation Council - GCC) in 1981 (ibidem). According to Colombo, the GCC is well-defined, but loosely integrated that helped to the maintenance of power for the region's dictatorships (Colombo, 2012). The exclusion of Yemen is due to the fact that this is the only republic in the Gulf and the peripheral tension between them and Saudi Arabia, which has consequences until the present day. The cooperation within the RSC is also present at The League of Arab States and the Organization for Islamic Cooperation. Though strategic aspects can be found in both organizations, it is not the main goal of neither, being the GCC the key organization to be examined in this paper. The Complex is not democratic, corruption rates are high and the ties with great powers enables the use of force against civilians - what Buzan and Weaver described as "Oil State regimes" - and it is specially noticed by the authors in the GCC (Buzan and Waever, 2003). This undemocratic atmosphere, united with an economic recession that led to unemployment and "flexible labor regimes", and the subaltern role of women in these societies culminated with the massive public protests against the ruling elites, in a phenomena called the Arab Spring (Moghadam, 2013). These protests were worldly known by the Tunisian, Syrian, Egyptian and Libyan mobilizations, but all the Arab world was shaken by its diffusion, and the Gulf was not an exception. There were uprisings in Saudi Arabia, Iraq, Iran and in Yemen.

In 2011, Yemen saw a series of pacific public protests for better civic rights for the population (Carapico, 2014). The inner context of Yemen is also important – the country is the poorest in the Arab peninsula, the only republic (Saleh stood in power, though, for 34 years), legislative elections had been delayed, unemployment was high, especially in younger populations, and other bigger problems made the country a nest for public demonstrations of discontented citizens (ibidem). In March 18th, 2011, army snipers killed more than 50 pacific protestors in the main square of Sana'a, the capital, resulting in a more aggressive uprising of the population (ibidem). The calls for the demonstrations to remain pacific echoed in the entire country, and the many manifestations in favor of a better government reinforced the ideas of pacific protests. Even the marginalized tribes, such as the Houthis, avoided guerrillas and military insurrections (Carapico, 2014). The regime, seeing itself divided and less legitimate every day, killed hundreds of civilians (ibidem). After the mosque explosion in June 2011, frequently referred as an inside job by some discontent acquaintance of president Saleh (ibidem), the government found an excuse to validate the attack against civilians. President Saleh was initially hospitalized in Saudi Arabia, and later in the United States, while he and his partners planned the transition of power.

Acting with president Saleh, the GCC approved a transition plan for Yemen in May 2011. The plan gave power to the acting president, Abd Rabbuh Mansur Hadi, and the subsequent legislative election did not follow the requests of the pacific protesters for younger, moderated politicians and more women in the parliament (Carapico, 2014). The parliament was divided between the ruling party and a coalition of opposition parties. The Houthi's movements (one separatist and one autonomist) also were not included in the new government, because of the past conflicts with the Yemeni central authority (Popp, 2015). The Houthi movement was once only a northern movement against the regional government and the treatment the central government gave to the Shi'ite Zaidis, and they started to protest the exclusion in the early 2000s³. The central authority backlashed and from 2004 to 2010 the central government engaged in six wars against the Houthis (Popp, 2015). Saleh's government argued they were sponsored by Al-Qaeda to gain international

³ Other tensions occurred during the North Yemen civil war; this paper focuses in the post 1990 manifestations.

support – what was not proved (ibidem). The region rapidly accepted Saleh's claims and supported the regime "counter-terrorism" against the Houthis – while keeping the national and regional stability, creating an *Other* that is not a legitimate ruler. After the GCC's strategy for Yemen in 2011 that ensured new elections and brought president Hadi to power (which was not seen as a real change by the population), the Houthis rose as the guardian of the Revolution values, and called out the resolution as an attempt of keeping the traditional elites in power (Popp, 2015). The plan got divided in two phases. The first was the transition period, with a government of national unity and the presidential elections, won by Hadi with 99% of the votes, unopposed (ibidem). The second included a National Dialogue, a call for a new constitution and new elections to be held under the new constitution.

Yemen tried, during 2012, to make a National Dialogue Conference with all the involved parties, including the Houthis, the government, the southern emancipation movement, the youth and others, but little got accomplished, especially because of Houthis'opposition to negotiate with the central government. This movement can be seen as a politization of the process and an attempt of solving the crisis internally, which could lead to a real peace process if managed more seriously by the region (Carapico, 2014). The RtoP doctrine reinforces the early warning as an important step to avoid escalation to war (International Commission on Intervention and State Sovereignty et al., 2001). Having some popularity, the Houthis managed to expand their dominance from North to Central Yemen, capitulating Sana'a in September 2014, what brought the peace process down (Popp, 2015). President Hadi then fled to Aden; the Houthis and Saleh forces took Aden, and the president escaped to Riyadh, where he requested Saudi Arabia help for the State stability (Orkaby, 2017).

The United Nations negotiated an agreement between the Houthis and the central government in late September 2014 and a new government, with the Houthis, the central government and the southern separation movement, was formed in a temporary basis, for a new constitution to be approved and new elections to be carried on (Popp, 2015). The Houthis did not leave the government, though, and their actions against the new parliament made president Hadi seek international support for the coup happening in the country, leading to international sanctions led by the United States (ibidem). The USA decided not to act on those notes, but to delegate the counter-terrorism to Saudi Arabia, who took the matter to the GCC after the Houthis cease of Aden, that decided to launch the operation Decisive Storm (Stenslie, 2015). At this point, forces loyal to the former president Saleh joined forces with the Houthis to fight the new government and the foreign forces. The Houthi-Saleh forces dissolved the parliament, destituted president Hadi and took over the government apparatus. The foreign operation started at March 25th, the same day Saudi Arabia requested assistance for the UN Security Council, and it was military backed by the GCC countries⁴ on the 29th of March in 2014. In this moment are present both the securitization speech of the matter and the regionalization of the Yemeni problem, as the country stability became one of the top security matters of the region, requesting military acts that were not involved in the quotidian sphere of the region's governments, as the theory prescribes (Buzan, Wæver, and Wilde, 1998).

On April 14th, 2015, the UN Security Council approved the resolution 2216 for Yemen, where it demanded the Houthis to resume to pacific ways of conflict resolution and to stop all kinds of violence immediately and to cooperate with the GCC measures (United Nations Security Council, 2015). The document imposed an arms embargo to Saleh's and Houthis' forces, and requested the neighboring States to inspect all cargoes going towards Yemen (ibidem). The scenario shifted from a well-accepted counter-terrorism strike led by Saudi Arabia to a deep concern of the United

⁴ Except Oman.

Nations when the Experts Panel Final Report on Yemen showed that all the involved parties, from the Houthi movement to the Saudi-Arab coalition were targeting civilians, who were 86% of the causalities (United Nations Security Council, 2016). Of these, 60% of the deaths were caused by air strikes, which the report appointed as a disrespect for the International Law by the coalition (ibidem). The Houthi strategy of using residential areas for their Headquarters and the intimidation of the civil population (especially those against their ruling) were, also, targeted as a Human Rights violation (ibidem). The report stated that 82% of the Yemenis required some kind of humanitarian aid, which was not possible to accomplish both because of the obstruction of the parties on the NGOs works and because of the international sanctions imposed to the country, specially the coalition inspection of the cargoes (ibidem), which was supported by UN resolution 2216.

On April 25th, 2016, Yemen Peace Talks were announced by the UN Security Council to be held in Kuwait, followed by a truce in the animosities. Three months later, the talks were suspended without an agreement between the Hadi government and the Houthis strong enough to be supported by The UN ("Yemen Peace Talks in Kuwait End amid Fighting", n.d.). During the process, a Houthi- Saleh and a Hadi Government forces were proposed, but the UN agents did not accepted it, arguing the measure did not follow the GCC resolutions nor the peace talk advances ("Yemen: Houthi, Saleh Council Formation Criticised by UN", n.d.). In the resolution 2342 (2017), the UN Security Council reaffirmed the importance of the coalition in the counterterrorism fight and reinforced the sanctions over Yemen for one more year, clashing with the Experts Panel findings (United Nations Security Council, 2017). The resolution called for the conclusion of the two-step GCC plan for Yemen, and extended the Experts Panel's mandate for another year. According to Western diplomats heard by the *Foreign Affairs*, there was no significative change in the modus operandi of the coalition since the 2016 report, meaning the Human Rights problems persist (Bhojani, 2017).

Although the regional power of the RSC (Saudi Arabia) is weighting on keeping the intervention, it is still possible for the region to have a positive impact on Yemen current situation. The regional identity never actually broke the national and subnational loyalties (Buzan and Waever, 2003), but it could be supported by a new reading of the region's intervention in third parties, such as the Yemeni situation. Buzan and Weaver (ibidem) note, as well, that the insecurity of one regime threatens the entire Gulf security. As noticed by the scholars "The GCC (...) is as much a means of reinforcing the domestic security of a set of anachronistic monarchical regimes as an alliance against external threats" (Buzan and Waever, 2003: 197). Yemen, as a republic external to the GCC, is a possible threat to the regimes stability; part of the solution is to integrate the Yemeni society with the GCC, what will be better discussed in the next topic.

Protection and responsibility, a possible solution for Yemen

This section will be based on the RtoP postulates, and the Brazilian suggestions, called *Responsibility while Protecting*, and the Chinese contributions, *Responsible Protection*, whose additions to the doctrine seek to better serve those under massive Human Rights violations. It will analyze the Oman plan for Yemen and the Dutch resolution draft for Yemen as traces towards a bolder peacemaking. Oman is the only Gulf country not military involved in the Yemen crisis, and now it is the official United Nations mediator for the matter. The country presented a seven-point plan for Yemen as an alternative for the ongoing intervention. The Dutch proposal has been seen as a peril to the GCC progress, as it would change Saudi Arabia presence in Yemen, reducing Saudis power. Therefore it was modified to the more neutral paper presented in 2017 by Saudi Arabia (Bhojani, 2017).

In 2015, Oman presented a strategy to help peacebuilding in Yemen, as a close country to the involved parties and as a neutral State in the hostilities. The Omani initiative started on April 25th,

2015 and it has seven key points: the withdrawal of the Houthi-Sales forces from the occupied territories, the restoration of president Hadi in Sana'a, parliament and presidential elections, an agreement between the parties, the conversion of the Houthis to a political party, and international aid conference and the entering of Yemen in the GCC ("Background", 2015). The mandate has three main responsibilities: engaging the conflictive parties and the civil society in the transition; leading the UN support and the international assistance; and establishing a National Dialogue Conference with published results ("Mandate", 2015). The peace talks in Oman started in September ("Oman Offers Seven-Point Peace Plan for Yemen", n.d.). The boldest proposition on Oman's plan is the inclusion of Yemen in the GCC, what would make the country closer to the monarchies, which could facilitate the aid for a future reconstruction, helping to reaffirm an Arab identity, which according to the literature would help to stabilize the region (Buzan and Waever, 2003).

The Netherlands draft resolution was submitted to the Human Rights Council on September 24th, 2015, and it calls for the government responsibility upon the Human Rights violations and demands all parties to stop the attacks against civilians. The draft pointed the the need for funding for a humanitarian mandate for Yemen, and a monitoring mission for the Human Rights situation in the country (Human Rights Council, 2015). None of the documents addressed the possibility of the RtoP as a possibility for the Yemeni crisis. One might argue that the moment for intervening has passed as the Saudi forces started their operation; others might say the RtoP is not strong enough for the current crisis. Using the three documents cited above, this article will try to unpack the process.

The responsibility to prevent, the first aspect of the RtoP, was not activated in Yemen, leading to a rather premature intervention. The involvement of the GCC undermines a part of the responsibility to react – the measures short of military action, but the RtoP can still be voiced in the intervention. The responsibility to react has some instruments already deployed in Yemen, such as economic sanctions and military cooperation restrictions. RtoP can be strengthened with the reduction of the diplomatic staff in other countries as a demonstration of dissatisfaction from the ongoing problems. The responsibility to react also arguments on the suspension of international bodies and refusal to join new international organizations, what can be used in the short term only, because in the big picture Yemen must be included in the GCC as a form of region-building.

The other step to be taken inside the responsibility to react is to rethink the GCC intervention. The six headings of intervention – right authority, just case, right intention, last resort, proportional means and reasonable prospects (International Commission on Intervention and State Sovereignty et al., 2001) – were not respected. The panel of experts reported the GCC forces used disproportional force against civilians and they lacked warning before air strikes (United Nations Security Council, 2016). The regional level can make a more important change in the Yemen case, if it can be more empowered and with a larger, multilateral mandate. According to Brazil's proposal *Responsibility while Protecting*, the use of force must have limitations on its "legal, operational and temporal elements" (United Nations General Assembly, 2011) and it must produce as little violence as possible (ibidem). Therefore, it is necessary to reorganize before the intervention continues, to make sure it will abide by International Law.

China's *Responsible Protection* adds to those formulations stressing the object of protection must be clear – the civilians must be the core of the protection by every possible mean (Zongze, 2012). The UN must supervise the protection from the ground and on its Headquarters, ensuring the "protectors" rebuild the country and that they do not leave until stability is minimally achieved (ibidem). The premise behind this idea is that if the countries carrying the intervention must reconstruct the place afterwards, they will weight on the destruction in the said place and will be

more careful during the intervention, for the coming costs of the rebuilding. The Omani and the Dutch documents are important on the shifting of the perceptions of the GCC intervention, but both documents are incomplete when not addressing the structural problems of the intervention and not thinking about the ongoing regionalization and internationalization of the Yemeni question. The Responsibility to Protect doctrine may give the lacking substance to a more refined resolution of the matter.

Conclusion

International crisis escalation is a delicate matter. If the International Community waits too long to act, many lives can be lost; if action comes too quickly, it may build up a crisis that could have been solved by other means. The RtoP steps help to separate small and big crisis and to prevent worst case scenarios. Although it was not evoked in the Yemen crisis, the RtoP can help to bring a path to stability and it can create a deeper process in Yemen if the parties are properly involved. The toolkit of RtoP can help to desecuritize the region by giving other meaning to the military intervention while helping Yemen with the other issues (humanitarian, economic). Even if the regional identity is not the strongest one amongst the Arabs, the reinforcement of the similarities, towards diplomatic efforts and economic interdependence, can help the region to integrate, creating a bigger effort for stability. To be aware of the region importance is to position oneself in the security map in the contemporary days.

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