



JAMIA MILLIA ISLAMIA INTERNATIONAL MODEL UNITED NATIONS

ARAB LEAGUE

BACKGROUND GUIDE



From the Executive Board

Dear delegates,

It gives us immense pleasure to welcome you to the simulation of the Arab League for Jamia Millia Islamia International Model United Nations 2019!

The Arab League aims to focus at 'drawing closer the relations between member States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries', which has been simulated quite frequently across the Indian MUN Circuit.

This year we discuss an extremely important agenda: Addressing the issue related to Yemen Civil War. With the ongoing conflict in Yemen, it is highlighted as a major issue of political debate. Now in its fifth year, the war in Yemen shows no signs of abating. The war has killed thousands of Yemenis, including combatants as well as civilians, and has significantly damaged the country's infrastructure. The difficulty of accessing certain areas of Yemen has made it problematic for governments and aid agencies to count the war's casualties.

The agenda put forth is both interesting and has multiple aspects related to it. This agenda is simple yet challenging at the same time. In an attempt to streamline and ease research, we have segregated the broader agenda into various subtopics in the background guide.

This background guide has been made in a way which shall impart to you the basics that you as a delegate need to know in the committee. This background guide is by no means supposed to be exhaustive. You're advised to research much beyond, and above, because we look forward to an intensive debate, the scope of which lies beyond the basics which have been clarified henceforth. You're advised to think, more than anything else.

Delegates, we look forward to an intensive debate with all of you. Originality will be awarded. All the best!

Warmest Regards,

The Executive Board

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AGENDA

Addressing the issue pertaining to the Yemen Civil War.

Arab League- Introduction

The League of Arab States, also known as the Arab League, is a regional organization consisting of Arab nations in the Middle East, Northern Africa, and the Horn of Africa. The League was formed in Cairo in 1945 by the six founding members: Egypt, Iraq, Jordan, Lebanon, and Syria. The main goal of the League of Arab States according to their charter is “strengthening of the relations between the member-states, the coordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty; and a general concern with the affairs and interests of the Arab countries.” Syria has historically been a part of the league but is currently suspended in response to the government’s actions in handling political opponents and uprisings in the nation.

History

Following adoption of the Alexandria Protocol in 1944, the Arab League was founded on 22 March 1945. It aimed to be a regional organisation of Arab states with a focus to developing the economy, resolving disputes and coordinating political aims. Other countries later joined the league. Each country was given one vote in the council. The first major action was the joint intervention, allegedly on behalf of the majority Arab population being uprooted as the state of Israel emerged in 1948 (and in response to popular protest in the Arab world), but a major participant in this intervention, Transjordan, had agreed with the Israelis to divide up the Arab Palestinian state proposed by the United Nations General Assembly, and Egypt intervened primarily to prevent its rival in Amman from accomplishing its objective. It was followed by the creation of a mutual defence treaty two years later. A common market was established in 1965.

Member States

The Arab League has 22-member states. It was founded in Cairo in March 1945 with six members: The Kingdom of Egypt, Kingdom of Iraq, Lebanon, Saudi Arabia, Syrian Republic, and Transjordan (Jordan from 1949). North Yemen (later becoming Yemen) joined on 5 May 1945. Membership increased during the second half of the 20th century. Five countries have observer status.

Yemen Civil War (2015- present)

The Yemeni Civil War is an ongoing conflict that began in 2015 between two factions: the internationally recognized Yemeni government, led by Abdrabbuh Mansur Hadi, and the Houthi armed movement, along with their supporters and allies. Both claim to constitute the official government of Yemen. Houthi forces controlling the capital Sana'a and allied with forces loyal to the former president Ali Abdullah Saleh, have clashed with forces loyal to the government of Abdrabbuh Mansur Hadi, based in Aden. Al-Qaeda in the Arabian Peninsula (AQAP) and the Islamic State of Iraq and the Levant have also carried out attacks, with AQAP controlling swathes of territory in the hinterlands, and along stretches of the coast.

On 21 March 2015, after taking over Sana'a and the Yemeni government, the Houthi-led Supreme Revolutionary Committee declared a general mobilization to overthrow Hadi and further their control by driving into southern provinces. The Houthi offensive, allied with military forces loyal to Saleh, began on the next day with fighting in Lahij Governorate. By 25 March, Lahij fell to the Houthis and they reached the outskirts of Aden, the seat of power for Hadi's government. Hadi fled the country the same day. Concurrently, a coalition led by Saudi Arabia launched military operations by using airstrikes to restore the former Yemeni government; the United States provided intelligence and logistical support for the campaign. According to the UN and other sources, from March 2015 to December 2017, 8,670–13,600 people were killed in Yemen, including more than 5,200 civilians, as well as estimates of more than 50,000 dead as a result of an ongoing famine due to the war. The conflict has widely been seen as an extension of the Iran-Saudi Arabia proxy conflict and as a means to combat Iranian influence in the region in 2018, the United Nations warned that 13 million Yemeni civilians face starvation in what it says could become "the worst famine in the world in 100 years."

The international community have sharply condemned the Saudi Arabian-led bombing campaign, which has included widespread bombing of civilian areas. Despite this, however, the crisis has not gained as much international media attention compared to the Syrian civil war until recently.

Yemen's History

The Yemeni capital Sana'a is one of the oldest inhabited cities in the world. The 'old city' is a UNESCO Heritage site.

In the 19th century, the area that is now Yemen was divided between the British Empire, which occupied the port of Aden and the south, and the Ottoman Empire, which occupied Sana'a and the north. When the Ottoman Empire collapsed, a Shia Imam from the Zaidi sect consolidated power in the north. Britain continued to occupy the south. In the 1960s war broke out in the northern part, which saw factions backed by Saudi Arabia and Egypt respectively face off in a civil war. They were in turn backed by the US and the Soviet Union respectively. The Yemen Arab Republic emerged from this war. Ali Abdullah Saleh became its leader in 1978. Britain withdrew from Southern Yemen in 1967, which then became a Marxist State

called the People's Democratic Republic of Yemen. Fighting broke out between the northern and southern republics during the 1970s, but co-operation over energy exploration and the collapse of the South's backer, the USSR, saw the republics unify in 1991 after a popular vote. Northern leader Ali Abdullah Saleh became head of the new state. A civil war broke out shortly after unification which lasted until 1994. Mr. Saleh remained in power until 2011, when he was replaced by Abdrabbuh Mansour Hadi after a popular uprising during the Arab Spring.

Causes of Current War Break Out

President Hadi faced instability on several fronts when he came to power. Al-Qaeda in the Arabian Peninsula carried out several large attacks on government targets. Ousted former President Saleh, who also retained the loyalty of some military commanders, forged an alliance with his former enemies, the Shia Houthis in the north of the country.

The instability led many Yemenis to become dissatisfied under President Hadi. A Houthi mounted an offensive and took the capital Sana'a in late 2014. President Hadi fled abroad in early 2015.

Saudi Arabia then intervened, along with a coalition made up of United Arab Emirates (UAE), Bahrain, Kuwait, Qatar (until 2017), Egypt, Jordan, Morocco, Senegal and Sudan. The US and the UK are the main international backers of the Saudi coalition.

Is it a Saudi- Iranian Proxy War: The war is predominantly a local civil war, in which Saudi Arabia has intervened to protect its southern border and to try to prevent a Houthi takeover by restoring to power President Hadi. Saudi Arabia maintains the Houthis are an Iranian proxy. The Houthis do receive Iranian support but are not Iranian proxies. While the Houthis are Shias, they belong to a different sect to the one that is prevalent in Iran.

Iran is also primarily engaged in Syria, Iraq and Lebanon and does not see Yemen as a vital interest, nor does it want to commit large-scale resources to the conflict. Iran-Houthi links could be summarized as 'Saudi's difficulty is Iran's opportunity' and even limited support to the rebels achieves this outcome. Iranian help to the Houthis has escalated since the Saudi intervention. In an effort to choke off this support, a blockade has been imposed on Yemeni ports by the Saudi-led coalition, which has had devastating humanitarian consequences.

Yemen's Humanitarian Crisis

Humanitarian Conditions and Assistance

According to the United Nations, Yemen's humanitarian crisis is the worst in the world, with close to 80% of Yemen's population of nearly 30 million needing some form of assistance. The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimates that two-thirds of the population is food insecure, one-third are suffering from extreme levels of hunger, and 230 out of Yemen's 333 districts were at risk of famine as of January 2019. In sum, the United Nations notes that humanitarian assistance is "increasingly becoming the only lifeline for millions of Yemenis." As noted above, on February 17, the parties to the conflict began to implement the Stockholm Agreement. The deal calls for main roads to reopen from Hudaydah to Sanaa and Taiz and humanitarian access to the Red Sea Mills grain storage facility, which holds enough grain to provide food for 3.7 million Yemenis for a month. Access to the Mills has been cut off since September 2018. On February 26 in Geneva, the United Nations and the Governments of Sweden and Switzerland hosted the third annual pledging conference for the crisis in Yemen. Saudi Arabia and the UAE each pledged \$750 million. For 2019, the United Nations is seeking \$4 billion from donors for programs in Yemen. The 2018 humanitarian appeal sought a little over \$3 billion, of which donors have provided \$2.58 billion to date. The United States, Saudi Arabia, the United Arab Emirates, and Kuwait combined accounted for 66.8% of all contributions to the 2018 appeal. Between FY2018 and FY2019, the United States has provided \$720.8 million in emergency humanitarian aid for Yemen. Most of these funds (\$498 million) are provided through USAID's Office of Food for Peace to support the World Food Programme in Yemen. Since March 2015, the United States has been the largest contributor of humanitarian aid to Yemen, with more than \$1.71 billion in U.S. funding provided since FY2015. The United States provided a total of \$566.2 million in humanitarian assistance in FY2018. Funds were provided to international aid organizations from USAID's Office of Foreign Disaster Assistance (OFDA), USAID's Food for Peace (FFP), and the U.S. Department of State's Bureau of Population, Refugees, and Migration (State/PRM).

Humanitarian conditions continue to be undermined both by economic disruptions caused by the fracturing of the country's financial system and by access constraints imposed by parties to the conflict.

Food Insecurity and the Depreciation of Yemen's Currency

Remote regions of northern Yemen deep in Houthi territory are often the most challenging areas in which to deliver food aid. In most other parts of the country, food is available for purchase in the marketplace, but prices are unaffordable for wide swaths of the population. According to the Food and Agriculture Organization of the United Nations, "The average cost of the minimum survival food basket—comprised of the minimum items required for a household to survive for one month—remains more than 110 percent higher than prior to the conflict's escalation in March 2015." One cause of inflationary prices is the depreciation of the national currency (Rial). Yemen has two competing central banks, one in Sanaa (run by the Houthis) and one in Aden (run by the Hadi government). The Houthis in Sanaa have depleted

the original central bank's foreign currency reserves and have been unable to pay public sector salaries. The central bank in Aden has liberally printed money, which has driven down the value of the Rial. According to the Economist Intelligence Unit's outlook for 2019, "rapid currency depreciation for most of 2018 significantly increased the price of imports [most Yemeni food is imported], and, despite a rally in the Rial in late 2018, is a trend that is likely to continue throughout the forecast period as the Aden-based authorities continue to print money..." In 2018, Saudi Arabia agreed to lend \$2 billion with the central bank in Aden to help the Hadi government finance food imports. However, according to one report, as of November 2018, "only a little over \$170 million had been authorized for payment."

Restrictions on the Flow of Commercial Goods and Humanitarian Aid

One of the key aspects of the 2015 United Nations Security Council Resolution (UNSCR) 2216 is that it authorizes member states to prevent the transfer or sale of arms to the Houthis and also allows Yemen's neighbors to inspect cargo suspected of carrying arms to Houthi fighters. In March 2015, the Saudi-led coalition imposed a naval and aerial blockade on Yemen, and ships seeking entry to Yemeni ports required coalition inspection, leading to delays in the off-loading of goods and increased insurance and related shipping costs. Since Yemen relies on foreign imports for as much as 90% of its food supply, disruptions to the importation of food exacerbate already strained humanitarian conditions resulting from war. To expedite the importation of goods while adhering to the arms embargo, the European Union, Netherlands, New Zealand, the United Kingdom, and the United States formed the U.N. Verification and Inspection Mechanism (UNVIM), a U.N.-led operation designed to inspect incoming sea cargo to Yemen for illicit weapons. UNVIM, which began operating in February 2016, can inspect cargo while also ensuring that humanitarian aid is delivered in a timely manner. However, Saudi officials argue that coalition-imposed restrictions and strict inspections of goods and vessels bound for Yemen are still required because of Iranian weapons smuggling to Houthi forces. Saudi officials similarly argue that the delivery of goods to ports and territory under Houthi control creates opportunities for Houthi forces to redirect or otherwise exploit shipments for their material or financial benefit. According to the latest reporting from United Nations Office for the Coordination of Humanitarian Affairs (U.N. OCHA), over the last several months, the volume of cargo discharged at Hudaydah and Saleef ports dropped, and now is 20% less than when the conflict began in 2015

Water, Sanitation, and Hygiene (WASH)

Yemen is experiencing the world's largest ongoing cholera outbreak. Since late 2016, there have been more than 1.3 million suspected cholera cases and nearly 2,800 associated deaths. Cholera is a diarrheal infection that is contracted by ingesting food or water contaminated with the bacterium *Vibrio cholerae*. Yemen's water and sanitation infrastructure have been devastated by the war. Basic municipal services such as garbage collection have deteriorated and, as a result, waste has gone uncollected in many areas, polluting water supplies and contributing to the cholera outbreak. In addition, international human rights organizations have accused the Saudi led coalition of conducting air strikes that have unlawfully targeted

civilian infrastructure, such as water wells, bottling facilities, health facilities, and water treatment plants. Humanitarian organizations working in the WASH sector have improved cholera prevention and reduced the frequency of new cases but have not eliminated the crisis. According to U.N. OCHA's 2019 Yemen Humanitarian Needs Overview, "Public water and sanitation systems require increased support to provide minimum services and avoid collapse. Some 22 per cent of rural and 46 per cent of urban populations are connected to partially functioning public water networks, and lack of electricity or public revenue creates significant reliance on humanitarian support." As of January 2019, 17.8 million people in Yemen are living without access to safe water and sanitation, and 19.7 million lack access to adequate healthcare

Where is the Yemen Conflict Heading?

While the Stockholm Agreement has the potential to lead to a broader, nation-wide cease-fire, the longer it takes to implement, the greater risk of the agreement's collapse and the prospect for renewed conflict in Hudaydah. Although fighting has continued along several fronts since December 2018, the Stockholm Agreement has provided the Saudi-led coalition with the possibility of gradually extricating itself its intervention in Yemen. If the cease-fire collapses, then the coalition would have to weigh the benefits of trying to evict the Houthis from Hudaydah militarily with the humanitarian costs to the Yemeni people and the reputational damage it would incur within the international community.

Even if the United Nations is able to make progress toward a comprehensive peace agreement, Yemen is still beset by multiple political conflicts and violence. In the south, regional secessionists are at odds with what remains of President Hadi's internationally recognized government. In the partially Houthi-besieged city of Taiz, Yemen's third-largest city, rival militias backed by the coalition have engaged in internecine warfare⁵⁶ and have been accused by human rights groups of committing war crimes.⁵⁷ Many key questions about the future of Yemen remain unanswered. In the context of the current Houthi-Saudi-led coalition conflict, few observers have insight into whether or under what conditions the Houthis might be willing to relinquish their heavy or advanced weaponry used to threaten Saudi Arabia, the United Arab Emirates, and maritime shipping. Iran, now involved in Yemen in new ways, may prove unwilling to sever ties that vex its Saudi adversaries. Political and military compromise between the coalition and the Houthis could bring fighting to an end but might also entrench an anti-U.S. and anti-Saudi Houthi movement as a leading force in a new order in Yemen.

The complexity of Yemen's internal politics and the short-term need to resolve the current conflict have overshadowed domestic and international consideration of what the future of Yemeni governance may be. Overall, the prospects for returning to a unified Yemen appear dim. According to the United Nations Panel of Experts on Yemen, "The authority of the legitimate Government of Yemen has now eroded to the point that it is doubtful whether it will ever be able to reunite Yemen as a single country." While the country's unity is a relatively recent historical phenomenon (dating to 1990), the international community had widely supported the reform of Yemen's political system under a unified government just a few years

ago. In 2013, Yemenis from across the political spectrum convened a National Dialogue Conference aimed at reaching broad national consensus on a new political order. However, in January 2014 it ended without agreement, and the Houthis launched a war. The failure of the 2013 National Dialogue Conference aimed at reaching broad national consensus on a new political order continues to violently reverberate throughout Yemen. If some semblance of normalcy is to return to the country, local players will have to return to addressing key issues, such as the power of a central government, the devolution of power to regional authorities, and the composition of national security forces. The longer these issues remain unresolved, the greater the prospect for Yemen's dissolution into competing self-declared autonomous regions.

Conflict Classification and Applicable Law

Under international humanitarian law (IHL), there are two types of armed conflicts identified for determining applicable rules: international and non-international. While international armed conflicts involve two or more States, non-international armed conflicts are fought between the armed forces of one or more States and one or more organized non-State armed groups, or between such groups. For a non-international armed conflict to exist, certain conditions must be met concerning (a) intensity of the hostilities and (b) organization of the parties. First, the hostilities must reach a certain level of intensity. Indicators to determine whether this threshold has been met include “the number, duration and intensity of individual confrontations; the type of weapons and other military equipment used; the number and caliber of munitions fired; the number of persons and type of forces partaking in the fighting; the number of casualties; the extent of material destruction; and the number of civilians fleeing combat zones.

The involvement of the UN Security Council may also be a reflection of the intensity of a conflict.” Second, the armed group must be cohesively organized. As specified by the ICTY, “indicative factors include the existence of a command structure and disciplinary rules and mechanisms within the group; the existence of a headquarters; the fact that the group controls a certain territory; the ability of the group to gain access to weapons, other military equipment, recruits and military training; its ability to plan, coordinate and carry out military operations, including troop movements and logistics; its ability to define a unified military strategy and use military tactics; and its ability to speak with one voice and negotiate and conclude agreements such as cease-fire or peace accords.” International jurisprudence has clarified that international and non-international armed conflicts may co-exist on the same territory. Furthermore, a non-international armed conflict between a State and an organized armed group may become international if a third State exercises overall control over such a group.

The armed conflicts between the internationally recognized government of Yemen and the Houthis, on the one hand, and the Saudi Arabia-led coalition and the Houthis, on the other hand, should be currently classified as non-international for the following reasons: (1) parties to the conflicts are an organized armed group and States; (2) the hostilities between the parties have reached the requisite threshold of intensity as evidenced, among other things, by the methods and means employed in the fighting; (3) the Houthis' organization is evidenced by their ability to take control of large swathes of Yemen's territory, including

the capital Sana'a, and oust the official government. In principle, if it could be demonstrated that Iran exercised overall control over the Houthis, both conflicts could be re-classified as international. For this purpose, it would have to be proven that Iran has a role in organizing, coordinating or planning the military actions of the Houthis, in addition to financing, training and equipping or providing operational support to them. According to an early assessment, Iran did not exercise sufficient control over the Houthis for this test to be met. In its 2018 report, however, the UN Panel of Experts on Yemen (Panel of Experts) acknowledged the existence of media reports that claim Iran deployed advisers in support of the Houthis, a matter which the Panel is still investigating.

The Panel of Experts also “identified strong indicators of the supply of arms-related material manufactured in, or emanating from, the Islamic Republic of Iran subsequent to the establishment of the targeted arms embargo on 14 April 2015,” finding that Iran had violated the arms embargo by supplying short-range ballistic missile technology and unmanned aerial vehicles to the Houthis. Even in light of these new findings and based on the available information, Iran’s actions in Yemen do not yet fulfil all the above-mentioned conditions to qualify as exercise of overall control for the purposes of conflict classification.

The major IHL treaty law sources applicable to non-international armed conflicts are Common Article 3 to the 1949 Geneva Conventions (GCs) and 1977 Additional Protocol II (AP II), both of which specifically apply to the non-international armed conflicts under consideration. Yemen and all the States belonging to the Saudi Arabia-led coalition are parties to the GCs and AP II. Additionally, the Houthis meet the requirements set forth in Article 1(1) AP II, namely acting under a responsible command and controlling a sufficient portion of territory that enables them to “carry out sustained and concerted military operations and to implement the Protocol.” Together with treaty law, customary IHL also applies.

Notably, many of the rules governing the conduct of hostilities in international armed conflicts contained in 1977 Additional Protocol I (AP I) are also applicable to the non-international armed conflicts in Yemen as customary international law. Certain serious violations of treaty or customary rules of IHL amount to war crimes when committed with the requisite mental element. While many of these are identified as war crimes in the provisions of the GCs and AP I, which identify grave breaches of the Conventions in international armed conflicts, many of these same violations have also been recognized as war crimes under customary international law applicable in non-international armed conflicts, and are reflected in the statutes of international criminal tribunals and the International Criminal Court (ICC).

Examples of offences include violence to life and person, particularly murder, mutilation, torture and ill-treatment, the taking of hostages, and directing attacks against civilians and civilian objects. Individuals may be held criminally liable for committing, ordering to commit or, under command responsibility, failing to prevent or punish the commission of a war crime. When a credible allegation or reasonable suspicion that a war crime has been committed arises, States must open an investigation; if there are reasonable grounds to believe that a crime has been committed, they must pursue prosecution. Besides triggering individual criminal responsibility, serious violations of IHL also engage State responsibility. A State has an obligation to make reparation for breaches of IHL committed by its armed forces and by persons or groups acting on its instruction or under its direction or control. This rule is applicable in both international and non-international armed conflicts. In addition to IHL, human rights law continues to apply in situations of

armed conflict. The two legal frameworks are complementary, meaning that one body of law may reinforce the protections offered by the other. Where violations of applicable IHL rules also result in any impairment of the enjoyment of human rights, there may be an infringement of certain rights under human rights law.

For example, deliberate or indiscriminate attacks conducted in violation of the principle of distinction will infringe the right to life under applicable human rights treaties and customary law.

Certain States involved in the Yemeni conflict, e.g. Saudi Arabia and the UAE, are not party to some relevant human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR). However, the human rights protections afforded by the ICCPR, and in particular for present purposes the prohibition of arbitrary deprivation of life, is part of customary international law, which is binding on all States. In addition, these States are party to the Convention on the Rights of the Child, which recognizes the right to life under article 6 and reaffirms IHL protections under article 38. Such obligations also apply when a State acts in an extraterritorial context. Economic, social, and cultural rights, including those provided for in the International Covenant on Economic, Social and Cultural Rights (ICESCR), apply during armed conflict as well. These comprise, among others, the right to food, housing, health and water. States have an obligation to respect these rights at all times, meaning that they cannot prevent or interfere with their enjoyment.⁴⁰ For instance, the unlawful targeting of local markets, medical facilities and water infrastructures constitute violations of the rights to food, health and water, respectively, in particular when the population is in need of basic goods and services. The same goes for action that prevents food and medicines from being delivered to the civilian population and access to safe drinking water. Direct or indiscriminate attacks against residential areas may breach the right to housing, especially when they result in forced eviction of the affected civilians.

The rights to food, housing, health and water are strictly interrelated to the right to life and crucial for its very enjoyment. It follows that all parties to the conflict, including States that are not yet parties to the ICESCR, have a legal obligation to respect these and other social and economic rights, particularly to the extent that their violation may negatively impact the right to life. Based on statements by the UN Security Council, General Assembly and other UN bodies, there is some authority to suggest that organized armed groups exercising de facto control over a territory are also required to respect relevant human rights norms.

The status of refugees in Yemen

The Government of Yemen's prima facie acceptance of particular groups and general tolerance towards asylum seekers represents a progressive open-door policy. Yet it has to date been unable to convert its international obligations towards the protection of refugees' rights into national-level policy.

As of March 2002, there were 71,313 refugees registered with UNHCR, 92.5% of who were Somalis (1). The Government of Yemen has recognized Somalis on a prima facie basis since 1992 and continues to do so. Yemen has previously also recognized on a prima facie basis 1,269 Ethiopians (officers and cadets from

the former Ethiopian Navy forced to flee after the 1991 overthrow of the Mengistu regime) and 389 Eritreans who fled Assab following renewed Ethio-Eritrean conflict in May 2000.

Other asylum seekers must go through refugee status determination (RSD) conducted by UNHCR. In 2001, UNHCR Yemen had an overall recognition rate of 17%, excluding prima facie recognitions. It encourages local integration and repatriation as 'durable solutions' for refugees. In 2001, it only resettled 157 people to a third country, asserting that "a liberal interpretation of the [resettlement] criteria would produce a pull factor and undermine UNHCR policy"(2). It consequently reserves resettlement for vulnerable cases, including medical cases such as HIV sufferers (Yemen reserves the right to deport non-nationals with HIV) and single female heads-of-household.

There is one camp in Yemen, the facility at Al Kharaz hosting 10,000 refugees near the southern port city of Aden. The camp admits recognized refugees only, which means that, pending RSD, refugees must find their own way. Due to its limited capacity, UNHCR encourages local integration and urban settlement, reserving the camp for "vulnerable refugees... who are unable to survive without international assistance"(3). With the exception of the Al Basateen suburb of Aden, which hosts some 20,000 Somalis who arrived in 1992, refugees in urban areas tend to intersperse with the Yemeni communities.

Respecting the 1951 Convention, the Yemeni Government permits refugees the right to work, education and healthcare but refugees face obstacles in securing these socio - economic rights. Refugees asserted that the Ministry of Labour requires foreigners applying for work permits to present a passport, which refugees obviously cannot do. It also requires a letter from a potential employer; refugees claim that employers will not do this as employing illegal labour permits them to pay lower wages. Unable to work, most refugees are also unable to afford education and healthcare. In addition, public hospitals will neither serve HIV patients nor, for cultural reasons, single females requesting reproductive or natal care. This is why the services provided by NGOs are in high demand, far exceeding their capacity.

Ten of the 11 NGOs that work with refugees in Yemen are implementing partners of UNHCR and, therefore, depend at least in part on UNHCR funding. This is unfortunate because UNHCR's diminishing budget from Geneva reduces these NGOs' funding as well. Limited funding has necessitated prioritizing the most serious cases. UNHCR's assumption that camp refugees are less able to secure their rights has meant that more resources and services are provided in the camp than in urban areas. Urban refugees felt that this 'camp bias's marginalizes them, 'punishing' them for their initiative to self-settle and contribute productively to the economy of their host country.

In Sana'a, the Yemeni capital, Ethiopians have established an Ethiopian Community Centre, while the Somali community has established the Refugee Community Centre, now attended by refugees from other nationalities as well. These two centers represent refugees' initiatives to support themselves. But they are the only ones of their kind and refugees assert that, while they provide some support and comfort, they do not address the core socio-economic problems faced by refugees living in cities.

Government and UNHCR officials indicate that extra pressure is placed on NGOs to provide services because of the fact that many Somalis benefiting from these services are not refugees as defined by the 1951 Convention. Some officials believe that Somalis come to Yemen to take advantage of, among other things, healthcare services provided free of charge by NGOs. UNHCR has recommended that the Yemeni Government cease prima facie recognition of Somalis in order to ensure that those who do benefit from services are actually refugees.

A further obstacle faced by refugees in securing their socio-economic rights is racial and cultural discrimination. Ethiopian and Eritrean refugees recount stories of harassment on the streets and several refugees testify to being victims of racial beatings. Non-Muslim, mostly Ethiopian or Eritrean refugee women, often face discrimination, particularly for not wearing the hijab. In addition, Ethiopian refugees - both men and women - assert that Yemenis have a preconceived notion of them as being promiscuous and they are, therefore, often accused of having AIDS. Racism prevents them from equal employment opportunities and their children are subject to racism in Yemeni schools. Most Somali refugees accept that Yemeni treatment of Somalis is better than that afforded to other Africans. This appears to be due to the fact that these two peoples share cultural traits - most Somalis are Muslim, and many speak Arabic.

Perhaps the ultimate socio-economic and civil injustice feared by refugees is unfair detention and deportation. Notwithstanding the absence of data on the prevalence of detentions, refugees asserted that the threat of it is real, in particular outside Sana'a. Municipal authorities do not appreciate the meaning of a refugee card. On the other hand, authorities do not appear to act strictly regarding deportation. Refugees believe that deportation is done on an entirely ad hoc basis and assert that detention is used primarily as a method to extort bribes from people.

Conclusion

Although Yemen is signatory to the relevant international treaties that espouse a commitment to protection of refugee rights it has failed to translate this commitment into national level policy. Failure is most starkly represented by the marked absence of national refugee legislation, a void which means that refugees are often treated as foreigners. Despite this, UNHCR Yemen continues to 'offer' local integration as its primary 'durable solution'. Yet integration cannot be considered durable until national legislation is in place, as only national laws can provide the primary structure necessary to give people a real (and not theoretical) chance of integrating.

Other impediments exist that prevent individuals from successfully integrating and securing employment. On the other hand, interviews with refugees showed that individuals and communities have created their own support structures so that they are not entirely dependent on NGO, UNHCR or government service provision. Nevertheless, the Yemeni Government has made progress towards fulfilling its international

obligation to protect refugees and assume responsibility for refugee affairs. The establishment of the NCRA, in particular, has been productive in catalyzing Government efforts.

Many areas of the refugee situation in Yemen need to be better understood. The heterogeneous nature of Yemen and the state's willingness to admit, but not to fully accept asylum seekers, make Yemen a complex and challenging refugee situation in the Middle East.