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Master of Advanced Studies in Humanitarian Action
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Humanitarian Negotiation with Non-State Armed Groups during the Global War on Terror
Challenges, Strategies, and Coordination Mechanisms
Between Humanitarian Actors
(The case of Yemen)

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ABSTRACT

Humanitarian actors are obliged to negotiate with all belligerents during non-international armed conflicts to gain safe access to affected populations in order to provide aid and ensure the protection of civilians. However, during the global war on terror (GWT), humanitarian negotiations with non-state armed groups (NSAGs) are hindered by challenges on many levels, affecting the efficiency of the negotiation process. Furthermore, humanitarian organizations face ethical dilemmas when negotiating humanitarian access with NSAGs. Yet, engaging with all parties to the conflict possessing some level of control, regardless of their legal status, is essential in order for principled humanitarian action to take place. In this dissertation, I will explore the impact of counter-terrorism measures on humanitarian negotiation with NSAGs, and the strategies adopted by aid organizations to overcome the constraints when engaging with these groups. Taking the case of Yemen as an example, I will investigate the influence of the principles of neutrality, impartiality, and independence on the negotiation process. In addition, I will explore the interactions between humanitarian actors and the Houthi group in the context of Yemen. This study argues for the validity of a mandate-orientated negotiation approach to NSAGs in order to achieve effective outcomes, and for the importance of building contextualized strategies based on in-depth study of the conflict and of the NSAGs’ aims and motives. Finally, it investigates the reasons for holding bilateral negotiations with NSAGs and the role of coordinated approaches between humanitarian actors.

KEY WORDS:

Acknowledgements

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>1</td>
</tr>
<tr>
<td>KEY WORDS</td>
<td>1</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>2</td>
</tr>
<tr>
<td>ABBREVIATIONS</td>
<td>4</td>
</tr>
<tr>
<td>1. INTRODUCTION</td>
<td>5</td>
</tr>
<tr>
<td>1.1. METHODOLOGY</td>
<td>8</td>
</tr>
<tr>
<td>1.1.1. Constraints &amp; Limitations</td>
<td>9</td>
</tr>
<tr>
<td>2. LITERATURE REVIEW</td>
<td>9</td>
</tr>
<tr>
<td>2.1. CONCEPTUAL FRAMEWORK</td>
<td>9</td>
</tr>
<tr>
<td>2.1.1. Key Concepts</td>
<td>9</td>
</tr>
<tr>
<td>2.1.2. Sub-Concepts</td>
<td>12</td>
</tr>
<tr>
<td>2.2. STATE OF ART</td>
<td>14</td>
</tr>
<tr>
<td>2.2.1. The Impact of the Global War on Terror on Humanitarian Action</td>
<td>14</td>
</tr>
<tr>
<td>2.2.1.1. New Legal Obligations with Increased Challenges</td>
<td>14</td>
</tr>
<tr>
<td>2.2.1.2. Funding Constraints</td>
<td>16</td>
</tr>
<tr>
<td>2.2.1.3. Operational Challenges</td>
<td>17</td>
</tr>
<tr>
<td>2.2.2. Humanitarian Negotiation Strategies with NSAGs</td>
<td>18</td>
</tr>
<tr>
<td>2.2.3. Coordination Mechanisms between Humanitarian Actors</td>
<td>20</td>
</tr>
<tr>
<td>2.2.4. Results</td>
<td>21</td>
</tr>
<tr>
<td>3. CASE STUDY OF YEMEN (CONTEXT ANALYSIS IN ANNEX A)</td>
<td>23</td>
</tr>
<tr>
<td>3.1. HUMANITARIAN NEGOTIATION WITH NSAGS</td>
<td>23</td>
</tr>
<tr>
<td>3.1.1. Challenges of Engaging and Negotiating with the Houthis</td>
<td>23</td>
</tr>
<tr>
<td>3.1.2. Strategies for Overcoming Challenges (MSF, ICRC, Geneva Call, OCHA)</td>
<td>25</td>
</tr>
<tr>
<td>3.1.3. Coordination Methods between Humanitarian Actors</td>
<td>26</td>
</tr>
<tr>
<td>3.1.4. The Houthis’ Interest in Allowing Humanitarian Actors to Operate</td>
<td>28</td>
</tr>
<tr>
<td>3.2. RESULTS</td>
<td>30</td>
</tr>
<tr>
<td>4. DISCUSSION</td>
<td>31</td>
</tr>
<tr>
<td>5. CONCLUSION</td>
<td>36</td>
</tr>
<tr>
<td>BIBLIOGRAPHIC SOURCES</td>
<td>38</td>
</tr>
<tr>
<td>ANNEX A - BIBLIOGRAPHIC SOURCES</td>
<td>39</td>
</tr>
<tr>
<td>ANNEX A - YEMEN CONTEXT ANALYSIS</td>
<td>41</td>
</tr>
<tr>
<td>1. BACKGROUND OF THE CONFLICT</td>
<td>42</td>
</tr>
<tr>
<td>2. CONFLICT AND POLITICAL STAKEHOLDERS</td>
<td>45</td>
</tr>
<tr>
<td>2.1. The Houthi Rebels:</td>
<td>45</td>
</tr>
<tr>
<td>2.1. Government of Yemen (President Abd-Rabbu Mansour Hadi)</td>
<td>45</td>
</tr>
<tr>
<td>2.1. Saudi Arabia Led-Coalition:</td>
<td>45</td>
</tr>
<tr>
<td>2.1. Al-Qaeda in Arabian Peninsula (AQAP)</td>
<td>45</td>
</tr>
<tr>
<td>2.1. United States of America (USA)</td>
<td>46</td>
</tr>
<tr>
<td>2.1. The UN Security Council</td>
<td>46</td>
</tr>
<tr>
<td>2.1. The Islamic Republic of Iran</td>
<td>46</td>
</tr>
<tr>
<td>3. YEMEN HUMANITARIAN SITUATION</td>
<td>47</td>
</tr>
<tr>
<td>3.1. HUMANITARIAN ACTORS</td>
<td>49</td>
</tr>
<tr>
<td>3.1. UN OCHA</td>
<td>49</td>
</tr>
<tr>
<td>3.1. Geneva Call</td>
<td>50</td>
</tr>
<tr>
<td>3.1. The International Committee of the Red Cross (ICRC)</td>
<td>50</td>
</tr>
<tr>
<td>3.1. Médecins Sans Frontières (MSF)</td>
<td>51</td>
</tr>
</tbody>
</table>


### ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>GWT</td>
<td>Global War on Terror</td>
</tr>
<tr>
<td>HCT</td>
<td>Humanitarian Country Team</td>
</tr>
<tr>
<td>SLC</td>
<td>Saudi-led coalition</td>
</tr>
<tr>
<td>HNO</td>
<td>Humanitarian Needs Overview</td>
</tr>
<tr>
<td>HRP</td>
<td>Humanitarian Response Plan</td>
</tr>
<tr>
<td>IASC</td>
<td>Inter-Agency Standing Committee</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<tr>
<td>WFP</td>
<td>World Food Program</td>
</tr>
<tr>
<td>IDP</td>
<td>internally displaced people</td>
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<tr>
<td>IHL</td>
<td>international humanitarian law</td>
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<td>INGO</td>
<td>international non-governmental organization</td>
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<td>MSF</td>
<td>Médecins Sans Frontières</td>
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<td>NSAG</td>
<td>non-state armed group</td>
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<td>OCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
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<tr>
<td>ODI</td>
<td>Humanitarian Development Institute</td>
</tr>
</tbody>
</table>
1. INTRODUCTION

Humanitarian negotiation in conflict settings is a crucial process of ensuring the conduct of principled humanitarian action by seeking guaranteed humanitarian access, protection of civilians, and aid delivery to affected populations. This work is carried out by humanitarian actors bound by respect for the four core principles of humanity, impartiality, neutrality, and independence.\(^1\)

During the Global War on Terror (GWT), which began after the 9/11 attacks, conducting principled humanitarian action has become more challenging from a legal, political, and operational perspective. Humanitarian actors at both the international and local level face a number of obstacles while negotiating humanitarian access to affected populations in armed conflict settings. This is especially true in non-international armed conflicts (NIAC), in which non-state armed groups (NSAGs) may be labelled as terrorists.

From a legal perspective, the emergent national and international counter-terrorism legislation conflicts with international humanitarian law (IHL); IHL regulates acts of war by recognizing the parties’ right to fight while promoting protection of civilians, wounded soldiers, and health facilities as far as possible. In contrast, counter-terrorism legislation does not recognize the right to fight of designated armed groups. Further, it prohibits any kind of material support to affected people under the authority of those groups, potentially criminalizing aid actors engaging with NSAGs for humanitarian purposes. In the context of NIACs where NSAGs are listed as terrorists for political reasons, legal conflicts are still more prominent with adverse consequences on the humanitarian space.\(^2\)

Meanwhile, the ability to apply principled humanitarian action in areas controlled by listed NSAGs is acutely affected by funding restrictions imposed by new policies and measures adopted by government donors. Humanitarian organizations are required to provide numerous guarantees through different mechanisms to ensure the ‘healthy’ use of the funds disbursed.\(^3\) Consequently, calls to militarize humanitarian action have proliferated, especially among countries participating...

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in the GWT. For instance, the USA and the coalition led humanitarian operations as part of their military intervention against the Taliban in Afghanistan. The position of humanitarian action and its core principles have been adversely impacted as a result.4

Nevertheless, humanitarian actors attempt to negotiate in order to find a balance between the political and security interests of the belligerents on one side and the humanitarian interest in providing impartial assistance to the population in need on the other. The GWT states often adopt contradictory approaches depending on the context of the NIAC:
- They forbid humanitarian engagement with NSAGs to avoid political legitimation and international recognition of their existence.
- They may provide partial support to humanitarian actors engaging with listed NSAGs by using humanitarian organizations to gather information for security and intelligence purposes.
- They support humanitarian programs while strictly monitoring their implementation, adopting the strategy of winning the hearts and minds of civilian communities.

Conversely, NSAGs view engagement with humanitarian organizations as an opportunity to receive legitimation as a political and military power. This may subsequently lead to international and local recognition, with the potential for additional funds and expansion of human capacity and recruitment.5

The GWT may thus be said to place principled humanitarian action in jeopardy. The process of delivering humanitarian aid in NIAC settings may be subject to inconsistent methods such as militarizing aid, thereby challenging the ability of independent actors to maintain principled humanitarian action, healthy engagement with NSAGs, and the applicable legal framework in the event of clashes between IHL and counter-terrorism laws. Principled humanitarian organizations face daily ethical, strategical and operational challenges and dilemmas in NIAC settings when negotiating humanitarian access with NSAGs labelled as terrorists. However, engaging with all parties to a conflict who have power, control, and responsibility, regardless of their legal status, is essential to ensure that the purpose of humanitarianism is met.

This research seeks to explore the ways in which humanitarian actors can engage with and negotiate humanitarian matters with NSAGs in NIAC situations during the GWT. The following sub-questions will be addressed through the literature review and case study:

• What is the impact of the GWT on humanitarian action?
• What are the challenges involved when negotiating with NSAGs?
• What are the strategies adopted by humanitarian actors to overcome these challenges?
• What are the interests of NSAGs in allowing humanitarian action?
• What coordination methods are used by humanitarian actors to negotiate with NSAGs?

This research aims to contribute to filling a knowledge gap by moving beyond an exclusively legal perspective on the topic. To quote from the conclusions drawn in HPG Brief Policy Report No.47, “This engagement is fragmented, fragile and often covert. As a result, there has been little reflection by humanitarian actors on these processes of negotiation. Greater study is required in order to understand how humanitarian actors are engaging with ANSAs at different levels, in different places, at different times and for different purposes”.\(^6\) The objective of this study is to provide further guidance and knowledge on engaging with NSAGs to negotiate humanitarian access by applying contextualized strategies to overcome the various challenges resulting from the counter-terrorism campaign. In addition, the study will explore and investigate the impact of coordination between humanitarian actors at different levels in order to harmonize approaches to engagement with NSAGs. Finally, it will seek to emphasize armed groups’ interests in humanitarian action with a view to promoting more productive outcomes.

This study focuses on the context of Yemen, exploring the highly volatile situation and the complexities faced by the humanitarian community in the country. More specifically, it will examine engagement with the Houthi rebels who have been the de facto authority in the capital Sanaa since 2015. Since the Saudi-led coalition military intervention, Yemen has been plunged into an ongoing humanitarian catastrophe, yet information about the context is scarce and attention from the international remains low in comparison with other contexts. Another aim of the study is therefore to draw attention to the problems facing the humanitarian response to this conflict. This is a very challenging case study; however, this research aims to draw useful conclusions that may contribute to improving humanitarian negotiation processes in other complex contexts. Equally, the study will emphasize the importance of ensuring principled humanitarian access to affected civilian populations by implementing needs-based humanitarian

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action free from politico-military interests in order to build relationships of trust with all parties to the conflict.

This research seeks to demonstrate that sustained humanitarian access could be improved by building consistent principled strategies for negotiation with NSAGs. This may be achieved by developing contextualized strategies based on concrete analysis of the NSAG’s interests and of developments in the conflict situation, which could help to overcome the challenges arising during the negotiation process. Furthermore, the study will seek to prove that mandate-oriented negotiation is essential in achieving humanitarian objectives. In addition, it will also assess the importance of developing negotiation strategies on a bilateral or collective basis depending on contextual conditions and the types of constraints influencing engagement with NSAGs.

1.1. Methodology

For this research, articles, reports and academic studies carried out by scholars and humanitarian organizations were consulted in order to understand and analyze the relationship between humanitarian action and the GWT. A search was performed using the following phrases: Humanitarian Negotiation, Humanitarian Access, Non-State Armed Groups/Armed Non-State Actors, Engagement with NSAGs/ANSAs, Counter-terrorism, and The Global War on Terror. ALNAP is the main source of most of the references due to its high credibility. Studies which had not been peer-reviewed were excluded. In addition, articles and studies completed prior to 2011 were omitted from the state of the art section due to the numerous developments in relation to this topic that occurred between 2011 and 2019. The case study is based on both primary and secondary data. For the primary data, four semi-structured interviews were conducted with OCHA, ICRC, MSF, and Geneva Call, all of which are active in Yemen. The interviews were transcribed and shared with the interviewees for review before their content was analyzed. Meanwhile, the secondary data references cover the background to the conflict and humanitarian needs in Yemen, and are included in Annex A. Furthermore, I consulted a chapter from a PhD thesis published in October 2018 by Ashley Jonathan Clements that studied the humanitarian negotiation with the Houthis in Yemen. The results of my research are therefore based on the selected literature review, background information on the context, secondary data on the topic, and analysis of primary data gathered through interviews.
1.1.1. Constraints & Limitations
The main challenge affecting the data collection process was that the interviewees tended to withhold information about their experience of humanitarian negotiation with the Houthis in Yemen. This was justified by the need to avoid disclosing sensitive information that might jeopardize their ongoing engagement with the belligerents in Yemen and lead to a potential backlash. Moreover, the information gathered is mostly from key informants at the HQ level who are bound by diplomatic norms, as it was not possible for me to travel to Yemen and meet field workers from different humanitarian organizations.

2. LITERATURE REVIEW

2.1. Conceptual Framework

2.1.1. Key Concepts

- Humanitarian action

The Inter Agency Standing Committee (IASC) defines humanitarian action in the following terms:

“Humanitarian action comprises assistance, protection and advocacy in response to humanitarian needs resulting from natural hazards, armed conflict or other causes, or emergency response preparedness. It aims to save lives and reduce suffering in the short term, and in such a way as to preserve people’s dignity and open the way to recovery and durable solutions to displacement. Humanitarian action is based on the premise that human suffering should be prevented and alleviated wherever it happens”7.

An additional definition is provided by UN OCHA:

“Aid that seeks to save lives and alleviate suffering of a crises-affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality, and neutrality, as stated in General Assembly Resolution 46/182. In addition, the UN seeks to provide humanitarian assistance with full respect for the sovereignty of States. Assistance may be divided into three categories – direct assistance, indirect assistance, and

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infrastructure support – which have diminishing degrees of contact with the affected population”8.

Discussion: The IASC definition highlights assistance, protection, short-term advocacy via immediate response, and long-term advocacy through seeking durable solutions and building affected people’s resilience via recovery programs as the principal components of humanitarian action. On the other hand, the OCHA definition focuses on alleviating suffering while respecting state sovereignty and adhering to the core principles, which could potentially cause clashes and ethical dilemmas with regard to the principles of impartiality and neutrality when engaging with NSAGs. However, it overlooks the principle of independence. In this research study, the independence principle is crucial as it affects the image of humanitarian actors and their acceptance by the local community, influencing access to and engagement with NSAGs. Thus, the following definition of humanitarian action will be employed in this study:

**Humanitarian action is a process that aims to save lives and alleviate human suffering, wherever and whenever it happens, in accordance with the four core principles of humanity, impartiality, neutrality, and independence, and with full respect for the sovereignty of States and other concerned authorized parties. It is a set of assistance, protection, and advocacy programs, which respond to the humanitarian needs caused by natural hazards, armed conflicts and other causes. Humanitarian action is planned and carried out to meet short-term needs, and it strives to find durable solutions while respecting people’s dignity and considering their resilience.**

- Terrorism

In 1996, the United Nations General Assembly defined terrorism as:

“Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes....[These acts] are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them”9.

However, in this research, the definition of terrorism given by Professor Mohammad Mahmoud Ould Mohamedou in his book *Theory of ISIS* is used:

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“A violent unlawful act or set of actions conducted illegitimately, or seriously threatened to be conducted, indiscriminately by an individual, a group, or a state against a non-combatant population or property with a view to furthering the advancement of a political, religious, or ideological goal by creating a psychological climate of fear beyond the physical limitations of the original act(s) of force”\(^\text{10}\).

**Discussion:** The UN GA definition does not specify the potential actors of terrorism nor the status of the targeted group (civilian or militants), which might lead to a manipulated interpretation depending on the political agendas present in each context. In my opinion, this produces an ongoing clash between IHL and anti-terrorism legislation specifically in the case of NIACs. Moreover, it only highlights the political purpose, ignoring the psychological threat and impact. Conversely, Mohamedou’s definition lists the potential actors (including states), highlighting the civil status of the targets and clearly establishing the purposes of terrorist activity. Therefore, the definition of terrorism provided by Professor Mohamedou will be used throughout this study, as it is more comprehensive and precise and covers most of the aspects of terrorism in the contemporary world.

- **Humanitarian negotiation**

According to UN OCHA, “*Humanitarian negotiations are those negotiations undertaken by civilians engaged in managing, coordinating and providing humanitarian assistance and protection for the purposes of: (i) ensuring the provision of protection and humanitarian assistance to vulnerable populations; (ii) preserving humanitarian space; and (iii) promoting better respect for international law*”\(^\text{11}\).

The definition supplied by the Humanitarian Practice Network (HPN) at ODI states: “*Humanitarian negotiation is a special form of engagement, for exclusively humanitarian purposes, with communities, parties to armed conflict, governments and other actors. In armed conflicts and other situations of crisis, humanitarian negotiations can often be a necessity. These negotiations are carried out according to humanitarian principles and have a unique and strong foundation in international law and policy that many other forms of engagement do*”


not enjoy. For these and other reasons humanitarian negotiations occupy a distinctive ‘space’ among other forms of engagement”\textsuperscript{12}.

**Discussion:** The OCHA definition states the purpose of humanitarian negotiation generally without addressing a specific situation, stating that in armed conflict settings humanitarian negotiation is a sensitive process bound by various factors and by the core humanitarian principles. On the other hand, the HPN definition emphasizes the necessity of engaging with the parties to a conflict while adhering to the humanitarian principles and international law. However, international law includes both IHL and counter-terrorism legislation, which may be confusing in contexts where NSAGs are fighting a recognized state or occupation. The discussion throughout this study will employ the HPN definition as it is more relevant to the topic in question and expresses the humanitarian principles and the need to engage with the parties to the conflict with greater precision.

### 2.1.2. Sub-Concepts

<table>
<thead>
<tr>
<th>Core Humanitarian Principles\textsuperscript{13}</th>
<th><strong>Humanity:</strong> Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neutrality:</td>
<td><strong>Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious, or ideological nature.</strong></td>
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<td>Impartiality:</td>
<td><strong>Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress, and making no distinctions on the basis of nationality, race, gender, religious belief, class, or political opinions.</strong></td>
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<td>Independence:</td>
<td><strong>Humanitarian action must be autonomous from the political, economic, military, or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.</strong></td>
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</tbody>
</table>

| Humanitarian Access | **Is understood as referring to both access by humanitarian actors to people in need of assistance and protection and access by those in need to the goods and services essential for their survival and health, in a manner consistent with core humanitarian principles. Humanitarian access is a precondition for the effective delivery of humanitarian assistance. Where the need for such assistance is sustained over a period of time, the term should encompass not only access to enable goods and services to swiftly reach the intended beneficiaries, but also maintaining such access as long as the needs exist.**\textsuperscript{14} |


\textsuperscript{13} Sources: ICRC (1979), Swiss Federal Department of Foreign Affairs FDFA (2014).

| Non-State Armed Groups (NSAGs) | Defined as groups that: have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate. |

**Discussion:** In the case of non-international armed conflict (NIAC), non-state armed groups (NSAGs) use force to achieve political, economical, and/or social goals against the states in which they are active. Armed conflict between the belligerents may give rise to violations of international humanitarian law (IHL) and human rights, leading to deteriorations in the humanitarian situation and an urgent need to protect civilians. Hence, the presence of humanitarian organizations is necessary in order to cater to people’s needs, promote respect for their rights, and ensure compliance with the laws of war among the parties to the conflict. Nevertheless, ensuring respect for IHL and guaranteeing humanitarian access to the affected population may represent a major challenge. Since NSAGs cannot be part of the Geneva Conventions, they may feel that they are not legally bound to respect IHL and specifically Article 3, which is common to the 1949 Geneva Conventions. Furthermore, depending upon the political context of the NIAC, NSAGs may be classified as terrorist entities on the basis of their ideology and the impact of their violent actions and/or reactions against their counterparts. In this case, counter-terrorism legislation at the national and/or international level would be applicable. This hinders the efficiency and effectiveness of aid delivery, as counter-terrorism legislation is applied in contravention of Article 3 of the Geneva Conventions. Furthermore, humanitarian negotiation via engagement with the parties to the conflict is an essential part of the humanitarian process. It seeks to find a middle ground or facilitate an agreement by which it is feasible to conduct principled humanitarian action. This ensures that services that are crucial to the affected population’s survival are provided. It also includes protection programs and advocacy targeting the non-combatant population in areas held by armed actors. Ultimately, the main challenge is to maintain a non-complicit process based on the core humanitarian principles of humanity, neutrality, impartiality, and independence in the face of multi-level constraints.

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2.2. State of Art

2.2.1. The Impact of the Global War on Terror on Humanitarian Action

2.2.1.1. New Legal Obligations with Increased Challenges
The global war on terrorism began in 1963. At present, 19 international treaties have been signed. However, the conventions written before the 9/11 attacks aimed to address specific ‘terrorist’ events or actions rather than tackling the phenomenon more globally. The attacks of 9/11 led new measures for addressing terrorist activity to be implemented by the UN Security Council. The Security Council issued Resolution 1373 under Chapter VII of the Charter establishing the Counter-Terrorism Committee, which comprises all members of the Security Council. Furthermore, UN member states were obliged to take all measures necessary to cease any kind of support to groups or individuals designated as terrorists and to adjust their national laws to fight terrorism. These measures include enhancing international judicial cooperation, controlling borders and limiting financial resources. These measures targeted and aimed to prosecute any participant planning, financially supporting, and/or preparing for terrorist action. In 2005, another step to fight international terrorism was taken at the World Summit in the form of a commitment to draft a convention on international terrorism. Subsequently, in September 2006, a global counter-terrorism strategy was adopted by the UN General Assembly.

At the regional and national levels, states have taken serious steps to fight what they consider to be terrorism. Counter-terrorism measures have been developed in accordance with the political context of each country and influenced by the global political atmosphere. From 1974 to 2000, UK counter-terrorism laws developed gradually in response to the unstable situation in Northern Ireland. Following this, permanent comprehensive laws were developed to respond to various terrorist threats after the 9/11 attacks. According to UK counter-terrorism laws, entities and individuals could be criminalized if they associate with a ‘terrorist’ actor. This includes any support provided “having reasonable cause to suspect” that it might contribute to a terrorist act. In the European Union (EU), in response to UN resolutions 1373 and 1267, a list of persons, groups and entities involved in terrorist activities was developed. EU member states must adhere to the EU Council Framework measures for fighting terrorism. EU counter-terrorism laws state that prior knowledge that funds, material, and/or information supplied to a designated group will
contribute to criminal conduct represents illegal participation and the participant will be prosecuted.

Meanwhile, in the United States, counter-terrorism laws and measures have had the greatest adverse impact on the humanitarian sector. US counter-terrorism legislation has existed since 1995; however, the national legislation was completely reworked following the events of 9/11 to level up internationally in line with Resolution 1373 from the UN Security Council. The US laws criminalize different types of engagement with what they consider to be terrorist groups. Based on the International Emergency Economic Powers Act (IEEPA), the American president is able to block the provision of resources to listed actors in times of war or declaration of national emergency, which might threaten USA foreign policy or economic interests. However, donations of medicine, food and other basic items that might alleviate human suffering are considered legitimate. However, in light of the 9/11 attacks, George W. Bush issued Executive Order 13224, which authorized the banning of donations of medicine and any items which may affect the president’s ‘capability’ to deal with the emergency or threaten US forces. In addition, the Office of Foreign Assets Control (OFAC), under the US criminal code, prohibits a range of activities, including the provision of material support or resources for terrorism; these crimes can be prosecuted in the US even when committed abroad. OFAC prohibitions were extended after the 9/11 attacks. Prosecution of the crime of supplying material support distinguishes between individual terrorists and FTOs\(^\text{16}\). In case of provision of material support to FTOs, awareness that the organization is classified as a ‘terrorist’ actor or engages in terrorist activity is sufficient to warrant legal action. This includes all kinds of material and human support, training and expert advice, with the exception of medicine and religious items. Generally, prosecutions target Islamic organizations and persons ideologically linked to designated groups. For instance, in 2008, the Holy Land Foundation for Relief and Development, the largest Islamic charity in the US, was dissolved and its director sentenced to up to 65 years in prison after being found guilty of supporting Hamas\(^\text{17}\) through contributions to West Bank zakat committees. Two other cases concern Muslim doctors who were convicted of supporting terrorism by providing medical treatment to affiliates of a designated group.

\(^{16}\) 11 USC §2339A and B, respectively. FTOs are defined by the Secretary of State as foreign organizations engaging in terrorism and threatening the security of the US or its nationals.

\(^{17}\) Hamas is a Palestinian Islamist fundamentalist organization. It has a social service wing and a military wing. It has been the de facto governing authority of the Gaza Strip since its takeover of the area in 2007. During this period, it has fought several wars against the Israeli occupation.
The requirements for the Security Council to classify actors as terrorists are not the same as in state legislation, and differences are present between the lists. For example, Hamas is a ‘terrorist’ organization according to US and EU law, although it is not labeled as such by a UN resolution. Ambiguous procedures and different processes for listing and de-listing actors as terrorists have led to further challenges, and have given rise to questions as to the credibility of terrorism classification and accusations of obscurity.\(^{18}\)

### 2.2.1.2. Funding Constraints

In light of the 9/11 attacks, inter-governmental and state donors have identified humanitarian organizations as a potential channel for funding terrorism, either deliberately or accidentally. Humanitarian organizations have therefore been required to meet the terms and procedures of counter-terrorism legislation. In 2001, the inter-governmental Financial Action Task Force (FATF)\(^{19}\) issued eight special recommendations on funding for terrorism and called for improved regulation of non-profit organizations. The new regulation was pushed by decision-makers within donor entities, who were concerned about possible accountability and/or reputation damage in the event that their humanitarian partners were accused of associating with terrorist groups. In 2002, USAID began to use the Partner Vetting System to allow vigorous checking and verification of NGOs to ensure that funds are not used to support actors thought to be a national security risk. In this regard, USAID requested numerous assurances that complicated the flow of funding to humanitarian actors. Meanwhile, in the UK, the Department for International Development prohibits any kind of direct support to listed organizations by its fund recipients. The ECHO from the EU imposed restrictions on recipients of funding in sensitive contexts where listed individuals and groups are active. Although these procedures affected the humanitarian sector, Islamic organizations were particularly targeted. Donors have become more cautious about channeling funds to volatile contexts where NSAGs are listed as terrorists, regardless of the severity of humanitarian needs. Thus, additional firm guarantees are requested to ensure the ‘healthy’ use of the funds and to guarantee that they will not be channeled to designated NSAGs or individuals. In

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\(^{19}\) The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a ‘policy-making body’ that works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas. Retrieved from [https://www.fatf-gafi.org/about/whoweare/#d.en.11232](https://www.fatf-gafi.org/about/whoweare/#d.en.11232)
many cases, funding was ceased when donors were unsatisfied with the guarantees provided. For instance, some humanitarian projects in Gaza where Hamas is in control were stopped, despite the beneficiaries being screened and a rigorous external audit performed for the projects. Meanwhile, in other contexts, the assurances required by donors are very difficult for humanitarian organizations to provide. This is reflected in the case of South Central Somalia where Al-Shabaab\textsuperscript{20} is in control. In 2010, more than 50 million USD for food aid was suspended by the OFAC due to concerns from the UN Monitoring Group on Somalia that Al-Shabaab was benefiting from humanitarian assistance. It claimed that over 50\% of food aid provided by the WFP was channeled to Al-Shabaab via three local contractors.\textsuperscript{21}

2.2.1.3. Operational Challenges

Counter-terrorism legislation has adversely affected humanitarian operations, including activities affiliated with Islamic NGOs in particular. In order to comply with anti-terrorism laws and avoid any potential risk, donors have introduced additional administrative measures that have influenced the humanitarian sector on different levels. HPG Policy Brief 43 explained that counter-terrorism laws influence the coordination mechanisms between humanitarian organizations, transparency between donors and humanitarian actors, relationships of trust with affected populations, and the timeliness and effectiveness of the response.

Humanitarian organizations have become cautious when sharing information in coordination meetings about their activities and engagement with belligerents, regardless of their legal status. The fear of being linked to ‘terrorist’ actors, which may lead to criminalization and other consequences, has affected the coordinated joint response of the humanitarian community and resulted in more bilateral approaches. Furthermore, it is worth noting that humanitarian actors are discouraged from discussing counter-terrorism measures in their operations openly. This has also had an impact upon transparent partnerships between donors and the humanitarian community. Due to the vetting process required by donors and the lengthy administrative procedures required before funding is disbursed, money transfers are being suspended leading to delays in providing assistance and a timely response to acute emergencies and needs. That said, humanitarian actors have become less accountable and tend to avoid sharing details about their projects and

\textsuperscript{20} Al-Shabaab: an Islamist group that was designated as a terrorist organization by the US government in 2008 and subjected to UN sanctions from April 2010.

discussion points from behind the closed doors of their coordination meetings with donors when it comes to contexts where designated groups are active. This strategy aims to avoid contravening anti-terrorism regulations, which could reduce the efficiency of the response. Eventually, trust relationships with affected communities are also damaged. Due to the donors’ vetting system, humanitarian actors are required to share personal information about their partners’ staff as well as about the beneficiaries on some occasions. This is perceived negatively by local people and seen as a suspicious procedure for spying and intelligence purposes to serve the political and security agenda of donor governments. It becomes harder to gain the acceptance of affected communities and this has a negative impact on access, security of humanitarian personnel and other operational aspects.22

2.2.2. Humanitarian Negotiation Strategies with NSAGs

In 2014, Policy Brief No.55 from the Humanitarian Policy Group at ODI explained six lessons or efficient strategies to ensure successful and effective humanitarian negotiation with NSAGs. This study was published following extensive research and numerous interviews with humanitarian actors. The first essential lesson suggested that each NSAG should be studied in depth, analyzing its agenda and strategies in order to understand its motives in collaborating with aid organizations. Considering that, in armed conflicts where NSAGs are active, objectives are varied and linked to military imperatives, humanitarian actors could structure strong strategies for negotiating access and ensuring the safety and security of their operations by means of deep understanding and analysis. Furthermore, in order to obtain sustained humanitarian access and consistently principled negotiation with NSAGs, humanitarian actors should invest in building coherent strategies by dedicating multiple resources to this process. Some organizations tend to assign the responsibility of engaging with NSAGs to frontline staff acting independently of their HQs. This is seen as a tactic to avoid the consequences of counter-terrorism measures by showing that humanitarian actors are not linked to listed non-state actors and that any engagement is instead on the initiative of the field operation. The policy brief states that this is an inadequate humanitarian negotiation approach, which raises questions as to threats to field workers and the duty of care of humanitarian organizations. It is crucial for field staff and HQs to work together to develop clear, recognized decision-making processes for negotiating with NSAGs. The study

also suggests that humanitarian negotiation should be carried out in layers involving all levels of NSAGs to ensure efficient and successful outcomes. Therefore, high-level engagement with NSAG leaders is necessary in order to establish the policies and general strategies to be employed by humanitarian actors. This may be seen as a compliance method between the parties to tackle any potential challenges at field level. Engaging with such groups on the ground is indispensable, yet is often based on the details of humanitarian programs and activities and the resources available for implementation. Multi-level engagement is seen as a strategy for overcoming the challenge of fragmented NSAGs and/or a weak chain of command. One of the humanitarian actors in Somalia explained that senior leaders of Al-Shabaab are contacted by senior managers to approve projects and address field challenges, while frontline humanitarian workers communicate directly with Al-Shabaab representatives in the field. This is considered a coherent methodology for maintaining harmonized engagement.

One fundamental strategy for gaining local acceptance of the humanitarian presence is to respect the humanitarian principles in full. The same may be said for engagement with NSAGs. Humanitarian actors should demonstrate their full adherence to the principles of neutrality, impartiality, and independence in armed conflict settings where NSAGs are active through their policies and operations. However, in light of the 9/11 attacks, it has become more challenging to pursue principled humanitarian action, as humanitarian actors are required by government entities to contribute to stabilization and more specifically to counter-insurgency in many contexts through their programs. This jeopardizes humanitarian action and affects its image among local communities, including NSAGs. As a coping strategy for managing perceptions, humanitarian actors should avoid any act or statement that might introduce them as complicit entities. Besides, a balanced relationship with all of the belligerents is essential in order to win trust, acceptance, and access. Moreover, in order to meet existing needs and prove the humanitarian imperative of the response, humanitarian services should be provided in a timely manner with a focus on quality. For example, in Afghanistan, humanitarian actors were perceived as aligning with the government as they focused their interventions on government-held areas and expanded in line with the military progression of the international forces. This led the Taliban to deny access to aid organizations in the belief that they were not neutral and were working to a hidden agenda.

Furthermore, within each aid organization, and indeed the humanitarian sector as a whole, the policy brief emphasizes the importance of transparency between humanitarian actors themselves
and between field operations teams and HQs in terms of sharing information regarding negotiations with NSAGs. Although confidentiality is a cornerstone of engagement with non-state armed actors, withholding useful information about threats, potential compromises, and strategies is counter-productive and may have a harmful impact on negotiations by other actors.

Finally, the brief recognizes that most humanitarian organizations prefer to engage in bilateral negotiations with NSAGs, yet argues that efficient joint humanitarian advocacy and collective negotiation with NSAGs would provide a stronger position for gaining access and avoid any adverse consequences by ensuring coordinated approaches and greater information sharing within the sector. Joint approaches could contribute to an improved understanding of conflict dynamics through analysis of the motives and goals of NSAGs. Equally, this would ensure unity among the humanitarian community and avoid any potential inter-humanitarian disputes caused by one of the belligerents. Moreover, some obstacles must be addressed by means of collaborative and joint strategies and cannot be addressed by one humanitarian agency alone. For example, counter-terrorism measures and their impact on the humanitarian response require a joint position and a coordinated response in order to advocate more strongly for humanitarian exemption, and to encourage engagement with NSAGs through principled negotiations.23

2.2.3. Coordination Mechanisms between Humanitarian Actors
The UN cluster system is the main fixed coordination mechanism in humanitarian settings. Its purpose is to harmonize the response from humanitarian actors and to agree on approaches that guarantee the efficiency of the operations required to meet the needs of the population. The system is intended to lead humanitarian advocacy and provide secure access to the affected population. However, in armed conflict settings where NSAGs are active, inter-agency coordination may be challenging. This phenomenon began to be observed after the 9/11 attacks and the rapid rise of counter-terrorism measures, as the role of the UN as coordinator of the humanitarian response shrank. Due to the nature of the UN as an inter-governmental organization, its debatable experience in integrated missions and the source of its funding make it an inadequate broker and representative of the humanitarian community. Hence, since the UN is perceived as a politicized actor, NGOs tend to be cautious in coordinating with the UN and states in sensitive contexts. By differentiating themselves from the UN, they hope to maintain the

acceptance of the local community and NSAGs, which will lead to greater access and ensure the safety of humanitarian actors. In 2016, research on this topic by Secure Access in Volatile Environments (SAVE), focusing on the context of Afghanistan, Somalia, Syria and South Sudan, showed that collective negotiation of humanitarian access with NSAGs does not accomplish an individual organization’s objectives. It is thus viewed as less effective than bilateral negotiation. Moreover, in South Sudan, for example, NGOs stated that they achieved a better, more solid relationship with local authorities by showing that they operated separately from UN strategies and policies. However, bilateral negotiation by one organization might affect the engagement of others. Inter-agency coordination is therefore required in order to set a clear framework and ground rules for negotiation with NSAGs to avoid any likelihood of the humanitarian organizations being played off against one another. In the case of Syria, fewer NGOs used the inter-agency coordination mechanism, as many were concerned about a potential backlash from sharing information through the cluster system, preferring to conduct bilateral negotiations with belligerents. Nonetheless, ad-hoc coordination to develop joint approaches to engagement with NSAGs proved efficient. Four INGOs took the initiative and coordinated to communicate their humanitarian position to ISIS. This occurred in eastern Aleppo after ISIS had expanded across northern Syria. Later, the joint text developed by the four INGOs was transferred to additional actors via NGO coordination meetings. Subsequently, it was adopted by OCHA as a joint declaration entitled the Joint Operating Protocol (JOP). Via OCHA, use of the JOP spread all over the country: 35 of 50 NSAGs signed the JOP and it became a set of practical guidelines for field staff, helping to harmonize engagement methods. Although the JOP in Syria was not a form of collective negotiation, it was a coordinated approach to establishing a series of common rules and standards to harmonize and unify the humanitarian voice.

2.2.4. Results

Counter-terrorism measures have affected humanitarian action in different ways. Under the new laws, areas controlled by NSAGs which have been designated as terrorist groups (according to UN resolutions, donor states and/or host governments) are deprived from receiving impartial humanitarian assistance regardless of civilians’ needs. In other cases, humanitarian aid is delivered but subject to significant limitations and constraints. The criteria for classifying NSAGs

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as terrorist actors are vague, divergent, and subject to the politics of each context. Humanitarian actors are in a fragile position as they are required to comply with these laws and help to eradicate what is considered to be ‘terrorism’. They are thus obliged to compromise the core principles of independence, neutrality, and impartiality for fear of being criminalized or associated with actors described as ‘terrorists’. Moreover, it has become more challenging and complicated to obtain funds for the humanitarian response in volatile contexts where NSAGs are active. Exhaustive administrative procedures (e.g. the vetting process) and numerous assurances have been introduced by donors seeking to comply with counter-terrorism laws. These conditions must be met by humanitarian organizations in order to be entitled for funding. As a result, humanitarian operations are finding it difficult to provide a timely and effective response, while relationships of trust with local communities are impaired. Hence, humanitarian negotiations with NSAGs in order to gain access have become more complex and many humanitarian actors are perceived as complicit with one side of the conflict.

Humanitarian organizations are trying to find a balance and ensure that a principled response to all needs can be provided without categorizing the victims. The strategies adopted to overcome these challenges vary between collective and individual approaches. The key to these approaches is respect for the core humanitarian principles at all levels. This will help to maintain the acceptance of all parties and to pave the way for transparent negotiations. In addition, concrete strategies built on in-depth analysis of the belligerents and their objectives, sufficient resources, and a well-informed decision-making process between the operational and strategical levels are all fundamental for fruitful humanitarian negotiation with NSAGs. However, ground-level engagement with armed groups is not standardized and instead depends upon the circumstances of each context, the internal structure of the NSAG, and changes in the conflict dynamics.

With regard to coordination within the humanitarian sector, there is no fixed mechanism to suit all contexts requiring negotiation with NSAGs. The appropriate coordination mechanism depends on the types of obstacles faced, which vary from one situation to another. Thus, while bilateral negotiation with NSAGs proved efficient in most conflicts, in other settings inter-agency coordinated approaches have led to better outcomes when negotiating with NSAGs, strengthening the position of humanitarian actors. Essential ground rules and red lines must be agreed by all humanitarian actors engaging with NSAGs to ensure that the humanitarian space is protected and to avoid any harmful consequences for humanitarian operations.
In the next chapter, we will examine the engagement of humanitarian organizations with the Houthi armed group in Yemen. The challenges inherent to the negotiations, the coping strategies applied, the coordination mechanism and the understanding of the group’s interests by humanitarian actors will all be investigated.

3. CASE STUDY OF YEMEN (Context Analysis in Annex A)

3.1. Humanitarian Negotiation with NSAGs

3.1.1. Challenges of Engaging and Negotiating with the Houthis

In 2018, PhD researcher Ashley Clements investigated and explained some of the challenges hampering humanitarian negotiations with the Houthi group during the ongoing war in Yemen. Firstly, the Houthis have been suspicious and distrustful of the humanitarian sector in general and the UN humanitarian response in particular. This is due to multiple reasons at both the policy and operational level. Adverse perceptions of the UN humanitarian response emerged after UN Security Council Resolution 2216 was passed in 2015 when the Houthis seized control over the capital, Sanaa. The Resolution called on the rebels to withdraw from the city and to disarm their forces. As a result, the UN is seen as politically biased and its humanitarian agencies are believed to be working to a political agenda in their response in Yemen, as the resolution was proposed by the coalition states and passed to the UN Security Council via Jordan. Therefore, all international actors, organizations and individuals were feared to be ‘spies’, as expressed by field workers interviewed by Clements. Meanwhile, when the Houthis controlled Sanaa in 2015, many humanitarian organizations were initially evacuated, which damaged the prior relationship established with the rebels when they were based in Saada in the north. For that reason, earlier access arrangements between the two sides were re-considered. Moreover, the fact that Houthi leaders are internationally isolated, with some even classified as terrorists (Annex A, page 42 & 43), created further obstacles to reaching and negotiating with the main decision-makers within the group. This affected the Houthis’ perception of the international humanitarians in the country and led to distrust, impeding humanitarian negotiations. Other factors have fueled this distrust, including the ongoing failure of UN peace brokering, the huge funds received by Saudi Arabia and UAE for humanitarian operations in Yemen, and the deletion of the Saudi-led military
coalition from the list of grave violations of children’s rights in 2016 by the former UN Secretary General.

From an operational perspective, the ability to maintain a consistent trust relationship with Houthi interlocutors is hindered by the high turnover of aid organization staff. Meanwhile, the weak chain of command within the Houthi group complicated the negotiation process, leading to inconsistent negotiation outcomes. The mobility restrictions and limited access imposed on humanitarian actors and ongoing hostilities and bombing also hampered direct negotiation with key interlocutors from the Houthi group.²⁶

Sophie Solomon, a participant in my research who is a Global Access Advisor with UN OCHA and former Head of the Access Unit at OCHA Yemen, explained that gaining the Houthis’ trust was the main challenge encountered. This was reflected in the group’s attitude towards the humanitarian actors. They imposed administrative obstacles at different levels, influencing the independence of the humanitarian response: “These multiple layers of bureaucratic and administrative impediment in an attempt to control what we are doing and who we are, and also maybe in a way to be very assertive about who is in control, were very much present in Yemen”²⁷. Ms. Solomon explained that negotiating with the leaders at the Sanaa level did not guarantee access to other regions under Houthi control, due to the chain of command within the group: “the chain of command was, I don't know if it was willingly or unwillingly, not well organized and there were a lot of challenges related to that”. An ICRC staff participant in this research corroborated the fact that internal communication between Houthi field commanders and the military counselor in Sanaa was inconsistent, giving rise to discrepancies and challenges when negotiating with the group. Moreover, at the local level, decisions are subjective and based on commanders’ tribal affiliations. He said: “the modus operandi of functioning is similar to Yemen, a tribal community, tribal leaders, and all of this is almost extrapolated into the Houthis’ reality, because those tribal issues existed and continue to exist even within the Houthis”.²⁸

Furthermore, Ms. Solomon clarified that because of the Houthis’ perceptions of the OCHA’s neutrality, independence and capacity to meet needs, the chances of constructing a relationship of trust with the group were reduced. This was not only due to the organization’s funding from Saudi Arabia and UAE, but also because of its compliance with counter-terrorism measures and

²⁷ Ms. Solomon in discussion with the author.
²⁸ ICRC staff in discussion with the author.
the vetting mechanisms imposed on all humanitarian organizations working in Yemen. This contributed to delays in the humanitarian response that led the de facto authorities to question the capacity of OCHA and its partners to meet the needs of the population (e.g. before starting to respond to the cholera outbreak, it had to go through the donors’ vetting mechanism, which caused further damage to the relationship and effectiveness of the response). On this point, Ms. Solomon insisted: “The vetting mechanism is just insane, because you need to vet all the beneficiaries, the board of the organization. Of course, you might have a cousin of a cousin, or a friend of someone or whatever who is affiliated to the listed NSAGs”.

All of the interviewed organizations in this research, except Geneva Call, have representation and ongoing operations in the areas held by both belligerents. Pascal Bongard, Head of the Policy and Legal Unit at Geneva Call, explained that their limited physical presence in Yemen has given rise to additional challenges in engaging with the Houthis and other parties to the conflict: “By having our office in Aden, we face a risk of being expelled by Hadi’s government because of our engagement with the Houthis. At the same time, the Houthis are upset that our main office is not in Sanaa”.

3.1.2. Strategies for Overcoming Challenges (MSF, ICRC, Geneva Call, OCHA)

Clements details several strategies adopted by organizations to manage the issue of perception. For instance, OXFAM has built a good reputation, which has led the Houthis to accept to sit at the same table and negotiate humanitarian matters. This is due to OXFAM’s advocacy against the export of weapons from the UK to Saudi Arabia. Furthermore, most of the humanitarian organizations established operational offices in areas controlled by both the Houthis and Hadi’s government to ensure their neutrality and impartiality. However, the huge funds provided by Saudi Arabia and UAE for the humanitarian response and the actions of the UN Security Council have weakened the relationship with the Houthis and complicated the negotiation process. To address the weak chain of command within the group, humanitarian actors negotiate directly with frontline commanders to discuss logistical and security matters specifically. Meanwhile, at the Sanaa level, negotiations focus on policies and access guarantees from the central de facto authorities. The two levels complement one another to ensure effective and secure humanitarian access.

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29 Mr. Bongard in discussion with the author.
Ms. Solomon explained that OCHA strategies to overcome operational challenges operate on two different levels. Firstly, in Yemen, OCHA established the Access Working Group as a place to share operational experiences of negotiation, before introducing the Joint Operating Procedures as a framework to guide negotiations and engagement with the Houthis. Secondly, due to the harm caused to the organization’s image by counter-terrorism vetting mechanisms, OCHA works at the diplomatic level to call for humanitarian exemption. This is assumed to have led to more transparent engagement with the Houthis and local communities.

On the other hand, the MSF participant in this research argued that building a relationship of trust with all NSAGs in Yemen requires organizations to first differentiate themselves from the UN body and other humanitarian actors in order to emphasize their independence and neutrality. For ICRC, the participant explained that it is essential to understand the tribal structure in Yemen; this is clearly acknowledged by the ICRC, which has been working in this context for years. Furthermore, he argued that demonstrating respect for the humanitarian principles is not sufficient to ensure efficient negotiations with the group. It is essential to understand their interests in working with humanitarian organizations, and thus to emphasize and demonstrate the benefit of humanitarian action. In the case of ICRC, the participant clarified that their negotiation with the Houthis is mandate-oriented, which means that they proved their added value by exchanging prisoners, reaching out to the other side, accessing hard-to-reach areas, and providing health services to inaccessible areas. This is greatly appreciated by the group and has helped to ensure fruitful negotiations. On this point, he said: “we always remind the Houthis of the added value of ICRC: as a neutral mediator, they can count on our multiple operations. For instance, the exchange of prisoners, which is something that they always contemplated with the other side, this is why they need to cooperate with us”.

3.1.3. Coordination Methods between Humanitarian Actors
According to Clements, coordination mechanisms within the humanitarian sector in Yemen are varied and are viewed as a strategy to allow effective negotiations with the Houthis. All of the methods used have advantages and disadvantages as they are promoted and adopted as a result of specific individual organizational motives and interests rather than by the humanitarian sector as a unit. Most national and international NGOs engage in direct bilateral negotiation with the Houthis to ensure the security of their operations and consistency of access to people in need. Besides, collective negotiations led by the UN are seen as limiting productive outcomes. This is
due to the Houthis’ perception of the UN’s role as a consequence of the resolutions and decisions made by the Security Council. Thus, NGOs seek direct communication with the group at different levels. However, sometimes the outcomes are not as expected. The Houthis have begun to intervene in inter-humanitarian coordination, justifying this by the organizations’ ‘inability’ and unwillingness to take a united approach. Furthermore, organizations have been played off against one another and the Houthis have used specific bilateral agreements with some actors to leverage negotiation gains with others. Therefore, humanitarian NGOs have attempted to establish certain red lines to their engagement with the Houthis, yet they have failed to reach a mutual understanding of these red lines and an agreement has yet to be reached. The UN OCHA has been attempting to coordinate the humanitarian sector in Yemen and encourage collective negotiation and communication with all parties to the conflict. They have established the Access Working Group under the Humanitarian Country Team (HCT) to share different actors’ experiences of negotiating access and the constraints they have faced. In addition, OCHA has established the Access Monitoring and Reporting Framework to gather information through different field hubs, enhance coordination mechanisms, and develop negotiation guidelines. In 2016, the HCT issued the Joint Operating Procedures (JOPs), which were approved by the Houthis, in order to harmonize access and negotiation ground rules. However, many humanitarian field organizations are unfamiliar with the JOPs and apply their own bilateral agreements with the Houthis. Nevertheless, humanitarian organizations are in a better position when they negotiate separately from the UN body, ensuring rapid outcomes to security issues and other operational aspects. Due to the complexity of the conflict and the volatile situation, some small NGOs were unable to reach out separately to the Houthis; thus, inter-agency negotiation through the UN representation was their best strategy.\footnote{Clements, A. J. (2018). THE FRONTLINES OF DIPLOMACY- Humanitarian Negotiations with Armed Groups. pp. 205-209.}

In response to a question regarding OCHA coordination with the ICRC, Ms. Solomon described it as “very informal” and “very personality-based”. She explained that ICRC was never shy to share information for the greater good of the population especially when they do not have the capacity to respond to all needs and require assistance from the UN. Still, they would never share information that would compromise their own operations, acceptance, or security. The Humanitarian Coordinator (HC), the head of OCHA, and the head of ICRC work closely together, although “if the head of OCHA or the HC, or the head of ICRC changed, the whole
relationship could be challenged and jeopardized, so that's always a bit tricky”³². The ICRC participant insisted that due to the unique nature of the organization’s mandate and the importance of perceptions, ICRC maintains bilateral negotiations with the Houthis, which ensure access and relationships of trust. Hence, the coordination between ICRC and OCHA never reached the level of collective negotiation with any armed group in Yemen. For the other NGOs in Yemen, OCHA, as clarified earlier, has developed the JOPs because most negotiations are conducted bilaterally by organizations working in the field and trying to deliver assistance to small communities. However, many organizations are not following the JOP guidelines. Geneva Call’s work is seen as complementary to OCHA activities and Geneva Call could be a key channel for HCT advocacy, although the fact that they are not present in Sanaa is hindering this potential collaboration, as Ms. Solomon clarified.

3.1.4. The Houthis’ Interest in Allowing Humanitarian Actors to Operate

Clements argues that the Houthis did not have a clear vision or strategic aims prior to the political uprising against Saleh’s government. The group was involved in political and militant developments in Saada alone. After 2011, their ambition grew to focus on a political role governing Yemen. Yet, although they controlled the capital Sanaa and become the de facto government there, their interests remain vague and are poorly understood by humanitarian actors. From 2015 to the end of 2018, the Houthis’ interest in aid organizations grew in response to the circumstances; initially, the Houthis negotiated with international humanitarian actors to prove their ability to govern Yemen, assuming that this would lead to international political recognition and acceptance among local communities. This provided an opportunity for humanitarian actors to establish a consistent relationship with the group and to reach win-win agreements meeting both sides’ objectives. Conversely, in 2016 following UN Security Council Resolution 2216, the Houthis’ aim of gaining international legitimacy via the humanitarian sector faded and the efficiency of humanitarian negotiation was undermined as a result. Subsequently, the Houthis became much more difficult to approach and negotiate with, as they were reluctant to accept humanitarian initiatives. This was justified by the brutality of coalition aggression, which led to severe, urgent needs among the Yemeni population that cannot be fully addressed by humanitarian actors. The group then began to view humanitarian representation in the areas they held as a way to observe the atrocities committed by the Saudi-led coalition and convey them to

³² Ms. Solomon in discussion with the author.
the international community. Eventually, due to the ongoing deterioration of the humanitarian situation and the Houthis’ inability to meet affected people’s needs, they recognized the importance of humanitarian contribution and operations.  

Mr. Bongrad explained: “Generally, this engagement with humanitarian organizations might result in an increase in popular support and recognition by the international community by showing that they care about international law and are not ‘terrorists’. Also, this is to distinguish themselves from other groups. Finally, this engagement could be helpful during peace talks.”

The participants in my research expressed different opinions about the Houthis’ interest in humanitarian action. For OCHA, according to Ms. Solomon, “I don’t think that they were looking for recognition, it was just like a status quo, and maintaining what already exists”.

She explained that after the group seized control of the capital, they were very ‘cautious’ about the caliber of the operations, but took over responsibility for dealing with humanitarian actors. Ms. Solomon argues that the interests of the group are varied and subjective; on one level, some members of the group simply want support for their communities in the form of humanitarian assistance, because their families are living and struggling there. On another level, other members of the group have more long-term interests relating to their political ambitions or personal agendas for the future. Indeed, this assumption is valid when we consider the tribal structure of Yemeni society, as explained earlier. Further, Ms. Solomon explained that OCHA personnel at all levels are trained in communicating with each NSAG using specific wording in formal communications. In order to ensure that the organization’s obligations with regard to state sovereignty are met and to avoid any misuse of formal engagement methods for the legitimation of an authority or NSAG, “we’re quite clear that it doesn’t provide any recognition or any legitimacy.”

Meanwhile, the ICRC participant argued that the Houthis believe that in seeking a relationship with international bodies, they will be acknowledged and recognized as the legitimate government of Sanaa. Moreover, the Houthis are keen for humanitarian organizations to be present and to witness what they consider to be violations of international law by the coalition (this corroborates Clements’ findings). Finally, the fact that they are the de facto authorities in Sanaa and a number of other regions places great responsibility for meeting the

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34 Mr. Bongrad in discussion with the author.
35 Ms. Solomon in discussion with the author.
36 Ms. Solomon in discussion with the author.
population’s needs on their shoulders. Since they do not have the capacity to do so, they rely on humanitarian organizations to fill the gaps that they are unable to address.

3.2. Results

Due to UN political involvement in the Yemen war, the Houthis have questioned the neutrality of the UN-led humanitarian response, giving rise to a distrustful relationship that has affected the humanitarian negotiation process. Furthermore, counter-terrorism measures and the vetting mechanisms required by donors (who are parties to the conflict in this context) have fueled distrust between the Houthis and humanitarian actors and contributed to forming two perceptions. The first of these is that humanitarian organizations are incompetent and unable to meet the acute needs of the population due to delays in their response, and the second is that international humanitarian actors may be working to political agendas favoring state donors (as they screen all beneficiaries). Hence, building a relationship of trust with the Houthis is one of the main challenges in this context. In addition, the weak chain of command and inconsistent internal communication within the group impact negatively upon humanitarian negotiations, requiring extra efforts from aid organizations to negotiate at different levels through various channels and overcome numerous administrative impediments. Furthermore, restrictions on mobility due to the insecure environment and the fact that Houthi leaders are vigorously targeted make it very difficult to meet the group’s key decision-makers.

In general, humanitarian organizations attempt different ways of building relationships of trust with the Houthis in order to manage the issue of perception and its consequences on their negotiation processes by emphasizing the neutrality and impartiality of their activities and balancing their physical presence between the areas held by both sets of belligerents. In addition, mandate-oriented negotiations proved to be effective for the ICRC, emphasizing the importance of humanitarian action and producing fruitful negotiations. OCHA initiated collective mechanisms to share and learn from negotiation experiences and to establish ground rules for engaging with the Houthis. Other organizations consider that maintaining distance from the UN is essential in order to gain the group’s trust. Besides, to address the challenges posed by the group’s weak chain of command, multi-level negotiation is necessary in order to enhance the efficiency of the humanitarian response. Hence, analysis of the tribal structure of Yemeni society, such as that carried out by the ICRC, is key to understanding low-level interests.
Most of the humanitarian organizations in Yemen hold bilateral negotiations with the Houthis, believing that this will facilitate trust, ensure staff security and allow a quick response by demonstrating neutrality and impartiality away from other entities that are seen as politicized. However, this created an image of discrepancies between a series of humanitarian actors unable to unify their approaches, resulting in the group playing one actor off against another on some occasions. In response, OCHA is attempting to establish ground rules for negotiating access with the Houthis, establishing platforms for sharing experiences and challenges in order to address them collectively. Yet, many INGOs do not form part of these coordination mechanisms.

The Houthis’ interest in engaging with humanitarian actors varies and evolves in line with the ongoing political process, military developments, and humanitarian situation. Thus, humanitarian organizations have different perceptions of the group’s interests. On the one hand, the Houthis are seeking international and national recognition as a de facto government. Furthermore, they want humanitarian actors to witness what they consider to be violations of international law by the Saudi-led coalition. On the other hand, the groups’ interests are multi-layered and subjective, varying from ensuring that their own people benefit from humanitarian assistance and seeking to fulfill personal political agendas. In addition, the group acknowledges the importance of humanitarian operations in filling the gaps in service provision to affected populations.

4. DISCUSSION

In general, the counter-terrorism measures highlighted in Chapter 2 affect humanitarian organizations when interacting with NSAGs designated as terrorists by the UN Security Council and/or donor states. The decision to classify a NSAG is based on the context, the political conditions, and the group’s ideology rather than the militant acts conducted. Hence, counter-terrorism legislation aims to fight groups considered ‘terrorist’ by all means available, including blocking humanitarian aid, with an impact on the principles of impartiality, independence, neutrality, and humanity. This places multiple challenges and obstacles in the path of humanitarian actors, who are required to contribute to counter-insurgency. The impacts of complying with these measures are harmful in a number of ways: the categorization of victims results in neglect of affected people in NSAG-controlled areas, an imbalanced relationship with the different belligerents, and an ineffective humanitarian response. Humanitarian negotiation thus represents an essential process for maneuvering between actors and attempting to preserve
principled humanitarian action. However, this process is subject to different layers of challenges that must be addressed in order to achieve the humanitarian objectives. In Yemen, the impact of the GWT on humanitarian negotiation is minor in comparison with other contexts. Nevertheless, the vetting mechanism influences the establishment of consistent relationships of trust with local communities, including the Houthi rebel group and current de facto authority of Sanaa. In addition, operational challenges in the form of security threats, mobility restrictions, and weak chains of command among NSAGs are common in other contexts where NSAGs are active. Indeed, funding sources for humanitarian operations are one of the main concerns affecting negotiations with the Houthis. As discussed in Chapter 3, the funding of UN OCHA by parties to the conflict, channeled to their humanitarian partners, gave rise to the perception of a politicized humanitarian response. This added further obstacles to stable engagement with the Houthis and most of the humanitarian actors find it hard to justify their acceptance of funds from Saudi Arabia and UAE, weakening the credibility of the UN-led humanitarian negotiation. The OCHA participant in my research emphasized that this funding is labeled as ‘unearedmarked’ in order to maintain the principled image of the organization. Nevertheless, various media channels reported that Saudi Arabia and UAE are funding the humanitarian operation in Yemen and OCHA has neither denied nor clarified publicly that the funds are unearedmarked and not allocated specifically to the response in Yemen. This promotes the Saudi-led coalition’s branding campaign and deeply damages the relationship with the Houthis and the efficiency of the negotiation process. Ms. Solomon said: “In Hodeida, we had some humanitarian staff detained, because they were distributing aid coming from Saudi Arabia with the logo of the King Salman Center in an area controlled by the Houthis”37. On the contrary, the ICRC and MSF, which do not receive funding from direct parties to the conflict, have successfully established a productive engagement with the Houthis using different strategies framed by the core humanitarian principles. Therefore, I conclude that the impact of counter-terrorism measures on humanitarian negotiation with the Houthis is not significant. What truly jeopardized principled humanitarian negotiation with the group was the receipt of funds from a party to the conflict and affiliation with the political process led by the UN Security Council. In addition, due to the recent steps taken by Saudi-led coalition states to categorize the Houthis as a terrorist actor (Annex A, page 42 & 43),

37 Ms. Solomon in discussion with the author.
humanitarian engagement with the group and access to the affected population is expected to be damaged in the event that the UN and/or USA support this move.

According to the discussion in Chapter 2, one of the strategies for overcoming these challenges is to demonstrate respect for the core humanitarian principles throughout the response. The question here is whether this is sufficient to gain consistent access to the affected population. It is essential to emphasize the neutrality and impartiality of the humanitarian response, however, I believe that this is not enough to ensure consistently fruitful negotiations with NSAGs. Each NSAG aims to achieve certain gains from their engagement with humanitarian actors. In the context of Yemen (Chapter 3), the Houthis require humanitarian assistance to meet the urgent needs of their population. This would appear to coincide with humanitarian actors’ objectives of alleviating suffering and catering to the basic needs of the affected population. However, the group also seeks international and national recognition and seeks to use humanitarians as observers of the atrocities committed by their enemy. As a result, the organizations are placed in a difficult situation requiring potential compromise in order to achieve their humanitarian goals.

In Yemen, the participant reports that the ICRC is building its strategies around the benefits of ICRC’s presence to the Houthis (Chapter 3, section 3.1.2). Accordingly, ICRC programs to exchange prisoners and provide an emergency healthcare response have become necessary to the Houthis. This creates a win-win negotiation, offering consistent access for ICRC and partially meeting the interests of the group while respecting the humanitarian principles. Similarly, MSF demonstrated that its healthcare response is essential by maintaining a fully coordinated presence with the local authorities even in the most dangerous areas in Yemen. Thus, MSF successfully achieved a balanced relationship with both parties to the conflict based on respect and acceptance of their active humanitarian role. The role of MSF and ICRC centers on their humanitarian mandate, without affiliation to the political processes of the UN or states involved in the conflict. Therefore, demonstrating neutrality, impartiality, and independence in order to build and maintain a principled image accepted by all parties to the conflict is only efficient when it is achieved by means of strategies, policies, and operations at all levels with zero political affiliation. Failing to do this will not only jeopardize humanitarian negotiations, but will also threaten the safety of humanitarian field workers. However, in order to win NSAGs’ acceptance despite their reluctance, humanitarian negotiation strategies should focus on persuading NSAGs
of the offers and services that match their interests in order to create a win-win situation that sustains access and achieves the humanitarian imperative.

At the operational level, multi-level negotiation to address the weak chain of command in the Houthi group is certainly effective in ensuring the efficiency of the engagement, although it raises red flags with regard to decision-making processes, the level of autonomy granted to field workers, and the duty of care policy of humanitarian organizations. The four organizations participating in my study confirmed that their decentralized structure allows field staff to negotiate and make decisions. However, as clarified earlier, what is agreed between senior field managers and the de facto authorities at the Sanaa level does not ensure local compliance. Hence, frontline workers are permitted to negotiate and decide on matters of access and other associated logistical aspects. On the one hand, the concern is that this may be a contingency strategy by humanitarian actors to justify their informal agreements with NSAGs by claiming that field-level initiatives facilitate implementation. Besides, deploying frontline staff to conduct low-level negotiations with local commanders might expose them to a number of unexpected risks. Thus, the safety and security measures put in place by organizations to protect field staff are questionable. On the other hand, the sustainability and consistency of the relationships built may be jeopardized in protracted crises such as Yemen, because international personnel stay for no longer than two years. In my opinion, a well-defined decision-making process should be developed and approved in order to provide guidelines for field staff to ensure healthy and secure engagement with NSAGs. In addition, as local-level negotiations may be personality-based and influenced by the regular turnover of humanitarian staff, the construction and approval of a decision-making mechanism would promote objective negotiations and contribute to consolidating consistent approaches free of subjectivity.

Furthermore, humanitarian negotiation strategies cannot be comprehensive and concrete without a full understanding of the motives, demands, and political aims of NSAGs in accepting the presence of the humanitarians. In the context of Yemen, the participants in my research expressed different assumptions about the Houthis’ interests. This gives rise to questions as to their understanding and analysis of the group and its internal dynamics, as well as the sufficiency of the resources and efforts dedicated to analyzing and studying their counterparts. Nonetheless, the limitations on in-depth analysis of NSAGs are acknowledged. However, in my opinion, not all humanitarians are at the same level in terms of conducting prior analysis before starting to
negotiate with NSAGs. This might justify the different approaches and negotiation strategies adopted by the organizations, and their varying outcomes. Moreover, analysis of a NSAG in the context of numerous constraints on information gathering may be more successful if carried out collectively. Collaboration between humanitarian actors is needed in this regard in order to exchange knowledge and experiences with the armed group and to better understand their negotiation counterpart. Hence, I believe that conducting prior study with comprehensive analysis of the other party is fundamental. This analysis should address different dimensions, including the group’s ideological affiliation and political, social, economic, and military agenda, in order to assess all potential outcomes of the negotiation process. Collective approaches to exchanging knowledge between humanitarian actors are encouraged. This will improve the consistency of the negotiation process and contribute to improving the outcomes within the framework of the core humanitarian principles.

According to my previous findings, bilateral negotiations are the most common type of negotiation with NSAGs. However, UN OCHA is still attempting to coordinate approaches and establish ground rules for engagement with armed groups. In Yemen, as in many other contexts, the UN-led humanitarian response is perceived as politicized due to the reasons set out in Chapter 3. Hence, other humanitarian actors prefer to distinguish themselves from the UN response, assuming that this will gain the Houthis’ trust and guarantee a consistent relationship. The issue here is that bilateral approaches promote an image of a divided humanitarian sector, fueling competition between organizations, and giving NSAGs the chance to play off humanitarian actors against one another. Moreover, this allows NSAGs to leverage their negotiation gains with different humanitarian actors. In other words, what is considered a win-win situation in one humanitarian negotiation with a NSAG may adversely influence negotiation processes carried out by other actors. Furthermore, while bilateral negotiation fulfills the organization’s specific objectives much quicker, it may weaken the organization’s position in the negotiation process. This varies from one humanitarian organization to another depending on their independence, capacity in terms of human and financial resources, and mandate. For instance, MSF and ICRC are fully independent and have excellent capacity, and are thus able to initiate bilateral negotiations with any NSAG while maintaining a strong position. In comparison, small NGOs depending on UN funds are not able to follow the same approach. Therefore, they follow the lead of the UN through its cluster system. Yet again, questions arise here about the effectiveness of
UN leadership in humanitarian negotiation. The UN humanitarian agencies are bound by the political and peace process engaged in by the organization, leading to limitations on transparent engagement with NSAGs and challenges to building trust before any negotiation process can even be initiated. Moreover, in the event that a NSAG is labeled a terrorist group by the Security Council, UN humanitarian agencies refuse to negotiate or directly engage with the group. Acknowledging these challenges, the OCHA has initiated coordinated approaches to sharing information and eventually developing negotiation guidelines for implementing partners based on specific contextual circumstances. Although this proved to be sufficient, many organizations have opted to isolate themselves from these coordinated approaches in order to maintain distance from the UN operation. Humanitarian organizations are advised to agree on specific contextualized terms of negotiation with NSAGs and establish specific red lines for engagement in order to avoid the harmful impacts of bilateral negotiation processes. Besides, in the event of an agreement to apply collective negotiation, this should be clearly distinguished from any political affiliation or process. Given that the UN is not seen as the ideal neutral broker for humanitarian negotiations, it is recommended that another humanitarian actor takes the lead. Hence, new terms for coordinating humanitarian negotiation should be developed in order to harmonize the tone of humanitarian action and achieve constructive results.

5. CONCLUSION

The impact of the GWT on humanitarian negotiation with NSAGs is likely to be significant only if the group is designated as a terrorist operation by the UN Security Council and/or the USA. US counter-terrorism law is applied broadly due to the international position of the USA as a global power and major donor for humanitarian action. However, counter-terrorism measures applied in volatile conflicts affect perceptions of humanitarian actors by local communities and NSAGs. Vetting mechanisms are particularly problematic, causing delays in the response and damaging trust among NSAGs. The challenges involved in negotiating with NSAGs are very similar in most contexts, including a weak chain of command within NSAGs and the risk of instrumentalizing humanitarian aid based on NSAG interests. In addition, perceptions of humanitarian actors among local communities are a major challenge. Funding sources can also have an adverse impact on engagement with NSAGs. Receiving funds from parties to the conflict
damages perceptions of the humanitarian response and increases the constraints on productive negotiation with the belligerents.

In order to address these challenges, humanitarian actors should demonstrate their neutrality, impartiality, and independence through their policies, strategies, and operations. Moreover, they should persuade NSAGs of the benefit of the humanitarian response. Mandate-oriented negotiation could therefore be essential in contexts where NSAGs are reluctant to engage with humanitarian action. Furthermore, humanitarian organizations’ strategies to overcome these challenges should be contextualized on the basis of the group’s structure and dynamics. Multi-level negotiations are also necessary to ensure effective engagement with NSAGs. However, they should be governed by a well-defined decision-making process that guarantees the safety of frontline negotiators and improves the consistency of negotiations.

It is essential to analyze NSAGs’ political, social, economic, and military agenda in order to assess all potential outcomes of the negotiation process. To achieve this, sufficient resources and effort must be dedicated to studying each group individually and monitoring changes within the conflict. Most NSAGs are interested in gaining international recognition and depend on humanitarian aid to cater to the population’s needs in order to attain local recognition. However, their interests evolve as the conflict develops.

Most of the organizations engage in bilateral negotiations with NSAGs. This has proved to be an efficient tactic to gain the trust of armed groups beyond the framework of UN operations. However, it has also contributed to creating an image of division within the humanitarian sector, fueling competition between organizations and giving NSAGs a chance to play off humanitarian actors against one another. Hence, coordinated approaches (exchanging information, sharing experiences, etc.) are essential in order to establish red lines and ground rules for engagement with NSAGs to be applied in bilateral and collective negotiations. This process should be free from any political affiliation and must be coordinated by an actor who is accepted and trusted by all parties to the conflict.
BIBLIOGRAPHIC SOURCES

  https://docs.unocha.org/sites/dms/Documents/CT_Study_Full_Report.pdf


Websites

ANNEX A - BIBLIOGRAPHIC SOURCES


Websites


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ANNEX A - Yemen Context Analysis

Written by Tarek Tawil
1. Background of the Conflict

In 1990, the Northern Yemen Arab Republic and the Southern People’s Democratic Republic of Yemen were united by Ali Abdullah Saleh who ruled the country for 34 years through running a central government based in Sanaa. However, the central government was not stable as it had three civil wars after the unification. Moreover, the vacuum of power in many parts of the country was filled by non-state actors; some of them have an affiliation to designated 'terrorist' entities. The Houthi rebellion roots back to the year 2004, as a dispute started when governmental forces attempted to arrest Hussein Bader-Eddin Al-Houthi who is a religious (Shiite sect) and political leader and a former member of the national parliament. Fighting erupted between the official authorities and the Houthi’s family members, causing the killing of the leader of the Houthi. As a result, his family started the Houthi movement carrying his name for revenge. In 2011, political protests, stimulated by the Arab Spring, widespread all over the country against the Yemeni President Ali Abdullah Saleh. This was a turning point in the conflict between the government and the Houthis who were energized by the escalated events.

Saudi Arabia and other Gulf neighboring countries feared a spillover of the political turmoil in Yemen, which might cross to their territories. Thus, they intervened to facilitate a political solution in 2012, reaching an agreement to hand over the presidency to Abd-Rabbuh Mansur Hadi, the vice president of Saleh. However, Saleh remained very powerful with strong allies from the official security forces and the Yemeni army. In 2013, Saleh reached out to his allies and previous enemies, including the Houthi, relying on the tribal connections to fight against Hadi’s government. In March 2015, the Houthis seized control over Sanaa the capital and started to run all the official institutions acting as a de facto government. Due to the defeat, Hadi fled to exile and Saudi Arabia, backed by the US, led a military coalition of other regional countries to fight against the Houthis who are accused of being supported by Iran. In September 2015, Hadi with the military coalition support, re-controlled the southern part of Yemen and started to operate his government for Aden.

During the conflict, the Saudi led coalition and its allies have taken steps to designate the Houthi as a 'terrorist' group. In 2014, both Saudi Arabia and UAE classified the Houthi as

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39 Saudi Arabia led-coalition includes Egypt, Morocco, Jordan, Sudan, UAE, Kuwait, Qatar, Bahrain
terrorists. In April 2015, the US Department of the Treasury designated the Houthi’s political leader 'Abdul Malik Al-Houthi' as a terrorist. Later, The UN Security Council followed the USA steps to classify the same leader as a terrorist and other two key persons from the Houthi.\textsuperscript{40} Most recently in 2019, the Arab Parliament has designated the Houthi as a 'terrorist' group, and it called the UN Security Council to act accordingly.\textsuperscript{41} Meanwhile, other non-state armed groups are active in the country filling the gaps of official authority, mainly in the Southern part of Yemen. For instance, Al-Qaeda has controlled many key rural areas since 2016\textsuperscript{42}. Hence, linkages between the humanitarian response in Yemen and the global war on terror have been strongly made.

Please fine below Yemen conflict timeline (2004 – 2017):

\textsuperscript{40} Counter Extremism Project (2019). Retrieved July 02 2019 from https://www.counterextremism.com/threat/houthis#designations
\textsuperscript{41} Arab News Website (2019). Arab Parliament classifies Houthis as a terrorist group, calls on the UN and Arab League to do the same. Retrieved July 02 2019, from http://www.arabnews.com/node/1513116/middle-east
\textsuperscript{42} Lopour, J. (2016). WAR AND HUMANITARIAN DISASTER SPOTLIGHT ON YEMEN’S FORGOTTEN PREVENTING THE NEXT SYRIAN REFUGEE CRISIS. Centre for International Governance Innovation (CIGI), 97.
Figure 2 (Clements, A. J. (2018). THE FRONTLINES OF DIPLOMACY - Humanitarian Negotiations with Armed Groups. P. 174.)

Data compiled from various OCHA situation reports and humanitarian appeals.

Protest icon from the Noun Project; rifle icon by Robert A. Di Teso from the Noun Project; all other icons by UNOCHA from the Noun Project, available at www.thenounproject.com

- First Saada War
  - Sheikh al-Houthi killed by government forces
- Second Saada War
- Third Saada War
- Fourth Saada War; 24-month information blackout imposed on Saada; international humanitarian presence in Saada established
- Fifth Saada War; physical blockade imposed on Saada; 130,000 displaced in fighting
- Sixth Saada War
  - Fighting spills over into Saudi Arabia
  - Cease-fire permanently concludes Saada conflicts

- ‘Arab Spring’ protests spread to Yemen
- Government cracks down on protest movement
- President Saleh injured in assassination attempt
- GCC Initiative signed
- Saleh cedes power to deputy, Hadi
- National Dialogue Conference begins
- Fuel subsidies lifted sparking mass protests
- Houthis seize capital with Saleh’s support
- Houthis seize Taizz and advance on Aden
- Arab Coalition begins Yemen military offensive
- Houthis-Saleh forces besiege 200,000 civilians in Taizz; 400,000 displaced; peace talks held in Geneva
- 2nd UN-brokered peace talks held in Biel
- First international humanitarian access to Taizz enclave
- Popular Resistance forces re-take central Taizz
- 3rd UN-brokered peace talks collapse in Kuwait
- Tensions grow between Saleh loyalists and Houthis
- Saleh killed by Houthi forces

FOOD INSECURE (PEOPLE, MILLIONS)*

HUMANITARIAN NEEDS (PEOPLE, MILLIONS)*
2. Conflict and Political Stakeholders

- **The Houthi Rebels:**
The Houthi movement is a Muslim group that follows the Ziady Shiite sect. The Houthi is controlling the northern part of Yemen, including Sanaa the capital since 2015. The group is acting as a de facto government and running the official institutions in their areas of control.\(^{43}\) The Houthi have very limited international representation; thus, they are almost isolated from the international community. They are accused of being backed by Iran; however, the level of the Iranian influence is overestimated by the opponents to the group.\(^{44}\)

- **Government of Yemen (President Abd-Rabbu Mansour Hadi)**
Hadi’s government operates from Aden in the southern part of Yemen. It is military and logistically supported by the Saudi-led coalition. The government is internationally recognized as a transition government after reaching political agreement facilitated Saudi Arabia in 2012. Hadi’s forces alongside Saudi led-coalition are fighting the Houthi group which controls the northern part of Yemen.

- **Saudi Arabia Led-Coalition:**
The military coalition is supporting Hadi’s government to re-control Yemen and fight against the Houthi. The coalition is forcing a blockade on the country, specifically areas controlled by the Houthi, hampering any kind of support to those areas. Hence, the delivery of humanitarian aid is challenging. In addition, the coalition claims that it is fighting to stop the Iranian regional expansion of influence as the Houthi considered as proxy forces of rival Iran. Besides, the military intervention is justified to protect the Saudi national security considering the shared borders with Yemen.\(^{45}\) Saudi Arabia and UAE are funding massively the humanitarian action in Yemen, specifically the UN led-humanitarian response.\(^{46}\)

- **Al-Qaeda in Arabian Peninsula (AQAP)**

AQAP started to control areas in the southern part of Yemen since the beginning of the conflict, taking advantage of the power gaps as the other conflicted parties are overwhelmingly fighting each other.\(^{47}\) AQAP is designated as a terrorist group by many states and the UN Security Council. The USA is targeting the group through frequent airstrikes.\(^{48}\)

- **United States of America (USA)**
  The USA is allied with Saudi Arabia, and it supports its war on Yemen through weapons supplement and providing security and military intelligence backing. In addition, the USA is directly engaging with AQAP by targeting the group with airstrikes and drone attacks.\(^{49}\) On another level, the USA is one of the biggest donors to the humanitarian operations in Yemen.\(^{50}\)

- **The UN Security Council**
  The UN tried to broker peace talks between the conflicted parties, but it continuously failed. In addition, the resolutions 2140 in 2011\(^{51}\) and 2216 in 2016\(^{52}\), influenced the Houthi’s attitude with the UN entity generally as they are seen as a biased and politicized actor. However, the Security Council is still considered as a vital actor that could influence its members, and an advocacy arena to change the behaviors of parties to the conflict in Yemen.

- **The Islamic Republic of Iran**
  Iran is accused of being expanding its influence through supporting the Houthi to fight against Saudi Arabia and to rule in Yemen. This is also justified due to the religious linkage between the group and Iran\(^{53}\). However, scholars argue that Iran does not have much influence on the Houthi and cannot affect their decisions nor position during negotiations with them\(^{54}\).

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3. Yemen Humanitarian Situation

Since the unification of the southern and northern parts in 1990, Yemen has been the Arab poorest country until 2010. Prior to the ongoing war, the country suffered from high rates of malnutrition cases and food insecurity.  

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“Yemen after five months [of civil war] looks like Syria after five years” Stated by Peter Maurer, head of the ICRC in 2015 after five-month of the Saudi-led coalition military intervention in Yemen. Consequently, the humanitarian situation is continuously deteriorating on all levels causing 'the world's worst humanitarian crisis' as described by UN Secretary-General Antonio Guterres in 2018. The ongoing conflict has caused over 3 million internally displaced people (IDPs) who fled seeking safety from the increased violence. In addition, regardless of the ongoing war, Yemen is hosting around 435,000 refugees and asylum seekers holding different nationalities, which increase the needs and the vulnerabilities. Further, the food security level and livelihood opportunities were massively impacted due to the volatile circumstances and escalation of the conflict. According to WFP, around 17 million Yemenis are facing food insecurity, with nearly a 20% yearly increase. Moreover, governmental employees are not being paid regularly, which contributed to promote poverty and increase vulnerabilities. During the conflict, frequent shortages of electricity, fuel, and drinkable water led to more devastating reality. In 2017, the UN declared that Yemen in on the edge of 'famine' calling all parties to the conflict for immediate actions. UNICEF reported in 2018 that urgent nutrition needs to prevent and address malnutrition cases of children and lactating women, has increased 148% since 2014. The health state is facing as well a continuous deterioration. The public health system was jeopardized, and it is unable to deal with the increased number of injured people due to the conflict, it lacked medical supplies and medication, and it could not afford regularly the medical workers' salaries. Furthermore, health facilities were often targeted and used for military purposes. WHO reported in 2016 that 55% of the health facilities are not functioning. In 2017, Cholera broke out in Yemen, resulting in 2,216 fatalities and around one million unconfirmed cases. The education system is also devastated. Over 1,800 educational institutions and schools were destroyed, which contribute along with the security threats in hindering 2 million Yemeni children from attending school.

The challenges are numerous to provide an efficient humanitarian response in Yemen to meet all the needs. The insecure situation on the ground and ongoing hostilities affected the humanitarian aid delivery to areas in need. Humanitarian actors' movement is extremely difficult and restricted due to the constant airstrikes by the Saudi-led coalition and the spread of many security checkpoints of different NSAGs. Furthermore, other access obstacles such as the delays in giving visas to humanitarians, the damaged infrastructures and scarcity of fuel, have
contributed to humper the access to high needs areas of Yemen. In addition, since the Saudi blockade on Yemen, the timelessness and effectiveness of the humanitarian response are adversely impacted. Live-saving aid delivery is being hindered due to the blockade's restrictions on imports and delivering to contested areas. On the other side, The Houthi have been imposing arbitrary constraints on humanitarian organizations’ movements, which led to compromising the independence and/or suspending some aid programs\textsuperscript{56} (e.g., WFP suspension of its program in 2019).

3.1. Humanitarian Actors
Despite the volatile situation of Yemen and the mutability of actors, the humanitarian response is still massively continuing. In July 2019, over 117 humanitarian actors were responding to the needs. Out of the total, 75 local NGOs, 32 INGOs, and 10 UN humanitarian agencies are assumed to be covering almost 332 pot of 333 districts in Yemen\textsuperscript{57}. Noting that the previous figures reflect only the organizations within the cluster coordination system of the UN and they do not include ICRC, MSF, or Geneva Call, for instance.

In this research, the focus will be on humanitarian negotiation done by UN OCHA, MSF, Geneva Call, and ICRC who are daily engaging with NSAGs in Yemen to run their operations.

- UN OCHA
OCHA is the UN responsible body of coordination, humanitarian advocacy, humanitarian financing, and information management. Furthermore, the OCHA mandate is based on the General Assembly resolution 46/182 issued in 1991\textsuperscript{58}. OCHA, through its coordination mechanism, works to ensure the efficiency of humanitarian response through prioritization of activities, reduce duplication of services, and increase the access of humanitarian response. Besides, OCHA mobilize financing tools and methods to meet the humanitarian needs in coherence with the fund of development. In terms of advocacy, OCHA raises awareness of the forgotten crises, help the affected communities to access humanitarian aid, and promotes the respect of IHL. In Yemen, OCHA is physically present in both parties to the conflict controlled

\textsuperscript{58} OCHA. (n.d.). Retrieved August 22, 2019, from https://www.unocha.org/about-us/who-we-are
areas, and it is playing the usual role in coordination, financing, and advocacy. OCHA is guided by the four core principles of humanity, neutrality, impartiality, and independence. In addition, the principles of diversity, trust, national and local ownership, and gender equality.

For more information on OCHA response in Yemen, please refer to the link: https://www.unocha.org/yemen

- **Geneva Call**

  Geneva Call is a Swiss NGO which mission is to improve the protection of civilians during armed conflicts through exclusively focusing on non-state armed actors to strengthen the respect of rules of war determined by the international humanitarian law. Since the year 2000, Geneva Call has engaged with over 150 non-state armed actors for humanitarian affairs in 15 different contexts. Geneva Call aims to raise the awareness of non-state actors through conducting training on the rules and norms of war and IHL. Subsequently, the organization seeks commitments from the non-state actors through signing deeds of commitment witnessed by Geneva Call and in the custody of the Swiss government. This will be followed by developing internal rules and regulations to control the non-state actor's actions. In return, Geneva Call follows-up on the compliance of signed commitments by non-state actors, and ensures that all the measures are taken for effective impact. The organization focuses on the areas of child protection, protecting cultural heritage, preventing forced displacement, prohibiting sexual violence and gender discrimination, banning the use of landmines and explosive weapons in populated areas, and raise awareness to respect and adhere to humanitarian norms including the prevention of attacks on health care facilities. In Yemen, the organization has established an office in Aden in the southern part controlled by Hadi’s government in 2018. However, Geneva Call has been engaging with the Houthi movement since 2008, addressing the areas of child protection and banning anti-personnel mines.

  For more information on Geneva Call response in Yemen, please refer to the link: https://www.genevacall.org/where-we-work/

- **The International Committee of the Red Cross (ICRC)**

  The International Committee of the Red Cross is the guardian of the International Humanitarian Law and working based on Geneva Conventions of 1949 and the Additional Protocols. In non-

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59 OCHA. Retrieved August 22, 2019, from https://www.unocha.org/our-work
international armed conflicts, the ICRC works according to Article 3 common to the four Geneva Conventions. In Yemen, the ICRC has been present since the 60s and actively present in the last 20 years. Hence, the ICRC is quite aware of the context and the different actors and their dynamics in Yemen. The ICRC is working in all humanitarian aspects in Yemen, including the aid delivery of food and non-food items to the affected population, cash grants, livelihood programs, water and sanitation, and medical care. In addition, the ICRC is conducting family tracing and reunification program, and exchange of prisoners between parties to the conflict. The ICRC is present in the northern part controlled by the Houthi and the southern part controlled by Hadi’s government.61

For more information on the ICRC response in Yemen, please refer to the link:
https://www.icrc.org/en/where-we-work/middle-east/yemen

- Médecins Sans Frontières (MSF)
MSF is a specialized medical NGO that provides its services to the affected population during armed conflicts, disasters, or epidemics. In addition, MSF provides medical aid to people excluded from healthcare systems. The organization is bound by the respect of impartiality, independence, and neutrality principles, and it is guided by medical ethics. In Yemen, MSF is working in both the northern and southern parts of Yemen, and the organization is providing various medical services in highly contested areas despite the risks. 62

For more information on MSF response in Yemen, please refer to the link:
https://www.msf.org/yemen