

كسر القوالب Breaking the mold

#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Yemen

Civil Society Efforts to Call for the Formation of an Independent Commission to Investigate Human Rights Violations in Yemen

| Studies & Economic Media Center |

Yemen's war revealed severe violations of human rights by the parties to the conflict; each party tried to blame the other while continuing to practice its violations, prompting civil society organizations to adopt efforts to uncover these violations and put pressure to form an independent international committee. The most prominent of these efforts is the international appeal submitted by 57 non-governmental organizations to the United Nations and lobbying in international forums and through monitoring reports, which contributed to the issuance of a resolution by the Human Rights Council in September 2017 mandating a team of experts to investigate violations committed by the parties to the conflict.

The present study aims to investigate the role of civil society in putting pressure to form an independent international committee to investigate human rights violations in Yemen and to know the roles of the parties concerned and the influential factors.

The case study methodology was adopted in this research, and data were collected from office sources such as international reports and studies. Data were provided from field sources that included 4 civil society organizations that had a role in the study's subject. Interviews were conducted to obtain accurate, descriptive data, prepare in-depth analyses of the case studies, and come out with a preliminary draft of the study, discussing it and enriching it by focus groups.

PROBLEM'S BACKGROUND

The ongoing war for more than three years has caused severe damage to the population. Since its beginning, 5,900 civilians have been killed, and more than 9,400 civilians have been wounded, including more than 1,800 children. Three million people have been forced to leave their homes due to the fighting in their areas,

and 22.2 million people need humanitarian aid, which includes food, water and shelter, and 2.5 million children are deprived of school. The war has also led to the spread of epidemics, famine and exacerbation of various humanitarian conditions.

Amnesty International has documented evidence revealing that both parties to the conflict have committed serious violations of human rights and international humanitarian law, including war crimes, which include 36 airstrikes by the Coalition that appear to have violated the International Humanitarian Law, killing 513 civilians, including at least 157 children and wounding 379 civilians, in addition to attacks that deliberately target civilians and civilian targets such as hospitals, schools, markets and mosques. The Coalition has also used cluster munitions, which are internationally banned explosives. The organization investigated 30 ground attacks carried out by the two parties to the conflict in Aden and Taiz, which did not distinguish between fighters and civilians. It led to the killing of at least 68 people, most of them women and children. The fighters of both sides used imprecise weapons in densely populated areas. They carried out military operations from households, schools, hospitals and residential neighborhoods, all of which constitute serious violations of the International Humanitarian Law and may lead to war crimes. Houthi forces also continued to lay internationally banned mines in residential areas, resulting in civilian casualties.

It documented incidents of violations committed by both sides, including 101 enforced disappearances, 120 arbitrary detentions, and 81 cases of torture, including 17 deaths. In addition, 9 incidents of violations against journalists, affecting 50 journalists, were documented, including harassment, imprisonment and assault. Many news websites are still blocked due to the Houthi's control of the "Yemen Net" company, which provides the internet

service. On the other hand, the Coalition prevented international media and human rights organizations from reaching different conflict areas. The parties to the conflict recruited children and documented 879 cases of recruitment.

The war had other effects, including the collapse of the health system, which led to the spread of epidemics such as cholera and pertussis, while restrictions imposed by the Coalition Forces on imports and delays in granting permits for humanitarian aid exacerbated the humanitarian situation. Houthi forces also confiscated food and medical supplies, prevented them from reaching the needy, and imposed strict restrictions on aid workers exposed to kidnapping, arbitrary detention, and murder while participating in humanitarian operations targeting almost 12 million people per month, including 3 million women and children.

Despite all these violations, the international community ignored it due to the success of the pressure exerted by Saudi Arabia and its allied countries on the international community, which made the parties to the conflict believe that they are free from any accountability, and have continued to abort any reliable documentation of crimes committed in Yemen. During the war years, none of the warring parties conducted credible investigations into abuses by their forces.

INTERNATIONAL EFFORTS TO FORM AN IMPARTIAL INTERNATIONAL INVESTIGATION COMMITTEE

In late 2015, the Netherlands proposed a draft resolution calling for sending a human rights monitoring mission to Yemen, submitting a report on it, and demanding a focus on “violations of human rights and international human rights law since September 2014”. However, Saudi Arabia’s pressures led to the project’s withdrawal and replacement with a Saudi proposal that does not include a call for an investigation.

In 2016, the Netherlands re-submitted a draft resolution before the Security Council, calling for sending a fact-finding mission to Yemen to monitor human rights violations committed since September 2014. Nevertheless, the draft resolution was aborted again, and Sudan was entrusted with proposing an alternative Arab project requesting the High Commissioner for Human Rights “strengthening its cooperation with the National Committee to Investigate Allegations of Human Rights Violations established by the Yemeni Government, and to complete the investigations on allegations of violations committed by the parties to the conflict in Yemen”. As a result, the Netherlands withdrew the draft, and the Arab draft resolution was adopted by consensus.

Once again, in 2017, the Netherlands and Canada submitted a draft resolution to send an international investigation committee in exchange for an Arab project to keep the version of the 2016 resolution and limit the support to the national committee. The event ended with forming a “team of eminent experts with knowledge of the International Human Rights Law and the Yemeni context for a renewable period of not less than one year”.

Concerning the Coalition countries, the Joint Incident Assessment Team appointed by the Coalition did not conduct credible investigations, nor did it publish comprehensive reports or detailed information on its methodology, including how to determine the strikes being investigated or recommendations to prosecute those responsible for violations. The team did not clarify which state forces were involved in the attacks targeted by the investigation. The team recommended that the Coalition pay compensation for some of the strikes without making any real progress toward establishing a compensation system. No information also confirmed that the United States had conducted investigations into any alleged unlawful attack in which its forces participated.



THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN INVESTIGATING VIOLATIONS

Civil society organizations played different roles during the ongoing conflict in Yemen, and according to participants’ testimonies in the research, these organizations sought to monitor and document the violations of the parties to the conflict and worked with external human rights organizations to inform them of the humanitarian situation and create a global public opinion against these violations. It also sought to include issues of violations on the government’s agenda, the Security Council and the High Commissioner for Human Rights to discuss violations. It put pressure to come up with reports that document them and identify those responsible for them and the penalties against them, as individuals and countries. It continued to monitor the practices of the parties and provide information on any potential violations.

Many Yemeni organizations prepare periodic reports that monitor and document violations by the parties to the conflict, and seek to unify efforts in order to prepare and file lawsuits regarding war crimes and human rights violations, present them to the International Criminal Court as war crimes and crimes against humanity, prosecute the perpetrators and compensate their victims through a committee of an impartial international investigation with proven integrity, similar to what happened in several countries in the past, to ensure that criminals are sanctioned. Among these efforts, the head of the “Mwatana” organization was asked in May 2017 before the Security Council to establish an independent investigation committee , which exposed her to harassment from the parties to the conflict to the point of arresting her at Seiyun Airport in June 2018.

The ongoing preparation of reports and the launching of appeals from civil society and directing them to the international organizations and the United Nations’ permanent members led to the formation of continuous pressure. They brought attention to the tragic conditions that civilians are suffering from due to the war, which prompted the Netherlands to submit a draft resolution to the Security Council in 2015 seeking investigations into the violations that occurred. Still, the pressure exerted by the Coalition and its sponsoring states led to the withdrawal of the draft resolution.

The efforts of civil society in Yemen and external partner organizations continued by providing documented evidence about violations, which finally contributed to pushing the Office of the General Commissioner for Human Rights in 2017 to form a team of experts for a renewable period of not less than one year. In 2018, Yemeni and international human rights organizations

called on the Commission to renew the Group of Eminent Experts' term as an important step to end impunity and called on all parties to cooperate with it and facilitate its mission and expand its framework of work to include all Yemeni territories.

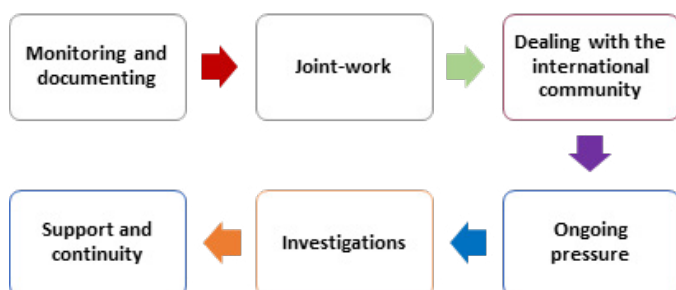
THE EVOLVEMENT OF CIVIL SOCIETY'S ROLE IN LOBBYING TO FORM AN INDEPENDENT INTERNATIONAL INVESTIGATION COMMISSION

Research participants reported that civil society efforts passed through six phases, namely:

1. Monitoring and documenting: Since the beginning of the war, most civil society organizations have individually sought to monitor and document violations and damages, whether inflicted on civilians or to the infrastructure and to work on issuing periodic reports documenting these violations despite the security authorities of both sides restricting the work of these organizations.
2. Joint work: uniting the efforts of civil society by establishing coalitions and alliances to monitor and document evidence about violations, extract victims' testimonies and document them in periodic reports, and hold national and international conferences to present reports to the public opinion.
3. Dealing with the international community: The coalitions and alliances approached the international community by presenting their periodic reports to the United Nations envoy, the permanent members of the United Nations Council, and international human rights organizations to bring attention to the violations.

Ongoing pressure: The organizations sought to hold continuous conferences to present the violations and proceeded to publish their reports globally to influence global public opinion and create continuous global pressure on the countries opposing violence and war, which prompted the Netherlands and Canada to submit a draft resolution to establish an investigation commission into the ongoing violations in Yemen more than once to the High Commissioner for

Phases of Evolvement of Civil Society's Role to Form an Independent International Independent Investigation Commission



HUMAN RIGHTS.

1. Investigations: The organizations' ongoing pressure has pushed the Coalition countries to conduct investigations into some of the violations they committed, but they were not credible and transparent. With the ongoing pressure, the High Commissioner for Human Rights formed a team of prominent experts to investigate Yemen's ongoing violations.

2. Support and continuity: The organizations sought to establish a civil coalition to assist the experts in the investigations by presenting the documents and evidence that they monitored and documented. The organizations also worked to lobby to extend the expert team's work to achieve justice and criminal accountability for the perpetrators of these violations, as individuals or states.

Mwatana Organization for Human Rights:

Mwatana made real contributions to bring international community's attention about human rights violations in Yemen and put pressure to form an independent investigation committee. It was among 51 international organizations that raised a humanitarian appeal to the United Nations about human rights violations in Yemen, and conducted reports that monitor and document violations, and sought to publish them through external human rights organizations, and worked with networks of different coalitions to lobby, which raised the level of confidence in them.

FACTORS AFFECTING THE EFFECTIVENESS OF CIVIL SOCIETY'S ROLE TO FORM AN INTERNATIONAL INDEPENDENT INVESTIGATION COMMISSION

The participants in the research pointed many factors affecting the effectiveness of civil society organizations' role to form an independent investigation committee, most notably:

1. Cooperation between local, international and regional organizations contributed to forming a global public space, which affected the orientation of global and regional human rights organizations and the policies of some countries, which prompted the Commission to form a team of experts.

Local civil society organizations' ability to reach and deal directly with victims of violations enabled them to monitor and document those violations when they occurred.

1. Civil society organizations own effective networks of action due to long-term relationships based on trust in society in conflict areas, which facilitated monitoring and documenting violations in various conflict areas.
2. The cadres' availability in these organizations with qualitative skills in monitoring and dealing with the risks they may face.



RESULTS

1. Civilians have suffered from many violations that affected their lives, property and freedoms, which increased societal voices calling for an international investigation into these violations.
2. Yemeni civil society organizations' ability to monitor violations despite the harassment they faced from the parties to the conflict, support partner human rights organizations in countries concerned with human rights, and transfer them to the international community had a significant impact on international institutions' interaction.
3. The diversity of civil society's role is to bring international organizations' attention to human rights violations in Yemen, starting from issuing monitoring reports, organizing international events and establishing alliances, and launching appeals.
4. Civil society organizations' roles did not stop at lobbying to form a team of experts but rather in supporting its report's results and pushing for the continuation of its mission.

CONCLUSIONS

1. Yemeni civil society organizations' insistence on following up the case and monitoring the violations despite the harassment they were exposed to and publishing it with international partners, which significantly impacted their endeavors. They should benefit from it later.
2. The expert group's positive results give an impetus to civil society organizations to support and continue it to preserve their efforts, limit any future violations, and achieve justice against the perpetrators.



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مواقع إخبارية متعدّدة

BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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