

**Operation Decisive Storm:
A Justified Intervention or Unjust Military Aggression?**

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1 List of Acronyms

GCC	Gulf Cooperation Council's
UNSC	United Nations Security Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UAE	United Arab Emirates
YAR	Yemen Arab Republic
NLF	National Liberation Front
FLOSY	Occupied South Yemen
MAN	Movement of Arab Nationalists
PDRY	People's Democratic Republic of Yemen
USSR	Union of Soviet Socialist Republics
AQAP	Al-Qaeda in the Arabian Peninsula

2 Abstract

In 2015, the Saudi-led intervention, Operation Decisive Storm, was launched in Yemen. The intervention came as a response to the Houthi movement's increased control and military progression in Yemen. Today, five years later, the situation in Yemen is, according to the UN, the world's largest food security crisis with more than 24 million Yemenis currently in need of assistance and protection.

Based on a case study of the official justification of the intervention set forth in March 2015 to the United Nations Security Council (UNSC) by the Saudi-led coalition, this study provides an analysis of the stated reasons for intervening and assesses to what extent these reasons can be considered just. Furthermore, the actual execution of the intervention is also analyzed in order to establish a holistic assessment of Operation Decisive Storm. For this purpose, this thesis includes a report of the Panel of Experts on Yemen, mandated by the UNSC, regarding information of acts that threaten the peace, security or stability in Yemen.

Through detailed analyses, this thesis examines the justification and the execution based on the conditions and principles of Michael Walzer's Just War Theory, which, as far as my research tells me, has not previously been applied to the 2015 intervention in Yemen. The analyses show that the coalition justifies the intervention by asserting that it is required in order to ensure the security of the Yemeni People, coming to the aid of the Yemeni President Hadi, and to ensure the security of their own countries. The actual execution of the intervention is primarily based on an extensive air campaign.

When these assertions and actions are analyzed and assessed in a rather strict Just War Theory framework, while keeping the context in which the intervention unfolds in mind, it is highlighted that these do only meet some, and not all conditions and principles of Just War Theory.

The discussion highlights some of the challenges and limitations that I have encountered in the process of undertaking this study. This includes a critical review of the chosen methodology, the theoretical framework, and the findings in the analysis, as well as reflections on alternative ways to conduct and approach the field of conflict studies.

With the challenges and limitations reflected upon in the discussion, this thesis concludes that the Saudi-led intervention in Yemen cannot be considered just to any great extent, as both the justification and execution did not meet the conditions and principles of just war theory.

3 Introduction

I urge you, in accordance with the right of self-defense set forth in Article 51 of the Charter of the United Nations, and with the Charter of the League of Arab States and the Treaty on Joint Defence, to provide immediate support in every form and take the necessary measures, including military intervention, to protect Yemen and its people from the ongoing Houthi aggression, repel the attack that is expected at any moment on Aden and the other cities of the South, and help Yemen to confront Al-Qaida and Islamic State in Iraq and the Levant (App. I, p. 4).

This was the request for immediate support in 2015 from the Yemeni President Abdrabbuh Mansour Hadi to the leaders of a coalition consisting of the Gulf Cooperation Council's (GCC) member-states: Saudi Arabia, United Arab Emirates, Bahrain, Oman, Kuwait, and Qatar. The request came as a response to the Houthis' increased military progression in Yemen, which had forced President Hadi to flee to the capital of Saudi Arabia, Riyadh. The request was accepted, and on March 26, 2015, 'Operation Decisive Storm' was launched in Yemen. The coalition justified the military intervention in a statement that was submitted to the United Nations Security Council on March 27, 2015 (App. I).

The coalition argued that the Houthis' actions did not only concern the stability and security of Yemen but also posed a major threat to the stability in the region as well as a threat to international peace and security. In particular, the Houthis' possession of heavy weapons and missiles on the border of Saudi Arabia was a major concern for the coalition. Likewise, the fight against terror organizations in Yemen was another argument for intervening in the conflict.

In the joint statement to the UN, the coalition emphasized that:

We are mindful of our responsibility towards the Yemeni people. We note the contents of President Hadi's letter, which asks for immediate support in every form and for the necessary action to be taken in order to protect Yemen and its people from the aggressions of the Houthi militias (App. I, p. 5).

Thus, adding a humanitarian perspective to the justification of the intervention.

In general, the military intervention was met with a positive response in the international community. The United States approved the course of action and provided logistical and intelligence support to the coalition (Meehan, 2015). Furthermore, 40 other states also expressed support for the intervention including the United Kingdom and the British Prime Minister, David Cameron, who stated that:

The Prime Minister emphasised the UK's firm political support for the Saudi action in Yemen, noting that it was right to do everything possible to deter Houthi aggression, to support President Hadi and his legitimate government (UK, 2015).

However, despite the international political acceptance of the intervention and the fact that it was supposed to be a short-term mission, the fighting keeps on raging to this day, which has caused the situation in Yemen to be the world's largest food security crisis according to The United Nations Office for the Coordination of Humanitarian Affairs (OCHA, 2018, p. 7).

Evidently, international acceptance is not a guarantee of a quick victory, but it is both interesting and notable how the conflict has evolved since 2015.

I was intrigued by the prospects of investigating the root causes of the war, in order to understand why the war is still continuing today. During my research, I discovered the complexity of the conflict and the fact that several academics were critical towards the justification of the intervention. Thus, in my opinion, it is interesting to investigate the background of the conflict in Yemen and evaluate to what extent the justification and the military actions, which were employed in the conflict, can be justified.

4 Presentation of Research Question

The Saudi-led intervention in Yemen is the subject of this thesis, in which I ask the question:

To what extent can the Saudi-led intervention and its military actions in Yemen be justified?

By “justified” I mean a justification based on the principles of Just War Theory as it is presented by Michael Walzer in his book *Just and Unjust Wars* from 2015 (Walzer, 2015).

What this theory entails, as well as why this is the theory I have chosen, will be argued for in the theoretical framework chapter (see chapter 7). This specific theory has as far as my research tells me, not previously been applied to the 2015 intervention in Yemen, which inspired me to focus on this issue and approach in this thesis.

Given both the time-limit and page-limit I have to adhere to in this thesis, it would be an impossible task to cover every facet of the intervention and the conflict in Yemen. Hence, the analysis will be divided into two sections focusing on two aspects of the intervention: one will be investigating to what extent the justification of the intervention can be justified and the second part will investigate the actual military actions employed by the coalition.

It should be stressed that, although only these two aspects of the intervention will be subject to analysis, it is still not possible to encompass all facets within these two. Consequently, certain aspects will be given priority, because I find them particularly important, while others will be given less priority. Further argumentation for these specific choices will be included in the analysis.

4.1 Relevance to the field of Development and International Relations

In the following chapter, I will elaborate on the importance of this issue of military interventions to the field of development and international relations.

Military interventions and conflicts have always played a major role in history and obviously also in the field of development and international relations. However, the concept of military interventions, and the context in which they unfold, have changed rapidly since the Second World War. In the light of this, I find it important to assess and examine the justification and reasoning behind a contemporary military intervention and its consequences.

For this instance, I consider the intervention in Yemen as an interesting case to delve into, due to the complexity of the conflict as well as the similarities that it shares with other ongoing conflicts, such as the current conflict in Syria and the US-led intervention in Afghanistan.

As it has already been outlined in the introduction, there seemed to be a general international acceptance and support for the intervention. However, during my research within this field, I found several papers criticizing the justification of the intervention, but only a few of them provided actual alternatives to the military action. Furthermore, I believe that there is a tendency in academia to be more focused on pointing out the flaws and shortcomings of military interventions, without answering questions of what the alternative could be. I suggest that the issue of military interventions is both complex and that it requires a realistic and nuanced approach within the field of international relations. This, I believe, underlines the importance and actuality of discussing the principles of military interventions and its applicability, not only in Yemen but also within the international community in general. Recognizing that the concept of war and military interventions has changed rapidly alongside changes in the world order.

Hence, the aim of this work is to bring more nuances into the discussion and evaluations of military interventions, which hopefully will inspire and contribute to further reflection, research and debate into this important field.

5 Literature review

In undertaking an evaluation of the justification of the intervention and the actions employed in Yemen, it is necessary to include a review of the existing literature that has addressed this issue. First of all, in order to assess the literature that has been included in this thesis, and secondly, to highlight how the intervention in Yemen has been approached and analyzed in academia and how these approaches leave room for an analysis of the kind that I intend to conduct in this thesis.

Given that the conflict in Yemen is described as one of the worst humanitarian crises in the World, it comes as no surprise that numerous scholars have devoted a significant amount of time and work to the analysis of the conflict, its origins and its implications. The compilation of literature includes analyses of various aspects of the conflict, such as the 1962 North Yemen civil war and its impact on British colonialism (Orkaby, 2017), the efforts in the 1970s to establish a welfare state in Yemen, despite the neighboring countries' opposition to socialism (Lackner, 2017) and speculations about future developments of the conflict and in the region (Stevenson, 2018).

Much attention has also been given to the analysis of the general geopolitical situation in the Middle East - in particular the geopolitical relationship between Iran and Saudi Arabia, and their involvement and interests concerning the conflict in Yemen.

One of the contributors to the research of the geopolitical situation is the professor at Georgetown University and Senior Fellow at the Brookings Institution, Daniel Byman (Byman, 2018), who has conducted an in-depth review of the war in Yemen and the country's history, which he describes as a history of violence (Ibid, p. 142). In his paper, *Yemen's Disastrous War*, he thoroughly reviews the Yemeni history from the Ottoman Empire and up until 2018. His starting point of the paper is to provide an overview of the war's origins, in order to understand the situation that Yemen is facing today. This overview has been a great help to me, in particular, while writing the historical context chapter (see chapter 8).

Byman points out an important aspect of the Yemeni history, as he highlights the lack of cohesion and the instability of the country. He argues that despite the unification of North and South in 1990:

Yemen remained weak. The south never fully integrated, the country was desperately poor, and resentment and anger at Saleh simmered. Politics involved a set of shifting bargains among elites, including tribal, religious, military and regional voices, rather than strong institutions (Ibid, p. 143).

He moves on to the current conflict, where he evaluates Saudi Arabia's approach to Yemen and the intervention. He argues that: "*Saudi hopes of a swift victory, like most of their hopes for Yemen, proved an illusion*" (Ibid, p. 147). According to Byman, one of the major issues that Saudi Arabia and the coalition is facing in Yemen is their inability to find a common local proxy to back among the numerous factions in Yemen (Ibid.).

He furthermore argues that: "*Even ignoring the disaster in Yemen, the Saudi and Emirati intervention has failed to accomplish its primary objective - rolling back Iran - leaving its sponsors caught in a quagmire*" (Ibid, p. 154).

In relation to this thesis, the above observations are important and beneficial, in the sense that the former provides an indication of the political situation in Yemen prior to the intervention, and the latter to some

extent evaluates the outcome of the intervention. However, Byman does not attempt to question the basis of the military intervention but solely focus on the geopolitical interests that are at stake.

Additionally, and fortunately for the prospects of this thesis, there is also an extensive quantity of research on specific aspects of the Saudi-led intervention in Yemen. Much of the literature is without a doubt useful in shedding light on the different aspects of the justification and the military intervention itself. A number of scholars have contributed to the existing literature; the compilation of literature includes, among many others, analyses of the discourse surrounding the intervention (Buys & Garwood-Gowers, 2018) and the legal aspects of the intervention (Ruys & Ferro, 2016). Admittedly, these papers have been of great help to me, and the assessment below is not necessarily a criticism of the arguments made within them. Rather it is to highlight some examples of how the justification of the intervention has been investigated and assessed, and how the approach of this thesis differs from the aforementioned.

Buys and Garwood-Gowers has conducted a comprehensive study of the discourse surrounding the official justification of the intervention. According to them, in order to fill a gap in the existing literature by analyzing the legal and political implications of Saudi Arabia's use of humanitarian language to justify Operation Decisive Storm (Buys & Garwood-Gowers, 2018, p. 3).

In their paper *The (Ir)relevance of Human Suffering: Humanitarian Intervention and Saudi Arabia's Operation Decisive Storm in Yemen* (Ibid.) they describe how a humanitarian justificatory discourse was used to approve the intervention by the international community. They argue that: "*The justificatory discourse was humanitarian and 'responsibility to protect' (R2P) type language*" (Ibid, p. 1).

According to them, operation Decisive Storm is an interesting example of how multiple justifications, such as humanitarian demands and counterterrorism efforts, may be employed to legitimize a military intervention that appears to lack a solid legal basis (Ibid, p. 32).

Thus, according to Buys and Garwood-Gowers, the coalition legitimized their intervention by using terms that invoke widely accepted norms relating to human rights protection and Responsibility to Protect doctrine as well as the war on terror and bolstered the perceived legitimacy of military action.

They also highlight how authoritarian states, such as Saudi Arabia, can benefit from the use of humanitarian discourse, which traditionally mostly has been associated with Western-led interventions (Ibid, p. 27). In their conclusion, Buys and Garwood-Gowers argues that it is difficult to consider the military intervention as being in any way a humanitarian intervention, especially when the suffering of the Yemeni people is held into consideration (ibid, p. 33).

The scope of Buys and Garwood-Gowers' paper is to examine the discourse surrounding the justification, and in doing so, they provide several important arguments. It is evidently important to be

very critical of humanitarian interventions and its reasoning and justifications, regardless of traditionally being prompted by Western states or as in this case, an authoritarian state.

However, since the scope of their paper is limited to the discourse of the justification, the analysis of the intervention as a whole, the decision to intervene and the military actions employed, remains unstudied.

Tom Ruys and Luca Ferro gives an in-depth overview of the legality and legal implications of the Saudi-led intervention in their paper *Weathering the Storm: Legality and Legal Implications of the Saudi-led Military Intervention in Yemen*. They do this by critically examine the two possible legal justifications for the use of force: the right to self-defense (invoked by the coalition) and whether President Hadi could validly request foreign military action in order to restore his government in Yemen (Ruys & Ferro, 2016, p. 62).

They argue that the right to self-defense, which was put forward as the primary justification by the coalition does not constitute a credible legal basis for a military intervention. According to Ruys & Ferro, the Houthi rebels' inability to transform their aggressions into an armed attack against one or more of the coalition states, despite some degree of Iranian involvement and support, undermines the justification of self-defense (Ibid, p. 96).

They also argue that the coalition's reliance on the doctrine of 'intervention by invitation' is not an adequate reasoning for military action. Firstly, they argue that:

[...] while Operation Decisive Storm was preceded by a request for military assistance from Yemeni's beleaguered President, one cannot ignore that he had lost control over a considerable part of Yemeni territory (Ibid, p. 97).

However, despite the lack of control, the Hadi government continued to enjoy broad international recognition, with no state expressly questioning the validity of Hadi's request. According to Ruys and Ferro the tentative lesson to be drawn from this is that:

[...] for purposes of assessing the validity of a request for military assistance, the degree of international recognition can compensate for substantial loss of control over territory (Ibid.).

Secondly, they argue that:

[...] even if one accepts that Hadi could validly express the will of the Yemeni State, the Saudi-led intervention undeniably interfered with the civil strife within Yemeni territory between Hadi loyalists and Houthi rebels. (Ibid, p. 98)

Thus, according to Ruys and Ferro, illustrating the indeterminacy of the 'intervention by invitation' doctrine and the risk of abuse (Ibid.).

The legality of the intervention is a crucial aspect to include in an evaluation, and Ruys and Ferro's perspectives and arguments are indeed very useful in relation to this thesis. They clearly argue that the above two possible justifications do not provide a legal basis for the intervention.

However, keeping these important arguments in mind, a somewhat similar criticism as applied to Buys and Garwood-Gowers, can also be applied to Ruys and Ferro, because the scope of their paper is focusing on two very specific legal aspects of the justification. Again, it can be argued that this leaves room for an analysis with a more holistic approach to the intervention, which I intend to conduct in this thesis.

In the literature search for this thesis, I have received valuable assistance from the Postdoctoral Researcher at the Danish Institute for International Studies, Maria-Louise Clausen. Clausen has conducted several studies of state-building interventions with a geographical focus area on the Middle East, in particular Yemen, Saudi Arabia and Iraq.

Similar to the objective of this thesis, Clausen has conducted comprehensive research on the justification of the military intervention in Yemen.

In her paper, *Justifying Military Intervention: Yemen as a failed state*, she argues that Saudi Arabia and the coalition has utilized the 'failed state concept' to legitimize Operation Decisive Storm, by framing the intervention as necessary to establish a strong executive power and protect the Yemeni people (Clausen, 2019, p. 488).

In her paper, Clausen starts out by tracing how the concept of failed state has become securitized and linked to international security threats with external solutions. By analyzing 332 UN documents that specifically use the 'failed state' concept, Clausen reveals how the use of the notion of failed states increased significantly following 9/11 and how the concept became linked to terrorism. She argues that:

Failed states are described as jeopardizing not only the security of their own populations but also regional stability and international peace, as they provide breeding grounds for terrorism (Ibid, p. 490).

According to Clausen, this jeopardizing affects how interventions into failed states are justified. She points out that:

[...] being categorized as a failed state has real consequences as it impacts the position of the state and how it is dealt with by other states, including how military interventions can be justified (Ibid, p. 491).

Clausen then delves into the case of the Saudi-led intervention in Yemen to elucidate how the justification is based on notions of state failure and the need for external help to reestablish internal order and avoid regional and international spillover. Clausen highlights how it is only from 2014 that

Yemen is regularly referred to as a failed state in the UNSC. This very limited attention from the UNSC also applies to the Houthi movement, which is not mentioned until late 2014. Furthermore, it is not until early 2015 that the Houthis are framed as a major threat to the legitimate authorities of Yemen (Ibid, p. 493).

Based on the thorough analysis of the considerable number of UN documents, Clausen argues that the relatively new conception of Yemen as a failed state has provided the Saudi-led coalition with a 'legitimation language', which have contributed to the justification of the military intervention in Yemen (Ibid, p. 496).

Certain aspects and approaches in Clausen's analysis are similar to the kind of investigation that I want to conduct in this thesis. Thus, it is clear that I am not the first to embark on this journey of assessing the intervention.

However, given that she analyses the justification of the intervention by looking more or less solely on the use of the 'failed state concept' in UN documents, it is my argument, as also mentioned before, that there is still room and need within the literature for further examinations of the justification and how the intervention has been carried out by the coalition.

To briefly summarize this chapter, it has been shown that the subject of the military intervention in Yemen, is not an unstudied area and that there exists a considerable amount of literature regarding this issue.

It is without doubt, that the subject has been thoroughly analyzed by a vast number of scholars, who have studied various aspects of both the intervention as well as the conflict itself, and they often reach similar conclusions.

As illustrated above, a large part of the existing literature concerned with the military intervention in Yemen tends, to some degree, to focus on the legality of the intervention or the legal discourse and narrative surrounding the justification.

During the review of the literature concerning the conflict in Yemen, I have not come across papers that have applied just war theory in order to assess the justification of the Saudi-led intervention. Thus, leading me to the conclusion that there a need for research and examination, within the existing literature, which is what I intend to conduct in this thesis.

6 Methodological Framework

In this chapter I will present the data that will provide the basis for the analysis and discussion of this thesis (see chapters 9 & 10). Additionally, this chapter serves the purpose of explaining and justifying the methodological considerations and decisions that underlie this study as well as the challenges and limitations of it. In the first part of this chapter, I will present the sources of data used in the analysis. The second part outlines the academic and scientific framework for this thesis; an elaboration and a description of the epistemological approach of this study.

The third part will describe the theoretical approach and the analytical method applied to analyze and discuss the data. The fourth part will elaborate on the scope and limitations of my study, which also will be included in the discussion chapter.

Finally, the last part of this chapter will briefly describe my personal and academic motivation to conduct this study.

6.1 Presentation of Empirical Data & Sampling Method

The data for this thesis consists of the below-listed statement by the intervening coalition and the final report of the Panel of Experts on Yemen. The statement of the intervening coalition was published and addressed to the UN Security Council on March 26, 2015, at the outset of Operation Decisive Storm. The final report of the Panel of Experts on Yemen was published and addressed to the president of the UN Security Council on January 27, 2017.

App. I) March 26, 2015: Letter issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait

App. II) January 27, 2017: Final Report by the Panel of Experts on Yemen

The first source is the official letter issued by the coalition. The letter contains the request for immediate support from the president of Yemen, Abdrabuh Mansour Hadi, as well as the response from the coalition states: Saudi Arabia, United Arab Emirates (UAE), Bahrain, Qatar and Kuwait.

This source has been chosen, as it forms the foundation for the intervention. It was President Hadi's arguments and request that paved the way for the intervention in Yemen.

The second source is the final report of the Panel of Experts on Yemen addressed to the UNSC on January 27, 2017. The panel was established in accordance with UN resolution 2140 on February 26, 2014, and given a mandate by the UNSC to several assignments including the task of:

[...] providing it at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in acts that threaten the peace, security or stability of Yemen (App. II).

I consider the two sources to be highly relevant for the purpose of this study, where the overall aim is to study to what extent the Saudi-led intervention and its military actions in Yemen can be justified. I find that the first source provides an insight and explanation as to why the coalition decided to intervene, and the second highlights the execution of the intervention. This being said, I am aware that by only analyzing two statements (written in a relatively short period of time) it will only provide a relatively limited insight into the background and the intervention in general. This has to some extent been met by including the historical context chapter (see chapter 8). However, the aim of this thesis is not to provide a comprehensive historical analysis of the conflict in Yemen and on the Arabian Peninsula. Instead - while recognizing the very complex historical context - this limited selection of data will serve as a case study on how to evaluate military interventions with the set of criteria outlined in the theoretical framework chapter (see chapter 7).

In addition to the above-listed data, I found it useful and necessary to include a number of academic articles and reports concerned with just war theory in general as well as sources that focus specifically on the intervention in Yemen. These articles and reports were included in order to qualify the analysis and discussion as well as recognizing the importance of an in-depth understanding of the context in which the intervention unfolded.

The data sampling method used in this thesis was purposive sampling, sometimes referred to as selective or subjective sampling technique. Using this method while conducting a data sampling entails that the selection of data relies on the judgment of the researcher and his or her existing knowledge in a given field of inquiry (Laerd Dissertation). This means that the data search and selection for this thesis was based on my already existing and modest knowledge of this field. However, I knew from an early stage of the thesis process what I wanted to focus on, which enabled me to narrow the search for relevant data. As an example, I was not interested in exploring very specific details of claims, events or activities regarding the alleged strained relationship between Saudi Arabia and Iran. Nor was I interested in the critique of Saudi Arabia in general. Instead, I wanted to focus on the reasoning and the justification of the intervention, and how the coalition decided to execute the military activities. With this focus in mind, I was able to target my search for relevant data more or less at the beginning of my thesis process. In addition, it is important to mention that the chosen theoretical framework also has influenced the data selection. Hence, the data for this research have all been assessed and selected on two specific criteria, namely that it was either concerned with the intervention in Yemen or the application of just war theory in similar research projects and historical contexts. However, it is important to be aware of the limitations and disadvantages of this method as well. By using the purposive sampling method, the

existing knowledge of the researcher and his or her abilities to assess and select data becomes very crucial for the level of academic representativeness of the thesis. Thus, I am aware of the risk of missing important aspects, and of being biased or judgmental, which could limit the full potential of my research and degrade the representativeness of the results.

Through the collection of data for this thesis, I consider myself positioned between an inductive and deductive approach. Inductive in the sense that my data has been collected with an inductive approach, but at the same time recognizing that the chosen theoretical framework of the thesis has affected the collection deductively. According to professor in organizational and social research, Alan Bryman, this dialectic relationship involves a weaving back and forth between data and theory. He explains that deduction entails an element of induction, and the inductive process is likely to entail a modicum of deduction, because the relevance of a set of data for a theory may become apparent after the data have been collected as well as the other way round (Bryman, 2008, p. 11-12).

6.2 Theoretical Approach and Analytical Method

As mentioned previously, the theoretical framework for this thesis consists of an analytical approach based on just war theory. The basic ideas of just war theory usually trace back to the utilitarian philosopher Henry Sidgwick, and what he called *common sense morality* - a core of values, rules, and prohibitions that are widely respected (Coady, 2008, p. 57). However, the elaboration of the theory and how to apply the principles have been a continuous process modified by philosophical theory, military experience, political contingency and technological developments (Ibid, p. 58). This continuous modification of the theory means that it is not a complete uniform theoretical approach with strict guidelines on how to apply it. Instead, it is rather eclectic when it comes to the application and the selection of data. In this thesis, I lean towards the review of Michael Walzer's approach as set forth by Coady (Ibid.). The author extracts several conditions and principles from the theory, which must be fulfilled in order for an intervention to be just. This will be further explained in the theoretical framework chapter (see chapter 7). The choice of using a theoretical framework of just war analysis was made during my weeks of researching, when it came apparent to me that there existed several deviating views on the justification and execution of the military intervention in Yemen. Thus, I have chosen this theoretical framework as it provides a set of useful analytical tools, which are suitable for empirically examining military interventions.

With a just war analysis approach, I will employ the following two analyses: The first analysis will examine the official justification (App. I) and draw on the conditions of Jus ad Bellum. The second analysis will examine the report of the UN-panel (App. II) and draw on the principles of Jus in Bello. What these conditions and principles entail will be outlined in the theoretical framework (see chapter 7).

The findings from the analysis as well as the chosen methodological- and theoretical framework will be further elaborated in the discussion (see chapter 10). This is done in order to qualify a discussion on the challenges of applying the just war theory within the field of conflict studies, which I consider necessary in order to critically examine my findings as well as the chosen method and theoretical framework.

6.2.1 Scope and Limitations

As mentioned earlier, the use of the purposive sampling method has its shortcomings when it comes to the representativeness of the results. With this in mind, I am aware that the collected data will never provide complete and totally accurate and reliable information and that the selection of data and theory only enables a narrow insight into this rather complex field. For instance, the official justification of the intervention in Yemen only provides a rather limited insight into the complexities and power dynamics in the region, especially between Saudi Arabia and Iran. I could have included statements from a longer period of time, which would have provided a more detailed picture of the conflict in general and throughout a longer period. This would also have enabled me to study any possible changes in both the rhetoric and actions of the parties in the conflict.

Another important aspect that I want to draw attention to is my use of data based on intelligence sources. The decisions and actions that are made during military interventions are largely based on intelligence from different kinds of sources, such as local informants on the ground. Thus, a subsequent study and assessment of an intervention is also to some degree based on the validity of the same information that was available when the decision was initially taken. However, I find that this is an integral obstacle that must be dealt with by cross-referencing the empirical data with official records, reports from national and international NGOs, and reports from international news agencies, in order to obtain the highest level of empirical validity.

Another limitation of this study is my use of just war theory in the analysis. This, I argue, entails a risk of becoming too narrow-minded in the way that I only seek answers that fit my theoretical framework, and thus missing relevant data or important aspects of the intervention. Although I have done my utmost to make pertinent choices with a critical mindset on the empirical data through my entire research on this topic, it is important to keep this limitation in mind.

Finally, it is important to recognize that all conflicts and interventions differ. I am thus aware that the contexts, in which interventions and conflicts unfold, differ by nature, which limits the comparability of the conflict in Yemen with other conflicts, which I will further address in the discussion (see chapter 10).

6.2.2 Researcher's Perspective

I have several motivations to do this research. Firstly, it is my impression that the conflict in Yemen, despite the scale of devastation and human losses, has not received particular media coverage. This, I believe, is to a large extent because Western states are not directly involved in the conflict. Hence, I find it both interesting and important to delve into this specific intervention in order to highlight its consequences and the many issues of the ongoing conflict.

Secondly, I also have a personal motivation to do this kind of research. I have spent four months at the Danish Refugee Council in the Afghanistan Field Office in Kabul, where I experienced the long-term consequences of interventions and ongoing strife. The death toll and the duration of the war has caused many to question the 2001 US-led intervention in Afghanistan, and it was part of my reflection to focus on this case in this thesis. However, it is my claim that the intervention in Afghanistan has been the case of academic work significantly more than the case of Yemen. Hence, I found it interesting to delve into the conflict in Yemen, because I believe that there is an increasing need to address the issues of the conflict as a case for the types of conflicts we are witnessing today.

Finally, I believe it is particularly important to monitor interventions prompted by states, which are often receiving criticism for its human rights records. On several occasions, Saudi Arabia has been criticized for its stand on human rights, and it is my belief that this should be taken into consideration when other states decide whether to support an intervention led by the Saudis. This, I believe, only underlines the importance of doing further academic research within this important field. Therefore, I hope that this research and its results will contribute and inspire further discussion and research into the field of conflict studies.

7 Theoretical Framework

As argued above, I will base the analysis, of the intervention in Yemen, on Michael Walzer's theory of just war. This theory relies on the moral side of war rather than the strictly legal aspects.

It is my assessment that this theory will provide a more nuanced portrayal of whether the intervention as a whole can be justified, than the approaches that were highlighted in the literature review. In this chapter, I will consequently outline Michael Walzer's just war theory and explain the importance of the moral conditions and principles of just war and what they entail. The actual operationalization of the theory will be explained in the analysis chapter.

7.1 Just War Theory

Just war theory is a tradition of military ethics and conducts that focuses on the moral side of war, rather than the strictly legal aspects. Michael Walzer argues that morality or moral law refers to those general principles that we commonly acknowledge, even when we cannot or will not live up to them (Walzer, 2015, p. 20).

In his book, Walzer does not attempt to expound morality from the ground up, but it is his argument, and foundation for his theory, that people share a common practical morality (Ibid, p. 21).

This morality and its application has since been modified by philosophical theory and military experience, thus leaving room for several interpretations and progress in the understanding of the tradition (Coady, 2008, p. 58). However, this is not necessarily a defect, because warfare is a complex and always evolving field of inquiry. As a result, Walzer has made several editions of his book, in which he attempts to address criticism and the general trends of modern warfare. In his fifth and latest edition, he focuses on the issues of asymmetrical wars with insurgents or combatants facing a regular army. A scenario that in many ways is unfolding in Yemen.

The theory relies on two aspects of war (Walzer, 2015, p. 48):

- Jus ad Bellum: the justice of war
- Jus in Bello: the justice in war

Jus ad bellum is the judgment regarding aggression and self-defense and jus in bello is about the observance or violation of the customary and positive rules of engagement (Ibid.).

According to Walzer, the two aspects are logically independent, because it is possible for a just war to be fought unjustly and for an unjust war to be fought justly (Ibid.).

7.1.1 Jus ad Bellum

In order to analyze and evaluate whether an intervention is just, six conditions must be met under the term of jus ad bellum. If all of these conditions are not adequately supported, then the resort of military warfare is morally illegitimate or unjust (Coady, 2008, p. 59):

1. War must be declared and waged by legitimate authority.
2. There must be a just cause for going to war.
3. War must be a last resort.
4. There must be reasonable prospect of success.
5. The violence used must be proportional to the wrong being resisted.
6. The war must be fought with the right intention.

The first condition establishes that only a legitimate authority can declare war. A legitimate authority is sovereign political organizations with the power to enforce laws within a given territory (Fabre, 2008, p. 2).

The second condition entails that there must be a just cause for going to war. According to Walzer, this means that states may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence (Walzer, 2015, p. 112).

The third condition states that the decision to go to war must always be a last resort. This implies that when nations resort to warfare, all non-violent alternatives must have been explored in advance (Coady, 2008, p. 60). Walzer advocates that diplomacy should always be attempted before actual military actions are employed (Walzer, 2015, p. 111).

The fourth condition affirms that the nation employing military actions must have a reasonable prospect of success by doing so. The success criterion of such actions obviously varies due to the diversity of conflicts, but Walzer argues that the intervening state must seek the legitimate ends of war and the goals that can rightly be aimed at. Once these goals are won, the fighting should stop in order to stay inside the limits of a just war (Ibid, p. 137).

The fifth condition states that the violence used by the intervener must be proportional to the wrong being resisted. Walzer argues that intervening states are to weigh the mischief done, which presumably means not only the immediate harm to individuals but also injury to the permanent interest of mankind, against the contribution that mischief makes to the end of victory (Ibid, p. 156).

The sixth and the last of the conditions under the *jus ad bellum*, states that war must be fought with the right intention. This entails that the actual motivation behind the resort to warfare must be the morally appropriate intend to fight for the sake of securing a just cause (Orend, 2000, p. 525).

7.1.2 *Jus in Bello*

Two fundamental principles must be in order for a war to be considered fought justly under the terms of the *jus in bello*. These moral principles are sometimes referred to as the 'the rules of war', which to some extent are embodied in the UN legal codes for dealing with the regulation of war (Walzer, 2015, p. 155).

The two principles are as follows (Coady, 2008, p. 60):

1. The principle of discrimination (including the rule of non-combatant immunity).
2. The principle of proportionality.

The first principle is concerned with the legitimacy of the targets and targeting plans in a war based on the distinction between combatants and non-combatants. Non-combatants' or civilians' rights of life

and liberty and the limits it imposes are imposed equally and indifferently on aggressors and their adversaries in a war, which requires both sides to distinguish between combatants and non-combatants (Walzer, 2015, p. 151).

The second is focusing on the proportions of the fighting of a party. This should not be out of proportion to what is required to right the wrong that entitles the party to go to war in the first place (Coady, 2008, p. 61).

Walzer illustrates the two principles by the example of an Allied decision to bomb a German tank factory in World War II. The factory was located in the center of a working-class neighborhood because that was where factories were built before workers had cars for transportation. The bombing of the factory will cause a considerable death toll among civilians, but Walzer suggests that this might not violate the principles of discrimination and proportionality. According to Walzer, it is crucial to make a distinction between those workers who make what soldiers need to fight, e.g. tanks and weaponry, and those who make what soldiers need to live, like all the rest of us (Walzer, 2015, p. 175). Meaning that the principle of discrimination is not merely a distinction between civilians and combatants. Concerning the principle of proportionality, Walzer suggests that, the bombing might not be disproportionate to the value of stopping the production of tanks for the German war effort (Ibid, p. 10).

It is thus the requirements of these conditions and principles, or the lack thereof, that I will attempt to identify in the analysis of the Saudi-led intervention in Yemen.

8 Historical Context

The following chapter will provide an overview of the historical context of the conflict in Yemen. This will include a description of the direct- and indirect parties involved along with a historical timeline from Ottoman rule prior to the First World War and significant key events up until the present day. The intention is to provide a comprehensive and thorough review of the current conflict, in order to form a basis for an in-depth analysis and evaluation of the justification of the intervention and the military actions employed.

8.1 Introduction

Some scholars have described the conflict in Yemen as a civil war fueled by tribal rivalries (Byman, 2018, p. 141). Others view the conflict as a small part of a much bigger competition of power and control on the Arabian Peninsula, thus putting the conflict into an internationalized frame with many different foreign interests (Swietek, 2017, p. 38). Others again describes the conflict in Yemen as a classic example of Sunni-Shia rivalry, Sunni represented by, among others, Saudi Arabia and Shia

represented by the Houthi rebels, supported by predominantly Shia Iran (Moghadam, 2018, p. 8). However, regardless of the many descriptions of the conflict, the number of casualties and people affected by the conflict speaks for itself.

OCHA estimates that 24 million Yemenis or equivalent of 80 percent of the population in Yemen is currently in need of assistance and protection. Additionally, more than 17.700 civilians have either been killed or injured during the conflict (OCHA, 2018, p. 7). Many observers of the conflict dispute these death tolls and estimations, claiming that the numbers are far higher (Cockburn, 2018). As a result of the conflict, more than 3.4 million people are currently displaced in Yemen, and almost 18 million Yemenis lack adequate access to clean water, sanitation and hygiene (OCHA, 2018, p. 4).

People living below the poverty line has also increased dramatically during the conflict with an estimated 81 percent of Yemenis now living in poverty. OCHA summarizes the conflict in Yemen with the following statement:

Conflict, economic decline and institutional collapse have relentlessly exacerbated pre-existing challenges in Yemen, including food insecurity and malnutrition. With two-thirds of the population now food insecure, Yemen is the world's largest food security crisis (Ibid, p. 7).

However, in order to fully grasp the extent and the underlying causes of the conflict, it seems crucial to delve into the historical context, to understand the origins and the conflicting parties.

8.2 The Yemen Arab Republic & the People's Democratic Republic of Yemen

Yemen has historically always been unstable because of frail institutions, weak national identity, tribal rivalries, localized conflict, power struggles and civil strife (Byman, 2018, p. 142). The country was under the Ottoman Empire rule for hundreds of years, but rebellions occurred on a regular basis, leaving the Sublime Porte, the Ottoman government, in little genuine control over the area. The Ottoman Empire's presence in the Middle East ended after the First World War, and the leader of the northern tribes, Imam Yahya Hamid, became the recognized leader afterward. He was the leader of the Zaydi Imamate, an area that comprises much of modern-day Yemen, until his death in 1948. The Zaydis are Shi'ites, and their descendants are the core of the Houthi opposition today. The Zaydis' forces fought against the British, who had colonized the port of Aden and the surrounding areas in 1839, while at the same time fighting an expanding Saudi Arabia in the north (Ibid, p. 142). When Imam Yahya passed away in 1948, his son Ahmad succeeded him and ruled until his passing in 1962. Only a week later, a group of Yemeni military officers overthrew Ahmad's son, Imam Muhammed al-Badr, and declared the establishment of the Yemen Arab Republic (YAR) in the northwestern part of the present Yemen

(Orkaby, 2017, p. 72). The coup ignited what came to be known as the North Yemen Civil war. Supporters of the Imam amongst northern Yemeni tribes fought against the newly formed Yemeni Republic in the North Yemen Civil War (Ibid. p. 72).

The conflict prompted a large-scale Egyptian military intervention, which consisted of around 70,000 Egyptian soldiers. Egypt supported and defended the Yemeni republic against the Imam's rapidly growing guerilla war effort. The reasoning for Egypt's involvement in the conflict was the Egyptian president Gamal Abdel Nasser's eagerness to support the spread of Arab nationalist regimes throughout the Middle East. Furthermore, he had himself helped overthrow Egypt's monarch, King Farouk, a decade earlier (Ibid.). Saudi Arabia, the United Kingdom, Jordan and Israel supported the Yemeni tribes. This foreign interference in internal Yemeni strife was one of many examples of other countries' attempts to affect the outcome of internal disputes in Yemen. The war ended in 1970 when negotiations between the parties led to a settlement where the Imamate faction received several prominent positions in the Yemen Arab Republic and a share of the patronage (Byman, 2018, p. 143).

At the same time, in the southwestern part of Yemen, several groups of radical socialists and nationalists were fighting against Britain to seize power over South Yemen. The two primary opposition groups were the National Liberation Front (NLF) and the Front for the Liberation of Occupied South Yemen (FLOSY). Although sharing a common goal of ending British colonialism and gain independence in South Yemen, the two rival groups had different political points of view. FLOSY was primarily an urban movement based in Aden, and its political views were close to Egyptian President Nasser's Arab Socialism. NLF was primarily a rural organization based in the mountains north of Aden, but opposite FLOSY, it had broken with Nasser's Arab Socialism and introduced a variety of political views inspired by the Movement of Arab Nationalists (MAN) (Lackner, 2017, p. 680).

After four years of armed struggle, a British withdrawal from Aden and a defeat for FLOSY, the NLF took over power in South Yemen and announced the foundation of the People's Democratic Republic of Yemen (PDRY) on November 30, 1967 (Brehony, 2017, p. 47).

The foundation was the starting point for a modernization project that sought to establish a basic stable economy, political structure, and a functional legal system in South Yemen. Due to the heavy support from the Union of Soviet Socialist Republics (USSR), the PDRY came to be known as "the Cuba of the Middle East" (Moghadam, 2018, p. 9).

The relationship between the two newly established republics was characterized by rivalry and hostility stemming from political and ideological differences. In 1972, fighting broke out between the two. YAR received support from Saudi Arabia and PDRY from the USSR. However, relations between the two countries improved during the 1980s under the leadership of Ali Nasser Mohammed in the PDRY and Ali Abdullah Allah as-Saleh in the YAR. The interest of unifying the two countries also increased

during the 1980s and a unification of the two took place in 1990, which formed the Republic of Yemen (Byman, 2018, p. 143). The presidency went to the former president of YAR, Ali Abdullah Allah as-Saleh. The unification originated from internal economic and political crises in both states as well as the possibility of exploiting oil reserves near the border between the two. An exploitation that would improve both countries' economies. Meanwhile, President Gorbachev and the USSR were shifting their approach in foreign policies, which meant that they withdrew their support to the government in South Yemen (Moghadam, 2018, p. 9).

The unified Republic of Yemen became a reality on May 22, 1990, but it did not last long before tensions once again arose. The northern leadership of the new state and the geographical locations of the oil fields led to conspiracies about the unification, and many southerners perceived the new unified country to be a Northern conspiracy to acquire the land and resources of the South.

Simultaneously, the Gulf war had begun, and Yemen decided not to support the US-led coalition. Saudi Arabia did not welcome this decision and responded by expelling around 800,000 Yemeni nationals and overseas workers. The Yemeni government placed the expelled workers in refugee camps, which caused increased problems with high unemployment and poverty in the young and fragile state (Ibid.).

The former YAR ruling party named the General People's Congress won the first democratic elections in 1993, while the former ruling party of the south, the Yemeni Socialist Party, had to face its defeat (Heibach & Transfeld, 2018, p. 601). Tensions increased in the following years, and an outbreak of outright fighting between the North and South occurred on May 4, 1994. The North captured Aden in July that year, and resistance ceased, which led to an end of the civil war. The war left a decimated Yemeni Socialist Party and consolidated the power of Ali Abdullah Saleh, head of the General People's Congress, who together with the Islamist Islah Party formed a coalition government (Moghadam, 2018, p. 9).

8.3 After 9/11

After the Al-Qaeda led attacks on the US in 2001, President Saleh declared that Yemen would join the US in its war on terror. At this point, Yemen was a significant breeding ground of terrorist recruits going to fight in Afghanistan and Iraq. In a drone strike in 2002, the US killed the Yemeni al-Qaeda terrorist Qaed Salim Sinan al-Harethi. This attack was the first US drone strike outside a designated war zone, and the US efforts in Yemen increased in the years to follow (Byman, 2018, p. 144). However, Al-Qaeda persisted, and in 2009, they formed Al-Qaeda in the Arabian Peninsula (AQAP). Since then Yemen has increased its military spending, reaching 7% of GDP in 2018, which was remarkably high for a country with such a relatively weak economy (Moghadam, 2018, p. 10).

In the midst of the turbulent 1990s in Yemen, a new religious-political group, the Houthis, emerged in northern Yemen. The group was highly critical of the Yemeni government, and tensions between the two parties grew in the subsequent years. In 2004, the Houthis, led by Hussein Badreddin al-Houthi, started a rebellion against the Yemeni government. However, the Houthis' rebellion was crushed, and their leader al-Houthi killed, but the group returned during the Arab Spring protests.

8.4 The Arab Spring

The Arab Spring in Tunisia and Egypt in 2011 also ignited and fueled protests against the government in Yemen as well as its failed attempts to secure better economic conditions for Yemenis and eliminating corruption. The protesters demanded President Saleh to resign. The GCC tried to mediate between President Saleh and the protesters, but despite these efforts, an uprising began, when Saleh refused to cooperate. Things escalated further when an assassination attempt took place at the presidential palace. Subsequently, the president was brought to Saudi Arabia for surgery and on November 23, 2011, he signed the GCC document, which transferred his power to Vice President Abd Rabbuh Mansour Hadi (Moghadam, 2018, p. 10).

However, the dethroned Saleh tried to undermine Hadi and retain the loyalty of the Yemeni military units. Meanwhile, AQAP continued its violence, several separatist movements emerged, and the Yemeni economy collapsed, thus causing the Hadi government to remain weak, despite international goodwill.

The Houthi Movement also increased their radical activities during this period, and as Hadi's regime weakened, the Houthis took advantage of the chaos and launched a military offensive in September 2014. The Houthis managed to seize Yemen's capital, Sana'a and the offensive marked the beginning of the Yemeni Civil War between the Houthi movement and President Hadi, supported by Saudi Arabia (Swietek, 2018, p. 42). The Houthis continually seized more of the country during 2014 and 2015, which led Hadi to flee to Saudi Arabia. Saleh seized the opportunity and allied the loyal military forces with the Houthis, even though he previously had fought them fiercely when he was in power (Byman, 2018, p. 145).

The neighboring countries noticed the Houthis' expansion in Yemen, which generated concerns in Saudi Arabia and the UAE, because of the Houthis' alleged ties to Iran. Saudi Arabia and UAE perceived the ties with Iran, as an Iranian presence on their frontier, as well as an Iranian growing influence in the Middle East (Ibid, p. 146).

As a response, a Saudi-led coalition started a bombing campaign in March 2015 followed by a ground intervention in Yemen to support the fleeing Hadi against the Houthis (Ibid.).

The intervention was supposed to be a short-term mission that would bring Hadi back to power. However, progress was slow and came to a halt, when coalition forces tried to capture areas closer to the center of the Houthi heartland.

In December 2017, Houthi rebels fired several missiles at the Saudi Arabian capital Riyadh. According to Saudi Arabia, the missiles were supplied by Iran. Conditions escalated further in that month when Saleh's opportunistic approach backfired. A few days prior, he had switched sides in the conflict and blamed the Houthi rebels for the country's miserable condition. Obviously, the Houthis were not pleased with this accusation and responded by killing Saleh in an attack in Sanaa (Edroos, 2017).

In an effort to end the conflict stalemate, UAE led forces captured the port of Hodeidah in the summer of 2018. The port served as a crucial distribution hub to the Houthi-dominated areas, and according to Saudi Arabia as an entry for Iranian weapons flow (Byman, 2018, p. 148).

8.5 The current situation

In 2019, the US Congress tried to pass a bill that would seek to immediately halt the US support to the Saudi-led military action in Yemen. The increased US skepticism towards Saudi Arabia increased after the murder of the Saudi dissident journalist and Washington Post columnist Jamal Khashoggi at the Saudi consulate in Istanbul (Stevenson, 2018, p. 3). However, President Trump vetoed the bill, which he described as unnecessary and dangerous (BBC 2, 2019).

In September 2019, a Houthi drone strike caused major damages to two oil facilities in Saudi Arabia, thus leading to a major shock in the global oil market. Although the Houthi movement claimed responsibility, the attack has intensified the inflamed relationship between Iran and Saudi Arabia, with the latter accusing the former of providing the weaponry to the Houthis. The attack on the oil facilities was retaliated with several air strikes in northern Yemen launched by the Saudi-led coalition (The Guardian, 2019).

The war in Yemen has resulted in a total collapse of medical care, educational infrastructure and widespread human suffering. A lasting peace agreement is not likely to occur in the near future with the continuous fighting in mind, as well as the foreign powers' lack of genuine control in many areas in Yemen. Furthermore, the large amount of internally displaced people coupled with mass starvation and a cholera epidemic exacerbates the humanitarian catastrophe. In the event, that a lasting peace agreement would be achieved it would still take years for Yemen's economy and infrastructure to recover from the many years of combat fighting (Stevenson, 2018, p. 1).

9 Analysis of Operation Decisive Storm

With the historical context in place, this chapter will commence with the analysis. Inspired by Walzer's two analytical levels, the analysis is divided into two parts: The first part is based on the conditions of *jus ad bellum* (the justice of war); the second part presents an analysis based on the principles of *jus in bello* (the justice in war). In addition, a discussion on the methods, theory and analysis seen within the wider field of conflicts will be treated in the discussion chapter (see chapter 10).

An intervention is required to fulfill all conditions and principles under just war theory, in order to be considered just. However, if an intervention fails to fulfill one or more of the conditions and principles, it should still be persistent to meet as many as possible in order to make the intervention less unjust (Coady, 2008, p. 58).

9.1 Jus ad Bellum

This part of the analysis is concerned with the conditions of *jus ad bellum* within Walzer's theory. In the following, I will thoroughly analyze the justification of the intervention (App. I) in order to assess to what extent, the justification can be considered just.

9.1.1 Condition One

The first condition that must be met, when one decides to intervene in a conflict is that *war must be declared and waged by legitimate authority*.

According to Fabre, a legitimate authority is a sovereign political organization with the power to enforce laws within a given territory (Fabre, 2008, p. 964).

The decision to initiate Operation Decisive Storm was taken by the state leaders of Bahrain, Kuwait, Qatar, Saudi Arabia and the UAE (App. I). These sovereign countries all constitute a legitimate authority, and thus, according to just war theory, have the authority to declare and wage an intervention. Furthermore, it could be argued that because the intervention was declared by a coalition, and not just one state, the legitimacy of the intervention is further supported. This is of particular importance because the Responsibility to Protect doctrine states that the opinion and support of other countries in a certain region should be taken into account, when the initiating of a military intervention is considered (ICISS, 2001, p. 36). Consequently, according to just war theory, the coalition of states all represent a legitimate authority to declare and wage a war.

9.1.2 Condition Two

The second condition that must be met under *jus ad bellum* is that *there must be a just cause for going to war*. Walzer emphasizes that a just cause entails that states may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence.

In order to determine whether the coalition did have a just cause for going to war, the several reasons that were put forward in the official justification needs to be reviewed and analyzed.

First, in the letter to the UN, the coalition states that they decided to respond to President Hadi's appeal in which he asks for:

[...] immediate support in every form and for the necessary action to be taken in order to protect Yemen and its people from the aggression of the Houthi militias (App. I).

As mentioned earlier, the humanitarian situation in Yemen intensively worsened in the year leading up to the intervention. In December 2014, OCHA stated that an estimated 15.9 million people - or 61 percent of the Yemeni population was in need of some form of humanitarian assistance (OCHA, 2014, p. 1). So claiming that there was a humanitarian need to protect the Yemeni people was not a farfetched idea, although it was highlighted in the literature review that humanitarian language was deployed by the coalition to strengthen the legitimacy of military action (Buys & Garwood-Gowers, 2018, p. 27).

However, the concept of humanitarian interventions is widely discussed by just war scholars, because of the inherent contradiction between humanitarian goals and the conduct of war. In order to address this, Walzer argues that: "*Humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts that shock the moral conscience of mankind*" (Walzer, 2015, p. 135).

Undoubtedly, the situation in Yemen in 2015 was severe and people were suffering from the ongoing conflict, but it could be argued that the extent of the suffering and the acts of the Houthis at this point in the conflict did not include atrocities that would shock the moral conscience of mankind.

Another important aspect is Walzer's emphasis on reasonable expectations of success. In the case of Yemen, the coalition intervened on behalf of one party to the conflict, and thus in opposition to the other. It could be argued that if the coalition were to successfully alleviate suffering and death in Yemen, then the premise of the intervention should be based on neutrality to both parties and increased humanitarian aid.

With the above arguments in mind and recognizing that, it is difficult to establish a complete overview of the humanitarian situation in Yemen in 2015, it can be concluded that a humanitarian intervention did not constitute a just cause under just war theory. At least not at the time when the coalition initiated the intervention.

Second, President Hadi appeals to the coalition to come to the country's aid in accordance with the right of self-defense set forth in Article 51 of the Charter of the United Nations:

I therefore appeal to you, and to the allied States that you represent, to stand by the Yemeni people as you have always done and come to the country's aid. I urge you in accordance with the right of self-defence set forth in Article 51 of the Charter of the United Nations, and with the Charter of the league of Arab States and the Treaty on Joint Defence, to provide immediate support in every form and take the necessary measures, including military intervention, to protect Yemen and its people from the ongoing Houthi aggression [...] (App. I).

In relation to this, it is important to note that Article 51 of the UN Charter governs international conflicts, and not as seen in Yemen, an internal conflict. Hence, it is questionable whether the request could be invoked under this charter. However, President Hadi did claim that regional powers were supporting the Houthis:

They also being supported by regional Powers that are seeking to impose their control over the country and turn it into a tool by which they can extend their influence in the region (App. I).

Despite not being mentioned by name, it must presumably be the alleged Iranian involvement in the conflict that is being referred to in the above statement. If Iran were actively involved in Yemen in 2015, then this would strengthen President Hadi's request in accordance with Article 51. However, despite the repeated claims from both Saudi Arabia and Hadi, there was a lack of substantiated evidence of Iranian involvement in the conflict in 2015. Thus, it cannot be concluded from a just war theoretical point of view that President Hadi's request did constitute a just cause.

Third and finally, the coalition justified the intervention in Yemen, by referring to the security of their own countries and to international peace and security. The coalition stated that:

Moreover, the acts of aggression have also affected Saudi Arabia, and the presence of heavy weapons and short and long-range missiles beyond the control of the legitimate authorities poses a grave and ongoing threat to our countries (App. I).

They have continued to violate international law and norms, and to build up a military presence, including heavy weapons and missiles, on the border of Saudi Arabia (App. 1)

These statements suggest that the coalition considers the intervention as an act of preemptive self-defense against an imminent threat from the Houthis. According to Walzer, preemptive self-defense can be invoked if a state faces a threat that is so instant and overwhelming, that it leaves no other choices of means and no moment for deliberation (Walzer, 2015, p. 101). As mentioned earlier in this analysis, it is difficult to establish a complete overview of the security situation in Yemen at the time of the initiation of the intervention. However, it is doubtful that the threat was so imminent and of such

magnitude, that it left no other choice of means than self-defense through a military intervention. This is supported by Ruys & Ferro, who argues that the Houthi's inability to transform their aggressions into an armed attack against one or more of the coalition states undermines the justification of self-defense (Ruys & Ferro, 2016, p. 96).

The coalition also mention a specific Houthi attack against Saudi Arabia:

The Houthi militias have already carried out a bare-faced and unjustified attack on the territory of Saudi Arabia, in November 2009, and their current actions make it clear that they intend to do so again (App. I).

The attack, the coalition refers to, was a number of cross-border attacks between the Houthis and Saudi Arabian forces that took place in 2009, which lasted around three months and resulted in more than a hundred Saudi casualties (Winter, 2012, p. 67). This would probably to some extent justify claiming self-defense according to just war theory, but because the mentioned attack took place more than five years prior to the intervention, it is questionable if it is applicable to use as an argument in the justification in 2015.

Based on the analysis of the several claims and requests stated in the justification, it can be concluded that these did not constitute a just cause according to just war theory.

9.1.3 Condition Three

The third condition under *jus ad bellum* establishes that *war must be a last resort*. This means that all non-violent alternatives, such as diplomacy, should be attempted before actual military actions are employed.

As also mentioned in the historical context chapter (see chapter 8) the coalition's intervention came after numerous initiatives to find a solution to the conflict, which included several resolutions and sanctions from the UNSC and an initiative facilitated by the GCC to start a transition that would improve the democratic governance in Yemen (GCC, 2011). However, these initiatives did not put an end to the fighting and the Houthis did not engage in the UN-brokered negotiations (UN, 2015) These initiatives demonstrate that non-violent alternatives had been attempted without success, which leads me to the conclusion that under just war theory the intervention could be considered as a last resort.

9.1.4 Condition Four

The fourth condition implies that *there must be reasonable prospect of success*. As mentioned in the theoretical framework chapter (see chapter 7), this condition can be quite challenging to assess, because of the many factors that could influence the prospects of success, such as military capabilities on both sides of the conflict and the fact that the assessment is to some extent based on estimations and uncertain

sources of intelligence. Nevertheless, a comparison of the military capabilities of the conflict's two parties are important to include, when one sets out to assess the prospect of success of an intervention.

There were repeated claims and rumors that the Houthis had received various types of arms support from Iran. Furthermore, as the Houthis continued to take control of Yemeni territory, they managed to seize weaponry from Yemen's conventional army, and they have on several occasions displayed missiles and drone aircraft as mentioned in the historical context chapter (Barrington & Yaakoubi, 2019). Despite this, it must be assumed that the coalition's combined overall military capabilities far exceed the Houthis' capabilities. In addition, the coalition also received backing from the US and several other countries. Thus, it can be concluded, according to just war theory, that the coalition had a reasonable prospect of success when they decided to intervene in Yemen.

9.1.5 Condition Five

The fifth condition states that *the violence used must be proportional to the wrong being resisted*.

The notion of proportionality is also embedded under the principles of jus in bello, and the distinction between these two is commonly merged together in comprehensive assessments of interventions (Cannizzaro, 2006, p. 781). In this analysis, I have applied them separately, while being aware that some repetitions might occur.

According to the justification, the intervention was designed to protect the people of Yemen and its legitimate government from a takeover by the Houthis and to ensure security in their own countries and in the region (App. I). In order to do this, news agencies reported that Saudi Arabia alone contributed with 100 warplanes and 150.000 Saudi soldiers in the execution of the intervention (Almasy & Hanna, 2015). According to Saudi Arabia, the fighter jets were targeting weapons storage facilities, missile launch pads, infrastructure crucial for the Houthi movements while also protecting the Saudi border from Houthi militias (Saudi Ministry of Defence 1, 2015).

In opposition to the coalition, the Houthis had continued to conquer and seize control of territory in Yemen, and in early 2015, they took control of the capital Sanaa, causing the Saudi supported president Hadi to flee. Furthermore, the group held military exercises near the border to Saudi Arabia, where reportedly thousands of Houthi fighters participated (Ghobari & Mukhashaf, 2015). Their military capabilities at the beginning of the intervention are difficult to determine, but some estimations claimed that the movement in 2019 consisted of around 200,000 armed personnel and some 60 percent of the former Yemeni army had allied with the group (Allinson, 2019). The Houthis did not have any air force capabilities except for two military aircrafts that were seized during the conquest of the capital (Muslimi, 2015). Hence it could be suggested that the number of Saudi fighter jets far exceeded the threat of the Houthis, and thus could be described as disproportionate. This suggestion will be further analyzed under the principle of proportionality.

However, I believe it is important to take the actions of the military capabilities into question before a final conclusion on the proportionality is made, but based on this very modest comparison, it is my argument that the coalition's approach to the intervention can be considered proportionate to some extent in terms of just war theory.

However, it is important to notice that this analysis of the proportionality condition is solely looking at the military capabilities and numbers of the conflicting parties, and not on the actual means and methods. This is of course important and will be analyzed and assessed under the principle of proportionality in the *jus in bello*.

9.1.6 Condition Six

The sixth and final condition under *jus ad bellum* states that *war must be fought with the right intention*. As clarified under conditions 2 and 5, the intervention was designed to protect the people of Yemen, to protect the legitimate government from a takeover by the Houthis, and to maintain security in the region. These causes do fulfill the requirements of the right intention condition according to just war theory. However, it is important to approach this assessment from a wider perspective. In particular, the tense relationship between Saudi Arabia and Iran, which for a long period has been marked by competition and rivalry, appears to have had some influence on the justification. In the months leading up to the intervention both countries accused each other of meddling in Yemen's internal strife (Bayoumy & Ghobari, 2014). The strained relationship between Iran and Saudi Arabia is to some extent a matter of both countries' intent to become the major power of the region and this could be considered as an important reason for Saudi Arabia's offensive approach to the conflict, and Iran's alleged support of the Houthis (Moghadam, 2018, p. 8).

This suggests that Saudi Arabia had further intentions than what was described in the justification. This is not necessarily an issue with regards to the right intention condition. According to Orend, it is possible to criticize some of the non-moral intentions that states can have in initiating an intervention while still endorsing the moral intention (Orend, 2000, p. 531). However, the important question to answer is whether the intervention was intended to secure peace and security in Yemen (right intention), or merely a way of expanding Saudi power in the region (non-moral intention). The answer to this question is often found in information that is rarely available because it is only the people who made the decision to intervene, that really know the underlying intentions.

Thus, based on the intentions described in the official justification of the intervention, these would meet the requirements of the condition. However, it could be argued that the strained relationship between Saudi Arabia and Iran had an influence on the decision and the intentions of the intervention.

9.1.7 Findings in the Analysis of Jus ad Bellum

This part of the analysis set out to assess to what extent the intervention in Yemen can be justified according to the conditions of jus ad bellum. I have based my assessment on the coalition's official justification of the intervention (App. I). Based on just war theory, the analysis showed that five of the six conditions were to some extent met. The first condition concerning legitimate authority and the third condition of last resort were assessed and it was concluded that the coalition met these conditions.

Regarding the fourth condition of reasonable prospect of success and the fifth and sixth conditions of proportionality and right intentions, it was, with some hesitation concluded that the coalition met these as well. However, the analysis showed that there were certain challenges in assessing these conditions based on the empirical data and information that formed the basis for the analysis. It was determined, that additional data was needed in order to ensure the validity of these conclusions, but that this data is rarely available.

Finally, it was assessed that the second condition concerning just cause, was not met by the coalition. The analysis showed that the arguments of humanitarian intervention, self-defense and pre-emptive self-defense set forth by the coalition and President Hadi in the official justification, could not be considered just causes according to just war theory.

9.2 Jus in Bello

Jus in bello concerns the justice in war or, to put it another way, the execution of war. There are two principles that must be followed in a war for it to be considered just:

1. The principle of discrimination
2. The principle of proportionality

9.2.1 The Principle of Discrimination

As described in the theoretical framework chapter (see chapter 7) this principle concerns the legitimacy of targets and targeting plans in a war. For a war to be considered just, aggressors and their adversaries are obliged to distinguish between combatants and non-combatants (Walzer, 2015, p. 151). Simply put, combatants are legitimate targets and non-combatants, or civilians, are not. However, there are exceptions for this distinction, which was exemplified in the theoretical framework (see chapter 7).

As mentioned earlier in this analysis, the coalition has on several occasions been accused of not discriminating between combatants and civilians during the intervention. These accusations have been directed at the Houthis as well (BBC 1, 2017).

In a report by the Armed Conflict Location and Event Data Project, it was estimated that the number of civilian casualties reached 4.468, in 2015 alone (ACLED, 2019). In that same year, the coalition carried out more than 5000 air strikes, according to Al-Jazeera (Al-Jazeera, 2019).

Because of the increased fighting in 2014, the UN decided to establish a panel with a mandate to conduct several tasks including:

[...] providing it (UNSC) at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in acts that threaten the peace, security or stability of Yemen (App. II).

This panel published its findings in a report in 2017 (App. II). The report included a chapter designated to highlight acts that violate international humanitarian law and human rights law (App. II). The panel found that all parties in the conflict had committed such acts, but this analysis will be limited to the violations committed by the coalition.

The panel states that the coalition on several occasions had carried out air strikes on targets such as civilian markets, residential complexes and hospitals with a considerable amount of injuries and fatalities (App. II). In particular, an air strike that took place on October 8, 2016 aimed at a community hall in the Yemeni capital Sanaa is scrutinized in the report.

According to the panel, the air strike, which resulted in at least 827 civilian fatalities and injuries, was targeted at a funeral, where a significant number of Houthi affiliated military and political leaders were expected to attend (App. II). The coalition later acknowledged that they were responsible for the attack but claimed that incorrect information from Yemeni officials was the reason for the failed attack (Saudi Press Agency, 2016). During the panel's investigation of the incident, the coalition did not respond to the panel's request for information regarding the air strike (App. II).

In addition to the above-mentioned air strike, the panel did additional investigations of other air strikes, and they did not find any evidence that the air strikes had targeted legitimate objectives in eight out of ten investigations. (App. II).

Viewed from a theoretical approach, Walzer argues that because soldiers of conventional armies are well-armed, well-trained, and backed up by all the resources of a high-tech military force they have to accept some risk in order to protect civilians from their own deadly fire. A risk that includes undertaking intelligence work on the ground to secure that air strikes are aimed at legitimate targets (Walzer, 2015, p. 15). He argues:

[...] when the intelligence work is seriously undertaken and its risks accepted, and when civilians are killed because they are being used as cover or deliberately exposed, the army can rightly claim that it has done the best it could under these circumstances (Ibid.).

Arguably this intelligence work was not done properly before the attack on the community hall. With that in mind as well as the other incidents investigated and described in the panel's findings and the repeated reports of civilian casualties, it is highly difficult under any circumstance to conclude that the coalition met the requirements of the principle of discrimination under just war theory.

9.2.2 The Principle of Proportionality

As mentioned under the condition of proportionality earlier in this analysis, the concept of proportionality is an integral part of both *jus ad bellum* and *jus in bello*.

To summarize, the principle of proportionality entails that the fighting of a party should not be out of proportion to what is required to right the wrong that entitles the party to go to war in the first place (Coady, 2008, p. 61).

While primarily assessing the military capabilities in the analysis of condition 5 under *jus ad bellum*, this section will focus on the actual actions, to which these capabilities were used.

According to the Yemen Data Project, the coalition has conducted around 20,000 air raids since the beginning of Operation Decisive Storm. This number has been compiled by cross-referencing a wide range of information such as local and international news agencies, reports from international and national NGOs and official records from local authorities (Yemen Data Project).

At first glance, the use of fighter jets and the number of air raids appear to be relatively extensive, but the key question is whether the use has been out of proportion.

It is my argument that the use of air raids by the coalition has been disproportional to what was required to right the wrong, which in this case, among others, was to protect the Yemeni people against the Houthis. I justify this with the findings of the UN panel, and the argument that the coalition did not undertake serious intelligence work, which must be expected and mandatory with such extensive use of air force.

It is also important to notice that the Houthis' combatants do not necessarily all wear the same uniforms or equipment and as such, they do not share characteristics with a conventional army. Arguably, this could mean that it is difficult to distinguish combatants from civilians when air strikes are being carried out. It is my argument, that this does not only fall under the principle of discrimination but arguably also under the principle of proportionality, because of the coalition's objective to protect the Yemeni people. The difficulties of distinguishing between legitimate targets and civilians make it important to assess the proportions of actions such as air strikes, which I in this case concludes have not been proportional to what is required to right the wrong.

Another aspect of the intervention, that I find important to shed light on, is the naval blockade on all territorial waters and ports around Yemen enforced by the coalition, in order to prevent Houthi militias from smuggling weapons and supplies, which was also mentioned in the historical context chapter (Saudi Ministry of Defense 2, 2015). According to the Human Rights Watch, the blockade in Yemen has worsened the country's humanitarian catastrophe, by restricting the flow of food, fuel, and medicine to civilians (Human Rights Watch, 2017).

In October 2016, OCHA estimated that 80 percent of Yemenis were in need of some form of humanitarian assistance and warned the UNSC that Yemen was one step away from famine (OCHA, 2016).

In 2017 the European Union condemned the naval blockade, arguing that it had resulted in dramatic effects on the civilian population. In a resolution that year, the European Union stated its concern in the following paragraph:

[...] also condemns the air strikes by the Saudi-led coalition and the naval blockade it has imposed on Yemen, which have led to thousands of deaths, have further destabilised Yemen, have created conditions more conducive to the expansion of terrorist and extremist organisations such as ISIS/Da'esh and AQAP, and have exacerbated an already critical humanitarian situation (EU, 2017, p. 95).

The UN did not condemn the naval blockade directly, but worded its concern with the following paragraph:

Gravely distressed by the continued deterioration of the devastating humanitarian situation in Yemen, expressing serious concern at all instances of hindrances to the effective delivery of humanitarian assistance, including limitations on the delivery of vital goods to the civilian population of Yemen (UN, 2019).

Again, it is important to keep in mind that one of the reasons the coalition was intervening in Yemen was to protect the Yemeni people. It is my argument, that even though a naval blockade to prevent weapon smuggling could be seen as a legitimate proportional action, the derived side effects affecting the Yemeni population were of such considerable proportions that the requirements of the principle of proportionality was not met.

9.2.3 Findings in the Analysis of Jus in Bello

This part of the analysis set out to analyze and assess to what extent the military actions employed in the intervention in Yemen can be justified according to the principles of the jus in bello in just war theory. I have based this analysis and assessment mainly on the UN-panel's findings (App. II), while including

official statements from the conflicting parties, reports from local and international NGOs and articles from news agencies.

The analysis showed that the coalition's actions in the intervention did not meet the *jus in bello* principles of discrimination and proportionality. The analysis of the UN-panel's findings showed that the coalition on multiple occasions had not been able to distinguish between combatants and non-combatants, which had resulted in severe civilian casualties. From a just war theory perspective, it was argued that soldiers of conventional armies carry a responsibility to undertake serious intelligence work to avoid civilian casualties. It was argued that this work was not undertaken properly by the coalition soldiers.

The analysis also revealed that the military actions of the coalition could not be considered to be proportional as outlined in the principle of proportionality in the *jus in bello*. This was based on the coalition's rather extensive use of air strikes throughout the intervention, combined with the insufficient ability to distinguish combatants and non-combatants, which according to the UN-panel and several NGOs had resulted in several attacks targeting civilians. Additionally, the derived side effects of the naval blockade imposed by the coalition to hinder weapon smuggling was assessed to be disproportionate to what was required to right the wrong, which supports the conclusion that the principle of proportionality was not met.

10 Discussion

In this discussion, I would like to reflect on some of the challenges and limitations of this study. This includes a critical review and discussion of the chosen methodology and theoretical framework as well as the findings in the analysis.

First of all, the analysis of this study had the task to analyze and assess whether the coalition's intervention in Yemen met the six conditions and the two principles as set out under the *jus ad bellum* and *jus in bello* in just war theory.

While some conditions and principles were relatively assessable, it became clear that others could only be fully assessed by examining empirical data and information, which to some extent was not accessible to others than those who made the initial decision to intervene.

Furthermore, it comes as no surprise that conflict related decisions are often based on intelligence reports, which can be challenging or to some extent impossible to validate. An example of this could be the repeated allegations of Iranian support to the Houthis. An aspect that is of great importance on the basis of the intervention and the findings of this study, but which is also difficult for a researcher to validate.

I was aware of some of these limitations from the beginning, while others became apparent during the

analysis. Arguably, other methodological frameworks could have provided different or better opportunities to conduct a more in-depth analysis of the intervention.

In the book, *Critical Issues in Peace and Conflict Studies*, Boudreau argues that conflicts are a complex and unique phenomenon, characterized by epistemic pluralism, which cannot be easily captured in a single theory or methodology. Rather he suggests a multiplex methodology:

[...] a multiplex methodology requires the researcher to reveal or disclose, if possible, the full range of contested truths concerning geography, ecology, history epistemology, needs, interests, and goals found in a violent human conflict. This process should be done in parallel for both or all groups involved in a deadly dispute by going to the participants themselves, rather than relying on "experts" or theory (Boudreau, 2011, p. 24).

The multiplex methodology would arguably address several of the challenges and limitations that I have encountered in this study. However, it would also entail a rather comprehensive field study, which I do not consider possible given the limited time and page-limit I have to adhere to in this thesis as well as the current security situation in Yemen. Furthermore, it is arguably still rather difficult to encompass all the important aspects of the conflict when using the multiplex methodology.

It is important to be aware of the challenges and limitations associated with the type of methodology I have undertaken in this study. Nevertheless, it is my hope, that despite these challenges, the findings in the analysis will still contribute to the existing literature, and hopefully also inspire and contribute to further reflection, research and debate into this important field.

Secondly, I decided to apply Just War Theory because it opted for an approach that would allow me to assess both the justification of the intervention as well as the coalition's actual execution of it. With this theory, I also wished to conduct a rather strict analysis, taking Walzer's conditions and principles and applying them to the chosen empirical data, because no-one had, as far as my research told me, done so before. The literature review showed that much of the literature on the topic, was focusing on certain aspects of the justification or the execution, but it was my wish to approach the intervention as a whole. An important aspect of Walzer's theory is his emphasis on a common sense morality. A concept that I have chosen not to elaborate on in this thesis, but rather considered it a precondition for the theory. However, it could be argued that it is important to address the significance that morality has had for both the development of the theory and how interventions are assessed and judged. For instance, in the analysis, it was highlighted that the Houthi's might not appear in the same way as a conventional army, which made it more difficult for the coalition to distinguish between combatants and non-combatants. In the analysis, the responsibility was primarily placed on the coalition, but it could be argued that the Houthi's have an equal responsibility to distance themselves from non-combatants to avoid civilian casualties. I consider this a discussion that is relevant to many contemporary conflicts, where asymmetric warfare causes the weaker party to use alternative methods, such as blending in with the

civilian population. It is important to address this issue, because it would probably generate a more nuanced assessment of the intervention, while also improving the comparability to other interventions, such as the US-led intervention in Afghanistan. Arguably, this aspect could have been included in my analysis. However, this was to some extent a decision I took to balance between an in-depth discussion of the theory itself and the scope of this thesis to focus on the intervention.

An aspect that was not included in the analysis is the questionable legitimacy of President Hadi. Although having international support, he had lost control of a large part of Yemen, thus his legitimacy to request the immediate support from the coalition could be questioned. As mentioned in the literature review Ruys & Ferro, argues that “[...] while Operation Decisive Storm was preceded by a request for military assistance from Yemeni’s beleaguered President, one cannot ignore that he had lost control over a considerable part of Yemeni territory” (Ruys & Ferro, 2016, p. 62). However, while it is certain that he had lost some legitimacy, it is in my opinion, difficult to assess to what degree and whether this meant that he did not have the legitimacy to request immediate support from the coalition. Nonetheless, it is an interesting aspect of the intervention that could have been elaborated further.

The analysis of the just cause condition under jus ad bellum highlighted that Walzer’s criterion for humanitarian intervention is rather strict, as he argues that: “*Humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts that shock the moral conscience of mankind*” (Walzer, 2015, p. 135).

Arguably, this means that humanitarian interventions are only permissible, according to just war theory, in cases of genocides as seen in the Second World War, Rwanda or the former Yugoslavia. However, it depends on how Walzer’s argument is interpreted, and what emphasis is laid on the fact that humanitarian interventions are only permissible as a response to acts that shock the moral conscience of mankind. It could be argued that the humanitarian situation in Yemen was so severe that a humanitarian intervention was necessary, in order to not aggravate the situation further. In the analysis, it was suggested that humanitarian intervention based on neutrality to all conflicting parties could have been an alternative to Operation Decisive Storm, but with the historical context in mind and Saudi Arabia’s connections to one party to the conflict, it is questionable whether this would actually be possible on the ground. Either way, as mentioned in the analysis, the concept of humanitarian intervention is the subject of many important discussions within the just war theory tradition as well as in the broader field of conflict studies, because of the obvious contradiction between military intervention and humanitarian assistance.

11 Conclusion

The aim of this study was to assess to what extent the Saudi-led intervention and its military action in Yemen can be justified, based on the conditions and principles of just war theory outlined by Michael Walzer.

In order to answer this question, I chose to commence with a literature review, in which it was established how analysts and studies have dealt with the conflict in Yemen. It was shown how the different approaches all contributed with important aspects, but also that there was a gap for a thesis attempting to analyze the conflict from a just war theoretical position.

In the theoretical framework chapter (see chapter 7), the details of just war theory was outlined and explained as well as the six conditions and two principles that must be met in order for an intervention to be considered just. The historical context chapter (see chapter 8) provided an overview of the historical context of the conflict in Yemen. It was established that Yemen's history since the First World War has been characterized by internal strife, political turmoil, conflicts and several attempts to establish republics as well as a unified Yemen. Furthermore, the chronological review of Yemen's history highlighted how foreign and internal actors on several occasions have attempted to influence the outcomes of conflicts in Yemen.

Thereafter the analysis could commence. I decided to divide the analysis into two sections, with the first section focusing on whether the *jus ad bellum* conditions were met, and the second section focusing on whether the *jus in bello* principles were met.

The analysis of the conditions under *jus ad bellum* showed, with some hesitations, that the coalition managed to meet several of the conditions.

The intervention was declared and waged by a coalition of legitimate authorities and thus fulfilling the first condition. It was also concluded that the intervention was a last resort, because the coalition and the UN had attempted non-violent alternatives beforehand. Furthermore, it was concluded that there was a reasonable prospect of success when the intervention in Yemen was initiated, due to the coalition's military capabilities. Additionally, the analysis of the condition of proportionality showed that the intervention, to some extent, could be considered proportionate according to just war theory. Lastly, it was concluded that the coalition's intentions did, only to some degree, fulfill the requirements of the right intention condition.

However, the analysis also showed that the condition that there must be a just cause for going to war, was not met by the coalition, as the arguments of humanitarian intervention and pre-emptive self-defense set forth in the official justification did not constitute a just cause according to just war theory.

The analysis of the UN-panel's findings showed that the coalition did not manage to fulfill the requirements set forth under the principle of discrimination of jus in bello, because of the repeated civilian casualties. This was also the case for the principle of proportionality, which the coalition also did not abide by, due to the disproportionate use of air strikes and naval blockade, causing severe side effects to the Yemeni population.

Based on the analysis, it can, therefore, be concluded that although the coalition did meet several of the conditions under the jus ad bellum, they did not meet the condition of just cause and the military actions employed in the intervention did not meet the principles of discrimination and proportionality. According to just war theory, all conditions and principles must be met in order for an intervention to be considered just.

Based on this, it can be concluded that the 2015 Saudi-led intervention and its military actions in Yemen cannot be considered just to any great extent.

12 Afterword

With this study, I have attempted to analyze and assess the official justification and execution of the intervention in Yemen. My starting point and motivation for conducting this study was based on my impression that the conflict and its consequences had not received proper attention from Western media, despite that it could be characterized as a humanitarian disaster. Therefore, I decided to devote my time and research to contribute to the literature and knowledge regarding the intervention in Yemen.

This study has shown that the context, in which the intervention unfolds, has historically been characterized by internal strife and political turmoil, and that the current conflict is just one of many conflicts that have taken place on the Yemeni territory.

In chapter 4, I claimed that there is a tendency in academia to be more focused on pointing out the flaws and shortcomings of military interventions, without answering the question of what the alternative could be. I suggested that the issue of military interventions is complex and that it requires a realistic and nuanced approach within the field of international relations. However, after having conducted this study in the field of conflict studies, I have gained a better and more solid understanding of the necessity to point out flaws and shortcomings of military interventions, because of the enormous impact these have on civilians. Furthermore, I have only to a limited extent been capable of suggesting alternatives to military interventions, which I consider to be an interesting point of departure for anyone willing to conduct further and in depth analysis into the field of military interventions.

Despite this and the challenges and limitations outlined in the discussion chapter, it is my hope that this study has generated an insight into the conflict and the major consequences it has on the population of Yemen.

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14 Appendices

14.1 Appendix I)

Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait

March 26 2014

In the name of God, the Merciful, the Compassionate

Praise be to God and peace upon the Messenger of God

Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait have followed with great pain and concern the dangerous developments in the Republic of Yemen. The security and stability of Yemen have been shaken by coup that the Houthi militias carried out against the legitimate authorities. These developments also constitute a major threat to the security and the stability of the region, and a threat to international peace and security. Our countries have acted quickly and made every effort to stand with the Yemeni people as its strives to restore security and stability by building on the political process launched by the Gulf Cooperation Council initiative and its implementing mechanism, and to safeguard the region from the repercussions of this coup.

In that connection, the States members of the Council responded to the request made on 7 March 2015 by President Abdrabuh Mansour Hadi Mansour calling for a conference to be convened in Riyadh under the aegis of the Council that would be attended by all Yemeni political parties that wish to preserve the security and stability of Yemen.

As preparations for the holding of conference were under way in earnest, we received the following letter from President Abdrabuh Mansour Hadi Mansour:

Dear brother the Custodian of the Two Holy Mosques, King Salman Bin Abdulaziz Al-Saud, King of Saudi Arabia;

Dear brother Sheikh Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates;

Dear brother King Hamad bin Issa Al Khalifa, King of Bahrain; Dear brother Sultan Qaboos Bin Said, Sultan of Oman;

Dear brother Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait;

Dear brother Sheikh Tamim bin Hamad Al-Thani, Amir of the State of Qatar;

Dear brothers, I write this letter to you with great sadness and sorrow in my heart owing to the serious and extremely dangerous decline in security in the Republic of Yemen, a decline caused by the ongoing acts of aggression and the incessant attacks against the country's sovereignty that are being committed by the Houthi coup orchestrators, with the aim of dismembering Yemen and undermining its security and stability.

We have made every effort possible to stop the heinous, criminal attacks being committed by the Houthis against our people, attacks that have left deep wounds in every Yemeni home. We have also strived with all our

power to arrive at a peaceful solution that will take the country out of the dark abyss into which the Houthi coup orchestrators have plunged it, protect our people from the fire of chaos and destruction, and prevent the country from being dragged into a war that will consume everything, a goal that the coup orchestrators are still seeking to achieve.

Yet all our peaceful and constant efforts have been categorically rejected by the Houthi coup orchestrators, who are continuing their campaign of aggression aimed at subjugating the rest of the country's regions, particularly the south. This has caused Yemen to go through the most difficult period in its history. Never before has the Yemeni people, which abides by the principles of our pure Islamic religion, faced such heinous aggression that is contrary to the principles of Islam and international norms and legal instruments as that of the Houthi militias. Those militias are supported by internal forces that have sold their souls and are concerned only with their own interests. They also being supported by regional Powers that are seeking to impose their control over the country and turn it into a tool by which they can extend their influence in the region. The threat is therefore not only to the security of Yemen, but also to that of the entire region and to international peace and security.

In the light of those momentous events, it is vital to preserve the security and stability of Yemen and the region, not to mention international peace and security. Our brave Yemeni people, which has paid such a heavy price for the Houthi coup, must be kept safe. My constitutional responsibilities require me to protect the people and safeguard the unity, independence and territorial integrity of the nation. The Houthi militias have committed several acts of aggression, most recently deploying military columns to attack and take control of Aden and the rest of the south. The criminal militias have announced that they intend to move against the south, and the most recent report of the Special Adviser of the Secretary-General to the Security Council confirms that intention. It states that the Houthis' so-called Revolutionary Committee has instructed the military units under its control in the north to mobilize in preparation for an attack on the south. The report also states that the Houthis have continued to occupy Government buildings and have expanded to new areas, despite the repeated appeals of the Security Council. It indicates that, in a serious and unprecedented escalation, Air Force aircraft seized by the Houthis have continued to circle and bombard Aden.

The report of the Special Adviser states that the Houthis have now begun to move south towards Lahij and Aden. It refers to growing fears that Al-Qaida could exploit the current instability to create further chaos, drawing the country into yet more violent conflict and fragmentation.

I therefore appeal to you, and to the allied States that you represent, to stand by the Yemeni people as you have always done and come to the country's aid. I urge you, in accordance with the right of self-defence set forth in Article 51 of the Charter of the United Nations, and with the Charter of the League of Arab States and the Treaty on Joint Defence, to provide immediate support in every form and take the necessary measures, including military

intervention, to protect Yemen and its people from the ongoing Houthi aggression, repel the attack that is expected at any moment on Aden and the other cities of the South, and help Yemen to confront Al-Qaida and Islamic State in Iraq and the Levant.

The Yemeni people will never forget how its allies stood by it at this tense and perilous time.

The Yemeni people will never let its trust in God Almighty be shaken. It will remain true to its national values, and will do everything in its power to safeguard the pride, dignity and sovereignty of the nation.

Abdrabuh Mansour Hadi, 24 March 2015

We are mindful of our responsibility towards the Yemeni people. We note the contents of President Hadi's letter, which asks for immediate support in every form and for the necessary action to be taken in order to protect Yemen and its people from the aggression of the Houthi militias. The latter are supported by regional forces, which are seeking to extend their hegemony over Yemen and use the country as a base from which to influence the region. The threat is therefore not only to the security, stability and sovereignty of Yemen, but also to the security of the region as a whole and to international peace and security. President Hadi has also appealed for help in confronting terrorist organizations.

Moreover, the acts of aggression have also affected Saudi Arabia, and the presence of heavy weapons and short and long-range missiles beyond the control of the legitimate authorities poses a grave and ongoing threat to our countries. The Houthi militias have failed to respond to repeated warnings from the States members of the Gulf Cooperation Council and the Security Council. They have continued to violate international law and norms, and to build up a military presence, including heavy weapons and missiles, on the border of Saudi Arabia. They recently carried out large-scale military exercises using medium and heavy weapons, with live ammunition, near the Saudi Arabian border. The Houthi militias have already carried out a bare-faced and unjustified attack on the territory of Saudi Arabia, in November 2009, and their current actions make it clear that they intend to do so again. Our countries have therefore decided to respond to President Hadi's appeal to protect Yemen and its great people from the aggression of the Houthi militias, which have always been a tool of outside forces that have constantly sought to undermine the safety and stability of Yemen.

We ask God to protect Yemen and its people and to preserve it from strife and foreign intervention, which has nothing to offer the Yemeni people or of our countries. We ask Him once again to bring safety and stability to the people of Yemen.

14.2 Appendix 2)

Final Report of the Panel of Experts on Yemen

January 27, 2017

Note: Excerpt from the report.

Full report can be retrieved at: <https://www.undocs.org/S/2018/193>

Introduction and background Mandate and appointment

1. By its resolution [2266 \(2016\)](#), the Security Council renewed the sanctions measures in relation to Yemen and extended the mandate of the Panel on Experts on Yemen until 27 March 2017.¹ The Panel has the following mandate:

(a) To assist the Security Council Committee established pursuant to resolution [2140 \(2014\)](#) in carrying out its mandate as specified in resolutions [2140 \(2014\)](#) and [2216 \(2015\)](#), including by providing it at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in acts that threaten the peace, security or stability of Yemen, as defined in paragraph 18 of resolution [2140 \(2014\)](#) and paragraph 19 of resolution [2216 \(2015\)](#);

(b) To gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the sanctions measures and targeted arms embargo, in particular incidents of undermining the political transition;

(c) To provide a midterm update to the Committee no later than 27 July 2016, and a final report no later than 27 January 2017 to the Security Council, after discussion with the Committee;

(d) To assist the Committee in refining and updating information on the list of individuals subject to sanctions measures, including through the provision of identifying information and additional information for the publicly available narrative summary of reasons for listing;

(e) To cooperate with other relevant expert groups established by the Security Council, in particular the Analytical Support and Sanctions Monitoring Team.

2. On 5 August, the Panel presented a midterm update to the Committee, in accordance with paragraph 6 of resolution [2266 \(2016\)](#). An additional update, containing a preliminary analysis of the attack against the Salah al-Kubra community hall in Sana'a on 8 October, was provided to the Committee on 17 October.

3. The present report covers 2016. The Panel has also continued to investigate outstanding issues covered in its previous final report ([S/2016/73](#)).

Acts that violate international humanitarian law and human rights law

70. In paragraph 9 of its resolution 2140 (2014), the Security Council called upon all parties to comply with their obligations under international law, including applicable international humanitarian law and human rights law. Paragraphs 17, 18 and 21 of resolution 2140 (2014), together with paragraph 19 of resolution 2216 (2015), further clarify the Panel's responsibilities with regard to investigations of violations of international humanitarian law and international human rights law and human rights abuses, and investigations into obstructions to the delivery of humanitarian assistance.

Incidents attributed to the coalition led by Saudi Arabia

71. The Panel investigated potential violations of international humanitarian law and international human rights law and other acts that may amount to threats to peace and security attributed to some States members of the coalition led by Saudi Arabia, both through air strikes and ground operations, details of which are provided below. The Panel has maintained the requisite high level of evidentiary standards in respect of each incident investigated and reported, even though it did not have physical access to Yemen.

Air strikes

120. The Panel investigated 10 air strikes that led to at least 292 civilian fatalities, including at least 100 women and children.¹³³ The strikes also destroyed three residential buildings, three civilian industrial factory complexes, a hospital and a marketplace (see table 7). Detailed case studies, which include assessments of compliance with international humanitarian law, are provided in appendices A to D to annex 49. Other case studies are with the Secretariat.

Table 7
Air strikes, 2016

	<i>Date</i>	<i>Location</i>	<i>Target</i>	<i>Type of explosive ordnance</i>	<i>Civilian casualties/ consequences^a</i>	<i>Appendix to annex 49</i>
1	15 March	Hajjah	Civilian market	Mk 83 Bomb/ Paveway	106 dead, 41 injured	A
2	25 March	Ta'izz	Civilian residence	Not confirmed	10 dead	
3	25 May	Lahij	Civilian residence	Mk 82 Bomb/ Paveway	6 dead, 3 injured	B
4	25 May	Lahij	Water bottling plant	Mk 82 Bomb/ Paveway	No fatalities	
5	9 August	Sana'a	Food production facility	High explosive aircraft bomb	Repeat strike; 10 dead, 13 injured	
6	15 August	Hajjah	Hospital	GBU-12 Paveway II	19 dead, 24 injured	C
7	13 September	Sana'a	Water pump factory	Mk 82 Bomb/ Paveway IV	No casualties	

8	22 September	Sana'a	Water pump factory	GBU-24/ Paveway IV	Repeat strike	
9	24 September	Ibb	Residential complex	Mk 82 Bomb/ Paveway	9 dead, more than 7 injured	
10	8 October	Sana'a	Civilian funeral hall	GBU-12 Paveway II	132 dead, 695 injured	D

^a All air strikes resulted in the complete or partial destruction of the objects.

Case summary: Sana'a community hall air strike¹³⁴

121. On 8 October, at around 3.20 p.m., two air-dropped bombs detonated on, or in, the Salah al-Kubra community hall in a residential area of south-western Sana'a, where more than 1,000 mourners were attending the funeral of the father of the Sana'a-based acting minister of the interior. A significant number of Houthi-Saleh- affiliated military and political leaders were expected to attend.

Figure VIII

Location of attack



Source: The sources for all imagery pertaining to the case study are given in annex 49, appendix D.

Technical analysis of physical evidence

122. The Panel obtained and analysed post-blast original imagery of the available physical evidence and found that fragments had the shape profile, and fell within the dimensional parameters, of a fragment of fins and wings from a GBU-12 Paveway II guidance unit fitted to a Mark 82 high explosive aircraft bomb (see figures IX and X).

Figure IX

GBU-12 Paveway II guidance unit fin fragment in situ



Figure X
GBU-12 Paveway II guidance unit wing fragment showing manufacturer's Commercial and Government Entity code 3FU05¹³⁵



123. The only party to the conflict known to have the capability to deliver a Mark 82 high-explosive aircraft bomb with a GBU-12 Paveway II guidance unit is the coalition led by Saudi Arabia.

124. The coalition did not respond to the Panel's request for information. The Joint Incident Assessment Team established by the coalition to "assess reported incidents of civilian casualties, investigation procedures and mechanisms of precision targeting" (see [S/2016/100](#)) attributed responsibility to the coalition.¹³⁶

125. The Panel, having carried out technical and international humanitarian law assessments, finds that:

(a) The coalition conducted the air strike on the community hall in Sana'a that resulted in at least 827 civilian fatalities and injuries. At least 24 of the injured were children. The strike also resulted in the total destruction of the hall;

(b) Given the nature of the event and those in attendance, the attack resulted in a very high number of civilian casualties, which should have been anticipated before the attack.¹³⁷ The Panel is unconvinced that the relevant international humanitarian law requirements relating to proportionality were met;¹³⁸

(c) The cumulative factors in (a) and (b) above also indicate that, if precautionary measures had been taken, they were largely inadequate and ineffective.¹³⁹ The Joint Incident Assessment Team also concluded that the relevant rules of engagement and procedures had not been followed and that those responsible in the coalition "did

not take in account the nature of the targeted area”;¹⁴⁰

The second air strike, which occurred three to eight minutes after the first, resulted in more casualties to the already-wounded civilians and to the first responders. The coalition violated its obligations in respect of persons hors de combat and the wounded,¹⁴¹ in what was effectively a “double-tap” attack probably caused by the tactics adopted by the pilots to guarantee the destruction of the target;¹⁴²

(d) Even if an individual officer within the coalition acted negligently in carrying out the strike, coalition forces are still responsible for international humanitarian law violations.¹⁴³ An official acting against instructions may not be an adequate justification under broader international law for the relevant States members of the coalition to evade State responsibility for those wrongful acts;¹⁴⁴

(e) Those government officers who reportedly passed the information,¹⁴⁵ or were otherwise involved in the intelligence-gathering and targeting processes in relation to this incident, may also be responsible for any international humanitarian law violations to the extent of their contribution.

Panel assessment relating to air strikes

126. None of the member States comprising the coalition that operated air assets provided the Panel with access to information on the events listed in table 7, its requests notwithstanding.¹⁴⁶ This is in non-compliance with paragraph 8 of resolution [2266 \(2016\)](#).

127. In 8 of the 10 investigations, the Panel found no evidence that the air strikes had targeted legitimate military objectives.¹⁴⁷ For all 10 investigations, the Panel considers it almost certain that the coalition did not meet international humanitarian law requirements of proportionality and precautions in attack. The Panel considers that some of the attacks may amount to war crimes.¹⁴⁸

128. In the investigation relating to Abs hospital (table 7, air strike No. 6) the Panel finds that the coalition violated principles relating to the protection of and respect for hospitals and medical personnel;¹⁴⁹ the protection of the wounded and sick;¹⁵⁰ and the protection of persons hors de combat¹⁵¹ in its strike on the hospital.