

WAR IN YEMEN: COSTS AND BENEFITS TO THE UNITED STATES

by

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TABLE OF CONTENTS

	Page
ABSTRACT	3
INTRODUCTION	4
I. EXPOSITION	6
II. THE U.S. INVOLVEMENT IN YEMEN	14
III. COSTS AND BENEFITS FOR U.S. INVOLVMENT IN YEMEN	20
CONCLUSION	30
CHRONOLOGICAL TABLE FOR THE YEMEN CIVIL WAR	32
BIBLIOGRAPHY	33

Abstract

Purpose. The purpose of this thesis is to examine the Yemen conflict to understand the interests and involvement of foreign actors such as the United States. *Method.* The analysis relies mostly on secondary sources. This includes scholarly and academic journals. Government and legal documents are also used in this research. *Results.* Research highlights both the costs and benefits of American involvement in Yemen. The United States is actively benefiting from this conflict by making money through its billion-dollar arms sales to Saudi Arabia, one of the key regional players in this conflict. However, these actions taken by the American government could subject her to violations of international law under Article 16 of the *Responsibility of States for Internationally Wrongful Acts* articles. *Conclusion.* Foreign involvement in the Yemen conflict stems from regional rivalries and issues of national security, particularly for the United States, who view the war in Yemen as a proxy for growing Iranian influence in the Middle East.

INTRODUCTION

In 2011, the Arab world was engulfed in a series of uprisings demanding sociopolitical changes across various settings. What became known as the Arab Spring led to tremendous changes and transformation in how the region functioned, dramatically affecting people's lives. People took to the streets demanding economic and political change and the removal of corrupt authoritarian rules. There was a high demand for employment, particularly from the youth, and for an accountable, responsive, and responsible government. These demands caused the fall of many oppressive governments with various degrees of success. In some states, the uprising collapsed. In others, it reformed the political sphere. In a few exceptions, it only hardened the brutal authoritarian and oppressive system already in place.¹ Yemen was one of many Arab countries that saw peaceful protests for a more modern, egalitarian society. The protests quickly descended into a civil war that spilled into a regional proxy war. Since 2015, Yemen has quickly become a wasteland. As of 2018, more than 10,000 civilians have been killed. The United Nations has also characterized the situation on the ground as one of the worst humanitarian crises in modern history, with around 14 million people facing starvation and a rampant cholera outbreak.²

The international involvement of nations in the Yemen civil war has raised questions about the motive and agenda of countries active in the conflict. The participation of major global powers such as the United States, Saudi Arabia, and most recently, Iran, presents a

¹ William I. Zartman. "Negotiations in Transitions: A Conceptual Framework." In *Arab Spring: Negotiating in the Shadow of the Intifadat*, edited by Zartman I. William, 1-49. University of Georgia Press, 2015. Accessed May 2, 2020. www.jstor.org/stable/j.ctt183q3xc.5.

² Robert F. Worth, and Lynsey Addario. "How the War in Yemen Became a Bloody Stalemate - and the Worst Humanitarian Crisis in the World." *The New York Times* (The New York Times, October 31, 2018). <https://www.nytimes.com/interactive/2018/10/31/magazine/yemen-war-saudi-arabia.html>).

series of dilemmas when it comes to national security and understanding broad regional interests from Western powers such as the United States. Therefore, the question of American involvement in Yemen becomes, *what are the costs and benefits to the United States of aiding Saudi Arabia and indirectly participating in the conflict?*

Heavy American presence can be traced back to the early 21st century, following the start of former President Bush's campaign for War on Terror. The large presence of Al Qaeda on the Arabian Peninsula members in Yemen sparked U.S. interest in the area, leading to close monitoring of the domestic politics and close relationships with the head of state, former President Saleh. The United States' relationship with Saudi Arabia has also shaped the foreign policy and agenda of the U.S. in the Middle East. As its largest military ally in the region and its biggest arms client, Saudi Arabia's stance on regional issues plays an important decisive role. The added presence of Iranian military supply to the Houthis in the conflict has added national security concerns to both the U.S. and Saudi Arabia, the latter of the two fighting Iran for regional hegemony in the Middle East. Understanding the relationship between the United States, Saudi Arabia, and Iran will put into perspective American goals in Yemen and the implications of such involvement on the international stage.

These next pages will review the history of the conflict, the relationship of the United States, Saudi Arabia, and Iran with Yemen and amongst each other. It will also look into the current policies the United States has with Saudi Arabia while involved in Yemen and how it economically benefits the United States. Finally, the paper will look at international law in the context of U.S. involvement and its implications.

I. EXPOSITION

The Republic of Yemen became a unified state under President Ali Abdullah Saleh, bringing together Northern Shia and Southern Sunni Yemen in 1990 but has been plagued by a series of civil wars since 2004. Southern Yemen, previously known as the People's Democratic Republic of Yemen, lasted from 1967 to 1990 and historically presented itself as less centrally controlled and divided into smaller political entities and tribal territories. Southern Yemen turned to the North after the collapse of the Soviet Union, their biggest foreign sponsor; however, Southern Yemenis are seen as second-class citizens and have been systematically disaffected. A secession attempt occurred in 1994 and civil unrest in southern governorates reemerged in 2007.³ Those internal challenges and the civil instability eventually blew up, leading the country to take a stance during its Arab Spring.

Yemen's current GDP as of 2018 is 27 billion dollars, with a GDP per capita of 944 dollars, according to the World Bank.⁴ It also ranks 168th out of 177 countries on the United Nations' human development index (HDI), which measures life expectancy, education, and standard of living. This makes Yemen the poorest country in the Middle East and among the poorest in the world. The Arab Spring in Yemen stemmed from and caused many challenges that the population still faces today. With an exploding population of 28 million as of 2017, very few oil reserves and a water crisis, President Saleh's hold on power quickly weakened following the outbreak of the Arab Spring.

³ Jeremy M. Sharp. "Yemen: Civil War and Regional Intervention" (report, Congressional Research Service, September 17, 2019). <https://crsreports.congress.gov/product/pdf/R/R43960>.

⁴ The World Bank. "GDP per Capita, Yemen" The World Bank (The World Bank Group, 2018). <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=YE>.

Inspired by the demonstrators in Tunisia, Yemenis called for Saleh's resignation in January of 2011. The government responded to the peaceful demands with brutal force and Saleh put the country in a state of emergency. As the government became more repressive, the military began to defect and join the protesters until demonstrations grew untenable. In March 2011, pro-regime gunmen fired on unarmed protesters in the capital of Sanaa, killing more than 50 demonstrators.⁵ The gradual decline in the legitimacy and competence of the central government in Sanaa forced the Houthis to march alongside the youth, hoping to have President Saleh resign.

The Houthi movement, also known as Ansar Allah meaning "Partisans of God", is a Zaydi Shiite revivalist political and insurgent movement based in the northern Yemeni governorate of Sa'dah under the leadership of the Houthi family. The founder, a Zaydi religious leader and former member of the Yemeni Parliament named Hussein Badr Eddin al-Houthi, was killed by the Yemeni government in 2004. This led to several conflicts between the government and the Houthis, as recently as 2010.⁶

In the spring of 2011, Saleh began talks with the Joint Meeting Parties, the main opposition to Saleh's rule founded in 2002. However, Saleh pulled out of negotiations soon after. In June of 2011, a rocket attack on a presidential building severely injured Saleh, forcing him to seek medical treatment in Saudi Arabia. When he returned in September 2011, the situation worsened. In the months following the outbreak of protests, external entities such as the Gulf Cooperation Council (GCC), began intervening to help broker a peaceful transition of power, known as The Gulf Initiative. On

⁵ April L. Alley "Assessing (In)Security after the Arab Spring: The Case of Yemen" *PS: Political Science & Politics* 46, no. 4 (October 2013): 721–26.

⁶ "Houthis in Yemen: Who Are They and Why Is Everybody out to Get Them?" PRI's The World, n.d.

November 23, 2011, Saleh signed the GCC deal and resigned as president of Yemen in exchange for immunity. Saleh was succeeded by his vice-president Hadi, who was “elected” to a two-year transitional government in February of 2012.⁷ This transitional government, composed of Hadi and his coalition government - an equal number of former ruling party members and members of the opposition bloc - had two years to restructure the country’s military, address unresolved transitional justice issues and complete a national dialogue process to create a new constitution.⁸

Saleh’s eventual replacement by his vice-president Hadi marked the start of a transitional period towards peace; however, this era was short-lived. In 2013, the government and opposition groups began drafting a new constitution to divide Yemen into six provinces with a set deadline of February 2014. However, the Houthis rejected the deal, claiming it would further weaken the northern tribes.

By 2014, after continued heavy anti-government protests, the Houthi forces captured Sanaa and in 2015, captured the presidential palace where they dissolved the parliament and installed a revolutionary committee. They also held Hadi captive until he agreed to resign; Hadi escaped and fled to Saudi Arabia, calling on its neighbor for help.⁹

The domestic situation in Yemen caused concern for neighboring Arab countries, particularly Saudi Arabia, that always had security concerns at its southern border with Yemen. Saudi Arabia officially entered the Yemen conflict in March of 2015 at the

⁷ Paul McCaffrey, “A Country Divided: Yemen’s Plight” in *The Arab Spring* (Ipswich, Mass: H. W. Wilson, 2012), 149-152.

⁸ April L. Alley “Assessing (In)Security after the Arab Spring: The Case of Yemen” *PS: Political Science & Politics* 46, no. 4 (October 2013): 721–26.

⁹ “Houthis in Yemen: Who Are They and Why Is Everybody out to Get Them?” PRI's The World, n.d.

request of former Yemeni President Hadi, putting together a coalition of Arab nations on the premise that the Houthis are an Iranian proxy.¹⁰ The coalition's interference campaign into the domestic conflict is known as Operation Decisive Storm.

The current Saudi-led coalition is comprised of Saudi Arabia, Egypt, Morocco, Jordan, Sudan, Kuwait, Qatar, Bahrain, and the United Arab Emirates. One of the biggest issues regarding the tactics used by the Saudi-led coalition is its intentional targeting of Yemeni civilian infrastructure, economic infrastructure, medical facilities, and cultural heritage. The coalition's action in the country has also caused a lack of access to clean water, food, fuel, and health services as a result of the ongoing air and naval blockade.¹¹

Saudi involvement in Yemen goes back to the earlier part of the 20th century. After the unification of the Hijaz and Najid regions into the modern Kingdom of Saudi Arabia, King Abdul Aziz tried to expand southward but failed to conquer Yemen. The Treaty of Taif, signed in 1934, reshuffled borders into what is currently in place and allowed Saudi Arabia to annex three Yemeni provinces as part of the treaty. This border area held little interest to the Kingdom of Saudi Arabia who managed little oversight over cross-border movements, until the turn of the 21st century. Transnational actors such as terrorists, illegal migrants, and illicit items smugglers began to make their way into Saudi Arabia from Yemen. This caused Saudi Arabia to become increasingly concerned for its

¹⁰ Asher Orkaby. "Yemen's Humanitarian Nightmare." *Foreign Affairs* 96 vi (January 1, 2017): 93–101. <http://libproxy.txstate.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=ich&AN=CHA1018163&site=eds-live&scope=site>.

¹¹ Jeffrey S. Bachman. "A 'synchronized attack' on life: the Saudi-led coalition's 'hidden and holistic' genocide in Yemen and the shared responsibility of the US and UK" *Third World Quarterly*, 40:2, 298-316, (2019) DOI: [10.1080/01436597.2018.1539910](https://doi.org/10.1080/01436597.2018.1539910)

national security and felt threatened by its southern border neighbor.¹² Saudi Arabia's approach to its border security with Yemen quickly became unilateral and interventionist. In 1962, after the new Yemen Arab Republic was established, the 1934 Taif Treaty, which has brought three decades of tranquility between the two countries, was proclaimed invalid by the leaders of the new republic. These leaders claimed they would take back the three provinces given to Saudi Arabia by the Taif agreement, by force if necessary. Boundary negotiations began once more following the reunification of Yemen in 1990. Those talks quickly ended once the Second Iraq War started and President Saleh failed to condemn Saddam Hussein's action at the U.N Security Council. As a result, Saudi Arabia broke off discussions and expelled hundreds of thousands of Yemenis from its borders. This took an immense toll on the Yemeni economy.¹³ Border talks started up again after the eviction of Iraq from Kuwait, with occasional interruptions caused by military skirmishes. That border region remains contested between both nations, with sporadic clashes. In 2009-2010, war in Yemen between Saleh and the Houthis also spilled into Saudi territory. At that time, the Saudis accused the Houthis of having invaded their territory, causing more national security concerns for the kingdom regarding the Houthis and Yemen overall.

Another issue that brings concern to Saudi Arabia and its shared border with Yemen is the transnational threat of migrants and refugees illegally crossing over into the kingdom. Yemen is the only country on the Arabian Peninsula to have signed the 1951

¹² Ash Rossiter. "The Yemeni–Saudi Border: From Boundary to Frontline" in *Yemen and the Gulf States: The Making of a Crisis*, edited by Lackner Helen and Varisco Daniel Martin, 29-44. Berlin, Germany: Gerlach Press, 2018. Accessed May 2, 2020. www.jstor.org/stable/j.ctt1wrpww6.5.

¹³ Ibid.

U.N. Convention on Refugees. Since, it has become a popular spot for Eritreans and Somalis escaping conflict; however, Yemen has also been used as a point of entry to reach states like Saudi Arabia. The expulsion of Yemenis from Saudi Arabia in 1990 led to the eventual collapse of the Yemeni economic infrastructure and eventually, many Yemenis turned to smuggling and illicit border crossing in search of a better life. This cycle of criminal and illegal movement has caused Saudi Arabia to become increasingly concerned for its national security at its southern border.¹⁴

Over the years, Saudi Arabia has continuously interfered in Yemen's domestic affairs under the pretext of protecting its southern border. On August 11, 2009, the Yemeni government launched an offensive against the Houthis, which quickly expanded into a full ground operation. On November 4, 2009, Saudi Arabia entered the conflict following an attack by Houthi rebels on a Saudi border patrol. Its intervention soon involved airstrikes on Houthi positions and mobilized army units on the Saudi-Yemeni border. When the 2011 Arab Spring began to take shape in Yemen, Saudi Arabia revived earlier talks about building a wall along the common border to protect vulnerable sections of the border. Once the Houthis started to take control of Sana'a and moving south towards the port of Aden, Saudi Arabia decided to intervene with the creation of a military coalition. The coalition declared it is aiming to restore to power the legitimate government of President Hadi as well as protecting Saudi Arabia's borders. Saudi Arabia was able to justify its actions and gain American support for the campaign by describing

¹⁴ Ash Rossiter. "The Yemeni–Saudi Border: From Boundary to Frontline." In *Yemen and the Gulf States: The Making of a Crisis*, edited by Lackner Helen and Varisco Daniel Martin, 29-44. Berlin, Germany: Gerlach Press, 2018. Accessed May 2, 2020. www.jstor.org/stable/j.ctt1wrpww6.5.

the situation in Yemen as under the control of a militia influenced by Iran. Soon the Saudi-Yemeni border became a frontline.¹⁵

Another major regional player in this conflict is Iran. One of Saudi Arabia's longest adversaries, Iran has been portrayed as the force behind the Houthi rebels by Saudi Arabia to its allies as one reason to intervene in Yemen. This accusation has turned the conflict into a proxy war and is now defined by the Saudi-led coalition as an attempt at curbing back Iranian influence in the region. Iran is known for capitalizing on national instability and dissatisfied actors to promote its Shi'ite Islam agenda. However, at its core, the Yemen civil war is driven primarily by tribal and political factors rather than sectarian issues.

There are many reasons why Iran has not initially directly supported the Houthi rebels in this conflict. First, Yemen has never been highly ranked on Iran's foreign policy priority list. Second, Iran knows that direct involvement in the conflict, which has become a major concern for Saudi Arabia, may lead to confrontation between the two regional superpowers – something Iran wants to avoid at all costs, especially when it involves states who possess the United States as allies. Although the historical connection between Yemen and Iran has long been minimal and tense, there has been a slight increase in Iranian contact with the Houthis, providing the rebels with limited amounts of military, financial, and political support until 2011. Once the civil war blew up and Saudi Arabia became involved, Iranian support for the Houthis increased. Several Iranian ships were found carrying weapons, tanks, and rockets to Yemen. In 2015, Iran finally began to

¹⁵ Ash Rossiter. "The Yemeni–Saudi Border: From Boundary to Frontline." In *Yemen and the Gulf States: The Making of a Crisis*, edited by Lackner Helen and Varisco Daniel Martin, 29-44. Berlin, Germany: Gerlach Press, 2018. Accessed May 2, 2020. www.jstor.org/stable/j.ctt1wrpww6.5.

acknowledge its involvement in Yemen, applauding Houthi victories in taking back territory and pledging more political, economic, and even military support to the rebels.¹⁶ The mobilization of Saleh's former military units and his alliance with the Houthis as a legitimate challenge to President Hadi's government allowed Iran to finally focus its resources on shaping the political changes in Yemen while reinforcing overall relevance in the region. Since the 1979 Islamic Revolution, Iran has been working to export its revolution and, in turn, its ideology, to Arab countries with angered Shi'a minorities. Yemen's weak central government made it easy for Iran to eventually interfere with the domestic affairs of the country, although with little success.¹⁷

Yemeni-Iranian relations have suffered ups and downs during the 21st century. In 2006, former President Saleh conveyed his support for Iran's right to a nuclear program for peaceful purposes. This support was restated in 2008. However, simultaneously, Saleh accused Iran of supporting the Houthis against his government. While the Iranian military assistance to the Houthis has yet to be completely proven, the assumption that the Houthis are supported by Saudi's main regional rival has led this domestic conflict to drag in influential regional states. The stability of Yemen has now become a token in the greater problems of regional stability for the Gulf states and the Saudi-Iranian rivalry for influence and power in the Middle East.¹⁸

¹⁶ Thomas Juneau. "Iran's Policy towards the Houthis in Yemen: A Limited Return on a Modest Investment." *International Affairs* 92, no. 3 (May 2016): 647–63. doi:10.1111/1468-2346.12599.

¹⁷ Mahjoob Zweiri. "Yemen in the Context of Iran-Gulf Relations." In *Yemen and the Gulf States: The Making of a Crisis*, edited by Lackner Helen and Varisco Daniel Martin, 83-100. Berlin, Germany: Gerlach Press, 2018. Accessed May 2, 2020. www.jstor.org/stable/j.ctt1wrpww6.8.

¹⁸ Ibid.

II. THE UNITED STATES' INVOLVEMENT IN YEMEN

One of the deciding factors in moving forward with the Saudi-led coalition was the U.S. support behind the military alliance, approved by the Obama administration. Saudi Arabia has long been a key ally to the United States in fighting the spread of Iran's Islamic Revolution ideologies. The United States was mostly convinced in supporting the Saudi efforts in Yemen due to the rumors of Iran backing up the Houthi rebels. However, American involvement in Yemen goes further back than just fighting an Iranian proxy – one must look at the U.S. national interests and how siding with the Saudi-led coalition is in line with each administration's goals in the region.

For long, one of the declared American policy has been to promote democracy abroad, either by supporting pro-democracy entities abroad or by helping to overthrow autocratic regimes that may threaten key allies in different regions of the world. Since the end of the Cold War, particularly post 9/11, the United States has aggressively worked to promote democracy in Latin America, Asia, and the Middle East. Following the attack on the World Trade Center, the U.S. gained unprecedented foreign policy power and targeted any regime or establishment that would be a direct threat to the country or Western values. Take the second Iraq War as an example. Former President Bush convinced American citizens an invasion was necessary to defeat the evil threat posed to the U.S. and the entire world. It was later acknowledged that Iraq never possessed nuclear, biological or chemical weapons as emphasized by Bush at the time. The narrative was changed to meet the motives of the administration. In comparison, Israel is known to possess nuclear, biological, and chemical weapons and it can be argued that the

current regime in place is not the most democratic. However, the U.S. has refrained from taking action there because it would have harmed U.S. interests.¹⁹

In 2009, the U.S. reviewed its policy towards Yemen, drafting a Yemen Strategic Plan. The main focus of the plan was short-term security goals such as fighting Al Qaeda in the Arabian Peninsula (AQAP), increasing assistance to development projects, and working with international donors to achieve a multiplier effect. Furthermore, the Obama administration was a strong supporter of the GCC's transitional plan for Yemen since it was first introduced in 2011. The United States offered both political and financial support to the process - \$10 million for the process and a commitment to post-dialogue funding to train and build institutions afterward. Again, the United States sent a \$356,000 package to assist Yemen in projects towards good governance, participation as well as women and youth issues. All of this supports from the U.S. early in the war and prior to the outbreak of the conflict, were in line with President Obama's vision of long-term stability in the region. The Obama Administration believed that unity and democratic development would help in securing and guarding countries against the spread of terrorist ideologies and organizations such as AQAP.²⁰

In a September 8, 2010 remark by Daniel Benjamin, Coordinator for the Office of the Coordinator for Counterterrorism, Benjamin stated that terrorism from Yemen is a major

¹⁹ Ruairidh Wood. "Promoting Democracy or Pursuing Hegemony? An Analysis of U.S. Involvement in the Middle East." *Journal of Global Faultlines* 6, no. 2 (December 2019): 166.
<http://libproxy.txstate.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=edb&AN=142615984&site=eds-live&scope=site>

²⁰ Nabeel A Khoury. "Yemen: In Search of a Coherent U.S. Policy." *Middle East Policy*, 21 (2014): 100-110. doi:[10.1111/mepo.12074](https://doi.org/10.1111/mepo.12074)

security concern for the United States.²¹ The threat of AQAP not only to the United States but also to Saudi Arabia forced the U.S. to rethink its foreign strategy in Yemen years before the outbreak of the civil war.

“Yemen’s future is tied to its neighbors and others in the global community. I already mentioned AQAP’s ambition to strike the United States. Within the Gulf, AQAP has already shown itself to be a formidable threat to Yemen itself, with many recent attacks on the Yemeni security services throughout the country, and it continues to target Saudi Arabia,” including an attempted assassination of Crown Saudi Prince Muhammad bin Nayif. Benjamin continues by saying that *“[...] what is critical today is that the government of Yemen is fully aware of the threat emanating from AQAP and has conducted multiple operations designed to disrupt AQAP’s operational planning and deprive its leadership of safe haven within Yemeni territory. These security operations may over time weaken the enemy’s leadership and deny it the time and space it needs to organize, plan, and train for operations. At the same time, countering violent extremism in Yemen over the long term must involve the development of credible institutions that can deliver real economic and social progress.”*²²

The Yemen Strategic Plan and its subsequent Friends of Yemen forum further highlight the committed interest the United States has in the domestic stability of Yemen. Benjamin shares goals the U.S. is invested in applying in Yemen with international support including (1) supporting political national dialogue and parliamentary elections in

²¹ Daniel Benjamin. “U.S. Counterterrorism Strategy in Yemen” (remarks, Office of the Coordinator for Counterterrorism, U.S. Institute of Peace, Washington D.C., Sept. 8, 2010). <https://2009-2017.state.gov/j/ct/rls/rm/2010/147296.htm>.

²² Ibid.

2011; (2) planning for new courts and an increase in police and judicial process in remote areas; (3) renewing a push for coordination and improvements in border security.²³

Before the 2011 GCC proposed transition plan, which the United States supported both politically and financially, the U.S. government was already providing support to the Yemeni government, headed by Saleh. U.S. assistance to Yemen increased from \$17.2 million in FY 2008 to \$40.3 million in 2009 to \$675 million in 2010.²⁴

Over the years, the U.S. policy in the region has closely become more tied to Saudi interests and views, a key American ally in the region. Since 1990, when Saudi Arabia and the United States both cut off aid to Yemen after then-President Saleh sided with Saddam Hussein during the first Persian Gulf War, the United States and Saudi Arabia have been collaborating on counterterrorism projects in the region, especially when it comes to AQAP. Between FY 2009 and FY 2017, the United States and Saudi Arabia have agreed to arms sales totaling over \$76 billion.²⁵ According to the U.S. Department of State, Saudi Arabia shares “a common interest in preserving the stability, security, and prosperity of the Gulf region and consults closely (with the U.S.) on a wide range of regional and global issues.”²⁶ This relationship will further be analyzed in Part III.

Following the election of President Donald Trump in 2016, the U.S.- Saudi relationship grew even stronger. One of President Donald Trump’s main foreign policy

²³ Daniel Benjamin. “U.S. Counterterrorism Strategy in Yemen” (remarks, Office of the Coordinator for Counterterrorism, U.S. Institute of Peace, Washington D.C., Sept. 8, 2010). <https://2009-2017.state.gov/j/ct/rls/rm/2010/147296.htm>.

²⁴ Ibid.

²⁵ Christopher M. Blanchard. “Saudi Arabia: Background and U.S. Relations” (report, Congressional Research Service, February 18, 2020). <https://crsreports.congress.gov/product/pdf/R/RL33533>.

²⁶ “U.S. Relations with Saudi Arabia - United States Department of State.” U.S. Department of State. U.S. Department of State, November 26, 2019. <https://www.state.gov/u-s-relations-with-saudi-arabia/>.

goals is to curb Iranian influence in the Middle East, something Saudi Arabia has been working to achieve since the Islamic Revolution in 1979. Trump views Iran at the center of all problems within the Arabic region. This obsession with retaliation against the Iranian regime has led the current administration to seek out alliances and deals that seem to push forth America's goal in the region but blinds President Trump to the long-term consequences of such involvement. This is obvious from the administration's pulling out of the Joint Comprehensive Plan of Action and placing heavier sanctions on Iran, despite Iran's compliance with the premises of the deal itself.

As a businessman, President Trump has made international trade a major key component of his administration. Global trade in major conventional weapons systems reaches new levels not seen since the end of the Cold War, the United States remains the largest arms exporter in the world, according to a 2020 report from the Stockholm International Peace Research Institute. The United States remains the top arms exporter, selling 36% of all arms internationally between 2015 and 2019 – a 23% increase from 2010-2014. Of course, the United States' main client is Saudi Arabia, which between 2015 and 2019, bought 25% of all U.S. arms exports.²⁷ In March of 2018, the Trump administration signed a \$110 billion deal with Saudi Arabia that includes anti-tank missiles, armored vehicles, and helicopters despite objections from the U.S. Senate. As of 2019, Saudi Arabian purchases amount to more than \$100 billion in active foreign military sales cases.²⁸ President Trump's approach to arms sales relies more heavily on

²⁷ Pieter D. Wezeman, Aude Fleurant, Alexandra Kuimova, Diego Lopes da Silva, Nan Tian, and Siemon T Wezeman. "Trends in International Arms Transfers, 2019." Stockholm International Peace and Research Institute, 2019. <https://www.sipri.org/publications/2020/sipri-fact-sheets/trends-international-arms-transfers-2019>.

²⁸ "U.S. Relations with Saudi Arabia - United States Department of State." U.S. Department of State (U.S. Department of State, November 26, 2019. <https://www.state.gov/u-s-relations-with-saudi-arabia/>).

economic outcomes and benefits rather than humanitarian grounds. During his meeting with Saudi Arabian Prince Mohammed Bin Salman, President Trump claimed that the sales would bring about 40,000 new jobs into the United States.²⁹

Unfortunately, those weapons sold to Saudi Arabia are the same weapons used in the Saudi-led coalition campaign against the Houthis. Those targeted airstrikes have hit several civilian infrastructures, including hospitals, schools, and weddings.

²⁹ Jeff Abramson. "Trump Touts Saudi Arms Sales." *Arms Control Today* 48, no. 3 (2018): 34. Accessed May 2, 2020. doi:10.2307/90020156.

III. COST AND BENEFITS FOR U.S. INVOLVEMENT IN YEMEN

The sale of American weapons to Saudi Arabia and other Arab allies is nothing new. However, as military support for the Saudi-led coalition increases, so does benefits and costs for the United States, especially as the end of the Yemeni conflict remains unforeseen. The United States has continued to increase its military earnings from billion dollars deals with Saudi Arabia while ensuring stability in a strategic region of the world. However, the interactions between the United States and its Arab allies when it comes to Yemen could bring up future violations of international laws, questioning the U.S.'s role as a world leader.

As previously mentioned, the main benefit of continued U.S. involvement in Yemen is an economic one. As Saudi Arabia continues to lead the coalition in Yemen, it will remain the main buyer of American arms. In 2018 alone, Saudi Arabia's military spending neared \$67.6 billion globally, making it the third-largest military spender in the world.³⁰ With deals and contracts totaling in the billions each time, it is very unlikely that the United States will end arms transfers to Saudi Arabia. According to data from the Pentagon, in the fiscal year 2010, foreign military sales agreements to Saudi Arabia rounded up to around \$2 billion. In 2015, the year of the outbreak of the Yemen civil war, Saudi Arabian sales increased to \$12 billion. In 2017, sales neared \$13 billion.³¹ The economic benefit and earning of arms sales between Saudi Arabia and the United States

³⁰ Pieter D. Wezeman, and Alexandra Kuimova. "Military Spending and Arms Imports by Iran, Saudi Arabia, Qatar and the U.A.E." (Stockholm International Peace and Research Institute, May 2019). <https://www.sipri.org/publications/2019/sipri-fact-sheets/military-spending-and-arms-imports-iran-saudi-arabia-qatar-and-uae>.

³¹ Financial Policy and Analysis Business Operations, DSCA, *Historical Facts Book: Foreign Military Sales, Foreign Military Construction Sales and Other Security Cooperation Historical Facts* (Online: The Pentagon, 2017, https://dscamilitary.com/sites/default/files/historical_facts_book_-_30_september_2017.pdf).

is too grand to be dismissed, even if the arms are used against civilians and have raised bipartisan action to stop sales to Saudi Arabia. In the summer of 2019, U.S Congress attempted to block the sale of arms to Saudi Arabia following the murder of Saudi journalist Jamal Khashoggi. Citing a growing threat of Iranian influence, Trump vetoed the legislation.³² The continued involvement of Saudi Arabia in this conflict brings business and money to the United States, therefore benefiting from a renewed engagement by the Saudi in fighting against the Houthi rebels.

While the economic impact is incredibly beneficial to the United States, continued support of the Saudi-led coalition in Yemen serves American national security interests as well. As briefly mentioned in part I, the major national security threat for the United States and many of its allies in the Middle East is Iran. The Kingdom of Saudi Arabia is the U.S.' biggest ally when it comes to curbing Iranian influence in the region. As Saudi Arabia and Iran rival to become a powerhouse in the region, siding with Saudi rather than Iran benefits the United States overall. American involvement in the Yemen conflict began in 2011, when the United States worked with GCC countries, including Saudi Arabia, to broker a peaceful transition to the Yemeni Arab Spring. Operation Decisive Storm, the Saudi-led coalition fighting the Houthi rebels on behalf of former President Hadi, received a green light from the United States on the basis that those rebels were Iranian proxies, therefore a threat to the stability of the region as Iran worked to spread its influence in the Middle East. Pulling back from the conflict at this point could have

³² William Roberts. "Defying Trump, US House Votes to Block Saudi Arms Sales." Al Jazeera (Al Jazeera, July 17, 2019. <https://www.aljazeera.com/news/2019/07/house-vote-measures-blocking-trump-saudi-arms-sale-190708151548162.html>).

drastic impacts on the relationship between Saudi Arabia and the United States, especially when it comes to future cooperation in the region.

Saudi-American military cooperation in the region, including Yemen, can be traced back to the 1990s. After the outbreak of the first Gulf War, both Saudi Arabia and the United States cut aid to Yemen because former President Saleh sided with Saddam Hussein. The United States has also long collaborated with its Saudi allies in the fight against al-Qaeda, particularly AQAP, which is heavily present in Yemen.³³ It is only natural and logical that the United States continues to support its biggest ally in the region, including the Saudi-led coalition in Yemen. The relationship between the United States and Iran, however, is nothing like the relation with Saudi Arabia. Since the 1979 Revolution, there have been no diplomatic relations between both entities.³⁴ The theological head of state of Iran has long echoed anti-American sentiments, causing concern for American security. Since then, the United States has imposed heavy economic sanctions on Iran, which were recently intensified in the aftermath of the drone strike that killed Iranian commander Qassem Soleimani. The United States has led other nations to impose sanctions of their own against a regime that supports “acts of international terrorism, poor human rights record, weapons and missile development and acquisition, role in regional instability, and development of a nuclear program.”³⁵

³³ Nabeel A Khoury. “Yemen: In Search of a Coherent U.S. Policy.” *Middle East Policy*, 21 (2014): 100-110. doi:[10.1111/mepo.12074](https://doi.org/10.1111/mepo.12074).

³⁴ “U.S. Relations with Iran - United States Department of State.” U.S. Department of State (U.S. Department of State, July 2, 2018. <https://www.state.gov/u-s-relations-with-iran/>).

³⁵ Dianne E. Rennack. “Iran: U.S. Economic Sanctions and the Authority to Lift Restrictions” (report, Congressional Research Service, January 14, 2020). <https://crsreports.congress.gov/product/pdf/R/R43311>.

Stability in the Middle East is crucial to the United States and Yemen plays a critical role in ensuring long-term constancy. Analysts believe that if Yemen were to fall to the Houthis, still believed to be Iranian proxies by the U.S and Saudi Arabia, it could become an even greater security threat to Saudi Arabia, America's biggest ally in the region. Therefore, for Saudi Arabia and other Arab Gulf countries to remain stable, Yemen has to be stabilized from the Iranian threat. This makes the broader stability and security of the region is an American security issue.³⁶ As a member of the Organization of Petroleum Exporting Countries (OPEC), Saudi Arabia plays a key role in providing petroleum to industrial countries, therefore highlighting its importance to the world economy as well. In 2018, Saudi Arabia's petroleum exports averaged near 195 million dollars, according to OPEC.³⁷ As of 2019, Saudi Arabia is the second leading source of imported oil for the United States. One million barrels of oil per day are provided to the U.S. market.³⁸ If Saudi Arabia and other Gulf nations were to become unstable, it could jeopardize the global economy. Therefore, destabilizing the economic market of the Arab world would bring a rippling effect across international petroleum markets, sending the global economy crashing.

While the current American involvement in Yemen benefits the United States in terms of economic earnings and national security, the implication of such involvement, even if indirect, can bring consequences that will test the United States' role as a world power. Since the end of World War II and the creation of the United Nations,

³⁶ Anthony H Cordesman, "America, Saudi Arabia, and the Strategic Importance of Yemen," (Center for Strategic and International Studies, March 26, 2015, <https://www.csis.org/analysis/america-saudi-arabia-and-strategic-importance-yemen>).

³⁷ "OPEC: Saudi Arabia." https://www.opec.org/opec_web/en/about_us/169.htm

³⁸ "U.S. Relations with Saudi Arabia - United States Department of State." U.S. Department of State. U.S. Department of State, November 26, 2019. <https://www.state.gov/u-s-relations-with-saudi-arabia/>.

international laws have been put in place to prevent the same atrocities seen during the war from reoccurring. Starting in 1945 onwards, member states of the United Nations passed a series of documents that helped create a governing set of rules on human rights. The United Nations defines human rights as “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.”³⁹ This includes rights such as but not limited to life, liberty and security, and to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services.⁴⁰ However, due to the many human rights violations in times of conflict, the codified text was put in place to protect those rights. International humanitarian laws, such as the four Geneva Conventions of 1949 and the Rome Statute of the International Criminal Court dictate how civilians and individuals no longer taking part in an armed conflict should be treated. Those four conventions have been ratified by all member states of the United Nations, including the United States.⁴¹ A second important document by the International Law Commission (ILC) is the *Articles on the Responsibility of States for Internationally Wrongful Acts*, which explains how States are to be held accountable for unlawful actions during times of

³⁹ “Human Rights.” United Nations (United Nations. Accessed March 23, 2020. <https://www.un.org/en/sections/issues-depth/human-rights/>).

⁴⁰ Ibid.

⁴¹ “United Nations Office on Genocide Prevention and the Responsibility to Protect.” United Nations (United Nations. Accessed March 23, 2020. <https://www.un.org/en/genocideprevention/war-crimes.shtml>).

peace and war.⁴² These conventions will be important in identifying the United States' violation of international law.

The crimes of the Saudi-led coalition are easily identifiable as war crimes, as defined by the Rome Statute, Article 8, Section 2b:

Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- i. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
- ii. Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;*
- iii. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
- iv. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which*

⁴² "Responsibility of States for Internationally Wrongful Acts" (articles, Yearbook of the International Law Commission, 2001). https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

- v. *Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended, and which are not military objectives.*⁴³

The bombing campaign of the Saudi-led coalition has explicitly targeted civilians and non-military infrastructures, such as homes, hospitals, mosques, and schools in Yemen. The coalition has also struck cultural sites, which goes against international law as well. Actions by Saudi Arabia and its allies have amounted to war crimes, as defined by the Rome Statute and other international legislative documents. The United States is not directly responsible for these war crimes per se because it has not directly targeted those protected individuals and locations like its Saudi ally. However, American involvement by supporting the Saudi regime's actions and supplying it with weapons, military and logistical support, as well as political backing, may drag the United States into becoming responsible for the humanitarian crisis currently devastating Yemen.

The United States' involvement in Yemen is mostly indirect. By supplying its allies in their campaign efforts, the U.S. is helping further its goals in the region without necessarily getting its hands dirty. Yet, supporting the coalition and its actions through assistantship could result in international legal problems for the United States. The ILC's statute, *Responsibility of States for Internationally Wrongful Acts*, Article 16 reads:

⁴³ "Rome Statute of the International Criminal Court" (Statute, United Nations Treaty Series vol. 2187, 2002). <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>.

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if

(a) that State does so with knowledge of the circumstances of the internationally wrongful act; and

(b) the act would be internationally wrongful if committed by that State. ⁴⁴

The majority of the strikes done by the coalition rely on weapons bought from the United States, who is well aware of how its weapons are used in the Yemen conflict. The United States' direct funding of the coalition's actions, both militarily and logistically, is enabling countries such as Saudi Arabia to commit war crimes in Yemen. On August 9, 2018, an airstrike against a school bus killed 51 people, 40 of whom were children. It was later found that the bomb used in that airstrike was a U.S.-made laser-guided MK 82. ⁴⁵ The coalition also bombed a wedding in 2018, killing 22, including 8 children. According to the Human Rights Watch, remnants of U.S.-made munitions were identified at more than a dozen strikes across Yemen. ⁴⁶

Furthermore, the U.S has continued engagement with Saudi Arabia and the coalition, despite the backlash against the coalition's civilian targeting. The logistical support offered to the Saudis includes targeting assistance, intelligence sharing, and targeting precision. This means that even if U.S. advisers do not approve or execute bombing

⁴⁴ "Responsibility of States for Internationally Wrongful Acts" (articles, Yearbook of the International Law Commission, 2001). https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

⁴⁵ Oona A. Hathaway, Aaron Haviland, Srinath Reddy Kethireddy, and Alyssa T. Yamamoto. "Yemen: Is the U.S. Breaking the Law?" *Harvard National Security Journal* vol. 10 (2019). <https://harvardnsj.org/wp-content/uploads/sites/13/2019/02/Yemen-Is-the-U.S.-Breaking-the-Law.pdf>.

⁴⁶ Kenneth Roth, "World Report 2019: Rights Trends in Yemen," Human Rights Watch, January 17, 2019, <https://www.hrw.org/world-report/2019/country-chapters/yemen>).

targets, they are aware of the targeting lists and where the coalition is expecting to strike supposed Houthi rebel strongholds. In light of recent public criticism for the heavy civilian casualties, the United States Government has reaffirmed, multiple times, its commitment to reducing civilian casualties and “enhancing the overall effectiveness of the campaign”.⁴⁷ While the United States has avoided becoming directly involved in the conflict, preferring to aid from the sidelines, its assistance to allies in the region could pose problems to the world power’s position on the international stage. It is only a matter of time before claims are brought to an international court but the unforeseen end of the civil war leaves questions about the fates of all complicit actors.

However, despite the current international laws in place to hold those in power accountable for their actions, it is very unlikely that the United States will ever be held accountable for their crimes. In 2002, following the U.S. invasion of Iraq, the Bush Administration withdrew the U.S. signature from the Rome Statute which established the International Criminal Court. The court, tasked with trying people accused of genocide, crimes against humanity, and war crimes, will no longer have jurisdiction over the U.S. The American government said it fears servicemembers and officials will be brought before the court in politically motivated cases. Experts fear this decision will affect how key democratic allies will work with the U.S. in law-enforcement cooperation tracking down terrorist suspects. The U.S. relationship with the ICC has been complicated since the beginning of talks to establish an international justice system. Most recently, the American government always worried that the ICC might begin an investigation into the

⁴⁷ Melissa Dalton, and Hijab Shah, “U.S. Support for Saudi Military Operations in Yemen,” Center for Strategic and International Studies, March 23, 2018, <https://www.csis.org/analysis/us-support-saudi-military-operations-yemen>.

situation in Afghanistan, a country the U.S. has heavily been involved in since the Cold War. This complex relationship between the U.S. and the ICC highlights a core issue between both entities. The ICC goals align with American interests in supporting justice and accountability for mass atrocity crimes. The U.S. helped establish the Nuremberg and Tokyo tribunals after World War II to address human rights violations during the war. However, the major concern turning the U.S. away from the ICC is the fact that those same ideals of justice it seeks to apply to other nations would also apply to them. The United States now finds itself stuck between supporting the ICC's goal of accountability while defending its nationals from potential actions from the court itself.⁴⁸

Because of this complicated relationship and the Trump administration marking a new low in the cooperation between both entities, it remains highly unlikely that a trial for war crimes could be brought against the United States for its actions in Yemen and many other parts of the world.

⁴⁸ Jane Stromseth, "The United States and the International Criminal Court: Why Undermining the ICC Undercuts U.S. Interests," *Georgia Journal of International and Comparative Law* 47 (2019).

CONCLUSION

The Yemen conflict, which stemmed from the 2011 Arab Spring, has been on-going for 6 years and has killed thousands in the worst humanitarian crisis the world has seen. What started as a peaceful protest for change quickly turned into violent bloodshed. Within a year of the takeover by the Houthis, the war blew out of proportion and brought in several external actors with their own agendas. Now, the Yemen conflict is a regional proxy war between Saudi Arabia and her allies against Iran. While the conflict seems far away from the United States, her involvement with the Saudi-led coalition is bigger than expected.

As the main supplier of weapons to Saudi Arabia, the United States has economically benefitted from the conflict. As the fighting continues, Saudi Arabia has quickly become the main buyer of U.S. arms since 2015, bringing in billions of dollars in deals over several years. American involvement in Yemen also aligns with national economic and security interests. Ensuring stability in Yemen means ensuring stability in Saudi Arabia and other Gulf nations, which the United States sees as vulnerable to Iran. Since 1979, the United States' relation with Iran has been erased and any move made by the Islamic Republic is seen as a security threat. Stability and security in Saudi Arabia, one of the main suppliers of petroleum to the United States, allows for the continuous certain flow of resources from that region to the U.S. Furthermore, Saudi Arabia has long been an ally to the United States in counterterrorism operations. American foreign policy in the Middle East in modern times has focused heavily on fighting terrorism; losing Saudi Arabia as an ally in the region would disrupt the American agenda in the Middle East.

However, the indirect involvement of the United States in Yemen's war, through the sale of weapons and the collaboration of military and logistical intelligence with the coalition, could lead to legal international problems. The sale of weapons to Saudi Arabia, which was later identified in civilian attacks across Yemen, implicates the United States in war crimes against the Rome Statute on the International Criminal Court and articles from the International Law Commission. By providing means used against civilian populations, the United States has become implicated in war crimes and crimes against humanity. If any legal actions were to be taken once the war ends, the United States, along with its Arab allies involved in Yemen, will have to answer for their actions.

As the end of the war remains unforeseen, American involvement in the conflict will continue unless actions are taken to pull back, either from the White House or Congress. The bloodshed and famine that have resulted from the war will not be stopped unless the means by which they are enacted are stopped. For the Yemen conflict to end, the Saudi-led coalition must pull back from the fighting and the United States must stop selling weapons to the nations in the coalition, used specifically in the Yemen war. Until then, the world's worst humanitarian crisis will last until there is nothing left.

CHRONOLOGICAL TABLE FOR THE YEMEN CIVIL WAR

1967: South Yemen splits with North Yemen, becoming an independent Marxist State

1990: Yemen reunifies following a civil war between North and South

February 2011: Protesters take to the streets to protest the regime of President Saleh

March 18, 2011: Government-affiliated snipers kill 52 unarmed protesters, injure hundreds

April 2011: The GCC and the United State propose that Saleh transfer his power to Vice-President al-Hadi within 30 days in exchange for immunity. This deal is known as The Gulf Initiative

May 2011: Elite government troops attack the opposition in Sana'a, turning it into a war zone, with 100 dead and 400 injured

June 3, 2011: Explosion injures senior officials, including Saleh who is flown to Saudi Arabia for treatment

September 23, 2011: Saleh returns to Sana'a

October 21, 2011: The United Nations Security Council unanimously adopts the resolution endorsing the GCC-U.S. deal

November 23, 2011: Saleh signed the GCC deal and resigned as president of Yemen in exchange for immunity.

February 2012: Hadi is "elected" to a two-year transitional term, per the GCC proposal

September 2014: The Houthis take control of Sana'a and Hadi resigns

January 2015: Hadi flees to Saudi Arabia and requests a military intervention

March 2015: Saudi Arabia leads a coalition of ten African and Middle Eastern countries – known as Operation Decisive Storm

2016: Coalition imposes partial blockade on Yemen, causing hunger crisis to grow

2017: Houthis launch missiles into Saudi Arabia. Saleh is killed

2018: Houthis take control of the port of Hodeida

2019: Houthis and Coalition sign the Hodeida Truce, but violence continues in parts of Yemen

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