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Yemen: Civil War and Regional Intervention

Updated December 8, 2020

Congressional Research Service

<https://crsreports.congress.gov>

R43960



R43960

December 8, 2020

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Yemen: Civil War and Regional Intervention

For over a decade, the Republic of Yemen has been torn apart by multiple armed conflicts to which several internal militant groups and foreign nations are parties. Collectively, these conflicts have eroded central governance in Yemen, and have fragmented the nation into various local centers of power. The gradual dissolution of Yemen's territorial integrity has alarmed the United States and others in the international community. Policymaker concerns include fears that state failure may empower Yemen-based transnational terrorist groups; destabilize vital international shipping lanes near the Bab al Mandab strait (also spelled Bab al Mandeb, Bab el Mendeb); and provide opportunities for Iran to threaten Saudi Arabia's borders.

Beyond geo-strategic concerns, the collapse of Yemeni institutions during wartime has exacerbated poor living conditions in what has long been the most impoverished Arab country, leading to what is now considered the world's worst humanitarian crisis. This report provides information on these ongoing and overlapping crises.

In 2014, the northern Yemeni-based Ansar Allah/Houthi movement (referred to in this report as "the Houthis") took over the capital, Sanaa (also commonly spelled Sana'a), and in early 2015, advanced southward from the capital to Aden on the Arabian Sea. In March 2015, after Yemeni President Abdu Rabbu Mansour Hadi, who had fled to Saudi Arabia, appealed for international intervention, Saudi Arabia assembled a coalition of several of its Arab partners (referred to in this report as "the Saudi-led coalition") and launched a military offensive aimed at restoring Hadi's rule and dislodging Houthi fighters from the capital and other major cities.

Since then, the conflict in Yemen has killed tens of thousands, caused significant humanitarian suffering, and has significantly damaged the country's infrastructure. One U.S.- and European-funded organization, the Armed Conflict Location & Event Data Project (ACLED), estimates as of November 2020 that more than 130,000 Yemenis have been killed since 2015.

Although media coverage of the Saudi-led intervention has characterized the war as a binary conflict (the Saudi-led coalition versus the Houthis), there actually have been a multitude of combatants whose alliances and loyalties have been somewhat fluid. In summer 2019 in southern Yemen, long-simmering tensions between the internationally recognized Republic of Yemen government (ROYG) and the separatist Southern Transitional Council (STC) boiled over, leading to open warfare between the local allies of Saudi Arabia and the United Arab Emirates. In 2020, periodic clashes continued, though both sides have pledged to share power in a coalition government.

Many foreign observers have denounced human rights violations that they charge have been committed by all parties to the conflict. In the United States and some European countries, there has been vociferous opposition to coalition air strikes that hit civilian targets, leading Congress to debate and enact some legislation to limit U.S. support for the coalition. Some in Congress opposed to such efforts have highlighted Iran's support for the Houthis as a major factor in Yemen's destabilization. The Trump Administration opposes congressional efforts to restrain U.S. support for Saudi Arabia and the United Arab Emirates and continues to call for a comprehensive settlement to the conflict in line with relevant U.N. Security Council resolutions and other international initiatives.

For several years, Yemen has been considered the worst humanitarian crisis in the world, and public health experts warn that the Coronavirus Disease 2019 (COVID-19) pandemic may have significant negative effects on Yemen's vulnerable population. To date, most humanitarian agencies believe that the extent of the outbreak in Yemen has been underreported.

For additional information on Yemen, including a summary of relevant legislation, please see CRS Report R45046, *Congress and the War in Yemen: Oversight and Legislation 2015-2020*, by Jeremy M. Sharp, Christopher M. Blanchard, and Sarah R. Collins.

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Overview

For over a decade, the Republic of Yemen¹ has been torn apart by multiple armed conflicts to which several internal militant groups and foreign nations are parties. Collectively, these conflicts have eroded central governance in Yemen, and have fragmented the nation into various local centers of power. The gradual dissolution of Yemen's territorial integrity has alarmed the United States and others in the international community. Policymaker concerns include fears that state failure may empower Yemen-based transnational terrorist groups; destabilize vital international shipping lanes near the Bab al Mandab strait² (also spelled Bab al Mandeb, Bab el Mendeb); and provide opportunities for Iran to threaten Saudi Arabia's borders. Beyond geo-strategic concerns, the collapse of Yemeni institutions during wartime has exacerbated poor living conditions in what has long been the most impoverished Arab country, leading to what is now considered the world's worst humanitarian crisis.

As of December 2020, Yemen remains beset by multiple armed and political conflicts which, in their totality, have crippled central governance, devastated the national economy, and exacerbated a longstanding humanitarian crisis. One U.S.- and European-funded organization, the Armed Conflict Location & Event Data Project (ACLED), estimates that from the start of regional intervention in Yemen in March 2015 until November 2020, over 130,000 Yemenis had been killed in various acts of violence.³

Coronavirus Disease 2019 (COVID-19) Impact on Yemen

Due to the loss of central governance in Yemen, outside observers have had difficulty understanding the extent of the COVID-19 pandemic in Yemen. To date, most humanitarian agencies believe that the extent of the outbreak in Yemen has been underreported.⁴ One group of researchers in the United Kingdom recently used high-resolution satellite imagery to analyze burial activity at cemeteries in Yemen's southern Aden governorate, where they determined there had been an estimated 2,100 "excess deaths" between April and September 2020.⁵

¹ Since its 1990 unification, Yemen has been a republic in which, according to Article 4 of its 2001 constitution (as amended), "The people of Yemen are the possessor and the source of power, which they exercise directly through public referendums and elections, or indirectly through the legislative, executive and judicial authorities, as well as through elected local councils." In reality, the late President Ali Abdullah Saleh ruled a unified Yemen from 1990-2012. After popular uprisings swept across the Arab world in 2011, including in Yemen, the Gulf Cooperation Council (GCC) helped broker a transition plan for Yemen, which was endorsed by the United Nations (see, U.N. Security Council Resolution 2014) and superseded the authority of Yemen's constitution. As part of Yemen's transition from the longtime rule of President Saleh to President Hadi, all of Yemen's various political factions (565 individual delegates) held what was called the National Dialogue Conference (NDC) from 2013-2014. That conference was intended to settle all of Yemen's outstanding political issues, including producing recommendations which were to be used by a Constitutional Drafting Committee to create a new constitution, which would then be voted on in a national referendum. However, in January 2014 the NDC ended without agreement and shortly thereafter, the Houthis launched a military offensive to seize large swaths of northern Yemen, culminating in their capture of the capital Sana'a in September 2014.

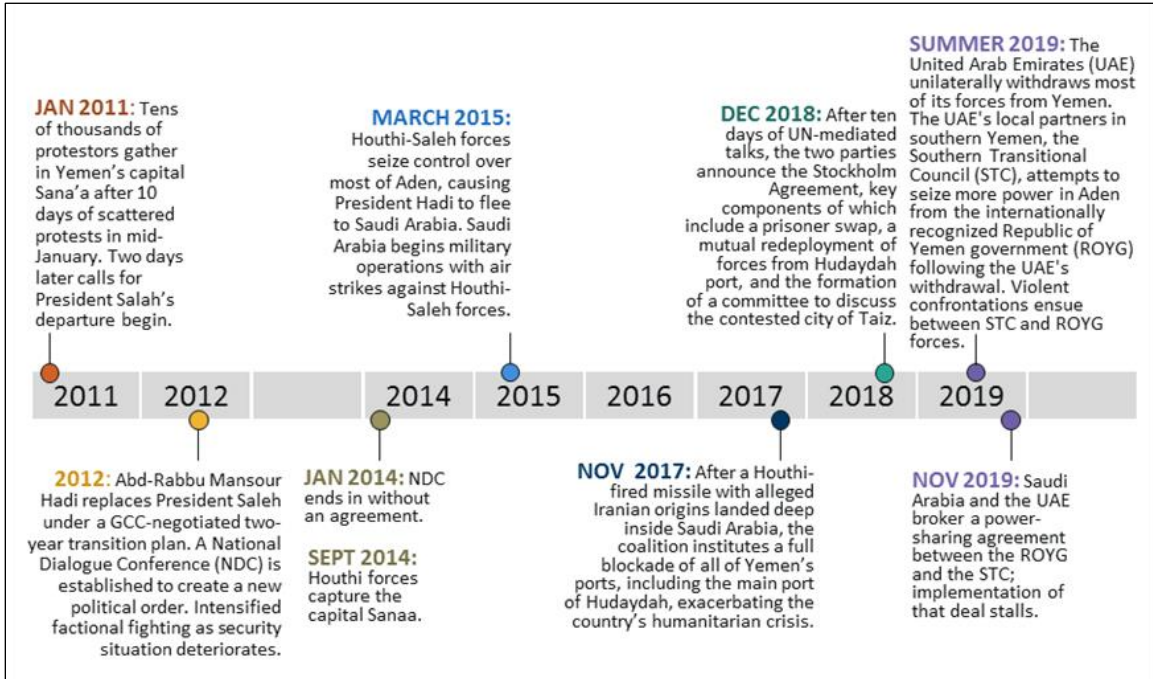
² After the Straits of Hormuz and Malacca, the Bab al Mandab is one of the world's busiest chokepoints in terms of volume of crude oil and petroleum liquids transported through each day. According to the Energy Information Administration, "Total petroleum flows through the Bab el-Mandeb Strait accounted for about 9% of total seaborne-traded petroleum (crude oil and refined petroleum products) in 2017." See, U.S. Energy Information Administration, "The Bab el-Mandeb Strait is a Strategic Route for Oil and Natural Gas Shipments, August 27, 2019.

³ The Armed Conflict Location & Event Data Project (ACLED), Dashboard, available online at: [https://acleddata.com/dashboard/#/dashboard]

⁴ United Nations, Yemen Humanitarian Country Team, "Yemen: Preparedness and Response Snapshot Covid-19," as of October 24, 2020.

⁵ "Grave-Counting Satellite Images Seek to Track Yemen's COVID Death Toll," Reuters, October 29, 2020.

Figure I. Significant Events in Yemen: 2011-2019



Source: Created by CRS using open source reporting.

Recent Developments in Yemen's Multiple Conflicts

The Houthi-ROYG Conflict – Since 2014, the northern Yemeni-based *Ansar Allah*, commonly referred to as the Houthi movement (referred to in this report as “the Houthis”) has battled for power with the internationally recognized Republic of Yemen government (ROYG), which has been aided militarily by Saudi Arabia and, until its 2019 troop withdrawal, the United Arab Emirates. As of late 2020, the epicenter of fighting has been around the northern governorate and city of Marib, one of the last Yemeni areas under the control of the ROYG and where Yemen’s modest oil and gas reserves are located. The Houthis have been pressing ROYG forces along three fronts, but Saudi airstrikes have somewhat slowed Houthi advances. Tribal forces aligned with the ROYG also have stymied the Houthis from seizing Marib city, as several local tribes have strong ties to Saudi Arabia and have coordinated with Saudi forces to repel the Houthi offensive.⁶ The Houthis have suffered several notable casualties, including one Hezbollah-trained Houthi commander, who was a close confidant of Houthi leader Abdul Malek al Houthi.⁷

⁶ Ali Al-Sakani and Casey Coombs, “Marib: A Yemeni Government Stronghold Increasingly Vulnerable to Houthi Advances,” Sana’a Center for Strategic Studies, October 22, 2020.

⁷ Ahmed al Haj, “Senior Rebel Commander Killed in Yemen amid Fierce Battles,” Associated Press, May 7, 2020.

Who are the Houthis?

The Houthi movement (formally known as *Ansar Allah* or Partisans of God) is a predominantly Zaydi Shia revivalist political and insurgent movement. Yemen's Zaydis take their name from their fifth Imam, Zayd ibn Ali, grandson of Husayn, son of Ali (the cousin and son-in-law of the prophet Muhammad). Zayd revolted against the Umayyad Caliphate in 740 C.E., believing it to be corrupt, and to this day, Zaydis believe that their imam (ruler of the community) should be both a descendent of Ali and one who makes it his religious duty to rebel against unjust rulers and corruption. A Zaydi state (or Imamate) was founded in northern Yemen in 893 C.E. and lasted in various forms until the republican revolution of 1962. Yemen's modern imams kept their state in the Yemeni highlands in extreme isolation, requiring foreign visitors to obtain the ruler's permission to enter the kingdom. Although Zaydism is an offshoot of Shia Islam, it is doctrinally distinct from "Twelver Shiism," the dominant branch of Shia Islam in Iran and Lebanon. Zaydism's legal traditions and religious practices are more similar to Sunni Islam.

The Houthi movement was formed in the northern Yemeni governorate of Sa'dah (in the mountainous district of Marran) in 2004 under the leadership of members of the Houthi family. Between 2004 and 2010, the central government and the Houthis fought six wars in northern Yemen. With each successive round of fighting, the Houthis improved their position, as anti-government sentiment became more widespread amidst an aggrieved population in a war-torn and neglected north. Although the Houthi movement originally sought an end to what it viewed as Saudi-backed efforts to marginalize Zaydi communities and beliefs,⁸ its goals grew in scope and ambition in the wake of the 2011 uprising and government collapse to embrace a broader populist, anti-establishment message. Ideologically, the group has espoused anti-American and anti-Zionist beliefs, embodied by the slogans prominently displayed on its banners: "God is great! Death to America! Death to Israel! Curse the Jews! Victory to Islam!"

For Saudi Arabia, according to one prominent analyst, the Houthis embody what Iran seeks to achieve across the Arab world: that is, the cultivation of an armed non-state, non-Sunni actor who can pressure Iran's adversaries both politically and militarily (akin to Hezbollah in Lebanon).⁹ A decade before the current conflict began in 2015, Saudi Arabia supported the central government of Yemen in various military campaigns against a Houthi insurgency.¹⁰

The Houthi-Saudi Conflict – Since a Saudi-led coalition intervened on behalf of the ROYG in 2015, the Houthis and coalition forces have been engaged in what is referred to informally as an air or missile war, in which the Saudis have conducted numerous air strikes in northern Yemen, while the Houthis have launched ballistic missiles and unmanned aerial vehicles (UAVs) into Saudi territory. As of mid-2020, reports of errant Saudi air strikes that have resulted in civilian casualties continue.¹¹ The Yemen Data Project, a non-profit independent data collection project that disseminates data on the conduct of the war in Yemen, has tallied over 21,000 Saudi-led coalition air strikes since March 2015, resulting in over 18,500 civilian casualties.¹²

While the Houthis do not possess manned aircraft, they have conducted persistent ballistic missile and UAV launches against Saudi territory in an ongoing campaign they claim is in response to the Saudi-led coalition's ongoing maritime blockade of Yemen's west coast and closure of Sana'a

⁸ See J.E. Peterson, Arabian Peninsula Background Notes APBN-006, "The al-Huthi Conflict in Yemen," published on <http://www.JEPeterson.net>, August 2008.

⁹ Bruce Riedel, "Who are the Houthis, and Why are we at War with them?" Brookings, MARKAZ, December 18, 2017.

¹⁰ During the Cold War, Saudi Arabia's leaders supported northern Yemeni Zaydis as a bulwark against nationalist and leftist rivals, and engaged in proxy war against Egypt-backed Yemeni nationalists during the 1960s. The revolutionary, anti-Saudi ideology of the Houthi movement, which emerged in the 1990s, presented new challenges. In 2009, Saudi Arabia launched a three-month air and ground campaign in support of the Yemeni government's Operation Scorched Earth. Saudi Arabia dispatched troops along the border of its southernmost province in an attempt to repel reported Houthi infiltration of Saudi territory. It is estimated that Saudi Arabia lost 133 soldiers in its war against the Houthis. Saudi Arabia agreed to a cease-fire with the Houthis in late February 2010 after an exchange of prisoners.

¹¹ Ahmed al Haj, "UN: Up to 9 Children Killed by Airstrikes in Northern Yemen," Associated Press, August 7, 2020.

¹² Yemen Data Project, Air War Dataset, available online at: [<https://yemendataproject.org/data.html>]

airport. While Houthi attacks occur regularly, there have been at least five occasions in which the Houthis have used longer-range weapons to target sensitive Saudi defense and energy infrastructure.¹³ In June 2020, the Houthis launched ballistic missiles and UAVs targeting the Saudi Ministry of Defense and King Salman Air Base, though the extent of any significant damage is unknown.¹⁴ In November 2020, the Houthis fired cruise missiles into Saudi territory and damaged a Saudi Aramco oil distribution station in Jeddah, a major port located on Saudi Arabia's western coast, a day after the conclusion of a Saudi government-hosted virtual G20 leaders summit.

The STC-ROYG Dispute in South Yemen - In summer 2019, the United Arab Emirates (UAE), facing a perceived threat from Iran and international criticism of its conduct in Yemen, unilaterally withdrew most of its forces from Yemen. The UAE had been Saudi Arabia's primary partner in the coalition's war against the Houthis. The UAE's local partners in southern Yemen, the Southern Transitional Council (STC), attempted to seize more power in Aden from the Saudi-backed ROYG following the UAE's withdrawal. Violent confrontations ensued between STC and ROYG forces. Although Saudi Arabia and the UAE brokered a power-sharing agreement between the ROYG and the STC in November 2019 (known as the Riyadh Agreement), implementation of that deal stalled, leaving the STC ensconced in the south, the Houthis controlling the north, and the ROYG isolated.

In late April 2020, after damaging flash flooding throughout southern Yemen, the STC declared a state of emergency and "self-rule" throughout the south in violation of the Riyadh Agreement. The STC then seized ROYG facilities and hard currency belonging to the Central Bank in Aden.¹⁵ Though not all southern Yemeni cities recognized the STC's declaration of autonomy, the move alarmed Saudi Arabian and Emirati officials who immediately attempted to bring the STC and ROYG back to the negotiating table.

In late July 2020, the STC announced that it had renounced "self-rule" and would return to the power-sharing parameters originally laid out in the Riyadh Agreement. President Hadi then appointed STC officials as the new governor and security chief of Aden. The STC and ROYG agreed that the 24 cabinet positions within a new power sharing government would be divided equally between northern and southern Yemeni leaders. Saudi Arabia also deployed observers to Aden to verify that STC and ROYG troops had been redeployed to positions outside Aden.¹⁶

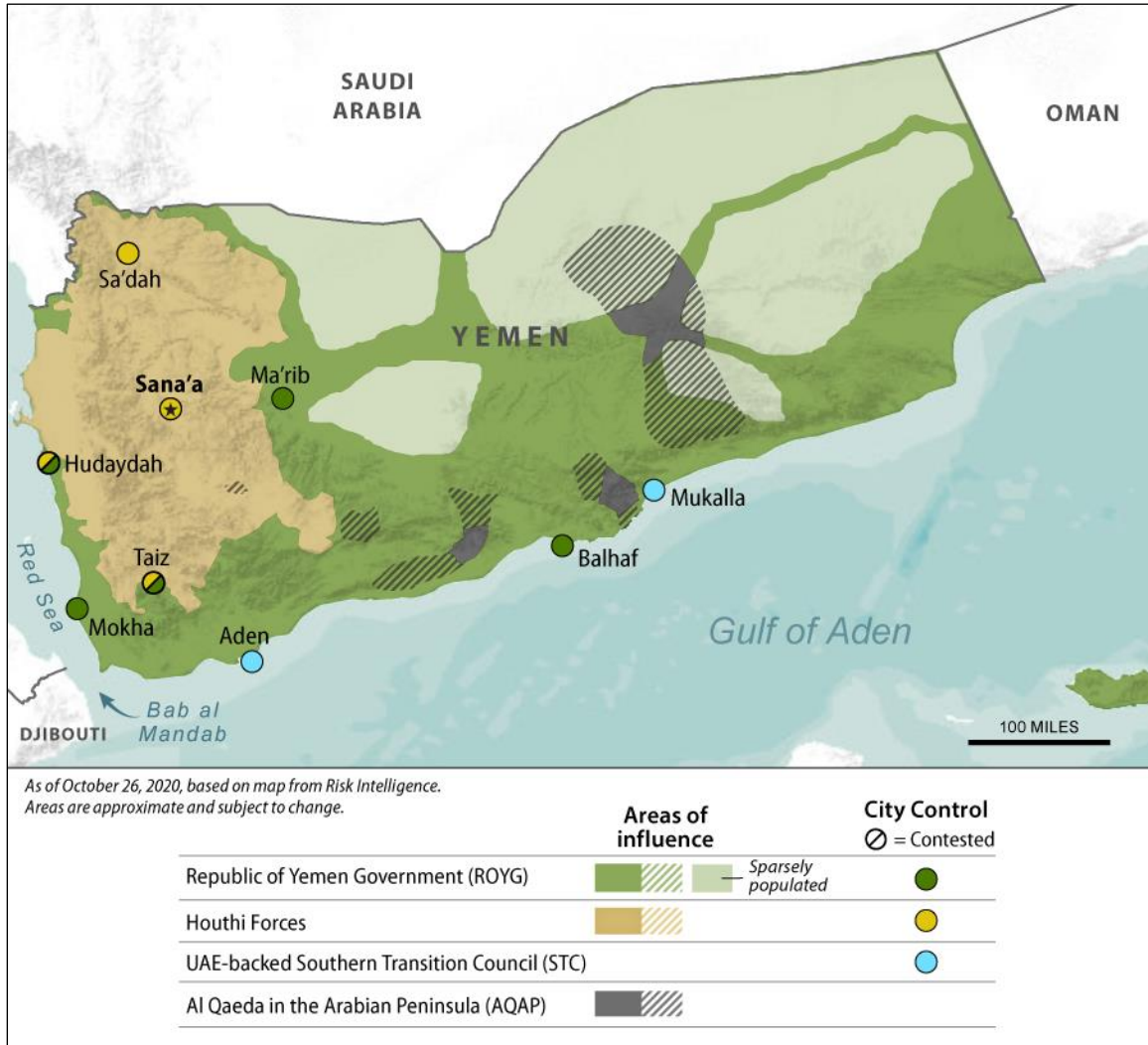
¹³ Jessica Kocan, "September 2020 Map Update: Al Houthi 'Balanced Deterrence' Campaign," Critical Threats, American Enterprise Institute, September 23, 2020.

¹⁴ Sudarsan Raghavan and Sarah Dadouch, "Yemeni Rebels Announce Missile and Drone Strikes on Saudi Capital," *Washington Post*, June 23, 2020.

¹⁵ Yemen currently has two central banks: one in the Houthi-controlled capital of Sana'a and the other run by the ROYG in Aden. In 2019-2020, the Houthis banned the circulation of new banknotes issued by the ROYG in Aden thereby creating a situation in which one nation has two competing currencies. Yemenis seeking to move money around the country now have to pay change fees, further straining household budgets.





¹⁶ "Yemen's Riyadh Agreement: An Overview," *Al Jazeera*, July 29, 2020.

Figure 2. Lines of Control in Yemen
As of October 2020



Source: Graphic created by CRS using data from Risk Intelligence (2020); Esri (2017 & 2018); NOAA (2018); USGS (2018); Department of State (2015).

Table I. Key Groups in Yemen Conflict

	<p>Republic of Yemen Government (ROYG) The internationally recognized government has been led by Abdu Rabbu Mansour Hadi since 2012, when he was elected as caretaker president to replace President Ali Abdullah Saleh, who had been in power for 33 years. The Hadi government has been backed by the Saudi-led coalition since 2015.</p>
	<p>Houthi Forces The Houthi movement (formally known as <i>Ansar Allah</i> or Partisans of God) is a predominantly Zaydi Shia revivalist political and insurgent movement formed in the northern Yemeni governorate of Sa'dah under the leadership of members of the Houthi family. The group was allied with former President Ali Abdullah Saleh until 2017.</p>
	<p>Al Qaeda in the Arabian Peninsula (AQAP) AQAP has operated in Yemen since 2009 as a successor to previously active AQ members in the country, and has been most active in Yemen's southern governorates. AQAP enjoys support from some inland tribes and has taken and held territory along Yemen's southern coast with varying degrees of success. AQAP has attempted to carry out attacks in the United States and Europe.</p>
	<p>Southern Transitional Council (STC) A southern separatist force backed by the United Arab Emirates since the spring of 2017, the STC is led by Yemeni General Aidarous al Zubaidi, former governor of Aden. The STC and Hadi government have been at odds over the inclusion of Yemen's main Sunni Islamist party (Al Islah) in Hadi's government. In August 2019, the STC temporarily took control of Aden, Yemen's interim capital.</p>

Source: Prepared by CRS.

International Peace Efforts

As of December 2020, Special Envoy of the United Nations Secretary-General for Yemen Martin Griffiths continues his efforts to broker a nation-wide cease fire between the Houthis and the ROYG that would ultimately lead to talks over a political settlement to Yemen's multitude of regional and national conflicts.¹⁷ Perhaps the biggest obstacle to resolving the Houthi-ROYG conflict is that the Houthis seek international recognition of their de-facto authority in northern Yemen, an act of legitimacy that neither the ROYG nor the Saudi government appear ready to bestow. The ROYG, on the other hand, remains committed to implementing the terms of United Nations Security Council Resolution (UNSCR) 2216 of 2015, which, among other things, demanded that the Houthis withdraw from all areas seized during the current conflict.¹⁸ This impasse has been made all the more difficult by the ROYG's gradual loss of authority both in

¹⁷ According to the International Crisis Group, peace talks convened in Kuwait in 2016 were the closest all sides have come to ending major conflict. Reportedly, the contours of a peace agreement discussed in Kuwait included a series of steps, such as: (1) ROYG- Houthi cease-fire; (2) the creation of a UN-chaired body to oversee interim security measures; (3) the formation of a national unity government comprised of both Houthi and ROYG representatives to rule during a transition period; and (4) national elections to form a permanent government. Parliamentary elections in Yemen were last held in 2003. See, International Crisis Group, "Rethinking Peace in Yemen," Report 216, Middle East and North Africa, July 2, 2020.

¹⁸ On April 14, 2015, the United Nations Security Council adopted Resolution 2216, which imposed sanctions on individuals undermining the stability of Yemen and authorized an arms embargo against the Houthi-Saleh forces. It also demanded that the Houthis withdraw from all areas seized during the current conflict, relinquish arms seized from military and security institutions, cease all actions falling exclusively within the authority of the legitimate Government of Yemen, and fully implement previous council resolutions.

northern and southern Yemen.¹⁹ In practical terms, neither side has agreed to a nation-wide cease fire, as talks have stalled over Houthi demands that: (1) Sana'a airport be fully reopened; (2) the ROYG allow civil servants in Houthi-controlled areas to receive salary payments from the Central Bank in Aden; and (3) the Saudi-led coalition permit imports into the Houthi-controlled ports of Hudaydah and Saleef.²⁰

In November 2020, Reuters reported that in back channel talks between Saudi Arabia and the Houthis, Saudi officials indicated that they would be willing to sign a cease-fire and end their air and sea blockade of Yemen in exchange for the creation of a “buffer zone” where Houthi forces “leave a corridor along the Saudi borders to prevent incursions and artillery fire.”²¹

The Stockholm Agreement

In December 2018, Special Envoy Griffiths brokered a cease-fire, known as the Stockholm Agreement, centered on the besieged Red Sea port city of Hudaydah (also spelled Hodeidah, Al Hudaydah). Nearly two years later, the agreement remains unfulfilled and, in fall 2020, Houthi-ROYG clashes in Hudaydah governorate killed dozens of civilians. On October 8, 2020, Special Envoy Griffiths released a statement saying, “This military escalation not only constitutes a violation of the Hudaydah ceasefire agreement but it runs against the spirit of the ongoing UN-facilitated negotiations that aim to achieve a nationwide ceasefire, humanitarian and economic measures and the resumption of the political process.”²²

The Stockholm Agreement consists of three components: (1) a cease-fire around the port city of Hudaydah, (2) a 15,000-person prisoner swap, and (3) a statement of understanding that all sides would form a committee to discuss the war-torn city Taiz. The United Nations agreed to chair a Redeployment Coordination Committee (RCC) to monitor the cease-fire and redeployment. On January 16, the United Nations Security Council passed UNSCR 2452, which authorized the creation of the United Nations Mission to support the Hudaydah Agreement (UNMHA), of which the RCC was a significant component. It has since been reauthorized until July 2021.

Failing Oil Tanker and Possible Environmental Fallout

Moored off of Yemen’s west coast north of Hudaydah (Houthi-controlled territory), the 44-year-old floating storage and offloading (FSO) terminal Safer (owned by the state-run Yemen Oil and Gas Corporation) has been deteriorating for years. It holds an estimated 1.4 million barrels of crude oil. Routine maintenance on the tanker stopped after the Saudi-led intervention began in March 2015. If the FSO Safer were to critically fail, it would not only cause serious environmental damage to the Red Sea, but would possibly put supplies of drinking water in danger due to its proximity to desalination plants. It would also force the port of Hudaydah to close for months, further delaying the supply of humanitarian aid to north Yemen. In order to assess the long term damage, the United Nations had been negotiating with the Houthis to permit a technical team access to the tanker. The Houthis have issued entry permits to UN inspectors and recently gave final inspection approval.

The RCC has not convened since March 2020, when the ROYG suspended its participation in the body after a Houthi sniper killed a government liaison officer. Many international personnel in UNMHA have returned to their home countries due to the COVID-19 pandemic. However, in late

¹⁹ Op. cit., International Crisis Group.

²⁰ What’s in Blue, “Yemen: Briefing and Consultations,” September 14, 2020.

²¹ Aziz El Yaakoubi, “Saudis Seek Buffer Zone with Yemen in Return for Ceasefire – Sources,” Reuters, November 17, 2020.

²² United Nations, Office of the Special Envoy of the Secretary-General for Yemen, “Statement by the UN Special Envoy on Hudaydah,” October 8, 2020.

September 2020, U.N. mediators facilitated a prisoner swap in an effort to implement part of the Stockholm Agreement. Under the auspices of the International Committee of the Red Cross, the Houthis and ROYG agreed to exchange 1,081 prisoners, including 15 Saudis.²³

Issues for Congress

Possible U.S. Designation of the Houthis as a Foreign Terrorist Organization

According to press reports, the Trump Administration is considering designating either specific Houthi leaders as Specially Designated Global Terrorists (SDGTs)²⁴ or the entire Houthi organization as a Foreign Terrorist Organization (FTO).²⁵ Since 2018, Trump Administration officials have considered designating the Houthis, but held off due to concerns from humanitarian organizations, which claimed that such a policy change would complicate their efforts to deliver aid in Houthi-controlled areas of northern Yemen.²⁶ However, observers argue that after the Administration's 2019 FTO designation of Iran's Islamic Revolutionary Guard Corps (IRGC),²⁷ the Administration renewed its efforts to also designate the Houthis, though it has not done so as of December 2020. The U.S. State Department's 2019 Country Reports on Terrorism notes that:

UN and other reporting have highlighted the connection between the IRGC-QF and the Houthis, including the provision of lethal aid used by the Houthis to target civilian sites in Saudi Arabia and the UAE. Media reports suggest that other FTOs, such as Hizballah, may also be supporting the Houthi militants.²⁸

The United States, United Nations, and international human rights organizations have long highlighted various Houthi violations of international norms, such as denying humanitarian access (see below), hostage taking, and persecuting religious minorities.²⁹ Amid charges of human rights violations by other Yemeni and regional actors, more recent charges against the Houthis include:

- **Targeting Civilian Infrastructure** – The most recent U.N. Human Rights Council annual report on the situation in Yemen notes several instances of indiscriminate Houthi shelling of civilian infrastructure and laying of land mines.³⁰

²³ Stephanie Nebehay, "Yemen's Warring Parties agree to their Largest Prisoner Swap as U.N. seeks Ceasefire," Reuters, September 27, 2020.

²⁴ For background, see CRS In Focus IF10613, *Foreign Terrorist Organization (FTO)*, by John W. Rollins.

²⁵ Colum Lynch, Robbie Gramer, Jack Detsch, "Trump Administration Plans to Designate Yemen's Houthis as Terrorists," Foreignpolicy.com, November 16, 2020.

²⁶ Missy Ryan, John Hudson and Ellen Nakashima, "U.S. Launches new Terrorism Review of Iran-backed Rebels in Yemen," *Washington Post*, September 26, 2020.

²⁷ See CRS Insight IN11093, *Iran's Revolutionary Guard Named a Terrorist Organization*, by Kenneth Katzman.

²⁸ U.S. State Department, Country Reports on Terrorism 2019: Yemen, Bureau Of Counterterrorism.

²⁹ For example, see Human Rights Watch, "Yemen Keeps Religious Minority Members Locked Up," May 28, 2020 and Human Rights Watch, "Yemen: Houthi Hostage-Taking," September 25, 2018.

³⁰ United Nations Human Rights Council, "Situation of Human Rights in Yemen, including Violations and Abuses since September 2014," Report of the Group of Eminent International and Regional Experts on Yemen, September 28, 2020.

- **Detention of Women** – According to one April 2020 report, the Houthis have arrested, imprisoned, and possibly tortured women who oppose their rule.³¹
- **Arrest of Journalists** – According to Human Rights Watch, Houthi authorities have arbitrarily detained journalists and sentenced several to death on politically motivated charges of treason and spying for foreign states.³²

Previous U.S. Sanctions on Houthi Leaders

In May 2012, as the United States sought to support international efforts to dissuade former longtime Yemeni President Ali Abdullah Saleh from obstructing the nascent presidency of Abdu Rabbu Mansour Hadi, President Obama issued Executive Order (EO) 13611,³³ which enabled him to sanction individuals who threatened “Yemen’s peace, security, or stability.” Two and a half years later in November 2014, as Saleh and his new Houthi allies posed a threat to Hadi’s government, the Treasury Department, pursuant to EO 13611, sanctioned Saleh and two Houthi military commanders (Abdullah Yahya al Hakim and Abd al Khaliq al Houthi), thereby freezing their assets located in the United States or in the control of U.S. persons, and prohibiting U.S. persons from engaging in transactions with them.³⁴ According to the Treasury Department, “These three individuals have, using violence and other means, undermined the political process in Yemen.” At the same time, the United Nations also sanctioned these three individuals pursuant to UNSCR 2140 (asset freeze and travel ban). In April 2015, the Treasury Department sanctioned the leader of the Houthis, Abdul Malik al-Houthi, and Saleh’s son, Ahmed Ali Saleh, pursuant to Executive Order (E.O.) 13611.³⁵

Although the Houthis have engaged in anti-American rhetoric³⁶ and have even held several Americans hostage,³⁷ there is no publicly available accounting of known acts of terrorism against the United States. In October 2016, military units allied with the Houthi movement and former Yemeni President Ali Abdullah Saleh (Houthi-Saleh forces) launched anti-ship missiles at U.S. Navy vessels on patrol off the coast of Yemen. While no U.S. warship was damaged, a similar attack earlier that month damaged a U.S. transport ship leased by the United Arab Emirates (UAE). The attacks against the U.S. ships marked the first time U.S. forces had come under direct fire since the start of the Saudi-led intervention in March 2015. The Obama Administration responded to the attacks against U.S. naval vessels by firing cruise missiles against Houthi-Saleh radar installations. The Administration claimed that those attacks were conducted in self-defense.³⁸

On November 23, 2020, several Senators issued a statement that objected to the possible designation of the Houthis as an FTO. According to the Senators, “We have reason to believe that this designation would further destabilize the country, which is already the home of Al Qaeda in the Arabian Peninsula, make it harder to negotiate a peace agreement, and stop the important

³¹ Isabel Debre, “Women who Dare Dissent Targeted for Abuse by Yemen’s Rebels,” Associated Press, April 29, 2020.

³² Human Rights Watch, “Yemen: Jailed Journalists Face Abuse, Death Penalty,” November 6, 2020.

³³ Pursuant to, inter alia, the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 et seq.) and the National Emergencies Act (50 U.S.C. §§ 1601 et seq.).

³⁴ U.S. Department of the Treasury, “Treasury Sanctions Political Spoilers Threatening the Peace, Security and Stability of Yemen,” November 10, 2014.

³⁵ U.S. Department of the Treasury, “Treasury Sanctions Instigators of the Violent Takeover of Yemen,” April 14, 2015.

³⁶ For example, see Counter Extremism Project, Houthis. Available online at: <https://www.counterextremism.com/threat/houthis>

³⁷ Michael Crowley and Adam Goldman, “Houthi Rebels Free 2 American Hostages,” *New York Times*, October 14, 2020.

³⁸ U.S. Department of Defense, “Statement by Pentagon Press Secretary Peter Cook on U.S. Military Strikes Against Radar Sites in Yemen,” October 12, 2016.

work of the many NGOs providing lifesaving assistance in the country.”³⁹ Aid agencies have warned that designating the Houthis would deter “commercial shipping, insurance, and trade companies from working in Yemen for fear of running afoul of U.S. law.”⁴⁰

Yemen’s Humanitarian Crisis

The United Nations has described Yemen’s humanitarian crisis as the worst in the world, with close to 80% of Yemen’s population of nearly 30 million needing some form of assistance. As of mid-November 2020, Yemen’s humanitarian crisis continues to spiral downward due to the COVID-19 pandemic, depreciation of the Yemeni *rial* (which has lost over 70% of its value against the dollar since 2014), and a fuel import shortage caused by Houthi-ROYG disputes at the contested port of Hudaydah. During the spring and summer, torrential rains caused flood damage to internal displacement camps. A locust infestation in Yemen and East Africa has caused several hundred million dollars in crop damages. According to the Famine Early Warning Systems Network (FewsNet):

Overall, an estimated 17 to 19 million people are expected to be in need of humanitarian food assistance throughout 2020. Crisis (IPC Phase 3) outcomes are widespread, with Emergency (IPC Phase 4) outcomes expected in worst-affected governorates. Although not the most likely scenario, Famine (IPC Phase 5) would be possible if food supply is cut off for a prolonged period of time.⁴¹

International aid agencies continue to seek funds for humanitarian operations, as many programs are running low on funds. As of mid-November 2020, the United Nations 2020 Response Plan for Yemen has received \$1.5 billion, or about 45 per cent of requirements.⁴² The top five 2020 donors to the United Nation’s Yemen response are: (1) the United States, (2) Saudi Arabia, (3) the United Kingdom, (4) Germany, and (5) the European Union.

In FY2020, the United States provided \$630.4 million in total humanitarian assistance. Due to Houthi obstruction of aid, USAID has continued to withhold \$73 million in funding for humanitarian assistance in Houthi-controlled areas of northern Yemen. Some Members have written letters to the Administration seeking to restore that funding.⁴³

According to U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, who briefed the Security Council in early November 2020, “In the north, restrictions have been substantially more severe. There has been important progress on some of the problems, including assessments and project approvals. And on Sunday, a long-

³⁹ Senator Chris Murphy, Press Statement, “Murphy, Young, Coons Caution Against Designating Houthis in Yemen as Terrorist Organization,” November 23, 2020.

⁴⁰ Missy Ryan and John Hudson, “Ahead of Yemen Move, U.N. Highlights Humanitarian Risk, and Officials Prepare to Suspend Aid,” *Washington Post*, December 2, 2020.

⁴¹ USAID’s Famine Early Warning Systems Network, Food Security Outlook Update, “Conflict and Currency Shortages Remain of High Concern for Acute Food Insecurity in Yemen,” September 2020.

⁴² United Nations Security Council, Press Release, SC/14352, “Most Urgent Task in Yemen Is to Prevent Widespread Famine, Humanitarian Affairs Chief Tells Security Council, as Speakers Push for Nationwide Ceasefire,” November 11, 2020.

⁴³ Representative Ted Deutch, “55 Representatives Urge Pompeo to Restore Humanitarian Assistance to Yemen & Support Diplomatic Solutions to Conflict,” September 16, 2020 and Senator Ben Cardin, “Cardin, Young Lead Effort to Continue Humanitarian Lifeline for Yemeni Civilians,” May 12, 2020.

planned pilot finally began in Sana'a to introduce biometric registration of emergency food aid recipients."⁴⁴

Since 2015, the United States has provided over \$3 billion in emergency humanitarian aid for Yemen (see **Table 2** below). Most of these funds are provided through USAID's Office of Food for Peace to support the World Food Programme in Yemen.

**Table 2. U.S. Humanitarian Response to the Complex Crisis in Yemen:
FY2015-FY2020**

(in millions of U.S. dollars)

Account	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
IDA (USAID/OFDA)	62.030	81.528	229.783	179.065	102.058	116.352
FFP (USAID/FFP)	71.486	196.988	369.629	368.243	594.548	442.513
MRA (State/PRM)	45.300	48.950	38.125	18.900	49.800	71.580
Total	178.816	327.466	637.537	566.208	746.406	630.445

Source: Yemen, Complex Emergency—USAID Factsheets.

Iranian Support to the Houthis

Iranian knowledge transfer and military aid to the Houthis, in violation of the targeted international arms embargo (see U.N. Security Council Resolution 2216), has increased the Houthis' ability to threaten Saudi Arabia and other Gulf nations. According to the United Nations Panel of Experts on Yemen, Houthis have received "military support in the form of assault rifles, rocket-propelled grenade launchers, anti-tank guided missiles and more sophisticated cruise missile systems. Some of those weapons have technical characteristics similar to arms manufactured in the Islamic Republic of Iran."⁴⁵

The Houthis employ a variety of weapons to project power near and beyond Yemen's land and maritime borders, including:

- **Short-range Ballistic Missiles** - According to various sources, the Houthis have modified Iranian "Qiam" short-range 'Scud' missiles to boost their ranges in order to threaten Saudi cities, such as the capital Riyadh.⁴⁶ In May 2018, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) designated five Iranian individuals who have "provided ballistic missile-related technical expertise to Yemen's Houthis, and who have transferred weapons not seen in Yemen prior to the current conflict, on behalf of the Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF)."⁴⁷

⁴⁴ United Nations, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, Briefing to the Security Council on the humanitarian situation in Yemen, November 11, 2020.

⁴⁵ UN investigators also have uncovered how the Houthis procure foreign components themselves using front companies. See, Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council, United Nations Panel of Experts on Yemen, S/2020/70, January 27, 2020.

⁴⁶ "Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council," United Nations Panel of Experts on Yemen, S/2018/68, January 26, 2018.

⁴⁷ U.S. Department of the Treasury, Treasury Targets Iranian Individuals Providing Ballistic Missile Support to

- **Long-Range Land Attack Cruise Missiles** – On November 22, 2020, the Houthis claimed to have fired a “Quds-2” cruise missile nearly 400 miles into Saudi territory, where it struck an oil tank at a Saudi Aramco facility near Jeddah. The Quds-2 appears to be an upgraded (longer range, more precise) version of an earlier Houthi cruise missile that United Nations experts believe were sold or provided to them, possibly by Iran.⁴⁸ In November 2019, the *USS Forrest Sherman* boarded a fishing boat in the Arabian Sea and seized an Iranian weapons cache bound for Yemen, which included advanced missile components for land-attack cruise missiles.⁴⁹
- **UAVs** – Beginning in 2018, the Houthis began using UAVs to deliver and detonate explosive payloads against ROYG and Saudi targets. According to *Jane’s Intelligence Weekly*, Houthis UAV capabilities gained “increased support from Iran in terms of the supply of technology and military trainers dispatched to Yemen.”⁵⁰ The U.N. Panel of Experts on Yemen reported in January 2019 that the panel “has traced the supply to the Houthis of unmanned aerial vehicles and a mixing machine for rocket fuel and found that individuals and entities of Iranian origin have funded the purchase.”⁵¹
- **Surface-to-Air-Missiles (SAMs)** – In February 2020, the U.S. Navy revealed that an intercepted Iranian weapons shipment to the Houthis contained a long-range air-breathing SAM that could loiter in a designated target area.⁵²
- **Anti-Ship Missiles, Drone Boats, and Sea Mines** – The Houthis have developed various anti-ship capabilities that can threaten Saudi-led coalition ships enforcing a maritime blockade against Yemen.⁵³ In February 2020, CENTCOM discovered that in addition to the previously mentioned weapons seized by the U.S. Navy, Iran also had shipped Iranian “Noor” anti-ship cruise missiles (anti-ship missiles based on the Chinese C-802 missile) to the Houthis. The Houthis also have repeatedly built remote-controlled Unmanned Surface Vessels (USVs) also known as Waterborne Improvised Explosive Devices (WBIEDs) using Iranian components.⁵⁴

Yemen’s Huthis, May 22, 2018.

⁴⁸ Jon Gambrell, “Yemen Rebels’ Missile Strikes Saudi Oil Facility in Jiddah,” Associated Press, November 24, 2020.

⁴⁹ U.S. Department of Defense, U.S. Central Command Public Affairs, “U.S. Dhow Interdictions,” February 19, 2020.

⁵⁰ Ludovico Carlino, “Houthis Selecting more UAVs Over Ballistic Missiles in Arabian Peninsula Attacks,” *Jane’s Intelligence Weekly*, December 6, 2019.

⁵¹ Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council, S/2019/83, United Nations Security Council.

⁵² John Ismay and Thomas Gibbons-Neff, “New Iranian Missiles Pose Threat to U.S. Aircraft in Yemen, Pentagon Says,” *New York Times*, February 19, 2020.

⁵³ The Houthis fired Iran-supplied anti-ship missiles at UAE and U.S. ships in the Red Sea in October 2016, which prompted U.S. strikes on Houthi-controlled radar installations.

⁵⁴ “Anatomy of a ‘Drone Boat,’” *Conflict Armament Research*, December 2017.

Countering Iranian influence in Yemen: Recent U.S. Policy⁵⁵

U.S. policymakers have pursued several different lines of effort to counter Iranian influence in Yemen, as part of the Trump Administration's maximum pressure campaign against Iran. Since the start of the Saudi-led coalition's 2015 intervention, U.S. naval forces from the Central Command/5th Fleet, in support of international efforts to enforce a targeted arms embargo, have repeatedly intercepted vessels carrying smuggled Iranian arms destined for the Houthis off the coast of Yemen.⁵⁶ In summer 2019, President Trump ordered the deployment of a Patriot air defense battery to Prince Sultan Air Base in central Saudi Arabia. According to a State Department release at the time, "We stand firmly with our Saudi partners in defending their borders against these continued threats by the Houthis, who rely on Iranian-made weapons and technology to carry out such attacks."⁵⁷ According to one report, on the same day the United States killed Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) Commander Qasem Soleimani in Baghdad, the United States also unsuccessfully targeted IRGC-QF leader Abdul Reza Shahlaei, who was based in Yemen.⁵⁸ The operation came a few weeks after the U.S. State Department announced a \$15 million reward for information leading to Shahlaei's capture.

U.S. policymakers have repeatedly portrayed Iran as a spoiler in Yemen, bent on sabotaging peace efforts by supporting Houthi attacks against Saudi Arabia. As with its other proxy groups (e.g., Hezbollah), Iran uses its relationship with the Houthis to project power in the region as part of Tehran's broader national security strategy. However, as Saudi Arabia has more directly engaged Houthi leadership in peace talks, U.S. officials have indicated that the Houthis are independent political actors and are not beholden to Iran. According to former U.S. Special Representative for Iran Brian Hook, "The Houthis' de-escalation proposal, which the Saudis are responding to, shows that Iran clearly does not speak for the Houthis, nor has the best interests of the Yemeni people at heart.... Iran is trying to prolong Yemen's civil war to project power. Iran should follow the calls of its own people and end its involvement in Yemen."⁵⁹ In April 2020, U.S. Secretary of State Michael R. Pompeo spoke with Saudi Foreign Minister Faisal bin Farhan Al Saud regarding Yemen; both ministers agreed that an "unstable Yemen only benefits the Iranian regime and that the regime's destabilizing behavior there must be countered."⁶⁰

Saudi-led Coalition Operations in Yemen and Civilian Casualties

From 2015 onward, the number of Members of Congress expressing alarm increased as Saudi and coalition airstrikes killed and injured Yemeni civilians and damaged civilian infrastructure. The Royal Saudi Air Force and its coalition partners reportedly use U.S.- and European-origin strike aircraft and air-to-ground munitions in many of their operations in Yemen. Some reports have documented the use of U.S.-origin munitions in strikes that have killed and injured civilians.⁶¹ Saudi officials have acknowledged shortcomings in their operations, and report that they have adapted their tactics and operations for the express purpose of reducing civilian harm. They place

⁵⁵ For more information, see CRS Report R44017, *Iran's Foreign and Defense Policies*, by Kenneth Katzman.

⁵⁶ "Weapons Bound for Yemen Seized on Iran Boat: Coalition," Reuters, September 30, 2015; "Jason Dunham Seizes Illicit Arms in Gulf of Aden," U.S. 5th Fleet Public Affairs, August 30, 2018; and "U.S. Dhow Interdictions," U.S. Central Command Public Affairs, February 19, 2020.

⁵⁷ Department of State, Press Statement: Houthi Attack on Abha Airport in Saudi Arabia, July 2, 2019.

⁵⁸ Paul Waldman and Greg Sargent, "New Iran Revelations Suggest Trump's Deceptions were Deeper than Thought," *Washington Post* (opinion), January 10, 2020.

⁵⁹ U.S. State Department, Special Representative for Iran Brian Hook Holds Media Availability, Dec. 5, 2019.

⁶⁰ U.S. State Department, Secretary Pompeo's Call with Saudi Foreign Minister Faisal bin Farhan Al Saud, Office of the Spokesperson, April 1, 2020.

⁶¹ For example, see Nima Elbagir, Salma Abdelaziz & Laura Smith-Spark, "Made in America --Shrapnel Found in Yemen Ties US bombs to String of Civilian Deaths over Course of Bloody Civil War," *CNN*, Sept. 18, 2018. Also, see Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014, Report of the Detailed Findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/42/CRP.1, September 3, 2019.

most of the blame for reported civilian deaths and for difficult humanitarian conditions on the activities of and threats posed by their adversaries.⁶²

Since the start of the Saudi-led coalition intervention in Yemen in 2015, journalists, human rights monitors, legal scholars, and some lawmakers have reported that the use of U.S.-supplied military equipment by Saudi Arabia and the UAE may be in violation of specific provisions in the AECA and the Foreign Assistance Act (FAA).⁶³ The AECA and FAA prohibit the sale or delivery of U.S.-origin defense articles if either the President (by determining such and reporting to Congress) or Congress (by passing a joint resolution) finds that a recipient country has used such articles “for a purpose not authorized” by Section 4, AECA (22 U.S.C. 2754), Section 502, FAA (22 U.S.C. 2302), or in substantial violation of other limitations contained in an agreement with the United States governing the articles’ provision (Section 3(c)(1)(B), AECA (22 U.S.C. 2753(c)(1)(B), and Section 505(d), FAA (22 U.S.C. 2314(d)).⁶⁴ Section 4, AECA, and Section 502, FAA state that defense articles may be sold only for certain purposes, including internal security, legitimate self-defense, impeding weapons of mass destruction proliferation, and participation in collective measures requested by the United Nations or comparable organizations.

Legal arguments that violations of U.S. law may have occurred have centered on the idea that while Saudi Arabia and the internationally-recognized government of Yemen have a right to collective self-defense,⁶⁵ the use of force applied in self-defense must be both “necessary” and “proportionate.”⁶⁶ In the case of Yemen, some scholars have argued that the indiscriminate targeting of civilians serves no lawful military purpose and does not deter threats, therefore failing to meet the legal threshold of necessity and proportionality.⁶⁷ One reports suggests that some U.S. State Department officials who have overseen U.S. arms sales have retained their own legal counsel due to concerns that they would be legally vulnerable for prosecution in foreign courts that claim universal jurisdiction over war crimes.⁶⁸

⁶² See, for example, Remarks of Saudi Minister of State for Foreign Affairs Adel al Jubeir, Council on Foreign Relations, New York, NY, September 24, 2019.

⁶³ See, for example, Michael Pates and Brittany Benowitz, “An Assessment of the Legality of Arms Sales to the Kingdom of Saudi Arabia in the Context of the Conflict in Yemen,” *American Bar Association*, May 19, 2017.

⁶⁴ See CRS In Focus IF11533, *Modifying or Ending Sales of U.S.-Origin Defense Articles*, by Paul K. Kerr and Liana W. Rosen.

⁶⁵ In 2015, President Hadi requested international assistance from the Gulf Cooperation Council (GCC) to defend his government against attacks by the Houthis. See, President Hadi correspondence with GCC governments printed in U.N. Document S/2015/217, “Identical letters dated 26 March 2015 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of Security Council,” March 27, 2015.

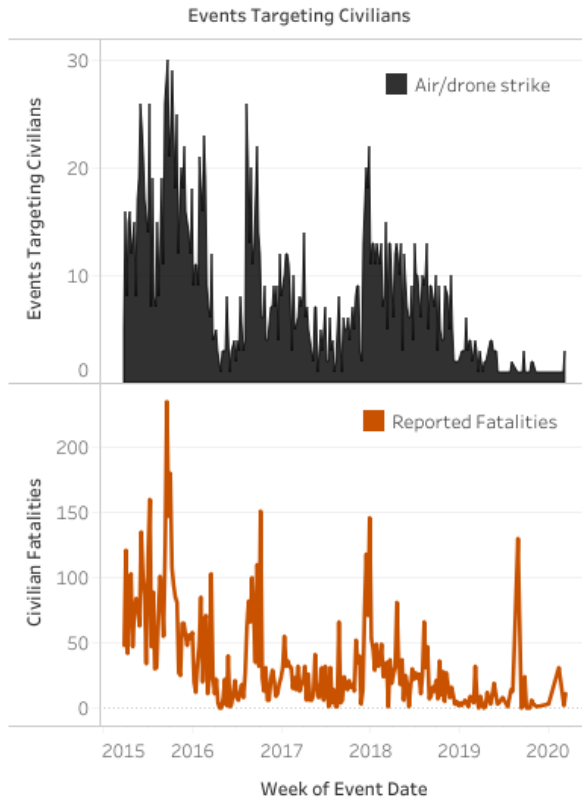
⁶⁶ Oona A. Hathaway, Aaron Haviland, Srinath Reddy Kethireddy, and Alyssa T. Yamamoto, “Yemen: Is the U.S. Breaking the Law?” *Harvard National Security Journal* / Vol. 10, 2019.

⁶⁷ op.cit., *American Bar Association*.

⁶⁸ Michael LaForgia and Edward Wong, “War Crime Risk Grows for U.S. Over Saudi Strikes in Yemen,” *New York Times*, September 14, 2020.

Figure 3. Yemen: Reported Air Strikes and Related Civilian Fatalities, 2015- March 2020

Armed Conflict Location and Event Data Project



Source: Armed Conflict Location and Event Data Project (ACLED) and Yemen Data Project, March 2020.

Notes: Reformatted by CRS.

Congress has taken several steps in recent years to exercise additional oversight of the Saudi military's use of U.S.-origin air-to-ground munitions and other weapons in Yemen and to reject proposed sales of additional U.S. munitions and other arms to the Saudi military.⁶⁹ President Trump has vetoed joint resolutions of disapproval, allowing arms sales to continue.

In testimony before Congress, State Department and Defense Department officials have acknowledged the occurrence of civilian casualties in Saudi and coalition airstrikes, while reiterating that the United States has provided the Saudi-led coalition with training on targeting, and has provided mentoring and advising on best practices to reduce civilian casualties.⁷⁰ The Trump Administration has argued that the supply to Saudi Arabia of more precise air to ground munitions contributes to fewer civilian casualties than otherwise might occur. Prior to ending U.S. refueling for Saudi and coalition aircraft operating over Yemen in November 2018, Administration officials argued that such support improved the ability of partner forces to conduct reconnaissance and avoid errant strikes.⁷¹

U.S. Counterterrorism Operations in Yemen

According to President Trump's June 2020 report to Congress on the deployment of U.S. Armed Forces abroad, "A small number of United States military personnel are deployed to Yemen to conduct operations against al-Qa'ida in the Arabian Peninsula (AQAP) and ISIS. The United States military continues to work closely with the Republic of Yemen Government (ROYG) and regional partner forces to degrade the terrorist threat posed by those groups."⁷²

⁶⁹ CRS Report R45046, *Congress and the War in Yemen: Oversight and Legislation 2015-2020*, reviews these steps in detail.

⁷⁰ See, for example, Testimony of R. Clarke Cooper, Assistant Secretary Of State, Political-Military Affairs, House Foreign Affairs Committee, June 12, 2019.

⁷¹ Ibid.

⁷² White House, Text of a Letter from the President to the Speaker of the House of Representatives and the President pro tempore of the Senate, June 9, 2020.

Throughout the Yemen crisis the United States has sustained counterterrorism operations against various U.S.-designated Foreign Terrorist Organizations. U.S. forces, at times working with Saudi Arabia and the ROYG, have killed or captured the leaders of both AQAP and the Yemeni branch of the Islamic State. On February 6, 2020, the White House issued a statement that U.S. forces had killed then-current leader and one of the founders of AQAP, 41-year-old Qasim al Rimi (also spelled Raimi or Raymi).⁷³ Rimi's successor is 41-year-old Khalid Batarfi who, according to one expert, "trained and fought in Afghanistan prior to September 2001, assisted fighters traveling to Iraq following the U.S. invasion in 2003, and helped lead AQAP's push to seize territory in southern Yemen in 2010 and 2011."⁷⁴

The announcement of Rimi's death came several days after Rimi released an audiovisual message claiming that AQAP was responsible for the December 2019 attack at the Naval Air Station Pensacola in Pensacola, Florida that killed three U.S. soldiers and wounded eight others. That attack was carried out by a Saudi soldier, Second Lt. Mohammed Alshamrani, who had been enrolled in a training program developed to teach Saudi pilots how to reduce civilian casualties in Yemen. Subsequent investigations of the terrorist attack in Pensacola have revealed that the radicalization of the Saudi soldier and AQAP's role in it was complicated. According to one account:

One reason Lieutenant Alshamrani proved so difficult to detect...was that he represented a new kind of terrorist. He was not directed start to finish by Al Qaeda, nor was he simply inspired by online jihadist ideology. Instead he more closely resembled a self-directed contractor who was strongly enabled by Al Qaeda's Yemeni branch.⁷⁵

U.S. counterterrorism operations combined with ongoing civil strife in Yemen have forced AQAP underground. According to one assessment, "The group's quasi-hibernation could be extended or brief, depending on the uncertainty of the conflict in Yemen as well as the timing of its development of new operatives, which take time to recruit and train."⁷⁶ Overall, AQAP's ability to directly carry out attacks abroad has diminished due to U.S. counterterrorism efforts; therefore the group has shifted focus onto "inspiring rather than directing attacks."⁷⁷

ISIS announced the formation of its Yemeni affiliate, composed mostly of disaffected AQAP fighters, in 2014, and has launched attacks against both Houthi targets as well as the Saudi-backed ROYG. In June 2019, Saudi Arabia and ROYG troops captured the leader of the Yemeni branch of the Islamic State in the far eastern governorate of Al Mahra. Reportedly, the United States played an "advise and assist" role during the operation.⁷⁸

To date, two U.S. soldiers have died in the ongoing counterterrorism campaign against AQAP and other terrorists inside Yemen. In January 2017, Ryan Owens, a Navy SEAL, died during a counterterrorism raid in which between 4 and 12 Yemeni civilians also were killed, including several children, one of whom was a U.S. citizen. The raid was the Trump Administration's first acknowledged counterterror operation. In August 2017, Emil Rivera-Lopez, a member of the elite

⁷³ White House, Statement from the President, February 6, 2020.

⁷⁴ Gregory D. Johnsen, "Khalid Batarfi and the Future of AQAP," *Lawfare*, March 22, 2020.

⁷⁵ Michael LaForgia and Eric Schmitt, "The Lapses That Let a Saudi Extremist Shoot Up a U.S. Navy Base," *New York Times*, June 21, 2020.

⁷⁶ Mitch Prothero, "AQAP Dispersion amid Broader Yemeni Conflict Underlines Strategic Depth and Organisational Resilience," *Jane's Terrorism & Insurgency Monitor*, November 6, 2020.

⁷⁷ "After US Killing of Chief, What's Next for AQAP?" *Agence France Presse*, August 2, 2020.

⁷⁸ "Saudi Arabia announces Capture of an ISIS leader in Yemen in U.S.-backed Raid," *Washington Post*, June 25, 2019.

160th Special Operations Aviation Regiment, died when his Black Hawk helicopter crashed off the coast of Yemen during a training exercise.

According to one study, since 2002, the United States has conducted 374 air, drone, or ground operation strikes against terrorist targets in Yemen, killing an estimated 1,376– 1,773 militants and 115– 149 civilians.⁷⁹ Among those militants killed were high-value targets such as AQAP leader Qasim al Rimi (2020); AQAP bomb maker Ibrahim al Asiri, (2018); AQAP leader Nasser al Wuhayshi (2015); USS Cole bomber Fahd al Quso (2012); and AQAP cleric/U.S.-citizen Anwar al Awlaki (2011).

Possible Illegal Transfer of U.S. Weaponry in Yemen

Congress has long taken an interest in ensuring that arms sold to foreign countries are used responsibly and for the purposes agreed on as part of their sale.⁸⁰ In February 2019, *CNN* reported that Saudi Arabia and the UAE had provided U.S. armored vehicles to local Yemeni units fighting the Houthis in possible violation of end-user provisions in foreign military sale or direct commercial sale agreements.⁸¹ The coalition denied that the items had left their control, citing command arrangements (see below), while the State Department said that it was “seeking additional information” on the issue. In Senate and House hearings in early February 2019, some Members expressed concern about end-use monitoring of equipment provided to the coalition.⁸² In October 2019, *CNN* published another article alleging that the UAE had illegally transferred U.S.-made Mine-Resistant Ambush Protected (MRAP) vehicles to the Southern Transitional Council (STC).⁸³ A third piece, published a month later by *CNN*, which depicted video footage of MRAPs being offloaded in Aden, elicited a response from an unnamed State Department official who remarked that “there is currently no U.S. prohibition on the use of U.S.-origin MRAPs by Gulf coalition forces in Yemen.”⁸⁴

Per Section §3(a) of the Arms Export Control Act (AECA - 22 U.S. Code §2753) and Section 505(e) of the Foreign Assistance Act (22 U.S. Code §2314), the U.S. government must review and approve any transfer of U.S.-origin equipment from a recipient to a third party that was not previously authorized in the original acquisition.⁸⁵ Third Party Transfer (or TPT) is the retransfer of title, physical possession, or control of defense articles from the authorized recipient to any person or organization that is not an employee, officer or agent of that recipient country.⁸⁶ U.S.

⁷⁹ New America, America’s Counterterrorism Wars, The War in Yemen, accessed in April 2020, available online at: <https://www.newamerica.org/international-security/reports/americas-counterterrorism-wars/the-war-in-yemen/>

⁸⁰ See CRS Report R44984, *Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy*, by Clayton Thomas.

⁸¹ Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, “Sold to an Ally, Lost to an Enemy,” *CNN.com*, February 2019. Available at: <https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

⁸² “Hearing to Receive Testimony on the United States Central Command in Review of the Defense Authorization Request for Fiscal Year 2020 and the Future Years Defense Program,” Senate Armed Services Committee, February 5, 2019; “Hearing on U.S. Policy in the Arabian Peninsula,” House Foreign Affairs Committee, February 6, 2019.

⁸³ Nima Elbagir, Mohamed Abo El Gheit, Florence Davey-Attlee, and Salma Abdelaziz, “American Weapons Ended up in the Wrong Hands in Yemen. Now they’re Being Turned on the US-Backed Government,” *CNN.com*, October 20, 2019.

⁸⁴ Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit, Florence Davey-Attlee and Ed Upright, “Under Shroud of Secrecy US Weapons Arrive in Yemen Despite Congressional Outrage,” *CNN.com*, November 7, 2019.

⁸⁵ See, U.S. State Department, Third Party Transfer Process and Documentation, Bureau of Political-Military Affairs, December 17, 2018.

⁸⁶ See, Defense Institute of Security Cooperation Studies, “The Management of Security Cooperation (Green Book),”

origin defense articles sold via Foreign Military Sales (FMS) and Direct Commercial Sales (DCS) are subject to end-use monitoring (EUM) to ensure that recipients use such items solely for their intended purposes.⁸⁷ DOD's Defense Security Cooperation Agency manages the department's Golden Sentry EUM program for defense articles sold via FMS. The State Department's Directorate of Defense Trade Controls coordinates the Blue Lantern program, which performs an analogous function for items sold via DCS.

For lawmakers, the definition of the "end-user" is at issue in Yemen. Saudi Arabia and the UAE claim that U.S.-purchased weapons used in Yemen have remained in their control in accordance with U.S. law and relevant bilateral agreements. According to Saudi-led coalition spokesperson Col. Turki Al Maliki, "the information that the military equipment will be delivered to a third party is unfounded.... all military equipment is used by Saudi forces in accordance with term and conditions of Foreign Military Sales (FMS) adopted by the US government and in pursuance of the Arms Export Control Act."⁸⁸

Several Members of Congress have followed up on CNN's investigations with legislative inquiries. Senator Elizabeth Warren has sent several letters to the Secretary of Defense and Secretary of State requesting information regarding the reported transfer of American weapons from the Saudi-led coalition to armed Yemeni militias, such as the STC.⁸⁹ In September 2019, the Senate Appropriations Committee adopted an amendment by voice vote and incorporated it into Section 9018 of S. 2474, the Department of Defense Appropriations Act, 2020, which would have prohibited defense funds from being used to support the Saudi-led coalition air campaign in Yemen until the Secretary of Defense certifies that the Saudi-led coalition is in "compliance with end-use agreements related to sales of United States weapons and defense articles;" and submits to Congress any written findings of "any internal Department of Defense investigation into unauthorized third-party transfers of United States weapons and defense articles in Yemen and has taken corrective action as a result of any such investigation." P.L. 116-93, the Consolidated Appropriations Act, 2020, which incorporated S. 2474, did not include Section 9018.

In May 2020, CNN reported that the State and Defense departments concluded their investigation into the possible illegal transfer of U.S. equipment and determined that the UAE had been cleared, adding that the "State Department has told some leaders in Congress that it is 'satisfied no actual transfers were made.'"⁹⁰ On May 7, 2020, the Defense Security Cooperation Agency (DSCA) notified Congress of a possible Foreign Military Sale to the UAE of Excess Defense Articles (EDA) of up to 4,569 MRAP vehicles for an estimated cost of \$556 million.

U.S. Bilateral Aid to Yemen

Since the current conflict began in March 2015, the United States has increased its humanitarian assistance to Yemen while limiting nearly all other bilateral programming. On February 11, 2015, due to the deteriorating security situation in Sana'a, the State Department suspended embassy operations and U.S. Embassy staff was relocated to Saudi Arabia.

Edition 39, January 2019.

⁸⁷ Pursuant to Sections 38(g)(7) and 40A(a) of the AECA (22 U.S.C. 2778(g)(7) and 2785(a)), and Section 505(a)(3) of the FAA (22 U.S.C. 2314(a)(3)).

⁸⁸ op.cit., CNN, November 7, 2019.

⁸⁹ Warren Calls on DoD and State to Respond to Reports that American Military Weapons Have Been Transferred to Suspected Terrorists and Separatist Militias in Yemen, October 23, 2019.

⁹⁰ Nima Elbagir, Alison Main, Salma Abdelaziz, Laura Smith-Spark and Jennifer Hansler, "The US Cleared the Way for a New Arms Sale to the UAE, Despite Evidence it Violated the Last One," *CNN*, May 22, 2020.

Over the past few years, USAID has managed an economic assistance portfolio of \$25-\$30 million. It has focused its programming on the health, education, and financial sectors. In the health sector, USAID has supported programs for providing polio surveillance, reducing child mortality, and providing basic access to health care. In the education sector, USAID funds programs to expand access to education to meet the needs of crisis-affected children. In the financial sector, USAID has worked with The Central Bank of Yemen (CBY) to ensure that the CBY can continue paying public sector salaries and managing the treasury.

The Joint Explanatory Statement accompanying the FY2020 Foreign Operations Appropriations Act (Division G of P.L. 116-94) directs that \$40 million in funding made available by the act and prior acts be used “for stabilization assistance for Yemen, including for a contribution for United Nations stabilization and governance facilities, and to meet the needs of vulnerable populations, including women and girls.”

Table 3. U.S. Bilateral Aid to Yemen: FY2016-FY2021 Request

(in millions of U.S. dollars)

Account	FY2016	FY2017	FY2018	FY2019	FY2020 est.	FY2021 Request
ESF	70.0	40.0	25.0	32.0	29.6	26.350
FMF	25.0	–	–	–	–	–
GHP-USAID	9.5	9.0	3.5	5.5	5.5	5.5
IMET	1.4	–	–	–	–	–
INCLE	2.0	1.0	–	.300	.300	–
NADR	6.5	5.884	6.5	5.6	5.6	4.6
Total	114.400	55.884	35.000	43.400	41.400	36.450

Source: Congressional Budget Justifications, USAID notifications, and CRS calculations.

Note: In FY2019, Yemen received \$21.5 million in ESF-OCO from the Relief and Recovery Fund.

Recent Legislation

In Congress, several national security-related bills contain provisions on Yemen. H.R. 7608, the State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriations Act, 2021 would prohibit State Department funds from being used to facilitate the transfer or sale of air-to-ground munitions to Saudi Arabia and the UAE “in recognition of the continuing devastation to civilians caused by US-provided weapons in the Yemen conflict.” The bill also contains a reporting requirement that addresses the delivery of humanitarian assistance. Also in the House, H.R. 6395, the National Defense Authorization Act for Fiscal Year 2021, would: (1) prohibit U.S. military participation against the Houthis; (2) require a report on U.S. military support for the Saudi-led coalition; and (3) require a report on U.S. policy in Yemen. The Conference Report did not include the prohibition on U.S. military participation, but did include two modified reporting requirements (Sections 1295 and 1296) requesting a detailed description of U.S. diplomatic actions to ease human suffering in Yemen and a Comptroller General report of “all military support, training, and defense articles and services provided by the Department of Defense to Saudi Arabia, the Government of the United Arab Emirates, and other countries participating in the Saudi-led coalition since March 2015.”

H.R. 7856, the Intelligence Authorization Act for Fiscal Year 2021, would prohibit funds for the U.S. intelligence community from being expended on intelligence sharing “for the purpose of enabling or assisting air strikes in Yemen by the Saudi Arabia-led coalition” with the exception of countering terrorist groups, like Al Qaeda in the Arabian Peninsula. The bill also would require the Director of National Intelligence to report, among other things, “any incident that has occurred since 2015 in which Saudi Arabia or one of its coalition partners has been determined to have used United States weapons against civilians or civilian objects in Yemen.”

Finally, H.Con.Res. 123, would, pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), direct the President to remove United States Armed Forces from hostilities against the Houthis in the Republic of Yemen, except United States Armed Forces engaged in operations directed at Al Qaeda in the Arabian Peninsula or associated forces.

Trump Administration Policy and Outlook for the Incoming Administration

During the Trump Administration, stated U.S. policy toward Yemen has been generally consistent with previous administrations. That is, from 2017 to 2020, the United States aimed to counter terrorism in Yemen, support United Nations efforts to foster political solutions to Yemen’s conflicts, and provide aid to alleviate the world’s worst humanitarian crisis.⁹¹ During the Trump Administration, there have been few high level diplomatic attempts to directly mediate Yemen’s numerous internal conflicts. Instead, policymakers have deferred direct peacemaking to U.N. negotiators and subsumed Yemen into a broader regional policy aimed at improving U.S. ties to Gulf Arab partners and applying maximum pressure on Iran.

To that end, the Administration has largely been supportive of the Saudi-led coalition’s campaign in Yemen, with the exception of instances in which Congressional pressure⁹² altered the Administration’s approach, or Yemen’s deteriorating humanitarian situation necessitated a change in U.S. policy. For example, in 2017, as aid delivery to northern Yemen stalled over a Saudi-led coalition blockade, President Trump pressured the coalition to permit aid shipments.⁹³ In 2018, as Houthi and Saudi-led coalition forces were battling in streets of Hudaydah and Members of Congress were expressing outrage at Saudi Arabia over the murder in Turkey of journalist Jamal Khashoggi, the Administration applied pressure to the coalition to reach a cease-fire in Hudaydah and unilaterally announced that it would cease in-flight refueling of coalition aircraft.⁹⁴

Since 2019, as the Houthis have become more aggressive in attacking Saudi territory and besieging the last ROYG stronghold in northern Yemen, the Trump Administration has refocused

⁹¹ U.S. State Department, United States Announces Additional Humanitarian Assistance to the People of Yemen, February 26, 2019.

⁹² See CRS Report R45046, *Congress and the War in Yemen: Oversight and Legislation 2015-2020*, by Jeremy M. Sharp, Christopher M. Blanchard, and Sarah R. Collins.

⁹³ See, The White House, Office of the Press Secretary, Statement by President Donald J. Trump on Yemen, December 06, 2017. Other statements include: The White House, Office of the Press Secretary, White House Statement on Iranian-Supported Missile Attacks Against Saudi Arabia, November 8, 2017; The White House, Office of the Press Secretary, Statement from the Press Secretary on the Humanitarian Crisis in Yemen, November 24, 2017; The White House, Office of the Press Secretary, Statement by the Press Secretary Regarding the Violence and Humanitarian Conditions in Yemen, December 08, 2017.

⁹⁴ On November 9, 2018, then Secretary of Defense James Mattis announced that the coalition would use its own military capabilities—rather than U.S. capabilities—to conduct in-flight refueling in support of its operations in Yemen. See White House, Statement of Administration Policy on S.J.Res. 54, November 28, 2018.

its Yemen policy to emphasize even more how Iran's support for the Houthis is exacerbating conflict.⁹⁵ As previously mentioned, the U.S. Defense Department has displayed caches of seized advanced weapons of possible Iranian origin destined for the Houthis. In addition, the United States also may have unsuccessfully targeted a high-level Islamic Revolutionary Guard Corps (IRGC) operative based in Yemen. Nevertheless, at times, U.S. officials have recognized that there is some divergence between Houthi and Iranian interests. According to one senior U.S. State Department official, "I think there are elements within the Houthi movement who recognize that their link to Iran isn't in their interest."⁹⁶

As 2021 approaches and Yemen continues to be the world's worst humanitarian crisis, made worse by the COVID-19 pandemic, some Members of Congress have urged U.S. officials to become more directly involved in resolving the conflict.⁹⁷ During the 2020 presidential campaign, then-candidate Joseph Biden promised to "end our support for the Saudi-led war in Yemen."⁹⁸ How the presumed incoming Administration will handle issues pertaining to Yemen remains to be seen, and it is unclear whether Biden would limit all U.S. support for the coalition, become more directly involved in conflict mediation, or some combination thereof. Possible policy options under consideration may include limiting U.S. intelligence sharing and security cooperation with the Saudi-led coalition, or prohibiting sales of U.S. weapons to Gulf Arab partners which could be used to harm civilians in regional conflict zones such as Libya, Syria, and Yemen. The next administration's handling of a recent Congressional notification of a possible Foreign Military Sale to the UAE of MQ-9B Remotely Piloted Aircraft for an estimated cost of \$2.97 billion may be instructive.⁹⁹

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⁹⁵ See U.S. State Department Press Statements on Yemen, available online here: [<https://www.state.gov/countries-areas-archive/yemen/>]

⁹⁶ U.S. State Department, "Senior State Department Official on Developments in Yemen," Special Briefing, February 25, 2020.

⁹⁷ Senator Chris Murphy, Murphy, Young Lead Bipartisan Call for Pompeo to Facilitate Diplomatic Solution to End Yemen War, June 16, 2020.

⁹⁸ Joseph R. Biden Jr., "Why America Must Lead Again, Rescuing U.S. Foreign Policy After Trump," Foreign Affairs, March/April 2020.

⁹⁹ Defense Security Cooperation Agency, United Arab Emirates – Mq-9b Remotely Piloted Aircraft, Transmittal No 21-05, November 10, 2020.

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