



Católica Porto Law School

Non-State Armed Groups And The Yemen War

Marta Maria Ferreira Gomes Lopes Genésio

Master's in law

Law School | UCP

2023



Católica Porto Law School

Non-State Armed Groups And the Yemen War

Marta Maria Ferreira Gomes Lopes Génésio

Supervisor: José Alberto de Azeredo Ferreira Lopes

Master's in law

Law School | UCP

2023

Ao meu avô Genésio

“You don’t understand that I am sitting on a nest of snakes and scorpions, and you will see what happens once I am gone”

Ali Abdullah Saleh

Acknowledgements

À minha família pelo apoio incondicional, por toda a dedicação, por acreditarem sempre em mim.

Aos meus pais, um agradecimento especial por todos os esforços que fizeram, por me terem sempre dado a mão e por serem os meus melhores amigos. Aos meus irmãos, que são as minhas maiores dores de cabeça, mas que estão sempre presentes. Ao Eduardo, por ser a pessoa que diariamente lida comigo com a maior paciência e me apoia incondicionalmente. Às minhas amigas, obrigada por caminharem comigo nesta viagem, partilhando sempre as minhas alegrias e ajudando-me sempre nos meus problemas.

Um agradecimento a todos os professores que cruzaram o meu caminho e me ajudaram em tudo, sobretudo aos professores do Mestrado de Direito Internacional e Europeu. Um agradecimento especial ao professor Nuno Pinheiro Torres que sem ser meu orientador me ajudou sempre que precisei.

Ao professor José Azeredo Lopes, por ter sido um mentor e por ter fomentado, desde a licenciatura até ao meu mestrado, o meu pensamento crítico e a minha forma de olhar para o mundo. Poucos professores nos marcam como ele marca todos os seus alunos.

E, sobretudo, ao meu avô Genésio, cujo maior desejo era ver-me no exato momento em que estou.

Abstract

The aim of this study is to examine the presence of non-state armed groups during internal and international armed conflicts. The focus of this thesis is to find a definition of non-state armed groups and apply it to the Houthis as part of the Yemeni conflict in order to understand the role that these groups can achieve in a real conflict.

We chose to study the case of Yemen because it involves both state and non-state actors, making its analysis complex. Initially, which was an internal conflict, but it has become international in nature.

Throughout this thesis, we will conduct a structural analysis of the conflict in order to understand the role of each of the parties involved and the eventual outcome of the conflict.

Keywords: Non-State armed groups, internationalization of the conflict, Yemen

Resumo

Este estudo visa examinar a presença de grupos armados não estaduais durante conflitos armados internos e internacionais. O foco desta tese é encontrar uma definição destes grupos e aplicá-la aos Houthis como parte do conflito iemenita, a fim de compreender o papel que estes grupos podem alcançar num conflito real.

Escolhemos estudar o caso do Iémen porque se trata de um conflito que envolve tanto atores estaduais como não estaduais, o que torna a sua análise complexa, uma vez que um conflito que inicialmente seria interno se torna internacional.

Ao longo desta tese, faremos uma análise estrutural do conflito de modo a compreender o papel de cada uma das partes envolvidas e o seu destino.

Palavras-Chave: Grupos armados não estaduais, Internacionalização dos conflitos, Iémen

Contents

1.	Introduction	10
2.	The Yemen Conflict	12
3.1	Yemen's Conflict: a historical background.....	13
3.2	The actors of the conflict.....	21
a)	Non-State Armed Groups	22
•	The Houthis	27
•	Transnational Armed Groups in Yemen	30
b)	External actors	33
3.3	The internationalisation of the conflict	36
3.	The United Nations and the Conflict.....	41
4.	A Proxy-war?.....	42
5.	Conclusion.....	45
6.	Bibliography	47

List of abbreviations

- ICRC- International Review of the Red Cross
- NSAGs- Non-State Armed Groups
- NIAC- Non-International Armed Conflicts
- IHL- International Humanitarian Law
- IH- International Law
- UN- United Nations
- HRC- UN Human Rights Council
- GCC- Gulf Cooperation Council
- SC- United Nations Security Council
- AQAP- Al Qaeda in the Arabian Peninsula
- STC- Southern Transitional Council
- IHRL- International Human Rights Law
- AP II- Additional Protocol II
- ICTY- International Criminal Tribunal for the former Yugoslavia
- ICC- International Criminal Court
- ICJ- International Court of Justice

1. Introduction

The current dynamics of armed conflicts are characterised by the existence of a wide variety of actors, both state and non-state. Since international law was designed for states, the presence of a diverse range of these groups in armed conflicts today highlights the uncertainty of the future and the need for international law to adapt to changing circumstances.

We have chosen to focus our analysis on the side of non-state actors that are increasingly gaining an important place in the international sphere, contributing to the intensification of various conflicts. However, discussing non-state armed groups (NSAGs) is not a new topic. In fact, states and NSAGs have always coexisted. If we look at areas of central Africa, southeast and central Asia, Middle East, we realize that armed groups and conflicts involving them have always existed.

According to the International Review of the Red Cross (ICRC) “Worldwide, around 600 armed groups can cause violence of humanitarian concern – and more than 100 of those can, as a matter of international humanitarian law, be considered parties to armed conflicts”¹. Despite this, the place occupied by these groups in international law remains unclear as no definition is provided for them in the treaties². In addition to this lack of regulation, the law applicable to these groups is not very comprehensive and mostly falls under the rules that apply to non-international armed conflicts (NIAC).

In this sense, establishing the definition of an NSAG is fundamental because, once a group is classified as an NSAG, the International Humanitarian Law (IHL) of NIAC applies, and, because of that, certain violations are prosecutable. Throughout this master’s thesis, we aim to reach a definition of what NSAGs are, so that, in a real conflict, we can understand what type of group is at stake, what their characteristics are, and what implications they have. We will use the case study of Yemen for this purpose.

The Middle East is a region with complex geopolitical dynamics. The idea of state authority in the region has been questioned because of its widespread fragility. Many Arab nations have borders, tax systems, and electoral processes, but they lack the fundamental characteristics of resilient states, such as a cohesive national identity. As a

¹ (Cross R. , 2022)

² “Humanitarian treaty law does not regulate in sufficient detail a large proportion of today’s armed conflicts” (Henckaerts, 2005, p. 178)

result, places like Iraq, Syria, and Yemen are facing different internal conflicts that are intensified by the proliferation of armed groups and the internationalization of conflicts which have led to some of the world's worst humanitarian crises with the displacement of millions of people, collapsing economies, and above all, giving space to non-state actors to grow.

We chose the Yemen case because of its complexity: we have prolonged conflicts, disease outbreaks, and the lack of food and health services, making this country a place with a deep humanitarian crisis. Hundreds of thousands of refugees have migrated to other countries, and children have been recruited as child soldiers, which has put the lives of many more in danger. Moreover, it is a conflict where several non-state and state actors are involved, with one of the major actors being a non-state actor. Because of this, Yemen is described as one of the worst humanitarian crises in the world and little is discussed about it compared to the situation in Syria. In this sense, this thesis will analyse the situation in Yemen today, its actors, and to what extent non-state actors manage to be "the other party" to the conflict.

Since the beginning of its history, Yemen has been divided into territorial and political control areas with each territory having its leadership structure, internal politics, and external supporters. Consequently, Yemen presents a set of mini-states engaged in a complex conflict. Adding to this fragmentation is the fact that Yemen serves as a stage for third states' actions, increasing the crisis. A conflict that would otherwise be internal takes on another dimension due to the presence of third states. To what extent is the intervention of these states legitimate in the light of the UN Charter, which establishes the principle of territorial sovereignty?

With this thesis, we intend to analyse the dynamics of the Yemeni conflict and understand what makes this conflict so complex. Are we facing an international conflict where one side is a non-state armed group? How does a non-state actor manage to take a position in a conflict like the one reached by the Houthis? Will Yemen remain in conflict, or will there be an end to what they say is a conflict with no apparent end?

2. The Yemen Conflict

Yemen, once the heart of ancient Arabia, has become one of the poorest countries in the Middle East and has been torn apart by war. According to the UN, the conflict in Yemen is one of the most serious humanitarian crises in the world, with Yemeni civilians suffering overwhelming losses and the worst aspects of conflicts.

Although Yemen is often considered a peripheral country, it is central to the dynamics of the Arabian Peninsula and the Persian Gulf, situated at the crossroads of three regions: the Gulf, Africa, and Asia, and connected to the Red Sea. Due to its geographical location, Yemen is a natural geopolitical platform attracting a variety of international actors, and it has always been the stage for a wide range of conflicts.

The current conflict in Yemen involves two clear parties: on one side is the internationally recognised government of Yemen, supported by Saudi Arabia, and on the other side is the non-state armed group Houthis, supported by Iran. Understanding the dynamics of the conflict and why third states have intervened is fundamental to understanding the legitimacy of those interventions and how they intensify the conflict and enable non-state actors to develop. By examining the background of the conflict, we will try to understand how a non-state actor manages to develop and intervene directly in the war as a party.

Yemen Data Project³ has reported that since 2015 more than 25 000 airstrikes have been launched in Yemen, killing or injuring more than 19 000 civilians. In 2022 alone, more than 400 civilians were injured, indicating that living in a country where citizens are subjected to an average of ten airstrikes per day causes them to live in constant fear.

The UN Human Rights Council (HRC) in its 36th session⁴ recognized that the population of Yemen is the main victim of the conflict, where all parties involved commit acts against IHL obligations and Human Rights with impunity. The direct consequence is that 80% of the population needs some sort of humanitarian assistance, and, according to UNICEF, the conflict has left almost 4 million people, including 2 million children, internally displaced, in addition to 422,000 migrants and asylum seekers⁵.

³ (YEMEN DATA PROJECT, s.d.)

⁴ Whose purpose was to examine HR and other IL violations in Yemen (36th session of the Human Rights Council)

⁵ (UNICEF, 2020)

In this chapter, we will analyse the presence of NSAGs in Yemen as well as the intervention of foreign states. To this end, we will provide different angles to analyse the conflict, including the character of violence, the type of conflict, and an actor-based analysis that discusses the characteristics of the conflict.

3.1 Yemen's Conflict: a historical background

To better understand what is happening in Yemen, it is necessary to set out the background that led to the present conflict.

If we look at the 1960s, Yemen was the scene of a civil war that ran from 1962 to 1968. At that time, northern Yemen⁶ was ruled by a theocracy called Imams who were religious leaders belonging to the Zaidiyyah branch of Shia Islam. The Imams' legitimacy was based on the descent of the Islamic prophet Muhammad⁷. Since the northern highlands were under the control of the Imams and the richer Sunni midlands were exploited by them, an Arab Nationalist Movement called "Free Yemenis" emerged in 1962 to launch a full-scale conflict with the Imams and change the situation.

The conflict was opposed on one side by the Yemeni republican forces with the support of Egypt (supported by the Soviet Union and Eastern Europe) and the Imam's, who were backed by Saudi Arabia⁸ and Jordan (supported by the United States and the United Kingdom) and persisted until the end of the decade, when the republican forces emerged victorious. Despite the Republicans' victory, Yemen did not progress to a better time as traditional northern highlands tribal leaders retained positions of power and influence in the new regime.

In 1978, Ali Abdullah Saleh became president, and the rough balance between highlands and lowlands interests emerged. President Saleh reintroduced an exploitative taxation system with the citizens in the midlands region being taxed at a rate roughly double that of the highlands population⁹. Saleh's system was characterised by corruption, the narrow rule of the political and commercial elite, the weakening strength of the central government's strength, escalating economic woes, and widespread poverty.

⁶ North Yemen was a state that existed in the northwestern part of what is now Yemen between 1918 and 1962. Following the fall of the Ottoman Empire, Imam Yahya Muhammad of the al-Qassimi dynasty declared northern Yemen an independent sovereign state on 30 October 1918 (Britannica, s.d.)

⁷ (Feierstein, pp. 2-4)

⁸ The Saudis backed the Zaydi Shi'a Imamate primarily because they saw Egypt's republican revolution as a threat to their domestic interests. Ibidem pp.20

⁹ Ibidem pp.4-5

After the civil war, the path towards the unification of Yemen began. Yemen's territory was divided into 2 parts since the early 20th century: North and South Yemen. It was only in December 1989 that the respective leaders of each part met and prepared a final unification agreement which was concluded on May 22, 1990, when North and South Yemen officially unified to become the Republic of Yemen. Although the unification intended to make the republic of Yemen a whole, the opposite was true: the presidents of the former north and south could not see eye to eye and President Saleh did not comply with the unification agreement: the 50/50 leadership did not take place and the number of southerners in the government was very small, with the northerners prevailing in power. This division led to Southerners seeking independence from the country, resulting in widespread clashes. The tension culminated in a full-scale civil war in 1993, which lasted for several years and ended with the defeat of the South¹⁰.

Many unresolved issues from the 1960s republican revolution and its aftermath, particularly during Saleh's rule, contributed to the emergence of a group of Zaydi Shi'a under the leadership of Bakr al-Din al-Houthi, which later became the Houthis. Between June 2004 and February 2010, six civil wars emerged as a result. At this point, the Houthis began to emerge as a rebel group. Although they did not yet have the level of organization and military capacity they do now, they were a group of people participating in an insurrection against the legitimate government, still exhibiting a low level of violence and causing few problems for the enemy state.

The conflict in Yemen returned in 2011, during the so-called "Arabic Spring" when Yemenis took to the streets of the country's main cities, demanding that President Saleh resign after more than 30 years in power. The growing discontent and the increase in conflicts related to Saleh's system of corruption led to Yemen's transition plan, which was aided by the Gulf Cooperation Council (GCC)¹¹. In this transition plan, President Saleh signed up an agreement to step down from power but was guaranteed immunity from prosecution for any actions committed during his tenure. The transition agreement called for acting Vice-President Abd Rabbu Mansour al-Hadi, to take over as president.

¹⁰ See (History of Yemen, s.d.)

¹¹ Established in May 1981, the GCC consists of a political and economic alliance of six Middle Eastern countries - Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Bahrain, and Oman. The main objectives of this community are to create unity among its members as the six countries share common goals and have similar political and cultural identities, rooted in Arab and Islamic cultures.

Additionally, all political parties in Yemen agreed to hold a National Dialogue Conference (NDC) to draft a new constitution.

In 2011, the Security Council (SC) adopted Resolution 2014¹², supporting the GCC's efforts to resolve the political crisis in Yemen and reaffirming its belief that signing and implementing a settlement agreement based on the GCC initiative was critical for an inclusive, orderly, and Yemeni-led political transition process¹³. This resolution is one of the most significant in the context of the conflict, covering several points, including terrorist groups, the Yemeni government, human rights violations, and use of child soldiers. The SC establishes a Committee of Security Council in Yemen and a Panel of 4 Experts ("Panel of Experts) responsible to investigate the violations and the individuals responsible for those violations.

Despite the GCC and UN efforts, to establish a transitional process for Yemen, it had several defects: Salih was permitted to remain in Yemen in a position of power; the Houthis and the Southern Movement were barred from joining the coalition government and were under-represented and the new government decided to make changes, one of the most important being the cut of the fuel subsidies in June 2014. Following those events, a wave of protests began which led to a political crisis that culminated with the Houthis taking control of the capital Sana'a¹⁴ with the support of military tribal groups loyal to the former president, Saleh¹⁵. The Houthis used their militias to seize control of key city institutions, installed their own people in major institutions and created their own constitution. At this point, we see an advance in the organisation and military capacity of this group.

So, by the year 2014, Yemen's military was divided between Hadi, the current president, and Saleh, the former president. This situation was further complicated by the presence of other groups who exploited the division to expand their influence in Yemen,

¹² (Resolution 2014 Adopted by the Security Council at its 6634th meeting)

¹³ Also, in resolution 2051 the SC reaffirms this need for the parties to implement Yemen's Political Transition Agreement (Resolution 2051 Adopted by the Security Council at its 6784th meeting)

¹⁴ It should be noted that before the Houthi takeover of Sana'a, the SC had adopted another resolution (Resolution 2140 Adopted by the Security Council at its 7119th meeting) setting out several steps to be taken for a successful transition process in Yemen. Among these steps was the adoption of a new constitution, the drafting and adoption of a new electoral process coinciding with the new constitution and the transition from a unitary to a federal state.

¹⁵ See (Bearing the Brunt of War in Yemen: International Law Violations and their Impact on the Civilian Population: A Briefing Paper); (Academy, THE WAR REPORT 2017: THE ARMED CONFLICT IN YEMEN: A COMPLICATED MOSAIC)

namely AQAP and ISIS, non-state actors that highlight the need to address the existence of transnational armed groups capable of establishing themselves in multiple states simultaneously.

A month after seizing control of Sanaa, the Houthis seized Hodeidah, Yemen's main cargo port. Controlling Hodeidah was critical for the Houthis for several reasons: it provides access to the Red Sea for the mostly landlocked northern Houthi-controlled areas, it's important to resupplying Sanaa, which is 25 miles south of the Ras Isa floating terminal which is an exporting oil terminal.

Due to the unstable climate, to improve the situation in the country, the government signed an UN-brokered peace agreement with the Houthis¹⁶: The Peace and National Partnership Agreement (PNPA) whose main objective was to establish an inclusive government¹⁷ which granted them significant political concessions in exchange for agreeing to withdraw their militias from Sanaa.

However, all hopes for a Peace Agreement were dashed in January 2015, when Hadi resigned shortly after fleeing house arrest in Sanaa. Following a brief stay in Aden, he sought refuge in Saudi Arabia where he requested Saudi Arabia's support in the conflict against the Houthis. This request marked the beginning of the conflict between the Saudi Arabia-led coalition of Sunni-majority nine Arab countries¹⁸ and the Houthis in the so-called Operation Decisive Storm One to neutralize the Houthi insurgency and restore Hadi as Yemen's President, for that purpose weapons, equipment, and military training have been provided to large groups of pro-Hadi Yemeni fighters¹⁹. This intervention was backed by the US, the UK and France which provided diplomatic and logistic support.

This military intervention amount to a violation of the prohibition on the use of force under the spirit and letters of Article 2(4), which obliges states to resolve disputes through peaceful means. Moreover, Saudi Arabia's intervention amounts to a violation of Yemen's sovereignty. Is Yemen's invitation to Saudi Arabia to intervene sufficiently to legitimise

¹⁶ In (Resolution 2201 Adopted by the Security Council at its 7382nd meeting, 2015), the SC strongly deplored the actions taken by the Houthis to dissolve the parliament and take control of Yemen's government institutions, including their acts of violence, and expressed the importance of adopting a consensual solution in accordance with the GCC Initiative and its Implementation Mechanism, the outcome of the Comprehensive Dialogue Conference, and the National Peace and Partnership Agreement.

¹⁷ This agreement provided for the appointment of Houthi representatives as presidential advisers and demanded reforms in the security and economic sectors, including the restoration of fuel subsidies (The Peace and National Partnership Agreement, 2014)

¹⁸ Saudi Arabia, the UAE, Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar and Sudan

¹⁹ See Geneva Academy, (Non-international armed conflicts in Yemen, s.d.), (Mitreski, 2015, p. 3)

the intervention? The most important legal document regulating interventions in state affairs is the UN Charter, which establishes the principle of sovereign equality of all states, but also obliges those states to resolve disputes by peaceful means and prohibits the use of force²⁰. However, there are concrete situations, like the one in Yemen, where there is interference by third states in the internal affairs of other states. To what extent are there situations in which intervention in a third state is permissible under the UN Charter?

According to the UN charter, any intervention that is not in accordance with UN principles has no legitimate legal basis under international law. Since the use of force is prohibited as a rule, any legal intervention must rest under two exceptions: Article 51 and UN Security Council authorisations²¹. So, in the case of Yemen, intervention in the conflict will have to fit one of these two exceptions.

Following that, on 14 April 2015, in Resolution 2216²², the SC reaffirmed its support for the legitimacy of Yemen's President Hadi and reiterated its call on all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen. In this Resolution, the SC condemned in the strongest terms the ongoing unilateral actions of the Houthis, and their failure to implement the demands of resolution 2201 (2015) to immediately and unconditionally withdraw their forces from the government, and institutions, including in the capital Sana'a.

This resolution while not endorsing the intervention of the Saudi-led coalition, demanded that the Houthis withdraw from Sanaa, hand over their weapons, and recognize the legitimacy of President Hadi's regime²³. To ensure compliance with Resolution 2216, the UN established a UN Verification and Inspection Mechanism for Yemen (UNVIM) for vessels sailing to Yemeni ports that are not under its control which among other things allows the free flow of commercial items through verification and inspection, as well as

²⁰ See article 2 n°1, 3 and 4 in (United Nations Charter)

²¹ Ibidem art.51

²² (Security Council, 2015) See also (Resolution 2342 Adopted by the Security Council at its 7889th meeting, 2017)

²³ We note that, unlike situations such as NATO's intervention in Kosovo, in the Yemen situation the SC did not adopt any resolution prior to Saudi Arabia's intervention authorising it. In fact, it was only after the intervention began that the SC began to adopt certain resolutions.

examinations of clearance applications, of commercial vessels sailing to the port of Yemen²⁴.

Meanwhile, as the fight against the Houthis intensified, AQAP took advantage of the unstable climate and took Yemen's fifth-largest city, Mukalla. Thus, the humanitarian situation in Yemen worsens as the fight turns from the Houthis to other non-state groups that have seen Yemen as an ideal place to grow.

Yemen had become the location of one of the world's worst humanitarian crises by early 2017. In August of that year, the alliance between the Houthis and former President Saleh began to weaken, and in December 2017, the Houthis assassinated Saleh, which marked a significant turning point in the conflict changing the dynamics of the conflict as well as the military and political nature of alliances.

Since then and have already begun to withdraw from the Saudi-led coalition in May of the same year, the UAE has made its primary goal to establish separate military units, thereby weakening the Yemeni government and the Arab Alliance's position. Following the increase of tension between the Yemeni government and the UAE, the Southern Transitional Council (STC) emerges as a separatist organization in Yemen to establish a new political reality in Aden and achieve independence for southern Yemen, as it existed before the unification of Yemen. Because of that, Aden became the point of conflict between the internationally recognised government and the STC, operating, however, within the framework of the UAE agenda.

The state of neither peace nor war was the main characteristic that marked the year 2018²⁵. During that year, the Yemeni Government and the Houthis held their first meeting since 2016 in Stockholm to discuss proposals for reducing conflict. The meeting resulted in the signing of the Stockholm Agreement, which included agreements on the city of Hodeidah, an executive mechanism for a prisoner exchange, and a statement regarding Taiz²⁶.

As part of the Stockholm Agreement, the parties agreed to an immediate ceasefire in Hodeidah city and its ports, Salif and Ras Issa. As well as a mutual redeployment of forces from Hodeidah city and the ports to agreed locations abroad.

²⁴ (United Nations Verification and Inspection Mechanism for Yemen, s.d.)

²⁵ (Garallah, pp. 12-14)

²⁶ (Council S. , S/2018/1134- Stockholm Agreement, 2018)

On 21 December 2018, the SC in its Resolution 2451²⁷, welcomed Special Envoy's consultations with the Yemeni government and the Houthis in Stockholm and emphasized the crucial importance of making progress toward a political agreement to end the conflict and alleviate Yemenis' humanitarian suffering. As a result, the SC, in Resolution 2452²⁸, approved (for 6 months) the creation of the United Nations Mission to support the Al Hodeidah Agreement (UNMHA) which has been reauthorized several times.

During 2019, the geopolitical sphere of the conflict changed drastically with the capital Aden being controlled by the UAE-backed STC, followed by the UAE's military bombardment of Yemeni army units in the western of Aden. As a result, the STC intensified its attacks on Saudi-supported Yemeni government forces in the neighbouring southern governorates of Abyan and Shabwa. However, thanks in part to emergency aid and reinforcements from Saudi Arabia, the government forces and allied tribal militias were able to repel the STC, forcing them to retreat²⁹. The increase of tensions between the STC and Yemen's government led to intervention by Saudi Arabia to reach a political agreement known as the "Riyadh Agreement" which was signed on November 2019, in Riyadh by both the government and the STC. The conflicts, among other factors, contributed to a decrease in the intensity of fighting between the Yemeni Army and the Houthis, allowing the Houthis to reorganize and tighten their control over new areas.

The intensity of the conflict did not decrease, and in February 2021, the Houthis launched an attack on Ma'rib Governorate which caused large waves of displacement, including attacks on locations that hosted internally displaced persons. At the end of 2021 and the beginning of 2022, the conflict between the Houthis and the Saudi-led coalition escalated with the Saudi-led military coalition becoming more cohesive, and the Houthis losing territory they had captured in 2020-21. January 2022 was considered the deadliest month in 7 years of war, as the Houthis launched several drone and missile attacks on the

²⁷ (Resolution 2451 Adopted by the Security Council at its 8439th meeting, 2018)

²⁸ (Resolution 2452 Adopted by the Security Council at its 8444th meeting, 2019) See also (Resolution 2481 Adopted by the Security Council at its 8572nd meeting, 2019); (Resolution 2505 Adopted by the Security Council at its 8701st meeting, 2020); (Resolution 2534 Adopted by the Security Council at its 8747th meeting, 2020); (Resolution 2643 Adopted by the Security Council at its 9091st meeting, 2022).

²⁹ This STC-UAE alliance against Yemen's internationally recognised government demonstrates the complexity of the conflict dynamics in that the UAE was part of the coalition supporting the government and ceases to be part of that coalition to support a group that acts against the government.

UAE and Saudi Arabia's territory, and because of that, the Saudi-led coalition launched a series of airstrikes on Houthi-led territory³⁰.

In resolution 2624³¹, the SC strongly condemned the ongoing military escalation in Marib city, which has led to an increasing number of civilians deaths, including those of children, and has threatened internally displaced persons and other vulnerable populations in the area. This resolution also condemned the terrorist attacks claimed and carried out by the Houthis in Abu Dhabi, UAE, on 17 January 2022, as well as other locations in Saudi Arabia. SC stressed that there is no military solution to the current conflict and the only viable way forward is dialogue and reconciliation among the multiple and varied parties.

Despite the complex situation, some efforts have been made, namely, the Saudi-led military coalition and the Houthis announced a two-month truce in April 2022³². This truce provided a halt to offensive military operations by both the Houthis and the government of Yemen. The truce was seen as a pathway to peace representing the best opportunity Yemenis had for peace in years. It was renewed twice for two months but ended on October 2022³³. However, several reports from the year 2022³⁴ show that the conflict is far from over with the Houthis using new weapons like drones. On 9 November 2022, the Houthis performed a drone strike on the Qana port and Yemen's Red Sea coast. Also, NSAGs like AQAP continued to target STC forces and contributed to the weekly violent events in Abyan.

The recent report by the Group of Eminent International and Regional Experts³⁵ highlights that despite international and regional efforts to achieve a ceasefire and initiate a peace process, the conflict remains unmanageable due to the lack of political will of the parties to the conflict. Over the past four years, this Group has examined more than 15 bombing attacks that have devastated civilian lives and concluded that most of these

³⁰ For a better understanding of the current situation see Al Jazeera, (What's going on in Yemen and is the war getting worse?)

³¹ (Resolution 2624 Adopted by the Security Council at its 8981st meeting, 2022)

³² See (OESGY, 2022) and (Resolution 2643 Adopted by the Security Council at its 9091st meeting, 2022)

³³ According to ACLED's report on the first two months of the truce, Yemen saw the lowest levels of reported fatalities from political violence since January 2015 (ACLED, 2022)

³⁴ For weekly reports on Yemen see Armed Conflict Location & Event Data Project (ACLED) site (<https://acleddata.com/?s=yemen>)

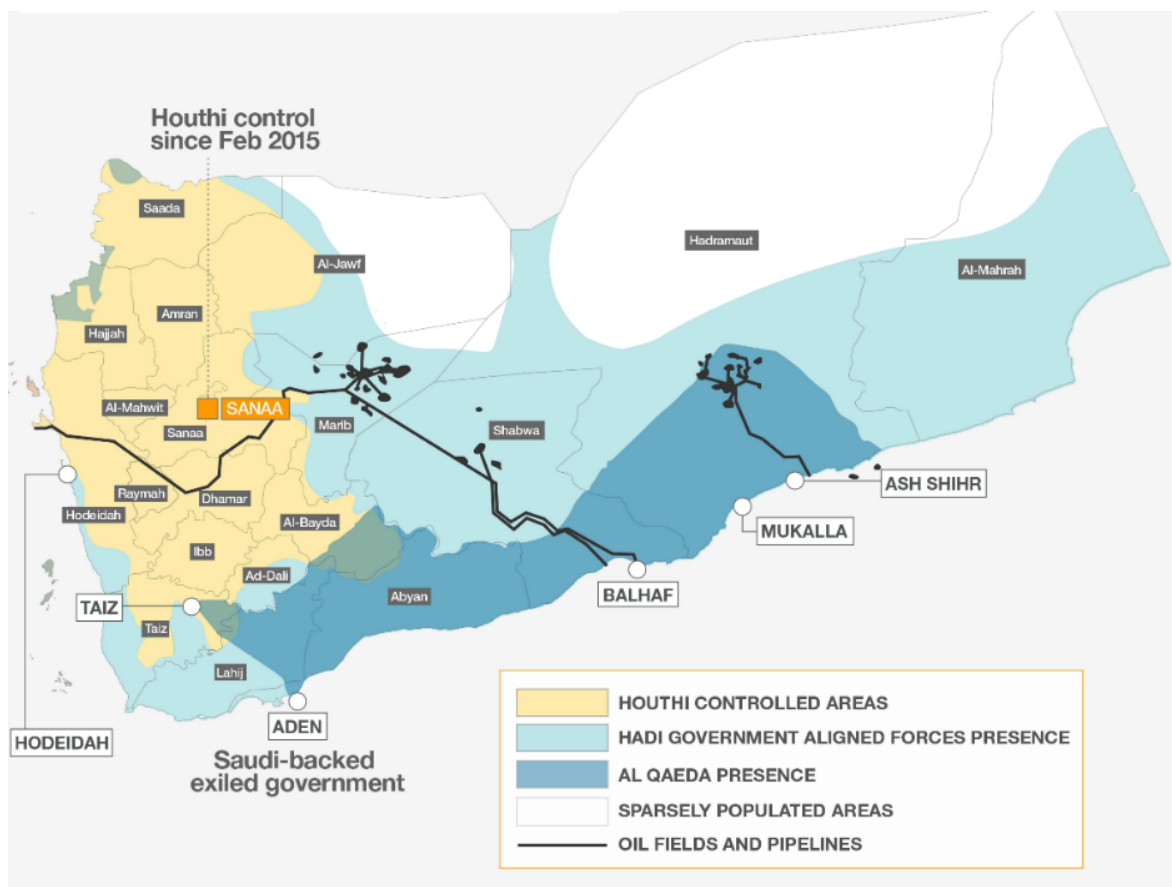
³⁵ In Resolution A/HRC/RES/36/31 the HRC requested the High Commissioner to establish a Group of Eminent International and Regional Experts on Yemen. See (36th session of the Human Rights Council, (11 to 29 September 2017)), (39th session of Human Rights Council, RES/39/16, 10–28 September 2018)

attacks have been undertaken by the Houthis, with a small number attributed to the Government of Yemen and the coalition.

Thus, it is crucial to understand who the parties to the conflict, their characteristics and the type of conflict at stake.

3.2 The actors of the conflict

Yemen's situation over the years has remained profoundly difficult, as the parties continue to engage in serious violations of international human rights law (IHRL) and IHL. In addition, third states continue to provide arms and military support to the warring parties, further exacerbating Yemen's humanitarian disaster³⁶.



We can say that the main reason why this conflict has been dragging on for years is the existence of multiple parties who control different parts of the territory and who have geopolitical interests that prevent a solution from being reached³⁷.

³⁶ See (Non-international armed conflicts in Yemen, s.d.)

³⁷ For more detailed knowledge see the interactive digital map hosted on the Chatham House website (<https://yemen-map.chathamhouse.org/>) (Jazeera, Yemen conflict: Who controls what, s.d.)

To better understand the type of conflict we are dealing with, it is necessary to understand who the parties involved in the conflict are.

a) Non-State Armed Groups

Before discussing the NSAGs involved in the conflict, it is important to define what we mean by this term.

The definition of NSAGs encompasses two key concepts: that they are an armed group and that they are non-state actors. As the ICRC says the NSAGs are “an organized armed group belonging to a non-state party”³⁸, and clarifies that these groups include:

both dissident armed forces and other organized armed groups. Dissident armed forces essentially constitute part of a State’s armed forces that have turned against the government. Other organized armed groups recruit their members primarily from the civilian population but develop a sufficient degree of military organization to conduct hostilities on behalf of a party to the conflict, albeit not always with the same means, intensity, and level of sophistication as armed forces³⁹.

The ‘non-State’ status of these groups means that the duties and obligations of NSAGs under IL may differ from those of States⁴⁰. However, from a legal point of view, we must remember that even when these groups are distinct from the State, their behaviour can, in some cases, directly engage the responsibility of States under IL⁴¹. This is because, despite being non-state and therefore independent in their objectives, command, and organization, these groups are often supported, whether directly or indirectly, by the state government where they operate, or even by other states⁴². Such support can take various forms, including funding these groups, but also allowing them to establish themselves on their territory without doing anything by giving them a "safe heaven" to plan, recruit, and train members⁴³.

Regarding the concept of the armed group, an ‘armed’ group seems to indicate that it carries weapons and may use force. In the words of Andrei Miroiu, the major characteristic of an armed group is its “ability to use and threaten the use of armed, decisive violence against its opponents”⁴⁴, and according to Liesbeth Zegveld⁴⁵ these

³⁸ (Cross I. C.-I., s.d.)

³⁹ Ibidem

⁴⁰ (Humanitarian Negotiations With Armed Groups- A Manual for Practitioners, p. 15)

⁴¹ See (Responsibility of States for Internationally Wrongful Acts) articles 8, 9, and 10.

⁴² This type of assistance changes the dynamics of the conflicts since internal conflicts with outside participation typically last longer, cause more fatalities, and are more difficult to resolve.

⁴³ (Humanitarian Negotiations With Armed Groups- A Manual for Practitioners, p. 15)

⁴⁴ (Miroiu, pp. 85-86)

⁴⁵ (Zegveld, p. 1)

groups “generally fight against the government in power, in an effort to overthrow the existing government, or alternatively, to bring about a secession to set up a new state”. Therefore, it seems to emphasize that when we talk about an armed group, the characteristic of the threat of the use of violence is fundamental.

Focusing our analysis on what an NSAG is, in order to understand and characterise the Houthis as a key part of the conflict, is important to note that while there is no treaty definition of what an NSAG is, there are some treaty provisions as well as definitions provided by various international organizations and international jurisprudence that outline certain conditions that must be met for an entity to be considered an NSAG.

Looking at Common Article 3 of the Geneva Conventions, it states that

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions.

According to ICRC in its commentary, “Common Article 3 of the Conventions constitutes the keystone of humanitarian law applicable in non-international armed conflicts”⁴⁶. This provision establishes at least two criteria that can be useful in determining whether a certain situation of violence qualifies as a Common Article 3-armed conflict: the existence of parties to the conflict and the intensity of the violence involved. While Common Article 3 does not define “party to the conflict”, several interpretations have been made all pointing to the fact that a minimum organization is required⁴⁷ for the parties to engage in sufficiently intense violence. Under this provision, an NSAG can be considered a party to an “armed conflict not of an international character”, which implies that defining the notion “Party to the conflict” is intimately linked to what constitutes a NIAC⁴⁸. Thus, an NSAG may be considered a party to the conflict if it is a collective entity with the ability to engage in sufficiently intense violence and is bounded to respect for basic norms of IHL.

Also, article 1 of the Additional Protocol II (AP II) applies only in NIACs that take place between the armed forces of a State and

⁴⁶ (Cross I. C., s.d.)

⁴⁷ The ICRC in its commentary on the common article 3 argues that this article requires “a situation in which organized Parties confront one another with violence of a certain degree of intensity” (Cross I. C., s.d.)

⁴⁸ NIAC exists “whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State” (Prosecutor v. Dusko Tadic a/k/a "Dule", 1995, p. 70)

dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol⁴⁹

AP II refers to ‘dissident armed forces or other organized armed groups’, without defining these terms. The ICRC interpretative guidance on the notion of Direct Participation in Hostilities established that for the principle of distinction:

“organized armed groups constitute the armed forces of a non-State party to the conflict and consist only of individuals whose continuous function it is to take a direct part in hostilities”⁵⁰.

So, according to this guidance, individuals who assume political, administrative, or other non-combat functions are not considered members of the NSAG. As a result, civilians are protected by the principle of distinction⁵¹.

While Article 3 remains the core provision of humanitarian treaty law and is binding worldwide as a customary norm, APII has not been universally ratified, meaning its scope of application is more limited. APII does not apply to situations of internal conflicts or sporadic acts of violence, it requires that dissident armed groups be under responsible command and exercise control over part of the territory. This Article presents a higher application than the common Article 3.

These two norms define criteria for regulating the means of armed conflict and protecting civilians in relation to NSAGs. As a matter of treaty law, international organizations have unanimously reiterated the applicability of Common Article 3 and Protocol II to armed opposition groups⁵². These articles recognize the existence of NSAGs and already provide some guidelines for their characterization: they must be part of NIAC and possess a certain level of organization that enables them to engage in hostilities.

Different international organizations and courts have attempted to address this issue to clarify the definition of these groups and which ones are bound by IL. Geneva Call⁵³ refers to NSAGs as “armed non-state actors” which includes “[...] armed groups, de facto governing authorities, national liberation movements, and non- or partially internationally

⁴⁹ (Protocol Additional to the Geneva Conventions (Protocol II), 1977)

⁵⁰ (Interpretative guidance on the notion of Direct Participation in Hostilities under IHL, 2009)

⁵¹ The principle of distinction says that “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.” (ICRC, Principle of Distinction between Civilians and Combatants, s.d.)

⁵² See (Military and Paramilitary Activities in and against Nicaragua, 1986) para.119

⁵³ (Call, s.d.)

recognized states”. The European Union considers NSAGs as a group that ‘retain the potential to deploy arms for political, economic and ideological objectives, which in practice are often translated into an open challenge to the authority of the State’⁵⁴.

To better understand what these groups are, the UN gives us a detailed definition where it highlights that these groups

have the potential to employ arms in the use of force to achieve political, ideological, or economic objectives; are not within the formal military structures of States, State-alliances, or intergovernmental organizations; and are not under the control of the State(s) in which they operate⁵⁵.

Complementing this definition, the UN notes that the main characteristics of NSAGs are their potential to employ weapons in the use of force, their identity that makes them to pursue the group's objectives⁵⁶, and their lack of inclusion in the military structure of states, meaning they are not under state control but subject to a chain of command. This last characteristic is crucial as it means that there is a degree of centralized command over the actions of the group members.

Following this definition and the need to have a chain of command, in the Tadic case, the ICTY established that

the existence of an armed conflict for the purposes of the rules contained in Common Article 3 focuses on two aspects of a conflict: the intensity of the conflict and the organization of the parties to the conflict⁵⁷.

The ICTY, in this case, provides important guidance as to when NSAG can be said to exist: it exists whenever there is “protracted armed violence between governmental authorities and armed groups between such groups within a state”. Thus, the ICTY recognized two elements that must exist for a situation of violence to be distinguished from isolated acts of violence and be classified as a NIAC with an NSAG: the intensity of violence and the organization of the armed group⁵⁸.

The relevance of this “minimum degree of organization” pointed out in the definition of the UN and the Tadic Case is also supported in other decisions such as the Haradinaj

⁵⁴ (Union, 2012)

⁵⁵ (Nations, Humanitarian Negotiations With Armed Groups- A Manual for Practitioners, 2006, pp. 14-16)

⁵⁶ It is because of this idea of "group" that makes that set of individuals, who share needs that are attributes of the group, share the idea of impunity, of disrespect for the victims, of obedience to the authority of the group.

⁵⁷ (Prosecutor v. Dusko Tadic a/k/a "Dule", 1995, p. 562)

⁵⁸ Ibidem pp.70

case where the ICTY said that “an armed conflict can exist only between parties that are sufficiently organized to confront each other with military means”⁵⁹ and in Lubanga Dyilo case where the ICC established that “organized armed groups” must have a sufficient degree of organization, in order to enable them to carry out protracted armed violence”⁶⁰.

The Boškoski case⁶¹ also examines this question and the ICTY established that

the degree of organization for an armed group to a conflict to which Common Article 3 applies needs be at the level of organization required for parties to Additional Protocol II armed conflicts, which must have responsible command, and exercise such control over a part of the territory as to enable them to carry out sustained and concerted military operations and to implement the Protocol.

This minimum organization and the command structure allow us to distinguish an armed group from individuals because members of NSAGs do not operate as independent individuals but are in conformity with rules established in the group and are subject to the command of group leadership.

In the Boškoski⁶² decision, the ICTY outlined a set of factors that should be considered when qualifying a particular group as an armed group⁶³. These factors include the existence of a command structure with the establishment of a high command that gives orders; the military (operational) capacity of the armed group that it to conduct large scale military operations; its logistical capacity; the existence of an internal disciplinary system and the ability to implement IHL and speak with one voice which enables them to act on behalf of its members. While these five factors are important indicators to understand if a particular group is an NSAG, they are “indicative factors, none of which are, in themselves, essential to establish whether the ‘organization’ criterion is fulfilled”⁶⁴. Furthermore, while these factors are relevant for many NSAGs, they do not cover all situations and modes of operation of all NSAGs, such as increasingly fractured insurgencies, armed groups operating in different states' territories, and cyber armed groups.

⁵⁹ (The Prosecutor v. Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj (AC), 2010)

⁶⁰ (The Prosecutor v. Thomas Lubanga Dyilo, 2012, p. para 536) and (Prosecutor v Germain Katanga, 2014, p. para.1185)

⁶¹ (Prosecutor v. Ljube Boškoski and Johan Tarčulovski, 2008)

⁶² Ibidem pp.197-203

⁶³ These factors were also referred to in several other cases as Prosecutor v. Limaj et al., Case No. IT-03-66-T, Trial Chamber, Judgment, 30 November 2005, para 90; ICTY, Prosecutor v. Haradinaj et al., Case No. IT-04-84-T, Trial Chamber, Judgment, 3 April 2008, para. 60; ICC, Prosecutor v Thomas Lubanga Dyilo, Judgment, 14 March 2012, Case No. ICC-01/04-01/ 06-2842, para. 537

⁶⁴ Ibidem supra note 60 pp.60

Given all the jurisprudence that has been built up, we follow the definition that NSAGs are groups that are not part of governmental forces and are mainly created to use violence. They require a certain degree of organization in order to act effectively. For the purposes of our analysis, we will consider an NSAG to be a collective entity operating under a single command structure, capable of engaging in sufficiently intense violence and ensuring respect for basic humanitarian norms within the group.

With these characteristics in mind, it is important to understand the NSAGs involved in the Yemeni conflict, as well as their dimensions and impact on the conflict.

- **The Houthis**

The Houthis are an armed group initially founded to promote Zaidi Islam which is one of the sects of Islam. They are one of several Hashimi families (Prophet's descendants) who served as mediators and religious teachers among the Zaydi Shia tribes but were marginalised due to the civil war experienced in 1962⁶⁵. In the early 1990s, prominent Hashimis wanted to develop new messages for the late twentieth century and so, in 2003, after opposing Saleh for supporting the U.S.-led invasion of Iraq, the Houthis became politically active but later allying with him after his resignation as president of Yemen⁶⁶.

The Houthi movement was founded in 2004 in the northern Yemeni governorate of Sa'dah by members of the Houthi family. Six wars in northern Yemen were fought between the central government and the Houthis between 2004 and 2010. Although the Houthi movement initially sought to end what it saw as Saudi-backed efforts to marginalize Zaydi communities and beliefs, in the aftermath of the 2011 uprising and government collapse, its goals expanded in scope and ambition to embrace a broader populist, anti-establishment message.

On February 6, 2015, Muhammad Ali al-Houthi, the leader of the troops that had seized Sana'a, named a five-member Revolutionary Committee to serve as a provisional parliament and a quasi-government, demonstrating the military and organisational capacity of the group. Although they have maintained control over a large portion of Yemen, including the capital, they have not received the same level of international recognition. In fact, as mentioned in the previous resolutions, the SC has expressed its

⁶⁵ Following the Iranian Revolution of 1978-1979, a small number of Zaydis began to travel to Iran to study Shi'a Islam in Qom. Among them were the current Houthi leader, Abdul Malik al-Houthi, and his brother Hussein (Juneau, 2016, p. 655)

⁶⁶ (Brehony, 2015, p. 2)

position in this regard. Despite this, the Houthis have attempted to establish economic ties with the international community, particularly with Russia and China, both of which have an interest in Yemen's oil industry⁶⁷.

After years of military operations against the Yemeni government and the Saudi-led coalition, the Houthis appear to be better equipped with sophisticated weapons than in previous conflicts. It is widely believed that the weaponry used by them is supplied by the Iranian government⁶⁸.

Despite being an armed group that has been against the Yemeni government since 2004, little is known about them apart from its leading figures. To understand how they function and how the law is applied to them, it is then essential to comprehend the characteristics that this group presents and that defines them as NSAG.

So, for the Houthis to be qualified as NSAG need to meet certain characteristics, namely, they must have a minimum of organization, a command structure, must have the military capacity to take part in the conflict, and an internal disciplinary system. *In casu*, the Houthis control significant parts of the territory in Yemen, including the capital Sana'a since September 2014, they have the military capacity to be engaged in war, have a high level of organisation and even have a "parliamentary" system and therefore we can say that they are sufficiently organized to sustain military operations over a long period and to act as *de facto* authorities. Thus, according to the definition we used and provided above, the Houthis are NSAG.

Regarding the type of NSAG that the Houthis are, it must be said that the NSAGs may take part in armed conflicts in different capacities or statuses which is in some way dependent upon the kind of conflict taking place. In traditional IL, internal violence has been described in different terms, depending on the level of violence, the success of the NSAG, and the interest of the states. Large-scale hostilities, control of a substantial portion of the State's territory, a controlled measure of administration, adherence of the laws of war, and operating by the entity under responsible authority are the objective criteria for identifying the intensity of violence of NSAGs.

However, although this distinction exists in theory, in practice the norms of IL will apply when a level of conflict is reached, whether it is rebels or insurgents. In other words,

⁶⁷ (Mitreski, 2015, p. 5)

⁶⁸ (Binnie, 2019)

it now appears that it is 'less' important to differentiate between the various types of NSAGs, and more important to respect IHL norms when a certain level of conflict is reached. The theoretical lines between NSAGs are often blurry as they tend to borrow characteristics from different types of armed actors, that is, in practice, an NSAG could have characteristics of the various types of armed groups that exist in theory.

That said, Houthis were initially an insurgent movement in the sense that they aimed to create conditions capable of destroying the existing government and establishing an alternative revolutionary government that would be acceptable to the population. The main reason for the existence of insurgent movements is politics⁶⁹, including, the political community, the political system, and the authority in power. In the case of the Houthis, this is no exception as they emerged to fight against the political organisation in Yemen since they consider President Saleh illegitimate due to his corrupt, ineffective, and oppressive behavior⁷⁰.

Given the importance attached to insurgent movements and because the main objective is to replace the existing government, the draft articles on the international responsibility of states devote an article (article 10⁷¹) to the situation when an insurgent movement comes into existence as a matter of fact. The general principle here is that the acts of the insurgent movements cannot be attributed to the state under international law⁷² because the structures and organization of the movement are and remain independent of those of the State. Therefore, in Yemen's case, the acts committed by the Houthis against IHL cannot be attributed to the Yemeni government⁷³. This article focuses on the continuity of the insurrectionary movement that exists between the new state organization (where one of the situations under article 10 exists) and that of the insurrectionary movement which logically leads to the attribution to the state of conduct that the insurrectionary movement may have committed during the struggle.

⁶⁹ "It is important to bear in mind that insurgency is essentially a political legitimacy crisis of some kind" (O'Neil, 2005, p. 30)

⁷⁰ Ibidem pp.27-30

⁷¹ Article 10 says "1. The conduct of an insurrectional movement which becomes the new Government of a State shall be considered an act of that State under international law. 2. The conduct of a movement, insurrectional or other, which succeeds in establishing a new State in part of the territory of a pre-existing State or in a territory under its administration shall be considered an act of the new State under international law. 3. This article is without prejudice to the attribution to a State of any conduct, however, related to that of the movement concerned, which is to be considered an act of that State by virtue of articles 4 to 9." Ibidem supra note 41.

⁷² See (Tavares, p. 658)

⁷³ One can raise the question of the possible responsibility of states supporting the Houthis, such as Iran.

As time progresses and their organisation and controlled territory increase, the Houthis come to be considered belligerents meaning they are insurgent group that has reached a high level of intensity in an armed conflict. Belligerency is the condition of being actively engaged in war and is, traditionally, regarded as the highest level of violence.

Only groups that are formally organized as an army or have high levels of organization, manpower, and weapons could become recognized belligerents. Regarding the possibility of recognition as a belligerent, traditionally, the doctrine (so-called “belligerency doctrine”) pointed out that 4 cumulative conditions were necessary:

(i) the existence of civil war beyond the scope of mere local unrest; (ii) occupation by insurgents of a substantial part of the territory of a State; (iii) a measure of orderly administration by the group in the area it controls; and (iv) observance of the laws of war by rebel forces, acting under the responsible authority⁷⁴

In Yemen’s case, the cumulative requirements are met: the conflict is not limited to mere local unrest since the Houthis control a large percentage of the territory, and they present a level of organisation with an administrative system of control over the parts of the territory they occupy, functioning as a "government" in these areas. Throughout the 8 years of the conflict the Houthis have engaged with the other parties to the conflict and the UN in such a way as to be effectively seen as a party, respecting some of the UN's directions and even entering into ceasefire agreements which they have respected.

The recognition of Houthis as being a belligerent group was made tacitly through the internationally recognised government of Yemen's request for aid to Saudi Arabia and it was made to get help in fighting the group.

The Houthis are an example of the scale that an NSAG can achieve since they have been operating in Yemen for 8 years and have the military and operational structure to stay in power and be one of the main actors in this conflict. They are an NSAG that demonstrates the need to talk about the responsibility of this type of group since for 8 years they have violated various IHL norms.

- **Transnational Armed Groups in Yemen**

Al Qaeda in the Arabian Peninsula (AQAP) is also present in current Yemen’s conflict and is considered one of the cruellest NSAGs in the world and the most dangerous unit of the Sunni Islamist global militant movement of Al Qaeda.

⁷⁴ (Yair M. Lotsteen, 2000, p. 135)

In the context of Yemen's conflict, Al Qaeda's presence began in the early 1990s, during which first training camps were established by mujahideen fighters returning from Afghanistan⁷⁵ in the eastern Hadhramaut province of Yemen, the homeland of Osama bin Laden's⁷⁶ father. Since establishing itself in Yemen, it has been gaining strength: in 2004, Al Qaeda carried out an attack on the US ship USS Cole in the port city of Aden, in which 17 US sailors died, in March 2011, it took control of Jaar city, and in May of the provincial capital, Zanzibar and on 21 May 2012, it carried out a suicide attack against soldiers preparation for a parade at Sana's, killing over 120 people.

During the 2011 uprising, Al Qaeda took advantage of the security vacuum to seize control of several cities in southern Yemen. By 2009, Al Qaeda in Yemen had merged with the Saudi and Yemeni branches of Al Qaeda to form the AQAP.

Al Qaeda is a transnational armed group, one of the biggest problems international law has dealt with since the 9/11 attacks. When we speak of transnational groups like Al Qaeda we are referring to cases of terrorist groups⁷⁷ that operate in different locations but are part of a single group, pursuing a single objective and having the same motivations and ideologies. However, not all terrorist groups can assume a transnational character having to present certain characteristics that qualify them as such.

Thus, according to Rodenhäuser for a transnational group to be considered as part of a NIAC it "needs to meet the same criteria as any other organized armed group under IHL" which means that needs to meet two criteria: it has to be a collective entity able to engage in sufficiently armed group violence and having the capacity to ensure respect for essential IHL rules⁷⁸. So, regarding the characteristics that these groups must fulfil, we need to look at Art. 1(1) of Protocol II which says that the group must "under responsible command, exercise such control over territory as to enable to carry out sustained and concerted military operations and to implement this Protocol." Hence, it seems that transnational armed groups will only very exceptionally fulfil these criteria.

⁷⁵ One of the key figures responsible for the formation of AQAP was a returning jihadist, Sheikh Abdel Majid al Zindani, who was a senior Islamic religious leader who played a major role in recruiting Yemenis to fight in Afghanistan.

⁷⁶ Osama Bin Laden subsequently supported the formation of this group, demonstrating that it is effectively a transnational terrorist group with a single chain of command and a single objective.

⁷⁷ For the present analysis, we use the definition of terrorist groups accepted by the European Union, which says that a terrorist group is "a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offenses" (UNION, 2002)

⁷⁸ (Rodenhäuser, p. 26)

This is a complex analysis and that's why it's so difficult to regulate the question of transnational armed groups. One way to determine whether we are discussing a transnational group operating in multiple locations is if commanders and fighters go to another state to run a specific local sub-group while continuing to operate under the command and control of the sender. Based on the definition of NSAG as explained above, it appears that groups operating without any link other than sharing a common ideology are far from being considered an organized armed group under IHL.

In the case of AQAP, what happens is that this group emerges from followers of Al Qaeda but reaches a point where it gains total independence from Al Qaeda's "mother". Therefore, it no longer makes sense to refer them as one group. However, AQAP itself has a transnational character as it is highly organized, controls territory in Yemen, and has a presence in several locations in the Arabian Peninsula.

Combating the presence of this group was not one of President Saleh's priorities and only became one in 2006 after the prison break of 23 jihadi activists who joined Al Qaeda. As the country was already showing signs of financial breakdown and instability, Saleh could not declare war on AQAP. Thus, the US entered Yemen and began to fight against terrorism on the territory of this country. This cooperation between the US and the Saleh regime generated discontent among the Yemenis and subsequently increased support for AQAP. As a result of this, AQAP declared several small Islamic emirates in 2011-2012.

While it is true that AQAP's ideology has not appealed to Yemeni society, the organisation has managed to consolidate itself due to a lack of authority and widespread dissatisfaction with the ruling regime. Due to a steady increase in power, AQAP achieved its biggest victory in the conflict to date in April 2015 when it seized al-Mukalla⁷⁹, Yemen's fifth-largest city, and a larger portion of the Hadramaut province, where a crucial component of the country's oil infrastructure is situated, and released three hundred inmates from the city's prison, many of whom were believed to be AQAP members. As a result, it gained strength and was able to extend its control westward as far as Aden.

In Resolution 2266 (2016) the SC Expressed "its grave concern that areas of Yemen are under the control of Al-Qaida in the Arabian Peninsula (AQAP)" and acknowledged the negative impact of its presence, violent extremist ideology and actions on the stability

⁷⁹ Al-Mukalla and surrounding areas were retaken from AQAP on April 25, 2016, by government troops and United Arab Emirates military units with air support from the U.S. (SWIETEK, 2017, p. 47)

in Yemen⁸⁰. This has been the position of the SC during these years of AQAP's presence in Yemen: they condemn the existence, the control, and the possibility of affiliates like Daesh emerging, but without taking concrete positions on what to do⁸¹.

In a recent resolution of 2022⁸², the SC expressed again its alarm at the fact that several areas in Yemen remain under AQAP control and the negative impact of their presence. It also expressed its concern at the growing presence and potential future growth of the Islamic State in Iraq and its Levant affiliates.

The truth is, today, AQAP is far from defeated and continues to exert control over certain territories in southern Yemen, in the governorates of Hadhramaut, Shabwa and Abyan. The most significant of Al Qaeda's global activities currently should be considered the AQAP activities in Yemen. Also, Yemen is the only country in the Middle East where Al Qaeda outperforms the Islamic State, which is significant given the enmity between the two terrorist groups.

In conclusion, we raise the question as to whether IHL, as it exists and has been perceived, is adequate for the new challenges raised by contemporary conflicts in which some parties are transnational armed groups. As the law should adapt to new realities and new contexts, IHL should also adapt to this new challenge.

b) External actors

The Yemen conflict involves two major external actors on opposing sides: Saudi Arabia and Iran. The involvement of these two countries has led to the conflict being perceived as a proxy war, which we will analyse in the next chapter.

As far as Saudi Arabia is concerned, it is a party leader of the coalition supporting the internationally recognized government of Yemen. Yemen has always attracted Saudi Arabia's attention, primarily due to its long border with yemenn, and because the weakening of Yemen's central authority was contributing to the growing power of the Houthis, who in turn have ties with Iran, the primary rival of Saudi Arabia. Additionally, the expansion of terrorist groups in the country, such as AQAP and ISIS, poses negative consequences for Saudi Arabia's security⁸³. Therefore, direct or indirect intervention in

⁸⁰ (Resolution 2266 Adopted by the Security Council at its 7630th meeting, 2016)

⁸¹ In this sense see (Resolution 2368 Adopted by the Security Council at its 8007th meeting, 2017)

⁸² (Resolution 2624 Adopted by the Security Council at its 8981st meeting, 2022)

⁸³ (Karakir, 2018, p. 130)

Yemen was inevitable, especially as it involves protecting Saudi Arabia's interests and security.

In that regard, Saudi Arabia launched airstrikes on Yemen on March 26, 2015, to restore President Hadi's rule and eliminate the Houthi movement. This intervention marked the beginning of the internationalization of a conflict that had until been a civil war. Never had Saudi Arabia or any of the Gulf States deployed their military forces in such a proactive and aggressive manner, or engaged in such a large, offensive mission as the operation in Yemen. This intervention was supported by the international community⁸⁴.

Although the apparent motives for this intervention in Yemen were to help Yemen and to enable Hadi's to return to the country legally, there are other geopolitical reasons behind it. Firstly, Saudi Arabia does not want Iran to be able to expand its influence into Yemen and exert control over the Saudi Shi'a citizens there. Secondly, Saudi Arabia aims the destroy Houthi resources or facilities in Yemen as well as other terrorist groups such as AQAP, which due to its large base in the country, has made Yemen one of the target countries in the global 'War on Terror'. Saudi leaders believe that the success of the operation will contribute positively to regional security.

Despite the intention to combat Houthis and the instability in Yemen, the truth is that the coalition's actions do not always respect IHL, in fact, they often violate IHL guidelines since the bombings are carried out indiscriminately. The Saudi-led attacks did not help the conflict, but instead aggravated it and led to further instability as they destroyed basic infrastructure and government institutions. Saudi Arabia's air campaign has drawn international criticism for increasing civilian casualties. According to UNICEF, in 2016, the Saudi-led coalition was accused of being responsible for 60% of child deaths and was added by the UN to the blacklist of countries accused of violating children's rights⁸⁵.

Despite years of evidence of illegal attacks, the US, the UK, and European countries including France, Spain, and Germany continued to license the sale of weapons and military equipment to Saudi Arabia, the UAE, and other coalition members. The US is

⁸⁴ Just recall SC Resolution 2216

⁸⁵ See <https://www.reuters.com/article/us-rights-un-saudi-yemen-idUSKCN0YO2RK>. However, the UN has decided to remove Saudi Arabia from a blacklist of countries and groups accused of violating children's rights. This decision was widely criticised, and the UN was accused of giving in to political manipulation. In (Black, 2016)

pointed out to be the major supporter, providing coalition support in the form of intelligence and aerial refuelling for warplanes used to attack the Houthis. Although the US does not intend to become directly involved in the conflict, the truth is that the coalition's aircraft and weaponry are largely American.

One of the main reasons for the US support for the coalition from the beginning was its fight against terrorism. Their involvement is largely motivated by concerns that a failed Yemeni state could become a haven for terrorist groups with the capability to carry out attacks similar to those of 9/11. Thus, the US (and the UK too) seem to have entered the conflict to prevent the international community from suffering the consequences of the conflict.

Due to the civilian deaths caused by the coalition air campaigns, with the US and other international arms, the support of the US, the UK, and other powers began to limit some arms sales and refuelling of coalition aircraft. In 2021, Joe Biden announced the end of extensive US support for the military operations of the Saudi-led coalition due to all the deaths that the conflict has caused. In Biden's words "This war has to end and to underscore our commitment, we're ending all American support for offensive operations in the war in Yemen, including relevant arm sales"⁸⁶.

Regarding Iran's position in the conflict, Iran appears in an isolated position in the Middle East since the Islamic Revolution of 1979 when the Iranian position changed from pro-Western to anti-Western and gave rise to an emphasis on Shi'a sects, which generated tension with the other regional states mainly due to the fear of Iranian influence on their Shi'a minorities⁸⁷. Since then, Iran has developed its relations with both state and non-state actors⁸⁸ in order to expand its influence in the Middle East. It has established a relationship with Bashar al-Assad's regime in Syria, with the Mahdi Army in Iraq and with Shi'a Hezbollah in Lebanon. This shows that Iran tends to intervene in national contexts characterised by instability.

In Yemen's conflict, Iran is believed to be linked to the Houthis. Given Iran's known position, it is expected that for the rest of the Gulf countries, Iran will be a party to the

⁸⁶ (The Guardian, 2021)

⁸⁷ The most problematic relationship is with Saudi Arabia mainly because both share the idea of "ruling" the Muslim world.

⁸⁸ According to Thomas Juneau, when it comes to supporting non-state actors, Iran has a number of goals in mind. First, it seeks access to geographic areas where it can project its influence, confront its main regional rivals, Israel and Saudi Arabia, and oppose the regional US presence. In (Juneau, 2016, p. 649)

conflict in Yemen alongside the Houthis. However, it is unclear when the relationship with the Houthis has begun, and it is also unclear how much aid Iran is providing to the Houthis: some argue that the aid is minimal, and others argue that it is their main ally in terms of arms and training.

Although Iran has not declared direct support for the Houthis, there are several indications that it does and that the accusations by Saudi Arabia and other Gulf countries are true. According to a report to the UN Security Council's Iran Sanctions Committee in April 2015, Iran began shipping small amounts of weapons to the Houthis in 2009: it discovered a pattern of arms shipments by sea and described seven possible incidents⁸⁹. Moreover, the Houthis have used Iranian weapons on several occasions. For example, the interception of the Iranian ship *Jihan I* in Yemeni territorial waters in January 2013.

All this shows that Iran is the silent ally of the Houthis. Hence, the question we raise is: why does Iran support the Houthis but silently and to a limited extent? First and foremost, Iran's interests in Yemen are limited: the country is not a priority in the same way that Iraq, Syria, and Lebanon are. More importantly, Iran recognises that Yemen is a major priority for Saudi Arabia and, as such, greater and more overt Iranian involvement would imply an uncontrolled escalation of tensions with Riyadh, which Tehran wishes to avoid. In any case, we raise the question regarding the responsibility that could be attributed to Iran for being an aider, albeit indirectly, to an NSAG that is directly involved in a conflict with the government of a state.

3.3 The internationalisation of the conflict

Analysing the Yemen conflict implies understanding what type of conflict is at stake so that we can understand which international law should be applied. In this regard, the analysis of the type of conflict is further complicated by the fact that in Yemen we have several conflicts going on at the same time.

According to IHL, there are two types of conflict: international and non-international, which will be regulated differently. Despite this distinction, both types of conflict can coexist in the same territory at the same time, and a conflict can turn from internal to international as hostilities advance. Although IHL only distinguishes between these two types of conflicts, we can say that there is a third type that has both international and non-

⁸⁹ (Landry, 2015)

international dimensions, namely internationalized armed conflict which refers to circumstances where an internal armed conflict has been internationalized through foreign intervention.

The circumstances that can lead to the internationalisation of a conflict are complex. The term "internationalized armed conflict" refers to conflicts that involve one or more foreign states directly or indirectly participating in the hostilities, either on opposing sides or in support of a particular group or faction. Such conflicts can arise from a war between two internal parties, direct hostilities between foreign states that intervene militarily in an internal armed conflict, or the involvement of foreign actors in support of an insurgent group fighting against an established government⁹⁰. According to Kubo Mačák⁹¹, an internal conflict is internationalised when two independent subjects of international law become involved against each other as the conflict grows, which can be the consequence of the involvement of an external actor, such as a third state⁹². This is the situation that has arisen in Yemen, insofar as we initially had an internal conflict which, after a request from the Yemeni president, was joined by the Saudi Arabian coalition and the indirect involvement of Iran, a silent player on the Houthis' side.

Based on the position taken by the ICJ in the Nicaragua case⁹³ it would be unreasonable to classify the conflict in Yemen as purely internal given the extent of foreign involvement in the conflict. The ICJ held that the US directly intervened in the conflict "by financial support, training, supply of weapons, intelligence and logistic support" which "constitutes a clear breach of the principle of non-intervention"⁹⁴. Considering this, it is difficult to classify the conflict in Yemen as internal given the support provided by Saudi Arabia to the internationally recognized government of Yemen. While the Saudi coalition's entry into the conflict may be justifiable, it nonetheless transforms what was previously an internal conflict into an international one. Therefore, we take the position that the Yemen conflict should be viewed as an internationalized armed conflict due to

⁹⁰ See (Prosecutor v. Dusko Tadic a/k/a "Dule", 1995, p. par.126)

⁹¹ (Mačák, 2018, pp. 32-37)

⁹² See also Ibidem supra note 91, par.72 "As the members of the Security Council well knew, in 1993, when the Statute was drafted, the conflicts in the former Yugoslavia could have been characterized as (...) an internal conflict that had become internationalized because of external support"

⁹³ "The conflict between the contras' forces and those of the Government of Nicaragua is an armed conflict which is "not of an international character". (...) whereas the actions of the United States in and against Nicaragua fall under the legal rules relating to international conflicts". (Military and Paramilitary Activities in and against Nicaragua, 1986) par.219

⁹⁴ Ibidem par.242

the involvement of external actors, such as Saudi Arabia, and the resulting implications for the application of international law.

The internationalisation of the conflict can also occur when a third state intervenes in the conflict alongside an insurgent movement. In the case of Yemen, and as analysed previously, although Iran is a "silent" supporter, the truth is that it has been shown to be providing arms and training to the Houthis. In this regard, the ICJ determined that assistance to insurgent forces within another state falls within the scope of the prohibition on the use of force⁹⁵. Although the support is less than that given by Saudi Arabia since Iran does not intervene directly on Yemeni territory, the truth is that there is the support given to the Houthis.

The ICJ has already discussed internationalised conflicts more often. Consider NATO's military action in Kosovo⁹⁶. According to international law, the operation consisted of the use of force without UN authorisation to provide support to one of the parties to an internal armed conflict taking place between the central authorities of the Federal Republic of Yugoslavia and armed separatists of the Kosovo Liberation Army. NATO's direct armed involvement in Yugoslavia through an air and sea offensive resulted in the internationalisation of the armed conflict. If, in that case, we were facing an internationalisation of the conflict, in the case of Yemen we will be too.

Another example of the internationalization of an armed conflict is the intervention by Uganda in the Democratic Republic of Congo (DRC) in 1998. The ICJ found that Uganda's military intervention in the DRC and its support for insurgent groups within the territory constituted a violation of the principles of non-intervention and state sovereignty. The Court further held that the conduct of the Ugandan soldiers in the DRC would be attributable to Uganda, given their military status and function⁹⁷. This case illustrates how an armed conflict can become internationalized when a third state intervenes directly in the territory of another state and takes control of parts of it. In the view of Special Rapporteur Roberto Garretón, the involvement of multiple third states in the conflict in the DRC meant that it could no longer be considered an internal conflict. This highlights

⁹⁵ Ibidem par.195

⁹⁶ See (Resolution 1244 , 1999)

⁹⁷ (Democratic Republic of the Congo v. Uganda, 2005) par.220, 221, 345

the complex and dynamic nature of armed conflicts, which can involve multiple actors with varying degrees of involvement and support⁹⁸.

Also, the ICTY considered the intervention of Croatia in Bosnia as an international conflict⁹⁹ due to the significant and continuous military intervention by the Croatian army in support of the Bosnian Croats. In this case, the fact that Croatia was proven to have exercised such political and military control over the Bosnian Croats meant that the conflict was characterised as international¹⁰⁰. In this case, Croatia not only helped the Bosnian Croats in the same way that the US supported the contras in Nicaragua, but also inserted its armed forces into the conflict on Bosnian territory and exercised a high degree of control over the Bosnian Croats. This position was later confirmed by the Kordić and Čerkez case¹⁰¹, where the ICTY ruled that Croatia's intervention in the Bosnian conflict against Serb forces had internationalized the conflict. These examples demonstrate the various ways in which conflicts can become internationalized through the involvement of third states, either directly or through support for one of the parties to the conflict.

If, in cases such as those mentioned above, the opinion was that it was a question of internationalising the conflict and that those interventions were a violation of art.2/4 UNC, in the case of Yemen we followed the same opinion and, therefore, we are talking about an international conflict and the norms of IHL applied will be article 2 common to the four 1949 Geneva Conventions. But there was a right to intervene from third states in Yemen's conflict or it is also a violation of art.2/4°?

As mentioned earlier, Article 2/4 of the UNC explicitly prohibits the use of force in international relations and only in exceptional situations can such intervention be legitimate, namely, actions authorised by the SC under Chapter VII, regional actions under Chapter VIII, and unilateral or collective self-defence measures under Article 51. According to the ICC in the Nicaragua case “: if one State acts towards another State in

⁹⁸ “The Special Rapporteur therefore believes that there is in fact a combination of internal conflicts (RCD against the Kinshasa Government and MLC against Kinshasa) and international conflicts, such as the conflict between Rwanda and Uganda in Congolese territory” in (Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 1999/56, p. par.20)

⁹⁹ “the significant and continuous military action by the armed forces of Croatia in support of the Bosnian Croats against the forces of the Bosnian Government on the territory of the latter was sufficient to convert the domestic conflict between the Bosnian Croats and the Bosnian Government into an international one” (The Prosecutor v. Rajić, 1996, p. par.13)

¹⁰⁰ Ibidem par.13-30

¹⁰¹ (Prosecutor v. Kordić & Čerkez, 2000, p. par.108)

breach of the principle of non-intervention, may a third State lawfully take such action by way of counter-measures against the first State as would otherwise constitute an intervention in its internal affairs?"¹⁰². In the case of Yemen, there is a violation of these principles insofar as we have third States intervening in the territory of another State using force. To what extent is the intervention that internationalised the conflict legitimate?

On this issue, the main intervening states invoked that there would be a right to collective self-defence against the Houthis to justify their intervention and the consent given by the president of Yemen. In fact, President Hadi's letter to the UN explicitly referred to a "right of self-defence outlined in article 51"¹⁰³.

The use of force by a foreign state in a host state under the legal power of the host state is known as intervention by invitation. The ICJ established already in Nicaragua's case that intervention "is already allowable at the request of the government of a State"¹⁰⁴. Article 3(e) of Resolution 3314 provides also support for the so-called "intervention by invitation" saying that the lawfulness of the use of force in accordance with the agreement of the "host" State excludes it as "aggression" and consequently excludes it from the scope of Article 2 (4)¹⁰⁵. Such action is typically used to assist the legitimate government in maintaining peace and order in the host country.

Two requirements are necessary for intervention by invitation to be legitimate: first, the government must effectively control parts of the territory of the state, which means that it cannot be a situation of complete state failure or anarchy. Secondly, the international community must recognize the legitimacy given by the government. In this regard, the UN's recognition of the host government as a legitimate government is adequate to prove the legitimacy of the incumbent government's consent¹⁰⁶.

In Yemen's case the Hadi government, when asked to intervene, did not cease to control the territory of Yemen, only certain parts of it were occupied by the Houthis. Also, in resolution 2216, the UN recognise Hadi's government as being the legitimate one which

¹⁰² Ibidem supra note 94 par.210

¹⁰³ (Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait, 2015)

¹⁰⁴ Ibidem supra note 94 par.246

¹⁰⁵ See also article 20 of Draft articles on the responsibility of international organizations which establish that the valid consent to an act by an international organization precludes the act's wrongfulness in relation to the consenting state. IN (Draft articles on the responsibility of international organizations with commentaries)

¹⁰⁶ (Ferro & Ruys, 2018, pp. 904-909)

means, and following this position, that its request legitimized the intervention of Saudi Arabia. Furthermore, the UN has also recognized Hadi's official letter of invitation to the Saudi-led coalition in Yemen.

So far, it has been agreed that consent is the best justification for the Coalition's use of force in Yemen. However, we do not argue that Operation Decisive Storm was fully compatible with international law. And although at the beginning it was a legitimate intervention, over time it seems to have exceeded this legitimacy insofar as it has started to launch indiscriminate attacks, often without meeting the primary objective, which was to support the Hadi government.

3. The United Nations and the Conflict

UN-backed efforts have been made since the beginning of the conflict, with the UN's position being to prevent the conflict from escalating. Even before the SC convened to discuss the problem, the UN Secretary-General appointed Jamal Benomar as his special envoy to assist in the peaceful settlement of political differences between the anti-regime and government factions¹⁰⁷. Since 2011, the UN Security Council has passed several decisions on Yemen, however, far fewer than on Libya and Syria.

Since the beginning of the conflict, the SC has expressed concern about the situation in Yemen, keeping it on its permanent agenda since 2011 and attempting to address the threat that a conflict of this magnitude represents to an already volatile region.

As analysed in the first chapter, as the violence escalated, the SC passed the landmark Resolution 2014 in 2011, which provided support for negotiations between Yemen's government and the opposition, which culminated in the agreement of the GCC plan. This resolution concentrated primarily on the region's security, with less emphasis on Yemen's economic and social conditions. Also in the same year, the SC passed Resolution 2216, which recognises the Saudi-led intervention in support of Hadi's authority and calls for withdrawal from Houthi-occupied areas. As said before, this resolution was one of the most important resolutions insofar as it is through this resolution that the UN recognises which government is legitimate, which, as we saw in the previous point, was important for the qualification of the conflict. Resolution 2216 appears to be meaningless as the

¹⁰⁷ (Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters)

Houthis have already declared victory in Yemen. As a result, despite several UN-backed agreements, no deal has paid off in terms of a peaceful solution.

Since 2015, almost all resolutions have mainly served to punish the Houthis for not fulfilling their requests to end the fighting and above all, advocating that only through dialogue could a resolution of the conflict be reached¹⁰⁸.

One of the major victories of the UN in Yemen's conflict was that for several months, both in 2018 and in 2022, it managed to achieve a ceasefire between the two parties to the conflict. So, in 2018, the UN supported the truce agreement between both sides reached in Stockholm about Hodeida city. However, the situation does not seem to improve, given that both parties continue to violate the so-called Stockholm Agreement by attacking each other. More recently, in 2022, the UN supported the truce between Saudi Arabia and the Houthis, where a ceasefire took place in April 2022. Among other things, this truce provided a halt to offensive military operations by both the Houthis and the government of Yemen. This truce was renewed twice for two months but ended on October 2022.

Making a critical analysis of the role of the UN in the context of Yemen's conflict, we can see that, although the number of resolutions is not the same as those dedicated to Syria and Libya, the truth is that the UN managed to create a ceasefire environment twice which to some extent benefited the population. Although the conflict is not over, for some periods it has been possible to stop the fire from both sides.

4. A Proxy-war?

'Proxy war' is a word that has been historically used to describe current conflicts. But referring to it implies answering the question: How is a proxy conflict defined? Answering this question becomes essential to analyse how this phenomenon differs from other types of war.

Therefore, we are facing a situation of a proxy war when a major power initiates a significant role in supporting and directing one party in a conflict but only participates in a small part of the fighting itself. This means that proxy war function as an alliance where small and large powers work hand in hand with each other making contributions towards

¹⁰⁸ In this sense, we see that the end of the conflict is currently being discussed because the two great powers outside the conflict have decided to reach an agreement and enter into negotiations.

a common goal. Thus, this brings benefits to those who receive the aid and for those who give the aid, if not: we are faced with a small regional power-seeking influence that uses the resources provided by a superpower and in this way can change the dynamics within its internal conflict. As for the superpower providing support, the provision of such resources means minimal cost compared to conventional warfare and the influential benefits are very attractive.

The conflict in Yemen has been described as a proxy war between two major rivals: Saudi Arabia and Iran. These two superpowers have been at enmity with each other for more than 40 years, engaging in a variety of regional dynamics, from the conflict in Iraq to the present conflict in Yemen¹⁰⁹.

As mentioned earlier Saudi Arabia supports one side of the conflict, while Iran supports another. This type of cooperation exists, even if it is more visible and direct on the Saudi Arabian side, as it directly supplies troops to intervene in the conflict, while Iran intervenes more at the weapons level.

Although religious differences play a role in the conflict's spread, the underlying causes of the Yemeni crisis are more complex than a sectarian Sunni-Shia conflict. Though religion is an important factor in the conflict this is not a crucial issue in the conflict at hand, where several national and international actors are active. The Saudi Iranian enmity is an effect that is not the cause of the conflict. The actions of the Houthis are politically motivated and defensive, having little in common with religious conflict in terms of their purpose. The Zaidi Shias follow a form of Shia Islam that is distinct from Iranian Shia theocracy and is more akin to a mild form of Sunni Islam, so the Saudi argument that this is a religious proxy war for Iran to influence religion in Yemen does not seem very credible.

Despite that, the truth is that the Saudi intervention in Yemen is heavily influenced by Iran's foreign policy, particularly on two major issues: the Iran nuclear deal and its role in Iraq. This position of Saudi Arabia is because, for decades, Iran has continuously supported non-state actors to promote its own goals in the Middle East region. However,

¹⁰⁹ This enmity is due, apart from ideological and governmental components to the relations between the Saudi monarchy and the West, particularly with the USA. Going through several controversial periods like the war in Iraq, with the stagnation due to Saddam Hussein's war against Iran, the conflict between Tehran and Riyadh never became direct, but the battle continued in the ideological field and throughout the proxy wars. This confrontation has not stopped since then and has increased with the beginning of the Arab Spring.

Iran's level of support in the case of Yemen is not the same as Iran's support for Shia militias in Iraq, Syria's Assad government, or Hezbollah in Lebanon.

Saudi Arabia argues that the calculation of its interests gives it great power (and legitimacy) to intervene in a weaker neighbouring country, under the pretext that one of the parties to the conflict taking place there is linked to a foreign power. In this case, the action in Yemen is considered legitimate because the Houthis, who are in the same territory, have Iran as their rightful support. This position is not unknown. Take a look at how Russia views Ukraine when the former launches attacks on the latter while claiming to be protecting itself from Western aggression carried out by Western agents who had overthrown the legitimate Ukrainian government.

On the other hand, although Iran does not act as a purely ideological actor, one cannot neglect the importance that some of these ideologies have in Iranian political action. The first is the opposition to the US, which is depicted as the cornerstone of revolutionary ideology and subsequently became a crucial component of the political discourse of the Islamic Republic. Secondly, regarding regional and foreign policy, the will aims to ensure the survival of the Islamic Republic and ensure that Tehran plays a crucial role in managing the regional order.

The conflict in Yemen is driven by local competition for power rather than being solely a regional, sectarian, or proxy war. However, the rivalry between Iran and Saudi Arabia has overlapped with this domestic conflict, inflaming it but not driving it. Thus, we follow the position that the conflict in Yemen is a proxy war but not a religious one: it is much more than that, it is a conflict marked by various actors competing for power in the region. The involvement of external actors in Yemen's crisis, such as Saudi Arabia and Iran, only complicates an already complex situation. Otherwise, the conflict has not exacerbated an already complex crisis.

The most recent proof that the Yemen conflict is a proxy war and that both Saudi Arabia and Iran are parties to the conflict is the fact that Saudi Arabia and Iran have agreed to re-establish diplomatic ties after years of open hostility and proxy conflicts across the Middle East, with China as a mediator. In the statement posted on Twitter¹¹⁰ by Saudi Arabia and Iran, the parties announced that they had reached an agreement that “includes an agreement to resume diplomatic relations between them and re-open their

¹¹⁰ (account, 2023)

embassies and missions (...) and their affirmation of the respect for the sovereignty of states and the non-interference in internal affairs”. The fact that these two powers expressly said that the conflict is coming to an end following the agreement that they will sign expressly shows the decisive role that their participation has and had in the unfolding of the conflict all these years.

5. Conclusion

We began this thesis with the idea that we were dealing with a conflict that would not end soon. As we delved into the study of geopolitical relations and structural conflict analysis, we realized that what was at stake were more than just a conflict between the Yemeni government and a non-state armed group. Rather, it was the relations between powers with interests in the region that were at play. We end this thesis with an agreement concluded between two third states that support different sides of the conflict and which shows the importance of international relations between states to maintain international peace and security.

By analysing ICJ case law, we were able to come up with a definition of NSAG and apply it to the case of the Houthis, who have proven to be an example of NSAG achieving a degree of organisation, weaponization and involvement in the conflict for several years. This demonstrates the need to regulate them and, above all, to make them responsible in the future for the illegal acts they commit.

Through the concept of proxy war, we understand the impact of foreign aid in internationalising conflict and weakening the security of a state, which consequently helps NSAGs to develop and establish themselves in those same states.

Yemen is a complex case, presenting several reasons why the conflict has lasted so long. For example, the shifting balance of power and the determination of the parties to the conflict have created hope in each group that their side will prevail and achieve control over the others which decreases the likelihood of reaching an agreement. Moreover, due to disappointment with a lengthy negotiation process and an ineffective transitional government, Yemenis have lost confidence in a central government and even less in any political process as a solution to their issues. Furthermore, no leader can bring Yemenis together under one banner or for a common goal.

We conclude that, as the court says in the Tadic case “If international law, while of course duly safeguarding the legitimate interests of States, must gradually turn to the protection of human rights”¹¹¹, in Yemen it is the citizens who are suffering and must be protected. They need protection from third states, the state itself, and non-state armed groups. The ongoing conflicts such as the one in Yemen demonstrate that the reality of conflicts is more complex than just state-state conflicts, which entails more threats to the security and peace of the international community and its citizens.

Yemen is a living proof that international relations and diplomacy are important and the basis “to maintain international peace and security” as provided in the UN Charter.

¹¹¹ (Prosecutor v. Dusko Tadic a/k/a "Dule", 1995) para.97

6. Bibliography

- (2021). Retrieved from The Guardian:
<https://www.theguardian.com/world/2021/feb/04/us-end-support-saudi-led-operations-yemen-humanitarian-crisis>
- 36th session of the Human Rights Council. ((11 to 29 September 2017)). Retrieved from
<https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session36/res-dec-stat>
- Academy, G. (2017). *THE WAR REPORT 2017: THE ARMED CONFLICT IN YEMEN: A COMPLICATED MOSAIC*. Retrieved from <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Armed%20Conflict%20in%20Yemen.pdf>
- Academy, G. (n.d.). *Non-international armed conflicts in Yemen*. Retrieved from Geneva Academy: <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-yemen#collapse2accord>
- account, S. A. (2023, March 10). Retrieved from
<https://twitter.com/KSAMofaEN/status/1634180277764276227/photo/1>
- ACLED. (2022). *The UN-Mediated Truce in Yemen: Impacts of the First Two Months*. Retrieved from <https://acleddata.com/2022/06/14/the-un-mediated-truce-in-yemen-impacts-of-the-first-two-months/>
- Assembly, U. G. (1970, October 24). UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Retrieved from <https://www.refworld.org/docid/3dda1f104.html>
- Binnie, J. (2019, July 8). *Yemeni rebels unveil cruise missile, long-range UAVs* . Retrieved from Jane's Defence: <https://www.janes.com/defence-news/news-detail/yemeni-rebels-unveil-cruise-missile-long-range-uavs>
- Black, I. (2016). *Rights groups condemn removal of Saudi Arabia from UN blacklist*. Retrieved from The Guardian:
<https://www.theguardian.com/world/2016/jun/07/rights-groups-condemn-removal-of-saudi-arabia-from-un-blacklist>

- Brehony, N. (2015, November). The current situation in Yemen: causes and consequences. Retrieved from <https://www.files.ethz.ch/isn/194725/2f5bf98a4531d31682098dcb67226b44.pdf>
- Britannica, E. o. (n.d.). *Yemen*. Retrieved from Encyclopaedia Britannica: <https://www.britannica.com/place/Yemen/The-age-of-imperialism#ref965005>
- Call, G. (n.d.). Retrieved from <https://www.genevacall.org/>
- Clapham, A. (2006). Human Rights Obligations of non-state actors in conflict situations. *International Review of the Red Cross*. Retrieved from <https://international-review.icrc.org/articles/human-rights-obligations-non-state-actors-conflict-situations>
- Council, H. R. (10–28 September 2018). 39th session of Human Rights Council, RES/39/16. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/296/70/PDF/G1829670.pdf?OpenElement>
- Council, S. (1999). Resolution 1244. Retrieved from <https://digitallibrary.un.org/record/274488>
- Council, S. (2011, October 21). Resolution 2014 Adopted by the Security Council at its 6634th meeting. *S/RES/2014 (2011)*. Retrieved from <http://unscr.com/en/resolutions/doc/2014>
- Council, S. (2012, June 12). Resolution 2051 Adopted by the Security Council at its 6784th meeting. *S/RES/2051 (2012)*. Retrieved from <http://unscr.com/en/resolutions/2051>
- Council, S. (2014, February 26). Resolution 2140 Adopted by the Security Council at its 7119th meeting. *S/RES/2140 (2014)*. Retrieved from <http://unscr.com/en/resolutions/2140>
- Council, S. (2015, February 15). Resolution 2201 Adopted by the Security Council at its 7382nd meeting. *S/RES/2201 (2015)*. Retrieved from <http://unscr.com/en/resolutions/2201>
- Council, S. (2015, March 26). Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait. Retrieved from

https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_217.pdf

Council, S. (2016, February 24). Resolution 2266 Adopted by the Security Council at its 7630th meeting. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/050/05/PDF/N1605005.pdf?OpenElement>

Council, S. (2017, February 23). Resolution 2342 Adopted by the Security Council at its 7889th meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2342>

Council, S. (2017, July 20). Resolution 2368 Adopted by the Security Council at its 8007th meeting. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/223/46/PDF/N1722346.pdf?OpenElement>

Council, S. (2018, December 21). Resolution 2451 Adopted by the Security Council at its 8439th meeting. Retrieved from <http://unscr.com/en/resolutions/2451>

Council, S. (2018, December). S/2018/1134- Stockholm Agreement.

Council, S. (2019, January). Resolution 2452 Adopted by the Security Council at its 8444th meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2452>

Council, S. (2019, July). Resolution 2481 Adopted by the Security Council at its 8572nd meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2481>

Council, S. (2020, January). Resolution 2505 Adopted by the Security Council at its 8701st meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2505>

Council, S. (2020, July). Resolution 2534 Adopted by the Security Council at its 8747th meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2534>

Council, S. (2022, February). Resolution 2624 Adopted by the Security Council at its 8981st meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2624>

Council, S. (2022, July). Resolution 2643 Adopted by the Security Council at its 9091st meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2643>

Council, S. (2022, July). Resolution 2643 Adopted by the Security Council at its 9091st meeting. Retrieved from <http://unscr.com/en/resolutions/doc/2643>

Cross, I. C. (2009). *Interpretative guidance on the notion of Direct Participation in Hostilities under IHL*. International Committee of the Red Cross.

- Cross, I. C. (n.d.). *COMMENTARY OF 2016 ARTICLE 3 : CONFLICTS NOT OF AN INTERNATIONAL CHARACTER*. Retrieved from International Committee of the Red Cross: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDFA490736C1C1257F7D004BA0EC>
- Cross, I. C.-I. (n.d.). *Armed Groups*. Retrieved from How does law protect in war? Online casebook: <https://casebook.icrc.org/glossary/armed-groups>
- Cross, I. R. (2022, January). *ICRC Engagement with Non-State Armed Groups* . Retrieved from <https://international-review.icrc.org/articles/icrc-engagement-with-nsags-why-how-for-what-purpose-icrc-position-paper-915>
- Cross, R. (2022, January). *Non-State Armed Groups*. Retrieved from International Review of the Red Cross: <https://international-review.icrc.org/reviews/irrc-no-915-non-state-armed-groups>
- Democratic Republic of the Congo v. Uganda (INTERNATIONAL COURT OF JUSTICE 2005). Retrieved from <https://www.icj-cij.org/public/files/case-related/116/116-20051219-JUD-01-00-EN.pdf>
- Feierstein, G. M. (2019, February). Yemen: the 60-year war. Retrieved from <https://www.mei.edu/sites/default/files/2019-02/Yemen%20The%2060%20Year%20War.pdf>
- Ferro, L., & Ruys, T. (2018). The Saudi-led military intervention in Yemen's civil war - 2015. In *The use of force in international law : a case-based approach* (pp. 899-911). Oxford University Press. Retrieved from <http://hdl.handle.net/1854/LU-8561188>
- Garallah, A. (n.d.). *Yemen Conflict: key strategic transformations*. (A. Abdullah, Trans.) Washington Center for Yemeni Studies.
- Heffes, E., D. Kotlik, M., & J. Ventura, M. (2020). *International Humanitarian Law and Non-State Actors*. ASSER PRESS.
- Henckaerts, J.-M. (2005). Study on Customary International Humanitarian Law. *International Review of the Red Cross*, 38. Retrieved from https://international-review.icrc.org/sites/default/files/irrc_857_9.pdf

- Herman, O. (2020). Beyond the state of play: Establishing a duty of non-State armed groups to provide reparations. *International Review of Red Cross*.
- ICRC. (2020). Commentary on the Third Geneva Convention- article 3. Retrieved from <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=31FCB9705FF00261C1258585002FB096>
- ICRC. (n.d.). *Principle of Distinction between Civilians and Combatants*. Retrieved October 27, 2022, from ICRC- Customary IHL: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1
- Jazeera, A. (n.d.). What's going on in Yemen and is the war getting worse? Retrieved from <https://www.youtube.com/watch?v=SXwIA0Ebbzc>
- Jazeera, A. (n.d.). *Yemen conflict: Who controls what*. Retrieved from AL JAZEERA: <https://www.aljazeera.com/news/2019/3/24/yemen-conflict-who-controls-what>
- JO, H. (2015). *Compliant Rebels- Rebel Groups and International Law in World Politics*. Cambridge University Press.
- Juneau, T. (2016). Iran's policy towards the Houthis in Yemen:a limited return on a modest investment. *International Affairs*, 647-663.
- Jurists, I. C. (2018, July). Bearing the Brunt of War in Yemen: International Law Violations and their Impact on the Civilian Population: A Briefing Paper. Retrieved from <https://www.icj.org/wp-content/uploads/2018/09/Yemen-War-impact-on-populations-Advocacy-Analysis-Brief-2018-ENG.pdf>
- Karakir, I. A. (2018). Ongoing conflict in Yemen: a proxy war? pp. 121-149.
- KARAM, S. (2007). The Multi-faced Sunni Insurgency: A Personal Reflection. *Civil Wars, Volume 9, Issue 1*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/13698240601159066>
- Khan, M. A., & Khan, P. (2018). The Status of Non-State Armed Groups in Armed Conflicts. *Journal of Law and Society*.

- Landry, C. (2015). 'Iran arming Yemen's Houthi rebels since 2009: UN report'. Retrieved from <https://www.middleeasteye.net/news/iran-arming-yemens-houthi-rebels-2009-un-report>
- Lauterpacht, H. (1947). *Recognition in international law*. Cambridge University Press.
- Limited, Y. C. (n.d.). *History of Yemen*. Retrieved from Yemini Community Association in Sandwell Limited: <https://www.yca-sandwell.org.uk/history-of-yemen/>
- Mačák, K. (2018). *Internationalized Armed Conflicts in International Law*. Oxford University Press.
- Military and Paramilitary Activities in and against Nicaragua (International Court of Justice June 27, 1986).
- Miroiu, A. (2018, 07 26). Armed Groups: Theory and Classification. Retrieved from https://www.researchgate.net/publication/322006747_Armed_groups_theory_and_classification#fullTextFileContent
- Mitreski, A. (2015, August). Civil War in Yemen: A complex Conflict with Multiple Futures.
- Mumford, A. (2013). Proxy warfare. (C. E. Press, Ed.)
- Nations, U. (1960, December 14). General Assembly resolution 1514 (XV). Retrieved october 30, 2022, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples>
- Nations, U. (2000). *Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 1999/56*. Retrieved from <http://www.ohchr.org/>
- Nations, U. (2001). Responsibility of States for Internationally Wrongful Acts. Retrieved from https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf
- Nations, U. (2006). *Humanitarian Negotiations With Armed Groups- A Manual for Practitioners*. Retrieved from

<https://www.unocha.org/sites/unocha/files/HumanitarianNegotiationswArmedGroupsManual.pdf>

Nations, U. (2011). Draft articles on the responsibility of international organizations with commentaries . Retrieved from https://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011.pdf

Nations, U. (2015, December). Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters. Retrieved from <https://press.un.org/en/2015/sgsm17420.doc.htm>

Nations, U. (n.d.). *GENERAL ASSEMBLY RESOLUTION 1803 (XVII)- PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES*. Retrieved from United Nations Audiovisual Library of International Law: https://legal.un.org/avl/pdf/ha/ga_1803/ga_1803_ph_e.pdf

Nations, U. (n.d.). United Nations Charter. Retrieved from <https://www.un.org/en/about-us/un-charter>

Nations, U. (n.d.). *United Nations Verification and Inspection Mechanism for Yemen*. Retrieved from <https://www.vimye.org/>

O'Neil, B. (2005). *Insurgency and Terrorism: From Revolution to Apocalypse*. Washington DC: Potomac Books, Inc.

OSESGY. (2022, April). *STATEMENT ON THE TRUCE IN YEMEN*. Retrieved from OSESGY: <https://osesgy.unmissions.org/statement-truce-yemen>

PROJECT, Y. D. (n.d.). *YEMEN DATA PROJECT*. Retrieved from YEMEN DATA PROJECT: <https://yemendataproject.org/>

Prosecuter vs. TIHOMIR BLAŠKIĆ, IT-95-14 (ICTY 2000). Retrieved from <https://www.refworld.org/cases,ICTY,4146f1b24.html>

Prosecutor v Germain Katanga, ICC-01/04-01/07-3436 (International Criminal Court March 7, 2014).

Prosecutor v. Dusko Tadic a/k/a "Dule", IT-94-1 (International Criminal Tribunal for the former Yugoslavia (ICTY) October 2, 1995). Retrieved from <https://www.refworld.org/cgi-bin/tehis/vtx/rwmain?docid=47fdfb518>

- Prosecutor v. Kordić & Cerkez, IT-95-14-T (ICTY 2000). Retrieved from <https://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf>
- Prosecutor v. Ljube Bošković and Johan Tarčulovski, IT-04-82-T (International Criminal Tribunal for the Former Yugoslavia (ICTY) July 2008). Retrieved from <https://www.internationalcrimesdatabase.org/Case/56/Bo%C5%A1koski-and-Tar%C4%8Dulovski/>
- Protocol Additional to the Geneva Conventions (Protocol II)*. (1977). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and-0>
- Report of the Group of Eminent International and Regional Experts on Yemen in the 48th session of the HRC. (2021, September).
- Rodenhäuser, T. (2016). Armed Groups, Rebel Coalitions, and Transnational Groups: The Degree of Organization Required from Non-State, Armed Groups to Become Party to a Non-International Armed Conflict. , *Yearbook of International Humanitarian Law*.
- Sassòli, M. (2006). Transnational Armed Groups and International Humanitarian Law. *Occasional Paper Series*, 6. Retrieved from <https://archive-ouverte.unige.ch/unige:6418>
- Security Council, U. (2015, April 14). Resolution 2216- S/RES/2216. Retrieved from <https://www.un.org/securitycouncil/s/res/2216-%282015%29-0>
- SWIETEK, H. (2017). *The Yemen War: A Proxy War, or a Self-Fulfilling Prophecy*.
- Tavares, M. I. (n.d.). RESPONSABILIDADE INTERNACIONAL DOS ESTADOS POR FACTOS INTERNACIONALMENTE ILÍCITOS. In M. I. Tavares, J. A. Azeredo Lopes, B. Menezes Queiroz, L. Carvalho Abreu, M. Fontaine Campos, B. Reynaud de Sousa, & F. Castro Moreira , *REGIMES JURÍDICOS INTERNACIONAIS* (Vol. 1). Universidade Católica Editora Porto.
- The Peace and National Partnership Agreement*. (2014, September 21). Retrieved from https://peacemaker.un.org/sites/peacemaker.un.org/files/YE_140921_PeaceNationalPartnershipAgreement_en.pdf

- The Prosecutor v. Rajić, IT-95-12-R61 (ICTY September 13, 1996). Retrieved from https://casebook.icrc.org/case-study/icty-prosecutor-v-rajić#parta_para11
- The Prosecutor v. Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj (AC), IT-04-84-A (International Criminal Tribunal for the former Yugoslavia (ICTY) July 19, 2010). Retrieved from <https://www.internationalcrimesdatabase.org/Case/67/Haradinaj-et-al/>
- The Prosecutor v. Thomas Lubanga Dyilo, 01/04-01/06-3121-Red (International Criminal Court March 14, 2012).
- UN General Assembly Resolution. (1994, December 9). Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N95/768/19/PDF/N9576819.pdf?OpenElement>
- UNICEF. (2020). *Yemen Appeal*. Retrieved from <https://www.unicef.org/appeals/yemen>
- UNION, C. O. (2002, June 13). COUNCIL FRAMEWORK DECISION on combating terrorism. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0475&from=EN>
- Union, E. (2012). Factsheet- Mediation and Dialogue in transitional processes from non-state armed groups to political movements/political parties. Retrieved October 27, 2022, from <https://ecdpm.org/work/mediation-and-dialogue-transitional-processes-from-non-state-armed-groups-to-political-movements-political-parties>
- Yair M. Lotstien. (2000). The Concept of Belligerency in International Law. *MILITARY LAW REVIEW*. Retrieved October 28, 2022
- Yves C., S., Christophe Swinarski, & Bruno Zimmerman. (1987). *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*. Geneva : International Committee of the Red Cross; Martinus Nijhoff Publishers.
- Zegveld, L. (2002). *Accountability of Armed Opposition Groups in International Law*. Cambridge University Press.

