September 18, 2018

The Honorable Bob Corker  The Honorable Ed Royce
Chairman Chairman
Senate Committee on Foreign Relations House Foreign Affairs Committee
423 Dirksen Senate Office Building 2170 Rayburn House Office Building
Washington, DC 20510 Washington, DC 20515

The Honorable Robert Menendez  The Honorable Eliot L. Engel
Ranking Member Ranking Member
Senate Committee on Foreign Relations House Foreign Affairs Committee
423 Dirksen Senate Office Building B360 Rayburn House Office Building
Washington, DC 20510 Washington, DC 20515

Dear Chairmen Corker and Royce, and Ranking Members Menendez and Engel:

I write today on behalf of InterAction’s over 220 members and partners, including many that are operational in Yemen, to express our dismay with Secretary Pompeo’s Certification under Section 1290 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 Related to Military Assistance for Saudi Arabia and the United Arab Emirates (certification). The accompanying Memorandum of Justification (memorandum) to that certification contained several mischaracterizations and failed to justify the certifications made by Secretary Pompeo. We therefore request that your committees hold public hearings with Secretary Pompeo on the certifications, including civil society panels featuring subject matter experts who can speak directly to the criteria established by Congress.

Our issues with the Memorandum of Justification include the following:

- Characterizing U.S. officials’ meetings with NGOs and humanitarian representatives as testimony to Saudi and UAE efforts to alleviate the humanitarian crisis. At these meetings, our member organizations have consistently warned that Saudi and UAE efforts were not effectively designed to alleviate the crisis and would make a negligible impact compared to the damage done by their policies and warfighting tactics. At the same time, Saudi and Emirati policy decisions continue to hamper our members’ ability to respond to the crisis, impede the import of necessary food and fuel, and slow the delivery of aid to the 22 million Yemenis that rely on it to survive. Examples of the Coalition’s failure to create an environment for the relief effort to succeed include: refusing to grant multi-entry visas to INGO staff; interfering with staff access to project sites; continued insistence on extra inspections for shipments to Hodeidah port; and maintaining the closure of the airport in Sana’a.

- Of the training and assistance to Saudi military forces provided by the U.S. referenced in the memorandum, nearly all were undertaken more than a year ago, and none has reduced the harm to civilians and civilian infrastructure. Indeed, August was the deadliest month for Yemeni civilians this year, with specific incidents showing a clear disregard for the principles of distinction and proportionality, calling into question...
• whether civilians are being deliberately targeted, and demonstrating that no substantive steps are being taken to protect critical civilian infrastructure.

• As acknowledged in the justification, shipments of commercial and humanitarian goods into Yemen’s highest capacity ports have yet to reach the already problematic levels of before November 2017. As acknowledged in the memorandum, Saudi secondary inspections label vital relief supplies as “dual-use” items, thereby causing delays that lead shippers to avoid use of these ports.

Because of Secretary Pompeo’s failure to adequately justify the certification in the public memorandum, we request he be asked to specifically testify to this certification and answer to the specific issues raised above before public hearings of your committees. Additionally, we request a second panel of subject matter experts, including from civil society and multilateral entities who can speak directly to each of the criteria for certification, including:

• An experienced civilian casualty and harm expert who has successfully worked with military forces to reduce civilian harm and can define and explain what appropriate measures to reduce civilian harm entail, critical success factors to systematize such measures, and how to measure the results of such efforts;

• A representative of an active humanitarian response agency who can speak directly to the difficulties in responding to the crisis in Yemen and what appropriate measures by the parties to conflict to alleviate that crisis would involve;

• A diplomat who is familiar with efforts to end the civil war in Yemen; and

• A representative of the United Nations Verification and Inspection Mechanism who can speak directly to their processes and the need for and impact of secondary inspections and clearance processes by Saudi Arabia.

Holding such a hearing is a matter of some urgency, given that the UN and United States take the position that there is no military solution to the crisis in Yemen, while escalated military action has been actively undertaken by the Saudis and Emiratis who have repeatedly and publicly taken the position that military action to weaken the Houthis militarily or force a Houthi surrender is necessary.

Thank you for your consideration of this request. If you have additional questions, please contact Tom Buttry at tbuttry@interaction.org.

Sincerely,

[Signature]

Samuel A. Worthington
Chief Executive Officer

cc: Secretary Michael R. Pompeo, U.S. Department of State