



## **Explosive Weapons and Civilian Harm in the Houthi Offensive on Marib**

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From March 3-5 the Irish government is convening a consultation on *Protecting Civilians in Urban Warfare: Towards a political declaration to address the humanitarian consequences that can arise from the use of explosive weapon with wide area effects in populated areas*. The consultation is structured around a political declaration intended to clarify and enhance international humanitarian law (IHL) protecting civilians in conflict. Oxfam supports the negotiation of this declaration and it is essential that it is rooted in real world experience of civilian harm caused by the use of bombs, missiles, artillery shells, rockets, mortars, landmines and other explosive weapons in conflict. This briefing concerns the current situation with the Houthi offensive on Marib, Yemen and shows why a robust declaration and implementation of IHL is essential.

### **Political Situation**

In 2020, Houthi forces advanced into the Sirwah district of Marib governorate. Since mid-February 2021 they began a new offensive to capture Marib, the internationally recognized government's only stronghold in northern Yemen. It is home to the Safer fuel refinery, the only source of liquified natural gas (LNG) Yemen, and the country's largest power plant. The main gas pipeline for the south runs through Marib city. The recognized government's control of Marib's LNG resources in particular gives it a national monopoly. Clearly, Marib is an important strategic location for both the Houthis and the international recognised government.

### **Current humanitarian profile**

Despite its relative prosperity, Marib is also in some ways the epicenter of Yemen's crisis.

IDPs in Marib are not socially or politically similar to the majority of IDPs throughout the rest of the country. While many Yemeni IDPs are members of socially marginalized communities that have lived a seminomadic lifestyle even before this iteration of the conflict, many IDPs in Marib are from northern governorates whose municipal and tribal leaders oppose the Houthis.

### **The Military and Humanitarian Situation**

After a period of relative calm early in 2021, a Houthi offensive has intensified fighting in the area of Marib. This has seen the increased use of explosive weapons in Marib city, in surrounding towns and villages, and in IDP camps. This has caused significant civilian harm and casualties, and the situation is worsening.

In 2020, 71% of civilian casualties in Marib City were caused by rocketry and shelling attacks, the rest by landmines and unexploded ordnance, these last in particular in and around IDP camps. There was a significant gendered impact in 2020 from explosive weapons use, with shelling responsible for

more women casualties than any other type of armed violence. Over half of the women casualties were caused by shelling, with most killed or injured inside civilian homes.<sup>1</sup>

The new offensive has brought fighting close to Marib City, and brought Al-Sawabeen and Al-Hayal IDP camps within range of heavy weapons fire, threatening further major population displacements. At the beginning of February the front line was 15-20 KM from IDP camps – in the week of 22 February, Oxfam has reports of attacks on IDP camps in Sirwah. There are 42 IDP camps in Marib city and 64 in next door Marib Al Wadi district.

IOM estimates that over 100,000 people have been displaced by the fighting since January 2020. They say that Marib governorate hosts approximately 850k internally displaced people (IDPs), with over 600,000 of them cramped in IDPs camp-like settlements – though some estimates put the real number at between 1.5 and 2,2 million IDPs total. Marib city, once a town of approximately 41,000 people, is now home to roughly 550,000 IDPs that have been specifically identified by IOM. In addition, 4,500 migrants – mostly economic migrants from Ethiopia or Somalia - are estimated to be stranded in Marib city.

The displacement of so many families to Marib has created a massive strain on public services. The health system is buckling under the pressure of IDP arrivals. More than 100,000 IDPs lack access to even basic health care. That level of need is reflected in terms of access to water, food, safe shelter and more. As a result of the shortage of water, sanitation, and hygiene services – despite a functioning public water system in Marib city – the governorate experienced one of Yemen’s highest incidence rates of cholera in 2019.

In Marib City, displaced people are living in a mix of tents and semi-permanent brick buildings. Fighting in Marib governorate in previous years has already exacerbated the lack of public services: in February 2020, two hospitals were damaged in attacks that curtailed access to healthcare for 15,000 people, most of whom are IDPs.

Civilian casualties in the offensive rose to 14 in the first days of February, the worst since the heavy fighting of November. In the new offensive, there have been 20 days since mid-January where such attacks have destroyed homes and other civilian infrastructure and caused growing civilian casualties. The majority of these have involved the use of artillery or missiles by Houthi forces attacking Marib City. The fighting has also been accompanied by indiscriminate missile launches towards Marib city, targeting military sites, but landing in residential neighbourhoods, causing civilian casualties and damaging civilian structures.<sup>2</sup>

Unexploded ordnance and landmines also pose a continued threat to civilians, notably children and herders. The CIMP reports that “The escalated fighting has also been accompanied by a restart of missile launches towards the city, as well as increased airstrikes in surrounding areas. The indiscriminate attacks reportedly target military sites and senior figures, but have repeatedly proven to be inaccurate, landing in residential areas and hitting civilian infrastructure.”

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<sup>1</sup> See Civilian Impact Monitoring Project (CIMP) Annual Report for 2020, pp2 and 10.

<sup>2</sup> CIMP Weekly Highlights, February 20, 2021.

### **The Effects of Explosive Weapons<sup>3</sup>**

Explosive weapons project blast waves, heat and fragmentation, killing and injuring people in the area around the point of detonation as well as damaging objects, buildings and infrastructure. When used in populated areas they tend to cause high levels of harm to individuals and communities. Children are particularly vulnerable. Destruction of infrastructure that is vital to the civilian population, including water and sanitation, housing, schools and hospitals, results in a pattern of wider, reverberating harm and long-term suffering. Survivors of explosive weapons effects can face long-term challenges including disability, psychological harm, and social and economic exclusion. Of particular concern are explosive weapons with wide area effects, such as bombs dropped from aircraft or artillery shells and rockets. These cause death, injury and destruction of infrastructure at a great distance from the point of impact, even if aimed precisely at a legitimate military target and, in an urban setting, have indiscriminate effects.<sup>4</sup>

### **The Danger to Civilians from Explosive Weapons Use in Populated Areas**

The war in Yemen has been marked by the use of explosive weapons in populated areas. The Coalition has used airstrikes on a massive scale. Houthi forces have routinely shelled urban areas, both in Yemen and across the border in Saudi Arabia. The Yemeni army and its allies have also shelled and rocketed populated areas. The conflict has also seen the common use of artillery rockets, mortars, rocket-propelled grenades, landmines and improvised explosive devices (IEDs).

The use of explosive weapons in populated areas as this causes a huge proportion of the damage to infrastructure and services such as transport, power, water distribution, education and food supply, as well as causing the majority of displacements of Yemeni people. Health facilities are also targeted. In February 2020, for example, 2 hospitals were targeted and damaged affecting access for 15000 people – majority of whom are IDPs.<sup>5</sup> Currently, the major Houthi assault on Marib is deepening the humanitarian emergency in one area of a country, already suffering the worst humanitarian crisis in the world.

Direct attacks on civilians are war crimes. Indiscriminate attacks – where there is no effort to distinguish between civilians and military targets, or where such distinction is impossible because of the indiscriminate nature of the weapons being used, the size of the explosive yield or the proximity of civilians to military targets – can amount to a violation of international law. These attacks are facilitated by arms exporting States who have fuelled the war in Yemen with supplies to all parties.<sup>6</sup>

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<sup>3</sup> This section is drawn from The Gendered Impacts of Explosive Weapons Use in Yemen, Oxfam, January 2019, available at <https://www.oxfam.org/en/research/gendered-impact-explosive-weapons-use-populated-areas-yemen>.

<sup>4</sup> See, for example, Lt. J.F.S Millwood Hargrave BSc (September 2017) The Impact of Blast Injury on Children: A Literature Review. The Royal British Legion Centre for Blast Injury Studies, Imperial College, London, <https://www.imperial.ac.uk/media/imperial-college/researchcentres-and-groups/centre-for-blast-injury-studies/Literature-Review-on-paediatric-blastinjury.pdf>; PAX and Article 36 (June 2018) Explosive Weapons – Factors that produce wide area affects. <http://www.article36.org/wp-content/uploads/2018/07/WAE-Harm-TableFinal-Version.pdf>; Geneva International Centre for Humanitarian Demining (GICHD) (February 2017) Explosive Weapons Effects: Final Report. <http://characterisationexplosiveweapons.org/studies/finalreport/>.

<sup>5</sup> : <https://www.unocha.org/story/attacks-hospitals-deprive-vulnerable-yemenis-health-care>

<sup>6</sup> See the ICRC commentary on the State responsibility for violations of International Humanitarian Law, which says: 'Violations of international humanitarian law are often committed with weapons provided by third States. As long as the use of those particular weapons is not prohibited a State providing them is not responsible for violations of international humanitarian law committed by the receiving State with such weapons. However, once it knows that the receiving State systematically commits violations of international

The widespread use of explosive weapons with wide area effects in populated areas of Yemen, even when targeted against military objectives, has contributed to high levels of civilian death and injury, and damage to civilian infrastructure and services including housing, schools, hospitals and medical facilities. Often this will be disproportionate to the military advantage achieved, and has contributed to a pattern of harm that has seen the conflict become the world's worst humanitarian disaster.

All of this runs directly counter to the principle of the Protection of Civilians in conflict, elaborated in UN Security Council resolutions<sup>7</sup> and ICRC commentaries<sup>8</sup>, which goes beyond not committing war crimes or other violations of International Humanitarian Law and International Human Rights Law to require positive action to ensure that all feasible precautions are taken to avoid and minimize civilian harm<sup>9</sup> in the conduct of military operations. In Yemen generally, and in the Marib offensive at present, this principle is not adhered to.

Saudi and UAE-Led Coalition airstrikes on civilians and civilian objects and infrastructure have been recorded since March 2015.<sup>10</sup> Two early examples were the destruction of an Oxfam warehouse in Sanaa, and a northern solar powered water system providing water for several villages. The Yemen Data Project has shown a very high proportion of attacks hitting civilian areas.<sup>11</sup> Such airstrikes continue to be documented on an almost daily basis.<sup>12</sup>

### **The Political Declaration on Explosive Weapons Harm**

States have been considering a political declaration to clarify IHL and reduce the use of explosive weapons in populated areas for some years. The current situation in Marib is a clear and shocking demonstration of the need for the Political Declaration, and of the elements that it must contain.

The declaration must contain recognition, in clear terms, of the harm inevitably caused to civilians by the use of explosive weapons in populated areas. Throughout the text, this is the basis on which commitments must be built. Oxfam bears witness across Yemen, and now in Marib, and in many other countries, to the systematic harm done to civilians by the use of explosive weapons in populated areas including but not limited to deaths and injuries, displacement (sometimes repeated displacement), hunger, spread of disease, increased gender based violence, trauma, destruction of water, health and other infrastructure, as well as homes and other civilian objects.

The declaration must take full account of direct, indirect and reverberating effects of the use of explosive weapons in populated areas. This should include damage and destruction to critical infrastructure including energy networks, water and sanitation systems, communications and transport. Impacts on healthcare, education, food security and access to humanitarian aid should be

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humanitarian law with certain weapons, the aiding State has to deny further transfers thereof, even if those weapons could also be used lawfully.' [https://www.icrc.org/en/doc/assets/files/other/401\\_434\\_sassoli.pdf](https://www.icrc.org/en/doc/assets/files/other/401_434_sassoli.pdf).

<sup>7</sup> Details of resolutions can be found at <https://www.un.org/securitycouncil/file/93342>.

<sup>8</sup> See, for example, <https://www.icrc.org/en/publication/0956-enhancing-protection-civilians-armed-conflict-and-other-situations-violence>.

<sup>9</sup> See, inter alia, the commentary of the International Committee of the Red Cross and Red Crescent Societies (ICRC) on this at: [https://ihl-databases.icrc.org/customaryihl/eng/docs/v1\\_rul\\_rule15](https://ihl-databases.icrc.org/customaryihl/eng/docs/v1_rul_rule15).

<sup>10</sup> Human Rights Watch (July 11, 2016) Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures. <https://www.hrw.org/report/2016/07/11/bombingbusinesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures>

<sup>11</sup> The Guardian (September 16, 2016) One in three Saudi air raids on Yemen hit civilian sites, data shows. <https://www.theguardian.com/world/2016/sep/16/third-of-saudi-airstrikes-onyemen-have-hit-civilian-sites-data-shows>

<sup>12</sup> Data on airstrikes can be accessed at the Yemen Data Project website <https://yemendataproject.org/data.html>

included. The long term impacts on livelihoods, social and economic inclusion, and employment, as well as many gendered impacts which tend to negatively affect women and girls more than men<sup>13</sup>, must also feature in any robust declaration that will significantly improve the protection of civilians in conflict. Simply reaffirming that IHL is sufficient would not be sufficient for the goal of continuously enhancing protection of civilians.

## **Conclusions**

There is an urgent need for a nationwide ceasefire in Yemen, to allow the humanitarian situation to be addressed. The international community needs to prioritise negotiations for a lasting peace, and the UK government as UN Security Council “penholder” on Yemen should act on this urgently.

In addition, all arms transfers to parties in the conflict should be suspended while there is a clear risk they might be used in the commission of serious violations of IHL in Yemen. All parties to the conflict have committed such violations.

The international community must adopt a robust version of the political declaration on the use of explosive weapons in populated areas to address the humanitarian consequences that arise for civilians. States must then work together to ensure that civilians in conflicts such as that in Yemen are far better protected from explosive weapons use than they are at present.

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<sup>13</sup> The Gendered Impacts of Explosive Weapons Use in Yemen, Oxfam, January 2019, *op cit*.