



Ending the Yemen Quagmire: Lessons for Washington from Four Years of War

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Principal Findings

What's new? By lending limited support to the Saudi-led military campaign in Yemen, the U.S. became complicit in a man-made humanitarian disaster. Washington sought to protect its own regional interests, shape coalition tactics and broker peace – but it overestimated its influence, underestimated the conflict's devastation and became mired when its strategy failed.

Why does it matter? Understanding where the Obama and Trump administrations went wrong in Yemen – and why they continued to support the Saudi-led campaign even as the conflict stalemated, the humanitarian emergency grew and reports of coalition atrocities mounted – is important for helping resolve the current crisis and avoiding similar mistakes in the future.

What should be done now? The U.S. Congress should continue to advance legislation to curtail support for the Saudi-led campaign, and the Trump administration should end that support while pointing to Congressional pressure in arguing to the coalition that failure to end the intervention in Yemen will have long-term consequences for bilateral relations.

What should be done over the longer term? A bipartisan review of the U.S.-Saudi partnership could recommend changes concerning U.S. arms sales and security assurances. The goal should be to keep Washington out of future military misadventures, while protecting the kingdom from threats of sufficient proportion. Washington should also enhance Congressional checks on war-making through war powers reform.

Executive Summary

Four years after agreeing to lend limited support to the Saudi-led coalition's military campaign in Yemen, the U.S. has little to show for its investment but the horrors of a brutal war. The story of U.S. complicity in the Yemen war is partly one of miscalculation, in that Washington initially overestimated its ability to shape coalition conduct and underestimated the devastation of the conflict it was helping enable. But it is also a story of the complicated relationships and perceived U.S. interests that led both President Barack Obama and President Donald Trump – two very different leaders – to continue this assistance even after the miscalculations had been exposed. Washington should face the reality that its continued support for the campaign serves neither the interests of the U.S. nor those of the region. It should put its full weight behind pushing for peace. If it wishes to avoid being drawn into similar conflicts in the future, more fundamental changes may be in order, too.

In hindsight, what is most jarring about the U.S. role in the Yemen conflict is not just that the Obama administration agreed to a measure of support for the coalition in spite of concerns that it might be getting into a car with a reckless driver – to paraphrase one former official. It is that Washington never got out of the car.

The signs of unfolding disaster were clear early on. Within months of the campaign's beginning, Obama administration officials could see that there was no quick end in sight. Evidence of the coalition's brutal tactics had already emerged as well. The coalition had more or less blockaded the country, seemingly impervious to the humanitarian consequences, and was bombing civilian infrastructure in a manner that some officials suspected to be intentional. By the fall of 2015, the list of strikes against civilians and civilian objects had reached sobering proportions. And yet Washington kept refuelling sorties, approving arms sales, and allowing the sustainment of the weapons systems the coalition was using to prosecute the war.

Many of the former senior officials Crisis Group interviewed recall vividly the U.S. interests that they saw as driving U.S. support. They viewed Yemen's interim president, Abed Rabbo Mansour Hadi, as a valued counter-terrorism partner and someone whom the West could work with to improve governance. They saw his ouster by Huthi insurgents as an affront to the international order. They sympathised with Saudi Arabia's desire to protect its border from Huthi incursions and its cities from Huthi missiles. They knew that Iran was offering the Huthis some support – though, unlike Riyadh, they did not see this as a threat to the kingdom of strategic proportions. And they were highly conscious of growing strains in the relationships between Washington and its Gulf partners under Obama, which the Joint Comprehensive Plan of Action – ie, the Iran nuclear deal – had exacerbated, and worried that severing support could turn those strains into full-blown ruptures.

But senior officials were also in varying degrees captured by the illusion that the U.S. might, through its engagement, make the coalition's operations more humane. Proponents of this view argued that surely the coalition must be aware of the harm it was doing to its reputation internationally and want the U.S. to help it be less brutal. Whether or not they were right, Washington never had a realistic plan for achieving this objective, nor for what to do when efforts to achieve it failed. It was only in

December 2016, mere weeks before Obama left office, that the administration suspended a sale of precision-guided munitions to Riyadh, sending the kind of signal that might have meant something had it been done earlier on, but that had little impact given the timing.

Similarly, the Obama administration's efforts to push the parties in the direction of a political solution to the conflict, while energetic, suffered from a lopsided approach that favoured the coalition and took too long to revisit. The administration's initial proposals were tethered to a one-sided framework in favour of the Hadi government, which mirrored an ill-considered UN Security Council resolution dating to the beginning of the campaign. By the time Secretary of State John Kerry adopted a more balanced game plan, the end of the administration was in sight, some of its Gulf allies were counting the days, and Washington was unable to get Hadi to sign on.

This stonewalling was rewarded. Many of the lessons that the Obama administration took nearly two years to begin learning were quickly cast aside after the Trump administration assumed office in 2017. As Trump's team drew ever closer to Riyadh – eager for its help with a sprawling regional agenda that relied heavily on its political and financial support – efforts to press the coalition to temper its tactics and ultimately exit Yemen's civil war faded further into the background.

It was only after the October 2018 murder of Jamal Khashoggi, a Saudi journalist writing for *The Washington Post*, catalysed U.S. anger toward Riyadh that Washington's posture toward the coalition's campaign showed signs of change – and then it was Congress that took the lead. It began to advance a raft of bipartisan bills – some intended to pull U.S. support from coalition forces engaged in hostilities, others prohibiting offensive weapons sales, refuelling and other support to the coalition – that signalled to both the administration and the coalition that long-term bilateral relations could be in danger absent a course correction.

This pressure had visible impact. The U.S. secretaries of state and defence publicly pushed the coalition back toward talks, announcing that the U.S. would suspend refuelling assistance to coalition aircraft. And in December 2018, UN-led talks in Sweden produced an agreement to de-escalate violence around the vital port city of Hodeida.

The question is what happens next. The events of late 2018 demonstrate that if Congress applies sufficient pressure, and the administration uses this as a foil to demand concessions from its coalition partners, this combination can help advance efforts to seek peace in Yemen. But the agreement reached in Sweden is only a step down a very long path, and it has yet to be fully implemented. In the meanwhile, the administration shows signs of reverting to its pre-Khashoggi habits of covering for the coalition and seeking to place all of Yemen's ills at Iran's feet.

As this report goes to press, both chambers of Congress have passed bipartisan legislation directing the withdrawal of U.S. forces from hostilities in Yemen, which the president must decide whether to sign or veto. Senior aides have made clear that they support a veto, and while Trump has publicly equivocated, the odds are that he will heed their advice.

If that happens, in order to sustain the momentum that began in late 2018, Congress must up the pressure (including by putting restrictions on coalition assis-

tance in must-pass legislation like the annual defence authorisation bill), the administration must return to using Congress as a foil and withdraw its support for the campaign, and the coalition must take seriously that the failure to seek a good-faith resolution to the conflict will harden attitudes against it in Washington in ways that will redound to its long-term detriment.

It is also not too early for Washington policymakers to begin drawing lessons about how to avoid such situations in the future. They should come to terms, for example, with the nature of U.S. leverage over U.S. security partners like Saudi Arabia – leverage that sometimes can only be effective by taking the hazardous step of putting the partnership on the line. A related and more fundamental inquiry is whether the U.S.-Saudi relationship (and perhaps other partnerships that involve similar arms sales and security assurances) can be altered in a way that limits the risk of the U.S. being drawn into destabilising crises like the conflict in Yemen. A bipartisan review of the U.S.-Saudi relationship, its costs and benefits for both parties, and how they might be managed – including by rethinking the sorts of weapons, support and assurances the U.S. gives Riyadh – could help yield answers relevant both to this bilateral relationship and possibly similar security partnerships.

Finally, U.S. policy and lawmakers must look for ways to bolster checks and balances on executive branch war powers and to encourage Congress to scrutinise White House assurances to enable foreign military campaigns much earlier on.

For purposes of advancing this mix of short- and long-term goals, a sober look back at how the U.S. took a wrong turn in Yemen, and has failed thus far to correct its course, is a good place to start.

Washington/Brussels, 15 April 2019

Ending the Yemen Quagmire: Lessons for Washington from Four Years of War

I. Introduction

In March 2015, Saudi Arabia told the U.S. that it was about to launch a military campaign to unseat a Huthi (aka Ansar Allah or Partisans of God) insurgency that had seized power in neighbouring Yemen, with the end goal of restoring the interim president, Abed Rabbo Mansour Hadi, to power. The Saudis announced that they would be working with a coalition of more than ten mostly Sunni Arab countries in this effort – of whom the United Arab Emirates (UAE) soon emerged as the most active partner. Washington gave Riyadh a qualified yes, offering to help the Saudis defend their borders against what the U.S. saw as a legitimate threat to their territorial integrity. The Saudis projected confidence that the campaign would be quick and decisive, and while some U.S. officials were wary, their concern was not enough to cause any of the president’s closest advisers to try to stop it.¹

Saudi Arabia and its Gulf partners had more than an idle interest in Hadi’s fortunes. They had played a critical role in supporting a non-competitive election that installed Hadi as caretaker president in February 2012. It was part of an elaborate initiative to convince his predecessor, Ali Abdullah Saleh, to step down after a popular uprising against his corrupt and at times brutal 33-year rule. Hadi was to serve as a transitional leader while a National Dialogue Conference prepared recommendations for a constitutional drafting committee in anticipation of fresh elections. But in spite of the heady rhetoric emanating from Sanaa, standards of governance, justice and security declined across the country – as did the economy – and this ambitious program failed.²

Buttressed by popular frustration with economic conditions and supported by allies of former President Saleh, Huthi insurgents took advantage of state weakness to expand their territorial control.³ In September 2014, the Huthis seized the capital

¹ Crisis Group interviews, former U.S. officials, Washington, October 2018–March 2019.

² For details of the Gulf-brokered transition in 2011–2012, see Crisis Group Middle East Report N°125, *Yemen: Enduring Conflicts, Threatened Transition*, 3 July 2012.

³ These insurgents consisted of Zaydi Shiite fighters based in the country’s northern province of Saada, which lies directly along Saudi Arabia’s southern border. For reporting and analysis on Yemen’s internal dynamics prior to the Huthi takeover, see Crisis Group Middle East Report N°154, *The Huthis: From Saada to Sanaa*, 10 June 2014. For more recent Crisis Group reporting and analysis on the ongoing conflict, regional dynamics, and the run-up to and aftermath of the December 2018 UN-led talks in Stockholm, see Crisis Group Yemen Updates #1–8, January–April 2019; “Yemen at an Inflection Point”, Crisis Group Commentary, 28 January 2019; Peter Salisbury, “Yemen: Giving Peace a Chance”, Crisis Group Q&A, 5 December 2018 and “After Progress in Sweden, Yemen Needs a UN Security Council Resolution”, Crisis Group Commentary, 13 December 2018; Crisis Group Statement, “Six Steps to Make the Most of the U.S. Senate’s Yemen Vote”, 30 November 2018; Crisis Group Middle East Report N°193, *How to Halt Yemen’s Slide Into Famine*,

city of Sanaa with limited fighting, placing President Hadi under a sort of palace arrest; in February 2015 Hadi fled the city. At the time, Crisis Group noted that Riyadh and its partners saw the Huthis as proxies for their regional arch-rival, Iran, and were honing in on a decision to reverse Huthi gains “at virtually any cost”.⁴ On 24 March 2015, Hadi issued a letter invoking the right of self-defence memorialised in Article 51 of the UN Charter and formally requesting that the international community come to his government’s aid.⁵ Shortly thereafter, Saudi Arabia announced that it and its coalition partners would do so, and that their operations in Yemen had begun.⁶

Despite forecasts that the military campaign would be swift, it proved to be anything but. The conflict that ensued quickly became a stalemate and a humanitarian disaster, and four years later it has yet to be resolved. More than half of Yemen’s population faces severe food insecurity, and the nation teeters precariously on the brink of man-made famine.⁷ A coalition-backed assault on the port city of Hodeida could have pushed it over the edge had not UN-led consultations in Sweden in December 2018 produced a welcome de-escalation.

As work continues to implement what was agreed upon in Sweden, and possibly to move beyond it to broader peace negotiations, the U.S. role remains uncertain. For almost the entirety of the conflict, the U.S. has pursued a bifurcated strategy. On the one hand, Washington provided arms, the sustainment of weapons systems, (until recently) refuelling support, and some intelligence to the coalition. On the other, it has tried to coax the coalition into targeting practices that were more protective of civilians and engaged intermittently to broker a peace deal. While the Obama administration applied more pressure and engaged more persistently than its Trump administration successors, the split personality of U.S. policy has essentially remained unaltered, as has its overall ineffectiveness.

What has changed, however, is the U.S. Congress’s attitude toward both Saudi Arabia and the war. In advancing bipartisan legislation that would end support to the coalition, Congress has sent a message that its long-time support for Riyadh is not unconditional, and that the war could have long-term implications for bilateral relations. Former Secretary of Defense James Mattis, who had long held that the war could not be resolved militarily, took advantage of this moment to press Saudi and Emirati leaders into pushing President Hadi to sign up to the Stockholm Agreement.⁸ But Mattis (who was an outlier in the Trump administration in his focus on resolving the Yemen situation) has now left the government and the administration seems newly keen on framing the conflict in Yemen as a struggle for regional influ-

²¹ November 2018; Crisis Group Middle East Briefing N°59, *Yemen: Averting a Destructive Battle for Hodeida*, 11 June 2018.

⁴ See Crisis Group Middle East Briefing N°45, *Yemen at War*, 28 March 2015, in which Crisis Group notes that Gulf Cooperation Council countries “are increasingly committed to reversing Huthi gains at virtually any cost”.

⁵ Michelle Nichols, “UPDATE 1: Yemen asks U.N. to back military action by ‘willing countries’”, Reuters, 24 March 2015.

⁶ Statement by Saudi Ambassador Al-Jubeir on Military Operations in Yemen, 25 March 2015.

⁷ Stefan Jungcurt, “Conflict Exposes 20 Million People to Severe Acute Food Insecurity in Yemen”, IISD/SDG Hub, 11 December 2018.

⁸ Crisis Group interviews, senior Saudi diplomat, December 2018; two senior UN officials, December-January 2018; two senior US officials, February 2019.

ence in Iran. Congress will need to up the pressure yet further in order to keep the window for progress that Mattis helped open from closing.

This report describes how the Obama administration was drawn into enabling a Saudi-led military campaign that senior officials worried could go very wrong, why it failed to pull back even as its concerns were quickly validated, and how the Trump administration gave the coalition even freer rein. It also describes the role that the U.S. Congress has played in creating pressure on the coalition to engage more constructively in UN-led consultations and to avoid an assault on Hodeida.⁹ Finally, it suggests short- and long-term efforts that U.S. policymakers might undertake to extract the U.S. from the war in Yemen and better gird it against being drawn into future such military adventures that it enables through its support.

The report is based primarily on more than 40 interviews and conversations with former U.S. officials who served during the Obama administration, current and former U.S. officials who served or are serving in the Trump administration, members of Congress, Congressional staff, UN representatives and non-U.S. government officials. It also draws on the recollections of contributors to this report who previously served in official capacities. These include two former Obama administration officials and one former official who served in both the Obama and Trump administrations.¹⁰ While interviews were primarily conducted in Washington in the period October 2018 through April 2019, the report also draws from Crisis Group's years of fieldwork in Yemen and the Gulf region.

⁹ Although this report focuses mainly on Saudi Arabia and its activities in the war, it also discusses coalition operations in the south and west of Yemen, and particularly surrounding the port city of Hodeida, which are managed by the UAE. While Saudi Arabia leads the coalition and has the final say on strategic decisions and on the politics of peace, operational responsibility for the conflict is more diffuse. Roughly speaking, Riyadh leads operations supporting anti-Huthi Yemeni groups in the northern theater, airstrikes in the northern theater and the protection of its own border. The UAE supports anti-Huthi groups in the southern and western theaters, conducts airstrikes in those theaters, and undertakes anti-al Qaeda operations. The UAE (which the U.S. regards as its most competent military partner among the Gulf Arab states) has avoided involvement in Saudi airstrikes (which have been widely criticised) and maintained command responsibility for airstrikes in its own sphere of influence. Crisis Group interview, Western defense official, December 2018. The official noted: "The UAE does not let Saudi Arabia participate in airstrikes around Hodeida, in part because the two countries have very different targeting procedures ... Due to this and concerns about accuracy in execution, they would be particularly concerned about Saudi strikes in the proximity of their allied Yemeni forces".

¹⁰ The contributors referred to are Robert Malley, President and CEO of Crisis Group and White House coordinator for the Middle East, North Africa and the Gulf region in the Obama administration; Stephen Pomper, Director of Crisis Group's U.S. Program and former National Security Council senior director for multilateral affairs and human rights in the Obama administration; and Daniel Schneiderman, Deputy Director of Crisis Group's U.S. Program and National Security Council director for Yemen in the Obama and Trump administrations. While their recollections are reflected throughout, they are not the exclusive source identified in any of the report's citations.

II. Into a Quagmire: The United States' Yemen Policy in the Obama Years

A. *"Five Minutes to Midnight": How the U.S. Decided to Support the Coalition Campaign in Yemen*

When Huthi insurgents drove the Hadi government from power in 2014 and 2015, Washington saw in Hadi's ouster the loss of a flawed but valued counter-terrorism partner. But Riyadh saw a deeper peril. They saw the Huthis as a hostile force, in a border state, with access to missiles that could threaten Saudi Arabia, and who were aligned with the Saudis' regional arch-rival, Iran.¹¹

This does not mean that the kingdom's entry into the war was preordained. Had King Abdullah – who in different capacities had ruled Saudi Arabia for two decades – been on the throne, he might have chosen a different path. But Abdullah died in January 2015, and in the leadership shuffle that followed his half-brother, Salman, became the new king, and Salman's son, Mohammed bin Salman, the new defence minister, as well as (several months later) deputy crown prince. It was bin Salman – frequently referred to by his initials, MBS – who led the decision to go to war. He became viewed both in and outside Saudi Arabia as the war's principal architect. "This became an MBS-driven policy", recalls a former U.S. official. "He was making his mark".¹²

Former U.S. officials interviewed by Crisis Group suggested that the Saudis – and their Emirati partners – had been signalling their alarm at an increasingly high pitch in run-up to the launch of the Yemen campaign.¹³ Several remembered outreach from Riyadh prior to the formal request for support, and a security briefing that showed the emplacement of missiles in threatening positions along the Saudi border. Another recalls that requests for defensive support had already come in through back channels.¹⁴

But if the Saudis' outreach was in that sense less than a total surprise, it was nevertheless abrupt – a "five minutes to midnight call" in the words of a former State Department official – and left the administration scant time to reflect on its options.¹⁵ The message from Riyadh was that it would welcome U.S. support, that it would begin the campaign whether or not that support was forthcoming, and that the commence-

¹¹ Crisis Group interview, former U.S. officials, November 2018-March 2019.

¹² Crisis Group interview, senior Obama administration official, March 2019.

¹³ Crisis Group interviews, senior Obama administration officials, March 2019. A Saudi official confirmed to Crisis Group that this official had communicated to President Obama deep Saudi alarm about events in Yemen at a meeting considerably before the crisis reached a head in March 2015. This official was upset that the administration did not get back to him. Crisis Group interview, senior Saudi official, Riyadh, March 2019.

¹⁴ Crisis Group interview, senior Obama administration official, March 2019.

¹⁵ Crisis Group interviews, former U.S. officials, October 2018-March 2019. As one former official recalled, "there was a call saying we're doing this in like five hours. ... It felt like five hours. It was a very short fuse". Compare to Mark Mazzetti and Eric Schmitt, "Quiet support for Saudis entangles U.S. in Yemen", *The New York Times*, 13 March 2016. Mazzetti and Schmitt report that Adel al-Jubeir, then the Saudi ambassador in Washington, delivered the request in person to the White House 48 hours before operations commenced.

ment of the campaign was imminent.¹⁶ The White House scrambled to formulate a recommendation for the president.

The request raised some concerns in Washington. The administration knew from its own experience in Iraq and Afghanistan that counter-insurgency campaigns could be long and bruising, including for the civilians caught in the crossfire. Senior officials also understood that bin Salman was untested in his new role. And though some State and Defense Department officials were bullish on developing strong ties to this rising star in the Saudi monarchy and saw him as “shapeable”, others in the White House already considered him a “hothead”.¹⁷

There was also wide perception across the U.S. government that the Saudi military, though well supplied with U.S. arms, was not a proficient fighting force – which could augur badly both for the success of the campaign and for vulnerable civilians.¹⁸ “We knew we might be getting into a car with a drunk driver”, recalls one former senior official.¹⁹

Moreover, Washington questioned some aspects of the Saudis’ view of what was happening over their border. The administration had been following Iran’s meddling in Yemen – the presence of Revolutionary Guard agents, Hizbollah’s role, and some weapons smuggled into the country on dhows – but saw this largely as efforts to “aggravate and prick and undermine” Saudi Arabia rather than “some kind of grand Iranian plan to take over the peninsula”.²⁰ One official recalls, “the Saudis were always overstating” the Iranian role in Yemen’s tumult, which the administration attributed primarily to “internal and indigenous” Yemeni politics and tribal dynamics.²¹

But nevertheless, a flat “no” was never really on the table. For one thing, U.S. officials believed that they had reasons of principle for offering some support to the Saudi-led mission. They saw the Hadi government as more or less legitimate and the Huthi insurgency that routed him as lawless. They saw Hadi’s invocation of the right of self-defence and request for coalition intervention as both justified and legal under international rules for the use of force, and the coalition’s request to the U.S. as broadly consistent with Washington’s view of the international order. Washington-based officials had also been involved in the dramatic extraction of personnel from the U.S. embassy in Sanaa as the Huthis closed in and may have derived a sense of urgency from that exercise.²²

“We didn’t want to live in a world where we let this stuff happen”, recalls one former official.²³ “The question was whether to help the Saudis and keep a foothold for the legitimate government”, recalls another. “All or nearly all of us thought there might be a salvageable government”.²⁴

¹⁶ Crisis Group interview, senior Obama administration official, March 2019.

¹⁷ Crisis Group interview, senior Obama administration official, March 2019.

¹⁸ Crisis Group interview, former U.S. officials, March 2019.

¹⁹ Crisis Group interview, senior Obama administration official, March 2019.

²⁰ Crisis Group interview, senior Obama administration official, March 2019.

²¹ Crisis Group interview, senior Obama administration official, March 2019.

²² Crisis Group interviews, senior Obama administration officials, March 2019.

²³ Crisis Group interview, senior Obama administration official, March 2019.

²⁴ Crisis Group interview, Obama administration official, March 2019.

Moreover, from a pragmatic perspective, many U.S. officials saw Hadi as “our guy” and a vast improvement over Ali Abdullah Saleh, who had been a difficult interlocutor.²⁵ U.S. counter-terrorism officials, who had worked with Hadi in prosecuting an ongoing campaign against al-Qaeda in the Arabian Peninsula (AQAP), were particularly interested in the relationship. They saw AQAP as “by far the biggest” terrorism threat facing the U.S. at that moment, according to one former official, and Hadi as someone who “did everything we wanted [in countering it]”, according to another.²⁶ “From a counter-terrorism perspective”, said one former senior official, “the best option was getting Hadi back in”.²⁷

Moreover, there was the broader relationship between Washington and its Gulf partners to consider. For years those relations – and particularly the relationship between Washington and Riyadh – had been at the core of the U.S. strategy for protecting its energy and security interests in the region. Frustrating as the Obama administration sometimes found those relationships, it was not prepared to gamble with them, and they were fraying.

The sources of friction were many. The U.S. was working through the final stages of the Joint Comprehensive Plan of Action (JCPOA) with Iran, a deal that the Saudis and their Gulf partners saw as bolstering Iran at their expense, and deeply resented. Several Gulf states (Saudi Arabia and the UAE first and foremost) also diverged from the U.S. on how the latter had approached the 2011 Arab uprisings, feeling that it had sold out deposed Egyptian president Hosni Mubarak, underestimated the threat posed by the Muslim Brotherhood, and failed to honour its own “red line” when Bashar al-Assad’s regime used chemical weapons in the Syrian civil war. They may also have shared a concern – not wholly unfounded – that over the long haul Obama hoped that the U.S. might be able to broaden its relationships in the region (including with their arch-rival Iran) in a way that would make it less beholden to its traditional partners.²⁸

Whether or not that was true, in the shorter term the administration saw the salving of Gulf anxieties about U.S. steadfastness as a major priority. Part of this it would do by convening Gulf partners for a summit at Camp David, which was already in the planning stages, where it would affirm Washington’s preparedness to come to their aid – including potentially through the use of military force – in the face of external aggression.²⁹ But the Saudi request was also part of this picture, in that it was set against the backdrop of a decades-old security assurance that Washington

²⁵ Crisis Group interviews, senior Obama administration officials, March 2019.

²⁶ Crisis Group interview, senior Obama administration official, March 2019.

²⁷ Crisis Group interview, senior Obama administration official, March 2019.

²⁸ Crisis Group interview, senior Obama administration official, March 2019.

²⁹ U.S.-Gulf Cooperation Council Camp David Joint Statement, 14 May 2015. “The United States is prepared to work jointly with the GCC states to deter and confront an external threat to any GCC state’s territorial integrity that is inconsistent with the UN Charter. In the event of such aggression or the threat of such aggression, the United States stands ready to work with our GCC partners to determine urgently what action may be appropriate, using the means at our collective disposal, including the potential use of military force, for the defense of our GCC partners”.

made to protect Riyadh from certain external threats, which Obama saw as committing the U.S. to help the Saudis protect their border.³⁰

Finally, there was a different partnership-related consideration that some in the administration were weighing. For years, the U.S. had been pushing the Saudis and other Gulf partners that it was arming to be more active in policing their own region, rather than relying on the U.S. to intervene. This was a particular focus of Obama's, especially in the aftermath of NATO's failed Libya intervention. So even though senior officials had questions about how bin Salman would fare in his role, there was an appreciative sense among some of them that the Saudis (who had historically been timid about extraterritorial engagement) might at last be "stepping up" in the words of a former senior official.³¹

Against that backdrop, and having identified reasons that it considered both principled and pragmatic for lending some measure of support to the coalition, the president's team of senior national security advisers unanimously favoured giving the coalition some measure of support.³² The question was how to go about it in a way that helped manage concerns that the coalition would "over-torque" its response.³³ After they consulted with the president, a two-part answer emerged.

First, Obama's guidance was that the U.S. should limit its involvement in the conflict against the Huthis but, mindful of its security assurances to Riyadh, that it would offer certain support that was defensive in nature. What precisely this would mean in practice was left unclear, but in announcing its decision the White House stated that Obama had authorised "the provision of logistical and intelligence support to GCC [Gulf Cooperation Council]-led military operations" and that the U.S. would establish "a Joint Planning Cell with Saudi Arabia to coordinate U.S. military and intelligence support".³⁴

Second, the U.S. would use the influence afforded by its support to encourage precision targeting and seek to protect civilians. U.S. military advisers would sit in proximity to coalition advisers in a planning cell in Riyadh, trying, in the words of a former senior official, to "add some professionalism, give ourselves some insight and by our engagement put some limitations" on coalition operations.³⁵

The administration's decision encountered little resistance either at home or abroad. Certainly, Congress made no meaningful effort to stand in the way. Because

³⁰ Crisis Group interview, senior Obama administration official, March 2019. See Jeremy Shapiro, "Iran and the U.S.-Saudi Bargain", *Foreign Policy*, 26 November 2013. The piece describes in general terms a "security-for-oil quid pro quo" under which "(t)he United States has served as Saudi Arabia's last – and sometimes first – line of defence against external threats to the kingdom". U.S. assurances to Gulf state partners arguably date to the assurances Washington made to Saudi Arabia in the 1940s. In President Jimmy Carter's 1980 State of the Union Address, he stated that: "An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force". President Jimmy Carter, "State of the Union Address 1980", 23 January 1980.

³¹ Crisis Group interviews, senior Obama administration officials, March 2019.

³² Crisis Group interviews, senior Obama administration officials, March 2019.

³³ Crisis Group interview, senior Obama administration official, March 2019.

³⁴ Statement by the NSC Spokesperson Bernadette Meehan on the Situation in Yemen, 25 March 2015.

³⁵ Crisis Group interview, senior Obama administration official, March 2019.

the support the administration had approved would not place U.S. troops in harm's way or involve them firing on others, it was not seen by either Congress or the administration as triggering the notification and authorisation requirements under the War Powers of Resolution of 1973. Indeed, if they were focused on anything related to the campaign, members of Congress tended to express frustration that the U.S. had not taken a bigger role in supporting the coalition.³⁶ "I used to get those calls", said a former official. "Either 100 percent or 95 percent of the pressure from Congress was to be doing even more".³⁷

In New York, the UN Security Council did little but put wind in the sails of the campaign as well. Less than three weeks after it began, all Council members except Russia (which abstained) voted in favour of a resolution – 2216 – that among other things imposed sanctions on Huthi leader Abdulmalik al-Huthi, demanded that the Huthis relinquish territory and weapons they had seized and directed that they "cease all actions falling exclusively within the authority of the legitimate Government of Yemen".³⁸ The resolution's lopsided content – which came close to requiring the Huthis' unilateral surrender – at least implicitly suggested that the Council both considered the campaign legitimate and had some confidence that the coalition enjoyed the upper hand.

That confidence soon turned out to be ill-founded.

B. *The Elements of a Quagmire*

1. Staying the course

In practice, the Obama administration's needle-threading approach to the campaign in Yemen soon encountered problems, as the expectations on which it was premised were overtaken by events.

For one thing, it was clear in a matter of months that the conflict was not headed toward either the quick resolution that the coalition hoped for, or any resolution at all. The coalition made some important early progress – for example, in July 2015 a UAE-led force took control of Aden and, in the following months, the surrounding southern governorates, allowing Hadi and his government to claim a foothold in the country. But otherwise, the front line of the conflict solidified quickly, driving the situation toward a stalemate that lasted well past the end of the administration. The coalition's glacially slow military progress underscored the unattainability of a military solution that would restore the status quo ante (particularly in Huthi strongholds in the mountainous northern highlands).³⁹ Some officials began to see at this stage that, "we couldn't put Humpty Dumpty back together again", in the words of one former State Department official.⁴⁰

³⁶ See Karen DeYoung, "Officials: Saudi-led action relied on U.S. intelligence", *The Washington Post*, 26 March 2015. DeYoung quotes the late Senator John McCain, Republican of Arizona, suggesting that the coalition took action without U.S. military participation because "they can no longer rely on the United States of America" and House Speaker John Boehner, Republican of Ohio, characterising the U.S. position as "sitting on the sidelines".

³⁷ Crisis Group interview, former Obama administration official, March 2019.

³⁸ UN Security Council Resolution 2216, 14 April 2019, operative paragraph 1(d).

³⁹ Crisis Group interview, former Obama administration official, March 2019.

⁴⁰ Crisis Group interview, senior Obama administration official, March 2019.

At the same time, it also became clear that the coalition was using overly blunt instruments in its drive for the unattainable result it was seeking. Early in the conflict, the coalition used the UN arms embargo imposed in April 2015 on the Huthis and Ali Abdullah Saleh as a justification for imposing severe restrictions on imports into Yemen (which former U.S. officials likened to a blockade) and thereby contributed to a growing humanitarian emergency.⁴¹

It then compounded this emergency by striking key infrastructure and other civilian objects in its bombing campaign. By October 2015, NGOs had documented coalition strikes against food production facilities, residential areas, markets, humanitarian infrastructure (including, in August 2015, the cranes servicing the container facility at the port of Hodeida) and a wedding party.⁴² And while former officials differ about the extent to which these strikes were purposeful, or happened because the Saudis sometimes ascribed military value to humanitarian objects, or resulted from insufficient safeguards, several recall a sinking sense that for whatever reason at least some were intentional. “We found it even more disturbing than sloppy errors”, said one former official.⁴³

But rather than revisiting its approach in response to the unfolding bad news, the U.S. essentially stayed the course. A former senior administration official explains that internal discussions about U.S. frustration with what Washington generally regarded as unacceptable civilian deaths and destruction of humanitarian infrastructure often became conversations about how the U.S. “would be more successful in protecting civilian lives if we worked on helping the coalition be better at focusing on military targets and avoiding infrastructure than if we just terminated our assistance”.⁴⁴

Proponents of this argument – often State Department officials with long regional experience who saw a strong U.S. interest in improving deteriorating ties with Riyadh and Abu Dhabi – encouraged policymakers to think about this from what they imagined to be the perspective of the coalition governments. They argued that surely the coalition governments must see as damaging the negative publicity they were generating and want the U.S. to help them be more effective at avoiding such strikes, which should also allow the U.S. to exercise greater influence on their targeting generally.⁴⁵

The other part of the argument that the proponents advanced was that there was no alternative. Here, the White House sympathised. Between the counter-terrorism

⁴¹ Crisis Group interview, Obama administration official, March 2019. See also “In hindsight: The story of the UN Verification and Inspection Mechanism in Yemen”, *Security Council Report*, September 2016.

⁴² See Ben Anderson, Samuel Oakford and Peter Salisbury, “Dead civilians, uneasy alliances and the fog of Yemen’s war”, *VICE News*, 11 March 2016. The piece contains a link to a compilation of strikes against civilian objects that human rights organisations alleged might have violated international law.

⁴³ Crisis Group interview, Obama administration official, March 2019. A former senior official who served in both the Obama and Trump administrations went further: “I don’t think it was a mistake when they hit a marketplace”, said this official, surmising that the coalition may have perceived a tactical benefit, and that “they thought they had to be seen as punishing”. Crisis Group interview, former senior U.S. official, March 2019.

⁴⁴ Crisis Group interview, senior Obama administration official, March 2019.

⁴⁵ Crisis Group interview, senior Obama administration official, March 2019.

and governance reasons that the administration had identified for supporting Hadi, and the fact that it did not want to put its relations with coalition partners further onto tenterhooks, the idea that Washington would cut its assistance and turn its back on the conflict was, in the words of a former senior official, “untenable”.⁴⁶ The idea that the U.S. might use its engagement to reduce the human cost of the conflict made this notion more palatable.

Though these arguments did not tend to surface in inter-agency policy discussions, there were practical considerations as well. Had the U.S. moved in the direction of cutting off assistance, it would quickly have faced a challenge created by the enmeshment of the Saudi military and the U.S. defence industry. After hundreds of billions of dollars of arms sales to the Saudis over the course of decades, Riyadh was highly dependent on U.S. contractor support and spare parts to keep its warplanes flying.⁴⁷ Thus, even if the U.S. cut its intelligence and logistical support, the Saudis would have continued to fly missions with U.S.-supplied equipment serviced by U.S. contractors and loaded with U.S.-manufactured bombs.

Of course, the U.S. government could have intervened to stop that from happening. It could have suspended the licenses that enabled U.S. contractors to support the campaign, knowing that doing so would likely lead over the course of weeks or months to much of the Saudi air force being grounded.⁴⁸ This, however, would have been viewed by both the U.S. and its partners as an extreme step, one that would likely have pushed bilateral relations to the point of rupture. Explained one former official, when faced with difficult policy choices, particularly in the heat of a crisis, the U.S. government “doesn’t do extremes”.⁴⁹

But the administration also declined to take more measured steps that would have concretely signalled its frustration and been well advised for other reasons. Several former officials suggested that the U.S. should have curtailed refuelling in particular.⁵⁰ As a conceptual matter, former officials struggled to explain how the refuelling of coalition sorties fit within the president’s guidance to support defensive

⁴⁶ Crisis Group interview, senior Obama administration official, March 2019.

⁴⁷ Bruce Riedel, “After Khashoggi, US arms sales to Saudi Arabia are essential leverage”, Order from Chaos (blog) (Brookings Institution), 10 October 2018; Crisis Group interviews, Obama administration official, March 2019; U.S. arms control expert, March 2019. The Obama official noted that, “They were like a rich kid with really nice toys. But they needed contractor support”.

⁴⁸ Ryan Goodman, “Options for Congress to Respond to Saudi Transgressions: Here’s What Works According to Former Senior U.S. Officials,” Just Security, 22 October 2018. Goodman notes that, compared to other sources of leverage over Saudi Arabia, the suspension of direct commercial sales licenses “may have more immediate effects”, because “Riyadh would have no readily available substitute for maintaining and servicing existing American weapons systems”. Analysts and former U.S. officials offer different views on how long the Saudis would be able to sustain a war effort without U.S. support. Goodman notes that Bruce Riedel, a veteran senior official who advised four previous administrations, opined in an interview that “if the United States decided today that it was going to cut off supplies, spare parts, munitions, intelligence and everything else to the Royal Saudi Air Force, it would be grounded tomorrow”. Ibid., quoting a *New Yorker Radio Hour* interview of 23 March 2018. One former U.S. official suggested that the Saudis could function for perhaps a number of months but was not able to give a precise estimate. Crisis Group interview, former Defense Department official, February 2019.

⁴⁹ Crisis Group interview, former U.S. official, March 2019.

⁵⁰ Crisis Group interviews, former U.S. officials, January-March 2019.

operations – especially insofar as the U.S. was generally blind to the ultimate targets that the sorties would be striking and whether the strikes could properly be characterised as “defensive” in nature.

The bigger problem, though, was that the U.S. could not preclude the possibility that the sorties it was refuelling were striking unlawful targets. Concerned about the moral and legal implications of supporting what could be war crimes, some officials interviewed by Crisis Group said they had pressed the Defense Department for information about the specific strikes that the U.S. had supported through refuelling.⁵¹ But these individuals recall that the Pentagon – which was protective of its relationship with its Gulf counterparts and already had misgivings about what some there saw as the lacklustre level of U.S. support for the campaign – was uncooperative. Pentagon representatives said that they could not “wind back the tape”.⁵² Moreover, they on at least one occasion challenged the appropriateness of the question, asking whether it reflected a “strategic decision” by the administration to change course in the campaign.⁵³

Arms sales also continued. The president’s guidance to provide defensive support to the coalition was not understood to preclude the administration from moving forward on offensive arms sales that it might have made even in the absence of a campaign in Yemen. It moved forward with a \$1.29 billion sale of precision-guided munitions to Saudi Arabia in late 2015, notwithstanding criticism that it was effec-

⁵¹ Crisis Group interviews, former Obama administration officials and U.S. officials, January-March 2019. See Warren Strobel and Jonathan Landay, “Exclusive: As Saudis bombed Yemen, U.S. worried about legal blowback”, Reuters, 10 October 2016. For a discussion of certain legal issues relating to U.S. refuelling operations, see Ryan Goodman, “The Law of Aiding and Abetting (Alleged) War Crimes: How to Assess US and UK Support for Saudi Strikes in Yemen”, Just Security, 1 September 2016.

⁵² Crisis Group interviews, former Obama administration officials and U.S. officials, January-March 2019. In March 2018, Senator Elizabeth Warren, Democrat of Massachusetts, asked General Joseph Votel, the commander of the U.S. military’s regional command, if the U.S. military tracked the purpose, targets or results of the coalition missions that it was refuelling. Votel replied, “Senator, we do not”. Senate Armed Services Committee, “Hearing to Receive Testimony on United States Central Command and United States Africa Command in Review of the Defense Authorization Request for Fiscal Year 2019 and the Future Years Defense Program”, 13 March 2018. In a February 2019 letter, Senator Warren questioned some of Votel’s claims based on a *New York Times* article suggesting the existence of a coalition database to which U.S. officers would have had access and noting that “this new information raises the troubling possibility that CENTCOM does in fact have access to information that would allow it to determine whether and when Saudi or United Arab Emirates (UAE) aircraft armed or refueled with U.S. support have struck targets in Yemen, if CENTCOM chose to do so”. Letter from Senator Elizabeth Warren to General Joseph L. Votel, 4 February 2019.

⁵³ Crisis Group interview, senior Obama administration official, March 2019. To some extent, these exchanges around refuelling appeared to reflect deep misgivings at the Pentagon about how the administration had chosen to engage in the conflict. Senior Pentagon officials complained that the U.S. should either decide that the fight was a righteous one and “help the coalition win”, or it should walk away. They saw the limited support strategy as “too clever by half” and chafed at the high tempo of White House-convened meetings to address the unfolding humanitarian and civilian protection disaster, which they saw as overly focused on “tactical” issues rather than the broader strategic defects of the administration’s position. Crisis Group interview, former senior Pentagon official, October 2018.

tively replenishing stocks that the kingdom had expended in the war.⁵⁴ (It did, however, block the shipment of cluster munitions to Saudi Arabia in the first part of 2016 following reports that the coalition had used them in the vicinity of civilians.)⁵⁵

In short, U.S. policy on support to the coalition changed only modestly until the very end of the administration. Though Washington may have ratcheted back some intelligence sharing as reports of indiscriminate attacks mounted, this was not enough to send a strong message.⁵⁶ It was only after a particularly egregious coalition strike that killed 140 civilians attending a Sanaa funeral in October 2016 that the administration put its foot down. The White House announced that its support to the coalition was “not a blank check”, initiated a review of its assistance to the Saudis and, two months later, decided that it would suspend a transfer of precision-guided munitions to the Saudis.⁵⁷

It was the most significant consequence the administration had imposed on the coalition for the conduct of its operations since the conflict began. And it might have been seen as a suggestion that it was time to change tactics, the old ones having failed. Yet, with the Trump administration poised to take office in a matter of weeks, the Obama team were sending a message that their successors would quickly mute.

2. A failure to influence

While it goes too far to argue that U.S. engagement had no positive impact on the mitigation of civilian casualties in the Yemen conflict, or in moving forward the peace process, the impact fell strikingly short of the ambitions articulated by policymakers in Washington.

On the positive side of the ledger, the U.S. helped persuade the coalition to ease its blockade-like import restrictions in 2015 and instead to rely on a newly created UN verification mechanism to inspect ships coming into Hodeida.⁵⁸ U.S. officials also successfully opposed coalition plans to mount a naval assault on Hodeida, which could have had catastrophic humanitarian consequences.⁵⁹ And the U.S. helped secure a ceasefire that lasted from April 2016 until August of that year.

But where the U.S. was far less successful was in coaching the coalition to adopt more precise targeting techniques and using its leverage to reach a peace deal.

“Making them better”

Though policymakers in Washington hoped that U.S. advisers could help the coalition develop more precise and humane targeting practices, they never developed a realistic plan for making this happen, and the efforts the U.S. did undertake encountered significant problems.

⁵⁴ Mazzetti and Schmitt, “Quiet support for Saudis entangles U.S. in Yemen”, *op. cit.*

⁵⁵ John Hudson, “Exclusive: White House blocks transfer of cluster bombs to Saudi Arabia”, *Foreign Policy*, 27 March 2016. Though many countries have banned cluster munitions, the U.S. is not a party to the main international instrument making cluster munitions unlawful.

⁵⁶ Crisis Group interview, former senior U.S. official, March 2019.

⁵⁷ Helene Cooper, “U.S. blocks arms sale to Saudi Arabia amid concerns over Yemen war”, *The New York Times*, 13 December 2016.

⁵⁸ Crisis Group interview, Obama administration official, March 2019. See also, “In hindsight: The story of the UN Verification and Inspection Mechanism in Yemen”, *op. cit.*

⁵⁹ Crisis Group interviews, former U.S. officials, March 2019.

One problem was that the personnel the Pentagon assigned to the joint planning cell in Riyadh were not, according to a former State Department expert who travelled several times to the cell, well equipped to do the coaching that policymakers in Washington were counting on them to do.⁶⁰ According to this former official, the military personnel there were primarily in operational roles: they helped answer questions on operations, logistics, and intelligence, but they were not experts on techniques for mitigating civilian casualties or on how to teach those techniques to others. While lawyers from the U.S. military's Central Command (the combatant command with responsibility for U.S. operations on the Arabian Peninsula and in the adjacent region) and its Joint Staff would cycle through periodically to give trainings in the law of armed conflict or basic targeting techniques, this was relatively general guidance, and likely insufficient to change behaviour.

Second, there was an issue of access. According to the former State official, most (if not all) of the U.S. personnel in the cell were located away from the operations floor where targeting decisions were made – either on a separate floor or in a separate building; they could only go onto the operations floor when invited.⁶¹ This limited their visibility into what the coalition was doing. And to the extent that Washington officials hoped that proximity of U.S. personnel to coalition operators might allow the former to serve as informal role models for the latter, it diminished the chances for that to happen as well.

A further problem was that the primary tool the U.S. tried to use to constrain coalition targeting – a “no-strike list” of humanitarian facilities that the U.S. military created (and that was later supplemented by the U.S. Agency for International Development and the UN) – contained a very significant loophole. The list applied only to “deliberate” strikes – ie, strikes based on intelligence that had been collected and reviewed ahead of time. But “dynamic” strikes based on newly emerging information did not have to be vetted against it. This meant that if an informant on the ground called in a strike to a pilot in the air, the pilot was not required to vet it against the list. That neither the informant nor the pilot was likely to be well-trained in distinguishing between civilian and military objects increased the odds of tragic miscalculation.⁶²

While the U.S. government's coaching efforts may have yielded some modest successes, both the Pentagon and the State Department drew down their participants in the joint cell in 2016.⁶³ The Pentagon withdrew the bulk of its personnel very quietly

⁶⁰ Crisis Group interview, Larry Lewis, March 2019. Lewis, a former State Department official and expert in the mitigation of civilian casualties, travelled to Saudi Arabia five times between October 2015 and August 2016 to work with the joint planning cell to improve coalition targeting techniques.

⁶¹ Ibid. Lewis told Crisis Group, “The truth is that the Saudis didn't give them access. Most of the [U.S. component of] the cell wasn't in the air operations cell in Riyadh. They [the U.S. military] had a few people in the air operations center that was a refurbished closet that was on a different floor from the operations floor. They could only go into the operations part when they were invited”.

⁶² Consistent with this description, other former Obama and Trump administration officials Crisis Group interviewed also described the tendency of senior Saudi officials to press operators to take strikes based on non-vetted information as an operational problem of which they had become aware. Crisis Group interviews, October 2018-March 2019.

⁶³ Lewis, *op. cit.*, asserts that after some training in best practices in late 2015, the coalition's performance on civilian casualties improved at the start of 2016. The improvements did not persist after the end of the April-August 2016 ceasefire, however.

amid a multi-month ceasefire. Press reports suggested that this was because they had other priorities to staff and saw the truce as a moment to do it, but former officials differ on whether this was the real reason, or whether the department may also have wanted to distance its personnel from perceived coalition misdeeds.⁶⁴ For their part, State Department officials told their own expert that he could not return to his coaching role after the ceasefire ended and casualties spiked in August 2016. They felt the Saudis were not listening to him and some worried that his presence created a false impression that they were doing more to address targeting concerns than was in fact the case.⁶⁵

Thus, the U.S. curtailed the bulk of the staff who were intended to have professionalising influence on the coalition – an ostensible justification for U.S. involvement – even as it continued to provide logistical and other support. “We did the reverse of what we should have done”, suggests the former State Department expert. “We stopped working to make them better, but we continued the operational support”.⁶⁶

Pressing for peace

U.S. efforts to press for a peace deal were hobbled by some of the same conflicts and contradictions that interfered with U.S. efforts to press the coalition on precision targeting. Washington was pulled so far in the direction of Riyadh and Abu Dhabi by its longstanding ties and its underlying sympathy for at least some of the rationale behind the campaign that it took too long to see that its strategy was fundamentally flawed, and never applied the type of pressure that was required to bring about the result it was seeking.

The Security Council’s April 2015 Yemen resolution, 2216, which the U.S. played a major part in shaping, was unhelpful to the effort. Drafted at a moment when the Council might – realistically or not – have expected the coalition to sweep to victory, and based on an orthodox view that the Council was weighing in on the side of Yemen’s legitimate government, it failed to take into account the need to give the Huthis incentives to enter into a deal. By the same token, in insisting that the Huthis abandon their territory and weapons, it gave the coalition little incentive to make the concessions that, it became increasingly clear, would be required in order to achieve peace.

While some officials inside the State Department and elsewhere came to see the problems in this framework over the course of 2015, the negotiating effort was in its initial phases led by officials who did not. Until well into 2016, the department accordingly focused on a strategy that aligned with Resolution 2216 and had the dual benefit of being blessed by the Security Council and strongly favourable to the coalition partners with whom Washington was seeking to mend ties. One former senior official who tried to shift the State Department’s course during this period recalls that the resistance was greater than anything this official had faced on any other issue.⁶⁷

⁶⁴ Crisis Group interviews, Lewis, *op. cit.*, and other former U.S. officials. See Phil Stewart, “Exclusive: US withdraws staff from Saudi Arabia dedicated to Yemen planning”, Reuters, 19 August 2016.

⁶⁵ Crisis Group interviews, Lewis, *op. cit.*; former senior Obama administration official, November 2018.

⁶⁶ Crisis Group interview, Lewis, *op. cit.*

⁶⁷ Crisis Group interview, senior Obama administration official, March 2019.

As a result, U.S. efforts to broker peace proceeded haltingly through summer 2016, with some successes but no lasting breakthroughs. There were exploratory talks in Oman in late 2015, more talks in Geneva in March 2016, and still more talks in Kuwait during spring and summer 2016. A series of ceasefires culminated in a cessation of hostilities that ran from April to early August 2016 though was frequently violated by both sides. But come August both the truce and the talks broke down – the latter at least in part over the coalition’s insistence that the Huthis make what they considered to be unacceptably front-loaded security concessions (including withdrawal from Hodeida, Sanaa and Taizz) – and Secretary of State John Kerry sought to ease the talks onto a different path.⁶⁸

From the Saudi perspective, the pivot was distinctly unwelcome. One Saudi official described what he viewed as U.S. lacklustre support for the deal on offer in Kuwait as a move that “pulled the rug out from under us”.⁶⁹ In Riyadh, many shared the view that the Huthis were under pressure in Kuwait and close to accepting a deal, when the Omani foreign minister persuaded Kerry that the deal was too lopsided and front-loaded political concerns to the detriment of political ones – and that he needed to seize the reins.⁷⁰ But concern inside the U.S. government about the lopsided quality of resolution 2216 had long predated Kerry’s meeting in Oman.⁷¹

The idea behind the so-called Kerry Plan – which the UN then adopted as its plan as well – was to build on the proposals that the UN had previously put forward but in a way that produced a package of security and political steps the Huthis might conceivably embrace. At the centre of the Kerry Plan was a proposal for the formation of a new unity government in which the Huthis would share power. The plan also provided for a phased measure-for-measure approach in which each side would be required to take steps to resolve the security and political impasse in a way that was intended to build mutual confidence.⁷²

Over the coming months, Kerry made a major push to translate his plan into an actual deal, but timing worked against him. With hindsight, one former official recalls the sense that coalition members – though they paid “lip service” to supporting the plan – might have been slow-walking the conclusion of a deal because of the possibility, however remote it seemed at the time, that Trump might be elected and give them a “get out of jail free card”.⁷³

Once the U.S. election happened, making Donald Trump the president-elect, progress became all but impossible. In November, Kerry made a last-ditch effort to reach a deal, travelling to Oman and securing a written agreement from the Huthis to sign on to the plan. The U.S. team then turned immediately to the Saudis to seek their help in getting Hadi’s sign-on and, when he refused them, approached Hadi themselves. But Hadi – whose representative to the UN on election day had dispatched a five-page letter to the UN Secretary-General articulating his multiple objections to

⁶⁸ Crisis Group interviews, senior Obama administration officials, March 2019.

⁶⁹ Crisis Group interview, Saudi official, Riyadh, March 2019.

⁷⁰ Ibid.

⁷¹ Crisis Group interviews, senior Obama administration officials, March 2016.

⁷² Crisis Group interview, senior Obama administration official, March 2019. See also “Press Availability with Saudi Foreign Minister Adel al-Jubeir”, 25 August 2016.

⁷³ Crisis Group interview, senior Obama administration official, March 2019.

the Kerry roadmap – had little incentive to make any concessions at this stage.⁷⁴ According to one former official, he lectured his U.S. interlocutor, agreed exclusively to one element of the proposal (a ceasefire), declined to sign on to the rest and walked out.⁷⁵

According to one former official, after this, Kerry might have been willing to make a push at the UN Security Council to incorporate elements of his roadmap in a new resolution. (Previously he had steered clear of public displays of pressure on the Saudis, based on a sense that private diplomacy would be more likely to sway Riyadh.)⁷⁶ But the U.S. government's traditional partner, the UK, had already been admonished by the incoming Trump administration for supporting a December 2016 Middle East resolution declaring Israeli settlements illegal that the Trump team strongly opposed. When the U.S. tried to get the May government on board with a new Yemen resolution in January 2017, London said no.⁷⁷

The Obama administration's efforts to make peace in Yemen thus came to an end with two refusals – one from the ousted government that it had spent almost two years helping to reinstall, and the other from its closest partner on the Security Council – and the torch passed to the Trump administration.

C. *Regrets and Reflections*

In November 2018, a group of 30 Obama administration officials signed a public letter that discussed the “failure” of the Obama administration's Yemen policy, noting that that the policy of supporting the coalition was never intended to become a “blank check”, but had indeed become one.⁷⁸ Privately, however, former officials have divergent thoughts about exactly what went wrong with the Obama administration's Yemen policy, and what the administration should have done about it.

In general, most of the former officials Crisis Group spoke to continue to look back at the situation in March 2015 as one where multiple U.S. interests were at stake and that was not purely a function of smoothing the feathers of coalition partners that had been ruffled by the Iran deal. Officials recalled that among the president's top advisers there was both a sense that Saudi Arabia's self-defence concerns were legitimate and that the preservation of Hadi's claim on the Yemeni presidency was something that Washington should support.⁷⁹

Where former officials part ways, however, is on how and when the U.S. should have acted differently. Some argue that the U.S. should have heeded warning flags that emerged from the outset about working with the Saudis. “That should have overriden everything else”, says one former official.⁸⁰ Others with similar instincts argue

⁷⁴ Letter from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General, 7 November 2016.

⁷⁵ Crisis Group interview, senior Obama administration official, March 2019.

⁷⁶ Crisis Group interview, senior Obama administration official, March 2019.

⁷⁷ Crisis Group interviews, senior Obama administration officials, March 2019.

⁷⁸ Missy Ryan, “Tom Obama-era officials urge immediate end to U.S. involvement in Yemen war”, *The Washington Post*, 11 November 2018. Two of the primary contributors to this report were signatories to the letter.

⁷⁹ Crisis Group interviews, senior Obama administration officials, March 2019.

⁸⁰ Crisis Group interview, senior Obama administration official, March 2019.

that the U.S. should have placed more initial conditions and timing limitations on the assistance.⁸¹

Still others take the position that the initial response was warranted, but that the administration's error was in standing by its original decision far longer than it should have – both in light of the enormous harm being caused by the coalition's tactics and because the strategic goal of the campaign (i.e., of achieving a near-total victory of the sort envisaged by UN Security Council Resolution 2216) was quickly shown to be unattainable. One former senior official suggested that once the coalition had taken Aden in July 2015, the U.S. should have shifted its stance. "That's a point when they could have credibly claimed that they'd accomplished something ... the ability to return the legitimate government of Yemen to Yemeni soil", says this former official. "They should have been forced by us to pivot to diplomacy".⁸²

Many of the former officials Crisis Group spoke to also believed that the U.S. should have applied more pressure earlier to push the coalition to pay more heed to civilian protection. Some suggested that the U.S. early on should have used at least some arms sales as leverage – rather than waiting until the eleventh hour of the Obama administration to do so – and others questioned why it did not attenuate U.S. complicity by curtailing refuelling.⁸³

But there was a split among former officials about whether they should have ratcheted up the pressure to a point where it might have jeopardised the U.S.-Saudi relationship – such as by fully suspending the sale and sustainment of weapons used for the war. Many were wary, in large part because of the weight they placed on broader cooperation with both the kingdom and the UAE, especially on counter-terrorism. "It's not like we don't have a strategic interest", said one former senior official. This official suggested that those who dismiss the importance of the relationship tend to overlap with those who "pooh-pooh" the information about terrorism threats that U.S. counter-terrorism officials take very seriously.⁸⁴ Another former senior official agreed that even in hindsight, there was too much at stake both in terms of U.S. credibility supporting partners to which it had made security assurances, and the U.S. relationship with the kingdom and UAE (particularly from the standpoint of counter-terrorism and other security interests). Said this official: "I don't think we could have gone to one extreme or the other".⁸⁵

Some former officials nevertheless felt strongly that Washington had made a major error in allowing its concerns about the health of its partnership with Riyadh and Abu Dhabi to dissuade it from upping the pressure it placed on the coalition both with respect to tactics and its overall approach to the peace process. One suggested that the U.S. should have shown its willingness to put the partnership fully on the line, including by suspending arms-related licenses, as leverage to get better cooperation on its recommended path for mitigating civilian harm and ending the war. "That's the only way you get different outcomes", said this official.⁸⁶ As to whether

⁸¹ Crisis Group interview, senior Obama administration official, November 2019.

⁸² Crisis Group interview, senior Obama administration official, March 2019.

⁸³ Crisis Group interviews and conversations, U.S. officials, October 2018-March 2019.

⁸⁴ Crisis Group interview, senior Obama administration official, March 2019.

⁸⁵ Crisis Group interview, senior Obama administration official, March 2019.

⁸⁶ Crisis Group interview, senior Obama administration official, March 2019.

the U.S. could afford to take risks with respect to an important relationship, another former official said: “(W)e assume sometimes that a whole range of countries have better options. We assume we can’t influence them. Saudi is the most egregious example. This is a country that we frankly do not need as much as they need us”.⁸⁷

⁸⁷ Crisis Group interview, senior Obama administration official, March 2019.

III. Kushner, Khashoggi and Congress: The Trump Years So Far

The regrets, frustrations and lessons learned that the Obama administration built up over the course of its nearly two-year involvement in Yemen's civil war did not transfer to the Trump administration.

The new administration both had little appetite for Obama-era legacy projects, and a sweeping regional agenda that left little space for attention to Yemen. Beyond repairing relations with Gulf Arab states that it felt had suffered badly under Obama, the new administration envisaged Riyadh as a counter-terrorism hub and part of an "Arab NATO" that would manage regional security. It also may have hoped that Saudi Arabia would help mobilise economic development funding for the Palestinians, which the U.S. could then use as an inducement for them to make political concessions in the context of an Israeli-Palestinian peace deal.⁸⁸ And it was keenly interested in increasing arms sales to the region, which Trump saw as a key justification for his level of engagement in the region, and was a major focus of his May 2017 trip to Riyadh.⁸⁹

The emergence of President Trump's son-in-law and senior adviser Jared Kushner as the administration's key figure for Middle East diplomacy also contributed to Yemen's de-prioritisation. As a former senior administration official told Crisis Group, the Saudis and Emiratis figured out very quickly that Kushner had carved out issues relating to the Arabian Peninsula as his domain, and that high-level diplomacy therefore had to run through him.⁹⁰ While Kushner would sometimes raise scripted points on Yemen, some officials suggested that he was not forceful in doing so, and that Yemen took a far back seat to his main preoccupation, which was seeking an Israeli-Palestinian peace deal.⁹¹ Because of Kushner's dominance, other officials who sought to fill gaps in Washington's Yemen policy struggled to paint themselves as the face of the administration. An effort by Under Secretary of State Tom Shannon to bring the Yemen stakeholders back together for informal talks foundered in part for this reason.⁹²

The administration's animosity toward Iran also powerfully affected the administration's thinking about Yemen. While the Obama administration was sceptical that Tehran had strategic designs on Yemen, and over time concluded that the longer the war continued, the tighter ties between Tehran and the Huthis would become, the Trump administration was convinced that Yemen was another battlefield for countering Iran and therefore that the U.S. must prioritise keeping Iran from establishing a beachhead on the Arabian Peninsula. It justified its continued support for the campaign partly in those terms.⁹³

⁸⁸ Crisis Group interviews and conversations, U.S. officials, October 2018-March 2019.

⁸⁹ Ibid. See Philip Rucker and Karen DeYoung, "Trump signs 'tremendous deals' with Saudi Arabia on his first day overseas", *The Washington Post*, 20 May 2017.

⁹⁰ Crisis Group interview, former U.S. official, March 2019.

⁹¹ Crisis Group interviews, former U.S. officials, October-March 2019.

⁹² Crisis Group interviews, present and former U.S. officials, October-March 2019.

⁹³ Ibid.

Against this backdrop, U.S. attention to the Yemeni peace process withered, while the administration took steps that augmented operational support to the coalition and diminished the limited pressure Washington had previously exerted on the Saudi-led coalition to be mindful of humanitarian and civilian protection concerns.

For one thing, coalition partners reported that the administration loosened prior restrictions on intelligence sharing. A senior Gulf state official told Crisis Group that the Trump administration had reversed an Obama-era practice of not sharing information that enabled strikes on Huthi targets. Said this official of the Trump administration: “Now, they give us the coordinates. They have opened the tap”.⁹⁴

The administration also opened the tap on arms sales. In June 2017 – a month after Trump’s trip to Riyadh – the administration announced that the U.S. government would resume delivery of precision-guided munitions to Saudi Arabia under the deal suspended by the Obama administration six months earlier to protest the October 2016 funeral bombing.⁹⁵

Moreover, over the course of 2018, the Trump administration also appears to have eased Washington’s longstanding objections to a UAE-led assault on the port city of Hodeida. Under Obama, the U.S. had staunchly opposed a maritime assault on the city. But the Emiratis pivoted to plans for a land-based assault, and the Trump administration was less definitive.

True, even as the Emiratis insisted to their Washington interlocutors that an assault on Hodeida was necessary to press the Huthis toward a political settlement, the Departments of State and Defense appeared to try to slow-walk them. Secretary of Defense James Mattis suggested that early plans to attack the city were not sufficient, and the State Department created obstacles where it could.⁹⁶ But a U.S. official told Crisis Group that the White House was working at cross purposes, noting: “This administration is more pliable to the logic of taking Hodeida port. Susan Rice [Obama’s national security advisor] said, ‘Hell no’. Now they are more inclined to say, ‘Yeah, ok’”.⁹⁷

The policy that Washington consequently alighted on in spring 2018 might be deemed a “blinking yellow light”. The Department of Defense made clear that it would not provide support for the planned operation to take the city. Moreover, the U.S. would not defend or try to deflect criticism away from the coalition if the operation failed. But the U.S. did not appear to be making great efforts to block it, either. A June 2018 public statement by the still relatively new secretary of state, Mike Pompeo, sounded a permissive note in part because it lacked any admonition to stand down on the assault.⁹⁸ With Washington now signalling its acquiescence, however

⁹⁴ Crisis Group interview, senior Gulf state official, March 2019. This official also suggested that the additional information was useful for purposes of precision targeting (“it’s far more precise”).

⁹⁵ “Trump to resume precision munitions deliveries to Saudis: officials”, Reuters, 13 June 2017.

⁹⁶ Crisis Group interviews, UAE official, November 2018; former senior U.S. official, March 2019.

⁹⁷ Crisis Group interview, senior U.S. official, December 2018.

⁹⁸ The statement said: “The United States is closely following developments in Hudaydah, Yemen. I have spoken with Emirati leaders and made clear our desire to address their security concerns while preserving the free flow of humanitarian aid and life-saving commercial imports. We expect all parties to honour their commitments to work with the UN Office of the Special Envoy of the Secretary General for Yemen on this issue, support a political process to resolve this conflict, ensure humanitarian access to the Yemeni people and map a stable political future for Yemen”. “Develop-

tepid, Emirati-backed troops raced up the Yemeni coast to nearly encircle Hodeida.⁹⁹ (Though some troops entered the city, the UAE did not proceed all the way to a battle for a city, pausing instead to engage in anticipation of planned but aborted talks with the Huthis in September 2018 and actual talks followed by the Stockholm agreement in December 2018.)

Perhaps even more striking, however, were the lengths to which the administration went to protect the coalition from the implications of its strikes that killed civilians. In September 2018 – just weeks after an errant Saudi strike struck a bus and killed 40 school children between the ages of six and eleven – Secretary of State Mike Pompeo certified to Congress the adequacy of coalition measures to protect civilians in order to satisfy a statutory requirement for the U.S. to continue refuelling coalition aircraft.¹⁰⁰ The *Wall Street Journal* reported that the State Department’s regional, human rights and refugee bureaus (backed by the department’s lawyers) had advised Pompeo not to sign it, noting that to do so would “provide no incentive for Saudi leadership to take our diplomatic messaging seriously” and “damage the Department’s credibility with Congress”. The U.S. Agency for International Development also weighed in against making the certification. Pompeo, however, took his cue from the Department’s legislative affairs bureau, which noted that failure to do so could jeopardise arms sales.¹⁰¹

To be sure, Trump administration officials point to instances where they succeeded in getting the coalition to act more constructively. In late 2017, President Trump himself pressed the Saudis to lift a blockade they had imposed on goods entering Yemen after a Huthi missile struck Riyadh that November.¹⁰² And according to one official, in the first half of 2018, a group of sub-cabinet officials from the State and Defense Departments, as well as the staff of the National Security Council, worked together to help persuade the Saudis to make a significant contribution to UN hu-

ments in Hudaydah”, press statement by Secretary of State Mike Pompeo, U.S. Department of State, 11 June 2018.

⁹⁹ Crisis Group interviews, U.S. executive branch officials and congressional staff, summer and fall 2018.

¹⁰⁰ For a discussion of the certification requirement, and other recent congressional actions relating to Yemen, see Elizabeth Allan and Scott Anderson, “Where Congress Stands on Yemen,” *Lawfare*, 21 February 2019. The article notes that the legislation required the secretary of state to certify that the Saudis and Emiratis had “undertaken an ‘urgent and good faith’ effort to negotiate an end to the conflict, acted to alleviate humanitarian suffering and reduced the harm to civilians resulting from military operations – or issued a waiver claiming that these activities were in the U.S. national interest and explaining why he could not issue the certification”.

¹⁰¹ Dion Nissenbaum, “Top U.S. diplomat backed continuing support for Saudi war in Yemen over objections of staff”, *Wall Street Journal*, 20 September 2018.

¹⁰² Michael D. Shear and Ben Hubbard, “Trump urges Saudi Arabia to ease blockade of goods into Yemen”, *The New York Times*, 6 December 2017; Laura Rozen, “US says Saudis agree to lift blockade on key Yemen port”, *Al-Monitor*, 20 December 2017; and Jonathan Fenton-Harvey, “Yemenis struggle to receive aid despite easing of blockage”, *The New Arab*, 27 January 2018. See also Colum Lynch and Dan De Luce, “With Saudi blockade threatening famine in Yemen, U.S. points finger at Iran”, *Foreign Policy*, 22 November 2018. Lynch and De Luce note that in November 2017 – before Trump publicly urged the Saudis to ease the blockade – the White House sought to release more information about suspected Iranian arms deliveries in a move that critics saw as “calculated to deflect attention from international – and congressional – outrage directed at Riyadh over the blockade”.

manitarian response plan for Yemen.¹⁰³ Sometimes, in pressing the Saudis, U.S. officials would invoke Congress, warning that members were increasingly concerned about the humanitarian devastation and that U.S. support for the coalition could thus be in peril. The problem, a senior Trump administration official told Crisis Group, was that “there was no backing up” of the threats: the officials would “wave the stick”, but Congress was not yet doing enough to make the waving credible.¹⁰⁴

In fact, though, Congress was taking steps in that direction. In September 2016, the Senate voted 71-27 to block a resolution that would have stopped the sale of tanks and other equipment to Saudi Arabia. Just ten months later, in June 2017, a similar resolution to stop the sale of precision-guided munitions generated a much tighter result, failing 53-47.¹⁰⁵ In late 2017, Senator Todd Young, Republican of Indiana, temporarily blocked the confirmation of Jennifer Newstead, the administration’s nominee to become the State Department’s legal adviser, in order to press her on the U.S. and international law implications of Saudi restrictions on the flow of goods into Yemen.¹⁰⁶

But the legislation that has come most prominently to symbolise Congressional exasperation with the war was framed under the War Powers Resolution of 1973 and directs the administration to remove U.S. armed forces “in or affecting the Republic of Yemen”. In March 2018, a bipartisan group of senators forced a procedural vote on this legislation on the same day that Saudi Crown Prince Mohamed bin Salman was visiting Washington to meet President Trump. Though the bill failed to advance then, things changed several months later. Furious about the August bus bombing, the Pompeo certification and the October 2018 murder of *Washington Post* journalist, Saudi Arabian citizen and U.S. resident Jamal Khashoggi, senators passed it on 13 December 2018 by a margin of 56-41. The vote was a highly unusual bipartisan rebuke of Riyadh, catalysed by a level of Congressional frustration that some staffers said they had not seen since the aftermath of the 11 September 2001 attacks.¹⁰⁷

Now that – as of 4 April 2019 – both houses of Congress have voted in favour of the legislation, it will head to the White House for the president’s signature or veto. As this report goes to press, it is not clear which path President Trump will choose. While his senior advisers have made clear that they will recommend a veto, Trump himself has said that he will “look at it”.¹⁰⁸ His non-interventionist instincts, notwithstanding, concerns about the Saudi partnership and the entreaties of his senior staff are likely to weigh heavily in his calculations. Moreover, even if the legislation is

¹⁰³ Crisis Group interview, senior Trump administration official, November 2018. See also “Saudi Arabia tops donor states to humanitarian response plan in Yemen”, *Arab News*, 7 July 2018. The article notes that “Saudi Arabia has topped donor states to the 2018 UN Yemen Humanitarian Response Plan by donating \$530.4 million out of a total of \$1.54 billion, the UN Office for the Coordination of Humanitarian Affairs said in a report”.

¹⁰⁴ Crisis Group interview, senior Trump administration official, November 2018.

¹⁰⁵ Patricia Zengerle, “Senate clears way for \$1.15 billion arms sale to Saudi Arabia”, Reuters, 21 September 2016; Jeremy Herb, “Senate narrowly votes to back Saudi arms sale”, CNN, 13 June 2017.

¹⁰⁶ Dan De Luce, “Trump nominee concedes Saudi siege of Yemen could be violating U.S. law”, *Foreign Policy*, 19 December 2017.

¹⁰⁷ Crisis Group interviews, Congressional staff, October 2018-February 2019.

¹⁰⁸ Steven Nelson, “Trump veto of Yemen resolution looked certain, but now he may heed call to end US war role”, *Washington Examiner*, 8 April 2019.

enacted – either because Trump signs it or because he vetoes it and Congressional proponents are able to muster the supermajority vote for a veto override (which is unlikely) – it is unclear that the new law would have any legal bite. The administration has already said it does not believe that U.S. forces are in any way involved in “hostilities in or affecting Yemen”, making the legislation an empty directive from its perspective.¹⁰⁹

Yet this and other legislative initiatives Congress has undertaken have already proven their value. One U.S. government official interviewed by Crisis Group noted that for most of its first two years, he was never convinced that Yemen was a Trump administration priority, but that “the Hill and Khashoggi have changed that”.¹¹⁰

The record bears out this observation, at least for the few months immediately following the Khashoggi killing. As Congressional attention escalated following the Khashoggi murder, the administration started publicly pushing for peace talks at an unprecedented level. Secretaries Mattis and Pompeo announced in late October 2018 that it was time for the parties to come together for substantive consultations led by UN Special Envoy Martin Griffiths.¹¹¹ As war powers legislation gathered momentum in early December, Mattis reportedly engaged coalition leaders, including in a last-minute phone call to Crown Prince Mohamed bin Salman, to help ensure that a deal emerged from UN-led talks in Sweden.¹¹² The parties concluded the so-called Stockholm Agreement – setting forth a basic framework for de-escalating fighting around Hodeida and creating a pathway for future talks – on 13 December 2018, the same day that the U.S. Senate passed its war powers bill.

The administration also responded to Congressional pressure in other ways. For example, the U.S. government has also stopped aerial refuelling for coalition aircraft (at the Saudis’ request, it claims) and in February 2019 declined to recertify that the coalition was taking sufficient steps to mitigate civilian casualties.¹¹³ Though the administration claims that there was no need to make the recertification because refuelling activities had ceased, it appears to have been seeking to avoid the outraged reaction generated with the September 2018 certification.

That said, the shock of the Khashoggi killing will not last forever, and the administration’s rhetoric relating to the Yemen war has already shifted back toward full-blown support for the coalition’s efforts. Secretary of State Pompeo prominently laid

¹⁰⁹ Scott R. Anderson and Molly E. Reynolds, “Putting the Yemen Resolution in Procedural Context”, *Lawfare*, 9 March 2018. Though it is possible that a party would challenge this interpretation through a lawsuit, courts have a long history of deferring to the executive branch on matters relating to war powers.

¹¹⁰ Crisis Group interview, U.S. government official, December 2018.

¹¹¹ Julian Borger and Patrick Wintour, “Yemen war: U.S. unveils blueprint for ceasefire and peace talks”, *The Guardian*, 31 October 2018.

¹¹² Peter Salisbury, “Making Yemen’s Hodeida Deal Stick”, Crisis Group Commentary, 19 December 2018. “As talks in December proceeded, and a positive outcome remained uncertain, Mattis reportedly made last-minute phone calls to leaders in Saudi Arabia and the United Arab Emirates. ... His calls apparently clinched the Gulf monarchies’ support for a deal, which they then made clear to Yemeni government negotiators”.

¹¹³ The administration made the decision to suspend refuelling in November 2018, purportedly in consultation with Saudi Arabia. “U.S. to stop refueling Saudi-coalition planes in Yemen, officials say”, *NBC News*, 9 November 2018.

blame for the carnage in Yemen at the feet of Iran at a conference the administration convened to discuss regional issues in Warsaw in February 2019.¹¹⁴ And in March 2019 he testified to the Senate that: “If you truly care about Yemeni lives, you’d support the Saudi-led effort to prevent Yemen from turning into a puppet state of the corrupt, brutish Islamic Republic of Iran”.¹¹⁵

Officials from outside the U.S. government had relied on former Secretary of Defense James Mattis to help steer U.S. policy toward encouraging a political resolution of the conflict, and he had the confidence of Saudi and UAE interlocutors.¹¹⁶ Given the prominence of Iran hawks John Bolton and Mike Pompeo in the White House and at the State Department, it is not clear who inside the administration will be able to play Mattis’ role effectively now that he is gone.

¹¹⁴ “Iran is responsible for Yemen’s humanitarian crisis, says Pompeo”, PBS Newshour, 13 February 2019.

¹¹⁵ Secretary of State Michael R. Pompeo, “Remarks to the Press,” 15 March 2019.

¹¹⁶ Crisis Group interviews, senior Gulf official, January 2019; U.S. defence official, Abu Dhabi, February 2019. See also Joel Gehrke, “Pompeo rebukes senators who voted to end U.S. involvement in Yemen civil war”, *Washington Examiner*, 15 March 2019.

IV. The Way Forward

The U.S. does not hold the key to ending the civil war in Yemen – a complex crisis for which the Huthis and other actors besides the coalition share considerable responsibility. But it can certainly do more to constrain its Saudi and Emirati partners and urge them to engage constructively in efforts to reach a political solution. For four years, and through two administrations, the executive branch has exerted too little leverage, leery of making the kinds of threats and imposing the kinds of consequences that would be required to change its partners' behaviour. Only recently, with Congress forcing itself into the conversation, has the prospect that the coalition's conduct could spell serious damage to relations with Washington started to seem real.

Unfortunately, with the exception of the president's recent equivocation about whether he might sign war powers legislation emerging from Congress, the administration has over the course of 2019 seemed increasingly intent on squandering the opportunity that Congress has created. Rather than using the legislature as a foil, as it did in cancelling refuelling assistance in November 2018, and pushing the coalition to engage constructively in Sweden in December, the administration has – at least publicly – reverted to form. Secretary Pompeo's statements defying Congressional pressure and seeking to characterise the conflict in Yemen as merely a proxy battle with Iran are wrongheaded in at least two ways.

First, in their tone and content, they risk sending an unhelpful signal to the coalition that the administration will continue to have their backs regardless of how they conduct their operations, whether they implement their obligations under the Stockholm Agreement or how they approach future UN-led peace efforts. It is particularly unhelpful that this shift in rhetoric comes amid fresh reports of coalition strikes against civilian objects, including one that reportedly killed seven people at a hospital supported by Save the Children.¹¹⁷

Second, they propagate an analytic misjudgement that Crisis Group has explored in the past: namely, the idea that the coalition or the U.S. benefits from treating Yemen as a battlefield for countering Iran. To the contrary, it would be hard to imagine a party that benefits more than Iran from continued escalation of the conflict. For a relatively modest investment, it has helped draw the Saudis and Emiratis into a resource-sapping and reputation-tainting quagmire, and it has pulled the U.S. in for good measure. The conflict has also generated tighter bonds between the Huthis and Tehran. Extension and escalation of the conflict will only drive up costs for the coalition, the U.S., and most importantly the people of Yemen, while Tehran continues to reap strategic gains.¹¹⁸

¹¹⁷ Rick Gladstone, "Saudi airstrike said to hit Yemeni hospital as war enters year 5", *The New York Times*, 26 March 2019.

¹¹⁸ Crisis Group anticipated this dynamic at the outset of the coalition campaign in the briefing *Yemen at War*, op. cit. The briefing notes that "Saudi Arabia considers the Huthis Iranian proxies, a stance that pushes them closer to Tehran. ... They are less dependent on Tehran than Hadi and his allies are on Riyadh, but on today's trajectory, their relative self-sufficiency will not last long. They are already soliciting Iranian financial and political support". See also Crisis Group Middle East Report N°184, *Iran's Priorities in a Turbulent Middle East*, 13 April 2018, which observes that "the Saudi-led war has caused a humanitarian catastrophe and comes at great financial and reputational

Against this backdrop, Congress has a critical role to play in helping forge a path out of the quagmire. Members of Congress who oppose U.S. support to the war in Yemen need to continue making their voices heard. In the event that the president either vetoes the war powers legislation under current consideration or signs it and treats it as a nullity, they should quickly follow with other legislation that reinforces the same message. One such bill is the Saudi Arabia Accountability and Yemen Act – first introduced in late 2018 – which would, among other things, block certain weapons sales to the coalition and prohibit aerial refuelling (in each case subject to the satisfaction of certain conditions) and direct the imposition of sanctions on those blocking humanitarian aid delivery.¹¹⁹ (It also includes provisions directed at the Huthis, including a framework for imposing sanctions on their supporters.) Perhaps most importantly, they should work to insert key provisions from these free-standing bills in annual legislation that is considered “must-pass” – such as next year’s National Defense Authorization Act.¹²⁰

As for the Trump administration, it should treat these pieces of legislation as an opportunity to use Congress as a foil – a palpable demonstration to Riyadh and Abu Dhabi of how failure to make progress toward peace has already damaged valued relations with members of Congress and how bilateral relations could suffer yet more if things don’t change. It should insist both that the coalition parties approach UN-led diplomatic efforts constructively and that they encourage their Yemeni allies to implement the Stockholm Agreement faithfully, and that they commit to ending their intervention, even if that means accepting an outcome where the Huthis fare significantly better than Resolution 2216 envisioned.

This may seem a bitter pill to swallow given that the Huthis have yet to fulfil their obligations under the Stockholm Agreement. (Negotiations over implementation have been complicated and both Yemeni sides have at times engaged in foot dragging and obstruction.) But it recognises two realities. One is that U.S. leverage is one-sided and does not reach the Huthis. And the second is that whether or not there is Huthi stonewalling, it would not be a justification for continuing the coalition’s intervention. Indeed, there is no persuasive justification for it: after four years of war, there is little chance of a military victory for the coalition in northern Yemen. Even if one were possible the costs would be too high in a country that can scarcely

cost to Saudi Arabia. For Iran, by contrast, it has been a low-cost way of harming Saudi Arabia and keeping it preoccupied on the Arabian Peninsula and on the defensive”.

¹¹⁹ See Elisabeth Allan and Scott Andersen, “Where Does Congress Stand on Yemen?”, *Lawfare*, 21 February 2019. Should it be enacted, this legislation would have certain advantages over the war powers legislation. Its enforceability does not hinge on the interpretation of long-debated terms like “hostilities”. Linking the suspension of certain weapons sales to progress on conflict resolution, as it does, also creates helpful incentives for the coalition. At the same time, however, this legislation faces a still steeper climb on the way to becoming law, because the war powers legislation benefits from “expedited procedures” created under an amendment to the War Powers Resolution of 1973 that allowed proponents to push it to a vote without facing standard obstacles (such as a filibuster in the Senate). Such obstacles would make it hard for such a bill to reach the floor of the Senate for debate, given the Senate’s current makeup and most Republican members’ unwillingness to buck the administration’s policy prerogatives.

¹²⁰ See Allan and Anderson, *op. cit.*, and Tess Bridgeman, “Congress, Saudi Arabia and the Conflict in Yemen: Where Do We Go from Here?” *Just Security*, 12 February 2019.

bear more pain. The coalition needs to stop thinking about how to eke out some notional victory and instead commit itself wholly to finding a political exit, regardless of whether that means empowering the Huthis more than it is comfortable with in the short term.

The U.S. should lead the way by finding its own exit. As it did with aerial refueling, the administration should suspend arms transfers and licensing for the sustainment of weapons systems that are being used to prosecute the war in Yemen with a carve-out (as exists in the draft Saudi Arabia Accountability and Yemen Act) for the kingdom's ground-based missile defence systems. It should explain to the coalition that it is better to get ahead of Congress than to be trapped by legislation that may be difficult to unwind; it should offer to lift the suspensions once the coalition has ended its intervention. Taking this step would also have implications for the coalition's ability to fight (though how debilitating it would be and how quickly it would erode warfighting capabilities is difficult to know) and is likely to create serious friction between Washington and Riyadh. A serious crisis in relations remains a risk, though against a backdrop of strong ties with the Trump administration perhaps less than four years ago. That is a risk worth taking to remove the U.S. from the conflict and end its complicity in Yemen.

Another step that the administration could usefully take would be to empower a senior point person at the State or Defense Department to support the efforts of UN Special Envoy Martin Griffiths and be the U.S. government focal point for all issues relating to the conflict in Yemen. Particularly with Secretary Mattis' departure there is a concern among many of the U.S. government's interlocutors that the administration's approach to Yemen is becoming ad hoc and fragmented as his shoes go unfilled.¹²¹ Many of these interlocutors would almost certainly welcome the appointment of a senior official to coordinate policy, and who could speak authoritatively on behalf of the U.S. government.

There are broader lessons as well. It is not too early to start reflecting on changes that might help Washington avoid becoming complicit in similar disasters in the future. Though it is tempting to hope that the U.S. would be sufficiently chastened by the Yemen experience not to make the same mistake again, the difficulty that the Obama administration had extricating itself – even after the scale of the disaster was apparent – calls that proposition into question. So do the lengths to which the Trump administration has gone to prioritise bilateral relationships with Gulf partners over profound humanitarian and civilian protection concerns. And so do the fundamentals of security partnerships that include far-reaching assurances that it would come to the defence of Riyadh and other Gulf states, and place in their hands a large arsenal of U.S. arms sustained by a steady stream of U.S. parts and services.

The bottom line is that when one of these states chooses to launch an unwise war the U.S. will, absent a major change in the bilateral relationship, face a hard choice: should it join the effort in some capacity to demonstrate loyalty and try (potentially fruitlessly) to influence how its weapons are used? Should it refuse to participate but continue to supply arms and sustainment? Or should it cut off support and risk rup-

¹²¹ Crisis Group interviews, Gulf military official, January 2019; U.S. defence official, Abu Dhabi, February 2019.

turing its relations with its core regional partner – recognising that other would-be weapons suppliers like Russia, China and Turkey might well step in?

Even if immediate answers are elusive, there are steps that Washington can take now that might start preparing it to make better choices down the road. For one, in recent testimony before Congress, Vice President Joe Biden’s former national security advisor, Jake Sullivan, suggested that the U.S. undertake a bipartisan strategic review of the U.S.-Saudi relationship.¹²² Sullivan noted that U.S. investment in the relationship has been motivated by Riyadh’s potential to be a force for regional stability, but that its actions over the past two years – in Yemen, Qatar and Lebanon – have in fact been destabilising.

A review of this nature would serve multiple purposes. Often discussions about the benefits (or costs) of the partnership are discussed in a piecemeal fashion. A comprehensive look might shed light on some of the issues about the relative value of the partnership to Washington and Riyadh that Obama officials wrestled with after leaving office – as well as exploring the implications of a diminished partnership for the two countries and for regional stability. It could generate recommendations for new caveats to U.S. security assurances that might gird the U.S. against being drawn into future military misadventures while still providing its partners security against existential threats or other threats of sufficient proportion. It might also give the Saudis a useful window into the concerns that are most threatening to bilateral relations from the U.S. perspective, and create an opportunity to defuse them.

Finally, lessons learned from the review could be relevant to U.S. partnerships that share some of the characteristics of the U.S.-Saudi relationship – ie, major arms sales and very broad political (non-treaty) security assurances – that acted like flypaper in trapping the U.S. in Yemen.

Finally, the Yemen episode has demonstrated the importance of bolstering the role Congress plays in matters of war and peace. When it enacted the War Powers Resolution of 1973 in the aftermath of the Vietnam War, Congress sought to reclaim authority that it had ceded to the executive branch during the course of the Cold War. But 45 years on, the War Powers Resolution has lost many of its teeth. Under a 1983 Supreme Court ruling, a provision that allowed a joint resolution of Congress to force the withdrawal of U.S. forces from “hostilities” is almost certainly unconstitutional. And the definition of “hostilities” has been narrowly interpreted to involve protracted situations where U.S. forces are at physical risk.¹²³

Among the problems with the current war powers framework, then, is that it does not take sufficiently seriously the moral, human and financial costs of U.S. support for combatants in conflicts like the Yemen war, where U.S. forces are in little or no

¹²² Written Testimony of Jake Sullivan, U.S. House of Representatives Committee on Foreign Affairs Hearing “U.S. Policy in the Arabian Peninsula”, 6 February 2019. (Sullivan is a member of Crisis Group’s Board of Trustees.)

¹²³ See, for example, Congressional Research Service, “The War Powers Resolution: Concepts and Practice”, updated 8 March 2019, p. 42; Tess Bridgeman and Stephen Pomper, “How the Senate Should Move Forward on a Resolution to Withdraw from the Yemen War”, Just Security, 30 November 2018; Bridgeman, “Congress, Saudi Arabia and the Conflict in Yemen: Where Do We Go from Here”, *op. cit.* In the coming months, Crisis Group will begin a work stream that considers the strengths and weaknesses of the War Powers Resolution of 1973 from a conflict prevention perspective and make recommendations for reform.

danger of bodily harm. It also means there is a paucity of meaningful checks on executive overreach in this area. Amending the 1973 war powers framework to include an explicit requirement that Congress must approve – and reapprove on a periodic basis – U.S. support for conflict parties when it reaches the level that it has in Yemen would be a step that could help close this gap.

Congress is sometimes more bellicose than the executive branch, and it will not always make prudent decisions. But, over time, expanding responsibility for decision making on matters of war and peace so that it is better shared between the branches would create better odds of steering clear of quagmires like Yemen, and more quickly correcting course when one branch or the other makes mistakes.

V. Conclusion

Four years into a conflict that the Obama administration found itself warily drawn into, and that the Trump administration has too often simply looked past, Yemen has suffered widespread destruction. The U.S. has the moral and reputational taint of its complicity. It is difficult to imagine that any future administration would want to find itself in the same position, and yet it is not at all difficult to imagine that one could. Absent changes, Washington's relationships with Saudi Arabia and some other Gulf states in particular could continue to make it difficult to shrug off certain kinds of requests for support and Congress may find it convenient to avert its eyes from disastrous decisions before finally focusing its attention years too late. Accordingly, as Congress continues to prod both the executive branch and the Saudi-led coalition to make peace in Yemen right now, Washington should focus its gaze both backwards to make sure it fully appreciates the lessons of its mistakes, and ahead toward the future reforms that will be required if it wishes not to repeat them.

Washington/Brussels, 15 April 2019

Appendix A: Map of the Arabian Peninsula



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

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April 2019

Appendix C: Reports and Briefings on the United States since 2018

Special Reports

Exploiting Disorder: al-Qaeda and the Islamic State, Special Report N°1, 14 March 2016 (also available in Arabic and French).

Seizing the Moment: From Early Warning to Early Action, Special Report N°2, 22 June 2016.

Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid, Special Report N°3, 22 March 2017.

United States

Deep Freeze and Beyond: Making the Trump-Kim Summit a Success, United States Report N°1, 11 June 2018 (also available in Chinese and Korean).

How to Save the U.S. Refugee Admissions Program, United States Report N°2, 12 September 2018.

Time for a Modest Deal: How to Get U.S.-North Korean Talks Moving Forward, United States Briefing N°1, 17 December 2018.

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