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Written statement* submitted by Organisation internationale pour les pays les moins avancés (OIPMA), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2024]

* Issued as received, in the language of submission only.



The Universal Periodic Review Process of Yemen: The Relationship between Jus Cogens and Human Rights

1. Despite numerous recommendations from the Working Group on the Universal Periodic Review and comments from 88 delegations, many have not addressed the root causes of the conflict, and effectively tackle gross human rights violations. For this reason, the Organisation internationale pour les pays les moins avancés (OIPMA) wishes to contribute in this statement to the Human Rights Council's analysis of the dire human rights situation in Yemen.
2. Based on the mandate given by both, the resolution of the Human Rights Council 53/13 and the United Nations General Assembly resolutions 76/174 and 78/216, which recognised the indispensable contribution of civil society and emphasized their role in promoting human rights, and fostering the rule of law, strengthening conflict prevention, peace, and sustainable development, the engagement of Organisation internationale pour les pays les moins avancés (OIPMA) is vital for addressing the root causes of the crisis. This statement highlights the critical need for addressing the root causes of the conflict and the gross human rights violations.
3. On this regard, paragraph 60 of the Annual Report of the United Nations High Commissioner for Human Rights and the Secretary-General also recommended the crucial role of civil society organizations in assessing the compliance of national laws and policies with international human rights standards. Civic space assessments are important for identifying early warning signs when situations deteriorate and understanding civic space trends is essential for addressing obstacles to the implementation of all human rights.
4. Yemen is currently experiencing a humanitarian catastrophe, with violations of international law leading to the spread of extremism, terrorism, and conflicts, including the escalation of piracy, attacks on commercial ships in the Red Sea, and the recent storming of the United Nations High Commissioner for Human Rights office in Sana'a by Houthi forces are alarming developments that highlight the urgent need for improving the human rights situation in Yemen is a complex challenge that requires a multifaceted approach.
5. The human rights situation in Yemen remains dire, in particular, the complex and multifaceted conflict requires a comprehensive approach to spare the country from an imminent catastrophe between the south and north. Addressing these issues requires concerted efforts from the Security Council, international organisations, member states and civil society organisations.
6. The situation in Yemen is indeed complex and deeply rooted in its history and must be viewed through a historical lens, taking into account the developments from the pre-1990 period to the present day. The north-south divide has been a significant factor, with the Houthi movement evolving from a regional insurgency to a major political and military force, culminating in their de facto takeover of Sana'a in 2015.
7. Organisation internationale pour les pays les moins avancés (OIPMA) asserts that a sustainable and peaceful resolution to the conflict requires the engagement of all stakeholders and must be complemented by coordinated efforts from local, regional, and international actors, including International pressure and preventive diplomacy to ensure the recognition the right of the people of the south to determine their political status based on the Peremptory norms of general international law (jus cogens).
8. Organisation internationale pour les pays les moins avancés (OIPMA) strongly believes that prioritising the resolution of the southern issue and separating it from the power struggle in Sana'a, and that, will prevent an imminent catastrophe which would have dire consequences for civilians, especially that, strengthening alliances between the Houthis and Muslim brotherhood in the north with support of thousands of mercenaries and foreign fighters as indicated by several reports, that could escalate conflict against the southern transitional council With the aim of controlling the south.

9. For this reason, it is necessary to provide a short reminder of the root causes of the conflict between the southern people and other groups in the north which lie in the violation of peremptory norms in international law (Jus Cogens). The key points can be summarized as follows:
- The Unity Agreement was signed by the General Secretary of the Yemeni Socialist Party, in his party capacity, the two signatories to the unity agreement did not verify whether they adhered to international standards, nor did they assess the nature and scope of their authorities entrusted to the signatories of the agreement which constitutes a breach of Article 7, Paragraph 2 of the 1969 Vienna Convention, as well as conflicting with the provisions of Article 77, Paragraph (d) of the same convention.;
 - Signing the agreement in this manner constituted a breach of Article 53 of the Vienna Convention on the Law of Treaties, which states that “the agreement is void if its conclusion time contradicts a peremptory norm of general international law.” Especially that the absence of conducting a referendum among the people of the south regarding the agreement’s project before its entry into force within six months, the agreement completely contradicts the first article of the two international covenants as its considered one of the peremptory norms in international law;
 - No legal evaluation was conducted before its adoption the agreement to ensure the legal formulation of the agreement. It was not carefully drafted in terms of form and substance as required by the functions specified in Article 77, Paragraph (d) of the 1969 Vienna Convention on the Law of Treaties. The Unity Agreement, consisting of only ten articles on a single page, lacks the specifications and standards expected of any agreement between two states. This deficiency in final clauses led to the outbreak of the 1994 summer war between the parties to the agreement;
 - On May 21, 1994, the leaders of the former Peoples Democratic Republic of Yemen invoked the breach of the other party as a ground for terminating the treaty and declared its withdrawal from the agreement under Article 60 of the Vienna Convention on the Law of Treaties, which states “A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part”.
 - On April 24, 1994, the leaders of the former Yemen Arab Republic declared war and invaded the south, resulting in the occupation of the territories previously known as the People’s Democratic Republic of Yemen on July 7, 1994. This action constituted a violation of Article 52 of the Vienna Convention on the Law of Treaties, which states that “a treaty becomes void if a party is coerced by threat or the use of force contrary to the principles of international law.”.
 - The national dialogue conference, which concluded its sessions in Sana’a on January 25, 2014, under the leadership of the former President Hadi and the supervision of the United Nations Special Envoy, affirmed that the 1994 war between the north and the south had failed to maintain the unification.
 - During March 29 and April 7, 2022. the Riyadh consultations among representatives of the legal government and other various Yemeni political components, convened by the Gulf Cooperation Council and attended by the United Nations Special Envoy, emphasized the inclusion of the southern people’s issue in the negotiation agenda, and establishing a specific negotiation framework for the southern issue within the comprehensive peace process.
10. Therefore, Organisation internationale pour les pays les moins avancés (OIPMA) recommends the concerned bodies of the United Nations believes that the comprehensive and permanent solution to the Yemeni situation should be based on the respect of the relevant peremptory norms in international law and address the root causes of the crisis, necessitating the separation of the northern and southern issues.

11. Thus, adopting these effective solutions can spare the country from new imminent catastrophe between and prevent grave human rights violations and lay down solid foundations for security, peace and stability, enhance integration among all regional and international community, ensure continued efforts to combat extremism and eradicate terrorism, and to approve a Long-term Economic Strategy for the sustainable development.
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