

Conflict and Climate: The Need for Green Transitional Justice in Yemen



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By: The Sana'a Center for Strategic Studies and Columbia Law School Human Rights Clinic

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Cover photo: The stone-paved Sai'lah Canal near the Old City of Sana'a floods on August 22, 2024, following heavy rains // Sana'a Center photo.



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Executive Summary

Yemen is facing a severe environmental crisis, the effects of which, combined with climate change and a decade of conflict, have severely undermined Yemenis' right to a dignified life. Over the last 50 years, Yemen's temperatures have increased by 1.8 degrees Celsius. The increase in heavy rains, floods, cyclones, and other environmental degradation have led to extensive displacement and significant losses in lives, livelihoods, land, and infrastructure. Rising temperatures, heat waves, and irregular rainfall have concurrently aggravated water shortages in one of the most water-scarce countries in the world, with approximately 14.5 million Yemenis lacking access to safe drinking water. As water scarcity increases, related conflicts are anticipated to increase.

Against this backdrop, this report argues that environmental redress is crucial for Yemen's stability. Following two years of research, analysis, and extensive interviews conducted with Yemeni and international environmental and justice experts, the report argues that Yemen's armed conflict and environmental and climate crises are inextricably linked, and that plans for transitional justice in Yemen must account for past and future environmental and climate harms. To address this, the report proposes a *green transitional justice roadmap*, which, while novel, can prove to be an essential and attainable step toward sustainable peace and justice in Yemen.

The report lays out four reasons *why* Yemen should incorporate environmental concerns into its transitional justice process: to secure sustainable peace; provide meaningful justice; strengthen its transitional process; and fulfill its obligations under international law. Drawing lessons from other contexts such as Colombia, Sudan, and Tunisia, it attempts to show the feasibility of addressing environmental issues within transitional justice. Yemen could apply these lessons through a variety of measures. These include the establishment of truth commissions that extend the notion of victims to include those affected by environmental harm, creating reparation schemes that compensate victims of climate change, utilizing art to memorialize and commemorate environmental harm, holding those responsible for environmental damage accountable, and implementing constitutional reforms that address the rights of Yemenis to a healthy environment.

The report aims to persuade stakeholders that future transitional justice processes in Yemen can and should address environmental harms and climate change. To support this, it offers a set of practical and actionable recommendations for implementing green transitional justice in Yemen.

Select Recommendations

- **To All Stakeholders:** To foster sustainable peace, meaningful justice, and a healthy environment in Yemen, stakeholders should create and support “green transitional justice” mechanisms that address environmental harms and climate change impacts.
- **To Civil Society Organizations:** Building on the Yemen Declaration for Justice and Reconciliation, Yemeni civil society leaders on transitional justice should establish core principles, elements, and design features for a locally driven transitional justice roadmap for Yemen that incorporates environmental and climate change considerations and is grounded in Yemeni culture and traditions.
- **To the Government of Yemen:** Publicly commit to support the development and implementation of green transitional justice in Yemen.
- **To Donors:** Provide funding to support the development and implementation of Yemen’s green transitional justice roadmap. Develop funding models that allow Yemeni organizations to access and allocate resources adaptively, especially for rapid environmental assessments and documentation of degradation.
- **To the Office of the UN Special Envoy:** Prioritize the inclusion of environmental and climate considerations in Yemen’s peace negotiations and transitional justice processes. Advocate for the adoption of green transitional justice principles that address both environmental harms and climate change impacts.

I. Introduction

“The current civil war in Yemen threatens the country as a state, but the lesser-known environmental crisis threatens the very existence of Yemen as a habitable land.”^[1]

Over a decade of armed conflict in Yemen has resulted in hundreds of thousands of deaths from direct and indirect causes, pervasive human rights violations, and extensive grievances across the population. Yemenis want and deserve justice for the many harms suffered and need sustainable peace. At the same time, the country is in the midst of an environmental crisis, heightened by the effects of climate change. Yemen has experienced a staggering 1.8 degree Celsius temperature increase over the past 50 years.^[2] The United Nations (UN) has found that more than 60 percent of deaths in the war are due to indirect factors like lack of food, water, and healthcare—many of which are made worse by climate change.^[3]

Yemen’s two crises of environmental harm and armed conflict are intertwined. Environmental stressors, including resource scarcity and natural disasters, are key drivers of conflict. Conflict, in turn, damages the environment and impedes government responses to environmental emergencies.^[4] This report examines the nexus of armed conflict and the environmental and climate crises in Yemen, one of the most climate-vulnerable and conflict-impacted countries in the world.^[5] It argues that the two issues are inextricably linked, and that plans for transitional justice in Yemen must account for past and future environmental and climate harms. This can be accomplished through the creation of a green transitional justice roadmap—while novel, such a roadmap is an achievable and necessary step for sustainable peace and justice in Yemen. As this report indicates, prior reform efforts towards transitional justice in Yemen have considered the centrality of the environment, and practice from other countries offers concrete examples of how to work toward green transitional justice.

Transitional justice is typically pursued during periods of significant political change, such as after a war. The goal is to address the aftermath of violence and human rights abuses and to move society toward lasting peace. Transitional justice processes vary from country to country but often include measures such

^[1] Helen Lackner and Abulrahman Al-Eryani, “Yemen’s Environmental Crisis Is the Biggest Risk for Its Future,” The Century Foundation, December 14, 2020, <https://tcf.org/content/report/yemens-environmental-crisis-biggest-risk-future/>

^[2] “Risking the Future: Climate Change, Environmental Destruction, and Conflict in Yemen,” Center for Civilians in Conflict, October 4, 2022, <https://civiliansinconflict.org/risking-the-future-climate-change-environmental-destruction-and-conflict-in-yemen/>

^[3] Taylor Hanna, David K. Bohl, and Jonathan D. Moyer, “Assessing the Impact of War in Yemen: Pathways for Recovery,” United National Development Programme (UNDP), 2021, p.12, https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Impact%20of%20War%20Report%203%20-%20QR_o.pdf

^[4] “Climate Change and Weaponisation of Natural Resources,” Webinar, International Institute for Strategic Studies (IISS), February 8, 2022, <https://www.iiss.org/events/2022/02/climate-change-and-weaponization-of-natural-resources>; “Natural environment: Neglected victim of armed conflict,” International Committee of the Red Cross (ICRC), June 5, 2019, <https://www.icrc.org/en/document/natural-environment-neglected-victim-armed-conflict>; “When Rain Turns to Dust,” ICRC, July 7, 2020, <https://www.icrc.org/en/publication/4487-when-rain-turns-dust>; Tareq Hassan, “The Impact of Conflict on Climate Change Adaptation in Yemen,” Impakter, April 20, 2021, <https://impakter.com/the-impact-of-conflict-on-climate-change-adaptation-in-yemen/>

^[5] “Risking the Future,” Center for Civilians in Conflict, pp. 1, 7-8; “Seven things you need to know about climate change and conflict,” International Committee of the Red Cross, July 9, 2020, <https://www.icrc.org/en/document/climate-change-and-conflict>

as peace agreements, truth commissions, accountability for wrongdoers, policy and legal reforms, and reparations. These measures offer a path toward long-term peace, justice, and national reconciliation. This report argues that as Yemen builds a roadmap for transitional justice, it is crucial that climate change and environmental harm are part of that process.

Negotiations to end conflicts often neglect environmental issues and root drivers of conflict, such as resource management.^[6] Environmental redress has been privately dismissed by some Yemeni political elites, including those involved in past peace negotiations, as a “luxury.”^[7] Yet because environmental harm and conflict feed into each other, a solution that addresses only the conflict will likely fail Yemen in the long term. In other words, a peace process that leaves out environmental concerns is unlikely to result in lasting peace. It is also unlikely to lead to real justice for those devastated by the war. According to consultations conducted by the Sana’a Center and other organizations, many Yemenis consider environmental harms to be critical issues and prioritize their resolution.^[8]

The following report lays out four arguments as to why Yemen should incorporate environmental and climate issues into its vision for transitional justice: to secure sustainable peace; provide meaningful justice; strengthen its transitional process; and fulfill its obligations under international law.

First, ending the cycle of conflict and environmental crisis is necessary for sustainable peace. Because environmental crises drive violence, failure to address environmental issues risks ultimately leading the country back into war.

- Second, meaningful justice requires addressing environmental harms. Environmental harms are both a key concern among the Yemeni people and a root cause of other rights violations.
- Third, addressing environmental and climate priorities could strengthen an eventual settlement to end the conflict. Environmental concerns are unifying priorities and may create an opening for reconciliation. Addressing them may also open the door to climate funding for Yemen’s transition.
- Fourth, under international human rights law, Yemeni political leaders are obligated to protect the Yemeni people against rights violations caused by environmental harm and to provide a remedy for violations. A comprehensive transitional justice process is important for Yemen to fulfill these obligations.

In addition to arguing for a green transitional justice roadmap in Yemen, this report further shows that incorporating environmental and climate concerns in a transitional justice process is *practicable*. An analysis of transitional justice

^[6] Bilkis Zabara and Tobias Zumbragel, “The Role of Environment in Peacebuilding in Yemen,” Carpo Sustainability Series, March 9, 2022, <https://carpo-bonn.org/en/publications/carpo-reports/the-role-of-the-environment-in-peacebuilding-in-yemen>

^[7] Description from a high-level government official during a private conversation in 2023.

^[8] Consultations with nearly 16,000 Yemenis happened between October 2020 and October 2021. “Pathways for Reconciliation in Yemen,” European Institute of Peace, <https://www.eip.org/pathwaysforreconciliation/>

processes in other countries, including Colombia, Sudan, and Tunisia, shows that—although bringing the environment and climate into transitional justice is relatively novel—an environmentally sensitive process is feasible. This comparative review demonstrates the many ways in which Yemen might effectively incorporate environmental justice into its transition. This report draws from these comparative studies to share a toolbox of approaches for designing transitional justice processes responsive to environmental harm and future climate concerns.

A. Methodology

This report is based on interviews, consultations, and focus groups, and an analysis of literature on transitional justice, the armed conflict in Yemen, and environmental issues and climate change impacts in the country. Additionally, it includes an analysis of legal and policy documents in other countries, and of international law. Interviews were conducted with several experts between Sept 2022 and May 2024. 18 interviews were conducted in five governorates in Yemen in April and May 2024, and a focus group with Yemeni environmental experts (four men and four women from Sana'a, Hadramawt, Taiz, and Al-Mahra) was conducted in March and April 2024. On November 6, 2024, a session was held with Yemeni and international environmental and justice experts to discuss the recommendations and gather the experts' feedback. This methodology has been adopted to understand the relationship between armed conflict, environmental issues, and climate change; the impact of this relationship on Yemeni citizens; and implications for the conflict in Yemen and efforts for transitional justice.

The report is organized into six sections. Section II addresses the threat of climate change in Yemen and demonstrates that Yemen's environmental crisis and conflict drive one another and pose a long-term threat to peace in Yemen. Section III lays out four reasons why Yemen should incorporate environmental issues into its transitional justice process. Section IV draws on lessons from transitional justice processes in other countries and seed initiatives in Yemen to show the feasibility of addressing environmental issues within transitional justice. Section V concludes with a discussion of how Yemen might apply these lessons and the next steps in developing an environmentally responsive approach to its transition. Lastly, section VI contains recommendations.

II. Climate Change Poses a Threat to Peace and Stability in Yemen

Yemen is currently ranked as the sixth most vulnerable country to climate change among 179 countries assessed globally.^[9] It is simultaneously the 12th least prepared country for climate change and receives very little climate funding despite contributing less than 0.03 percent of total global greenhouse gas emissions.^[10] The ongoing conflict and the rising frequency of extreme climate shocks have further hindered the country's ability to adapt. This has important implications for peace, conflict, and stability. Environmental harm and conflict drive one another, and climate change compounds both.^[11]

Climate change has increased the frequency of natural disasters, disrupted rainfall patterns, and driven internal migration—further straining existing infrastructure. Extreme weather events, including cyclones, heavy rains, and flooding, are occurring more frequently, resulting in significant loss of Yemeni lives, land, and infrastructure. In the summer of 2024, storms and flooding affected over 560,000 people in the governorates of Ibb, Sana'a, Marib, Hudaydah, Al-Mahwit, Taiz, and Al-Bayda, claiming the lives of around 100 people, displacing tens of thousands, causing extensive damage to agriculture and infrastructure, and damaging key cultural sites, some of which are UNESCO World Heritage Sites.^[12]

Significant temperature increases, 1.8 degrees Celsius over the past 50 years,^[13] heat waves, and inconsistent rainfall are also worsening water scarcity. With the current imbalance between water availability and usage, fossil groundwater resources are currently being used to cover the deficit. However, climate change is expected to further impact already scarce water availability, worsening the scarcity of this vital resource.^[14] Water availability per capita is only 75 cubic meters per year, significantly below the recognized threshold for absolute water scarcity of 500 cubic meters.^[15] Absent significant intervention to safeguard aquifers, Yemen is projected to deplete its water reserves between 2030 and 2040—with devastating consequences.^[16] Decreased access to safe water degrades sanitation, contributing to disease transmission.

^[9] The Fragile States Index: <https://fragilestatesindex.org/country-data/>

^[10] Yemen Family Care Association Research Unit, "Climate Change Impacts on Yemen and Adaptation Strategies," Reliefweb, September 23, 2023, <https://reliefweb.int/report/yemen/climate-change-impacts-yemen-and-adaptation-strategies>

^[11] Caitlin E. Werrell and Francesco Femia, "Climate Change Raises Conflict Concerns," The UNESCO Courier, March 29, 2018, <https://en.unesco.org/courier/2018-2/climate-change-raises-conflict-concerns>; "Addressing Drivers of Migration," International Organization for Migration, pp. 18-20.

^[12] "Yemen's Neglected Climate Crisis," Sana'a Center Editorial, Sana'a Center for Strategic Studies, October 16, 2024, <https://sanaacenter.org/the-yemen-review/july-sept-2024/23493>; Musaed Aklan and Solenn Al-Majali, "Floods Cause Widespread Destruction Across Yemen," Yemeni Review, October 16, 2024, <https://sanaacenter.org/the-yemen-review/july-sept-2024/23502>

^[13] "Risking the Future," Center for Civilians in Conflict.

^[14] "Water Availability in Yemen: Literature Review of the Current and Future Water Resources and Water Demand in Yemen," UNDP, October 1, 2021, <https://www.undp.org/sites/g/files/zskgke326/files/migration/ye/Water-Availability-Study-in-Yemen.pdf>

^[15] Musaed Aklan & Helen Lackner, "Solar-Powered Irrigation in Yemen: Opportunities, Challenges and Policies," Sana'a Center for Strategic Studies, April 29, 2021, <https://sanaacenter.org/publications/main-publications/13849>

^[16] Lackner and Al-Eryani, "Yemen's Environmental Crisis," The Century Foundation.

Most of Yemen's population relies on climate-sensitive practices like farming and fishing for their livelihoods. This high dependence on natural resources makes locals highly vulnerable to climate shocks. Heavy flooding, cyclones and drought, alongside other environmental factors, have also decimated large parts of the country's agriculture.^[17] Over the last five decades, rain-fed agriculture in Yemen has declined significantly, from 1.3 million hectares in 1970 to 0.5 million hectares in 2018.^[18] Effects of climate change, such as altered rainfall patterns, affect water and agriculture indigenous practices, hinder groundwater replenishment, and increase the dependency on groundwater sources.^[19] Rising sea levels will contaminate freshwater used for irrigation, further undermining farmers' livelihoods. And natural disasters are increasing internal displacement, leading to disputes over resources and land.^[20]

Without effective adaptation strategies, escalating impacts of climate change will only exacerbate this humanitarian crisis. Deaths from so-called "indirect" causes—lack of access to water, food, and healthcare—are already estimated to far exceed those directly caused by fighting.^[21] An expert from Hadramawt governorate noted, "Today, climate change and its impact are comparable to the impact of the war. The results of climate change, such as floods, desertification, and others, are affecting the country significantly and clearly."^[22]

A. Environmental Harms Drive Conflict in Yemen

Yemen's water crisis is a striking demonstration of how environmental issues drive conflict. Water scarcity is a longtime driver of local conflicts in Yemen, and disputes over water and land led to the deaths of an estimated four thousand people every year before the current war.^[23] It also contributes to food insecurity and the collapse of Yemen's sanitation infrastructure. For Yemeni women, who primarily shoulder the burden of collecting water, the crisis has had a disproportionate impact on them, with many "walking for hours, often unaccompanied, under the burning sun, over treacherous land and in the midst of an active conflict."^[24] The crisis is worsening as Yemen's water reserves dwindle, with the potential to ignite further conflict.^[25]

^[17] "Risking the Future," Center for Civilians in Conflict.

^[18] Mohammad Al-Saidi, "Yemen's Water Woes: Why Climate Change Is a Drop in the Bucket," in "Troubled Waters in Conflict and a Changing Climate: Transboundary Basins Across the Middle East and North Africa," Malcolm H. Kerr Carnegie Middle East Center, February 12, 2024, https://qspace.qu.edu.qa/bitstream/handle/10576/52538/Al-Saidi_2024_Yemen%27s%20Water%20Woes%20and%20climate%20change.pdf?sequence=1&isAllowed=y

^[19] Aklan, M., de Fraiture, C., Hayde, L., Moharam, "Why indigenous water systems are declining and how to revive them: A rough set analysis", Journal of Arid Environments, July 2022, Volume 202, 104765, <https://doi.org/10.1016/j.jaridenv.2022.104765>

^[20] Yemen Family Care Association Research Unit, "Climate Change Impacts," Reliefweb.

^[21] "[W]e found that by the end of 2021, Yemen's conflict will lead to 377,000 deaths – nearly 60 percent of which are indirect and caused by issues associated with conflict like lack of access to food, water, and healthcare." "Assessing the Impact of War in Yemen: Pathways for Recovery," UNDP, November 23, 2021, p.12, <https://www.undp.org/publications/assessing-impact-war-yemen-pathways-recovery>

^[22] Focus group discussion, April 8, 2024.

^[23] "Risking the Future," Center for Civilians in Conflict, p. 18. See also H. van den Berg, et al., "Water Availability in Yemen," UNDP, October 1, 2021, <https://www.undp.org/sites/g/files/zskgke326/files/migration/ye/Water-Availability-Study-in-Yemen.pdf>

^[24] "The Climate Crisis in Yemen Has a Disproportionate Effect on Women and Girls," UNFPA, <https://www.usaforunfpa.org/in-yemen-climate-crisis/>

^[25] "A Holistic Approach to Addressing Water Resources Challenges in Yemen," UNDP, November 2022, <https://www.undp.org/sites/g/files/zskgke326/files/2022-12/Water%20Resources%20Challenges%20in%20Yemen.pdf>; "Being the Change in Yemen: Improving Integrated Water Resources Management for Food Security," UN, March 23, 2023, <https://yemen.un.org/en/224345-being-change-yemen-improving-integrated-water-resources-management-food-security>

Environmental displacement further drives conflict in Yemen. Water scarcity, irregular rainfall (including extreme flooding), crop failure, and desertification have displaced thousands from rural areas. Displacement contributes to intergroup tensions as displaced people resettle in other areas of the country. The migration of environmentally displaced people to urban areas has also strained existing infrastructure. And as the conflict prolongs, resettlement has provoked disputes over private land.^[26] Overall, the environmental crisis has worsened pre-existing inequality in resource access and highlights administrative failures in providing services.

B. Conflict Creates and Worsens Environmental Harm

Armed conflict, in turn, directly causes environmental harm and escalates the effects of the environmental crisis. This includes direct strikes on environmental infrastructure and weaponization of natural resources. Concurrently, internal displacement due to conflict is straining environmental resources. As the war has worsened existing environmental harms, environmental management, and climate adaptation efforts,^[27] national reforms aimed at sustainable water management have also been disrupted.^[28]

The Saudi-led coalition's attacks on water infrastructure, including the alleged bombing of the Marib dam in 2015, have dramatically escalated water insecurity in the country.^[29] Similarly, Houthi forces have impeded access to water by laying landmines near water sources.^[30] According to a journalist from Taiz governorate, mines have also been planted on agricultural land, "causing a loss of agricultural lands and livelihoods in many areas. The displaced people, even if they return to their lands, may not be able to carry out their work because of the mines."^[31] Water has also been used as a weapon of war. In Taiz city, Houthi forces seized control of local wells. In response, the government-controlled water authority cut off water to part of the city.^[32] More recently, Houthi forces blocked water to the government-controlled city as part of a siege.^[33]

^[26] "Risking the Future," Center for Civilian Conflict, pp. 13-15; Helen Lackner, "Climate Change and Conflict in Hadhramawt and Al Mahra," Berghof Foundation, December 21, 2021, <https://berghof-foundation.org/library/climate-change-and-conflict-in-hadhramawt>

^[27] Yemen is one of the most climate vulnerable countries and one of the least prepared for mitigation or adaptation. See Yemen Family Care Association, "Climate Change Impacts"; Musaed Aklan, "Extreme Weather and the Role of Early Warning Systems in Yemen: Al-Mahra as a Case Study," Sana'a Center for Strategic Studies, August 3, 2023, <https://sanaacenter.org/publications/main-publications/20542>

^[28] Mohammad Al-Saidi, "Yemen's Water Woes: Why Climate Change Is a Drop in the Bucket," in "Troubled Waters in Conflict and a Changing Climate: Transboundary Basins Across the Middle East and North Africa," Malcolm H. Kerr Carnegie Middle East Center, February 12, 2024, <https://carnegieendowment.org/research/2024/02/troubled-waters-in-conflict-and-a-changing-climate-transboundary-basins-across-the-middle-east-and-north-africa?lang=en#yemens-water-woes-why-climate-change-is-a-drop-in-the-bucket>; Bilkis Zabara and Tobias Zumbärgel, "The Role of the Environment in Peacebuilding in Yemen," CARPO, March 9, 2022, <https://carpo-bonn.org/en/publications/carpo-reports/the-role-of-the-environment-in-peacebuilding-in-yemen>

^[29] The Yemen Data Project reported 112 Saudi-led coalition strikes that impacted food-related sites and 112 on water sources and water infrastructure from March 2015 to May 2021. See "Risking the Future," Center for Civilian Conflict, p. 17; Iona Craig, "The Agony of Saada: U.S. and Saudi Bombs Target Yemen's Ancient Heritage," The Intercept, November 16, 2015, <https://theintercept.com/2015/11/16/u-s-and-saudi-bombs-target-yemens-ancient-heritage/>

^[30] "Risking the Future," Center for Civilian Conflict, p. 16.

^[31] Focus group discussion, April 8, 2024.

^[32] "Demilitarizing Water Sources in Taiz through Dialogue," Partners Global, December 12, 2021, <https://www.partnersglobal.org/newsroom/demilitarizing-water-sources-in-taiz-through-dialogue/>

^[33] "Death is More Merciful than Life," Human Rights Watch, December 11, 2023, <https://www.hrw.org/report/2023/12/11/death-more-merciful-life/houthi-and-yemeni-government-violations-right-water>

Internal displacement due to the conflict also strains already limited natural resources.^[34] Conflict-driven displacement has led to overcrowding in urban areas already suffering from severe food and water scarcity and poor sanitation. The population of displaced people has, in many cases, overwhelmed these fragile systems.^[35] A fisherperson from Hudaydah governorate explained the impact on their village: “Due to the conflict and decline of fishing spots, and the increase in the number of internally displaced people engaging in fishing, there has been a negative effect on our lives, our production, and our stability.”^[36]

Finally, the armed conflict has significantly harmed the largest sector of Yemen’s economy: agriculture. This sector produces 80 percent of the country’s national income and employs 54 percent of its labor force.^[37] The conflict has increased costs for seeds, fertilizers, and farming equipment, forcing people out of agriculture and into other professions.^[38] Some former farmers, facing loss of livelihood due to water scarcity and instability, have become combatants to replace lost agricultural income.^[39] The conflict has also contributed to repeated fuel shortages, leading to large-scale deforestation and degrading Yemen’s environment.^[40]

^[34] “Risking the Future,” Center for Civilian Conflict, pp. 13-15.

^[35] “Report on Migration, Environment and Climate Change in Yemen—Desk Review,” International Organisation for Migration, 2023, p. 8, <https://environmentalmigration.iom.int/sites/g/files/tmzbd1411/files/documents/2024-03/yemen-desk-review.pdf>

^[36] Interview with a fisherperson from Hudaydah, March 27, 2024. Fisheries are one of the worst affected sectors of the economy in the armed conflict. Ammar Mohammed Al-Fareh, “The Impact of the War in Yemen on Artisanal Fishing of the Red Sea,” LSE Middle East Center, December 5, 2018, <http://eprints.lse.ac.uk/91022/>; “Yemen: Small Boats... Full-Scale Wars,” International Committee of the Red Cross, December 15, 2020, <https://www.icrc.org/en/document/yemen-small-boats-full-scale-wars>

^[37] Mohammed Ali Thamer, Abdullah Ali, and Ismail Al Aghbari, “Agriculture and Yemen’s Economy,” Sada, May 16, 2023, <https://carnegieendowment.org/sada/2023/05/agriculture-and-yemens-economy?lang=en>

^[38] Interview with a farmer from Mukalla, March 27, 2024.

^[39] Including many of the tribespeople who comprise roughly 80 percent of the total combatant population. Nadwa Al-Dawsari, “Peacebuilding in the Time of War: Tribal Cease-Fire & De-Escalation Mechanisms in Yemen,” The Middle East Institute, April 2021, p.8, <https://www.mei.edu/sites/default/files/2021-04/Peacebuilding%20in%20the%20Time%20of%20War.pdf>; “Risking the Future,” Center for Civilian Conflict; “A Holistic Approach to Addressing Water Resources Challenges in Yemen,” UNDP.

^[40] Islamic Relief, “Yemen’s climate crisis is threatening lives, livelihoods, and culture,” Reliefweb, March 25, 2022, <https://reliefweb.int/report/yemen/yemen-s-climate-crisis-threatening-lives-livelihoods-and-culture>; Mohammad Al-Saidi, “Yemen’s Water Woes”.

III. Addressing Environmental Harms and Climate Change in Yemen's Transitional Justice

"It is like moving from one episode of conflict to another if environmental and climate issues are not included in the peace process."^[41]

Participants in Yemen's peace and transitional justice processes should recognize that addressing environmental issues through transitional justice is not a luxury but an absolute necessity. Any political settlement of the conflict must be followed by a transitional process that fully accounts for the needs and priorities of the Yemeni people.^[42] These include not only those stemming from the conflict itself but also the interconnected environmental crisis. This section lays out why Yemen should address environmental and climate concerns within a transitional justice process to achieve sustainable peace, ensure meaningful justice, strengthen its transitional process, and fulfill its international legal obligations.

The eruption of armed conflict in 2014 cut short an attempt at a political transition in Yemen. That process, via Yemen's National Dialogue Conference (NDC), followed the mass protests of 2011 that unseated long-reigning President Ali Abdullah Saleh. The NDC brought Yemeni people together from across the country to air past grievances and articulate future priorities, aiming to lay the groundwork for a new, more equitable democratic society. Environmental concerns were front-and-center during the NDC: The final Conference report mentioned the environment 85 times and water 92 times.^[43] The NDC also produced a draft constitution that included various references to the state's responsibility to protect the environment and water resources.^[44] Just months after the Conference released its final report, the Houthi group (Ansar Allah) seized control of Yemen's capital, Sana'a, and with the ensuing war, these outcomes were never implemented.

In 2023, Yemeni civil society came together to reassert the people's demand for a rights-based approach to transitional justice. The Yemen Declaration for Justice and Reconciliation names grievances that must be addressed in a future transition, including forced starvation and lack of access to clean water; proliferation of landmines, especially in civilian areas; and environmental degradation by armed conflict; and irresponsible economic activity.^[45] The Declaration could form the basis for a new transitional process that fully responds to the violations experienced by Yemeni people, including environmental harms. As a local authority official from Al-Mahra noted, "Societal justice must be from the bottom to the top. Otherwise, we will get a political settlement that only achieves the interests of the political elites."^[46]

^[41] Quote from focus group discussion, April 8, 2024.

^[42] Yazeed Al-Jeddawy & Marta Mendes, "Engaging Victims in Peace-Making and Transitional Justice in Yemen," March 24, 2024, <https://sanaacenter.org/publications/main-publications/22094>

^[43] National Dialogue Conference Outcomes Document, Local Governance in Yemen: Resource Hub, 2014, <https://yemenlg.org/resources/national-dialogue-conference-outcomes-document/>

^[44] "The 2015 Draft Yemeni Constitution," Constitutional Drafting Committee, January 15, 2015, [https://constitutionnet.org/sites/default/files/2017-07/2015%20-%20Draft%20constitution%20\(English\).pdf](https://constitutionnet.org/sites/default/files/2017-07/2015%20-%20Draft%20constitution%20(English).pdf)

^[45] "The Yemen Declaration for Justice and Reconciliation," Yemen Justice, <https://yemenjustice.org/en/>. The Sana'a Center was involved in the drafting of and is a signatory to the declaration.

^[46] Focus group discussion, April 8, 2024.

A. Address Environmental Crises to Ensure Sustainable Peace

Addressing Yemen's environmental crisis through transitional justice is essential for sustainable peace. Climate change is worsening Yemen's water crisis, land degradation, and environmental vulnerability, which contributed to the onset of the current war.^[47] Unaddressed, these environmental factors would continue destabilizing the country and undermine any peace in various ways. Even if the parties to the current conflict arrive at a negotiated settlement, environmental drivers of conflict could push the country back into war.

First, the water crisis in Yemen presents an ongoing threat to peace. Already one of the most water-scarce countries in the world,^[48] some wells over 1,000 meters deep fail to produce potable water, and approximately 14.5 million Yemenis lack access to safe drinking water.^[49] As water scarcity increases, the number of related conflicts is expected to rise.^[50] According to the UN Environment Programme, the presence of resource disputes doubles the risk of recurrence for intrastate conflicts.^[51]

Second, the degradation of farmland through a combination of changing weather patterns, lack of access to water for irrigation, and widespread landmines will drive further internal displacement. This movement of people between communities and into already overcrowded and under-resourced urban centers may escalate tensions between groups.^[52] Many displaced people have also settled on land belonging to tribal landowners who relocated due to the conflict. Once peace allows these landowners to return, a new cycle of land disputes may erupt.^[53]

Third, environmental vulnerabilities can be exploited in the future by actors seeking to threaten Yemen's peace and security.^[54] As noted above, access to water has been used as a weapon by multiple parties to the current conflict.^[55] Failure to address environmental vulnerabilities thus presents a significant security risk to the country, exposing it to new outbreaks of violence.

^[47] Yemen's deteriorating living conditions resulting from poor governance and poor management have been exacerbated by climate change impacts on local livelihoods, including water resources and agriculture production that led to water and food insecurity and contributed to increased tensions and demands for improved conditions, ultimately fueling the conflict.

^[48] "A Holistic Approach to Addressing Water Resources Challenges in Yemen, UNDP, "Being the Change in Yemen," UN.

^[49] Lackner and Al-Eryani, "Yemen's environmental crisis," The Century Foundation; "Water Management in Fragile Systems. Building Resilience to shocks and protracted crises in the Middle East and North Africa," Food and Agriculture Organization of the United Nations, 2018, <https://www.fao.org/3/i9730en/i9730EN.pdf>

^[50] Mohammad Al-Saidi, "Yemen's Water Woes."

^[51] "Risking the Future," Center for Civilian Conflict, p. 18.

^[52] Cedric H. de Coning et al., "Climate, Peace, and Security Fact Sheet: Yemen," Norwegian Institute of International Affairs, June 14, 2023, <https://www.nupi.no/en/news/climate-peace-and-security-fact-sheet-yemen>

^[53] "The land they're on belongs to specific tribes, and people keep going to these lands with no rights. So after the war finishes and people will come back to these houses and demand their land back, and at that moment the real conflict will start." See, "Risking the Future," Center for Civilian Conflict, p. 20.

^[54] Marcus D. King and Julia Burnell, "The Weaponization of Water in a Changing Climate," in Caitlin E. Werrell and Francesco Femia (eds), "Epicenters of Climate and Security: The New Geostrategic Landscape of the Anthropocene," The Center for Climate and Security, June 2017, https://climateandsecurity.org/wp-content/uploads/2017/06/8_water-weaponization.pdf

^[55] See e.g. Demilitarizing Water Sources in Taiz through Dialogue, Partners Global, December 12, 2021, <https://www.partnersglobal.org/newsroom/demilitarizing-water-sources-in-taiz-through-dialogue/>

These environmental crises should be integrated into future transitional justice efforts because interconnected issues demand a coordinated approach that addresses the legacy of past violations while preventing future ones. A transitional justice process that addresses the impacts of the conflict and environmental crisis could decisively contribute to preventing the recurrence of future conflict.

B. Address Environmental Harms to Achieve Meaningful Justice

Sustainable peace requires meaningful justice. In the case of Yemen, this includes justice for environmental harms to reflect victim priorities, prevent impunity, and address the root causes of the conflict. Yemen's environmental crisis and deteriorating living conditions contributed to unrest and the outbreak of conflict and have since continued to escalate it. For Yemen's transition to achieve comprehensive justice, environmental harm must be addressed as one root cause of the conflict.

Further, there is strong evidence from other conflicts, including those in Afghanistan and the Democratic Republic of the Congo,^[56] that failure to address popular perceptions of injustice increases the likelihood of resumed hostilities.^[57] For a Yemeni transition to provide meaningful justice to the victims of the conflict, it must reflect their experience of harm, and environmental harm is a central element of many victims' experiences. A 2021 study by the European Institute of Peace, based on consultations with 16,000 Yemenis across nine governorates, found that "if there is one striking feature from the survey results, it is that eight out of nine governorates noted environmental concerns... as either their first or second priority."^[58] The fact that Yemeni people prioritize environmental harm so highly despite the many other impacts of the war sends a strong message that these issues should be considered critical for peace and transition processes. A process that claims to be victim-centered cannot dismiss these environmental priorities.

Since environmental harm is a core impact of the conflict, the transition process should also hold perpetrators accountable for environmental violations. Failure to do so would create impunity for these crimes. This, in turn, would incentivize perpetrators to continue violating the rights of the Yemeni people. Moreover, because environmental harms are connected to other aspects of the conflict that may be challenging to address directly, investigating, prosecuting, and making reparations for environmental violations may broaden the scope of justice and provide further openings for accountability.^[59]

^[56] Thomas Johnson & M. Mason, "Refighting the Last War: Afghanistan and the Vietnam Template," *Military Review*, November–December 2009, p. 5; United Nations, "Democratic Republic of the Congo - Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003," 2010, p. 283.

^[57] Graeme Simpson, "From the Normative to the Transformative: Defining and Promoting Justice and Human Rights as Part of Violent Conflict Prevention and Peacebuilding," *Journal of Human Rights Practice* 9(3), November 2017, pp. 379, 384.

^[58] "Pathways for Reconciliation in Yemen. Engagement in Shabwah, Taiz, al-Maharah, Aden, al-Hudaydah, Ma'rib, Sana'a, al-Dhale'e and Hajjah," European Institute of Peace, <https://www.eip.org/pathwaysforreconciliation/>

^[59] See, Ruben Carranza, "Transitional Justice, Corruption and Mutually Reinforcing Accountability: What the Global South Can Learn from the Philippines" in Leigh A. Payne, Laura Bernal-Bermúdez, and Gabriel Pereira (eds), *Economic Actors and the Limits of Transitional Justice: Truth and Justice for Business Complicity in Human Rights* (London, British Academy Scholarship Online, 2022), pp. 236-264, <https://doi.org/10.5871/bacad/9780197267264.003.0012>. The author made a similar point about the relationship between accountability for corruption and financial crimes and accountability and reparations for violations of civil and political rights.

C. Address Environment and Climate Issues to Strengthen Yemen's Transition

Incorporating environmental and climate concerns into a transitional justice process can strengthen the peace process, improve its prospects for success, and even catalyze additional benefits for Yemen's transition. Implementing environmental and climate justice through Yemen's transitional process is a positive-sum opportunity. Addressing environmental harm may also create new openings for peacebuilding; this should include exploring avenues to unlock climate financing that can fund the implementation of a comprehensive transition program.

Addressing environmental harm within Yemen's transition is an opportunity to 'seed' peace despite the deep divisions in the country. Environmental issues have contributed to sowing division and violence in Yemen. Yet the shared need for water, food, and a habitable environment—and the shared threat of climate change—are cross-cutting and potentially unifying issues. In a deeply polarized country, addressing these issues may be a starting point to bring different factions together locally^[60] and working together to secure and manage resources may open the door to broader reconciliation. In Yemen, a long tradition of tribal mediation around water distribution could be drawn upon to advance this peacebuilding approach.^[61] Indeed, USAID has found that “water projects can serve as opportunities to strengthen governance, enhance trust among affected parties and institutions, and create mechanisms for dialogue and dispute resolution.”^[62]

Incorporating climate considerations may also open the door to climate funding to support the broader goals of the transition. Yemen has struggled to access climate funds because of its longstanding instability and often strict financing requirements.^[63] Because conflict is a barrier to climate response, a transitional justice process that pursues peace and climate adaptation offers hope for Yemen's future climate. And because transitional processes in countries emerging from conflict support dramatic political, social, and legal transformations, a Yemeni transition may offer greater opportunity for more significant climate action than in more stable countries. Climate funders describe this as a potential for a 'paradigm shift.'^[64]

^[60] “[S]hared concerns about the impacts of climate change can also be a starting point for bringing conflicting parties into dialogue.” Florian Lüdtke, “Locally Rooted Conflict Transformation,” Berghof Foundation, July 25, 2023, <https://berghof-foundation.org/news/locally-rooted-conflict-transformation>; Special Rapporteur on the rights to water and sanitation, “Thematic Report to the 78th session of the UN General Assembly “The rights to water and sanitation as a tool for peace, prevention and cooperation,”” United Nations Human Rights Office of the High Commissioner, June 26, 2023, <https://www.ohchr.org/en/calls-for-input/2023/thematic-report-78th-session-un-general-assembly-rights-water-and-sanitation>

^[61] Lackner and Al-Eryani, “Yemen's Environmental Crisis,” The Century Foundation.

^[62] “Water and Conflict,” USAID, 2014, https://pdf.usaid.gov/pdf_docs/PNAEC948R.pdf; Collin Douglas, “A Storm Without Rain: Yemen, Water, Climate Change, and Conflict,” Center for Climate & Security, August 3, 2016, <https://climateandsecurity.org/2016/08/a-storm-without-rain-yemen-water-climate-change-and-conflict/>

^[63] “War Torn MENA Nations Missing Out on Much Needed Climate Funds,” Al Jazeera, May 18, 2023, <https://www.aljazeera.com/news/2023/5/18/war-torn-mena-nations-missing-out-on-much-needed-climate-funds>; “When Rain Turns to Dust,” International Committee of the Red Cross, July 7, 2020, p. 44, <https://www.icrc.org/en/publication/4487-when-rain-turns-dust> (“There is already a noticeable financing gap between stable countries and those that are affected by conflict or other violence, or in a state of fragility. Unless strong efforts are made to address this disparity, the gap will only continue to grow, exacerbating people's vulnerability and humanitarian needs.”)

^[64] “Access Funding,” Green Climate Fund, <https://www.greenclimate.fund/projects/investment-framework>

D. Address Environmental Harms to Fulfill Obligations Under International Law

Human rights include the right to a healthy environment, an adequate standard of living, water, sanitation, health, food, housing, life, and physical security.^[65] Recognized by the UN General Assembly, the right to a healthy environment encompasses clean air, a safe and stable climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments, and healthy biodiversity and ecosystems.^[66] Fulfilling the right to a healthy environment also requires freedom to participate in government and public affairs, access to justice, and the right to an effective remedy.^[67]

Climate change threatens the rights to life and health by increasing water scarcity and food insecurity, leading to malnutrition and other chronic health problems. Even more, it exacerbates armed conflict, further endangering these rights. Because environmental harm and the impacts of climate change aggravate inequities, they also implicate Yemen's responsibility to ensure non-discrimination and equality. Similarly, they threaten rights associated with the full development and advancement of women, children, and members of minority groups.^[68]

Under international human rights law, Yemen has a legal obligation to respect, protect, and fulfill these rights. If the rights are violated, international law obligates states to take all appropriate measures to uphold the right to an effective remedy. This obligation requires that states uphold the rights to truth,^[69] justice,^[70] reparations and restitution,^[71] and non-recurrence.^[72] Each of these obligations corresponds to a

^[65] International Covenant on Civil and Political Rights (ICCPR), Art. 6 (right to life); International Covenant on Economic, Social, and Cultural Rights (ICESCR), Art. 11 (right to adequate standard of living, food), Art. 12 (right to health); Convention on the Rights of the Child (CRC), Art. 6 (right to life), Art. 24 (right to health); Convention on the Rights of Persons with Disabilities (CRPD), Art. 10 (right to life), Art. 25 (right to health).

^[66] United Nations General Assembly, Seventy-sixth Session, July 28, 2022, <https://undocs.org/en/A/76/PV.97>; "What is the Right to a Healthy Environment: Information Note," United Nations Development Programme, 2023, <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>

^[67] United Nations Human Rights Council Resolution A/HRC/RES/52/23 adopted on April 13, 2023.

^[68] Convention on the Elimination of Discrimination Against Women, Art. 2 (elimination of discrimination), Art. 3 (right to full development and advancement on equal basis with men), Art. 14 (rights of rural women); Convention of the Rights of the Child, Art. 2 (non-discrimination), Art. 3 (best interest of the child); Convention on the Elimination of Racial Discrimination, Art. 2 (elimination of racial discrimination), Art. 5 (equality); International Covenant on Civil and Political Rights, Art. 27 (protection of cultural practices of minorities); Convention on the Rights of Persons with Disabilities, Art. 4 (full realization of convention rights, including life and health).

^[69] "Promotion and Protection of Human Rights. Study on the right to the truth Report of the Office of the United Nations High Commissioner for Human Rights," United Nations, Economic and Social Council (E/CN.4/2006/91) February 8, 2006, par. 55, <https://documents.un.org/doc/undoc/gen/g06/106/56/pdf/g0610656.pdf>

^[70] International Covenant on Civil and Political Rights, Art. 2 and "A/HRC/54/24: International legal standards underpinning the pillars of transitional justice - Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli," United Nations Human Rights Office of the High Commissioner, July 10, 2023, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5424-international-legal-standards-underpinning-pillars-transitional>; United Nations General Assembly Resolution A/RES/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, March 21, 2006, <https://www.ohchr.org/sites/default/files/2021-08/No549642.pdf>; "What is Transitional Justice," United Nations, February 20, 2008 https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/26_02_2008_background_note.pdf

^[71] Universal Declaration of Human Rights, Art. 8; International Covenant on Civil and Political Rights, Art. 2; The Basic Principles, par. IX.

^[72] "Guidance Note of the Secretary General: Transitional Justice—A Strategic Tool for People, Prevention and Peace," United Nations, p. 5, https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf; See also, "All pillars of transitional justice, other than memorialisation, constitute legal obligations in and of themselves. However, "Memorialization, while not expressly mentioned in most human rights treaties, is deeply related to the general obligation of protecting and guaranteeing human rights, which is set out in several instruments." "A/HRC/54/24: International legal standards," par. 56; United Nations Secretary General, "The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies. Report of the Secretary General," United Nations Security Council, August 23, 2004, <https://digitallibrary.un.org/record/527647?v=pdf#files>

pillar of transitional justice. As Yemen designs processes for reparations for past harms, including through truth commissions, memorialization, and prosecutions, it is essential that environmental harms are also accounted for. A transitional justice process that incorporates redress for environmental harms is an important way to provide the remedy required by international law and to protect against future violations.

IV. Comparative Insights: Innovative Practices for Green Transitional Justice

While environmental transitional justice is a nascent area, examples from other countries show that critical environmental issues can be incorporated into the mechanisms and processes of transitional justice. Examining each stage or pillar of transitional justice, this section shares examples of how environmental issues can be considered in processes such as truth-seeking, accountability, and reparations.

Any effective transitional justice process must be led by local experts, tailored to the local context, and informed by the participation of impacted communities and victims. The examples below are thus not a template for a future transitional justice process in Yemen. Rather, they show the feasibility of environmentally sensitive transitional mechanisms and serve as a toolbox from which Yemenis can draw as they build their own roadmap.

A. Peace Agreements

Past peace agreements provide examples of how environmental concerns can be incorporated into transitional justice processes:

- **Colombia's** Peace Accord between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), a guerrilla group—was agreed in 2016. Its preamble expresses a vision for a society founded on environmental protection and respect for nature, its resources, and its biodiversity.^[73] The agreement acknowledges the economic, cultural, and socioenvironmental effects of the conflict on both communities and their territory and commits to socio-environmental sustainability.^[74] It also provides for government responsibility for protecting environmental rights^[75] and implementing programs related to irrigation reform, housing, drinking water, agriculture, and land restitution, including promoting recovery of areas affected by illicit drug cultivation.^[76] The peace agreement in Colombia also imposes responsibility for environmental harm on the FARC. Under the agreement, members of the FARC must make amends for harm committed during the war by participating in reconstruction efforts, including demining, addressing illegal drug cultivation, and repairing environmental harms (through efforts such as reforestation).^[77]

[73] "Final Agreement for the End of the Conflict and the Construction of a Stable and Lasting Peace [ES]," Office of the High Commissioner for La Paz, November 24, 2016, pp. 3-4, <https://peaceaccords.nd.edu/wp-content/uploads/2020/02/Colombian-Peace-Agreement-English-Translation.pdf>.

[74] Pedro Valenzuela and Servio Caicedo, "Environmental Peacebuilding in Post-Conflict Colombia" in Ashok Swain and Joakim Öjendal (eds), *Routledge Handbook of Environmental Conflict and Peacebuilding* (London: Routledge, 2018), pp. 245-253.

[75] "Final Agreement," Art. 5.2.

[76] "Final Agreement," Art. 5.1.1.2.

[77] "Final Agreement," Art. 5.1.3.2.

- **Sudan's** peace agreement, signed in 2020 by Sudan's transitional government and numerous armed groups, explicitly incorporates environmental sustainability as a pillar of peacebuilding. It calls for implementing reforms to rectify historical environmental damage and promote the sustainable and fair utilization of Sudan's natural resources.^[78] It mandates the creation of legal and institutional frameworks for environmental protection, sustainable management of natural resources, and the mitigation of resource-based conflicts to respond to "environmental degradation, climate change, and all environmental causes of conflict."^[79]

B. Truth-Seeking Processes

Recognizing the truth about what occurred during armed conflict is essential to justice and reconciliation. People are entitled to know what happened, including who was harmed, how, and by whom. Truth-seeking enables victims to share their experiences and perpetrators to hear about and acknowledge the impacts of their actions. It also develops a historical record to prevent denial of past atrocities. Truth-seeking is often achieved through a "truth commission," a government-sponsored body that investigates the conflict and publicly reports its findings.

Examining cases from other countries demonstrates the incorporation of environmental harms into a truth-seeking process. Truth commissions can be given the authority to investigate environmental harms resulting from armed conflict and the role of environmental issues in driving conflict. They can identify whose environmental rights were harmed and who bears responsibility for that harm. They can recognize "victims" as not only individuals but also natural resources and the environment, making recommendations regarding environmental issues.

- In **Colombia**, the government set up the Commission for the Clarification of Truth to investigate its 52-year conflict with the FARC. The Commission's mandate included investigating the "human and social impact of the conflict on society," including on environmental rights.^[80] Its reports covered environmental issues in great detail and recognized the immense scale of environmental harm inflicted during the armed conflict. It found that armed conflict had resulted in damage to ecosystems, harm to the jungle, contamination, deforestation, and destruction of sacred sites.^[81] It also concluded that agroindustry was responsible for deforestation, drug cultivation, and illegal mining. In concluding its discussion of environmental harm, it observed that peace "comes through respect for human rights and international humanitarian law, but also

^[78] "Sudan: First State of Environment and Outlook Report 2020," United Nations Environment Programme, September 9, 2020, p. 11, <https://www.unep.org/resources/report/sudan-first-state-environment-outlook-report-2020>

^[79] Full text of the Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to Peace Process, October 3, 2020, par. 14.2.1, <https://constitutionnet.org/sites/default/files/2021-03/juba%20Agreement%20for%20Peace%20in%20Sudan%20-%20Official%20ENGLISH.PDF>

^[80] Mandate and Functions [ES], Comisión de la Verdad, Art. 11, par. 3. <https://web.comisiondelaverdad.co/la-comision/mandato-y-funciones>

^[81] There Is a Future if There Is Truth: Findings And Recommendations [ES] Comisión de la Verdad, August 2022, <https://www.comisiondelaverdad.co/hay-futuro-si-hay-verdad>, p. 72.

through nature.”^[82] The Colombian commission also acknowledged the special relationship of indigenous communities with land and nature and how this characterized their experience of conflict.^[83] The commission recommended that the government take measures to prevent and repair human, environmental, and territorial rights.^[84]

- **Sudan** established a Commission for Truth, Reconciliation, and Healing to address the legacy of human rights abuses and political violence that occurred during the decades-long rule of former President Omar al-Bashir and his regime.^[85] Part of the Sudanese Commission’s mandate was to “investigate violations, crimes, and human rights abuses” related to environmental rights.^[86]
- **The Solomon Islands Truth and Reconciliation Commission**, tasked with examining human rights violations that occurred during the country’s 1998-2003 civil war, identified coastal land and property damage caused by the conflict.^[87]
- **Tunisia** set up a Truth and Dignity Commission to address human rights abuses that occurred during the rule of former President Zine El Abidine Ben Ali. The commission was created in the aftermath of the 2011 Tunisian Revolution, which led to Ben Ali’s ousting.^[88] The Commission’s final report recognized environmental harms, including violations brought about by the country’s mining enterprise.^[89] It also recognized individuals, groups of individuals, and “regions” of the country as victims.^[90] This resulted in groups and regions being eligible for reparations for environmental harm. The commission’s final report recommended that environmental rights be recognized as a common interest of all affected regions.^[91] It issued further recommendations dealing directly with environmental harm, as well as agriculture and the socio-economic inclusion of victim regions.^[92]

^[82] “There Is a Future,” p. 73.

^[83] “There Is a Future,” pp. 52, 567-68.

^[84] “There Is a Future,” pp. 53, 56.

^[85] “Sudan,” International Center for Transitional Justice, <https://www.ictj.org/donde-trabajamos/sud%C3%A1n>

^[86] Juba Agreement for Peace, par. 22.

^[87] Solomon Islands Truth and Reconciliation Commission, Final Report Volume III, Solomon Islands Government Portal, Honiara, February 2012, <https://solomons.gov.sb/wp-content/uploads/2022/07/FINAL-Volume-3.pdf>, pp. 782, 804.

^[88] “The Final Comprehensive Report: Executive Summary,” Tunisia Truth and Dignity Commission, May 2019, p. 30, http://www.ivd.tn/rappport/doc/TDC_executive_summary_report.pdf

^[89] Ibid pp. 340-341.

^[90] Cyrine Ghannouchi, “Transitional Justice, Structural Violence, and the Limits of the Tunisian Experience: the Case of the Victim-Region Concept,” Diss., American University of Beirut, 2021, p. 80, <https://scholarworks.aub.edu.lb/handle/10938/22954>; “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission. 205.

^[91] Ghannouchi, “Transitional Justice, Structural Violence,” p. 80 and “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission, pp. 450-452.

^[92] “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission”, pp. 451-453.

C. Reparations

Reparations programs make amends to victims for violations of their rights. Reparations can include monetary compensation, as well as other measures such as rehabilitation.^[93] The success of a reparations program depends on how well it addresses victim needs and priorities. Comparative experience shows how reparations schemes can respond to environmental harms suffered by individuals, communities, and regions.

- **Sudan's** peace agreement gave “[i]ndividuals and communities...the right to pursue compensation for environmental damages, land degradation, or the damage of property resulting from the conflict, including environmental damages or deterioration resulting from displacement and neglect.”^[94]
- **Colombia's** law on reparations requires the government to return individuals displaced by environmental damage to their land and formally recognize their property rights.^[95] This law was passed even before announcing the peace agreement.
- **Tunisia's** Truth and Dignity Commission established disciplinary penalties for those who violated environmental protection rules. The commission adopted an expansive understanding of victimhood and made recommendations related to environmental and climate-sensitive reparations for marginalized regions and people.^[96] For example, individuals, groups, or regions could receive remedies for lack of access to tap water, sewage, sanitation, and a healthy environment.^[97] Reparations for regions included compensation for environmental damage and funding for infrastructure projects, which was allocated to regional leaders to implement.^[98]
- **The Solomon Islands'** Truth and Reconciliation Commission recommended awarding valuable coastal land as restitution for property damage, displacement, and dispossession. However, the value of such a program, which has not yet been implemented, is at high risk of being diminished by rising sea levels due to climate change. This demonstrates that the form and amount of reparations need to be designed to consider the future impacts of climate change.

^[93] United Nations General Assembly Resolution A/RES/60/147; “Belfast Guidelines on Reparations in Post-Conflict Societies,” Reparations, Responsibility & Victimhood in Transitional Societies, https://reparations.qub.ac.uk/assets/uploads/QUB_BelfastGuidelines_Booklet.pdf

^[94] Juba Agreement for Peace, par. 12.

^[95] Ley 2078 de 2021 [ES], January 8, 2021.

^[96] “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission, pp. 445-452.

^[97] Ghannouchi, “Transitional Justice, Structural Violence,” p. 80; “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission, p. 205.

^[98] Ghannouchi, “Transitional Justice, Structural Violence,” p. 80; “The Final Comprehensive Report,” Tunisia Truth and Dignity Commission,” pp. 444-447; Organic Law on Establishing and Organizing Transitional Justice, Republic of Tunisia, Ministry of Human Rights and Transitional Justice (Unofficial translation by the International Center for Transitional Justice), 2013, <https://www.ohchr.org/sites/default/files/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>

D. Accountability

Accountability means holding perpetrators responsible for human rights violations. Prosecutions are a common example of accountability measures. Colombia's transitional justice process offers examples of how accountability can encompass environmental issues.

- **Colombia** created a special system called the Special Jurisdiction for the Peace (JEP) to prosecute severe violations in the armed conflict. The JEP found that the environment itself was a victim of armed conflict, and held a paramilitary group directly responsible for harm inflicted upon the environment.^[99] The JEP also recognized the territory of indigenous communities as a victim of the conflict. It based this decision on the “inseparability of the territory and the people who inhabit it.”^[100] In May 2023, the JEP recognized damage to the environment as a war crime, stating that “transitional justice is also environmental justice.”^[101] It found members of a guerrilla group criminally responsible for the destruction of mountain ecosystems and other harm inflicted through illegal mining (resulting in river basin pollution and heavy metal release) and the cultivation of coca (causing deforestation).^[102] It focused on the fact that this group, possessing “de facto environmental authority” in the region, did not take sufficient steps to prevent the damage.^[103]

E. Memorialization

Memorialization involves public acts to remember or commemorate what happened during conflict, such as creating monuments, museums, public art, and events.^[104] Memorialization often involves public participation, which allows victims to engage directly with transitional justice. Public participation also fosters reconciliation within affected communities. Efforts in other countries offer examples of how environmental issues can be incorporated into memorialization:

^[99] Sala de Reconocimiento de Verdad y Responsabilidad de la JEP, macro caso priorizado No. 02, Auto SRVBIT – 079 (Nov. 12, 2019) (with respect to the FARC). A court of ordinary jurisdiction has done likewise. See Tribunal Superior de Bogotá, Sala de Justicia y Paz, Sentencia condenatoria proferida contra Ramon María Isaza y otros 59 exintegrantes de las ACMM (Apr. 8, 2022) (with respect to paramilitary groups); Rodeemos el Diálogo [Embrace Dialogue], “Environmental Justice in the Special Jurisdiction for Peace (JEP)”, N. 15 Transitional Justice Snapshots, November 2020.

^[100] Sala de Reconocimiento de Verdad y Responsabilidad de la JEP, Acreditación de víctimas colectivas, Auto SRVR – Caso 005– 002 (Jan. 17, 2020) <https://www.coljuristas.org/observatorio_jep/documentos/sala_de_reconocimiento/20200117-%20Auto_SRVR-002_17-enero-2020%20-Acreditaci%C3%B3n%20de%20v%C3%ADctimas%20-%20Territorio%20como%20v%C3%ADctima.pdf>. For the Awá case, see Sala de Reconocimiento de Verdad y Responsabilidad de la JEP, macro caso priorizado No. 02, Auto SRVBIT – 079 (Nov. 12, 2019); Observatorio sobre la JEP, “Newsletter No 8. Observatory on the SJP,” https://www.coljuristas.org/observatorio_jep/documentos/documento.php?lan=en&id=141 (Feb. 27, 2020).

^[101] Andrés Bermúdez Liévano, “Colombia: Transitional Justice Disagrees About How to Penalize Environmental Crimes” [ES], JusticeInfo, May 9, 2023, <https://www.justiceinfo.net/es/116576-colombia-justicia-transicional-discrepa-sobre-como-sanccionar-los-crimenes-ambientales.html>

^[102] Ibid.

^[103] Ibid.

^[104] See e.g. Ereshnee Naidu, “From Memory to Action: A Toolkit for Memorialization in Post-Conflict Societies,” International Coalition of Sites of Conscience, 2016, <https://www.sitesofconscience.org/wp-content/uploads/2016/08/From-Memory-to-Action-A-Post-Conflict-Memorialization-Toolkit.pdf>

- **Colombia** created the Museum of Memory as part of the country's transitional justice process. In 2018, the museum launched its *Voices for the Transformation of Colombia* exhibit, which explored the impact of armed conflict on water.^[105] The exhibit “extended the concept of victimhood to natural elements and found innovative ways of describing harm to the environment from the perspective of nature itself.”^[106] In Colombia, as in Yemen, water has been “central to many people’s experiences of conflict and dispossession.”^[107] Focusing on the creation of water scarcity and its impact on water quality, the exhibit personified water, which spoke directly to visitors.^[108] This program demonstrates that it is possible to memorialize the environment as a victim of conflict.
- In **Chile**, a memorial known as the Villa Grimaldi Peace Park was created in memory of the lost beauty of a large tract of land that was used for killings and disappearances of people by the Pinochet regime. It was transformed into a green park following the return of democracy.^[109]

F. Law and Institutional Reform

Transitional justice typically involves reforms to a nation’s constitution, laws, and government institutions. These changes can help secure rights and justice, prevent future harm, and promote sustainable peace.

Yemen already has some laws for environmental protection and resource management.^[110] In prior periods of transition, Yemenis have voiced their interests in the environment and proposed legal reforms. In 2015, the Yemeni National Dialogue Conference led to a draft constitution that emphasized the public interest in natural resources, biodiversity, and community consultation, as well as the importance of protecting the rights of future generations and rights to a clean environment and water.^[111] These important proposed reforms could be developed further in Yemen’s future transitional justice process.

Comparative practice from other countries offers additional examples of how environmental issues can be incorporated into constitutional and institutional reforms:

^[105] Sofia N. González-Ayala and Alejandro Camargo, “Voices of Water and Violence: Exhibition Making and the Blue Humanities for Transitional Justice,” *The Museum Journal* 64 no. 1, March 8, 2021, p. 184.

^[106] Bianca Mannini, “The Role of the Environment in Transitional Justice Settings: the Colombian Case,” (Master’s Thesis, Leiden University, 2021), <https://studenttheses.universiteitleiden.nl/access/item%3A3225273/view>

^[107] González-Ayala and Camargo, “Voices of Water,” p. 186.

^[108] Mannini, “The Role of the Environment.”

^[109] See Daniel Rebolledo Hernández and Omar Sagredo Mazuela, “How to represent repressors in a memory site? The case of the Villa Grimaldi peace park” [ES], Atenea, June 19, 2020. Green spaces can also be used to advance healing and peacebuilding efforts. In Bosnia and Herzegovina, civil society actors used various “green” transitional justice efforts, including by creating an “inter-cultural garden” to support “peacebuilding from below,” as well as to support citizens to engage the environment to support their “wellbeing [and] economic empowerment.” See Janine Natalia Clark, “Are there ‘greener’ ways of doing transitional justice? Some reflections on Srebrenica, nature and memorialization,” *International Journal of Human Rights* 20(8), August 31, 2016, pp. 1207-08.

^[110] See e.g., “Water Law No. (41) of 2006: Amending some articles of law No. 33 for the year 2002 Concerning water,” 2006, <https://faolex.fao.org/docs/pdf/yem139636E.pdf>, Art. 48

^[111] “Draft New Yemen Constitution,” 2015, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/YE/A_HRC_WG.6_32_YEM_1_Yemen_Annex_1_A.pdf, arts. 17, 381-3, 378

- Several countries, including **Colombia, Brazil, Tunisia, and Ecuador** have added a right to a healthy environment or the rights of nature to their constitutions.^[112]
- **Colombia** and **Tunisia** guarantee participatory environmental rights in their constitutions; Colombia recognized communities' right to participate in environmental decisions that might affect them,^[113] and Tunisia "the right to participate in the protection of the climate."^[114]
- **Colombia's** constitution imposes both a duty on the government to protect the environment, appropriately manage natural resources, and promote environmental education, and individual responsibility to protect nature and maintain a healthy environment.^[115] **Tunisia's** constitution provides for state responsibility for removing pollution.^[116] **Brazil** requires the government and the community to "defend and preserve the environment for future generations."^[117] It also broadly requires anyone responsible for "exploit[ing] mineral resources" to "restore any environmental degradation."^[118]
- **Sudan** established the Higher Council of Environment and Natural Resources.^[119] After appointing its first Secretary-General in May 2020, the council documented current environmental harms and proposed pathways to environmental protection.^[120]
- **Tunisia** created the Commission for Sustainable Development and the Rights of Future Generations. The commission serves as an advisory body tasked with "draft[ing] laws related to economic, social and environmental issues, as well as development plans" and giving its opinion on related issues.^[121]
- **Colombia** established a Mechanism for Risk Monitoring that tracks harms, including "destruction to the environment." Destruction of the environment includes damage to the petroleum infrastructure that harms water or vegetation; illegal mining causing water pollution, erosion, or harm to flora or fauna; severe/ indiscriminate deforestation; and fires affecting vegetation.

^[112] Constitución del 91, la carta que le dio un reconocimiento al medio, Minambiente de Colombia, July 4, 2016, Art. 79 [https://www.constituteproject.org/constitution/Colombia_2015]; Constitution [PR], Art. 225, <https://www.gov.br/cade/en/content-hubs/legislation/brazilian-constitution>; The Constitution of the Republic of Tunisia [AR], January 27, 2014, Art. 45; Maria Akchurin, "Constructing the rights of nature: Constitutional reform, mobilization, and environmental protection in Ecuador," *Law & Social Inquiry* 40, no. 4, Fall 2015, pp. 937-968. See 2008 Constitution of the Republic of Ecuador, Part 2, Chapter 7, Arts. 71-74.

^[113] Constitución del 91, Art. 79.

^[114] The Constitution of the Republic of Tunisia, Art. 45.

^[115] Constitución del 91, Arts. 79, 80, 95.

^[116] The Constitution of the Republic of Tunisia, Art. 45.

^[117] Constitution [PR], Art. 225.

^[118] Constitution [PR], Art. 225, par. 2.

^[119] "Sudan: First State," United Nations Environment Programme, p. 8.

^[120] *Ibid.*

^[121] The Constitution of the Republic of Tunisia, Art. 129.

V. Conclusion

As Yemen strives toward peace and a transitional justice process, it should heed the urgent call of its people to confront the environmental crises. This report has shown that climate change and environmental crises are intertwined with Yemen's conflict and should be addressed in its resolution. Sustainable peace and meaningful justice demand an integrated response. The report shows that environmental redress is necessary to stabilize all five transitional justice pillars. Failure to incorporate environmental issues would result in partial truth, selective accountability, ineffectual reparations, neglectful memorialization, and empty guarantees of non-recurrence. The collapse of these five pillars of transitional justice could, in turn, lead to a continued cycle of conflict and harm. Yet, by addressing environmental and climate impacts through the transition, Yemen has an opportunity to strengthen each of these pillars.

This report shows that it is possible for Yemen to include environmental and climate issues in its transitional justice process, drawing from a number of case studies from around the world. While non-exhaustive, they provide an array of tools upon which a future Yemeni transitional justice process could draw.

Yemen's transitional justice process should reflect the relationship of the Yemeni people to their land and empower transitional justice mechanisms to investigate and address human responsibility for environmental harm.^[122] A truth commission could adopt a broad definition of victimhood and be empowered to investigate environmental harm, including climate impacts. A reparations scheme could compensate victims for environmental harms, including the impact of climate change, land damage, and environmental displacement, and be designed to account for future environmental changes. Environmental harms could be memorialized through museums, art installations, or other memorials that recognize the environmental cost of armed conflict. Reforms to the constitution and Yemeni institutions to address the right to a healthy environment and prioritize accountability for environmental harms could prevent recurrence.

While Yemen's transition will be distinct to its context, this report has shown the many tools at its disposal in incorporating environmental redress. Implementing environmental and climate justice through its transition would position Yemen as a leader in the response to the global climate crisis and offer hope for a sustainable and stable future.

^[122] See, "Climate Vulnerability Demands Conflict Transformation Approaches," Berghof Center, October 20, 2022, <https://berghof-foundation.org/news/cop27-conflict-transformation-adaptation>. The report emphasized that political and social factors play a much greater role in climate-linked environmental harm than previously believed; Prof. Amartya Sen, "Public Action to Remedy Hunger," The Fourth Annual Arturo Tanco Memorial Lecture, 1990. This noted that famine is typically characterized by a failure of government action; Maia Baldauf, "Reframing Famine: New Approaches and Food System Accountability in Yemen," Sana'a Center for Strategic Studies, October 16, 2021, <https://sanaacenter.org/publications/main-publications/15312>

VI. Recommendations

To realize green transitional justice in Yemen, we make the following recommendations to stakeholders:

- **To All Stakeholders:** To foster sustainable peace, meaningful justice, and a healthy environment in Yemen, stakeholders should create and support “green transitional justice” mechanisms that address environmental harms and climate change impacts.
- **To Civil Society Organizations:**
 - **Build Principles and a Roadmap for Green Transitional Justice in Yemen:** Building on the Yemen Declaration for Justice and Reconciliation, Yemeni civil society leaders on transitional justice should establish core principles, elements, and design features for a locally-driven transitional justice roadmap for Yemen that incorporates environmental and climate change considerations and that is grounded in Yemeni culture and traditions.
 - **Ensure Rightsholder Participation in Transitional Justice Design and Implementation:** Facilitate inclusive decision-making structures that ensure meaningful participation from communities directly impacted by environmental harms in all transitional justice processes. All impacted groups, including women, farmers, agricultural workers, fishers, and youth.
 - **Strengthen Community and Civil Society Networks for Environmental Justice Advocacy:** Build coalitions among Yemeni civil society, community leaders, and international allies, fostering ongoing advocacy for integrating environmental justice into transitional justice. Establish forums for knowledge-sharing, including digital and in-person platforms for groups to exchange strategies and resources.
 - **Promote National and International Education on Environmental Justice:** Design educational initiatives and awareness-raising programs in partnership with NGOs, religious actors, and local leaders to build a foundational understanding of environmental rights and sustainable practices in post-conflict Yemen.
 - **Incorporate Environmental and Climate Harms into Human Rights Fact-Finding and Evidence Preservation:** National and international actors undertaking fact-finding missions should investigate and preserve evidence of environmental harms for use in future transitional justice processes.
 - **Facilitate Knowledge Exchange with Other Nations:** Organize workshops where Yemeni stakeholders can learn from other nations’ post-conflict environmental justice efforts, ensuring the roadmap benefits from diverse international expertise.

- **To the Government of Yemen:**
 - **Commit to Green Transitional Justice:** Publicly commit to supporting the development and implementation of green transitional justice in Yemen.
 - **Cooperate with Civil Society:** Establish mechanisms for communication and interaction between Yemeni civil society, environmental specialists, and government representatives to design and implement a green transitional justice plan in Yemen.
 - **Issue Invitations to UN Special Rapporteurs:** Extend invitations to UN Special Rapporteurs on a) the human right to a healthy environment, b) climate change, and c) truth, justice, and reparation to conduct country visits to Yemen and support Yemen in creating effective green transitional justice in line with international human rights.
 - **Enhance Engagement with International Human Rights Institutions:** Engage with intergovernmental organizations, including the UN Human Rights Council, to support the development of transitional justice and environmental and climate justice human rights norms and practices.
 - **Support Documentation and Fact-Finding Efforts:** Lead initiatives to ensure structured documentation of environmental impacts through local advisory committees, fostering collaboration between national bodies and impacted communities.
 - **Encourage Inclusive Consultations and Public Engagement:** Conduct public consultations in affected areas, gathering input on environmental harms and proposed solutions. Establish feedback mechanisms to ensure that community insights are effectively integrated into national plans.
- **To Donors:**
 - **Fund Green Transitional Justice:** Provide funding to support the development and implementation of Yemen's green transitional justice roadmap. Develop funding models that allow Yemeni organizations to access and allocate resources adaptively, especially for rapid environmental assessments and documentation of degradation.
 - **Facilitate Partnerships:** Collaborate with Yemeni NGOs and the government to ensure streamlined, transparent channels for international donors to connect with local actors in Yemen.
 - **Support Academic Institutions:** Partner with and fund research institutions (e.g., universities in Taiz, Aden, Hudaydah, Hadramawt, and Al-Mahra) to advance research on green transitional justice and environmental concerns in Yemen. Direct funds to engage young people in research through capacity-building programs, fostering a new generation skilled in environmental documentation.

- **To the Office of the UN Special Envoy:**
 - **Promote and Integrate Green Transitional Justice:** Prioritize the inclusion of environmental and climate considerations in Yemen's peace negotiations and transitional justice processes. Advocate for the adoption of green transitional justice principles that address both environmental harms and climate change impacts.
 - **Promote International Law Engagement and Facilitate Technical Assistance:** Work with the UN Human Rights Council and other specialized international bodies to facilitate technical assistance for Yemen's transitional justice process. The Office of the UN Special Envoy can play a coordinating role, connecting Yemeni stakeholders with experts in international environmental justice and transitional justice to ensure the roadmap incorporates localized and actionable recommendations aligned with global standards.

The Smith Family Human Rights Clinic at Columbia Law School trains students to be leaders in human rights advocacy. Students work on social justice advocacy around the world, in partnership with civil society, communities, and those directly affected by abuse.

The Sana'a Center for Strategic Studies is an independent think-tank that seeks to foster change through knowledge production with a focus on Yemen and the surrounding region. The Center's publications and programs, offered in both Arabic and English, cover political, social, economic and security related developments, aiming to impact policy locally, regionally, and internationally.



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