



The Western Powers Are Marching to the Houthis' Tune

by Col. (res.) Dr. Raphael G. Bouchnik-Chen

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EXECUTIVE SUMMARY: It appears that the Western powers do not intend to exceed the parameters they have set for themselves in terms of military activity against Houthi rebel strongholds. Alarming, the West would prefer to be enslaved to the formula according to which only treatment of root causes – i.e, the cessation of the war in Gaza – will result in the cessation of the Houthis' violent disruption of security in international shipping lanes. This serves the interests of the Houthis' state sponsor and terrorist enabler, Iran, and ensures the continuation of the Houthi threat to international shipping and to Israel.

The Western world is normalizing the arrogant conduct of the Houthi rebels in Yemen, which violates the international order. Rather than take the steps necessary to stop that conduct, the West is adapting itself to the constraints dictated by the Houthis – an Iran-sponsored terrorist organization that is using violence to dominate a strategic shipping lane through which almost half the world's maritime trade passes.

Over the past year, the Houthis have conducted hundreds of attacks on merchant ships of various countries, as well as on warships of Western countries that had been sent to the region to curb the Houthis' Iran-sponsored terrorist aggression. At the same time, the Houthis have focused an intensive effort on directly striking Israeli territory using ballistic missiles, cruise missiles and long-range UAVs.

The immediate result of the Houthi attacks was the forced change of sailing routes from the Far East to the Mediterranean Sea and the rerouting of merchant ships around Africa. Beyond that, the Houthis' blocking of the Bab al-Mandab Strait, the gateway between the Straits of Hormuz and the Suez Canal, is a strategic event that affects the entire world of shipping and commerce.

In practice, the Houthis have been able, without great effort, to neutralize the Suez Canal's *raison d'être*, which is to shorten the shipping route from the Far East to the Mediterranean Sea and back. They have also inflicted serious damage on the Israeli economy by almost completely paralyzing the port of Eilat, which is Israel's main station for the movement of goods to and from the Far East.

Conversely, the Houthi effort to attack Israel by launching weapons from a distance has largely failed miserably, with the exception of a few cases of breached Israeli defense systems, in one of which an Israeli citizen was killed. The intense Israeli response fatally damaged the infrastructure of the Hodeida port in Yemen.

The effective deterrence produced by the Houthis in the Israeli context

One way or another, the Houthi terrorist organization has managed, without trying very hard, to produce active and effective deterrence and impose its burden on most of the world's shipping companies. From its own perspective, it has also been able to inflict painful humiliation on Israel and harm its position as a regional power, even given Israel's history of being targeted by enemy long-range missile and UAV launches.

The immediate context for the defiant behavior of the Houthis to disrupt freedom of navigation in the Red Sea, to the point of blocking it for international maritime trade, is the open linkage by the rebel leadership in Sana'a to the ongoing war between the IDF and Hamas in the Gaza Strip. The spokesman for the Houthi terrorist organization ("Ansar Allah" in Arabic) declares, on behalf of the movement's leader, Abdel-Malik Al-Houthi, that "the Houthis will continue to carry out attacks until the Israeli aggression in the Gaza Strip ceases". This position derives from the group's credo: "Death to America, death to Israel, contempt for the Jews, victory for Islam."

The former Iranian foreign minister provided reinforcement of the Houthis' approach towards Israel and proof of Iran's close ties to the terrorist organization by emphasizing that "resistance groups will not remain silent in the face of the crimes of the Zionist regime, with the full support of the American government." He warned that they (the Houthis) "will not wait for anyone's advice; if the situation gets out of control, not one of the parties will be immune from the consequences that will follow" (October 31, 2023).

From a historical point of view, it is worth mentioning that the blocking of an international shipping lane in the Israeli-Arab context, specifically the two occasions when Egypt blocked the entrance gate to the Gulf of Eilat (the Straits of Tiran) in 1956 and 1967, were considered justifications for war (Operation Kadesh in 1956 and the Six-Day War in 1967). In the current geopolitical circumstances, it is difficult to imagine a serious international engagement around a *casus belli* arising from the wild behavior of the Houthi rebels.

Western airstrikes: Cosmetic efforts that do not deter

However, starting on January 11, 2024, it was possible to detect a "removal of the gloves" on the part of the US and the UK when targeted airstrike sorties were carried out against Houthi military infrastructure. This was the first salvo in a series of airstrikes and cruise missile launches. Other countries joined in, with an emphasis on Australia, Bahrain, Canada, Denmark, the Netherlands and New Zealand. Many countries also sent warships to the Red Sea region with the stated mission of protecting the shipping lanes. In practice, they were there to thwart and intercept air and sea threats launched by the Houthis against ships that dared to sail in the Red Sea, as well as against the Western fleets operating in the region.

Ten months later, the facts on the ground prove that the modus operandi of sporadic airstrikes and occasional launches of Tomahawk cruise missiles is not an adequate response to the severity of the threat. It has certainly done nothing to deter the Houthis from continuing their barbaric attacks on ships in the Red Sea or launching long-range weapons towards Israel.

It is inconceivable that a fanatical Islamic terrorist organization has been able to succeed over time in disrupting the world order, defying the Western powers and threatening to expand its radius of activity to distant maritime spaces, without

suffering paralyzing punitive measures. Are the Western powers really unable to unequivocally eliminate the ballistic capabilities of the Houthis in order to dismantle the *de facto* blockade imposed by them on maritime traffic in the Red Sea?

On September 13, 2024, former commander of the British Royal Navy Tom Sharpe made the unusual statement that **"the Houthis achieve their goals, all of them, while we achieve none of ours.** That we spend millions of dollars ... for not winning is a real problem." Admiral Sharpe added that a senior US naval officer had suggested carrying out more aggressive strikes on Houthi positions but been told by US high command not to do so **to avoid angering Iran.** Sharpe also mentioned a recent letter by CENTCOM commander Michael Korilla to US Secretary of Defense Lloyd Austin in which he warns that the current policy against the Houthis is failing again and again.

International law as a binding constraint

It appears that the continuation of this anomalous situation can be explained largely by concerns over international law. Legal experts in the West point to legal barriers arising from a strict interpretation of articles of international law concerning the extent to which the right to self-defense applies to and legitimizes Western attacks on Houthi targets.

The main concern that preoccupies jurists is the question of whether attacks on civilian vessels in the Red Sea trigger the attacked parties' right of self-defense. The applicability of the right to self-defense against sporadic attacks by non-state actors on merchant ships is far from clear. Hence the controversy regarding the degree of justification for the use of force against the Houthis.

With that said, there is no doubt that the Houthis' indiscriminate and unjustified damage to international shipping lanes in the Red Sea constitutes a blatant violation of international humanitarian law, also known as the "laws of war", and requires an immediate international response.

The UN Security Council and its sterile resolutions

The adoption by the UN Security Council of Resolution No. 2722 on January 10, 2024 provided, at least in principle, a legal justification for a military response by

authorizing UN member states to protect their vessels against attack. (The resolution called on the Houthis rebels to immediately cease their attacks on merchant ships.)

In a letter to the UN Security Council following the first wave of attacks against the Houthis on January 11, the British ambassador clung to this decision to justify the Western airstrikes against Houthi targets:

The Houthis have been carrying out dozens of serious attacks on ships the Red Sea for an extended period of time. British-flagged vessels, as well as vessels of many other countries, have been the object of these attacks. On January 9, things came to a head with a drone attack on the ship HMS Diamond. The British government estimates that the attacks will continue unless steps are taken to deter them. Military intervention to strike carefully identified targets in order to effectively damage the capabilities of the Houthis and deter further attacks was duly undertaken. It was necessary and justified to respond to the attacks of the Houthis, as this is the only possible means of dealing with such attacks. The United Kingdom is entitled under international law to use force in such circumstances where acting in self-defense is the only possible means of dealing with an actual or imminent armed attack, and when the force used is necessary and proportionate. The British government will notify the UN Security Council of the actions it has taken under Article 51 of the United Nations Charter.

US President Joe Biden issued a statement on January 11, 2024 in which he said:

The international community's response to these irresponsible attacks was united and determined. Last month, the United States launched Operation Prosperity Guardian - a coalition of more than twenty countries committed to protecting freedom of navigation and deterring the Houthis in the Red Sea. We also joined more than forty countries in condemning the threats of the Houthis. Last week, together with 13 allies and partners, we issued an unequivocal warning that the Houthi rebels will bear the consequences if their attacks do not stop. And yesterday the UN Security Council passed a resolution demanding the Houthis to stop attacking merchant ships.

Today's (January 11) defensive action follows this extensive diplomatic campaign and the Houthi rebels' increasing attacks against commercial vessels. These targeted strikes are a clear message that the United States and our partners will not tolerate attacks on our people or allow hostile actors to jeopardize freedom of navigation in one of the world's most critical trade lanes. I will not hesitate to direct further steps to protect our people and the free movement of international trade as necessary.

Another attempt by the UN Security Council to stop the Houthi attacks on international shipping lanes was the "improved" Resolution No. 2379, adopted on June 27, 2024, which condemned the continued attacks on merchant ships from areas controlled by the Houthis in Yemen. It noted the unstable and fluid situation in the Red Sea and other waterways in the region and demanded that the Houthis immediately stop all aggression.

The connection between the UN resolutions and the fighting in Gaza

By alluding to the war in Gaza, this decision emphasized the need to address root causes, including conflicts that are contributing to regional tensions and the disruption of security in international shipping lanes. The Security Council also urged UN members to exercise caution and restraint in order to prevent further escalation of the situation in the Red Sea and beyond and encouraged diplomatic efforts by all parties to this end, including continued support for dialogue and peace in Yemen under the auspices of the UN.

Due to the early controversy surrounding the legal interpretation of Security Council Resolution No. 2722, several members of the Council, primarily Russia and China, emphasized – even more so following the adoption of Resolution No. 2379 – that the US and UK airstrikes are not in line with UN resolutions. Russian UN representative Vasily Nebenzya expressed regret that the amendments proposed by his country to the new draft resolution were not adopted, and stressed that it cannot be determined that Security Council Resolution 2722 legitimizes the actions of the coalition of the US and its allies in the Red Sea. Moreover, the decision cannot establish a right that does not exist for states to protect their ships from attack. He pointed out other fundamental contradictions with regard to international law, including non-compliance with the 1982 UN

Convention on the Law of the Sea, and ruled that the Security Council's decision did not refer directly to the main cause of instability in the region: the situation in the Gaza Strip.

The Chinese representative said his country also abstained from voting on Resolution No. 2379 due to the lack of clarity in some of its key elements, while mentioning that certain countries have since taken military action against Yemen. He called on all parties to refrain from abusing international law and Security Council resolutions and emphasized that the current tensions in the Red Sea are a spillover from the war in Gaza, which requires an immediate and lasting ceasefire.

Legal reservations and ignoring Iran's responsibility

Another legal twist in the context of the Houthi aggression concerns the distinction between damage to innocent merchant ships and damage to military vessels of countries operating outside their territorial waters. An argument has been made that the US and UK naval ships that were attacked in the Red Sea were on a mission to protect commercial ships and were therefore also targets of attack – an argument that does not differentiate between the two categories of vessel. This argument is controversial, however, as international law customarily refers to an attack on state assets even outside the borders of the state as an attack on sovereignty, with all that implies. Hence the legal rule *jus in bello*; i.e., the right to start a war.

At the same time, legal experts in the West maintain that the international treatment directed in this context solely against the Houthis **favors their primary enabler, Iran**. Iranian involvement in the Houthis' aggressive activities includes, among other things, the intermittent presence of Iranian intelligence ships that provide the rebels with accurate intelligence to be used for the purpose of carrying out attacks. This meets the legal test of effective control – that is, a dimension that justifies the incrimination of Iran in Houthi aggression. (Note: As far as is known, the Iranian Behshad mothership currently has a direct connection to Houthi attacks. The Saviz mothership was operating in the area earlier, but according to report was mysteriously damaged and returned to its home port.)

Given the close cooperation between Iran and the rebels, and the fact that Iran continues to supply advanced weapons to the Houthis in a way that allows them

to threaten freedom of navigation and also harm Saudi Arabia and Israel, diplomatic and legal officials are demanding that the international community act without delay to enforce the provisions of UN Security Council Resolution No. 2216 of April 14, 2015, which imposed a total arms embargo on the Houthis.

Official Yemen wants the US and the West to act against the Houthis

Another no less important issue is the position of the official government of Yemen. While it is clear that the Yemeni authorities are encouraged by the waves of airstrikes by the Western powers against Houthi positions, the official government of Yemen is not involved in that framework.

This is important, because as long ago as January 15, 2024, a member of Aden's senior leadership, Gen. Aidros al-Zubaidi, said the airstrikes by the Western coalition are not enough. He said, "We do not want the coalition led by the United States to repeat the same mistakes made by the Arab coalition in Yemen, which focused on airstrikes on Houthi positions, without the backing of ground forces to complete these attacks...**Airstrikes by themselves are not enough. The Houthis have eight to ten years of experience in dealing with airstrikes by Saudi Arabia, and they have developed underground storage systems for their systems.**"

General Zubeidi's statement, with its implicit invitation to the US and Western powers to deploy ground forces on Yemeni soil to suppress the Houthis' ballistic and other capabilities, has yet to receive serious attention from the Americans and British. The explanation seems to be Western fear of regional military escalation involving American and European soldiers, and the clearly naive belief that standoff fire attacks will suffice to thwart the Houthis' ability to threaten the shipping lanes and Israel.

Furthermore, the fact that Yemen's consent (in principle) was not mentioned by the US or the UK in their letters of justification to the Security Council for their attacks on the Houthis indicates that the powers limited themselves from the outset to operating within the narrow legal scope of self-defense and nothing else.

The West's lax response is an achievement for the Houthis and a threat to Israel

The bottom line is not encouraging. It is increasingly apparent that the Western powers do not intend to exceed the parameters they have set for themselves in

terms of military activity against Houthi rebel strongholds. Also, as the US presidential elections are fast approaching, Washington's preference is likely to be the continuation of the current approach and the use of alternative shipping routes that are not exposed to the Houthis' threat radius.

The disappointing insight derived from this is that the Western powers prefer to be enslaved to the formula reflected in UN Security Council Resolution No. 2379, according to which only treatment of root causes – that is, the cessation of the war in Gaza – will result in the cessation of the Houthis' actions to disrupt security in the international shipping lanes. In other words, we are witnessing signs of surrender on the part of the Western powers to the Houthi rebels.

This is very bad news for the State of Israel. It means there will be no diminution of the threat posed by the Houthi rebels' long-range ballistic missiles and UAVs (as seen in the launch of a ballistic missile into Israeli territory on September 15, 2024). It also means that the naval blockade in the Red Sea and ensuing paralysis of the port of Eilat will continue, which will cause further harm to Israel's economy.

Furthermore: it is entirely possible that if the Democratic Party takes the White House, American diplomacy will try to leverage the Houthi threat in the Red Sea to force Israel to end the fighting in Gaza. Because the naval blockade imposed by the Houthis in the Red Sea is a ticking international problem, other countries may exert pressure on Israel to end the war prematurely as well.

It appears that the only party that can be relied upon to deliver a decisive blow to the Houthi rebels is the IDF, judging from the fatal damage caused to the infrastructure facilities in the port of Hodeidah that resulted from one targeted attack by the Israeli Air Force on July 20, 2024. By all accounts, Israel has [*jus in bello*](#) in the context of the threat posed by the Houthi organization "Ansar Allah".

Dr. Raphael Buchnik-Chen is a retired colonel and author of the books Diplomat and Secret Man and The Intelligence Failure and the Yom Kippur Surprise.