National Democratic Institute for International Affairs

Yemen: Tribal Conflict Management Program Research Report

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I.   SUMMARY

During the past decade, Yemen has at times been a leader in the Arab world in introducing meaningful democratic reform and a more representative and inclusive political system; the country holds claim as the first state on the Arabian Peninsula to enfranchise women and boasts a multi-party electoral system. While Yemen has also begun a decentralization process, which includes the creation of elected local councils in 2001, ongoing tribal conflict has stalled the implementation of decentralization measures in some governorates. Security concerns prevent government institutions from functioning effectively in certain areas and hamper participation in the election and activities of local governing bodies. Citizens of the effected areas are increasingly alienated from the state, resulting in what some believe to be a heightened opportunity for harboring terrorist elements and fertile recruiting grounds for Islamist extremists.

In this context, the National Democratic Institute (NDI) launched the *Tribal Conflict Mitigation* program in June 2005 to assist Yemen tribal leaders in their efforts to resolve long-standing conflicts that have caused senseless violence and delayed much needed democratic, economic, education and development reforms. Working alongside Yemen tribal leaders and influential tribal social figures that approached NDI for assistance, this program sought to meet the following objectives:

- Gather input from community leaders on how conflict impacts the community and perceptions of how tribal conflict should be mitigated;

- Analyze strategies and procedures used and individuals involved in the establishment of peace treaties between conflicting tribes;

- Analyze strategies and procedures used and individuals involved in the establishment of safe havens; and

- Develop comprehensive maps of the three targeted governorates and a corresponding data base of information incorporating the geographical, structural and functional relationships amongst tribal areas, local government institutions and Civil Society Organizations (CSOs).

The research has successfully addressed the majority of issues identified in Objectives 1-3, however, mapping proved to be not possible in the context of the research. While a database was assembled describing the geographical locations of the tribes (attached as Appendix B), the research shows the primary causes of violence and conflict are in fact land claims; it was therefore considered well beyond the scope of the research to try to determine and depict the true location of tribal areas claims within a map.

II.   BACKGROUND

In December 2003, in an effort to end the inter-tribal and inter-clan conflicts that have disrupted democratic, social and economic development in Yemen for decades, President Ali Abdullah Saleh issued a call to tribal leaders to establish a ceasefire. This ceasefire was to be followed by the establishment of government-led national and governorate level conflict resolution committees to review disputes and devise strategies to settle outstanding conflicts and prevent revenge killings. The majority of tribes responded positively to the President's initiative and there was a noticeable decrease in tribal conflict. Despite this response from the tribes, the national committee has never met and the governorate committees were never established, leaving the ceasefire without the organizational infrastructure to make it a permanent and participatory mechanism for avoiding future conflicts.

However, a group of tribal leaders and influential social figures from the governorates of *Marib*, *Al-Jawf* and *Shabwah* took independent steps to organize the Yemen Organization for Development and Social Peace (YODSP) as a mechanism to end revenge killings and promote development in their governorates. In March 2004, these sheikhs approached NDI to request assistance in developing strategies for ending conflict in their regions. They stated that the current political context offered an important window of opportunity to initiate a conflict resolution program in the three governorates that would also contribute to democratic reform efforts initiated by the government. This context included:

- the President's call for a ceasefire and resolution of the conflicts;

- the end of de-stabilizing boundary disputes between the tribal confederations;

- an increased number of young, educated sheikhs with a better understanding of state systems and a commitment to promoting tribal modernization; and,

- the establishment of the local council system which provided support for local initiatives and an official institution for addressing tribal concerns.

If there is to be a marked increase in development projects in these three governorates, as donors and the Republic of Yemen Government (ROYG) plan, the need to mediate and prevent conflict becomes even more important.   While the development of local infrastructure, service provision and poverty alleviation can lead to a lessening of tensions, the obscure processes of allocating funding for development projects often exacerbate local rivalries, leading to increased conflict over site selection, staffing, and recipients. Monitoring of development projects by tribal leaders and influential tribal social figures may be an additional tool of conflict resolution in the governorates.

Security concerns prevent government institutions and international development agencies from entering certain areas, while educational and medical staff is fearful of serving in tribal areas. Tribal conflict also hampers participation in the election and activities of local governing bodies, resulting in an increased isolation of citizens from the state and what some believe to be a heightened opportunity for harboring terrorist elements and fertile recruiting grounds for Islamist extremists.

Violence, particularly violence associated with revenge killings, is believed by both tribesmen and de-tribalized citizens to be a growing problem in Yemen. The tradition of revenge killings strengthens the determination of the tribe to control its members since in tribal culture revenge can be wreaked on the tribe of the perpetrator as well as the perpetrator of the crime himself. In the absence of state security and judicial systems in tribal areas, the tradition of revenge killings provides the only deterrent to inter-personal and inter-tribe crime. However, it also can lead to a widening spiral of violence as the families and tribes of tribesmen killed or wounded seek their own revenge.

Mediation traditionally takes several forms, including one or more sheikhs leading direct negotiations or mediation between disputing parties to establish truces. Such truces are generally negotiated for only one year, but are frequently extended through subsequent mediations. During the year of the truce, leaders seek to convince the families of victims to accept payment in lieu of retaliation. Safe havens, wherein citizens are guaranteed access to government services and facilities without fear of violence, are part of tribal tradition and may be negotiated in some cases. The tradition of negotiating safe havens has weakened but the norms still exist and tribal leaders believe they can be strengthened and extended.

Absent a fair, trained and accessible judicial system, such tribal systems for conflict resolution are the only recourse for tribal people and the only means to create a peaceful environment for development work. However, tribal leaders argue that the traditional system can be rationalized and that conflict resolution strategies can prevent tensions from advancing to the state of violent conflict so that government institutions and development agencies can safely work in these areas.

Past efforts by government and tribal entities have attempted to institutionalize these traditional strategies for addressing the problem, but have lacked the organizational capacity and expertise to create a sustainable structure to implement them. The current Yemen Organization for Development and Social Peace, initiated by tribal leaders and influential social figures, is illustrative of their willingness to reduce conflict in tribal regions and promote participation in democratic reform processes being implemented by the government.

III.   METHODOLOGY

Research commenced in April 2006 with a series of community meetings organized by the YODSP in each Administrative District (AD). These meetings brought together knowledgeable sheikhs from the various tribes in each AD, other community figures and members of the Local Council to identify any conflicts in their AD that were unresolved as of the beginning of 2000. Community leaders were asked to identify the tribes or sub-tribes involved in each conflict and to provide the names of sheikhs best qualified to discuss each conflict.

Four hundred twenty-two sheikhs, community leaders, and Local Council members participated in the district meetings in the three governorates:

- 163 individuals from Marib governorate (14 districts);

- 94 individuals from Al Jawf governorate (12 districts); and,

- 165 individuals from Shabwa governorate (17 districts).

The meetings also identified 158 sheikhs who were willing to provide in-depth information on the conflicts in the three governorates:

- 44 sheikhs in Marib;

- 56 sheikhs in Al Jawf; and,

- 58 sheikhs in Shabwa.

Only those sheikhs who reported that their tribe was involved in an unresolved conflict as of 2000 were included in this study. The YODSP and participants in the ADs identified 43 members of the Local Councils, twenty of whom also had the status of sheikh in their tribe, for additional interviews. All interviews were conducted by two-person teams, in Arabic; they took place in most cases in the village of the sheikh.

The community meetings plus the subsequent interviews with sheikhs identified 164 conflicts in 35 ADs for follow-up research. Out of the 164 conflicts identified, the research touched upon 158, involving a total of 201 tribal units. Eighty-two tribal units were involved in conflicts in Al-Jawf; 59 were involved in conflicts in Marib; and 80 were involved in conflicts in Shabwa.[1]

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[1] Since a number of the tribal units were in conflicts in more than one governorate the numbers are greater than 201. The identification of tribal units in Shabwa created particular problems as in a number of cases, the naming of the parties to the conflict gave the appearance the whole tribe was involved in a conflict with itself. The impression was that the informant did not know the names of the sub-units in the tribe. That this problem occurred only in Shabwa is not surprising since tribal affiliation was suppressed during the

The term "tribe" has multiple meanings and uses across the distinct communities and administrative districts. The sheikhs themselves varied in their perception of what constitutes a "tribe", a "sub-tribe" or a "sub-sub-tribe". Therefore, the term tribal unit is used in the following pages.[2] For the purposes of this study, a sheikh is defined as a leader of a tribal unit, and this report does not distinguish between 'minor sheikhs' and others.

In the following pages, violence is used as an inclusive term to refer to: initial acts of violence; violence which may have a cause that was unrelated to revenge but which is seen as revenge related due to a history of violence between the tribes; and violence which is specifically related to an unresolved crime. Finally, it should be noted that the term "conflict" in the following pages refers to violent conflicts involving tribal people as both victim and perpetrator and that have resulted in the death of at least one person.

Description of the Sheikhs in the Study

As noted above, 158 sheikhs were interviewed for this project. Twenty-three (15%) of the sheikhs were considered to be *maraghas*, that is, sheikhs who were known to be exceptionally effective in moderating or negotiating a solution to tribal tensions and conflicts. The remaining one hundred thirty-five (85%) of the respondents did not have the status of *maragha*.

Table One: Numbers of Sheikhs and Maraghas by Governorate

Governorate	Ordinary Sheikhs		*Maraghas*		All Respondents	
	No.	Percent	No.	Percent	No.	Percent
Al Jawf	42	75%	14	25%	56	100%
Marib	35	80%	9	20%	44	100%
Shabwa	58	100%	0	0%	58	100%
Total	135	85%	23	15%	158	100%

According to sheikhs from Shabwa, no sheikh had attained the status of *maragha* in Shabwa due to the suppression of the tribal social structure during the socialist period. However, *maraghas* from Al Jawf and Marib on occasion intervened in conflicts in Shabwa. 25% (14 of the 56) of the sheikhs in Al-Jawf were *maraghas*, as were 20% of the sheikhs (9 out of 44) in Marib. The 158 sheikhs lived in 35 of the 43 Administrative Districts (AD) in the 3 governorates.

The majority of participants in this study had been leaders of their tribal unit for many years. The length of time the *maraghas* had held this status within their tribe ranged from

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Marxist period in the south and many of the tribes are now reconstituting themselves but with a weakened sense of lineage.

[2] The use of compound names of tribes such as A'al-Awadh, Bani-Saif, and Dhu-Hussein is not in general cases a suggestion of the level of the tribe although compound names are more prevalent in sub-tribes and groups of families in the different geographical areas.

5 to 60 years, however, only one *maragha* had held that position for less than 10 years. The average was 22 years. The ordinary sheikhs that were interviewed had held their status from 1 to 70 years with an average time as sheikh of approximately 19 years. Only 10 of the ordinary sheikhs had held their position less than 5 years. Subsequent references to sheikhs are inclusive of the *maraghas* unless otherwise specified.

The ages of the sheikhs who participated in this research project ranged from 28 to 90; their average age was 52. 36% were under 45; 44% were 46 to 60 and 20% were above 60. The following table indicates the education levels of the sheikhs.

Table Two: Education Levels of Sheikhs

Educational Level	Total	
	No.	Percent
Illiterate	28	18%
Reads and writes--no formal education	62	40%
Primary or secondary education	45	29%
Preparatory or university	21	13%

Forty-six (29%) of the sheikhs held some government position. Twenty-three were affiliated with the military, 20 were members of Local Councils, 3 were members of the police. Sixty-eight (43%) are in the capital at least two times a year. Only eighteen (12%) said they never go to Sanaa. Eleven of the sheikhs owned houses in the capital as well as in their village.

The sub-tribes of the sheikhs who participated in the research project derived the majority of tribal family income from either grazing or cash crop agriculture. Ninety-four (59%) of the sheikhs reported that at least half of the families in their sub-tribe made most of their income from grazing. Sixty-five (41%) of the sheikhs reported that at least half of the families in their sub-tribe derived most of their income from cash crop agriculture.

The reports of the sheikhs indicate that the families in the sub-tribe of these sheikhs are not isolated from the state. The responses indicate that in forty-six of the 158 sub-tribes of the sheikhs at least 20% of the families have members working for the government. Thirty of the sheikhs reported that more than 30% of the families had members working for the government. On average, about 14% of the families in their sub-tribe had at least one member who worked for government institutions.

Fifty-nine (39%) of the 153 sheikhs who responded to the question reported that social insurance benefits are received by at least 10% of the families in their sub-tribe. Twenty-six reported that social insurance benefits were received by more than 20% of the families in their sub-tribe. The reports of the sheikhs indicate that on average about 10% of the families in their sub-tribes receive social insurance benefits from the government.

The following table illustrates the economic base of the first sub-tribes of the sheikhs.

Table Four: Family Sources of Income of Sub-tribes of Sheikhs

Family Source of Income	Percent
More than half of families depend primarily on grazing for income	59%
More than half of families depend primarily on cash crop agriculture	41%
Average percentage of families in sub-tribe that have members working in government institutions	14%
Average percentage of families in sub-tribe that receive social insurance benefits from government	10%

Administrative Districts

There are forty-three Administrative Districts (AD) in the 3 governorates: twelve in Al Jawf; fourteen in Marib; and seventeen in Shabwa. Informants came from 35 of them, including all of the ADs in Al Jawf, 12 of the ADs in Marib, and 12 of the ADs in Shabwa. Eight of the ADs were not included in this study because informants in those ADs reported that there were no tribal conflicts in those districts.

Table Five: Numbers of Sheikhs, Districts, Tribal Units, and Conflicts Included in the Study

Governorate	# of Sheikhs	# of Districts	# of Tribes	# of Conflicts
Al Jawf	56	12	77	65
Marib	44	11	61	38
Shabwa	58	12	83	53
TOTAL	158	35	201	158

IV.   THE TRIBAL CONFLICTS

Number / duration of Conflicts

The sheikhs' reports indicate that in the last 5 years there were approximately 158 deadly conflicts involving their tribes in the 3 governorates. 21% of the conflicts began in the period 2001 through 2005. 79% of the conflicts discussed by the sheikhs began before 2001. The longest duration of an unresolved conflict reported by the sheikhs was 92 years. [3]

Table Six: Dates of Startup of Conflicts

Period	Number of New Conflicts	Percent of All Conflicts
2001-2005	35	21%
1996 – 2000	22	13%
1991 - 1995	14	9%
1986 - 1990	26	16%
1985 and earlier	67	41%
Total	164	100%

As noted in the methodology section, when discussing tribal conflict, tribal leaders in their discussions tend to conflate all violence with revenge killings, therefore focusing primarily on the question of compensation, the payment of "blood money".[4]; the government also tends to focus on blood money compensation when discussing tribal conflict. NDI rarely heard references to other causes of violence in these areas.

Due to this conflation of terms, it was necessary to find a separate indicator in order to assess the numerical relationship between conflicts related to previous violence and conflicts related to new disputes. The start of conflict date was used as this indicator. Two hundred eighty-seven killings relating to conflicts that started before 2001 were reported by the sheikhs in the period 2001 to 2005. Thirty-five (22%) of the conflicts occurring between 2001 and 2005 appeared to not be related to previous conflicts and therefore do not fall into the category of "revenge killings". These new conflicts, according to the sheikhs, resulted in 117 deaths. These 117 deaths represented 41% of all the deaths reported by the sheikhs in the last five years. Thus, almost half of the deaths in the last five years were related to new conflicts.

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[3] Not surprisingly, 42 of the reports of conflicts by the sheikhs gave different start dates and in all of these cases the older date given was used in this study as the start of the conflict. 32 of these reports gave dates that were relatively close --within 5 years of each other. 10 of the reports, while involving the same tribal units, gave markedly different start dates. Given the tendency of most of the sheikhs to perceive conflicts as historically derived, each of the sets of these 10 conflicts were treated as a single conflict. If they were treated as separate conflicts, there would be 174 unique conflicts, not 164. Appendix A identifies those conflicts.

[4] "Blood money" is compensation in place of revenge for a death. There are standard amounts assigned based upon gender, age, and the conditions under which the killing took place. The actual amount a family or tribe commits to pay in place of "blood" often is negotiated.

The very high number of killings in the last five years that are related to earlier conflicts does confirm that revenge killings are a serious problem in these areas and requires resolution. Nevertheless, any strategy, such as the payment of blood money, that seeks only to resolve outstanding conflicts without addressing the underlying causes and culture of violence in these areas will have only a short-term effect, given the high numbers of new conflicts that have been emerging. The cycle of violence will simply restart.

The numbers of ongoing conflicts in each Administrative District in this study ranged from one to 11, although it is important to remember that the eight ADs in these three governorates that had no conflicts were omitted from this study. As noted in Table One, sheikhs in 35 of the 43 ADs in the governorates (81%) reported conflicts in their district that had led to deaths and that were still active as of 2000. The following table shows the number of conflicts involving the sheikhs' tribes that occurred in each AD.

Table Seven: Numbers of Conflicts in Each AD in Study Identified by Governorate

Al Jawf		Marib		Shabwa	
AD Name	**Conflicts**	**AD Name**	**Conflicts**	**AD Name**	**Conflicts**
Barat Al-Anan	7	Marib City	2	Arma	1
Al- Mattama	8	Jabal Murad	1	Attaq	2
Khab Al-Sha'af	5	Majzar	5	Ossailan	6
Al-Hazm	8	Aljooba	1	Ayn	7
Al-Zaher	8	Madghal	3	Baihan	5
Kharab Al-Marashi	3	Hareeb Al-Qaramish	3	Nesab	7
Al-Ghail	7	Rahbah	1	Hateeb	3
Al-Khalaq	4	Hareeb	10	Haban	5
Rajooza	7	Mahaliah	1	Upper Markha	3
Al-Hameedat	4	Al-Abdyah	8	Lower Markha	9
Al-Masloob	4	Serwah	2	Al-Radoum	1
		Marib Al-Wadi	2	Al-Said	5
Total	65		39		54

If local government institutions want to address the conflicts that are disrupting lives and impeding development in their AD, they will have to work with their counterparts in other ADs since many of the tribes engaged in these conflicts have sections of the tribe or clusters of families from the tribe in two or more ADs. A few even have sections of the tribal unit in another governorate. Moreover, tribes located entirely in different governorates or administrative districts may fight each other.

A small, but nevertheless significant number of the conflicts examined in this study crossed administrative districts. In Al-Jawf, one conflict crossed three ADs and one crossed two ADs. In Marib, five conflicts crossed two ADs. In Shabwa, three conflicts

crossed two ADs. Three of the conflicts crossed two governorate borders. If efforts to resolve conflicts do not address all families and tribal units that have become involved in the conflicts through the death of members or the destruction of property then, given the strength of tribal ties, the conflicts are very likely to recur.

Initial Causes of Conflicts

An extremely broad variety of factors were identified by the sheikhs as the initial cause of the conflicts in all three governorates. The most commonly cited initial cause of a conflict was dispute over land, ninety-two of the sheikhs (about 58%) reported that the initial dispute arose over the use of land. Land disputes were also the most frequently cited cause of the conflicts that started in the last five years, but a smaller percentage of these new conflicts were reported to have stemmed from these sorts of disputes. Fourtenn (39%) of the recent conflicts were said to have been caused by a dispute over land, although 35 other causes were also mentioned.

Only 9 (6%) of the sheikhs cited competition over resources such as water, livestock, government services, etc. as the initial cause of conflict. None of the non-resource related answers – which included party-related conflict, accusation of killing, interpersonal (such as debt, inheritance, or a power struggle), "black shame", social status – stood out.[5] Even in Shabwa where conflict is often thought to be party-related, only three sheikhs reported that party-related disputes were the initial cause of conflict.

Impact of Conflicts Reported by the Sheikhs

The sheikhs reported that a total of 612 deaths occurred as a result of these conflicts during the period 2000-2005. 410 of these deaths were reported to be associated with conflicts that the sheikhs said had started before the year 2000, and 202 were related to conflicts that started only in the last five years.

Conflicts in these tribal areas have a cost beyond those directly killed or wounded: children are unable to attend school, the ill are unable to access medical care, resources are destroyed and development projects or services (such as vaccination campaigns) are interrupted. The following table captures the main impacts reported by the sheikhs. (Please note that the percentages do not sum to 100% because most sheikhs reported more than one type of impact.) Eighty of the 158 sheikhs (51%) reported that access to medical services was hindered by conflict involving their tribal unit. Limitations on access to medical service was more often reported by sheikhs of Al-Jawf than any other impact followed by destruction of family resources such as livestock, houses, cars and trucks. In Marib, interruption of planned or ongoing development projects and interference with the ability of children to attend school were the most frequently reported impacts of the conflicts. In Shabwa the inability of members of the tribe to tend to crops and livestock was the most frequently cited impact, followed by limitations on access to medical services.

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[5] "Black shame" is a term used to refer to behavior that brings shame upon the family or tribe, such as not honoring a truce.

Table Nine: Percent of Sheikhs in Each Governorate Reporting Each Type of Impact of Tribal Conflict

Impact	Al Jawf		Marib		Shabwa		All	
	No. of Reports	%	No. of Reports	%	No. of Reports	%	No. of Reports	%
Access to medical services blocked	40	71%	7	16%	33	57%	80	51%
Members of tribe unable to attend crops or livestock	30	54%	7	16%	38	66%	75	47%
Family resources (livestock, houses, cars/trucks) destroyed	36	64%	11	25%	22	38%	69	44%
Planned or ongoing development project or service project interrupted	27	48%	7	16%	20	34%	54	34%
Children unable to attend school	20	36%	7	16%	27	47%	54	34%

The impact extends beyond the actual period of violence. Of the 80 sheikhs who reported access to medical services being blocked or hindered, 69 (86%) said access was hindered for more than 12 months. Of the 75 sheikhs who said the conflict prevented members of tribe from tending crops or livestock, 56 (75%) said this lasted seven to 12 months.

54 sheikhs reported that development projects were interrupted by conflicts involving their tribe. Table Ten indicates the number and percent of specific development projects that were interrupted as a percentage of the reports of all 158 sheikhs. For example, 19% of all sheikhs interviewed reported that conflict led to the interruption of education projects affecting their tribal unit.

Table Ten: Number and Percent of Sheikhs Reporting That Different Types of Development Projects Were Interrupted by Conflict

Types of Development Projects	# of reports	Percent
Health project	36	23%
Education	30	19%
Water project	13	8%
Road construction/maintenance	9	6%

Sheikhs were asked whether young people are more difficult to control (in relation to igniting conflicts) than 5 years ago. 44% of the sheikhs said that young men are becoming more difficult to control compared to 31% who said no. Of those who answered yes, 60% said that young people are becoming less controllable because of lack

of awareness about the consequences of conflict, 20% because of poverty and unemployment, 7% because of political party-related issues and 4% because of the conflict itself.

V.   CONFLICT MITIGATION

Efforts to Resolve Conflicts

As table eleven illustrates, sheikhs, whether from the tribal units in conflict or from other tribes, were much more likely to be involved in efforts to resolve conflicts than were other people and institutions. They are the key actors in discussing and resolving conflicts. No NGOs were reported to have been involved in such efforts. NGOs are not well-established institutions in tribal areas where the tribe fills the many roles that civil society institutions have come to fill in the urban and detribalized areas of the country.

Fourty Six percent of the sheikhs reported that sheikhs from their tribe were involved in efforts to end the conflicts that involved their tribes. An even larger percentage of sheikhs (59 %) reported that sheikhs from an opposing tribe were involved in efforts to resolve these conflicts. In 51% of the cases however a neutral figure – i.e., a sheikh from a third tribe or some other prominent community figure – has been involved in resolving disputes. Aside from these options, other sources of possible conflict resolution are relatively unimportant at the present time, as evidenced by the table below:

Table Eleven: Individuals Involved in Initiatives to End Conflicts in Last 5 Years

Individual	Reports	Percent
Sheikh from Respondent's tribe	77	49
Sheikh of opposing tribe	93	59
Sheikhs or prominent figures not involved in the conflict	81	51
Families in the Conflict	9	6
Elders	8	5
Government Institutions*	41	26
NGOs	0	0

*These include the president, the governor, local councils, security directors, and the military. The data is not clear as to when and how often the interventions by the government were at the request of the sheikhs or other individuals.

This report seeks to examine in more detail the following potential areas of conflict mitigation: the establishment of peace treaties and safe havens, and the potential for government interventions.

The Establishment of Peace Treaties

Tribes in Yemen have a longstanding tradition of negotiation and conflict prevention and resolution. Tribal laws and traditions seem to be the only reference that regulates and directs the strategies and procedures used to establish peace treaties between conflicting

tribes. Tribal law takes care of the details of conflict; steps to resolve it and guarantees needed to ensure agreed-upon solutions are implemented. Although the research revealed some differences among the main tribes relating to issues such as fines and punishments, overall the methods and strategies used to resolve conflicts are almost the same across all tribes in the regions studied.

In general, tribes follow gradual steps first to try to prevent conflict when it is at a non-violent stage and then to resolve it when it becomes violent. In all cases, sheikhs and prominent figures in tribes are the persons who are involved in this process. Establishing peace treaties in the majority of conflict cases involves individuals acting as mediators and individuals acting as arbitrators. Mediation is defined as that process which may involve acting to halt immediate hostilities, as well as acting as a link between the conflicting tribes, and arbitration is defined as the process of making judgments on the validity of competing claims using traditional criteria and norms. Although this system has been implemented for many years, the high number of conflict indicates that it may no longer be as as effective in addressing conflict. Respondents cited the following factors in the limited use and effectiveness of this tradition.

- **Cost.** In the process of mediation and arbitration, conflicting parties give expensive items to the mediators / arbitrator (e.g. guns, cars) as guarantees to show their commitment to abide by the verdict of the arbitrator. The mediators themselves self-fund their mobility and accommodation and related expenses in their effort to convince conflicting tribes to agree on arbitration. They also give expensive items to conflicting parties as an appeal for them to accept arbitration. And the arbitrator may also require financing to enforce the implementation of the agreement. In their effort to resolve conflict, tribal leaders find themselves in a situation where they have to play the role functioning state institutions, such as the courts, should have played. Only 26% of the sheikhs interviewed said that there is government intervention in conflict in their areas;

- **Sustainability.** In many cases the tribal procedures result in short-term truces which are repeatedly renewed, especially when there is killing involved. In tribal culture it is a shame for a tribesman to accept blood money from the perpetrator or his tribe. Blood-for-blood is the general rule followed leading to a vicious circle of violence and counter violence.

- **Risk.** Despite tribal ethics which forbids killing of mediators and arbitrators, in the process of mediation, mediators or member of their crew might get killed by mistake. This in many cases has added yet other conflicts to the existing ones.

On another hand, sometimes peace treaties are negotiated and agreed upon at a wider level, normally initiated by a group of influential sheikhs and prominent figures from the larger tribes to maintain and address conflict among smaller tribes. Examples of this type of agreement are attached at Appendix C.

Another important finding is the role that non-governmental institutions could play in preventing and resolving conflicts. It is true that research findings show that there are no functioning NGOs with conflict prevention/resolution agendas in tribal areas. However, interviews with sheikhs showed that non governmental institutions could be a haven where tribal leaders could informally try to bring their tribes to accept mediation when conflict is escalated to the extent that formal direct communication between conflicting tribes in impossible.

Procedures to Establish Peace Treaties

When conflicts are not actively violent, attempts to contain the conflict take different forms. In some cases, leaders of tribes with disagreement or dispute simply agree to negotiate directly over the matter. In most cases, however, negotiations fail either because the parties cannot agree on a solution, or one party is not committed to the negotiation.

Conflict resolution efforts then moves to the mediation stage where a third tribe (in most cases a neighboring tribe) intervenes as a response to calls from people from conflicting tribes or as an initiative by itself to contain the problem. The role of mediators is limited in convincing the conflicting tribes to agree on an arbitrator to look at their case and come out with a verdict. Mediators who succeed in this process gain popularity and respect among tribes. Consensus and agreement among conflicting parties on a particular arbitrator(s) is crucial for the process to take place. The role of mediator ends at this stage. Tribal law guarantees the rights of appeal through an appeal arbitrator, known as a *manha*. The sentence of the *manha* is considered by custom as binding.

It is when conflicting tribes refuse mediation and arbitration that conflict moves to a violent stage. At this point neighboring tribes will often become involved, and another effort at mediation is attempted.

In most cases a truce is declared to end the violence. These truces can be renewed repeatedly particularly when they involve prospects for continued killings. In tribal culture, it is a shame for a tribesman to accept blood money from the perpetrator or his tribe. 'Blood-for-blood' is the general rule followed, leading to a vicious circle of violence and counter violence. However, the family or the tribe of the victim might accept blood money or any sort of compensation from a third party, be it the government or any other organization.

Strong measures and regulations are set in place to ensure conflicting tribes commit to implementation of agreement terms to prevent or resolve conflict. These measures may include scheduling deadlines and stiff penalties for tribes which fail to fulfill their commitments; under some tribal customs tribes can be forced to pay many times the original amount agreed should they default on their agreements. Punishment could reach a level where the tribe which fails to meet the terms of negotiation agreements will be alienated by other tribes and is not allowed to use facilities such as markets and roads located in their territories.

The Establishment of Safe Havens

Establishing safe havens is an old method followed by Yemeni tribes to ensure tribes gain maximum usage of facilities and interests and that the cycle of life does not get paralyzed because of conflict. In the old times, each tribe was responsible for establishing safe-haven on its territory. With the passage of time this tradition was weakened because of the heavy burden it puts on tribes. Establishing safe havens is normally initiated by the leaders of a certain tribe on a facility or facilities that are located within its territory. The sheikhs of a tribe, for example, decide that a hospital within its territory needs to be a safe haven. The tribe announces to all tribes that no violence act is allowed in that facility. It is the responsibility of the tribe to protect people who enter that facility from revenge or violence and to track down and punish anyone who violates the safe haven. For examples of safe havens negotiated by some Jawf tribes see Appendix D.

Historically, mosques, the homes of *sayyid* (descendants of the Prophet), markets and cities were safe havens. It was considered a "black shame" to be involved in a violent crime or to seek revenge in these areas. Negotiations between tribes sometimes established additional sites -- such as hospitals or schools -- as safe havens. In fact, 67% of the sheikhs reported that there still are sites in their tribal areas where violence would be a "black shame." The following table details those sites. Not surprisingly mosques are frequently safe havens, but not always. Of the 106 respondents who said such sites exist in their areas, only 87 said killings do not take place in the mosques.

Table Seventeen: Most Common Sites Identified by Sheikhs as Safe Havens

Site	Reports	Percent
Mosques	87	82%
Markets	71	67%
Schools	62	58%
Hospitals	59	56%
Clinics	38	36%

The sheikhs were also asked to identify those places which they would like to see the tribes respect as safe havens; mosques were the most frequently mentioned sites:

Table Eighteen: Sites Sheikhs Would Like to See Respected as Safe Havens

Site	Reports	Percent
Mosques	132	84%
Markets	128	81%
Schools	120	76%
Hospitals	125	79%
Clinics	109	69%

Establishing safe-havens has been a useful means to ensure some security for tribal people in practicing their daily life in places such as markets, mosques, hospitals and clinics. In the past, tribesmen had no way but to respect safe havens such as markets and

connecting routes because of their critical importance to the economic life of the tribe. However, 68% of the respondents stated that tribes currently do not strictly respect safe-havened markets, for example, because modernization gave them alternative markets in cities.

Respondents also stated that tribes are more and more reluctant to maintain establish and maintain the tradition of safe havens, owing to the burden it puts on the tribe. It is the responsibility of a tribe to make sure the place it adopts as safe haven is respected and no violence happens there. In some cases, the tribe may be drawn into the conflict, as it is compelled to protect the safe haven, with force if necessary.

It is clear that establishing safe havens should be reinforced as a means to ensure maximum security in service facilities and areas of common use such as markets, hospitals and schools. However, the establishment of safe havens must be recognized as only a temporary solution until the threat of immediate violence is passed. Informal arrangements, such as safe havens, cannot replace more formal and sustainable methods of administrating security in these areas.

The Potential for Government Interventions

The 158 sheikhs interviewed for the research project were also asked a series of questions about their attitudes toward government institutions and the desirability of increased intervention in tribal conflicts. These attitudes were cross-tabbed with other information collected in the survey to determine whether there were any statistical relationships between opinions about the desirability of government intervention and other variables.

In contrast with the common perception that tribes are resistant to state intervention in their affairs, many sheikhs reported that in the last 5 years they or a sheikh from the opposing tribe had *requested* intervention by government institutions. Forty-six (29%) had requested intervention in every conflict in which their tribal unit was involved. Eleven percent had requested intervention in some conflicts in which their tribal unit was involved, but not in others.

Reasons for not requesting intervention fell into three major categories:

- lack of accessibility to government institutions;

- discontent with the performance of these institutions; and,

- preference for tribal customs and traditions.

The following table illustrates the reasons the 112 sheikhs who had never requested government intervention gave for not requesting intervention. Respondents were permitted to choose more than one response. As the table shows, 31% of the sheikhs reported that they did not request government intervention because the government is absent or not accessible. Twenty-seven (27%) of the sheikhs did not request government

intervention either because they believe that the government doesn't care about the tribes or doesn't behave impartially. Thirty-nine (39%) of the sheikhs believed that tribal customs are more effective at solving problems or that it is better in the long run for the tribes to solve their own problems.

Table Twelve: Reasons Sheikhs Gave for Not Requesting Intervention

Reason	Number	Percent
Government is not easy to contact	26	23
Government does not behave impartially	13	11
Government is absent	9	8
Government doesn't care about tribes	18	16
Tribal customs are more effective	30	27
Better in long run to solve own problems	13	12

Virtually all the sheikhs interviewed said that the government intervenes only when the conflict becomes violent. They also said that government intervention in most cases ends up worsening the conflict situation either because government does not deal objectively with conflicting tribes or because of lack of understanding of local politics.

The following information indicates that there is a significant population of sheikhs in the regions studied that not only want to see conflict and revenge killings reduced but believes the state should play a role in doing so that goes beyond the payment of blood money.

At the same time, the sheikhs held a very negative opinion of those government institutions that are responsible for addressing tribal conflict. When asked whether they thought the military, the police or the courts were most effective in resolving revenge conflicts, 75% of the sheikhs said none of the government institutions were effective. Eleven (11%) said the police were the most effective, 6% said the military was the most effective, and slightly less than 6% said the courts were the most effective. Sixty-seven (67%) of all the sheikhs interviewed said the institutions are ineffective because they are not interested in resolving the problem of tribal violence.

Despite the widespread accusation that sheikhs resist state intervention in tribal areas and their very negative evaluation of government institutions, the research discovered strong support for increased involvement of the state in providing security and justice. Seventy-three (73%) of the sheikhs interviewed stated that the ability of tribal leaders to address local problems was being overwhelmed. An open question on how best to reduce revenge killings elicited notable support for an increased state role. Of the 158 sheikhs who responded to this question, 70 (44%) volunteered some variation of the idea that the state needs to provide security and activate the role of security authorities. Fifty-four (54) sheikhs (34%) said courts should be established or become more active in addressing this problem, while 96 sheikhs (61%) saw the establishment of committees as the best way to reduce revenge killings.

The following table, in which respondents identified more than one method, summarizes the responses:

Table Thirteen: The Best Methods to Reduce Revenge Killings, According to the Sheikhs (Number and Percent of Sheikhs Citing Each Method)

Methods	No.	%
Provide security and activate role of security authorities	70	44
Establish courts and activate their role	54	34
Form committees with state funding	96	61
Provide income and job opportunities	31	20
Pay compensation	33	21
Initiate development projects	14	9
Punish criminals	12	8

Courts versus Tribes

The survey asked the sheikhs whether they would prefer tribal leaders or government courts to deal with crimes involving the killing of tribal people by other tribal people. Despite the very negative attitude of the respondents toward the judicial system of Yemen, 52% of the respondents said they preferred to have the courts deal with violent crimes. Fourty-four (44%) said they preferred to address these crimes through tribal leaders and tribal customs.

The 70 sheikhs who thought tribal leaders and tribal customs were preferable provided various reasons for their choice. Many of those reasons either explicitly or indirectly implied that their preference derived at least in part from the poor performance of the courts. Thirteen (13%) of the sheikhs preferred to have tribal leaders deal with these problems because they said there were no courts present. Fifty-one (51%) of these sheikhs said that they preferred to have tribal leaders deal with these problems because they are faster than the court system. 4% of the sheikhs said they preferred to have the tribal leaders deal with these crimes because the courts are unfair or don't care. Thirty-seven (37%) of the sheikhs indicated that at least one reason for preferring that tribal leaders resolve conflicts was that tribal leaders are more influential and tribal customs are more acceptable in their community or because tribal leaders are more experienced. Overall, 68% of these sheikhs cited problems with the current judicial system (i.e., that it is not present, not fair, or slow) and 37% gave reasons related to the tribal leader's influence or experience.

Table Fourteen: Reason for Preferring Tribal Leaders and Customs

Reasons	No.	Percent
No courts present	9	13%
Courts are unfair or don't care	3	4%
Tribal leaders are faster	36	51%
Tribal leaders more influential and customs more prevailing	17	24%
Tribal leaders are more experienced	9	13%

Twenty-eight (28%) of the 82 sheikhs who preferred to have the courts deal with violent crime said it was because the courts can maintain security, resolve the problems and enforce the law. Forty (40%) said it was because the courts can be or are impartial. As with those who preferred tribal leaders or tribal custom for resolving tribal conflicts, some respondents gave more than one answer. Given the very negative attitude about judicial performance in Yemen, the survey included a second question that was intended to elicit the attitude of the sheikhs toward state forms of conflict resolution without putting it in terms of any specific institution. The sheikhs were asked if they would be willing to accept "trial and punishment" as opposed to seeking revenge if their son were killed. 85% said that they would be willing to accept trial and imprisonment of the perpetrator. 76% of those who thought they would accept trial and imprisonment rather than seeking personal or tribal revenge said they believed that members of their families would also be willing to accept trial and imprisonment.

Correlations with Social-Economic Factors

An attempt was made to investigate whether there was a correlation between socio-economic factors and a preference for using government courts in the resolution of tribal conflict. Demographic characteristics of the sheikhs, such as age and education, seemed not to shape preferences on this subject. The dependence of the sheikh's tribal unit on cash crop agriculture versus grazing appears to influence the attitudes of sheikhs toward the resolution of tribal conflicts in the state courts. 67% of sheikhs whose sub-tribe derived over half of income from cash crop agriculture, as opposed to 36% of sheiks whose sub-tribe derived over half of income from grazing, selected courts as the preferable means for resolving tribal conflicts. Integration into the state as indicated by the percentage of families in the sheikh's tribe that receive social insurance or are employed by the government appeared not to be a factor. Table Fifteen illustrates the relationship between the sheikhs' preference for courts and the percentages of families that receive social insurance benefits, are employed by the government, or depend on cash crop agriculture or grazing for most of their income.

Table Fifteen: Economic Characteristics of Sheikh's Tribal Unit and Preferences for Tribal Leaders and Tribal Custom for Resolving Conflicts

Conditions	Prefers Tribal leaders and Custom		Prefers Courts	
	No.	Percent	No.	Percent
High % of families receiving Social Insurance	15	42%	21	58%
High % of families have members who are Govt. employees	21	46%	25	54%
Over half of income derived from grazing	23	64%	13	36%
Over half of income derived from cash crop	17	33%	35	67%

Circumstances of Government Intervention

The sheikhs were also asked under what circumstances they thought the government should intervene. Options, which were not mutually exclusive, included: 1) when asked to by tribal leaders; 2) when fighting involves heavy weapons even if government intervention was not requested; 3) whenever fighting puts women and children at risk whether or not intervention was requested; 4) whenever there is a killing; and 5) never. 41% of the sheikhs said whenever there is a killing. Only 8% said they thought the government should never intervene. Table Sixteen details the responses.

Table Sixteen: Circumstances Under which Government Should Intervene
(Percent of sheikhs giving each response)

Circumstances	No.	%
Whenever there is a killing	65	41%
Never	12	8%
Whenever fighting puts women and children at risk	59	37%
Whenever fighting involves heavy weapons	53	34%
When asked to intervene	40	25%

The weakness to this approach is that many of the conflicts escalate on a continuum of violence and escalate relatively quickly, so that it is difficult to define the exact nature of the rapidly-changing circumstances of the conflict.

VIII.   CONCLUSIONS AND RECOMMENDATIONS

The research, not surprisingly, confirmed that there is a high incidence of inter and intra-tribal violence that is related to past violent conflicts for which neither state nor tribal systems of justice has provided resolution. The research also confirmed that there is also a high incidence of new violence occurring that is not related to previous violent conflicts between the contending tribal units. Indeed, it can be said that the findings indicate that since 1990 there has been a steady increase in the number of tribal conflicts started in the three regions studied, with the period 2001 – 2005 representing a historical high.

These conflicts have a high cost to the economic and social life of the tribes, disrupting the delivery of health, education and social services as well as preventing the establishment of development projects in their regions.

In addition, the resolution of these conflicts are also financially costly, as mediators, arbitrators and other figures involved in the making of peace treaties and truces often by tradition require payment. As well, the system of payments associated with peace treaties and truces can be extremely costly to the tribes involved. Any solution involving the payment of 'blood money' cannot be considered sustainable or desirable in the long run. The traditional use of safe havens is also problematic, as these areas are becoming less sacrosanct and increased violence is often a result.

The research suggests that tribal leaders are amenable to state intervention. A high number of sheikhs in the survey have called upon the state to intervene in conflicts in the past and/or indicated a preference for state enforcement and state judicial systems over tribal systems. Tribes like any other community group – realize problems and challenges require government intervention, but also want some say in their resolution. This is a welcome finding, as mitigation of tribal conflict requires activity and support from a variety of actors – government agencies, NGOs, and the tribes themselves.

This research cannot attempt to address all of the issues present within tribal conflict. Indeed, any program or series of programs aimed at alleviating the serious and enduring problem must incorporate several different approaches. However, the research has initially identified some potential areas of future activity.

First, the tribes need to be supported in dealing with and resolving potential conflicts before they become serious. This support includes:

- **Donor coordination.** There has been a growing interest in the area of tribal conflict amongst the international community; identification and coordination of these programs would maximize the program impacts and reduce duplication of effort.

- **Support to NGOs.** There is clearly a role for NGOs in this area and thus far the research shows none have been prominent or fully developed. Developmental support should be provided to groups such as YODSP and others who have as their primary mandate the mitigation of tribal conflict.

- **Conflict mitigation / resolution training.** Through local NGOs and local community groups, a program of conflict mitigation / resolution training should be promulgated through the tribal areas, including the development of communication methods to avert potential and developing conflicts.

- **Civic education.** Develop and implement education campaigns addressed to tribal people to increase their awareness about the negative impacts of conflict on their communities and the potential positive impact they will gain if the ongoing conflict is resolved. The data collected during this research project on the costs to communities of tribal violence provides documentation that can be used both in educational programs in tribal communities and in advocacy programs by tribal sheikhs.

Second, the tribes must be able to call upon the institutions of the state in resolving conflicts. State institutions should be encouraged to:

- **Revisit the issue of government committees at the national and governorate level.** Recognizing that tribal activity or conflicts do not adhere to Administrative District boundaries, it is important for the Government of Yemen to create

working groups to address the system of tribal justice, whether this requires reactivating the committees announced in 2003 or by using a different approach.

- **Develop a comprehensive intervention strategy.** It is important that the government develop an overall strategy(s) for intervention. Government interventions have been criticized by tribal leaders as being ineffective and insensitive; the national and governorate committees should involve tribal leaders from conflicting tribes, m*araghas,* and prominent sheikhs in developing and implementing its intervention strategy.

- **Design targeted development.** Design and implement conflict-sensitive development programs in tribal areas, using input from tribal leaders and other influential social figures.

- **Reinvest in the court system.** An obvious priority for the government is to make the court system more responsive to the issue of tribal conflicts, making it a more desirable and practical alternative to tribal justice systems, which have been shown to be costly and inefficient. However, any system should be inclusive of some of the tribal traditions/laws/mechanisms that might be effective in resolving conflicts. It is crucial that this step takes place with active participation of tribal leaders.

- **Continue decentralization, developing the role of the local councils at the district and governorate levels.** Improved service delivery of all public programs has the potential for assisting in conflict mitigation. As well, the local councils and authorities must be used to address and prioritize development projects within tribal areas, and identify potential sources of tribal conflict before they develop into larger problems. The local councils can be a source of training and promulgation of conflict mitigation / resolution activity.

Third, long term solutions must be considered. Renewed efforts must be focused on systemically resolving current conflicts. Such efforts may include:

- **Implementation / enforcement of land registry system.** The research showed a difference in attitudes towards conflict as related to stability of income in this case, development of crops as opposed to grazing. Landownership and land usage issues are the most widely cited reasons for conflicts, and therefore it is expected that any progress in the development of a comprehensive land registry system would help to reduce the main cause of tribal conflict.

- **Adjudication of past / ongoing conflicts.** Although much can be done to reduce the potential for future tribal conflicts, there still remains the problem of long-standing truces – often a source of conflict themselves – and other unresolved tribal conflicts. The government, in coordination with the tribal leadership, should endeavor to systemically investigate and adjudicate this back-log of

conflicts, providing one-off payments, declaring amnesties and convening courts where appropriate.

There have been tribal conflicts in the regions studied for thousands of years. A complex system of tribal justice has arisen as a result, however this system is far from satisfactory. Bypassing the modern system of justice in Yemen, conflict is costly to the tribes, in terms of resources, in terms of peoples' livelihoods, and in terms of lost development opportunities for the regions involved. To help themselves, communities and tribes can increase the numbers of individuals and groups trained in recognizing and resolving potential disputes before they become violent and destructive. Indeed, it is critical that awareness of the costs of conflict be communicated to communities in the regions, especially to youth. Moreover, this research has revealed a growing realization from the tribes themselves that in order to move their regions forward, out of serious poverty and underdevelopment, they will have to rely on the institutions of government and other stakeholder groups for the prevention and, if required, resolution of current and future disputes.

ATTACHMENTS:

Appendix A   Table of Tribal Conflict Zones

Appendix B   Table of NGO Activity in Al Jawf / Marib / Shabwa Governorates

Appendix C   Examples of Safe Haven Agreements

Appendix D   Questionnaire for Tribal Leaders