TRIBES AND THE STATE IN YEMEN

By: Rim Mugahed

SANA'A
CENTER FOR STRATEGIC STUDIES
مركز صنعاء للدراسات الاستراتيجية

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Cover Photo: Al-Nakaf (tribal mobilization) by Bani Matar tribesmen gather in Al Sabeen Square in Sana'a to denounce the targeting of civilians by the Arab Alliance aircraft on September 2019 ,21 // Sana'a Center photo by Asem Alposi

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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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EXECUTIVE SUMMARY

This three-part report by the Sana'a Center examines the multi-faceted relationship between tribes and the state in Yemen. It shows that this relationship has long been a complex one, with the relative power of each waxing and waning. However recently – starting before the current conflict began – a protracted period of co-option of tribal leaders into the state apparatus has led to both a strengthening of the wealth and influence of some individual sheikhs, and to a weakening of their links to their tribal members. Under former President Ali Abdullah Saleh, this policy gave rise to a tribalization of the state, with a consequent, multi-faceted impact on its functioning. This led to changes in the structure and influence of the tribes, accelerated by years of conflict and the rise of the Houthi movement. These factors – along with an economic crisis – have left tribal customs and laws shaky, with an absence of both traditional and state authority leading to fractured and more dangerous communities.

This has had an impact on women in particular, whose status in traditional societies has been undermined – although women continue to play key roles in mediation and peacemaking.

Now, the tribes stand at a crossroads. Exhausted by years of war, crushed politically in Houthi controlled areas and bearing the brunt of the fighting in those under control of the internationally-recognized government, they have paid a huge price in the current conflict. This report looks at how this came about, analyzing the historical, social, political and cultural trends behind the embattled state-tribe relationship in Yemen.

Part I gives an overview of the historical interactions between the tribes and Yemen's governing authorities, from the mid-19th century to unification under the regime of President Saleh. Part II focuses on tribal codes as alternatives to statutory laws, including various views on their development and implementation. Part III examines the role tribes have played in conflict in Yemen, from the 2011 Revolution through to the present day.

Sheikh Al-Ahmar, Judge Al-Iryani and Professor Al-Numan in the Khammer Conference of May 1965, quoted from Sheikh Abdullah Al-Ahmar's website

Part I: From the Ottomans and British to Autocracy

THE LONG HISTORY OF YEMEN'S TRIBES

Tribal social structures have informed events in Yemen since well before the founding of the republic in 1962. Indeed, the tribes have greatly contributed to shaping Yemeni history, including the formation and nature of various governments. In turn, attempts at state-building in Yemen have influenced and changed the nature of tribal formations. Which of these processes has had more effect on the other is an open question and one that will be examined during the course of this analysis.

The definition of a tribe in Yemen can be loose and nonspecific. It can refer to a simple grouping of families that inhabit a specific geographical location, or a union of branches of tribes that share a common tribal name. "Tribe" can thus denote kinship or a political or economic relationship. Tribal structures are not based on a single clan or tribe, but rather include multiple kinship and spatial tribal divisions linked to each other by distinct relationships.[1] These complex networks of families or clans are intertwined together through common lineages, customs and alliances. Families and clans belonging to a particular tribe are also bound by the common traditions that regulate relations within and between tribes.[2]

The tribal map in Yemen has changed throughout history. Tribal confederations have shrunk and expanded, with some tribal branches shifting their affiliation to other tribes for protection and alliance. At present, there is general agreement that in Yemen there are five major tribal confederations.[3] The two largest are the Hashid and Bakil confederations, based in the areas north of the capital Sana'a, covering Sana'a, Amran, Sa'ada, Al-Jawf and parts of Marib governorate. The next three largest confederations, Madhaj, Himyar and Kinda, are spread across the remaining areas of the country.[4] In places, confederations intersect and overlap, while there are also regions with no strong tribal structures, such as Taiz in central Yemen and Aden in the south.

1) Fadel Abu Ghanem and Dar Al-Hikma Al-Yamaniya, *The Tribal Structure in Yemen Between Continuity and Change*, Dar Al-Hikma Al-Yamaniya, Sana'a, 1991, p.79.

2) Michael Horton, "The Tribes of Yemen: An Asset or Impediment to Stability? Part One," The Jamestown Foundation, January 6, 2011, https://jamestown.org/program/the-tribes-of-yemen-an-asset-or-impediment-to-stability-part-one/

3) Fadel Abu Ghanem and Dar Al-Hikma Al-Yamaniya, *The Tribal Structure in Yemen Between Continuity and Change*, Dar Al-Hikma Al-Yamaniya, Sana'a, 1991, p.74.

4) Adel al-Sharjabi, "Transformations in the Map of Distributing Political Power to Yemeni Tribes [AR]," As-Safir Al-Arabi, July 25, 2012, https://web.archive.org/web/20150610225638/http://arabi.assafir.com/article.asp?aid=142

These tribal confederations consist of several smaller tribes or sub-tribes. The Hashid, for example, consists of four main 'original tribes', Al-Usaimat, Adhar, Banu Suraim and Kharef.[5] Within these branches are smaller sub-branches. The Bakil confederation consists of about 31 tribes, with the most prominent sub-confederations being the Dahm (eight sub-tribes) and the Wael (seven sub-tribes).[6] The Madhhaj confederation includes, most prominently, the Murad tribe based in Marib and Al-Bayda governorates, which includes the Talya, Walid Jamil and Al-Hada sub-tribes. These sub-tribes can be divided even further; for example, the Talya tribe includes members from the Banu Seif and Buhaibah families, and so on.[7]

Tribal structures are similar in the south and north of the country, although with differences related to demographics and geography, as well as historical, political and economic changes. These differences also include a rough geographical division between Yemen's two dominant sects: Zaidi Shias and Shafei Sunnis.[8] The former are based in "Upper Yemen, or the (Zaidi) plateau, encompassing the governorates of Sa'ada, Amran, Al-Jawf, Sana'a, Hajjah, Dhamar, Marib and Al-Mahwit. Most tribes in these governorates belong tribally to the Hashid or Bakil confederations. Shafei Sunnis are based in "Lower Yemen", or the central plateau and (Shafei) plains. In Shafei areas, the majority of tribes belong to the Madhhaj, Himyar or Hadramawt tribal unions.[9] This division is not rigid, however, as there was considerable mixing between the two sects in the decades that followed the founding of the Yemen Arab Republic (North Yemen) in 1962. The capital, Sana'a, for example, appears to have a Sunni Shafei majority at present.[10]

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5) Muhammad bin Ahmed and Al-Hajari al-Yamani, *Yemen's Countries and Tribes I*, (Sana'a: Dar Al-Hikma Al-Yamani, n.d.),p. 216.

6) Barak A. Salmoni, Bryce Loidolt and Madeleine Wells, "Regime and Periphery in Northern Yemen, the Huthi Phenomenon," National Defense Research Institute, 2010, p. 87, https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG962.pdf

7) Muhammad bin Ahmed Al-Hajari Al-Yamani and, *Yemen's Countries and Tribes II,* (Sana'a: Dar Al-Hikma Al-Yamani, n.d.), p. 298.

8) Hussein Alwadayi, "On the Sectarian Question in Yemen[AR]," Khuyut, October 4, 2020, https://www.khuyut.com/blog/10-03-2020-1

9) Adel al-Sharjabi, "Yemen: Shiite 'Wahabis' and Sunni Shiites! [AR]" Assafir Alarabi, August 21, 2013, https://bit.ly/3eBYXUE

10) Hussein Alwadayi, "On the Sectarian Question in Yemen [AR]," Khuyut, October 4, 2020, https://www.khuyut.com/blog/10-03-2020-1

TRIBES AND THE IMAMATE IN NORTHERN YEMEN

The Second period of the Ottoman Vilayet of Yemen lasted from 1872 until 1911, but failed to impose full control in the north, where Zaidi imams and tribes continued, at times, to challenge the Ottomans militarily, but, at others, cooperated with them. The Ottomans were more able to control central areas, such as Tihama and Taiz, where they collected taxes, imposed conscription, and generally weakened tribal structures, although there was sometimes violent resistance, as occurred at Al-Maqatara in Taiz,. The northern highlands around Sana'a, however, remained under the control of successive Zaidi statelets that were hostile to foreign control. These maintained much of their tribal character tribes, with hereditary imamates relying on tribal customs to govern.

In 1904, Imam Yahya bin Hamidaddin, a descendent of the Zaidi imams that had successively ruled Yemen, led the last revolt against the Ottomans. The revolt lasted two years and exhausted the Ottoman forces, leading to negotiations that ended with the signing of the Treaty of Daan in 1911. The imam recognized Ottoman jurisdiction over Yemen and the Ottoman state recognized the right of the imamate to rule over the Zaidi sect.[11] The two sides had agreed on 10 years of reconciliation and peace, during which the Yemeni state was to be built under the supervision of the imamate. But the collapse of the Ottoman state in World War I granted the imam the opportunity to establish the independent Mutawakkilite Kingdom of Yemen.

Imam Yahya had sought help from the tribes in his long war against the Ottomans.[12] He was a Hashemite and sayyid, who claim that they are descendants of the Prophet Mohammed. In Zaidi doctrine this status granted him the right to rule, with the tribes supporting this claim. The alliance between the imam and the tribes against the Ottoman presence in northern Yemen did not last long, however. The first turning point was when the imam neglected to consult tribal leaders during negotiations over the Treaty of Daan. The Hashid and its leadership were "supporters, not subjects" of the imamate, according to the memoirs of Sheikh

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11) Colleen Boyett, "Parameters of Power: The Quandary of Yemen Between the World Wars," Florida State University, 2014, http://fsu.digital.flvc.org/islandora/object/fsu:185215/datastream/PDF/view

12) Abdullah bin Hussein al-Ahmar, *Memoirs of Sheikh Abdullah bin Hussein al-Ahmar*, (Sana'a, Horizons House for Printing and Publishing, 2007), p. 38.

Abdullah bin Hussein al-Ahmar (1933-2007).[13] This meant that they had some independence in their tribal lands, such as the right to collect taxes.[14] After Imam Yahya inherited part of the military establishment from the Ottoman regime, his approach toward the tribes became more confrontational as he sought to turn them into subjects.

The years following the establishment of the Mutawakkilite Kingdom witnessed attempts by the imam to confront the tribes and curtail their power, partly out of a fear that they might turn against him. After 1919, battles between imamate and tribal forces were fought in central regions and in the environs outside Sana'a. The result was a string of victories for Imam Yahya. These included the imam's victory over the Al-Maqatirah tribe in 1920, over the Hashid tribes in 1922 and over tribes from Al-Jawf in 1925.

To keep the tribes in line and loyal to the imamate, in 1928 Imam Yahya adopted a system[15] in which each fakhd (subgroup) of a tribe was obliged to send representatives to be held by the imam as a hostage. According to Sheikh Abdullah al-Ahmar's memoirs, Hashid sheikhs handed over two hostages to the imam as a guarantee they would not rebel against him. If hostages died, they were obliged to be replaced.[16] Following the imamate's early victories against the tribes and the establishment of the hostage system, tribal opposition to the imamate decreased, with many tribes becoming supporters and fighters for the imam.

Under successive imams, the Mutawakkilite Kingdom ruled the northwestern part of Yemen from 1918 to 1962. This state did not have modern and efficient institutions, however, military or civil. There was no ministry of finance until 1948,[17] while a ministry of health was not established until 1957 and initially had only three employees.[18] The capital of the kingdom was Sana'a until 1948, when it moved southward to Taiz.

A tribe in northern Yemen during the 1920s-1930s could be described as a stand-alone social component that maintained a degree of self-government. The geographical borders of some tribal federations expanded and others shrank as the loyalties and interests of smaller tribes shifted.

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13) He was head of the Hashid tribal confederation, the largest in the country, while he also served as a political leader and prime minister in the Yemen Arab Republic.

14) Abdullah bin Hussein al-Ahmar, *Memoirs of Sheikh Abdullah bin Hussein al-Ahmar*, (Sana'a, Horizons House for Printing and Publishing, 2007), p. 39.

15) Ibid, p. 50.

16) Ibid, p. 50.

17) Ahmed Obaid bin Dagher, *Yemen under the rule of Imam Ahmad*, (Cairo, Madbouly Library, 2005), p. 43.

18) Ibid, p. 54.

Conflict between tribes and the imamate remained a regular feature of political life in northern Yemen. Tribal leaders participated in several revolts aimed at overthrowing the imam. One example was the Constitutional Revolution of 1948, in which the aging Imam Yahya bin Hamidaddin and two of his sons were killed. This was led by Abdullah al-Wazeer, a military leader, and Ali bin Nasser al-Qardaei, the paramount sheikh of the Madhaj Murad tribe. However, the revolution failed due to a lack of organization and the imamate's ability to mobilize other tribes, including rivals of the Murad, to support it. Imam Ahmad, the son of Imam Yahya, called on tribes surrounding Sana'a to invade the city. In what became known as the looting of Sana'a, the tribes were given free reign to wreak havoc in the city, as a reward for supporting him during the revolt.[19] Another failed coup attempt in 1959 by sheikhs from the Hashid tribal confederation led to the execution of Sheikh Hussein bin Nasser al-Ahmar, the paramount sheikh of the Hashid.

These revolts concluded with the revolution of September 26, 1962, which deposed Imam Mohammed Al-Badr, the son of Imam Ahmad, who had recently assumed the throne from his deceased father. The revolution was carried out by Yemeni army officers, who were greatly influenced by revolutionary developments across the world, particularly the Free Officers Movement in Egypt. The Egyptian leadership under President Gamal Abdel Nasser would subsequently become the main backers of the newly-established Yemen Arab Republic (North Yemen) in the civil war (1962-1970) against royalist forces. Yemen's tribes participated on both sides during the war. Shafei tribes, such as the Murad, which had participated in previous attempts to overthrow the imamate, aligned with the revolutionaries. Sheikh Abdullah bin Hussein al-Ahmar, the leader of the Hashid, also aligned with the new government, partly owing to a personal vendetta against the imamate following the execution of his father.[20] Other tribal factions, such as the Bakil, stood with the royalists, battling the republicans with direct support from Saudi Arabia. Over the course of the civil war, tribes would shift their allegiance between royalists and republicans to attain more money and weapons.[21]

Another prominent feature of the civil war was the relationship between Saudi Arabia and the Yemeni tribes. Historically, this has also undergone different phases and shifts, based on the interests of both parties. The 1930s saw the emerging Saudi state and the Yemeni imamate, backed mainly by Zaidi tribal forces, battle in the tribal regions of present-day Yemen and Saudi Arabia in an attempt to establish dominance in the wake of the Ottoman withdrawal. This

19) Elham M. Manea, "Yemen, the tribe and the state," Al-Bab, 1998, https://al-bab.com/yemen-tribe-and-state

20) Elena Glovokaya, "The Political Development of the Yemen Arab Republic, 1962-1985," (Sana'a, Yemeni Studies and Research Center, 1994), p. 34.

21) Edgar Oblance, *Yemen: Revolution and War until 1970*, (Cairo, Madbouly Library, 1990), p. 194.

conflict eventually ended with the signing of the Treaty of Taif in 1934. Saudi Arabia later supported its former enemy, the Zaid imamate, in the civil war against the republicans, purchasing the loyalty of tribes inside Yemen to fight on its side. After the end of the civil war, Saudi Arabia shifted again and moved to guarantee the loyalty of "tribal republicans," in particular the Al-Ahmar family of the Hashid confederation. In his memoirs, Sheikh Abdullah bin Hussein al-Ahmar speaks openly about his strong relationship with Saudi Arabia and how the Hashid tribe became an instrument of influence for Saudi Arabia.

This manifested most obviously in the tribes pressuring Yemeni presidents that Saudi Arabia was not satisfied with, such as Abdul Rahman al-Eryani and Ibrahim al-Hamdi.[22] Tribal sheikhs also acquiesced to Saudi Arabia's request to inaugurate Ali Abdullah Saleh as president after the assassination of his predecessor, Ahmed al-Ghashmi, in 1978.[23] With Saleh assuming power, Saudi Arabia continued to tighten its grip on the loyalties of sheikhs influencing Yemeni politics through the Special Committee. This was first established during the North Yemen Civil War to manage the country's Yemen file and was under the direct supervision of Saudi prince Sultan bin Abdulaziz until his death in 2010.[24]

In the end, neither side in the civil war could have triumphed without tribal military support, a dynamic that some argue would later upend attempts to build a modern nation in Yemen.

22) Tawfiq al-Ganad, "Saudi Arabia and the Tribe… on a Mission to Weaken Yemen[AR]," Alaraby, July 30, 2017, https://bit.ly/3h7sNlA

23) Abdullah bin Hussein al-Ahmar, *Memoirs of Sheikh Abdullah bin Hussein al-Ahmar*, (Sana'a, Horizons House for Printing and Publishing, 2007), p. 233.

24) Tawfiq al-Ganad, "Saudi Arabia and the Tribe… on a Mission to Weaken Yemen [AR]," Alaraby, July 30, 2017, https://bit.ly/3h7sNlA

TRIBAL INFLUENCE ON WAR AND PEACE IN NORTH YEMEN

Tribes were the most important actors during the North Yemen Civil War, influencing both political and military developments within the republican and royalist camps. Tribal forces were powerful and influential in the new army of the republic; for instance, the 'Liberation Brigade' was composed of tribal forces and integrated with the regular army during the first two years of the revolution. Numbering about 5,000 men, these forces fought under the leadership of their respective sheikhs. Other tribes fought in tribal formations, including 1,900 fighters from the Al-Hadda tribe and Hashid forces under the command of Sheikh Al-Ahmar.[25]

The period also saw tribal leaders play a prominent role in peace efforts, employing tribal modes of mediation and customary law in an effort to negotiate an end to the conflict. During the North Yemen Civil War, three national reconciliation conferences were held. The first, the Amran conference, held in September 1963, included both the royal and republican factions and called for defining the Egyptian role in Yemen. The Khamir conference in May 1965 focused on making peace between Yemeni factions. The third, the Taif conference in August 1965, brought together representatives of the republicans and royalist factions for direct talks.[26]

Although they contributed to ending the civil war, these conferences also helped consolidate the influence of the tribes. Among the decisions of the Amran conference was the formation of a popular army to operate alongside the national army, which included official joint forces from tribal units. The popular army included some 28,000 fighters under the command of sheikhs and was intended to replace foreign Egyptian troops that were fighting on behalf of the republican forces.[27] This decision, however, ended up obstructing the establishment of a national army in the modern sense, as tribes kept their fighters apart from the regular army, ensuring that their loyalties were limited to their sheikhs and tribal areas.[28]

25) AD Sultan Naji, *The Military History of Yemen 1839-1967, Second Edition*, (Sana'a, Dar al-Awda, 1988), p. 256.

26) Moosa Elayah, Lau Schulpen, Luuk van Kempen, Ahamad Almaweri, Blikis AbuOsba and Bakeel Alzandani, "National Dialogues as an Interruption of Civil War – The Case of Yemen," October 2, 2018, https://www.tandfonline.com/doi/full/10.1080/21647259.2018.1517964

27) Abdelrahman bin Yahya al-Eryani, "Judge Al-Eryani memoirs," Egyptian General Book Authority Press, 2013, p. 642.

28) Adel al-Sharjabi et al., "Al Qasr Wal Diwan," Sana'a, Yemeni Observatory for Human Rights, 2009, p. 39.

Marib Tribes

Legend
- Abidah tribe
- Bani Abd tribe
- Murad tribe
- Jeda'an tribe
- Bani Jabr tribe
- Jahm tribe
- Al-Ashraf group (Hashemites)
- ● Military camps
- ● Matarhs
- ● Oil and gas facilities
- Natural gas pipeline to Balhaf
- Oil pipeline to Ras Isa port
- National road
- Main road
- Governorate border
- District border

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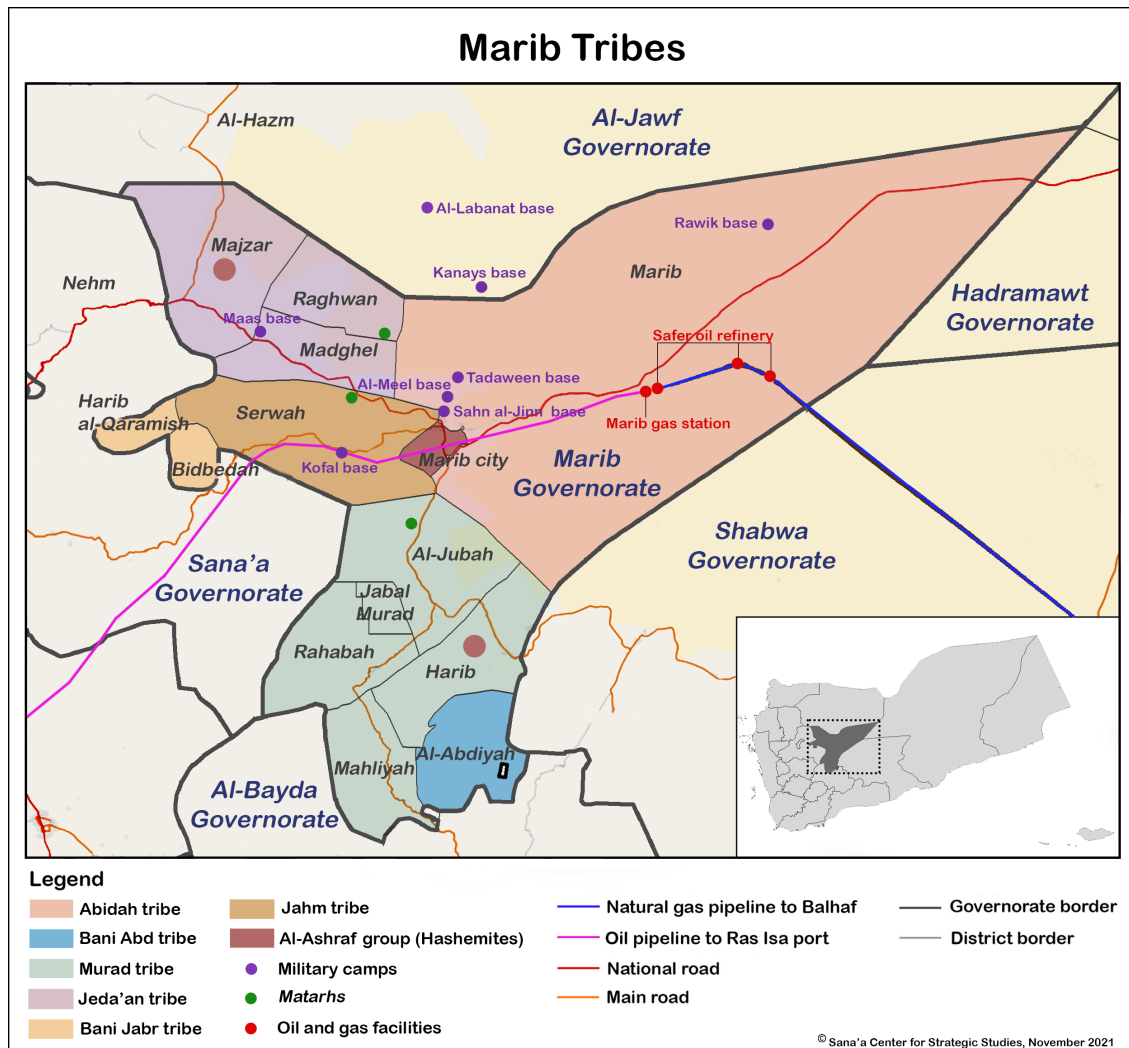
On the political side, the tribes exercised influence in the new republican government through the Supreme Council of Tribal Sheikhs, which was formed a month after the 1962 revolution. It was later transformed into the Shura Council as an outcome of the Amran Conference in 1963.[29] The Shura Council was the government's upper house of parliament, and its mandate included setting the country's political approach. In other words, the Supreme Council of Tribal Sheikhs integrated with the country's legislative authority, giving tribal sheikhs major influence over the formulation of the republican draft of the constitution in 1965. This document became the main source for the republic's formal constitution, announced in 1970. Thus, the constitution ended up being formulated in a way that guaranteed tribal influence over the state.[30]

29) Abdelrahman bin Yahya al-Eryani, "Judge Al-Eryani memoirs," Egyptian General Book Authority Press, 2013, p. 645.

30) Adel al-Sharjabi et al., "Al Qasr Wal Diwan," Sana'a, Yemeni Observatory for Human Rights, 2009, p. 67.

MODERNIZERS VERSUS TRADITIONALISTS

The revolution that toppled Imam Mohammed al-Badr created two currents within the Revolutionary Command Council (RCC) that took over the country. The first was a modernizing trend that believed in the necessity of excluding the tribes from a political role and limiting their influence by imposing state control over their regions and establishing a political system apart from tribal identities. This current mainly included progressive forces represented by leftists, nationalists and parts of the military and educated middle class. On the other side, a traditionalist trend argued for maintaining the role of the tribes as an influential, semi-independent force, as they had been in the Mutawakkilite Kingdom. This stance was adopted by right-wing blocs, the Muslim Brotherhood, tribal sheikhs, religious clerics, feudalists, prominent landowners and some army officers.[31] The tribal sheikhs first managed to force the progressive movement to make concessions before eventually sidelining it. This played out as tribes cemented their influence in the legislative authorities, the army and during mediations to end the civil war.

After announcing the establishment of the republic in September 1962, the RCC immediately sought the support of tribal leaders. The Supreme Council for National Defense was established by the RCC in early October 1962, less than a month after the outbreak of the revolution. This body, which included 180 tribal sheikhs, represented "the first official step in establishing contacts between the republic and the tribes."[32] In April 1963, another ruling body was established by the RCC, the Presidential Council, which also included participation from tribal sheikhs.

During this period, an arrangement was reached between the government and the tribes that allowed sheikhs to collect taxes for the government in areas under their control and to keep 10 percent for themselves. Tribal sheikhs were also granted the right to adjudicate internal disputes. In exchange for their cooperation, the government paid each member of the Supreme Council of Tribal Sheikhs – a body set up by republicans to counter Saudi and royalist influence during the North Yemen Civil War – 850 Yemeni riyals per month[33] (equivalent to roughly $300 when first minted in 1963).[34] This paved the way for sheikhs to formally

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31) Ibid, p. 32.

32) Elena Glovokaya, "The Political Development of the Yemen Arab Republic, 1962-1985," Sana'a, Yemeni Studies and Research Center, p. 35.

33) Ibid, p. 52.

34) "Since the Yemeni dinar was more expensive than the dollar, and the riyal was worth $2.79..Learn about

enter the highest levels of the state apparatus, not as ordinary citizens but as citizens with privileges. Their previous powers were augmented by allowing them to speak with the state on behalf of tribal members and to address tribal members on the state's behalf.

At the same time, other parties sought to build the new state according to their respective political and ideological visions, with various roles envisaged for the tribes. During the first stage of the revolution, Egyptian support was directed to the republican faction led by Field Marshal Abdullah al-Sallal, the first president of North Yemen, who agreed to involve the tribes in state institutions. Many tribes viewed Egyptian support warily, however, seeing it as a direct intervention by an external power in the internal affairs of Yemen. Competition continued between the modernizers and traditionalists, eventually contributing to the overthrow of President Al-Sallal in November 1967.

Judge Abdelrahman al-Eryani, from the modernizing faction, became president after the overthrow of Al-Sallal. He ruled until 1974, when he, too, was forced to submit his resignation under pressure from traditionalist elements, including Sheikh Abdullah al-Ahmar from the Hashid tribe and Sinan Abu Lahoum from the Bakil tribe. In his memoirs, Abu Lahoum said that the Hashid tribe sent a warning to President Al-Eryani that it would storm Sana'a unless he submitted his resignation.[35] Meanwhile, Sheikh Abdullah al-Ahmar framed the forced resignation request as a result of Al-Eryani refusing to oppose leftist elements within the government. He cited the appointment of Mohsen al-Aini, an affiliate of the Baath party, as prime minister, despite his open hostility to the tribes. Al-Aini had advocated cutting off state financial payments to tribal sheikhs.

After Al-Eryani's resignation, the presidency returned to the army with Lt. Col. Ibrahim al-Hamdi taking over on June 13, 1974, in what was known as the June Corrective Movement. Al-Hamdi was part of the agreement to overthrow Al-Eryani, according to Sheikh Abu Lahoum's memoirs, but the new president later turned against the sheikhs and attempted to curtail their influence.

Al-Hamdi's attempts to take power from the tribes and bolster the strength of the state can be seen in his decision to dissolve the Shura Council, which was headed by Sheikh Abdullah al-Ahmar. Al-Ahmar had submitted his resignation in conjunction with the resignation of President Al-Eryani as part of an agreement between Al-Ahmar and Al-Hamdi that the latter would reinstate the Council and Al-Ahmar as its president. Al-Hamdi did not abide by that agreement, however, and then went a step further by removing tribal leaders from the army leadership.

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the 'Yemeni currency' process [AR]," January 26, 2019, Taiz Online, https://taizonline.com/news13355.html

35) Sinan Abu Lohoum, *Yemen facts and documents that I lived through*, (Sana'a, Al-Afif Cultural Foundation, 2005', p. 31.

As a result, Sheikh Al-Ahmar labeled Al-Hamdi "dangerous", describing verbal altercations with the president following the dismissal of prominent sheikhs such as Abu Shawareb and others from the Abu Lahoum family.[36]

Al-Hamdi's rule did not last long, he was assassinated along with his brother on October 11, 1977. While the perpetrators remain unknown, the killing represented a conclusive victory for the traditionalists, represented by the tribal sheikhs, clerics and parts of the military, over the modernists. In the end, pressure exerted by the traditionalist bloc, of which the tribes formed a major part, succeeded in obstructing the functioning of governments and in overthrowing post-revolution presidents that sought to take on tribal influence.[37]

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36) Abdullah bin Hussein al-Ahmar, *Memoirs of Sheikh Abdullah bin Hussein al-Ahmar*, (Sana'a, Horizons House for Printing and Publishing, 2007), p. 227.

37) Adel al-Sharjabi et al., "Al Qasr Wal Diwan [AR]," Sana'a, Yemeni Observatory for Human Rights, 2009, p. 41.

TRIBES AND POLITICS UNDER THE SALEH REGIME

When Ali Abdullah Saleh took power in 1978, the relationship between the regime and the tribes stabilized. The new president belonged to the Hashid confederation himself, and adopted a policy of appeasement, granting greater authority and power to sheikhs. Tribal sheikhs were formally integrated into the country's administrative, legislative and executive structure. This undermined the state and its institutions by sharing power and wealth directly between the regime and the sheikhs.

The deal between the Saleh regime and the tribes also served to distort the customary responsibilities of tribal sheikhs.[38] Under Saleh, sheikhs were transformed into delegates from the state to the tribes. Many tribal leaders joined Saleh's General People's Congress (GPC) party and would run for parliament under the GPC banner, mobilizing tribal members to vote for the GPC at elections. Saleh's regime even revived tribal structures in areas where they had been weak. The political system and the institutions of the state mixed with those of the tribes, taking on the latter's organizational and hierarchical character. The GPC controlled the political arena amid an absence of political pluralism and the prohibition of other parties. Sheikhs would speak on behalf of the state to their tribes on matters such as basic services, tax collection and conflict resolution. This was a significant change from the past, when sheikhs were seen as representatives of their tribes and made their respective demands on the state. Dr. Adel al-Sharjabi describes this change as "politicizing the role of sheikhs," which "resulted in transforming authority from a consensual authority to a compulsory authority, and became represented by the power of law and by tribal customs."[39]
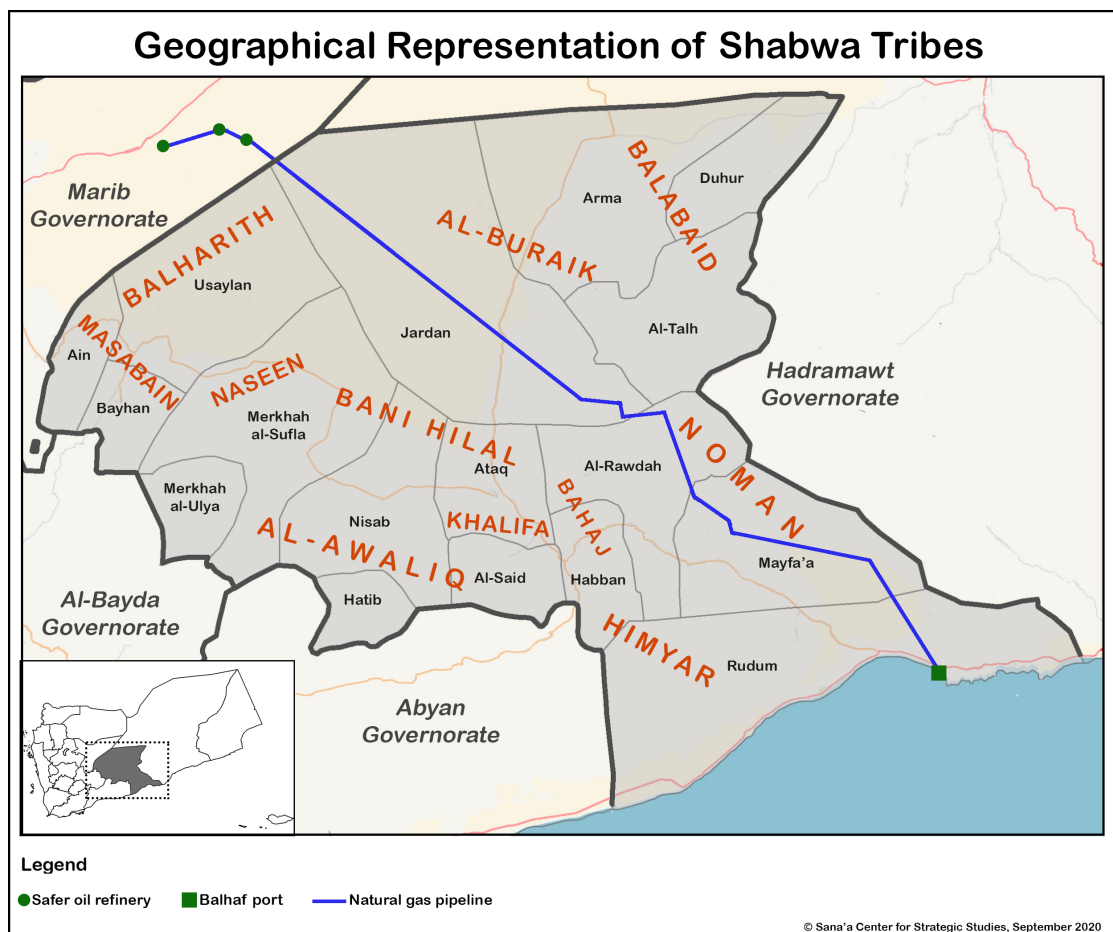
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38) Adel al-Sharjabi, "Informal Actors in Yemen," Doha, Al Jazeera Center for Studies, 2010, pp. 40-43.

39) Adel al-Sharjabi et al., "Al Qasr Wal Diwan [AR]," Sana'a, Yemeni Observatory for Human Rights, 2009, p. 100

TRIBES IN SOUTHERN YEMEN: CO-OPTION AND EXCLUSION

The southern regions of Yemen are generally considered less "tribal" than the northern regions,[40] but this does not apply to all geographical areas in the south. There are parts where tribal structures are strongly present, such as Shabwa and Hadramawt. Other areas have experienced a weakening in tribal influence over the years, with this often attributed to the British occupation of southern Yemen beginning in 1839. This led to the establishment of civil governance in Aden, which influenced the surrounding areas. Tribal influence was subsequently curtailed further as a deliberate policy during the period of rule by the National Front and Yemeni Socialist Party (YSP) in South Yemen from the end of the 1960s until unification in 1990.

Geographical Representation of Shabwa Tribes

Legend
● Safer oil refinery   ■ Balhaf port   — Natural gas pipeline

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40) Erica Gaston and Nadwa al-Dawsari, "Dispute Resolution and Justice Provision in Yemen's Transition," United States Institute of Peace, April 2014, https://www.usip.org/sites/default/files/SR345_Dispute-Resolution-and-Justice-Provision-in-Yemen%E2%80%99s-Transition.pdf

Both before and during the British occupation, southern Yemen was made up of scattered sheikhdoms, emirates and small sultanates that ruled specific geographical areas and interacted with neighboring entities through alliance or conflict. Among the most notable of these were the Fadhli Sultanate in Abyan, the Abdali Sultanate of Aden and Lahj, the sheikhdoms of Upper and Lower Yafea, the sultanates of Upper and Lower Al-Awaliq in Shabwa and the tribes of Al-Sabiha in Lahj. These tribal-based entities were similar to their counterparts in the north, in terms of having dominion over their tribal territory, ruling by customary law and engaging in intertribal conflict. For example, the Sultanate of Al-Fadhli engaged in multiple confrontations with Al-Awaliq,[41] while the sheikhdoms of Yafea battled imamate forces in northern regions of southern Yemen before British colonization.[42]

After the British occupied Aden in 1839, confrontations erupted between British forces and local tribes.[43] The British, seeking to avoid confrontation, adopted a policy of signing protection agreements with existing sheikhdoms. The first protection agreement was struck on June 18, 1839, with the Abdali Sultanate, which was ruling Aden at the time. The Sultanate agreed that the tribes under its rule would not attack British interests and would protect the transportation routes in its territory. In return, the British government paid the Sultanate an annual fee. British forces then proceeded to secure similar protection agreements with the other sultanates, chiefdoms and feudal principalities, with the total number of agreements reaching 90 by 1954.

The British let these entities maintain a large degree of autonomy, ostensibly only intervening to settle disputes. This changed in 1937, however, as the British moved to exert more direct authority. This followed a British royal decree ordering that the sultanates and sheikhdoms of southern Yemen be transformed into eastern and western protectorates, and Aden established as a colony of the British crown. From this point, local rulers were obliged to accept and carry out the "advice" of British authorities based in Aden. This state of affairs continued until the revolution in 1967, which led to the British withdrawal from southern Yemen and the establishment of the People's Democratic Republic of South Yemen.[44]

While the British had set the basis for state institutions and civil society in Aden since the beginning of the 20th century, the sultanates that governed the neighboring areas of Abyan, Lahj and Shabwa maintained tribal characteristics

41) Hamza Ali Luqman, Dar Al-Kalima, *Yemeni Tribes, Tribes of South Yemen and Hadramout*, (Sana'a, Dar Al-Kalima, 1985), p. 275.

42) Ibid, p. 175.

43) Ibid, p. 137.

44) Ali al-Sarraf, *Southern Yemen, Political Life from Colonization to Unity*, (London, Riad El-Rayyes Books Ltd., 1992), pp. 31-34.

despite the influence of the Aden colony. The leftist nationalist revolutionaries that seized power in 1967 however, had a clear anti-tribal stance, describing them as feudal and reactionary powers. Rather than making concessions that would grant tribal forces and sultanates a chance to integrate their traditional form of rule into the newly-established leftist state, the revolutionary movements that seized power adopted strict measures to crush tribal and feudal blocs. "Tribalism was severely condemned and was perceived as synonymous with feudalism," researcher Elham M. Manea writes. "As a result, village headmen, who owned no more than anyone else, were murdered by the state as 'feudal landlords'."[45]

Tribal components were systematically integrated as the YSP sought to eliminate class differences, encouraged people to give up their tribal titles and worked to remove tribal loyalties in favor of party loyalty. As part of the Agrarian Reform Law adopted in 1970, the state confiscated all of the agricultural lands of former sultans and feudalists and their families without compensation.[46]

45) Elham M. Manea, "Yemen, the Tribe and the State," Al-Bab, 1998, https://al-bab.com/yemen-tribe-and-state

46) Ali al-Sarraf, *Southern Yemen, Political Life from Colonization to Unity*, (London, Riad El-Rayyes Books Ltd., 1992), p. 237.

TRIBES AND POLITICS FROM UNIFICATION TO THE 2011 REVOLUTION

The unification of Yemen in May 1990 witnessed important changes to the nature of the political system. Neither North or South Yemen had experienced real political pluralism during their respective histories, and there are notable differences in the nature of their societies.

In South Yemen, the secular socialist system ended traditionalist power by forcibly incorporating societal components into a one-party system. In North Yemen, traditional powers, most notably tribes, imposed control in a profiteering and integrated relationship with Saleh's regime after 1978. This relationship was based on a confluence of interests and the patronage that northern sheikhs would receive from the state in exchange for loyalty to the regime and the provision of tribal manpower for military purposes. This would continue in the unified Republic of Yemen.

With encouragement from Saleh, in September 1990 the paramount sheikh of the Hashid tribal confederation, Abdullah bin Hussein al-Ahmar, led the founding of the Yemeni Congregation for Reform, more commonly known as the Islah party. A number of the tribal sheikhs who were members of the GPC, which was led by Saleh himself, moved to this new party, which brought together Muslim Brotherhood Islamists, Salafist groups and tribal confederations, most notably the Hashid. This movement of tribal leaders from the GPC to the newly-established Islah party was not the result of political pluralism so much as a ploy to distribute northern forces against the YSP, the primary political representative of the former South Yemen.[47]

The alliance between Islah and the GPC against the YSP then escalated into civil war in 1994, after the YSP demanded an end to unification and a return to two separate states. Here again, as during the North Yemen Civil War, tribes played a major role, as Saleh employed a reservoir of armed northern tribesmen to invade the south and impose unity by force. As a reward, after the victory of the northern forces Saleh named Al-Ahmar speaker of parliament, despite the fact that the GPC held the most seats of any party in the legislature.

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47) Adel al-Sharjabi et al., "Al Qasr Wal Diwan [AR]," Yemeni Observatory for Human Rights, 2009, p. 62.

Following the 1994 civil war and the defeat of the YSP, Saleh was unrivaled in authority and able to further cement his support among Yemen's tribes. A 2010 study by researcher Adel al-Sharjabi found 17 of 22 governors came from tribal backgrounds.[48] In 1995, the president issued a decree that paved the way for him to redistribute both state lands and private real estate in the south, which was then channeled mainly to family members and sheikhs that had participated in the 1994 civil war.[49] This followed a familiar script, as Saleh was himself a member of the Hashid, and had made the distribution of key military and government positions to members of his family and tribe a hallmark of his rule. The president also used public funds to finance the Authority of Tribal Affairs Fund, which was established in the 1980s to pay monthly salaries to tribal sheikhs without any structured or legal mandate.[50] This authority was expanded post-unification to include southern tribes, with the funds disbursed to various sheikhs and neighborhood aqils (leaders) depending on the scope of their influence.

At the national level, tribal structures were revitalized, even in areas where they were largely absent previously. Sheikh and aqil positions were established in cities like Aden, where citizens had to request services directly from these figures instead of the state.[51] Sheikhs were also given responsibility for issues such as law enforcement and gathering lists of poor and needy individuals in their areas, which led to abuses. Sheikhs were accused of operating private prisons outside of the scope of the state, with those accused including members of parliament Abdullah bin Hussein al-Ahmar and Yasser al-Awadi, a tribal sheikh from Al-Bayda.[52] Another prominent example was Mohammad Ahmed Mansour, a leading GPC figure and a member of the Shura Council. He was accused of running a private prison, imposing a feudal system in areas under his control and collecting unlawful taxes.[53] Despite the fact that the case received wide coverage in the media, the sheikh was not held accountable.

Under Saleh's rule, the state gradually turned into a tribe, while the tribe turned into a state.[54] The military, the political system and the administrative and financial system became based on the hierarchy of tribal structures, with these

48) Adel al-Sharjabi, "Informal Actors in Yemen," Doha, Al Jazeera Center for Studies, 2010, p. 40.

49) Muhammad Ali Abu Bakr al-Saqqaf, "Informal Actors in Yemen," Doha, Al Jazeera Center for Studies, 2010, p. 68.

50) Adel al-Sharjabi, "Informal actors in Yemen," Doha, Al Jazeera Center for Studies, 2010, 44.

51) Ibid, 39.

52) "Members of Parliament open prison files for sheikhs [AR]," Marib Press, November 6, 2006, https://marebpress.net/news_details.php?lng=arabic&sid=3409; "After Al-Barakani accused him and Sheikh al-Ahmar of owning private prisons, Alawadhi replies [AR]," Akhbar Alyom, November 7, 2006, https://akhbaralyom-ye.net/news_details.php?lng=arabic&sid=20726

53) Youssef Ajlanm, "The third Al-Ja'ashen uprising against the 'beast' [AR]," Al-Masdar Online, January 14, 2010, https://almasdaronline.com/article/4457

54) Adel al-Sharjabi, "Informal actors in Yemen," Doha, Al Jazeera Center for Studies, 2010, p. 40.

concentrated in the hands of the tribal sheikhs surrounding the president and his family. These positions have been passed down from generation to generation in electoral districts.

The tribes also have heavy weapons, in addition to a staggering number of small arms. These weapons and fighters have been used as an irregular fighting force fighting alongside the state in Saleh's wars against the Houthi movement between 2004 and 2010.[55] The judiciary has also been marginalized, with tribal mediation taking its place. Even in the capital, it became normal to see tribal gatherings in which a bull was slaughtered next to a police station as a peace offering to settle a conflict. This was done with the encouragement of the president, who personally acted as a tribal sheikh and managed the country in this manner.

This dynamic – and the ways in which the tribes have acted as an alternative to state power and statutory laws – will be discussed in more detail in the next section of this paper.

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55) Ibid.

A tribal gathering attended by many tribal leaders and some local officials to solve a case of revenge in Maghreb Ans district, Dhamar governorate on December 2019 ,21 // Sana'a Center photo

Part II: Tribal Laws and Alternatives to State Rule

TRIBAL CODES AT THE ONSET OF THE CURRENT WAR

The war that began in 2014 with the armed Houthi movement's takeover of Sana'a has hindered the state's ability to impose the rule of law, but alternative, customary law has always been present in Yemen. As discussed in the first part of this research, Yemeni tribes have maintained their cultural heritage and continued to practice their customs despite the presence of a central state, recurrent war, turbulent politics and changes of government.

In northern areas, citizens have resorted to customary law during all phases of the state's rule. Many prefer customary law, because they feel it has resolved their problems and organized matters of livelihood more efficiently than the state's legal and judicial system.

During his rule from 1978-2012, President Ali Abdullah Saleh worked to revive tribal structures. Combined with the notoriety of the state legal system, this led to the adoption of traditional and tribal customs even in areas where there was no recent history of their use.[56] The diverse social hierarchies of the tribes have proved highly durable in many parts of the country. Yet, despite the regional diversity in tribal customs there are similarities in terms of tribal customary laws and the extent of their implementation across Yemen.

Customary laws were created to organize military affairs between tribes or tribal confederations, as well as everyday economic, legal and social affairs for individuals. This part of the analysis will discuss tribal customs and traditions specifically in terms of how they create and resolve conflicts and the extent of these traditions' influence on the use of statutory laws.

In an interview in October 2020, Sheikh Hussein al-Aji al-Awwadi, the former governor of Al-Jawf governorate and a member of a family of sheikhs from the well-known Al-Awwad tribe, defined tribal customs as, "A system to manage life-related affairs that was produced by the evolution of tribal societies throughout history. These tribal societies, where the state has always been absent, needed to develop legal methods that [act as] deterrents and that organize affairs among people."[57]

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56) Adel al-Sharjabi, *Dialectics of Social Integration and State and Nation Building in the Arab World*, (Doha, Arab Center for Research and Policy Studies, 2014), p. 594.

57) Sheikh Hussein al-Aji al-Awwadi, personal interview by the author, Cairo, Egypt, October 31, 2020.

These customs and traditions are passed down orally, making it possible to add to and adjust them as necessary. The traditions are defined by individuals, yet derive their legitimacy from a collective consensus. According to one source[58] from Khawlan district, east of Sana'a, customary rules are derived from the same rules that were present in the old Yemeni kingdoms, such as the Sabean Kingdom that ruled central Yemen between 1200 BCE and 275 CE. These rules were renewed in 1838 and approved by Yemen's then ruler, Imam al-Nasser. They have become a cultural contract that has allowed society to self-regulate, where each individual knows his rights, duties and the consequences of any wrongful acts.[59]

Another source, in Dhamar governorate, explained that, "Customary rules in terms of penalties differed between one tribe and another. However, it was agreed to unify these penalties and punishments during a meeting that included tribal sheikhs and religious scholars in 1838."

The source drew on handwritten documents from that meeting in explaining his views. "Participants agreed on unifying customary rules," he said, "unifying the names and definitions of wrongful acts, as well as principal and subsidiary penalties."[60]

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58) The source, who wished to remain anonymous for fear of reprisals, is a sheikh known for his knowledge of customary law and is empowered to resolve disputes. Such authorities are known as *maragha* in the north and *marrad* in Hadramawt.

59) Ibid.

60) The source, who wished to remain anonymous for fear of reprisals, was interviewed by Sana'a Center researchers by phone, Yemen, October 31, 2020.

WAR AND PEACE

Tribal customs have been used to resolve disputes ranging from the dumping of trash to fierce battles over borders, and to issues over resources within tribes. The tribes have developed a legal system that aims, first and foremost, to contain disputes and peacefully resolve them. There is a clear contradiction between this, however, and tribal traditions regarding war and violence as a means of acquiring property. Within this context, researchers Raiman al-Hamdani and Gabrielle Stowe developed a theory that tribal violence itself created the motivation to resort to peaceful methods, particularly mediation and arbitration, to resolve disputes.[61]

Resources that create conflict include the distribution and management of privately owned grazing lands, communal lands and water resources. Disputes have also erupted over development projects and matters related to oil and gas companies. These are mostly present in tribal areas like Marib, Shabwa and Al-Jawf, and are often over building and services contracts.[62] Tribes compete to sign contracts with these companies, with some reporting that their operations have been suspended due to violence from tribes targeting company employees and facilities in these governorates.[63]

61) Raiman al-Hamdani and Gabrielle Stowe, "The Tribal Dimension: The Role of Yemeni Tribes in Conflict Mediation," Deep Root, CMI, 2019 https://docs.wixstatic.com/ugd/df2b40_36954160237f44b59b651d3e703ca66e.pdf

62) Nadwa al-Dawsari, "Tribal Governance and Stability in Yemen," Carnegie, April 2012, https://carnegieendowment.org/2012/04/24/tribal-governance-and-stability-in-yemen-pub-47838

63) Care Conflict Community Assessment, February 2011, https://www.coursehero.com/file/68133355/Care-Conflict-Community-Assessment-Feb2011doc/

A TRIBE THAT RESEMBLES A STATE AND A STATE THAT RESEMBLES A TRIBE

Even after the establishment of the state, tribal structures have continued to provide a social system through which many Yemenis organize their daily affairs, resolve their conflicts and remain a secure society. A "chicken or the egg" question applies here: has this social system and the influence of tribal customs weakened the state, or is a weak, corrupt state the reason tribes have remained strong and influential?

Sheikh al-Awwadi argued that the continued influence of tribal customs was as a result of a weak and often unjust state. He used the example of President Saleh's regime lifting fuel subsidies in 2004. People took to the streets demanding a retraction of the decision, but Saleh did not back down until tribes from Marib and Al-Jawf placed their support behind the demonstrators.

Al-Awwadi said that the tribes have not always been against the state and its institutions. On the contrary, "Tribes long for the presence of a strong state that maintains order and provides security." He gave the example of Ibrahim al-Hamdi's presidency, from 1974 to 1977.[64] "Thanks to his political speeches, which opposed the sheikhs and their authorities, he managed to convince people and their sheikhs to stand by the state," Al-Awwadi recalled.

The counterargument is that the state co-opted tribal structures to increase its authority. In other words, the political system "imported" the sheikhs, along with their traditional qualities, in their capacity as representatives of their tribes, in order to support the system. This was not intended to integrate them in a way that preserved their representative character, but primarily to protect state authority and keep the tribes and their sheikhs under control.

During the Saleh regime, the sheikhs enjoyed great influence within the regime itself. But by being removed from their tribal areas of influence and brought to Sana'a to be close to the regime, their independence was further compromised.[65] The huge sums of money that sheikhs received from the Saudi Special Committee

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64) See Part I for more details of Al-Hamdi's relationship with the tribes.

65) In a series of virtual sessions with specialists and actors in political, economic, military and tribal affairs organized by the Sana'a Center for Strategic Studies, between April 29 and May 3, 2021, the status of the tribes in Yemen was discussed. See also Adel al-Sharjabi et al., "Al Qasr Wal Diwan [AR]," Sana'a, Yemeni Observatory for Human Rights, 2009.

(the entity in Riyadh responsible for Saudi Arabia's Yemen policy) helped ensure their loyalty went in one direction: toward power and the ruling regime. This, in turn, led to the imposition of traditional tribal methods on the system itself, and their separation in one way or another from other social components.

"The tribal system that's supported by the authority largely contributed to disrupting the balance of relations of social components in favor of the tribe at the expense of other social components," according to academic Hani al-Maghles,[66] leading to rampant corruption and favoritism in the state's organizational structures. This turned the project of the state into a range of personal projects seeking profit and wealth. This overlapping and integration created a "state that resembles the tribe and a tribe that resembles the state,".[67]

66) Hani al-Maghles, *Dialectics of Social Integration and State and Nation Building in the Arab World*, (Beirut, Arab Center for Research and Policy studies, 2014), p. 40.

67) Adel al-Sharjabi, *Informal Actors in Yemen*, (Doha, Al Jazeera Center for Studies, 2010), p. 40.

"PAPER TIGER" SHEIKHS: HOW THE STATE HAS WEAKENED TRIBAL STRUCTURES

Sheikhs' involvement in politics resulted in a distortion of the traditional role tribes had previously played for their members. Sheikh Al-Awwadi summed this up: "The sheikhs who [became more influential] amid the presence of the state are loyal to the authority and not to the [tribe's members], and the connection between tribes and their sheikhs is no longer the same." One source described tribal sheikhs after 1962 as "paper sheikhs", adding that this kind of sheikh was "intentionally" created to be subordinate to the state and turn "the tribe from being the base of social structure to a tool that demolished it." He blamed Saudi funding of tribal leaders for driving this change.[68]

Public positions and occupations were distributed among families that were influential and close to Saleh and who mostly came from the same tribal area. Yet, while Saleh elevated the power of local sheikhs, this did not benefit members of their tribes at large. This is clear from the high poverty rates in governorates which large tribes belong to. For example, the governorate of Amran, home of the sons of Sheikh Abdullah al-Ahmar, head of the Hashid confederation, one of the most powerful and influential sheikhs in modern Yemen until his death in 2007, is still one of the country's poorest governorates.[69]

After unification in 1990, the regime intentionally weakened the state and worked to support tribal identity and increase its influence.[70] For example, in areas where these tribal structures were less dominant, the state created public roles and positions, such as the aqil al-hara — a community elder in a neighborhood. The state granted these positions wide jurisdiction, ranging from law enforcement to determining who deserved financial or social support among the poor.[71] Criminal procedural law gave local authority representatives – such as sheikhs and aqils in neighborhoods and villages – law enforcement powers in tribal areas. The criminal procedural law – Criminal Law No. 13, issued in 1994 – gave the sheikhs and neighborhood chiefs in cities and villages the power of

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68) The source, who wished to remain anonymous for fear of reprisals, was interviewed in Yemen, November 29, 2020.

69) "Memorandum About Poverty in Yemen [AR]," World Bank, June 2017, http://documents1.worldbank.org/curated/en/505601517860555376/pdf/116403-ARABIC-YemenPovertyNotesArabicTranslation.pdf

70) Hani al-Maghles, *Dialectics of Social Integration and State and Nation Building in the Arab World*, (Beirut, Arab Center for Research and Policy Studies, 2014), p. 635.

71) Ibid., p. 637.

"judicial control officer", in addition to other civil duties. They were also tasked with connecting citizens to the official authorities in cases of need. This role was given to them as many tribal settlements are small, far from major centers, and in terrain where access can be very difficult. Maintaining regular state institutions in such places was impossible, with a devolution of authority to the sheikhs and neighborhood chiefs the result.[72]

Aqils were also given the right to identify those who were not listed on electoral rolls.[73] Therefore, even in cities where it might be expected that statutory law would be respected and implemented in its modern form, it was traditional methods and tools that prevailed. Responsibility for services, development projects and citizens' complaints were transferred to the same "traditional" social representatives, and not to state institutions. This happened in agreement with the governing system that represented tribes and went all the way to the top: Saleh himself frequently resorted to customary laws and tribal mediation to resolve national problems or other problems related to security.[74] An example of this followed the killing of the deputy governor of Marib in a drone strike in 2010. Saleh requested the intervention of a tribal mediation committee to contain an imminent clash between government forces and local tribes.[75]

72) "Decree By Law No. 13 for 1994, Concerning Criminal Procedures [AR]," https://menarights.org/sites/default/files/2016-11/YMN_CriminalProcedureCode_AR.pdf

73) Law No. 13 of 2001, Article 11 states that: "Committees preparing the electoral rolls must confirm the age of the citizen who is requesting to be listed on the roll and must confirm he/she is of legal age to vote via an identity card or any official document that has a photo or the testimony of the aqil and secretaries [AR]." http://hrlibrary.umn.edu/arabic/Yemeni_Laws/Yemeni_Laws26.pdf

74) Former governor of Al-Jawf Sheikh Hussein al-Aaji al-Awwadi, personal interview with the author, Cairo, Egypt, October 31, 2020.

75) Nadwa al-Dawsari, "Tribal Governance and Stability in Yemen," Carnegie, April 24, 2012, https://carnegie-mec.org/2012/04/24/tribal-governance-and-stability-in-yemen-pub-47838

PROTECTION OF CRIMINALS

The traditional orientation of a tribe creates group solidarity via the tribe's symbols and influences. This solidarity is often referred to as asabiyya and is a major characteristic of tribal communities, as well as the most prominent dynamic of tribal structure, according to scholar Hisham al-Sharabi.[76] Asabiyya sometimes provides protection via the indirect intervention of tribal leaders. More directly, tribal members might exert pressure on state authorities to protect or release law-breakers who belong to their tribe, or prevent the authorities from holding fellow tribal members accountable.

These law-breakers may have committed serious crimes, such as setting up roadblocks, kidnapping or murder. One example is the abduction of foreigners. In 1999, for instance, tribesmen from the Bani Jabr tribe kidnapped three US citizens in Marib governorate, just east of Sana'a. The kidnappers demanded the release of 25 fellow tribesmen, who had been detained by interior ministry police in connection with the blowing up of an oil pipeline a few days earlier. The US citizens were subsequently released.[77]

The incident also underscores how tribal traditions include the possession of arms on a large scale, with weapons a part of tribal appearance and social status.[78] The tribe and the state thus share the tools of violence, with tribes using these to exercise power – sometimes against the state. Another example of this occurred in March 2011, when tribesmen blew up an important oil pipeline linking Marib, in the center of the country, to export facilities at Ras Issa port on the Red Sea. The explosion suspended a significant source of government revenues and harmed local fuel supplies, with Saleh and his supporters accusing tribal members of carrying out the attack.[79]

76) Hisham Sharabi, *The Patriarchal System and the Backwardness of Arab Society*, (Beirut, Center for Arab Unity Studies, 1992), p. 47.

77) "In an Incident that Poses a Real Challenge to the Yemeni President, Tribesmen Kidnap Three Americans in Marib," Al-Bayan, October 28, 1999, https://www.albayan.ae/last-page/1999-10-28-1.1064429

78) Abdel Nasser al-Mawadda, "Tribal warfare custom, National Dialogue support program [AR]," http://pdsp-yemen.org/wp-content/uploads/2016/04/tribecodeconduct-1.pdf

79) Ginny Hill, Peter Salisbury, Léonie Northedge and Jane Kinninmon, "Corruption, Capital Flight and Global Drivers of Conflict," Chatham House, September 2013, https://www.chathamhouse.org/sites/default/files/public/Research/Middle%20East/0913r_yemen.pdf

Asabiyya has been an obstacle to implementing laws, which were supposed to replace tribal customs that do not harmonize with the nature of the violations committed. Asabiyya also contradicts the law, allowing tribal influence to impose itself on standards of justice and law enforcement. This concept is directly at odds with state authority. As researcher Abdulghani al-Iryani puts it: "[Asabiyya] prioritizes individuals at the expense [of the sense] of belonging to the country. What primarily embodies identity is the tribe and not the state. If an individual [belongs to the] Hashid, he's first and foremost a Hashidi and then a Yemeni, and not the opposite. If there is a contradiction between the interest of the tribe and the general interest, tribal members will select what is in the interest of the tribe and what serves its interests before other tribes, according to tribal customs."[80]

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80) Abdulghani al-Iryani, Senior Researcher at the Sana'a Center for Strategic Studies, author interview by phone, October 2020.

POSITIVE JURISPRUDENCE?

In contrast, some believe that tribal traditions are not as bad as they have sometimes been perceived. Supporters of such a view argue that despite historical conflict, the tribes have maintained their presence as organized and united entities thanks to the tribal rules and customs that have governed their relations.

According to anthropologist Najwa Adra, these customs cover all behavior Yemenis define as social, including rules of hospitality and greeting. They are therefore as much a code of conduct as a set of legal directives.[81] This code of conduct and legal guidance includes concepts such as honor, dignity, sympathy, protecting vulnerable individuals, pardoning others and accepting reconciliation.

Unlike the official court system, a dispute in customary law is not considered resolved unless both parties agree on the proposed solution. Researcher Nadwa al-Dawsari, an expert in the affairs of Yemeni tribes, describes customary law as, "based on consensus-building and maintaining relationships. Key to tribal traditions are transparency, accountability, solidarity, collective responsibility, the protection of public interests and the weak. Dialogue and the culture of apology are embedded in the practice and rituals of tribal customary law."[82]

Yemenis have often had more confidence in tribal customs than the public court system, which has been characterized by corruption and favoritism and marred by lengthy procedures.[83] Litigation in state courts is viewed as a painful and costly process, while tribal customs represent a more trusted, easily accessible alternative. In some instances, there may be no other method of resolving disputes available. It has become normal for many citizens to resort to tribal processes rather than the courts.

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81) Najwa Adra, "Tribal Mediation in Yemen and its Implications to Development," Austrian Academy of Sciences, 2011, https://epub.oeaw.ac.at/buecher/Open%20Access/AAS%20working%20papers%20in%20social%20anthropology/Tribal_Mediation_in_Yemen_and_its_Implications_to_Development/WP-Sozant_Band19.pdf

82) Nadwa al-Dawsari, "Tribal Governance and Stability in Yemen," Carnegie, April 24, 2012, https://carnegie-mec.org/2012/04/24/tribal-governance-and-stability-in-yemen-pub-47838

83) Abdel Nasser, "Official and Customary Litigation in Yemen [AR]," 2005, http://almuwadea.blogspot.com/2014/10/httpema_12.html

The binding power of customary justice has long contributed to resolving and de-escalating conflicts between families and tribes. Researcher Nadwa Al-Dosari indicated in her study that a local study in 2006 for German Development Corporation (GIZ) suggested that 90% of local conflicts were resolved or prevented through tribal customs.[84] Tribal arbitration is usually undertaken by tribal elders or other individuals and is often characterized by flexibility and a sense of "humanity". Intissar al-Qadi, from the Early Warning Center for Conflict Resolution and Peacebuilding (EWCCRP)[85] in Marib, told the author in October 2020 that the difference between regular judicial laws and customary laws lies in penalties, where the latter does not stipulate time in prison, but imposes financial penalties to which both parties agree.[86]

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84) "Conflict Resolution in Yemen Today: A Report for the German Development Cooperation," GIZ, 2006. Cited by Nadwa al-Dawsari, "Tribal Governance and Stability in Yemen," Carnegie, April 24, 2012, https://carnegie-mec.org/2012/04/24/tribal-governance-and-stability-in-yemen-pub-47838

85) The Early Warning Center for Conflict Resolution and Peacemaking (EWCCRP) project is being carried out by the Marib Girls Foundation with the support and funding of Saferworld. The center is the first of its kind in Yemen and aims to achieve effective conflict response and forecasting.

86) Intissar al-Qadi, personal interview by author via phone, Marib, October 8, 2020.

DRIVERS – OR PARTIES – TO CONFLICT

At the national level, tribes have been a party to every conflict in modern Yemeni history. Indeed, tribesmen have been used as fighters by conflicting parties since the time of the Mutawakkilite Kingdom and its wars against local opposition and the British occupation.

The provisions of tribal customs are strict in cases of internal conflict between tribes, with clear and agreed upon caveats enforcing nonaggression and respect for the property of other tribes. This does not mean that there are no inter-tribal conflicts over leadership. In the late 1970s and early 1980s, for example, there was a bloody conflict over the leadership of the Hamdan tribe.[87]

Tribes were again used during the North Yemen Civil War between republicans and royalists, as well as during the 1994 Civil War. Tribesmen were deployed on a wider scale during Saleh's wars against the Houthi movement, known as the Sa'ada Wars (2004-2010). One example of this was in October 2010, when, at a meeting of Hashid tribes in Khamer, Amran, Sheikh Hussein al-Ahmar urged them to eradicate Houthi forces. The tribes then pledged to kill those joining the Houthi movement.[88]

President Saleh's use of mercenaries from the Hashid tribe to fight in the ranks of the army during the wars against the Houthis between 2004 and 2010 led to resentment among the tribes of Sa'ada. This spurred many to join the ranks of the Houthis to retaliate against the state and to gain revenge for violations committed by combatants from the Hashid tribe against their tribes, within their lands, and against their societies.[89]

The tribes are currently being used in the ongoing war as proxy combatants for various parties,[90] including by the Houthi movement – a dynamic that will be discussed at length in the third part of this analysis.

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87) Paul Dresch, "The Position of Shaykhs Among the Northern Tribes of Yemen," Royal Anthropological Institute of Great Britain and Ireland, 1984, p. 83.

88) "The Yemeni Strategic Report," Yemeni Center for Strategic Studies, 2010, p. 96

89) Marieke Brandt, "The War in Yemen, Bottom-Up: Tribal Politics in Depth and In Motion," The British-Yemeni Society Journal, 2019.

90) Bushra al-Maqtari, "The Houthis and the Tribe.. Bargains and Others [AR]," Al-Watan, November 8, 2016, https://bit.ly/33ZkF1O

CORRUPTION AND THE STATE

Some tribal leaders gained a bad reputation under the Saleh regime during the decades preceding the current conflict, due to the wide-reaching patronage networks that these sheikhs represented. Even during the war, sheikhs have changed their loyalties based on personal interests.[91]

For many years, sheikhs that were influential at the national level received large payments from Saudi Arabia in exchange for services that were not necessarily beneficial to their communities or to the Yemeni state.[92] They were described by one sheikh as, "The sheikhs of the Special Committee, who sold the country, destroying it and destroying the lives of future generations."[93]

In addition, there were funds that were allocated to these sheikhs from the Tribal Authority Fund. This was administered by the Tribal Affairs Department – part of the Ministry of Interior – and was used by Saleh from the 1980s onwards to distribute monthly funds to dozens of sheikhs via branches based in the different governorates. These were public funds ultimately coming from the state budget, yet there was no law regulating the department's activities.

This funding created a class of extremely wealthy individuals, while very few tribal members received any of the wealth from their sheikhs, despite a popular perception outside the tribes that all tribal members had become wealthy. Indeed, most tribes lacked development projects and basic services, just like most Yemenis.[94]

Tribal members responded to corrupt state authorities and the networks of sheikhs in control of public funds by using traditional tribal methods. From the beginning of the 1990s, a number of tribes resorted to kidnapping – and at times killing – tourists. A group of nine foreigners was kidnapped in the governorate of Sa'ada in northern Yemen in 2009. Three of the women, two Germans and one South Korean, were later found dead near the city of Sa'ada.[95]

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91) Former governor of Al-Jawf Sheikh Hussein Al Aaji al-Awwadi, personal interview by author, Cairo, Egypt, October 31, 2020.

92) "Leaked Secret Documents: Al-Jazeera Net Reveals the Truth of Saudi Positions on the Most Prominent Yemeni Files [AR]," Al-Jazeera, August 2, 2020, https://bit.ly/3zbugy4

93) The source, who wished to remain anonymous for fear of reprisals, was interviewed in Yemen, December 29, 2020.

94) Marieke Brandt, "The War in Yemen, Bottom-Up: Tribal Politics in Depth and In Motion," The British-Yemeni Society Journal, 2019.

95) "Yemen offers reward for information on kidnappers," Reuters, June 16, 2009, https://www.reuters.com/article/idUSLG407228

Other actions have included sabotaging pipelines and power lines and putting roadblocks on highways. These are all attempts to pressure the state into meeting the demands of a tribe, or particular demands of the perpetrators themselves. These have ranged from ransom payments to the implementation of development projects, as well as demands for the release of detainees in the state's custody, or compensation for lands that the state has used or taken.

"In northern areas, especially the areas to the north of Sana'a," Dr. Adel al-Sharjabi writes, "tribal structures control social relationships, and tribal loyalty creates a form of political awareness that can only be seen through collective demands, which are based on direct material interests. This normalizes rent-seeking behaviors, with the state being viewed as an organ to distribute rents. If the state stops these grants, the popular response among the tribes is rebellion through cutting off services or kidnapping foreigners."[96]

At the same time, the political system that the tribes have come to know is one in which "political influence becomes a means for unaccountable power and wealth accumulation," according to researcher Nadwa al-Dawsari.[97] As a result, elections have sometimes been accompanied by armed violence and intimidation in tribal areas, which has led to death and injury. In Rada'a, in Al-Bayda governorate, clashes that started as competition between nominees for a local council in 2006 led to a tribal conflict during which at least 47 people were killed.[98] Al-Dawsari also cites reports of election-related violence occurring in tribal areas in Al-Jawf, Marib, Amran, Dhamar and other governorates.

96) Adel al-Sharjabi, *Dialectics of Social Integration and State and Nation Building in the Arab World*, (Beirut: Arab Center for Research and Policy Studies, 2014), p. 583.

97) Nadwa al-Dawsari, "Tribal Governance and Stability in Yemen," Carnegie, April 2012, https://carnegie-mec.org/2012/04/24/tribal-governance-and-stability-in-yemen-pub-47838

98) Ibid.

TRIBES AS MEDIATORS AND RESOLVERS OF CONFLICT

Despite the instrumentalization of tribal traditions in fueling conflict, these traditions have also contributed to its resolution at both the local and national levels.

Any individual – man or woman – can offer to mediate and resolve a conflict. This is not considered unusual[99] and is actually welcomed and preferred in tribal societies. These interventions to end conflicts are based on a sense of responsibility toward society, and in line with the role that tribal members have historically played.

With tribal leaders becoming increasingly involved in the political arena and state affairs, their traditional tools have been used to resolve conflicts, whether political or military in nature. In December 2011, a tribal mediation committee led by one of the Hashid sheikhs was able to implement a ceasefire between Salafis and Houthi forces in Dammaj after deadly clashes.[100] Mediators returned to this volatile area a number of times, with the fighting only ceasing in 2014.

In cases where tribesmen themselves have been involved in acts of sabotage or terrorism, tribal mediation committees have been formed between the state and the saboteurs. As an example, in December 2011, tribal mediation efforts in the Marib governorate were able to secure the release of four foreigners. Tribesmen in the Sirwah district of the Marib governorate announced that they had kidnapped the foreigners to pressure the government into compensating them for damage done to their farms by the Yemeni army, three years prior.[101] In 2018, tribal mediation succeeded in ending a series of revenge killings between tribes in Marib dating back to 1974. The sheikhs of the largest tribes in the region participated.[102]

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99) Najwa Adra, "Tribal Mediation in Yemen and its Implications to Development," Austrian Academy of Sciences, 2011, https://epub.oeaw.ac.at/buecher/Open%20Access/AAS%20working%20papers%20in%20social%20anthropology/Tribal_Mediation_in_Yemen_and_its_Implications_to_Development/WP-Sozant_Band19.pdf

100) "The Mediation Committee Headed by Sheikh al-Ahmar visits Dammaj to Remove the Armed Sites of the Houthis and the Salafists and Hand over Jabal al-Barqa to the Hashid Tribes as a Neutral Party [AR]," Mareb Press, December 26, 2011, https://marebpress.org/news_details.php?lng=arabic&sid=39109

101) "Tribal Mediation Able to Release Four Kidnapped Foreigners in Marib [AR]," Mareb Press, December 17, 2011, https://marebpress.org/news_details.php?lng=arabic&sid=38786

102) "Ending the Case of a Vendetta Between Tribes in Marib in 1974 [AR]," Mareb Press, October 28, 2018, https://marebpress.net/news_details.php?sid=143706

Even when the intervention of sheikhs has not been successful, their efforts have nonetheless shown their willingness to challenge far stronger opponents. A 2019 tribal mediation was undertaken to resolve a dispute between fighters supported by the UAE and the tribes of Shabwa, after the killing of nine tribesmen by forces known as the "Shabwani Elite". To date, repeated rounds of mediation have not settled the dispute, which remains a sensitive issue, but the tribes have continued to press their claims in the face of powerful Emirati interests.[103]

Laila al-Thawr, a human rights, political and peacebuilding activist since 2011, has been a key mediator in Yemeni prisoner exchanges. She has directly contributed to the release of more than 600 captives held by different parties during the current conflict.[104] She has also assisted in the resolution of several long-standing disputes using tribal mediation methods.

One such dispute, one of the most well-known cases in Yemen, required extensive mediation. This incident occurred between the Mutahar family, a family of merchants from Taiz, and the Hazal family, a family of sheikhs from Marib. The two quarreled over land and the dispute led to a long-running feud. In 2014, a court ruled against the Al-Hadhal family, which rejected the court's decision, kidnapping two of the Al-Mutahar's children to try and force a more favorable resolution of the land dispute. In 2018, Al-Thawr became involved in the mediation and succeeded in getting the two children released. She then helped resolve the land dispute in March 2019.[105]

The most prominent achievement of tribal mediation in wartime has been the exchange of prisoners. In contrast to official channels, tribal mediation has succeeded in brokering deals that have led to the exchange of thousands of captives between the Houthis and the government and local tribes. Tribal leaders have also successfully negotiated short ceasefires and safe passage for civilians, as well as the recovery of the dead from the frontlines.[106]

103) "Abu Dhabi Ends a Crisis with the Yemeni Tribes of Shabwa via Tribal Mediation [AR]," Yemen Monitor, March 16, 2019, https://www.yemenmonitor.com/Details/ArtMID/908/ArticleID/31056

104) "Laila Lutf Lutf al-Thawr," Women Solidarity Network, n.d., https://www.womensolidaritynetwork.org/experts/laila-lutf-lutf-al-thaour

105) "A Tribal Sheikh from Marib Handed Over Two Children to Their Mother after Five Years of Detention [AR]," Crater Sky, March 14, 2019, https://cratersky.net/posts/12215

106) Nadwa al-Dawsari, "Peacebuilding in the Time of War: Tribal cease-fire and de-escalation mechanisms in Yemen," Middle East Institute, April 2021, https://www.mei.edu/sites/default/files/2021-04/Peacebuilding%20in%20the%20Time%20of%20War.pdf

WOMEN IN THE TRIBAL SYSTEM

Yemen has long been near the bottom rank in the World Economic Forum's Global Gender Gap Index. After years of war, that situation has only worsened, according to a number of studies.[107] Between war, domestic violence, repression of freedom, early marriage,[108] a lack of education[109] and healthcare, the absence of basic services, hunger, illness and a lack of safety in the street and at the workplace, Yemeni women are struggling in a conservative and patriarchal society that upholds strict social traditions.

Those social customs and traditions, mixed with conservative religious values, have also limited women's work opportunities and restricted their participation and level of achievement in society, while giving full authority to their male guardians.

In 2009, Amnesty International stated that "Women in Yemen face systemic discrimination and endemic violence, with devastating consequences for their lives. Their rights are routinely violated because Yemeni laws, as well as tribal and customary practices, treat them as second-class citizens."[110] This is despite the fact that the Yemeni constitution protects the basic rights of women.[111]

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107) See, for example, Maria Holt, "The Worst Place on Earth to be a Woman: Violence against Yemeni Women in Peace and War," Gender and Women's Studies, 2020, https://westminsterresearch.westminster.ac.uk/item/qywww/the-worst-place-on-earth-to-be-a-woman-violence-against-yemeni-women-in-peace-and-war; Daniele Selby, "Five of the World's Worst Countries to be a Woman," Global Citizen, July 12, 2016, https://www.globalcitizen.org/es/content/worst-places-woman-yemen-congo-saudi-arabia/; Fawziah al-Ammar, Hannah Patchett and Shams Shamsan, "A Gendered Crisis: Understanding the Experiences of Yemen's War," Sana'a Center For Strategic Studies, December 15, 2019, https://sanaacenter.org/publications/main-publications/8480

108) In 2017, the U.N.'s Office for Coordination of Humanitarian Affairs (OCHA) reported that 52 percent of Yemeni girls and women were married before the age of 18. By 2018, the number of under-18 marriages in Yemen had tripled. https://www.unicefusa.org/stories/helping-girls-escape-early-marriage-yemen/37409

109) Girls' primary school completion rate was 53% in 2010/2011 and likely decreased due to the war. See, "In Yemen, Breaking Barriers to Girls' Education," World Bank, 2013, https://www.worldbank.org/en/news/feature/2013/04/11/yemen-breaking-barriers-to-girls-education

110) "Yemen's Dark Side: Discrimination and Violence Against Women and Girls," Amnesty International, November 2009, https://www.amnesty.org/download/Documents/48000/mde310142009en.pdf

111) Article 41 of the Constitution of Yemen states that, "All citizens are equal in rights and public duties," but this equality was then stipulated in Article 31, which considers women "the sisters of men, and they have rights and duties that are guaranteed and required by Sharia and stipulated by law."

A woman harvesting on a corn farm in the countryside of Al-Turbah, west of Taiz city on November ,2 2020 // Sana'a Center photo by Ahmed Al Basha

Social traditions and tribal customs relating to women are not the same everywhere in Yemen. Female tribal actors working in mediation and training in conflict resolution, using traditional mediation mechanisms, told the author in January 2021 that the number of regions that still applied traditional tribal customs was declining daily.[112] These women said that areas with tribal societies that had lost their original tribal identities were the worst places for women to be. In such places, there were no traditions deterring harassment of women, with verbal and physical harassment rates rising accordingly, both in the streets and public places as well as in the home.

Al-Thawr defines tribal customs as all of the customs and traditions that are agreed upon in society, saying that tribal adherence to customs is positive. She believes that women within the tribal structure have "gotten an opportunity and have been treated better than the laws implemented by the modern state in Yemen." An example she gives is of how women in tribal societies have a "special" position, and that their customs guarantee women respect and preferential treatment,

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112) Haiam Alqarmoushi is a social and tribal activist who contributes to conflict resolution at a local level as well a trainer in the field of mediation and conflict reduction mechanisms, Laila al-Thawr is the head of the Sam Foundation and works as Deputy for Political Affairs and Relations of the High Council for Coordination of Parties and Community Organizations and Wardah Majwar is a social and tribal activist who contributes to conflict resolution at a local level. Personal interviews by the author, January 2021, Istanbul.

prohibiting assaults on women in any form. They also prohibit attacking a man who has a woman with him, even if he is a killer, as this would be considered a "shameful" action in the tribal code. She also adds that a *nakaf* — a tribal declaration of emergency — called for by a woman, or called for on behalf of a woman, is considered more powerful and binding than a nakaf called by or for a man. Al-Thawr added that women can become involved in efforts to manage conflicts, although this is difficult because men in power refuse to acknowledge women's roles in successful efforts and attempt to take credit for their achievements.

Al-Qadi explained that tribal customs are in line with Sharia law in meeting people's needs and resolving conflict, and differ from state jurisprudence in the penalties they impose. Penalties from the judiciary rely on the authority of the state, while those in tribal customs rely on popular traditions.[113]

Al-Qadi agreed with Al-Thawr in that tribal customs were applicable to all cases in which the law was also applicable, adding that they are also quicker and more accessible than the justice system. Both emphasized the special treatment granted by tribal customs. Women cannot be attacked during disputes, whether between individuals, tribes or whole regions. Women are protected during wars, and Al-Qadi said that even in "recent times," if a group of combatants are surrounded, women can escort them out, as they cannot be attacked while under a woman's protection.[114]

Al-Qadi said that women were still respected while traveling, despite the fact that tribal traditions have been destabilized recently. Anyone who assaults a woman is considered to have committed a very shameful act that is not accepted by society. She added that in tribal custom, the penalty for assaulting a woman is harsher than the penalty for assaulting a man in terms of fines.[115]

As proof of the importance and influence of women in tribal customs, Al-Qadi noted that if one of the parties in a dispute was not moving toward a resolution, it was customary for a mediator to take their daughter with them to the party that had rejected a proposed solution. This is because a woman being involved in resolving a problem may have more impact than scores of men, as a party that rejects a solution in the presence of a woman is considered an "outcast among all of the tribes". The daughter's presence alongside her father often leads to the party that had not accepted the solution giving in and accepting a compromise.

Yet tribal structures also place limitations on women. Al-Qadi spoke about the challenges that female activists face in their tribal communities. She believes that the biggest challenge is whether a woman's family will support and accept her work and empower her to take on a mediating role. Women cannot participate

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113) Personal interviews by the author via phone, November 2020.

114) Personal interviews by the author via phone, November 2020.

115) Personal interviews by the author via phone, November 2020.

in resolving disputes at a higher level if their fathers, mothers or brothers do not give them permission. Al-Qadi added that a family's refusal to do this might be intended as a way of protecting the woman, as the family fears she would be subject to harm or humiliation. Al-Qadi said that this justification was used if a woman had already been attacked, even if only verbally, as this too is considered a crime in tribal customs. An attack on a woman might then cause an even larger problem than the one the woman was trying to resolve.

Al-Qadi said some women were now trying to expand the scope of their participation in conflict resolution to areas outside their own tribes. She added, however, that according to tribal customs in Marib, it was still not acceptable for a woman to offer her mediation to a tribe other than her own, unless she had been present at the time of the incident requiring resolution. Al-Qadi said that this practice could change over time, as women have started to operate more widely in a personal capacity. She said that she had participated in resolving conflicts between different tribes, but that these efforts had not been made public and had occurred through direct communication with the parties involved.

Despite their differences, local communities in Yemen comply with customs and traditions. In some cases, these tribal customs elevate the status of women and protect them. But tribal customs also promote the idea that women are weak. It is widely seen as being in agreement with religion – and laws based on customs and religion – that women should rely on the protection and the presence of a man, whether he is their guardian or at the top of the tribal structure.[116] Women lose the advantage of protection or respect if the men in the family are absent or are not supporting the women, or if women decide to work outside of the limitations set for them. This view is shared by researcher Najwa Adra, who wrote in a 2016 study that, "Since tribal law does not regulate behavior within the immediate family, women's safety nets protect them only if their fathers and brothers are decent. Moreover, tribal ideology is male-oriented. Men are charged with representing their tribe in public venues, and tribal leadership is overwhelmingly male."[117]

There are women who have contributed and are contributing to the leadership of their communities through tribal entities, but they are very few and far between. These women are breaking new and difficult ground, going against entrenched beliefs and a male majority. This "male culture" has limited the roles of women, under the pretext of protection and "shame", curbing their interactions with men. This has led to many of the problems that Yemeni women face today, in getting education, opportunities in the job market, equality between the genders and other basic rights.[118]

116) Najwa Adra, "Tribal Mediation and Empowered Women: Potential Contributions of Heritage to National Development in Yemen," International Journal of Islamic Architecture, July 2016, p. 317.

117) Ibid.

118) Ibid.

STATES THAT ARE NOT STATES, AND SHEIKHS THAT ARE NOT SHEIKHS

In recent years, the power of some sheikhs has grown within a corrupt state that has not imposed the rule of law. This relationship has hindered both parties: the state does not function like a state, while the sheikhs no longer represent the members of their tribes. Despite the immense wealth that some of these sheikhs enjoy, their tribes and tribesmen have not benefited.

The next and last part of this analysis will discuss how sheikhs and tribal mechanisms have played a central role in the current war.

An old man belongs to the Al-Hadaa tribe, carries an old rifle during a tribal gathering in support of the Houthis in the Al-Hadaa area, Dhamar governorate on March 2018 ,19 // Sana'a Center photo

Part III: Tribes and the Current Conflict

BACKGROUND TO THE CURRENT CONFLICT

March 26, 2015 is often cited as the date the current war in Yemen began. In fact, this date only marks the start of the Arab Coalition's official intervention in the war – or wars – already happening in the country. In reality, there has been a continuous series of conflicts in Yemen, stretching back over decades, in which individuals and groups have allied together according to their perceived political interests. The current war is just the most recent in this series of confrontations – conflicts in which Yemen's tribes have played an important role.

Following the September 1962 revolution, the civil war between the republicans and the royalists in North Yemen ended in 1970 with a republican victory, along with a consensus between major regional players toward both sides in the conflict. At the same time, leftist revolutionaries in South Yemen were preparing to establish a socialist state after the British withdrawal in 1967.

Both countries suffered from internal conflicts. In the North, strong sectoral and tribal identities emerged. These identities represented intertwining centers of power, which sometimes competed, and at others allied together. Presidents in North Yemen were toppled one after the other, with Part I of this study showing how tribal affiliations played a major role in these changes until Ali Abdullah Saleh assumed power in 1978. Tribal support for Saleh was subsequently facilitated through a partnership financially sponsored by Riyadh.

In South Yemen, clear ideological differences existed among leaders of the ruling Yemeni Socialist Party (YSP). The disputes also related to factionalism between different southern governorates and a civil war erupted between different YSP factions in January 1986. This regionalist, rather than tribal, dispute resulted in a bloody divide between leaders hailing from Abyan and Shabwa and those from Al-Dhalea and Lahj. Many figures from the defeated Abyan-Shabwa faction fled to the North in the aftermath of the civil war, and later played a decisive role in the 1994 war.

The year 1990 marked the unification of North Yemen and South Yemen. This happened at a time when the South was exhausted from the 1986 civil war and in a difficult economic situation amid the breakup of its primary foreign backer, the Soviet Union. Governance of the unified Yemen Arab Republic settled in the North, after leftist factions – known as the National Front, which had resisted the regime in central areas – were crushed.

Relations between the northern and southern leaderships quickly deteriorated, with the latter complaining of being excluded from decision-making posts and accusing the former of assassinating YSP leaders. These tensions escalated into civil war in 1994 following an attempt by southern leaders to secede. The northern army, supported by northern tribal militias and southern military figures from the losing Abyan-Shabwa side of the 1986 conflict, succeeded in crushing this attempt and keeping the country unified.[119]

After the 1994 conflict, Saleh and his main backers from the northern tribal elite were unrivaled in power. The General People's Congress (GPC) party, headed by Saleh, dominated parliament with a sweeping majority, while Saleh also controlled the country's military and economic power.

The other main political party at the time, was the religious tribal Islah party. Despite its opposition status, however, Islah continued to support Saleh due to an intertwining network of interests. Many who joined Islah had originally belonged to the GPC, or were supporters of the northern regime it represented. The leading members of the two parties also belonged to the same well-established tribal, business and personal networks that formed the Yemeni elite.[120] No other parties were able to exert influence at the political and legislative level due to their small size or and systematic weakening after the 1994 war.

However, other groups emerged and began to challenge Saleh's government, most notably what would become the armed Houthi movement. Supporters of the Believing Youth Forum, a movement founded by Hussein al-Houthi in 1992, initiallysoughttoredressperceivedinjusticesagainstZaidisinSa'adagovernorate.[121] The group, which eventually crystallized as Ansar Allah, the Houthi movement, became more militant after the US-led invasions of Afghanistan and Iraq in 2001 and 2003, before finally taking up arms in 2004.[122] Confrontations between Al-Houthi's followers and the army ended with his killing, along with a number of his supporters, in September 2004. Five more rounds of conflict followed until 2010, in which tribal fighters participated on both sides.

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119) Tawfeek al-Ganad, historian and researcher at the Sana'a Center, personal phone interview by the author, April 2021.

120) Amr Hamzawi, "Between Government and Opposition: The Case of the Yemeni Congregation for Reform," Carnegie Endowment, November 2009, https://carnegieendowment.org/files/yemeni_congregation_reform.pdf

121) Adam Baron, "What We Get Wrong About Yemen," Politico, March 25, 2015, https://web.archive.org/web/20150812213233/http://www.politico.com/magazine/story/2015/03/yemen-intervention-116396.html#.Vcu7eS2l3fY

122) "The Houthis' Six Wars: A Historical View [AR]," Al-Jazeera, October 21, 2009, http://bit.ly/3cx1a1m; "The Houthis: From the Mountains of Sa'ada to Rule Over Sana'a [AR]," BBC, June 13, 2018, https://www.bbc.com/arabic/middleeast-44474204

Southern Yemen also witnessed the emergence of an opposition movement, voicing grievances felt by the southerners since unification. The demands of Al-Hirak (the movement) developed over time, ranging from the reinstatement of soldiers discharged from the army after the 1994 civil war to calls for southern secession.

Another challenge to Saleh's regime came as Al-Qaeda began solidifying its presence on the ground after its branch in Yemen merged with its branch in Saudi Arabia in 2009. The group had been active in Yemen for some time, targeting foreign tourists and governmental institutions, with its major operations being the attack on the USS Cole in the Gulf of Aden in 2000.

Saleh continued to manage such crises without providing real solutions. After leading an initial crackdown on Al-Qaeda in Yemen, US criticism of Saleh's record on corruption led him to tolerate a degree of Al-Qaeda activity as a hedge against policy shifts from the US, according to analyst and researcher Gregory D. Johnsen.[123] US drone strikes resulted in the killing of civilians in tribal areas of Marib, Shabwa, Abyan and Hadramawt, increasing hostility against the regime. Many of those who turned to Al-Qaeda did so out of a desire to avenge such attacks.

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123) Gregory D. Johnsen, *The Last Refuge: Yemen, al-Qaeda, and America's War in Arabia*, (W. W. Norton & Co., 2014).

TRIBES AND REVOLUTIONS

In 2011, a revolution inspired by the uprisings in Tunisia and Egypt erupted in Yemen. Led by the youth, many tribesmen and tribal sheikhs peacefully joined in due to their resentment against the Saleh regime. They did so not only representing themselves, but also their tribes.

Among the most prominent figures and parties who joined the revolution were the sheikhs of the Hashid[124] and the Houthi movement.[125] The latter had been practically at peace with the state since February 2010, yet there were still unresolved disputes over control of Sa'ada and surrounding areas. The Houthi movement had by this stage gained the support of many tribes against the regime, but had also antagonized other tribes, as outlined in more detail below.

Saleh ceded power in February 2012 and handed the reins to his vice president, Abdo Rabbu Mansur Hadi, a southern military figure who had fled the South following the 1986 civil war. In March 2013, the National Dialogue Conference was held. The internationally-backed event aimed to bring together delegates from all Yemeni constituencies to plan the building of a modern Yemeni state, including tribal sheikhs influential at both the tribal and political levels.

Despite the conference, Houthi forces continued operations in the north, blowing up houses belonging to sheikhs from tribes which opposed them. In July 2014 they organized the demolition of buildings belonging to the Al-Ahmar clan in Amran.[126] These actions were undertaken in collusion with former President Saleh and his tribal and military loyalists, who entered into an alliance with their former Houthi enemies.[127]

By September 2014, the Houthis had seized Sana'a and Hadi had been forced to submit his resignation, later fleeing house arrest in the capital to Aden. By March 2015, Houthi-Saleh forces had advanced into Aden, forcing Hadi to flee once again. Saudi Arabia launched a military intervention on March 26, 2015, leading a coalition of nine countries. The coalition intervened at Hadi's request and in conjunction with his escape towards Oman in the east.

124) "Military and Tribal Leaders Join the 'Youth Revolution' in Yemen [AR]," Al-Wasat News, March 21, 2011, http://www.alwasatnews.com/news/533470.html

125) Baraa Shaiban, "Yemen's Clash of Two Revolutions," Hudson Institute, April 4, 2021, https://www.hudson.org/research/16848-yemen-s-clash-of-two-revolutions

126) "The Houthis Blow up the House of Sheikh Al-Ahmar in Al-Khamri, Amran [AR]," Almasdar Online, February 2, 2014, https://almasdaronline.com/article/54286

127) Ashraf al-Falahi, "How Did the Military Power of 'Al-Houthi' Grow? [AR]", Arabi21, November 3, 2014, https://arabi21.com/story/786391/

INTERNAL LOYALTIES, SHIFTING ALLIANCES, CHANGING DIVISIONS

The presence of the tribes as a key factor in Yemen's recent conflicts can be divided into four phases. The first is from 2008 to Yemen's Arab Spring-inspired revolution in 2011; second, from the revolution until the Houthis seized Sana'a in 2014; third, the subsequent phase of the war that saw the Saudi-led military coalition's intervention and continued until the Saleh-Houthi alliance broke up at the end of 2017; and finally, the contemporary arrangement of power in the conflict.

During these four phases, the map of tribal alliances has contributed to the changing political and military balance of power. Previous "givens" have also changed; enemies have become friends, historical alliances have ended, established powers have collapsed and newer powers have emerged to become major actors in the conflict. In addition, while in northern, Zaidi areas – where, to some extent, the tribal inhabitants sympathized with the Houthi movement – the Houthis have encountered fierce opposition from the Shafi'i tribes in west Hajjah, Al-Bayda, Al-Jawf and Marib.

Phase I: 2008 to 2011

By the end of the fifth major confrontation between the Yemeni government and the Houthi movement in 2008, the latter had imposed almost complete control over Sa'ada's countryside, with the support of many local tribesmen. The movement then organized life in the villages and subdistricts, with examples of this evident in the courts and in conflict resolution among citizens.[128]

The Houthi authorities adopted a vengeful approach against tribes that had supported the state and fought alongside the army. The kidnapping of sheikhs and tribesmen, blowing up houses and burning farms were among the tactics the Houthis used in this campaign.[129] The government's failure to protect and

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128) "The Yemeni Strategic Report," Yemeni Center for Strategic Studies, 2010, p. 94.

129) The Yemeni Strategic Report, 2010 includes a historical chronology of events during the fourth and fifth Sa'ada wars and the Houthi victories which followed. It also includes the names of the tribes which participated in direct conflict with the Houthis during that phase, such as the Waela, Hashid, Munabeh and Qatayer tribes. This is in addition to outlining tribal alliances with the Houthi movement, such as that following the visit of sheikhs from Marib to Saada and their voicing of support there for the Houthi forces in November 2021.

Tribesmen from Ibb governorate at a tribal gathering in Ma›rib governorate to support the national army against Huthis on May 2020 ,7 // Sana'a Center photo by Abdulmajeed Al Khadhmi

adhere to agreements made with tribal allies further undermined its standing, while boosting that of the Houthis. The government also denied many citizens access to state services, with this combination of factors driving many local tribes in Sa'ada to stop supporting the state and turn to the Houthi movement.[130]

Phase II: 2011-2014

The second phase began with Yemen's Arab Spring-inspired revolution. Their ranks swollen with new supporters, the Houthi movement was able to consolidate its hold on Sa'ada, and some areas of Amran and Hajjah. Houthi forces also engaged in violent clashes with tribes in Amran, including confrontations at Al-Asymat, Al-Ahnum, Qafla, Rayda, Harf Sufyan, Houth and Beit Al-Khamri – all Hashid strongholds. By July 2014, the Houthis had defeated Al-Ahmar, one of the strongest families in Amran and all of Yemen, in collusion with sheikhs from certain Hashid sub-tribes.[131]

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130) Ibid.

131) "Bombing of Sheikh Hussein al-Ahmar's house in Khamer," Youtube, February 2, 2014, https://www.youtube.com/watch?v=9OvLO1o254c

In Hajjah, the Hajur tribes fought their first battle with Houthi-affiliated tribal fighters in 2011, while national and international attention was largely focused on developments in the unfolding revolution.[132] In 2012, tribal mediation succeeded in ending the fighting after an agreement was reached stipulating that the Houthis would not interfere in tribes' affairs, while the tribes agreed to stay within their own territories.[133]

Other conflicts continued in the governorate in 2013 and 2014 between the Houthis and tribes that opposed them – or sympathized with the Islah party – in the areas of Aahem and Wadi Qams.[134] During this period, there were also bloody clashes between the Houthis and the Arhab tribes in northern Sana'a governorate.

In Al-Jawf, Houthi forces' first battles against local tribes also began in 2011. The Dahm, Dhu Hussein and Dhu Mohammed, in particular, fought back against Houthi expansion in the governorate. Yet, the Houthi movement had loyal co-religionists among a network of families in the region known as Al-Ashraf. These are Hashemites, who claim to be descendants of the Prophet Mohammed, and while some of Al-Ashraf follow the Shafei branch of Sunni Islam, others are Zaidi Shia[135] and are located in several areas of Al-Jawf, including the Al-Ghayl district.[136] This area is strategically important, as it lies between the districts of Al-Hazm and Al-Masloub, as well as the Majzar district of Ma'rib governorate, while also encompassing a mountain range overlooking the Nehm district of Sana'a.

The Houthis relied not only on the stick, but the carrot, too, in their expansion beyond Sa'ada. In Hajjah and Al-Jawf, tribal members who felt marginalized by the regime sometimes supported the Houthis, who presented themselves as an alternative to the absent state, as they had done in Sa'ada. They were able to provide security and resolve and mediate local disputes.[137]

132) "Yemen: Hajour, Brutality of Abuses, A Human Rights Report on the Abuses in Hajour District," Rights Radar, June 2019, https://rightsradar.org/media/pdf/reports/YEMEN%20HAJOUR%D8%8C%20 BRUTALITY%20OF%20ABUSES.pdf

133) Maysaa Shuja al-Deen, "The Houthi–Tribal Conflict in Yemen" Carnegie, April 23, 2019, https:// carnegieendowment.org/sada/78969

134) "The Houthis: From a Local Group to a National Power," Yemen Times, September 4, 2014, https://web. archive.org/web/20150402051539/http://www.yementimes.com/en/1813/report/4294/The-Houthis-From-a-local-group-to-a-national-power.htm

135) Casey Coombs and Salah Ali Salah,"How Outsiders Fighting for Marib are Reshaping the Governorate," November 4, 2021, Sana'a Center For Strategic Studies, https://sanaacenter.org/publications/ analysis/15664

136) Talal al-Shabibi, "What is the Importance of the Al-Ghail Region in Al-Jawf and Why are the Houthis Desperate to Defend it? [AR]," Al-Mawqea Post, September 8, 2016, https://almawqeapost.net/ reports/11640

137) Ibid.

The Houthi movement's relationship with Saleh, who ceded power to Hadi in 2012, was another key to their success. Tribes loyal to Saleh allowed the Houthis to pass through their territories without opposition and provided access to military facilities controlled by Saleh loyalists, bolstering their arsenal of weaponry. This assistance enabled Houthi forces to rapidly seize areas from Sa'ada to Sana'a, encountering only weak resistance, despite the common tribal practice of refusing to submit to any other tribal group.[138]

The sectarian situation also benefited the Houthis in the northern highlands, where most of the tribes were Zaidi coreligionists. Saleh-Houthi forces were able to mobilize this sectarian divide to defeat Salafists in their stronghold of Dammaj in Sa'ada by January 2014.[139] Dammaj was home to the Saudi-sponsored Dar al-Hadith religious institute, which had proselytized for Salafism amongst the Zaidis.[140] This foreign connection was highlighted by Saleh and the Houthis in order to exploit tribal suspicions about foreign fighters among the Salafist groups opposing them. Slogans claimed that Saleh and the Houthis were fighting "takfirist Islamic State members".

Many tribes opposed the Islah party and the national consensus government,[141] especially when tribal dignitaries had personal relations with Saleh, who had always astutely managed his relations with the tribes. Indeed, the confrontation between the GPC – represented by Saleh – and the Islah party created common ground in northern areas between the GPC and its loyal tribal sheikhs and the Houthis. With the power of Islah growing strongly after the 2011 revolution, there were rumors that the head of the transitional government, Abdo Rabbo Mansour Hadi, was providing facilities to the Houthis in an attempt to check their influence. In September 2014, units from his Presidential Protection Brigades allegedly provided supporting fire for Houthi forces assaulting the Sana'a headquarters of the 1st Armored Division – a unit loyal to General Ali Mohsen al-Ahmar, then a key ally of the Islah party and now Hadi's vice president.[142] Saudi Arabia's

138) Amjad Khashafa, "The Role of 'Saleh' in Handing Over Sana'a [AR]," Al-Bayan Magazine, November 2014, https://albayan.co.uk/MGZarticle2.aspx?ID=4008; Fathi Shams el-Din, "How Did the Houthis Take Control Without Resistance from the Army? [AR]," BBC, September 26, 2014, https://www.bbc.com/arabic/interactivity/2014/09/140924_comments_yemen_houthi_ovetaken_sanaa

139) Nasser al-Sakkaf, "Salafis Forced to Flee Dammaj, Government Forces Unable to Protect Them, They Say," Yemen Times,January 15, 2014, https://reliefweb.int/report/yemen/salafis-forced-flee-dammaj-government-forces-unable-protect-them-they-say

140) Mohamad Mahad D. Darar, "Yemen is in Chaos (and America Is Making It Worse)," The National Interest, November 26, 2017, https://nationalinterest.org/feature/yemen-chaos-america-making-it-worse-23352

141) "The Huthis: From Saada to Sanaa," International Crisis Group, June 10, 2014, https://d2071andvip0wj.cloudfront.net/the-huthis-from-saada-to-sanaa.pdf

142) Abdulghani al-Iryani, "With Enemies Like These, Who Needs Friends?", Sana'a Center, October 15, 2020, https://sanaacenter.org/publications/analysis/11729;"Calm in Sana'a After Houthis Take Control of Sovereign Headquarters [AR]," Al-Jazeera, September 22, 2014, https://bit.ly/3mFHT3p

designation of the Muslim Brotherhood as a terrorist group in 2014 impacted the funding of the Islah party, which is widely seen as the Brotherhood's Yemen branch. As a result, several sheikhs stopped fighting alongside the Islah party, with some adopting a neutral position and others siding with the Houthis.[143]

Another factor that pushed some tribes to support the Houthis was indignation over rampant government corruption, with the political transition process that followed the 2011 Arab Spring-inspired revolution failing to achieve the desired change.[144]

What happened between 2011 and the Houthi's takeover of Sana'a in September 2014 confirms that tribes will stand by the state if they view it as strong and the situation as in their favor. If not, the tribes will stand with whoever can offer a viable plan that entails financial and economic benefits, whether those plans benefit the nation or not. These developments exposed the terrible fragility of the Yemeni state built by the Saleh regime. Tribal groups armed with heavy weapons were able to act above the state and the law, while within the army, soldiers from tribal areas often remained first and foremost loyal to their respective tribes.

Phase III: 2014-2017

The period from the Houthi movement's seizure of Sana'a to the death of Saleh in 2017 saw further advances by tribal fighters that supported the Houthis, along with army units loyal to Saleh. After heading into the central governorates of Ibb and Taiz, they then continued further south,[145] quickly advancing into the governorate of Shabwa. This rapid progress was partly thanks to Saleh's polarization of tribal leaders, which came as a result of the years he had spent purchasing the loyalty of sheikhs and other local chiefs. There were also confrontations between local tribes and tribes coming from the north that had joined the pro-Saleh and Houthi forces. In February 2015, the Al-Awaliq tribe in Shabwa, announced it had formed a force of 3,000 fighters organized into 200 patrols to confront any armed group that tried to enter the city of Ataq, the governorate capital.[146] The Houthis, however, took control of the entire city

143) "2014: The Year of the Houthis in Yemen [AR]," Al-Jazeera, December 26, 2014, https://bit.ly/32vGSV5

144) "Tribe and Oil in Yemen's War… The Battle of Marib," Abaad Studies and Research Center, November 18, 2020, https://abaadstudies.org/news-59855.html

145) "Houthis Control Taiz Airport and Advance Towards Aden [AR]," DW, March 22, 2015, https://bit.ly/3JtmnZw

146) "Shabwa's Largest Tribes Form Armed Force to Confront the Houthis [AR]," Al-Jazeera, February 19, 2015, http://bit.ly/30ESqRa

thanks to the support of the local Lahwal tribes loyal to them. Shabwa was not completely returned to internationally-recognized government control until the end of 2017.[147] In neighboring Al-Bayda, confrontations between the Al-Zoub tribe and Houthi forces began in October 2014 after the latter first entered the governorate. After this initial incursion, a second attack was defeated, but a third offensive, in March 2016, saw the Houthis surround Al-Zoub-controlled areas for more than two weeks. Still, the tribe's fighters held out.[148]

On March 26, 2015, the conflict entered a new stage when Saudi-led military coalition forces intervened. With Saudi Arabia – and Saudi funds – now engaged again, Riyadh started to rebuild its alliances with tribes with whom it had had stronger relations before 2011.[149] Yet, while there were expectations that the Saudi-led intervention would have a decisive impact, returning to internationally recognized government control, this largely failed to occur.[150]

On both sides, economic considerations played a major role in encouraging many to join the fighting. On their way south, the Houthis mobilized thousands of tribesmen, including a large number of children.[151] High poverty rates and the marginalization of whole communities drove youths and children to fight in exchange for money and weapons.[152]

In addition, those who did not willingly join the Houthi forces were sometimes forced to do so, with the Houthis intimidating tribes and their leaders in areas they controlled in order to mobilize more fighters.[153] This intimidation included the execution of sheikhs who opposed the Houthi movement. The Al-Omri family, from central Al-Bayda, were shot dead by Houthi forces in 2016. They had been leaders in the fight against Houthi attempts to take control of the governorate.[154]

147) Islam Seif, "Yemeni army announces liberating Shabwa governorate [AR]," Al-Arabiya, December 18, 2017, http://bit.ly/3lfCqym

148) "Details of Six Years of Confrontations Between the Houthis and Al-Zoub tribes in Al-Bayda [AR]," Al-Masdar Online, September 12, 2020, https://almasdaronline.com/articles/203075

149) Neil Partrick, "Saudi Arabia's Problematic Allies Against the Houthis," Carnegie Endowment for International Peace, February 12, 2016, https://carnegieendowment.org/sada/62753

150) Bushra al-Maqtari, "Saudi Arabia in Yemen: Harvest of Chaos [AR]," Al-Araby, April 7, 2020, https://bit.ly/3eC7OER

151) "Militarized Childhood: A Report on the Houthis' Recruitment of Yemeni Children During War," Euro-Med Human Rights Monitor/SAM for Rights and Liberties, February 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/childrenyemenrepen.pdf

152) "Yemen: Houthi Forces are Recruiting Child Soldiers to Fight on the Front Lines," Amnesty International, February 2017, https://www.amnesty.org/ar/latest/news/2017/02/yemen-huthi-forces-recruiting-child-soldiers-for-front-line-combat

153) "Tribe and Oil in Yemen's War... The Battle of Marib," Abaad Studies and Research Center, November 18, 2020, https://abaadstudies.org/news-59855.html; Adel Dashela, "Coercing Compliance: The Houthis and the Tribes of Northern Yemen," The Washington Institute, November 6, 2020, https://www.washingtoninstitute.org/policy-analysis/coercing-compliance-houthis-and-tribes-northern-yemen

154) "Bodies Found of Yemeni Tribal Leaders Abducted by Houthis," The National, August 3, 2016, http://bit.ly/3tf60XN

At the Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking, organized by the Sana'a Center and the Crisis Management Initiative (CMI) in Istanbul in January 2021, some sheikhs spoke bitterly about how the Houthis humiliated and insulted Yemeni tribes.[155] They reported that sheikhs who had not willingly announced their support for the Houthis had had no other choice but to submit in order to protect their and their tribe's existence. A Khawlan sheikh said this submission was called taqiya,[156] which is religiously permitted.[157]

Those tribes which tried to adopt neutrality were also put under pressure by the Houthi movement. In April 2016, the Houthis held a tribal conference in Sana'a and called on tribes to sign a "document of tribal honor". This declared that Sana'a was a "protected" city, prohibiting any fighting within it.[158] During the conference, the Houthis also announced penalties against those who cooperated with "the enemy" (the internationally-recognized government and coalition members) and extracted a promise from the tribes of Tawq Sana'a[159] that they would protect Sana'a from any aggression. Some agreed willingly, others under pressure.[160] The accusation of "cooperating with aggression" was the most common accusation the Houthis made to prosecute both civilians and tribesmen who opposed them.

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155) Author's notes from the Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking, attended by Yemeni sheikhs, organized by the Sana'a Center in partnership with CMI in Istanbul, January 2021.

156) An Islamic orientation based on the Quranic *aya*, or verse, which states: "The believers must not take the disbelievers as friends instead of the believers. And whoever does so has no relation with Allah whatsoever, unless you [do so] as a protective measure [in order to] save yourself from them." Hanfi jurist Al-Sarakhsi defined it further, saying, "Taqiya is to protect yourself from punishment by taking protective measures, even if one believes the opposite should be done."

157) Personal interview with source who wished to remain anonymous due to fear of reprisals, Dhamar, November 2020.

158) In tribal customs, an area may be declared "protected", meaning that fighting is prohibited within it, particularly in public places, such as mosques and schools. Tribes also pledge to protect such places from any attacks.

159) The Tawq Sana'a tribes are the Khawlan, Nahm, Arhab, Hamdan, Sanhan, Bilad al-Rus, Bani Hushayash, Bani al-Hareth and Bani Matr, among others.

160) "Faint Presence of the Sana'a Tribes at Houthi Conference [AR]," Yemen Monitor, April 17, 2016, https://www.yemenmonitor.com/Details/ArtMID/908/ArticleID/8313

Phase IV: 2017 to the Present

The alliance between Saleh and the Houthi movement did not last. In August 2017, Saleh accused his Houthi allies of corruption and described them as a militia, rather than a movement. After Saleh rallied thousands of his supporters in the center of Sana'a to celebrate the anniversary of the GPC's founding,[161] the Houthis accused him of betrayal and told him to bear the consequences of the remarks he had made.[162]

This dispute then escalated toward a new confrontation – and a reconsideration among the tribes of their earlier calculations. Saleh thought he could confront the Houthis by allying with Saudi Arabia again and by seeking the help of the tribes which had supported him. This was a losing gamble. Many tribes were not pleased by Saleh's call to reconcile with Saudi Arabia, especially those that had lost many of their kin to Saudi-led military coalition airstrikes. One such tribe was the Khawlan, which had suffered the Al-Sala Al-Kubra massacre in 2016, when a funeral gathering had been hit by coalition missiles.[163] At the same time, other tribes felt Saleh had let them down and failed to protect them when he first allied with the Houthis. Saleh also appeared ill-equipped militarily for a serious confrontation with the Houthi forces and had failed to make any significant political and military capital out of the August 2017 rallies.[164]

The tribes in Tawq Sana'a thus abandoned Saleh, while others including those in Saleh's own tribe, took a neutral stance in his dispute with the Houthis.[165] Some sheikhs who were loyal to Saleh did try to support him by blocking roads to prevent the Houthis from transferring supplies. Two of these were Naji Jumaan, from Bani al-Hareth in Sanaa, and Mabkhout al-Masharqi, from Amran. In retaliation, in December 2017, the Houthis killed Juman's two sons[166] and looted and blew up

161) Bashar al-Halabi,"Saleh Rallies his Supporters in Yemeni Capital amid Rift with Houthi Allies [AR]," France 24, August 24, 2017, https://bit.ly/3mFDg9G

162) Bashar al-Halabi, "Saleh Rallies his Supporters in Yemeni Capital amid Rift with Houthi Allies [AR]," France 24, August 24, 2017, https://bit.ly/3mFDg9G

163) The funeral of the interior minister, Jalal al-Ruwaishan, was held in Al-Sala Al-Kubra on October 8, 2016. Officials, tribal sheikhs, military figures and civilians were present at the funeral when the Saudi-led military coalition targeted the building where it was being held – a wedding hall – with two missiles. At least 132 people were killed and 783 wounded, with the casualties mostly civilians.

164) "Ali Abdullah Saleh's Last Bet… Why Did the Tribes of the Sanaa Ring Fail Him [AR]?" Al-Araby, December 5, 2017, https://bit.ly/3HlM8Jw

165) Abdelbari Taher, "Yemen and the Course of War [AR]," The New Arab, December 16, 2017, https://bit.ly/31cCQjJ

166) "Al-Houthi Militia Stormed the House of a Sheikh in Yemen in Jidr [AR]," Al-Ain, December 3, 2017, https://al-ain.com/article/al-houthi-militia-house-of-naji-juman-jader

Al-Masharqi's house after detaining him and his supporters.[167] Fighting between pro-Saleh and Houthi forces broke out in Sana'a, with Saleh himself killed on December 4.[168]

If the Houthis had made an alliance with Saleh they would not have been able to reach Aden and Shabwa in the south. Indeed, Saleh's connections with the tribes and his ability to bring over part of the army were key factors in the Houthi forces' early advances. When Saleh was killed the map of tribal alliances was redrawn, and the Houthis were able to continue expanding and consolidating their control.

In Hajjah, the 2012 agreement between the Houthis and the Hajur tribes lasted until January 2019, when the Houthis attacked, surrounding the Hajur area in a battle that lasted around 50 days.[169] Hajur eventually fell to the Houthis, after limited support was provided to the tribes by the internationally-recognized government.[170] This deepened fears among tribal leaders that the government and the Saudi-led military coalition would abandon even strong tribes that opposed the Houthis, leaving them at their mercy.[171]

It had become clear by this stage that the highlands around Sana'a were now completely under the Houthi movement's control. They had crushed the authority of the sheikhs in these regions and replaced it with that of mushrifeen (supervisors), who had absolute authority in the Houthi-controlled areas. Houthi authorities, who had forced the sheikhs to sign the"document of tribal honor" back in 2015, declared that sheikhs who refused to send fighters to the frontlines were criminals. The Houthis also threatened to use people from tribes which opposed them as human shields on the battlefield.[172]

In Al-Bayda, Houthi expansion came up against resistance from two tribes in particular in the Qifa region: the Al-Zoub and Al-Awad. The latter had not allowed Houthi or internationally-recognized government forces to pass through

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167) "Investigation: Sana'a's Tribes, a Reservoir of Men, How Did They Disappear Before Saleh's Murder? [AR]," Yemen Monitor, December 16, 2017, https://www.yemenmonitor.com/Details/ArtMID/908/ArticleID/22017

168) "Ali Abdullah Saleh, Yemen's Former Leader, Killed in Sana'a," BBC, December 4, 2017, https://www.bbc.com/news/world-middle-east-42225574

169) "Yemen: Hajour, Brutality of Abuses: A Human Rights Report on the Abuses in Hajour District," Rights Radar, June 2019, https://rightsradar.org/media/pdf/reports/YEMEN%20HAJOUR%D8%8C%20BRUTALITY%20OF%20ABUSES.pdf

170) "Yemeni Legitimacy Fails Hajour and a Wave of Popular Anger Erupts Against It [AR]," Aden 24, March 11, 2019, https://aden24.net/news/11753

171) From the Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking, attended by Yemeni sheikhs and organized by the Sana'a Center in partnership with CMI in Istanbul, January 2021.

172) "The Tribe and Oil in Yemen's War, Marib's Recent Battle [AR]," Abaad Center for Studies, October 10, 2020, http://bit.ly/3tmJBrl

its territory since 2015.[173] When a woman named Jihad al-Asbahi was killed by Houthi forces in June 2020 in Taffa, the Houthis refused to hand over those who killed her. Sheikh Yasser al-Awadi from the Al-Awad tribe in the district of Radman, who had been aligned with Saleh and the Houthis until the former's killing, called for a nakaf, a tribal gathering in which members set aside other allegiances and follow their tribal leaders. According to tribal customs, killing a woman is a "black shame" that may result in such a call. Fighting can potentially erupt, if the gathering does not see the case peacefully resolved. Yet, this tribal gathering, which many had bet on, failed, with the Houthis crushing the Al-Awad in June 2020. Houthi forces launched a fourth offensive against the Al Zoub tribe in September 2020. By October 2021, the Houthis controlled the entire governorate.[174]

In Al-Jawf, after the Houthis had blown up the houses of several tribal sheikhs, local leaders decided not to participate in any more fighting. In early 2020, Houthi forces then seized Al-Hazm, the capital of the governorate,[175] along with Al-Ghayl, where Houthi loyalists among local tribes facilitated their seizure of the district.[176] The Houthis then launched a renewed offensive in Marib. There, however, powerful tribes, such as the Murad, Abidah, Al-Jadaan, Jahm and Bani Abed, continued to fight back.

The Murad tribe has also long been a center of GPC power in the governorate,[177] but placed tribal loyalty ahead of political loyalty by resisting pro-Saleh and Houthi forces when they first tried to enter Marib in 2015. In contrast, the Jahm tribe, based in the Sirwah area, split between those who supported the Houthi movement and those who opposed it. Most members of both the Murad and Jahm belong to the Sunni Shafei sect, in contrast to the Zaidi Houthis.[178]

It is difficult to talk about "the tribe" as a whole, as some are divided between those who oppose a particular party to the conflict and those who support it, while others try to take a neutral stance. The reasons for tribal allegiances are not the same for all tribes, as circumstances differ for each. During the current war strong

173) Maged al-Madhaji, "Marib's Tribes Hold the Line Against the Houthi Assault," October 5, 2020, https://sanaacenter.org/publications/analysis/11617

174) Casey Coombs and Ali al-Sakani, "Marib: A Yemeni Government Stronghold Increasingly Vulnerable to Houthi Advances," Sana'a Center, October 29, 2020, https://sanaacenter.org/ar/publications-all/analysis-ar/11793

175) Ibid.

176) "The Tribe and Oil in Yemen's War, Marib's Recent Battle [AR]," Abaad Center for Studies, October 10, 2020, http://bit.ly/3tm.JBrl; "In Dramatic Counterattack, Houthis Take Yemen's Al-Jawf and Eye Marib," Middle East Eye, March 2, 2020, https://www.middleeasteye.net/news/dramatic-counterattack-houthis-take-yemens-al-jawf-and-eye-marib

177) Ibid.

178) "Local Visions for Peace in Marib," Sana'a Center for Strategic Studies, August 1, 2019, https://sanaacenter.org/publications/main-publications/7903

polarizations have emerged, mainly political, but also economic and sectarian. Taking – or not taking – a side has become a matter of life or death, amid the intimidation practiced by the Houthi movement on the one hand and a lack of support from the internationally recognized government on the other. Indeed, some sheikhs and tribesmen have preferred to dissociate themselves from the conflict entirely and not confront the Houthis, even if they oppose their agenda, as they also do not trust that the government will provide support.[179] They also fear the Houthis' vengeful practices. Poverty has also been a powerful and important factor driving young men to participate in the fighting.[180]

179) From the Workshop on Tribal Leaders Role in Local and National De-escalation and Peacemaking attended by Yemeni sheikhs, organized by the Sana'a Center in partnership with CMI, Istanbul, January 2021.

180) Ibid.

RELATIONS WITH RELIGIOUS FIGURES, MOVEMENTS AND EXTREMIST GROUPS

For different reasons, some tribal members have allied at times with extremist groups, such as Al-Qaeda in the Arabian Peninsula (AQAP). This group was established by local fighters who returned from Afghanistan in the 1990s.[181] A report published by the Sana'a Center in March 2017 located the group's activity in Yemen in three main areas: Abyan, Al-Bayda and Shabwa.[182]

State failure and regime practices have been major drivers for tribal alliances with AQAP, as have US drone and cruise missile strikes. While Washington claims these strikes are part of its pursuit of AQAP leaders, they have also killed many civilians. Examples of this go back before the current conflict. They include the killing of Jaber al-Shabwani, the deputy governor of Marib, in May 2010,[183] and the Al-Ma'jalah massacre in Abyan on December 17, 2009, where a Yemeni parliamentary inquiry found that 41 local residents, including 14 women and 21 children, along with 14 alleged AQAP members, were killed in US airstrikes.[184] Tribes have sometimes mobilized as a result of these incidents, with mobilizations also sometimes leading to threats against government facilities. In Shabwa and Al-Bayda, tribes played an important role in strengthening AQAP after repeated US missile and drone strikes killed dozens of civilians. This added to grievances amongst tribal members and pushed some to fight alongside AQAP.[185]

While the group has sometimes used alliances with tribal leaderships to gain legitimacy and protect its presence in tribal areas, in the case of Qifa, in Al-Bayda, AQAP linked up with disgruntled members of the local ruling family. There,

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181) See, for example, Peter Salisbury, "Misunderstanding Yemen," International Crisis Group, September 20, 2021, https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/misunderstanding-yemen

182) Farea al-Muslimi and Adam Baron, "The Limits of US Military Power in Yemen: Why Al Qaeda in the Arabian Peninsula Continues to Thrive," Sana'a Center, March 27, 2017, https://sanaacenter.org/publications/analysis/86

183) Ibrahim al-Qadimi, "Criticism of the Yemeni Government Over the Killing of Shabwani [AR]," Al-Jazeera, May 27, 2010, https://bit.ly/3mJsMWG

184) "Wikileaks Cable Corroborates Evidence of US Airstrikes in Yemen," Amnesty International, December 1, 2010, https://www.amnesty.org/en/press-releases/2010/12/wikileaks-cable-corroborates-evidence-us-airtsrikes-yemen/

185) For more details on the tragedy of the Al-Zahb family and the particularity of Qifa tribes, see Farea al-Muslimi, "Yemen's Qifa, where Trump's Bloody Hand is Exposed [AR]," Al-Safir, March 4, 2019, https://bit.ly/2PgTkkE

younger sons of the former sheikh of Qifa, Sheikh al-Zahb, turned to AQAP because they felt they were being persecuted by their elder brothers. Their older siblings had taken their land and assumed leadership of the tribe – something the younger sons felt they were also entitled to. Driven by desperation, they sought the help of a group as strong as the tribe – and AQAP was fit for purpose. The group managed to impose its presence in the area through two of the younger Al-Zahb brothers, Tarek and Nabil. Tarek in particular began working as a tribal leader, looking after the tribesmen, resolving their problems and vendettas, and hence gaining some form of legitimacy.[186]

Tribes have also joined with the internationally recognized government in expelling AQAP fighters from their areas. Examples of this include local tribes supporting government forces in expelling the group from major settlements in Abyan governorate in 2012. In 2016, a tribal mediation in Zinjibar and Jaar also contributed to the expulsion of AQAP fighters from the cities they had returned to under the pretense of fighting the Houthis.[187]

Researcher Nadwa al-Dawsari, who specializes in Yemeni tribal affairs, has argued that the tribes are not a contributory factor when it comes to radicalization and the growth of AQAP's power. Instead, she contends that tribal members, not "the tribe" as a whole, have interacted with the group. The tribes, she suggests, "innately" oppose extremist groups and extremist ideological ideas.[188] This, however, has not always prevented tribal sheikhs from working with AQAP. Yemeni researcher Hussam Radman suggests that cooperation with the group has sometimes been viewed by tribal figures as a way to make a profit from smuggling weapons and other goods. Strengthening a tribe's military power against its rivals has also helped AQAP fighters find a welcome in tribal areas.[189]

According to the logic of tribal culture and its rejection of violence against, or disobedience of, the ruler's authority, where relations between tribal members and AQAP have occurred, they have been based primarily on pragmatism and expediency, rather than ideology and sympathy. Individuals and sheikhs who have cooperated with the group have helped AQAP's members position themselves and gain control, while those who have opposed its presence have fought them within their tribes. These groups argue that AQAP's presence puts the tribe at risk due to the threat of US drone and missile strikes.

186) Nadwa al-Dawsari, "Our Common Enemy: Ambiguous Ties Between al-Qaeda and Yemen's Tribes," Carnegie, January 11, 2018, https://carnegie-mec.org/2018/01/11/our-common-enemy-ambiguous-ties-between-al-qaeda-and-yemen-s-tribes-pub-75225

187) "Al Qaeda Militants Begin to Leave Two Yemeni Towns: Residents," Reuters, May 5, 2016, https://www.reuters.com/article/us-yemen-security-qaeda-idUSKCN0XW185

188) Nadwa al-Dawsari, "Foe not Friend: Yemeni Tribes and Al-Qaeda in the Arabian Peninsula," Project on Middle East Democracy, 2018, https://en.eipss-eg.org/wp-content/uploads/2018/02/Dawsari_FINAL_180201.pdf

189) Hussam Radman, "Al-Qaeda's Strategic Retreat in Yemen," Sana'a Center for Strategic Studies, April 17, 2019, https://sanaacenter.org/publications/analysis/7306

AQAP has thus suffered many reverses in its dealings with the tribes. In addition to the tribal mediation in Abyan, which helped drive AQAP from the cities of Zinjibar and Jaar,[190] in Shabwa and Hadramawt the tribes joined with the Saudi-led coalition, particularly the UAE, to fight the group. In Al-Bayda, the tribes have also clashed with the organization during different phases of the conflict. Although in Qifa there was some support for AQAP, as outlined above, the tribes did not allow the group to spread its ideology. When AQAP militants led by Tariq al-Dhahab moved into Rada'a, tribes from the surrounding districts encircled the militants and set up a mediation committee to negotiate their withdrawal. The committee eventually persuaded Al-Dhahab and AQAP to leave Rada'a and return to his home village of Al-Manasseh.[191]

190) "Al-Qaeda Militants Begin to Leave Two Yemeni Towns: Residents," Reuters, May 5, 2016, https://www.reuters.com/article/us-yemen-security-qaeda-idUSKCN0XW185

191) Nadwa al-Dawsari, "Our Common Enemy: Ambiguous Ties Between al-Qaeda and Yemen's Tribes," Carnegie, https://carnegie-mec.org/2018/01/11/our-common-enemy-ambiguous-ties-between-al-qaeda-and-yemen-s-tribes-pub-75225

THE CONFLICT AND TRIBAL STRUCTURAL CHANGE

The current war may be both the worst conflict and the greatest danger Yemen's tribes have ever faced. This is not only due to the severe divisions the war has caused among tribal members, but also due to the changes it has brought to the structure, traditional organization and conceptual frameworks that have previously defined tribal practices.

While northern tribes currently fight on the frontlines, they have no political influence. On the other side, large tribes in Marib, Shabwa and government-controlled areas in Al-Jawf are defending these areas against Houthi forces, setting other considerations – and rivalries – aside. Tribal sheikhs complain that their tribes are being used as cannon fodder in this war – a resource that is being sacrificed and used in ways that also destroy tribal areas. They have tired of this war and of sacrificing their people.[192]

As this report has previously noted, the way the former regime treated tribal sheikhs – involving them in politics in an alliance with the country's rulers – turned them from representatives of their tribes into representatives of the regime. Indeed, some describe the performance of sheikhs under the former regime as one that made them resemble "chess pieces".[193] The traditional tribal structure had begun changing before the current war, but the gap between sheikhs and their tribesmen has widened during the conflict, with roles changing as positions and responsibilities within the tribe have changed. Some sheikhs complain that it is now difficult for tribal leaders to perform their traditional duties in their local communities. This is due to changes in the balance of power, particularly regarding the growing strength of groups such as the Islah party, and the emergence of what some describe as "new sheikhs". These are people who have been assigned roles by parties to the conflict – especially the Houthis. The sheikhs interviewed for this report also complained of marginalization of traditionally influential tribal leaders who knew what was best for their local communities.[194]

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192) From the Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking, organized by the Sana'a Center in partnership with CMI in Istanbul, January 2021.

193) Ibid.

194) Ibid.

The Houthi movement has violently targeted tribal leaders. A March 2021 report by Bilqis TV revealed that more than 40 tribal sheikhs who had at some point been loyal to the Houthis had subsequently been killed by them.[195] Sheikh Mujahed Qushaira from Amran had been a major ally of the Houthis when they entered Amran governorate. Following disputes with them, however, Qushaira was killed in July 2019 and his body dragged through the streets. This horror was filmed and the video widely shared.[196] In May 2019, Sheikh Ahmad al-Sakni from the Aayel Bani Suraih tribe in Amran was killed by a Houthi mushrifeen (supervisor). Al-Sakni had been mediating a dispute between the mushrifeen and a local citizen over a piece of land. When an argument then erupted between Al-Sakni and the supervisor, the latter killed him.[197] In February 2021, the Houthis targeted Rajeh Abu Nashtan, a sheikh from the Arhab tribe in Sana'a, killing him and some of his family members, including several children and a woman, also reportedly over a land dispute. Houthi police subsequently arrested their alleged murderer.[198]

What these sheikhs had in common was that they had been loyal to the Houthi movement and had facilitated its entrance into Sana'a. While the immediate reasons behind their killings were varied, the message was the same: the aura of tribal sheikhs no longer exists in the current circumstances, as the Houthi movement can kill whoever opposes it. Houthi officials are to be counted above sheikhs and tribes.

At the same time, the Houthi movement's practice of appointing mushrifeen from Sa'ada or Hajjah, or from among its supporters and leaders, is also an indicator of the lack of trust between it and the tribes. These supervisors have practically replaced sheikhs and senior government officials in all Houthi-controlled areas. The mushrifeen have absolute authority over an area and hence over the tribe and its sheikhs. This adds to the sheikhs' feeling that the tribe's prestige has been crushed in Houthi-controlled regions and that the internationally-recognized government has let them down.[199] Tribal prestige has not only been lost by the humiliation and killing of sheikhs and the demolition of their houses and looting of their property, but also through violations of what is prohibited according to

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195) Mansour al-Naqqash, "Around 40 Tribal Sheikhs.. Why Are the Houthis Eliminating Their Allies? [AR]," Twitter post, Bilqis TV, March 4, 2021, https://twitter.com/BelqeesTV/status/1371222606897147908

196) Kamal al-Salami, "This is How Politicians and Activists Reacted to the Houthis' Dragging the Body of Qushaira [AR]," Al-Masdar Online, July 23, 2019, https://almasdaronline.com/articles/169873

197) "Details of Killing of a Tribal Sheikh in Amran by a Houthi Supervisor in Sana'a (photos) [AR]," Mandab Press, April 2, 2019, https://www.mandabpress.com/news55309.html

198) "An Armed Tribal Gathering in the Center of Sana'a and a Tense Atmosphere After the Killing of 5 Members of One Family by a Houthi Supervisor [AR]," Al-Asimah Online, February 20, 2021, https://alasimahonline.com/sanaa/12193#.YRZ4FYgzY2w

199) From the Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking organized by the Sana'a Center in partnership with CMI in Istanbul, January 2021.

tribal customs. An example of this was the killing of Jihad al-Asbahi in Al-Bayda. According to tribal customs, the Houthis should have handed over those who killed her.Another example was the killing of Sheikh Nashtan, who was killed even though he was present with his family and with the attack resulting in the death of other family members, including a woman.

Despite all these pressures, however, the sheikhs at the January 2021 Istanbul workshop insisted that the tribes continued to maintain a level of social cohesion and security, even if it was often minimal. An indicator of the importance of this cohesion and security, according to the sheikhs, was that criminal and extremist organizations had emerged in areas where the tribe's power had become absent. They said that governorates such as Taiz and Aden seemed more vulnerable to disintegration and civil strife than areas where the tribes were strongly present. This was because, they felt, tribesmen usually take into consideration the consequences of their actions and how they will impact their tribes before making a move. They also felt that the Houthi movement's practice of intimidation, and their exploitation of inhabitants' difficult economic situation by getting them to fight in exchange for money, had led to civil breakdown and criminality.[200]

The tribes currently appear to be in a worse situation than ever before. Tribes in Houthi-controlled areas have been crushed and their leaders humiliated. Their internal social structure has fragmented due to polarization, violence and the loss of many tribal members. There is no unity of tribal decision-making during the current phase of the conflict, due to the power imposed by the Houthi movement.

In government-controlled areas, although the tribes have not been humiliated or subjected to violent repression, they are exhausted.[201] This is due to the length and nature of the conflict, in which they have become the principal defenders of the internationally recognized government and its areas of control. They have therefore lost thousands of their people, while the government and its allies in the Saudi-led coalition are felt to have let them down. At the same time, the sheikhs feel that international parties have intervened to save the Houthis every time they have been in trouble.[202] At the workshop, a sheikh from Marib said, "We have lost 3,500 men from my tribe [since the war with the Houthis started]. When I speak about peace in the name of my tribe, I remember those first, or else my tribe will not trust me."[203]

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200) Ibid.

201) Ibid.

202) Ibid.

203) Sheikh Abdelwahed al-Qabli Nimran, a sheikh from the Murad tribe in Marib, Workshop on Tribal Leaders' Role in Local and National De-escalation and Peacemaking, Istanbul, January 2021.

Tribal culture encourages peace in times of crisis and asserts the ability to forgive, even in the case of murder. This contributes to the recovery of tribal societies after war, as they do not believe in taking revenge for casualties incurred under the umbrella of a state conflict. The culture is also famous for its pragmatism – hence the flexibility of tribal stances and loyalties. These stances aim to ensure tribal interests are guaranteed after a conflict ends, or to prolong a war if necessary to secure such interests. What is currently being hoped for by many, both inside and outside Yemen, is that the tribes will contribute to building a comprehensive peace process, based on those tribal customs that encourage peace and security. The hope is that this will finally end the terrible human losses the tribes have suffered, in a war that has long been fought in and over tribal lands.

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