

TRIBES AND TRIBALISM IN YEMEN
A JOINT FCO RESEARCH ANALYSTS AND STABILISATION UNIT WORKSHOP
26 APRIL 2012 - WORKSHOP REPORT

SUMMARY

- Although tribes comprise a significant part of Yemen's social structure, there are also other important non-tribal groups; tribes should not therefore be studied in isolation, nor considered as a homogeneous group.
- Defining a tribe is difficult, given the significant geographical variations and rapid changes to the tribal system in recent years. Tribes in Yemen are distinct from those in other Middle Eastern countries in that they are sedentary and territorial, and consanguinity is not necessarily a defining factor of membership.
- The tribal system is based on collective liability and defence of honour. Tribal leadership in theory rests on consensus and the ability to mediate, although the sheikhly office has become a hereditary position in some regions and among some tribes.
- Tribes resolve conflict using customary law, which in turn reinforces tribal identity. Members of tribes share certain reciprocal obligations. Customary law is effective, flexible and provides an alternative to overburdened state courts.
- Customary law is recognised by the state as a legitimate alternative means of arbitration. Tribal mediation provides an effective and widely-used means of conflict resolution.
- The People's Democratic Republic of Yemen (PDRY) was unable to eradicate tribal structures in its brief existence. Regional and tribal affiliations were drawn upon to build support during the power struggles within the PDRY regime.
- Yemen's tribal structure is not the cause of the state's weakness. On the contrary, the politics of survival adopted by regime elites have accentuated social differences and meant that the only effective institutions which exist in some areas are tribal.
- Al-Qa'ida's (AQ) grand strategy since 2009 has shifted to one of 'localisation jihad' at the heart of which is Yemen. AQ set up Ansar al-Shari'a (AAS) in 2011 in response to the Arab Spring in order to rebrand AQ as a populist and locally-oriented movement. AAS provides basic social services in areas under its control. It has tried to reach out to tribes but has enjoyed the most success in areas where tribalism is weaker.
- Much more research is needed into how tribal society is changing and why, but some of the changes may be attributable to Yemen's rapid demographic growth and the consequent generation gap, as well as an increased detachment between sheikhs and their constituents in some regions and among some tribes.

KEY POINTS FROM DISCUSSION GROUPS AND PARTICIPANTS' RECOMMENDATIONS

- The influence of tribes depends on range of factors, such as a tribe's geographic location, whether a tribal sheikh had been co-opted by the state and what interests that sheikh represents. The importance of tribes in politics should not be overemphasised.
- Tribes can play a positive role in Yemen's transition process by using mediation to prevent the escalation of conflict and engaging in the political process to ensure longer-term stability. Yet, tribes, like other groups, also have the potential to destabilise the transition process.
- Although AQAP does not necessarily hold appeal or relevance for tribes, ways to reduce its potential appeal include increased government provision of basic services and local development, as well as avoiding civilian casualties from operations targeting AQAP.
- The Yemeni government could encourage tribes to tackle AQAP through financial and material incentives delivered via local development opportunities, in addition to greater political inclusion and access to resources. Barriers to tribal engagement by the Yemeni government include mistrust of the former regime, the absence of a political settlement and the Yemeni government's lack of legitimacy.
- Possible reasons for the UK to respond to the threat from AQAP by working with tribes include gaining a better understanding of the local context and the impact of the UK's interventions. However, this risks undermining the Yemeni state and engaging with the wrong leaders for want of local knowledge,
- Hence the UK should not engage directly with tribes: the Yemeni government should take the lead. However, there is benefit in understanding tribal dynamics and engaging tribes through appropriate channels.

INTRODUCTION

1. On 26 April 2012, FCO Research Analysts and Stabilisation Unit hosted a day workshop bringing together academics, independent consultants, other Yemen experts, policymakers and analysts from both the UK and Yemeni governments to discuss tribes and tribalism in Yemen.
2. The workshop aimed to address a knowledge gap about tribes and tribalism in Yemen across the UK government community and the desire to better understand the nature of tribes, tribe/state relations and tribalism as an influencing factor in Yemeni politics. Developing and maintaining knowledge of tribes has been neglected at post in Sana'a for reasons of both capacity and security. It was felt that this lack of understanding of tribal dynamics and significant political and economic tribal actors could undermine the UK's ability to support Yemen through the transition process.
3. It is also relevant to the UK's counter-terrorism strategy in Yemen to better understand tribes, as the relationship between tribes and AQ can be crucial in allowing AQ to operate freely in a certain tribal area. On the other hand, tribal opposition to AQ can contribute to restricting AQ's freedom of movement and ability to recruit. Tribal militias can also play a major role in assisting the Yemeni army to fight AQ.
4. Furthermore, the most well-known and comprehensive studies on tribes in Yemen are based on ethnographic research carried out in the late 1970s-1990s in the North (work by Paul Dresch, Steve Caton, Shelagh Weir and Najwa Adra). Since then, there has been far less work (at least, that is accessible in English), although there have been various other shorter articles published in the last decade or so, mostly from a political economy perspective, but also more recently on AQ/tribe relations. In addition, Yemeni society has undergone profound changes over the past twenty to thirty years, and the events of 2011 are likely to act as a catalyst for further changes.
5. The main purpose of the workshop therefore was to inform the UK government community, raise awareness of the key issues surrounding tribes and tribalism and to think about how these might be reflected in UK policy going forward. The workshop was also intended to be a useful forum in which to exchange ideas and debate academic theories on tribes and tribalism.
6. Given that there was a mixed audience of academics, consultants, Yemen experts and UK and Yemeni government participants present, the workshop was held under the Chatham House rule to provide anonymity to speakers and to encourage openness, free discussion and the sharing of information.
7. The workshop was split into morning sessions consisting of presentations of about 20 minutes duration followed by about 20 minutes of questions and discussion, and afternoon sessions consisting of discussions in small breakout groups on particular aspects of the subject. The aim of the discussion sessions was to consider in greater detail how the UK might take issues around tribes and tribalism into account in future when considering policy formulation. The purpose of these sessions was to inform and debate: none of the conclusions or recommendations was in any way binding for UK policy.

WHAT IS A TRIBE? – PROF. CHARLES SCHMITZ, TOWSON UNIVERSITY

8. It is difficult to define a tribe. Tribes vary across geographical regions and have been changing in the last 40 years. These changes have accelerated in the last decade and explain why current understandings of tribes vary.

9. There are a number of misconceptions about tribes. It is often suggested that tribes are the default social order when there is no effective state. This is often the reason given to explain the existence of tribes in Yemen. However, it should be noted that whilst the Yemeni state is weak compared to the Egyptian or Saudi state, the Yemeni state is the strongest it has ever been and yet still tribes remain influential.

10. Tribes in Yemen see themselves as the original inhabitants of Yemen: pure Arabs, grandsons of Noah. Others that came to Yemen are merely 'occupiers', giving them a different status as that of guests of tribes. Estimates of how prevalent tribes are in Yemeni society range from 20%-80%.

11. Academics studying tribalism in Yemen have suggested that one should look at the geography and the local community, the locality and territory, rather than just the tribe. It is more fitting to talk about Yemeni society as local communities, not tribes. Those studying tribes in Yemen have also noted that they are distinct from other Middle Eastern tribes since they are not nomadic but sedentary and territorial. They have economies based around agriculture and fishing. Consanguinity is less important, in contrast to Iraq and Jordan. Thus in order to understand a tribe's position, we need to understand local interests. Tribal behaviour is practical and not driven by ideology.

12. The tribal system is based on collective liability. It is not based on punitive law but on systems of honour and negotiated concepts. There is no rigid unit: it is porous and contingent on circumstances. Tribes understand themselves in terms of their public face, their reputation. Defence of honour is at the heart of the tribal system. Your kin is responsible for you: if you do wrong, your whole group is regarded as responsible. This is not a rule of law but a system of honour.

13. Tribal leadership is based on consensus (or at least this is the aspiration, but in reality many leaders inherit their title and certain clans monopolise power) and the ability to resolve conflicts within and outside the tribe. Some tribal leaders have substantial power even if the tribe itself is not powerful. If tribal sheikhs receive a government stipend this can create distance between the tribal members and the sheikh. Terminology varies, but an 'aqil is similar to a sheikh, or a village elder.

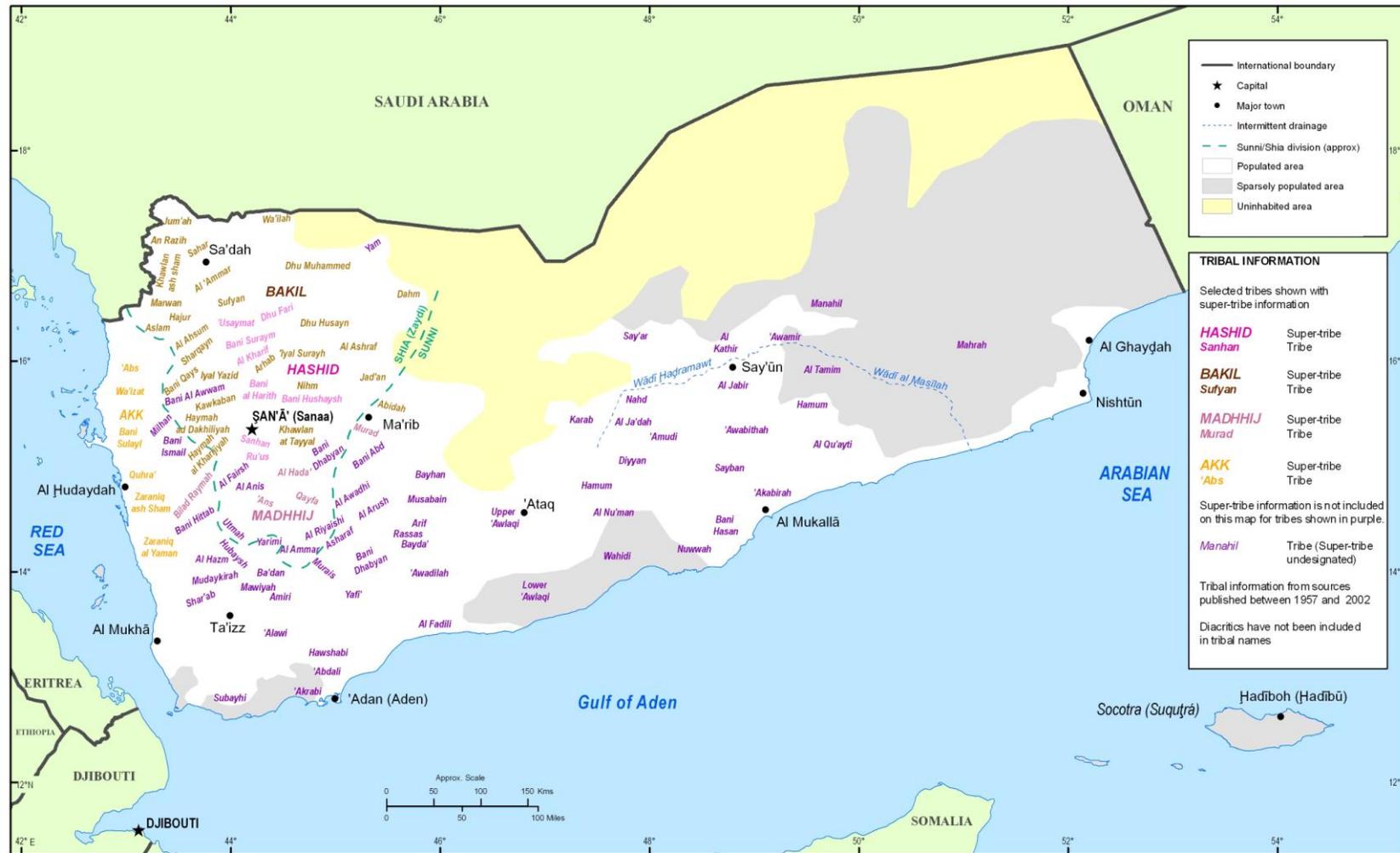
14. Tribes have been changing, and some see tribes as a tradition of the past. However, tribalism will not disappear. The position of sheikhs may change but the tribe will always be there – tribes are changing due to rapid societal change but are not necessarily weakening; they now recognise that they are part of a wider world. As recently as 2002-3, national identity in Yemen was regarded as weak because one's identity lay primarily with the tribe. Yet tribesmen do not necessarily divide themselves between Yemen, the tribe and Islam: they do not see a difference in allegiance.

15. Civil society has been 'tribalised' since the creation of a united Yemeni Republic in 1990. Tribes have become involved in NGOs and local parties. Currently, half of parliament and the military are tribal sheikhs. The economy is also changing tribes. There are new opportunities for tribesmen, who often go into business together. However, the role of the tribe as a security unit is something that continues and will continue.

16. Despite changes and the influence of tribes increasing in society, the state is gaining influence at the same time, as shown by the increase in roads, health centres and troops in border areas. The state cannot necessarily conquer the tribes, but its power cannot be denied. It is therefore seen as a mediator or arbiter, as a big tribe itself.

MAPPING YEMEN'S TRIBES – MARTIN JERRETT AND NICHOLAS HUTCHINGS/CRAIG COATES, DEFENCE GEOGRAPHIC CENTRE

TRIBES OF YEMEN:



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17. The internet is playing an important part in constructing tribal identity e.g. Wikimapia is used widely in Yemen. The Nu'man tribe is an example of a tribe using social media. Combining various data sources such as written genealogical surveys, old maps, tribal websites and census data and overlaying these on Wikimapia can provide a useful indication of the size and location of tribes.

18. Customary law in Yemen is closely tied to tribal identity and to the concept of tribes and sub-tribes as co-operative units. Members of these units share certain reciprocal obligations. These involve, and are limited to, mutual help in difficult times, lending money, protection of the unarmed population and collective responsibility. Although legal details vary between tribes and regions, all tribes share similar principles and expectations. Arbitration links communities together and solving conflicts is part of daily routine. This helps to build a strong civil society.

19. Land disputes are resolved using customary law (everybody has deeds). At the same time, there are fields of activity that do not fall under the jurisdiction of customary law. These include anything to do with personal property, business or commercial ventures, and relationships within the immediate family: you cannot bring a case against your brother or your father. In these fields autonomy is the rule rather than mutual responsibility, and entrepreneurial competition flourishes.

20. Customary law offers an effective legal system that is usually transparent and culturally ingrained. Mediation by a third party is essential. All adult members of a community have to contribute to dispute resolution. Disputants choose their own arbitrators. Whether or not they agree with the decision, they understand the process and have to abide by it if they wish to continue living in a community. Flexibility and change are normal to the system. Cases of resolving tribal conflicts show that the principles of tribal law can be manipulated depending on the situation. There have been attempts in recent years to codify customary law in Yemen. This would create rigidity where flexibility is the norm, and could make it more difficult to take extenuating circumstances into account and potentially reduce access to justice.

21. Courts in Yemen are overburdened so cases take years before coming to trial and there are not enough state courts to cover the country. Judges are not paid well and are prone to corruption. There are also women judges. Legally it does not cost very much to take a case to court, but in fact it is very expensive because of corrupting influences. Customary law is not necessarily at odds with state institutions. In 1992, the law of arbitration recognised tribal arbitration as binding if both parties agree to use it, although an exception was made for capital crimes. Religiously trained judges and government officials, including the former President, have mediated inter-tribal disputes.

22. Major differences between customary and state law include women's rights to divorce and women's inheritance. Among tribes, most women give up their rights to inherit land in return for assurance of life-long support from their brothers, although some insist on managing their own property. In all cases customary law requires annual gifts to a married woman from her kin. Both customary and Islamic law assume a woman's dependence on her male kin. Those with low status (service groups) come under the protection of sheikhs. Although local arbitrators may be biased towards certain groups, state judges are too: evidence shows that judges tend to favour husbands' positions in divorce cases. Women do not strictly speaking have access to sheikhs – they have to go through their fathers, but in fact Yemeni communities are small and gender segregation is not a reality.

23. In Yemen there is a deeply ingrained legalism that prioritises mediation over the use of force. The fighting in Sana'a in 2011 was between powerful urban-based factions. It was not at all tribal. Yemeni tribes do not offer safe haven to AQ because it goes against customary law. Not

everybody uses customary law: instead of going to the sheikh and complaining they will go to the soldiers. Nevertheless, the vast majority of the Yemeni population, rural and urban, will continue to rely on local forms of community mediation and conflict resolution. Customary law may not be ideal, but it is no worse at delivering justice than state law, and its value lies in its restitutive element i.e. restoring amicable social relations within a community.

THE TRIBE AND THE STATE IN YEMEN – DR ELHAM MANEA, UNIVERSITY OF ZURICH

24. A common assumption is that because of the socialist system of the PDRY tribal and ethnic factors were less of an important factor, and that the socialist regime succeeded in uprooting the tribal structure through a combination of social engineering and oppressive measures. The reality differs, however, because the PDRY in fact retained traditional structures. Traditional identities were instrumental for the survival of competing factions of the ruling elites during their repeated power struggles. Tribal and regional affiliations shaped the PDRY power structure and can to a large extent explain why every time they fought, they fought across these lines.

25. From the very beginning of the establishment of the PDRY certain kinds of groups were excluded from power, for example, the Al-'Awaliq in Shabwa, and others were overrepresented, such as the Al-Sha'iri tribe from Al-Dali' (after 1994 their members were targeted by the measure to retire army personnel).¹ The fighting in 1986 had a tribal and regional character with certain factions coming from certain regions (the winning faction from Radfan, al-Dali' and individuals from Hadramawt against those from Abyan, Shabwa and Aden), and another faction that aligned itself with 'Ali 'Abdullah Salih from 1994. These identities and group grievances from 1986 to 1994 may be relevant when discussing southern demands for federalism/separation.

26. Tribal relations in the north are well researched. There are three approaches to this issue: an historical approach which looks at the relationship between the state and the tribe in different historical phases; an anthropological perspective which examines specific tribal units' traditions, customary law, poetry and mediation; and a state-society approach, which investigates how the state deals with the tribes in the sense of co-existence, conflict and co-option.

27. A state-society approach which focuses on the power structure of the core elites and their politics of survival is helpful because it avoids looking at the tribe and the state as competing institutions, and seeing the tribal structure in Yemen as weakening the state and being the source of its problems. The problem in Yemen is the state itself: the absence of the state in many areas has meant that tribal identities are the only institutions. Yemen's problems are the outcome of the politics of survival adopted by the core elites who exploited the tribal structure for their own advantage.

¹ There was some disagreement on this point. One participant argued that many tribal leaders had fled before the British withdrawal from Aden in November 1967, or immediately afterwards, to Saudi Arabia (Jeddah), the Gulf states or the UK. Those who remained were executed or died of natural causes. Hence the PDRY had no traditional tribal leaders to turn to, and had to rely on emerging figures who may not have enjoyed general support. Certain groups were not therefore necessarily excluded, but rather there were no suitable leaders. Nevertheless, further research needs to be done on tribal affiliations and their impact on the structure of the socialist party leadership.

28. The traditional bases of power in Yemen are sectarian, tribal, religious and regional. Political elites come from these groups, all of which depend on each other and whose support is vital if the political system as a whole is to continue and survive. There are two circles of power in a Yemeni context: the first comprises an inner core of immediate clan members (under Salih's rule, this was the Sanhan), surrounded by a larger tribal or sectarian group (Salih depended on the Zaydi Qahtani Hashid tribal confederation); the second is an outer circle which fluctuates. The latter includes religious, sectarian, tribal or regional groups which are marginalised, discriminated against, threatened within the larger system, or simply aspire to be part of the political system. This outer circle has proved vital for the survival politics of the ruling elite who take advantage of the sense of victimization, fear or ambition among these groups and play them off against each other.

29. As part of the politics of survival, the state shifted its alliances and allocated and channelled resources to political and social groups to ensure its hold on power. Elites made their alliances with members of social groups (not just tribes) within the wider circle of the traditional power base to weaken competing political groups. By nature these alliances were ephemeral. They shifted along with the sands of politics and this proved very destabilising for the whole regime. Sometimes the wider circle of power included social and political groups from the South. This has implications for the future - one such group has been there since the 1986 civil war (President Hadi and the Defence Minister belong to this group).

30. Playing the Islamist card is also a very important kind of survival tactic. Taking advantage of political Islam and endorsing certain Islamist groups has been used not only in Yemen, but also by Hosni Mubarak in Egypt and Mu'ammar Qadhafi in Libya.

31. The Yemeni leadership has accentuated social differences along tribal, regional and sectarian lines, but the wider circle of the traditional Yemeni power base is not solely tribal in nature. Core elites have also played on regional and sectarian identity. The state represents the interests of a dominant group. Tribes as institutions only have limited influence in the political decision-making process in Yemen through tribal representation in state organs. The state in Yemen is not representative of all its citizens nor does it treat them as equals. As a result, tribal, regional and sectarian identities are strengthened.

32. The Gulf Co-operation Council (GCC) initiative of May 2011 has simply recycled the same old core elites and did not change the power structure. Core elites' survival politics have caused Yemen's problems and these will be perpetuated if the recycled elites stay in power.²

AQAP AND TRIBES IN YEMEN – MURAD BATAL AL-SHISHANI

33. Since 2009, AQ's grand strategy has shifted to one of 'localisation jihad'. This is because of failures in Sudan, Afghanistan, Chechnya and Iraq. Local groups are motivated by local grievances, rather than a global vision.³ Yemen is at the heart of this strategy. Since 2009, AQAP has been presenting an alternative to the state in Yemen, and through its messages and appeals it has been

² This was another contentious point. One participant highlighted slow but steady progress on the part of the transitional government and the high level of participation in the presidential election in February as evidence of hope in the current regime.

³ Although one participant cautioned that an influx of foreign fighters into Yemen may contradict this.

urging unity through Shari'a rule. In terms of AQAP membership, 56% of members are now Yemenis and 37% Saudis. There is a roughly equal split between Yemeni members from the North and South (52% v. 48%).

34. Since the Arab Spring, extremist groups have been marginalised in Yemen, as youth movements have been presenting an alternative. These movements have been subjected to a crackdown by the government. Alternatives are being sought by the Yemeni people. Ansar al-Shari'a (AAS) was set up by AQAP in response to this, and was a re-branding of AQAP in Yemen as a populist movement.

35. As part of the move towards populism and localism, AAS now provides public services, including road building and security, and addresses local concerns. This is an attempt to embed its ideology and create allegiances amongst locals. The government is mobilising local communities to fight AAS. However, the government deals only with leaders, whereas AAS deals with the grassroots.

36. AQ ideologue Abu-Mus'ab al-Suri wrote in 1999 that the strength of the tribes was an important factor which made Yemen suitable for AQAP to wage jihad. Bin Laden also recognised the importance of Yemen's tribes. Nonetheless, AQ leaders had little understanding of Yemeni tribes.

37. Recent similarities in strategy can be seen between Afghanistan and Pakistan in terms of localisation jihad, grassroots engagement, not primarily using religious arguments (seen as for urban elites) and focusing on the dignity of being part of an Arab tribe. But AQ operates on a case-by-case basis, applying different strategies depending on the situation.

38. There is no distinction between members and supporters of AAS, as its aim is for adoption of its goal and strategies, rather than to seek alliances (as AQ did in Chechnya). Where there is an absence of the state, AAS is more attractive as it is able to go directly to the people. AAS has enjoyed the most success where tribalism is weaker (e.g. Ja'ar and Zinjibar – urban areas where tribes are less important – as opposed to Lawdar). AAS members are from different tribes and areas. The refugee problem in Abyan is an indication that people do not want to live under AAS.

39. The absence and failure of the Yemeni state, as well as the possible complicity of President Salih in allowing AAS to capture towns, are more important factors in AAS's success than the skills of the group. AAS's weapons also come from government sources (e.g. they are stolen or sold to AAS by individuals in government posts). Therefore, the politics of Yemen, and infighting even within its own institutions, are the causes for AAS's popularity. Thus the solution is solving the problems of the Yemeni state. The international community does have a role to play in fighting AAS, but the Yemeni government needs to provide reasons for its people to not support AQAP, through democratisation and a move away from elitism. It is, however, currently pursuing a sustained campaign against AAS.

HOW IS TRIBAL SOCIETY CHANGING? – PANEL DISCUSSION

40. The purpose of this session was to debate how tribal society is changing, in what ways and why, and also to discuss what impact the events of 2011 might have on tribes and tribalism in future.

41. One key point that emerged clearly was that the issue of change in tribal society needs more research and that it should not be studied in isolation. A narrow focus on tribes may mean other interrelated factors are neglected.

42. A particular change in tribal society is that the rate of kidnappings of foreigners has increased. The difference between the early 1990s and the early 2000s was noticeable. In the early 2000s there was an average of one kidnapping per week. These kidnappings were traditional and largely benign in the sense that the tribal kidnappers valued the life of the kidnapped individual. The explanation for this phenomenon stems from the redistributive mechanisms of the state breaking down and marginalised tribes trying to embarrass the state into providing services for their regions.

43. Another change is improved access to schools. This should be a positive point, but the schools teach very conservative views – more conservative than their parents' generation. Tribal students often feel inferior to their urban counterparts. Egyptian and Iraqi teachers discourage tribal children from coming to school in traditional dress, wanting them to wear trousers and shirts instead. Secondary school graduates often end up doing nothing. It is often taught in schools that it is shameful to be tribal and work in agriculture.

44. The generation gap is also having an impact on tribal society. Yemen has very rapid population growth. Young men and women often have a different outlook and attitudes to their elders. Youths return to rural areas after education and boredom sets in. Fewer *hijra* sites have retained their protected status.⁴

45. The strength of tribes varies across regions of Yemen, but in many places where there is a lack of an alternative the tribal system is still strong. The relationship between sheikhs and their constituents has changed and the gap between them has increased because of survival politics adopted by core elites who have strong urban connections.

46. Economic and social factors are also affecting tribal society. Poverty is increasing, levels of subsistence are decreasing. Imports are reduced and people are increasingly cash poor. More tribal communities are engaging in trading, which was not common in the past. In terms of family dynamics, young men often provide the majority of the household income. A higher level of mobility changes the relationship between heads of households and the younger members.

47. The reanimation of tribal processes is maintaining order, and is more inclusive than tribal processes in the past (e.g. the election of former lower status service providers as sheikhs). On the other hand, Wahhabi/Islamist influences are constraining the mobility of women. For example, at weddings women must stop dancing at sunset (in the past, they would dance all night). It is argued that this is enforced to protect women. Women are taught sewing but this is not useful: they need agricultural training.

⁴ A *hijra* is a settlement inhabited by people claiming descent from the Prophet Muhammad (*sayyid*, pl. *sada*) which has protected status as a sanctuary.

48. Yemen has experienced rapid modernisation in the last 50-60 years, but is still a developing country. There have been many social changes, including the spread of the internet and increased mobility: a broader spectrum of people passes through all areas now. As a result, society in general is more reactionary: before, everyone would be in the same village and visitors would arrive on foot, with advance warning, whereas today, there is more of a risk from strangers.

49. Finally, it is important to highlight geography. Access to much of Yemen is difficult but roads have helped to take people further afield and this has diminished the power of the tribe. Many more people now have cars and people are thinking much more broadly within the short space of 50 years. Although people's outlook has broadened, there are still strong ties to home: tribesmen based in Sana'a do still return to their origins. Furthermore, war and displacement disrupt tribal society – UNHCR reports that internal conflict has led to 367,000 IDPs, of which 152,000 are in the South.

50. Questions for future research could include how tribes will deal with, and adapt to, the socio-economic problems that Yemen will face, such as decreasing oil reserves, a shrinking natural resource base and a youth bulge. These factors could weaken, or reinforce, tribal links.

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DATE **18 June 2012**