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Yemen Community-Based Conflict Mitigation Program

With the

Support of the Conflict Prevention Pool at FCO, UK
and the Delegation of the EU in the Republic of Yemen

Baseline Conflict Assessment Report

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PDCI - Partners for Democratic Change International AISBL
Partners for Democratic Change International is a global partnership of twenty independent, local organizations in Europe, the Americas, Asia, Africa and the Middle East that work to advance civil society, good governance and a culture of change and conflict management worldwide.
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Yemen Community-Based Conflict Mitigation Program (Y-CCM)
PDCI and Partners Yemen
Baseline Conflict Assessment

EXECUTIVE SUMMARY

The **Community-Based Conflict Mitigation Program (Y-CCM)**, a project run by Partners Yemen and Partners for Democratic Change International (PDCI) and supported by the British Embassy and the Delegation of the European Union in the Republic of Yemen, will assist the Yemeni government including security sector actors, local authorities including councils and tribal and community leaders, and community-based organizations (CBOs) in establishing sustainable structures for short- and long-term interventions addressing conflict over land, natural resources, health services, education, and conflict between corporations and local communities in four governorates: Mareb, Al-Jawf, Shabwah and Al-Bayda.

As part of start-up project activities, **PDCI** and **Partners Yemen** designed and conducted a baseline assessment to understand the current context, the actors involved, and the underlying factors that reinforce conflict and a lack of development in Yemen. The assessment determines more clearly the challenges and opportunities available in order to support a realistic approach to conflict and change management in the four targeted governorates of Mareb, Al-Jawf, Shabwah and Al-Bayda. These four governorates have been classified by the Yemeni government as having complex conflicts.

This report is based on interviews and focus groups conducted with internationals, local officials, corporate employees and tribal leaders in Sana'a as well as interviews and focus groups conducted by a Partners Yemen research team in the four governorates. Research was conducted over twenty days in December 2010. In each governorate, two districts were targeted based on Partners Yemen's knowledge of local conflicts and the absence of existing programs on conflict resolution. Some districts were chosen because of the presence of oil and gas companies operating in the area, and the final list of districts was agreed upon with local authorities. Interviews in each district were conducted with senior and influential members of these communities including sheikhs, members of local councils, and influential women. Focus group participants were chosen from local councils, NGOs, women and youth groups, different tribes and different social classes. A total of one hundred fifty-seven (157) people were interviewed in the four governorates, of whom seventy-five (75) were women. In total, one hundred eighty-eight (188) people were interviewed for this assessment.

The assessment begins with an analysis of conflict structures, including a conflict profile of each of the four governorates. This is followed by a section outlining key actors, including tribes, the Yemeni government, and development actors. The third section provides an analysis of existing resources, including what programs are already being implemented on the ground, what existing mechanisms deal with conflict and how these are changing, and potential and existing roles of women in conflict resolution in Yemen.

The assessment concludes with three sets of recommendations: strategies for reducing conflict with corporations; lessons learned and recommendations from donors, INGOs and NGOs; and finally, strategies and ways forward for the Y-CCM program.

Recommendations for **corporations** include increasing communication with communities and expanding social responsibility and sustainable development programs in order to mitigate potential conflict in the areas in which corporations operate.

Corporations should also increase employment of local staff, especially youth, who experience high levels of unemployment and are increasingly likely to engage in violence.

Recommendations from **donors, international NGOs and local NGOs** operating in Yemen include: encouraging local ownership of development programs; consulting stakeholders at all levels when designing and implementing programs; engaging youth and women as key groups in conflict resolution programming; spending more time up-front getting to know the local context and building relationships in target communities; preparing to deal with spoilers; and performing conflict-sensitive analysis to understand how programs have the potential to both mitigate and create conflict.

In the final section titled "Strategies and Ways Forward", it is recommended that **PDCI and Partners Yemen** consider the potential impact their proposed community mediation committees may have on the delicate power relations in each district and be prepared to monitor the changes as a result of the establishment of these committees. The program team should also increase their focus on target groups, including women and youth; assist in building channels of communication between corporations and communities; and ensure training manuals take into account existing traditional mechanisms for conflict resolution and are properly adapted to the local Yemeni context. It is also recommended that donors, PY and other NGOs operating in Yemen improve on their long-term planning and plan for sustained interventions beyond the two-year funding cycle.

On the whole, this assessment found that the overall and specific objectives of the Y-CCM project are still appropriate. The assessment reaffirms the urgent need for sustainable structures for short-and long-term interventions addressing conflict. The deterioration of tribal customary law and the absence or inefficiency of government strategies to address conflict have left a gap in conflict mitigation that PDCI and Partners Yemen are well-positioned to focus on.

INTRODUCTION

The Community-Based Conflict Mitigation Program (Y-CCM), a project run by Partners Yemen and PDCI, will assist the Yemeni government including security sector actors, local authorities including councils and tribal and community leaders, and community-based organizations (CBOs) in establishing sustainable structures for short- and long-term interventions addressing conflict over land, natural resources, health services, education, and conflict between corporations and local communities in four areas: Mareb, Al-Jawf, Shabwah and Al-Bayda. A 2009 country assessment conducted by Partners Yemen noted the gaps and opportunities for conflict management and development programming in Yemen, particularly in tribal areas, where most INGOs avoid working due to security concerns. Tribal conflicts constitute a significant challenge to development and democratic reform in Yemen and threaten the stability of Yemen and the wider region. There is a critical gap between the ability of emerging state institutions to manage conflict and the deterioration of traditional conflict resolution systems. Partners Yemen and PDCI's Community-Based Conflict Mitigation Program will address this gap through a program of capacity building and institutional strengthening that will create sustainable mechanisms to address conflict and foster indigenous skills for conflict prevention and peace.

BASELINE ASSESSMENT METHODOLOGY

As part of start-up project activities, PDCI and Partners Yemen designed and conducted a baseline assessment to understand the current context, the actors involved, and the underlying factors that reinforce conflict and a lack of development in Yemen. The assessment determines more clearly the challenges and opportunities available in order to support a realistic approach to conflict and change management in the four targeted governorates of Al-Jawf, Shabwah, Mareb and Al-Bayda. The assessment was designed to serve as a tool to promote understanding of the nature of conflict over resources and development in these target areas, and to inform the project team how to develop best project implementation strategies, considering existing and potential efforts to address conflict issues. The assessment was also designed to pay close attention to traditional conflict resolution systems, especially tribal customary law, and whether the existing mechanisms for dealing with conflict are changing.

PDCI and Partners Yemen developed the baseline assessment methodology based on international conflict assessment templates as well as knowledge from Partners Yemen and PDC (USA) regarding conflict over natural resources, development and corporations in Yemen. Questionnaires were designed in advance for the focus groups and interviews conducted in Yemen in December 2010. The assessment methodology and questionnaires were finalized through discussions between staff of Partners Yemen, PDCI and PDC (USA), who modified both documents to reflect more closely the particular context of the four targeted governorates in Yemen.

In preparation for the field research in Sana'a and the four governorates in December 2010, Partners Yemen staff identified key stakeholders from the capital and the four governorates. These included tribal leaders, community leaders, government employees, international NGO staff, national NGO staff and employees of oil and gas companies. Special effort was made to ensure that women and youth were interviewed in Sana'a and all four governorates.

In December Jennifer Pedersen, Program Manager from PDCI, and Monalisa Salib, Senior Program Manager from PDC, conducted stakeholder consultations, including focus groups and semi-structured interviews, in Sana'a over seven days. Together they spoke to a total of thirty-one (31) people. Following training in Sana'a a team of eight researchers conducted additional interviews and focus groups in the four governorates where tribal customary law is implemented. Research focused on two districts in each governorate. Districts were targeted based on Partners Yemen's knowledge of local conflicts and the absence of existing programs on conflict resolution. Some districts were chosen because of the presence of oil and gas companies operating in the area. The final list of districts was agreed upon with local authorities. In each district research teams conducted two focus groups (one of which was women-only) and four interviews with community leaders. Interviews were conducted with senior and influential members of these communities including sheikhs, members of local councils, and influential women. Focus group participants were chosen from local councils, NGOs, women and youth groups, different tribes and different social classes. A total of one hundred fifty-seven (157) people were interviewed in the four governorates, of whom seventy-five (75) were women. In total, one hundred eighty-eight (188) people were interviewed for this assessment. (Please see **Annex I** for the list of participants.)

MAIN FINDINGS

I. Structures of Conflict

Conflict in Yemen

The Y-CCM program focuses on conflict in the four governorates of Al-Jawf, Shabwah, Mareb and Al-Bayda. These areas are characterized by high poverty and illiteracy rates, poor access to health and education services, and weak presence of state and law enforcement institutions. Further, the deterioration of traditional tribal conflict mitigation systems – including tribal customary law – has created a gap in conflict mitigation that the government is unable to fill because of the weak and ineffective presence of state institutions in those areas. Conflict in these four governorates occurs over natural resources such as water and grazing land; health, education and development projects; and the presence of corporations working in the oil, gas and mining sectors.

In many communities tribal customary law still dominates. Tribal customary law is a traditional way of dealing with criminal cases. It involves a specific set of procedures for arbitrating a dispute between individuals or tribes.[1] (Changes to tribal customary law will be discussed in more detail later in the report). In some communities there is a tension between the formal state law and the tribal customary law practiced in the four governorates. Research conducted by Partners Yemen in the four governorates of Al-Jawf, Shabwah, Mareb and Al-Bayda revealed that some communities rely on tribal customary law more than others. In certain parts of the country, such as in Al-Jawf, the absence of a robust state judicial system and the weakness of police means that tribal customary law remains the dominant form of conflict resolution. However, in other governorates, especially Al-Bayda, the state and tribal laws are practiced alongside one another. Further, in Shabwah there is clear demand for stronger state and rule of law institutions, although tribal customary law is still practiced.

Some tribal areas are experiencing a rapid deterioration in the traditional tribal system. This can be attributed to several factors, including sheikhs moving to urban areas, perceived corruption, and vulnerable and disengaged youth. An additional factor is the patronage network, where elites including sheikhs are appointed to key positions based on patronage. One international development expert suggested that the deterioration in the traditional system has left a vacuum at the community level "in terms of power, resources, (and) development."

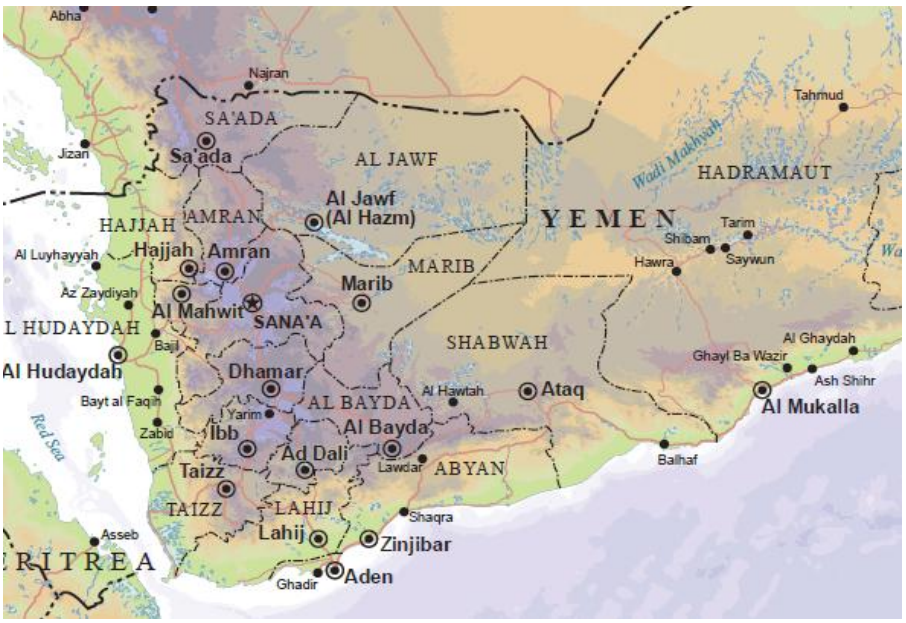
In the absence of effective mechanisms to deal with conflict, many disputes can quickly escalate. What begins as a minor misunderstanding can become a full-blown violent conflict featuring gun violence, road blocks and long-term disputes. For example, in Radaa, Al-Bayda, competition that began over local council seats in 2006 sparked a conflict between the tribes of the two candidates who were running for elections. This conflict, which has since resulted in over 40 killings, is not yet resolved. There are both inter-tribal conflicts and intra-tribal conflicts;[2] in conflicts between two tribes, additional tribes may be brought in to encourage arbitration proceedings. The most common causes of conflict between tribes include border disputes, where two tribes disagree on the borders of their land; disputes over the use of land, including grazing land and water

[1] Please see **Annex II** for a list of terms associated with tribal customary law.
[2] An inter-tribal conflict occurs between tribes, while an intra-tribal conflict occurs within a tribe.

distribution; and disputes over water management and access, usually over wells or other water sources such as *wadis* (the dry riverbeds that are important during flood season). Disputes over development projects have also caused conflict in the four governorates, as has the presence of oil and gas companies.

Revenge killing is a feature of many (but not all) conflicts in tribal areas and is the most likely outcome when a conflict becomes violent. In many cases it is a shame *not* to seek blood revenge or to take blood money as a compensation, which makes resolving these conflicts extremely complicated. In the past there were rules about who could and could not be targeted for revenge killing; however, these rules are increasingly disrespected. For example, the tradition of *hijra*, or safe havens, means that certain areas such as mosques, marketplaces and sometimes cities are considered off-limits to violence. While the *hijra* principle is still respected in some areas, in other areas this principle is no longer effective. "Value killings" are a new kind of revenge killing where a person of equal value (teacher for teacher, brother for brother) is targeted regardless of his connection to the conflict. Sometimes people go after the most educated and distinct members of the other tribe in order to achieve more significant revenge. Value killing is on the rise in some communities and is not a traditional custom. Some conflicts continue for decades, punctuated by temporary arranged ceasefires. In the words of one female focus group participant, revenge killings are "just hostility inherited through generations." Revenge killings have significant impacts beyond the death toll: people caught up in these cycles may be unable to leave their homes, attend work, travel outside their district, or provide for their families. Revenge killings are more likely to happen in areas where the state's presence is weak, such as the four governorates of Mareb, Shabwah, Al-Jawf and Al-Bayda.

Conflict Profile of each Governorate



Map of Yemen (OCHA)

In each of the four governorates participants were asked about the root causes, nature and effects of conflict in their communities.

In the Walad Rabei and Al-Arsh districts of **Al-Bayda**, many conflicts occur over water scarcity. Sheikhs and owners of water wells consume the most water, which causes resentment and conflict in the community. The relationship between qat growing and water scarcity is a key cause of conflict in Al-Bayda: Qat is one of the main cash crops in Al-Bayda and qat farmers distribute the crop to different parts of Yemen. Qat is a crop that requires large amounts of water for irrigation, which contributes to the rapid depletion of ground water resources. As one sheikh in Al-Arsh district said, "Qat… is the top of all troubles, and water is not enough for farming qat and food together. The district is threatened by drought because of the massive usage of water to irrigate qat." Conflicts also occur as a result of a shortage of grazing lands.

> *"Qat is the top of all troubles, and water is not enough for farming qat and food together. The district is threatened by drought because of the massive usage of water to irrigate qat."*
> *– A sheikh in Al-Bayda*

Water scarcity is illustrated by the changing depths of wells. In Al-Arsh district, wells dug in 1990 were only 100 metres deep. Ground water was depleted so rapidly by 1997 that wells were dug 500 metres deep. Today, some wells are 700 metres deep. By agreement, wells are not to be dug within 300 metres of another well, but water scarcity now causes people to dig wells closer to existing wells, breaking the 300-metre rule, and this causes conflict. In Al-Arsh disputes over water wells have left more than 50 people dead and more than 80 injured. Given that ground water is not a renewable resource and Yemen is facing severe water shortages, further conflicts over water are extremely likely.

In Weld Rabei district of Al-Bayda disputes between neighboring tribal communities have become violent. Some of these disputes occur over the shortage of grazing land, or over issues such as land inheritance, which can divide a family. In the case of women inheriting land in Bayda, some conflicts result from women not receiving their share of land, or not having documentation to prove ownership. The widespread carrying of arms in Weld Rabei district is also a key factor in the outbreak of violent conflict.

Health services are completely unavailable in Weld Rabei district, and poor access to education is a problem. Some children cannot go to school for fear of violence, and some children are taken out of school in order to help their families fetch water. Revenge killings are hindering development and access to education and are a key cause of instability in Al-Bayda.

In **Al-Jawf** poverty, unemployment, a lack of resources for education and a shortage of teachers were named as some of the root causes of conflict in the community. People in Al-Jawf have to go to neighboring governorates to access health services. Unemployment leads some people to block access to facilities with demands for jobs. Participants in Al-Jawf also noted that unemployment led many young people to join the Houthi movement in the North that is spreading rapidly in Al-Jawf. In Al-Khalaq district there are few violent disputes; conflicts more often lead to roadblocks of construction and operations. This is due to the fact that Arrawdh, the main village in Al-Khalaq district, is considered a safe haven by the tribes and is home to a prominent tribal maragha sheikh.

Conflicts also arise due to mismanagement and corruption associated with development projects; one participant described conflict as caused by "jealousy, partisanship and giving priority to personal interests." Corruption was repeatedly mentioned as a cause of conflict, as was a lack of confidence in officials; said one participant in Al-Hazem,

"officials take the projects for themselves." In Al-Khalaq district, one focus group described new government jobs as being "for sale", and noted that "some graduates sell their gold jewelry" in order to "buy" a job.

Al-Jawf also has conflicts over water; the only clean source of drinking water for Al-Hazem district is in neighboring Al-Ghail district. Sometimes conflicts have led to residents of Al-Ghail blocking access to water from residents in Al-Hazem. The absence of effective water irrigation systems exacerbates this problem.

In Al-Jawf, as in Al-Bayda, many of the conflicts are long-lasting (or in the words of one participant, "since the time of Adam.") The wide availability of arms adds to this problem. A focus group of women in Al-Hazem district estimated that 90% of people own arms. Children as young as twelve carry guns. While they noted that the prevalence of weapons increases the potential for violence, they also emphasized that weapons are considered necessary for self-defense.

> *"(The revenge killings) affect the entire community: houses are destroyed, children are turned orphans, young women turned widows, and the blood of the killed is more than the water (in) Al-Jawf."*
> *- Female interviewed in Al-Jawf*

It is clear that in Jawf violence affects people of all ages in all communities. As one participant in Al-Hazem district said, "people fear because of the lack of security." Some conflicts escalate because no one steps in to mediate them. Some of these conflicts are minor misunderstandings. An analysis of conflict in Al-Jawf reveals multiple causes of conflict; high levels of violence; and desperate need for health, education and development services. It also reveals a need to address minor conflicts that may escalate into more serious misunderstandings.

The key issues in **Mareb** are resource shortages, especially of water and grazing lands. Increasing water scarcity over the last ten years has led to conflict over water. There is insufficient water to grow both food and qat, and inequality in water distribution. Half of Sarwah district lacks water networks, and in some areas there is no ground water. Flood water is the only source of water for many in Sarwah. Disputes over dam construction and water projects have also caused violence in the governorate; in the words of one participant, "the water problem is the problem of the future… The future is grim, and it requires serious consideration." Water shortages have already caused displacement in an area adjacent to Al-Bayda and led to tribal violence that killed nine people and injured ten others.

> *In Mareb, "the water problem is the problem of the future… The future is grim, and it requires serious consideration."*
> *- Male participant from Mareb*

In the urban district of Harib in Mareb, unemployment was described as a major cause of conflict. Likewise, in Sarwah district youth unemployment was described as the greatest problem facing residents, as it leads to road blocks, sectarianism, revenge killings, excessive qat use, general violence and vandalism, as well as gang membership. Participants in one focus group in Sarwah estimated that 80% of youth in their community were unemployed. The lack of teachers is also a serious problem, as is the lack of health workers, medicine and medical equipment despite there being empty health buildings in the district. In both the Harib and Sarwah districts, participants noted there

was inequality in water distribution. As one woman in Harib district said, "the strong and rich get more (water) than others."

Revenge killings in Mareb are also a significant problem. They prevent many people in Sarwah district from being able to reach the governorate capital. Youth are unable to enroll in school; locals can not follow up on projects. Residents of Sarwah district have been deprived of electricity by a neighboring tribe. Many of these disputes are over land.

In **Shabwah**, participants highlighted the state's weak control over conflict in the region. Poverty and a lack of education are key issues at the root of conflict in this governorate. Participants were particularly concerned about patronage and distribution of jobs without any standards. They also noted excessive qat use as a serious impediment to development. As in the other governorates, in Shabwah revenge killings are a feature of many tribal conflicts.

> *"Qat is killing us. It consumes our efforts and works, and destroys our children."*
> *- Female focus group participant in Shabwah*

Shabwah has also experienced conflict as a result of oil and gas companies operating in Rudhum district. One gas company's operations in the coastal district of Rudhum have caused fishermen to lose jobs and access to valuable fishing areas. The gas company in question has participated in a compensation program where payments are made to fishermen who have been impacted by the company's presence in the area and includes fisheries as one of the eight themes in its sustainable development program. Despite these payments and programs, residents of Rudhum district in Shabwah, where this gas company operates, are desperate for work. While the gas company meets with residents, in the words of one focus group in Rudhum, "in the end it is all talk and no action."

> *"Conflicts have disintegrated the society (in Shabwah.) We lack the mechanisms to solve these conflicts."*
> *- Focus group participant in Shabwah*

As in the other governorates, participants in Shabwah emphasized the great need for development and infrastructure, as well as programming that addresses the many conflicts in their communities.

Conflicts with Corporations

Continuous conflict in tribal dominated areas poses a threat to the current and future oil and gas sector which is the primary industrial base in these areas. There is significant risk of losing existing oil and gas businesses and attracting new companies to work in these tribal areas.

The governorates of Shabwah and Mareb are both locations of significant investment by oil and gas companies. As with other development projects, the presence of oil and gas companies in the governorates has the potential to cause conflict.

Oil and gas companies in these governorates have reported violence against their employees and installations, resulting in shutting down of operations. Extortion and corruption are also major problems, as companies operating in some regions receive demands from local leaders for jobs and sometimes for payment. There are also conflicts

over contracts for services and construction, where individuals (usually within the same tribe) fight over contracts with the company.

Some oil companies operating in Yemen are known to make payments to key people such as sheikhs, community leaders, and individuals who ask the company for money in exchange for allowing them to operate in the region. In some cases production may be shut down until compromises are reached, occasionally with the intervention of the Yemeni government. Often when payments are made threats and actions against a company will end, at least temporarily. Paying certain people in a community, however, does not always guarantee that a company's operations will not be threatened by others; further, it can create a climate whereby other companies operating in the area are also targeted for money, sometimes by the same people who are paid by the first company.

Some companies operating in these governorates have strict policies on refusing to pay money to people who are not legitimate employees. The refusal to make payments can make operations very difficult: truck shipments of oil are stopped on roads; letters threatening violence are received; surveys and other operations are disrupted. One oil company operating in Yemen has indicated it is prepared to leave Shabwah because of ongoing violence, corruption and lack of government authority. Corporations complained that there are no consequences for bad behavior. When production is halted due to threats, the government and military rarely intervene. Many of the worst perpetrators are known to the companies, but without a robust judicial system and government intervention, extortion and corruption goes unpunished. Companies have few methods of conflict resolution at their disposal. Further, because of the presence of small arms in the community, the oil companies are, in the words of one employee of an oil company, reluctant to "push back."

The causes of this violence and disruption can be traced to a lack of infrastructure and support from the government and endemic poverty. Without access to electricity, water, and infrastructure, communities turn to the companies to provide these things. A lack of work opportunities mean that the corporations are seen as one of the few sources of employment and training. Unfortunately corporations are unlikely to hire unskilled workers, resulting in few jobs available to local people. One company representative noted that employing local people is a challenge given the lack of education and skills training. A further challenge to employing local people is the lack of actual jobs. For example, one company that built a gas pipeline in Shabwah required manpower in excess of ten thousand people who were brought from across Yemen. Once this pipeline was constructed, however, the permanent workforce in the port city of Belhaf went down to 1000 from across Yemen, and along the pipeline there are few workers needed other than security staff. In Al-Jawf, where an oil exploration company from Mareb has only recently begun surveying, members of the community reported that there are already conflicts over employment, and these conflicts sometimes halt company operations. Residents of Al-Jawf are also concerned that companies are employing people only from the tribal class and not recruiting equally from other social groups.

Operations of oil and gas companies can also have negative effects on neighboring districts. Respondents in Ayin district in Shabwah, where there is no oil company presence, report having health problems including asthma because of the operation of oil companies in the neighbouring district. The governorate is obliged to issue risk and pollution stipends to compensate for the damage to community health.

While it appears that most oil and gas companies operating in Yemen make little investment in the development of local communities, some oil and gas companies have initiated community projects. One oil company operating in Shabwah built a hospital and trained and paid the salaries of doctors and nurses with the expectation that the government would take over the payments after two years. In this case, however, the government stopped paying the hospital staff and the project failed. Since this failure the company has been reluctant to invest in other community projects.

Another gas company[3] operating in Shabwah and Mareb has a more extensive sustainable development program spanning education, agriculture, gender, water, electricity, fisheries, aviculture, and small enterprise. The company funds projects implemented with NGO partners, and make choices based on assessments of their community relations teams, who consult with the community about their most pressing needs. In Mareb, the company funds a major youth association and brings youth together for training on conflict planning. The company makes payments to compensate local people for the loss of land due to company operations. The company also tries to compensate for the lack of local employment opportunities by providing training and scholarship programs for local youth, such as a scholarship program for students in Shabwah, trainee programs at the marine institute in Aden, or micro-enterprise programs for people to start their own businesses. One training program has a special quota for students from Mareb and Shabwah, two of the governorates in which it operates. In Shabwah, this company also funds trainings for midwives, doctors, nurses and lab technicians, as well as teachers, and emphasizes training people rather than building infrastructure such as buildings.

According to employees, this company experiences less violence and trouble than other oil and gas companies operating in the same region because they "realized we had to be a good neighbor" and encourage good community relations. This was partly confirmed by what we heard on the ground in Shabwah. Respondents in Rudhum district noted what the gas company had provided to them: "The gas company gave us lectures in health, and training courses in manual crafts for women. It gave donations in the form of, for example, furniture, for the women coastal assembly. It also supported some families with food and recoup the fishermen for the shops they were prevented from working in."

> *"Every five months the companies gather the men with the women but the promises they give us are just lies (power, water, schools). They are not honest."*
> *- Woman in Rudhum district, Shabwah*

At the same time, community members in Rudhum district told us that land disputes with a gas company operating in the area were ongoing, and despite the extensive sustainable development program, the company's actions were insufficient, especially in providing local jobs. There was a broad perception among residents interviewed in Rudhum that the corporations acting in their area were not sufficiently engaging with the local population, and often made promises that were not kept. As one woman in Rudhum district suggested, "Every five months the companies gather the men with the women but the promises they give us are just lies (power, water, schools). They are not honest." In the words of another focus group participant in the district, "as for the gas company around fifty (50) meetings have been held, but they did not execute or achieve anything for us yet." Others complained that aside from payments made directly to fishermen, compensation money (for land or pollution) given by the companies to the governorate never reached the residents.

[3] Company employees spoke to our program team on condition of anonymity.

II. Actors

Tribes

In the absence of the rule of law and a functioning judicial system, many people rely on tribes, more specifically tribal leaders, to resolve conflict. In tribal communities in Yemen there are specific people who may interpret tribal customary law. This list may differ from community to community, but generally it is as follows:

- *Maragha* – the highest of all who interpret tribal customary law. There are very few *Maragha*; in Jawf, respondents noted that there was one *Maragha* for the entire governorate.
- *Sheikhs* – There are several levels of sheikhs, including senior sheikhs, some of whom have moved to the urban centres, and middle sheikhs. Sheikhs are the typical actors who interpret tribal customary law and make rulings. Sheikhs interpret the law either through experience or by inheriting the role from their father; people interviewed in the four governorates noted that sheikhs with vast experience in resolving conflicts were most respected and sought after as mediators. While disputes involving killing are usually dealt with by sheikhs only, less serious disputes may sometimes be dealt with by people at lower levels.
- The third group who interpret tribal customary law are social activists in conflict resolution – community leaders who may or may not have the title of "sheikh", but who know tribal law and are respected in their communities.
- In some communities, such as Al Bayda, many people can interpret the tribal law themselves in informal situations, especially in regards to very minor disputes.

In some communities, such as Al-Jawf, sheikhs are still widely respected and their interpretations of the customary law generally go unchallenged. However, in some cases the long-standing respect for sheikhs is deteriorating. Reasons for this include the belief that sheikhs and senior tribal leaders exploit and maintain the revenge killing system in order to maintain control over the tribe. While many sheikhs are respected mediators, some sheikhs and tribal leaders may also intervene in conflicts for financial and political gain, including demanding large *A'ddall* (guarantee) payments in exchange for their mediation services. (Traditionally, *A'ddall* was returned to the tribes once a conflict was solved; now, many sheikhs are keeping the payments.) One respected leading Yemeni figure interviewed indicated that this is mainly a problem of power and control; tribal leaders' and sheikhs' "political and economic interests are very much connected to their ability to control the tribe." As mentioned in the first section of this report, the patronage network, where sheikhs and some other senior community members are appointed to key positions, encourages partisan agendas and can lead some sheikhs to exploit revenge killings, as "the tribe will not remain under the full grip of the leaders unless it's in conflict with another." The patronage network has also encouraged many sheikhs to move from the tribal areas to urban areas, including the capital Sana'a. This has created a gap in leadership as senior sheikhs are no longer a daily presence in their communities.

Political parties also factor in to conflict resolution in Yemen. In Al-Jawf the opposition party Islah runs a conflict resolution committee that offers services to the

community. However, the wider picture resulting from our research indicated that across Yemen political interference at the local council and parliamentary elections levels was a recurring cause of conflict in the community, and that political parties do little to solve conflict. Political parties have been known to exploit conflict over land and revenge killings for partisan agendas. In Mareb, Al-Jawf, and Al-Baidha competition over elections for local council seats has triggered some tribal conflicts.

In terms of conflict resolution, the **Yemeni government** sometimes gets involved only when two tribes are in open war, or when a conflict affects the safety of people or crucial infrastructure. In some cases a tribe may request government involvement, but in many cases requesting help from the government can be considered a shame.

The government is unable to enforce law in some areas. People are often discouraged from going to the government because of perceived corruption, nepotism, lack of integrity, inefficiency, and the length of judicial processes. The government has also been criticized for making payments to individuals who create conflict (spoilers) in an effort to convince them not to block roads or cause other trouble for corporations or development actors. As one participant in a women's focus group in Al-Jawf noted, "The state is not executing its duties in protecting people."

Most conflicts in the four governorates are between and among tribes and not with the government. However, when problems do occur with the government it is usually in relation to demands for services. Many participants reported that communities feel neglected and expect the government to provide services, when in fact the government does not appear to have the capacity to provide those services. When they are involved in development projects, they are often criticized for not consulting communities before and during project implementation. The government can also be suspicious of development activities in the governorates, although in other cases it is clear that the government prefers INGOs or arms-length national NGOs[4] to implement development and conflict resolution programs because it is too political and risky for the ministries to engage in it. Some INGOs interviewed noted very positive changes in regards to the government's attitude towards development.

Donors and the Development Community: The major **donors** for development projects in Yemen are the American, British, Dutch, Japanese and German governments and the European Commission. **INGOs and NGOs** operating in Yemen conduct development projects in the water, agriculture, health, education sectors. **Partners Yemen's** programs have involved dialogue facilitation, working to bring local partners including local councils, youth, women, tribal and religious leaders together, and capacity building of civil society actors at a local level. Partners Yemen has focused on building relationships in the four governorates and Sana'a and focusing on conflict mitigation.

Spoilers can be an issue for development actors in the four governorates, in that they can delay or stop a project's implementation. Examples would include sheikhs demanding money from NGOs or government, or members of a community blocking a road or project due to a lack of understanding of the project's purpose and potential benefit to their community. Development actors interviewed for this assessment noted that the best approach to spoilers in Yemen is to engage in dialogue; awareness and education can solve most problems caused by spoilers.

[4] Such as the Social Fund for Development (SFD)

Youth are a key demographic group in Yemen, and form the majority of the population. Youth suffer from high unemployment and are increasingly disengaged from the government, tribal structure and tribal customs. In Al-Jawf, many unemployed youth have joined the Houthi movement. All development actors consulted for this assessment emphasized the need to target youth groups and involve them in development and conflict resolution programs.

Women are another important demographic group in Yemen who are most affected by conflict as they are generally responsible for the home, children, agriculture, land and water. While women in Yemen are not traditionally involved in formal conflict resolution, they are often involved in resolving conflicts within the domestic or family sphere and are credited with influencing male actors in conflict to either exacerbate or end conflict depending on the situation. The roles of women in conflict and conflict resolution are discussed in more detail in the next section of this assessment.

III. Analysis of Existing Resources

Development Programs

There are several important programs already implemented on the ground in Yemen that Partners Yemen should be aware of and that may provide lessons learned for better implementation of the Y-CCM program:

- One program implemented by Islamic Relief in Mareb, Shabwah and Al-Bayda focuses on community conflict resolution and is forming an impact network to sustain the use of skills at the community level. Islamic Relief has brought government actors, including members of local councils, into diverse trainings with other actors from the community. This helped to break down barriers and stereotypes and increase cooperation over the longer term.

- The Social Fund for Development (SFD) has also implemented a village cooperative council program in seven governorates and seventeen districts that encourages communities to identify and prioritize their needs and develop a plan for district authorities. The project has been successful in encouraging communities to take action to improve their communities.[5]

- The United Nations Development Programme (UNDP) is at the beginning stages of implementing its Integrated Social Cohesion and Development Program, which will establish village councils/community committees. Village councils will be one-third women, one-third youth, and one-third adult males. This program includes empowerment training to allow communities to set their needs and priorities and choose development projects. The focus of this program is on local governance; funding will be given directly to the community and will eventually be absorbed by the local council.

- One oil and gas company[6] operating in Mareb and Shabwah runs a Sustainable Development Program that focuses on issues such as fisheries, agriculture, gender and water. This program specifically targets youth and vulnerable groups in the area and provides skills training in such areas as health, education and business.[7]

- The National Democratic Institute (NDI) is working to establish cross-tribal youth councils in Shabwah and Mareb. This project will end in October 2011.

Lessons learned from these and other development programs in Yemen will be discussed further in the last section of this report.

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[5] In December 2010 SFD was still preparing its evaluation of this program. Their report would be useful for Partners Yemen to consult when preparing for the community mediation committees.

[6] Yemen Liquefied Natural Gas (YLNG)

[7] This program was mentioned in greater detail in the first section of this report, under the heading "Conflict and Corporations."

Changes to Tribal Customary Law

Most communities are experiencing a shift in the level of respect for tribal customary law, as well as changes in its implementation. A problem heard in several governorates was that youth are increasingly disengaged from tribal leaders. Further, a judge and tribal arbitrator argued that in some areas experiencing a transition from traditional customary law to regular (state) law, there can be tension between the two systems. For example, if a sheikh is already working towards resolution of a conflict, and the government becomes involved in an official capacity enforcing state law, it may undermine that sheikh's authority and the authority of the tribal system. A major issue in all four governorates is the vacuum caused by deteriorating tribal traditions and weak and ineffective emerging state institutions.

Our research findings indicated that levels of support for, and changes to, tribal customary law are different in each of the four governorates.

In **Al-Jawf**, tribal customary law was widely cited as the most effective mechanism to deal with tribal conflicts. The court system is very weak, and the role of the local government is minimal. There is strong awareness of tribal customary law across a wide section of society, although women's knowledge of tribal customary laws is weaker than men's knowledge. One participant in a women's focus group in Al-Jawf noted that "people of the local community respect the tribal laws because they are the ones that bring justice for them." Awareness is largely through practice and not through the availability of written texts. In Jawf mediation is not accepted unless it is conducted by a person of "good morals" with a strong reputation in resolving conflict. Sheikhs are generally still respected.

Despite general support for tribal customary laws in Al-Jawf, one sheikh interviewed in Al-Hazem district noted that customary laws are weakening in the governorate. A sign of this is deteriorating respect for *hijrah* (neutral zones) and customs of hospitality. In Al-Khalaq district, the principle of *hijrah* is still generally respected, but the word of honor ("giving faces") principle[8] is less respected than before.

In Al-Jawf there is very little contribution from the local government and people know nothing other than tribal customs when it comes to conflict resolution. There is a clear need for new mechanisms to prevent and resolve conflict. Participants in Al-Jawf noted that some conflicts escalate because no one steps in to mediate them, and minor misunderstandings develop into major problems because of the absence of mechanisms to resolve conflict at early stages.

> *"We wish there were no guns in our community, there was law and order, and courts. Who wants problems, who does not want his children to go to school? Who does not want to raise his children in peace?"*
> *– Tribal leader, Al-Jawf*

In **Shabwah** tribal customary law remains the main mechanism for resolving conflict, and the lack of government involvement and a weak court system makes these tribal customary laws especially powerful. However, there are clear signs that respect for tribal customary law is deteriorating.

[8] To give or put your face is to guarantee something. For example, conflict parties are required to bring guarantors (usually respectable sheikhs in the community, to give their faces that the conflict parties will abide by the arbitrator's verdict.

In the coastal Rudhum district tribal customary laws may be interpreted informally by people other than sheikhs. While complicated cases are still resolved tribally – that is, through tribal mediation – simpler cases can be resolved by different members of the community. Participants in Shabwah noted that tribal customary law and decisions made by sheikhs were *not* solving all problems, that some judgments are perceived to be unjust or too harsh, and that new mechanisms were needed to deal with conflict.

Increasing mistrust of sheikhs, unhappiness with verdicts in tribal customary law, and a desire for laws based on Islamic shari'a were emphasized by several respondents in Ayin district. A focus group of women indicated a demand for strengthened sharia and state law in the face of the growing ineffectiveness of tribal customary law. One woman interviewed in Shabwah expressed dissatisfaction with the tribal customary laws despite being a tribeswoman. She said: "I do not believe in tribal customary laws although I am a tribeswoman. I know the tribal customary law since my father was killed; however, tribal customary law did not do any justice to me. The conflict continued until I also lost two of my brothers." Another interviewee in Ayin district of Shabwah said "I personally hope that tribal customary law will fail because it turns a personal case into a public case." He also argued that tribal customary law cannot solve economic and social cases, and for this reason would support strengthening of state and sharia law systems.

In Ayin district, participants noted that Partners Yemen's initiative is the first initiative to discuss the effects of conflict and possible alternative strategies for mediation.

In **Mareb** deteriorating respect for tribal customary law can also be observed. Respondents suggested that the younger generation knows little about tribal customs. Only sheikhs have full awareness of tribal customary law, and in the words of one person interviewed in Harib district, the younger generation "do not believe in tribal rules." This lack of respect for customs and traditions has led to changes in the way tribal customary law is implemented.

At the same time, there is also a very weak state presence in Mareb, and police are generally not trusted. A key hope of many respondents in Harib district was to see an increased police presence and more effective police force. A minority of respondents, including a sheikh and a high level official in Harib district, argued that tribal mediation was still effective at solving serious conflicts because it offers a quick solution, as opposed to the state system. Few people in Mareb want to take a case to court, given that it is a long process, verdicts are not enforced, and members of the court are perceived as lacking integrity.

In Harib district many authorities deal with conflicts, including local council and security forces, imams in mosques, and judges. The same involvement of different local actors was observed in Sarwah district, where different members of the community can be involved in conflict resolution. Yet one sheikh in Mareb also noted the potential harm partisan politics has had on the conflict resolution process in the governorate, noting: "If the (conflict resolution) mechanism is free from partisan influences it reaches success, however, if partisan influence comes in the mechanism fails."

Participants in Mareb also reported a lack of general awareness on mediation. They noted the need to control conflict from the beginning, but with the deterioration of traditional customary law and the absence of a robust police force and judicial system, there are major gaps in this area.

Results of research from **Al-Bayda** were similar to those from Mareb. In Weld Rabei district of Bayda, communities turn first to tribal customary law because it delivers judgments much more quickly than the state court system. However, there is also demand for stronger state institutions and an increasing focus on submitting criminals to state law and the court system. While tribal customary law remains more respected than state law, respondents indicated they would like to see this change in favor of the state law. One change noted in Weld Rabei is that some families now accept blood money instead of demanding revenge killings.[9] In Al-Arsh district, one sheikh who is involved in interpreting tribal customary law also highlighted the need to improve the justice system in order to ensure security. As in Mareb, in Al-Bayda it was noted that political partisanship, especially in reference to local council members, causes problems. There is also decreasing confidence in sheikhs as some sheikhs have been less effective at resolving conflict than others. As one interview subject from Al-Bayda said, "If the sheikh is sensitive, well-aware, and security-oriented, he will try to solve the problems as soon as they emerge, and he will use everything in his power in order to stem the conflict. But… the majority are not solved this way."

While tribal customary law is still widely respected in Bayda, the spread of firearms makes it difficult to control tribal members. All respondents – in Bayda and other governorates - indicated that the carrying of firearms increases the potential for violence, which has a negative impact on the effectiveness of the tribal customary law system. At the same time, firearms are needed for protection.

People in Weld Rabei district also emphasized the need for greater awareness of mediation. One sheikh in Weld Rabei district noted that a "lack of awareness (of mediation and conflict resolution mechanisms) leads to an unbelievable number of conflicts." Respondents in Weld Rabei and Al Arsh districts of Bayda asked for awareness sessions to educate communities about the dangers and negative impacts of conflicts. There are no development programs in Weld Rabei district to mitigate or reduce the impacts of conflicts.

> *The "lack of awareness (of mediation and conflict resolution mechanisms) leads to an unbelievable number of conflicts."*
> *– A Sheikh in Walad Rabei District, Al-Bayda*

Women and Conflict Resolution in Yemen

The baseline assessment also focused on the potential roles of women in conflict resolution in Yemen. Participants in the four governorates generally agreed that women could play both negative and positive roles in relation to conflict. Many repeated a distinction between "good" women (i.e., those who encourage their male family members to be less violent) and "bad" women (i.e., those who encourage or instigate conflict).

In Weld Rabei District in Al-Bayda, women have been known to support fighters by bringing food to dug-outs and defences and helping with transport provisions. In Al-Hazem district in Al-Jawf and Al-Arsh district in Al-Bayda, women sometimes carry guns

[9] In a traditional system, it is a black shame for a tribe to accept blood money particularly form the tribe of the perpetrator.

when necessary. Women may also be instigators of conflict or encourage men to bear arms. For example, in Al-Arsh district of Al-Bayda, participants described a well-known story of how one woman encouraged her son to kill his uncle over land. In Al-Jawf, one person interviewed noted that "women sometimes play a role in inflaming the conflict through pushing the husband, the father or the brother to do things (that are violent)."

> *"There are good women who at least stop their men from participating in conflicts. On the other hand, there are bad women who instigate evil and participation in conflicts."*
> *- A woman in Ayin district, Shabwah.*

People interviewed also noted several stories where women were perceived to have begun conflicts that resulted in murders. In Mareb there is a local saying, "they will gossip." This is usually said to men who are reluctant to take revenge. It means that a man who does not seek to take revenge will be the talk of women in the town, something that undermines his status as an honourable man.

In Al-Bayda, most respondents argued that women had no roles to play in conflict resolution, and certainly did not mediate disputes in the community. In Al-Jawf, however, respondents were split between advocating women's role in conflict resolution and denying any role for women. Those who denied women a role in conflict resolution cited women's "emotional" feelings. Female respondents were as a whole more likely to suggest that women had roles to play in conflict resolution, but it should be noted that many female respondents also stressed women's "emotional" tendencies as reasons why they would be less effective mediators than men. In Shabwah, one focus group of women argued that women could not solve conflicts, and that societal rules forbid women from pursuing education or employment. Nonetheless, they argued that better-educated women make better decisions.

At the same time, however, some women-only focus groups, when asked what would happen if women were responsible for resolving conflict, noted that women as a whole prefer nonviolence, and would be effective at resolving conflict if they were permitted to do so.[10] Further, some men interviewed emphasized women's positive contributions; said one senior male tribal leader in Al-Jawf, "behind every great man is a woman."

Despite the general refutation of women as potential mediators, there are several ways in which women have been visible in conflict resolution among disputes in tribal communities. Well-respected older women may intervene in a conflict by unveiling or cutting their hair[11] or tying a knot in their face covering and sending it to the warring parties. Some women will also refuse to shake hands with a man until he renounces violence.

In Al-Jawf and Shabwah it was noted that women were given a distinct status in times of conflict, in that they were respected as neutral parties. This neutrality means women can sometimes enter a battlefield to tend to the wounded. One responded said that "women

[10] This question was not asked of mixed or men-only focus groups because it was considered too sensitive for the Yemeni context.

[11] This is an old tradition that holds much symbolic weight. In Al-Jawf several participants described a well-known example of a woman's intervention in a conflict. After his brother disappeared on a trip to Saudi Arabia, a man from Al-Jawf blocked the road and took several Saudi students hostage in the hopes that his brother would be returned. This created an international incident between Yemen and the Kingdom of Saudi Arabia, where the Yemeni government and senior sheikhs tried to intervene. The dispute was only solved when the mother of the hostage-taker came to him and cut her hair in front of him. He then released both students unharmed.

are our Red Cross during war here since no one (will) hit them and that makes it possible for them to walk through a shoot out without being shot at." Women can move in and out of the battle zone without being harmed and tend to the wounded. This is because according to the tribal traditions it is forbidden to harm women or a man accompanied by a woman even during conflicts – although this tradition may be weakening in some areas of Al-Jawf. As one respondent said, now "people (may) shoot at you while you have women in the car."

Many respondents also noted that women are more likely to resolve conflicts within the family and mediate family issues such as divorce or solve disputes between siblings or other family members. In Al-Jawf, one male respondent argued that women were "stronger than men" and therefore well-positioned to *influence* men towards conflict resolution (though not resolve conflicts themselves).

Women may also understand "conflict" differently from men. In several women-only focus groups, participants brought up problems such as domestic violence and early marriage that were not discussed in men's or mixed focus groups. In one focus group of women, participants argued that raising children "to make them like carrying weapons and fighting" was one cause of conflict.

It should also be noted that, while prominent older women in the Yemeni context are more likely to be permitted a role in conflict resolution than younger women, and are more likely to be taken seriously by men, there is a growing ambitious spirit among younger women in these four governorates. Still, women are subject to movement restrictions and societal gender norms that hinder their opportunities.

The roles of women in conflict resolution should be explored further. As one respondent in Al-Jawf said, "If there are active women who can reach out to women it would be easier to solve disputes." In Shabwah, respondents argued the better educated women were, the more likely they were to resolve disputes.

IV. RECOMMENDATIONS

Strategies for reducing conflict with corporations

The targeted communities have several recommendations for preventing conflict with corporations operating in the area. Participants urged corporations to increase their communication with communities in which they operate and to increase employment and development programs. There is a widespread feeling in these communities that oil and gas companies have little interest in the well-being of locals and instead answer only to their overseas shareholders. This is a key challenge to corporations wishing to operate in these areas.

Among the suggestions from these communities was for corporations to increase communication with sheikhs, land owners, community leaders and communities. Oil, gas, and mining companies should be communicating their plans for exploration and extraction with communities. In the mining sector, where initial exploration may take years and require few employees, it is particularly important that the reasons behind the lack of jobs and money for development are communicated to residents. In Al-Jawf corporations were urged to establish standards for recruitment so that no group is disadvantaged when it comes to employment. This includes employing people from different classes, and ensuring that, in the words of a women's focus group in Al-Khalaq district, not "only those well-connected are employed." In Ayin district in Shabwah, respondents suggested that providing more jobs to youth would reduce conflicts with corporations. Our respondents also urged oil and gas companies not to pay people who do not work for them, as is the practice of some oil companies who make payments to locals in exchange for an end to harassment. In addition, companies should as much as possible hire laborers and equipment from the areas in which they work rather than bringing them from outside. Finally, corporations are advised to improve and expand their social responsibility and sustainable development programs, in order to better contribute to the communities in which they work and to mitigate potential conflict.

Lessons learned and recommendations from donors, INGOs and NGOs

Donors, INGOs and NGOs consulted in this process shared several recommendations for best program implementation strategies in Yemen. In brief, these recommendations are:

- Ownership and buy-in of the community is essential to the success of any project.

- Staff need to be well-trained to deal with local sensitivities, especially political and tribal sensitivities.

- Include people from all levels when doing program design, from the Ministry level down to local youth groups. What the people need is not always reflected in what senior leadership, such as sheikhs, demand. It is important therefore to consult people at all levels.

- All development and conflict resolution programs in Yemen need to engage youth. Because of the risk of alienation, youth are the key constituency in Yemen in terms of conflict prevention.

- Women are an important target group because they have behind-the-scenes influence and are marginalized in many existing programs. New and existing programs should find acceptable culturally-sensitive ways to engage women.

- Selecting the right people in each community is key. It is important to determine who will support the program and who could be a potential spoiler. Several NGOs mentioned that spending more time up front identifying potential dissenters was crucial to successful programming.

- It is possible to lose a project due to spoilers, generally because of one person's interests. In these situations, talking it out with the spoiler may be the best solution. Patience, dialogue and transparency are key to good programming. One INGO working in Yemen suggested that putting the resolution of these situations back on the community gives them the opportunity to resolve these disputes themselves.

- Key stakeholders should be described as "community leaders" rather than "tribal leaders" so that the new age of leaders – those who are not necessarily tribal leaders – are included

- NGOs must also stick to their selection criteria when choosing program participants and know how their resources are to be allocated.

- Challenges include building trust with the Yemeni government. It is very important to remain politically neutral and to maintain good relationships with the Yemeni government. Support from the government is crucial to the success of development programs in Yemen.

- For many INGOs, travelling to the governorates given the current security situation is a major challenge. This is one area where local NGOs such as Partners Yemen have an advantage as many of their staff are trusted members of these communities. Work in tribal areas should include local people as program staff as much as possible.

- Both nationals and internationals operating in Yemen noted the importance of encouraging communities to set their needs and priorities through consultative and cooperative processes. It is also important that communities be encouraged to consider what they have to offer any development program and engage in "self-help", so that communities are not only receivers of aid but active participants in development.

- All development actors need to be doing conflict sensitive analysis in order to prevent conflicts and create and maintain an efficient system for dispute resolution on the road to development. In order to do that, actors have to understand how their programs have the potential to create conflict or reinforce existing negative trends. Through conflict-sensitive programming we should be anticipating how the activities we plan impact on, and may contribute to, conflict.

- One NGO noted that it is difficult to monitor the number of conflicts in any area, and there is "no baseline for knowing if conflict is really reduced." One way

to monitor success is to pay attention to stories of successful conflict resolution in different governorates. Listening to the experiences of participants, and recording them, is one way to monitor success or failure.

Strategies and Ways Forward for the Y-CCM Program

The baseline assessment findings have confirmed the validity of the objectives of the Y-CCM program. Representatives from the target groups in all four governorates have reaffirmed the pressing need for sustainable structures for short- and long-term interventions addressing conflict.

In the four governorates where Partners Yemen works, tribal customary law has been the main and most effective mechanism for conflict management, because of trust in the system, speed and efficiency of tribal rulings and a lack of viable alternatives. In some areas, such as Al-Jawf, this process continues to be respected. In areas where respect for the tribal customary law is deteriorating, there is a notable demand for strengthened state/judicial institutions and demand for increased and more effective police presence. In all governorates there is urgent need for programs that introduce alternative forms of mediation, programs that emphasize conflict prevention, and awareness campaigns on the dangers of conflict. Several districts in which research was conducted indicated that they have seen no development programs on conflict resolution in their communities. Partners Yemen should target areas where there are no existing programs.

Partners Yemen should continue to build links with respected community members whose support may be needed to ensure the success of the community mediation committees. The challenge here, however, is to know who will be on-side and who will be a spoiler. For example, one sheikh in Al-Hazem district of Al-Jawf noted that "some sheikhs have good intentions and cooperate while some sheikhs inflame (disputes) instead." Spending time building relationships and understanding the local context is very important.

The assessment also found that mediation training is particularly valuable for people below the senior sheikh level, as there is a need for a system that allows for people throughout the community to develop skills to mediate small conflicts before they erupt into violence. Thus special attention should be given to "social activists" such as lower-level sheikhs and tribal leaders who are not at the sheikh level. Many people at this level interviewed for this assessment expressed enthusiasm and commitment to the program; relationships with these people should be fostered as much as possible, as these may be the best advocates for this program on the ground.

PDCI and Partners Yemen should as much as possible continue to involve women and youth in their programs in the field. The extraordinary participation of women in the assessment – where seventy five (75) out of one hundred fifty-seven (157) respondents in the four governorates were women – highlighted the desire for women to have a role in resolving conflicts and participate in decision-making in their communities. It also confirmed that while women generally have less awareness of the details of tribal customary law, they are very much aware of the challenges and opportunities in their communities and they benefit from trainings in conflict resolution. Given that women are generally absent from formal decision-making processes and conflict resolution

processes in Yemen, Partners Yemen should continue to emphasize women's involvement in these programs.

Partners Yemen already has a women's network in place from its Balqees Initiative Program in Mareb and will have one in Shabwah over the coming year. Given the potential influence of women over men in their lives (at least behind the scenes), it is suggested that PY capitalizes on informal women's networks that cross tribal or family boundaries. PY could model a program after successful women's networks for peace from other parts of the world that crossed ethnic or class lines. There is potential for women to work together across the lines of conflict to alert each other to potential conflict or the outbreak of conflict. This is one potential strategy to build on the influence women already exert in Yemeni society.

The assessment findings remind us to continue to be conflict sensitive and understand the potential for creating conflict through Partners Yemen programs. While there is a clear and pressing need for new participatory mechanisms for resolving conflict, special thought should be given to how the establishment of community mediation committees might impact both positively *and* negatively on delicate power relations within the community. For example, one INGO with a similar program that will establish "village councils" was cautioned by the government that tampering with the local governance system was potentially dangerous. The question of power and patronage in these communities should not be underestimated, and the program team must be prepared to deal with the potential negative consequences, such as spoilers, community dissatisfaction, or the creation of new conflict within a community, that may result from the community mediation committees. Establishing these committees could lead to a new power balance in each community, and while the intent of the committees is to make decision-making more inclusive and representative, PY should closely monitor the emerging power relations during the implementation of the project. This should be addressed in the final evaluation report.

While establishing community mediation committees is likely to upset the power balance in these communities, it must be emphasized that all development programs cause social change and conflict, and that these communities have articulated a clear desire for new mechanisms to fill the gap left by the deteriorating tribal system and the weak judicial and rule of law system. There is enthusiasm for the community mediation centers in all four governorates. Partners Yemen should engage tribal leaders to guarantee more support for the committees.

Many tribal conflicts in Yemen are complex, long-standing, and context-specific. Therefore, manuals produced by Partners Yemen and PDCI for trainings should take into account the existing traditional mechanisms for conflict resolution in these areas and as much as possible make links to the Yemeni context. One interview highlighted the fact that past training sessions conducted by international trainers have not properly engaged with the local context. A better approach would be to make links between the tribal customary law and "Western" methods of mediation, to draw out similarities between the two, before then introducing new concepts.

PDCI and PY would do well to emphasize the conflict cycle in training workshops. While many interviewees noted that levels of violence were a reason for the lack of development projects, and that the lack of development causes violence, they did not always make the explicit connection between the two. Some development projects have

been stopped because of violence, some NGOs have completely pulled out of dangerous areas, and several corporations have left or are contemplating leaving communities because of violence. This point should be emphasized in training sessions to ensure communities are fully grasping the cyclical connections between violence and a lack of development.

Partners Yemen should continue to reach out to employees of oil, gas, and mining companies operating in the governorates of Shabwah and Mareb, where tensions between communities and corporations can be very high. Interviews revealed that corporate employees would benefit from training in conflict resolution and mediation. PY should therefore continue to invite employees of oil, gas and mining companies to participate in trainings and other program activities. PY should also encourage oil and gas companies to improve insufficient development programs and to give back to the communities in which they work, as this could reduce the number of conflicts in these areas and improve relations between the corporations and communities. Companies need to resolve compensation problems and offer more employment opportunities to locals, especially youth. Further, companies need to increase transparency and communication with communities, and not only deal with senior tribal leaders or local councils. Partners Yemen could assist in building channels of communication between corporations and communities.

As noted earlier, for security reasons international NGOs are often unable to visit the governorates where their programs are implemented. Interviews with stakeholders in the four governorates confirmed that Partners Yemen has the special ability to work in districts where many INGOs are unable to go and where there is an absence of development projects. Further, Partners Yemen's staff have earned a high level of respect from participants in the four governorates.

One area that Partners Yemen needs to improve on is in long-term planning. A point heard repeatedly in interviews with both development actors and community leaders in the governorates was that in Yemen there is little focus on the future, either by the government, by donors and NGOs, or by communities. Some community leaders interviewed for this assessment expressed fear that Partners Yemen would come in to their communities, establish community mediation centres, and leave when the project was over. Partners Yemen needs to be prepared to address these fears. One recommendation is to find ways to plan for sustained interventions *beyond* the two-year funding cycle and establish a long-term plan that is communicated to these communities, so that they are not left hanging when the project is over.

Finally, the assessment confirmed that other Partners Yemen programs are already working. One focus group of women gave an account of a situation in Al-Jawf where a sheikh who had blocked government vehicles for six months lifted his blockade only after learning new conflict resolution techniques at a Partners Yemen training. People who had participated in the Community-based Conflict Mitigation Project (YCCM) program in Al-Jawf described how they used their conflict resolution skills to deal with disputes involving families and businesses. Others interviewed stressed the positive results achieved through the Development Dialogue Forum (DDF) trainings and symposiums conducted by PY. Partners Yemen is well positioned to both continue and expand its mediation and conflict resolution programming in Mareb, Al-Jawf, Shabwah and Al-Bayda.

Annex I: Interview and Focus Group Participants

Interviews and Focus Group Participants in Sana'a, December 2010

	Name	Organization	Position
1	Ameen Al-Kaderi	EDC	Training Director
2	Job Klein	Netherlands Embassy	First Secretary
3	Conny Westgeest	Netherlands Embassy	First Secretary
4	Amatalwali Al-Sharqi	Social Fund for Development	Training and Institutional Development Unit Head
5	Shaqi Maqtari	GTZ	Senior Expert, Crisis Prevention and Conflict Transformation
6	Heather Thernen	NDI	Country Director
7	Dana Stinson	USAID	Deputy Technical Officer
8	Abdulwahab Shajirah	British Embassy	Projects Manager
9	Abdulaziz Said	Islamic Relief Yemen	Head of Programs
10	Khalid Moheyddeen	Social Fund for Development	Senior Officer, M&E
11	Michael Heyn	UNDP	Conflict Prevent and Early Recovery Coordinator
12	Dr. Amer Mohsen Ahmed Assabri	Geological Survey and Mineral Resources Board	General Manager of Evaluation and Promotion
13	Dr. Gaber Ali Al-Sanabani	IFC	Business Enabling Environment
14	Judge Yahya Mawri	Judicial System of Yemeni Government	Judge
15	Nadwa Al-Dawsari	Partners Yemen	Executive Director
16	Abdulhakeem Al-Ofairi	Partners Yemen	Deputy Director
17	Marta Colburn	CARE Yemen	Country Director
18	Withheld*	An oil and gas company operating in Yemen	An employee in Sana'a
19	Withheld*	An oil and gas company operating in Yemen	An employee in Sana'a
20	Withheld*	An oil and gas company operating in Yemen	An employee in Sana'a
21	Withheld*	An oil and gas company operating in Yemen	An employee in Sana'a
22	Withheld*	An oil and gas company operating in Yemen	An employee in Sana'a
23	Huda M. Al-Mudafari	Labour Syndicate Union, Al-Baidha	Manager of Women Section
24	Ayesha A. Al-Reda	Women Union, Al-Baidha	Social Researcher
25	Warda Mohammed Saleh	Yemeni Organization for Development and Social Peace	Manager of Women Section
26	Thekra Mohammed Al-Zubair	Agricultural Office, Mareb	Manager of Rural Women Section
27	Entesar Al-Azzani	Education Office, Shabwa	Headmistress
28	Manal Yahya Ali Al-Houdi	Education Office, Shabwa	Social Researcher
29	Saleh M. Al-Hotam	Tribal Leader, Al-Baidha	Local Council Secretary
30	Hussein Ali Saleh Sakran	Tribal Leader, Al-Baidha	Manager of Education Office
31	Ali Al-Oghlaisi	Tribal Leader, Mareb	Journalist

*Names of oil and gas companies, and their employees, are not included here at the employees' request.

Focus Group Participants in the four Governorates of Al-Baidha, Mareb, Al-Jawf and Shabwa, December 2010

	Name	Gender	Governorate	District
1	Nabeel Nasser Dhifalah	Male	Al-Baidha	Al-Arsh
2	Yousef Mohammed Abforzay	Male	Al-Baidha	Al-Arsh
3	Abd Al-Hemeed Ali Azidee	Male	Al-Baidha	Al-Arsh
4	Ali Salah Ahmed Al-Megrbee	Male	Al-Baidha	Al-Arsh
5	Hussen Ali Gmoeesh	Male	Al-Baidha	Al-Arsh
6	Abedaslam Gomeesh	Male	Al-Baidha	Al-Arsh
7	Nasser Abdulah Al-Megrbee	Male	Al-Baidha	Al-Arsh
8	Abdarhman Ahamed	Male	Al-Baidha	Al-Arsh
9	Mther Mohammed Al-Azany	Male	Al-Baidha	Al-Arsh
10	Shaim Kaid Abdulah	Female	Al-Baidha	Al-Arsh
11	Sher Ali Hussin Basha	Female	Al-Baidha	Al-Arsh
12	Nada Ahmed Ali	Female	Al-Baidha	Al-Arsh
13	Fanda Mohammed	Female	Al-Baidha	Al-Arsh
14	Salimh Mohammed	Female	Al-Baidha	Al-Arsh
15	Gamila Gaber Al-Siadi	Female	Al-Baidha	Al-Arsh
16	Safia Ahamed Al-Anssi	Female	Al-Baidha	Al-Arsh
17	Ibtsam Ali Gomish	Female	Al-Baidha	Al-Arsh
18	Hussin Hessen Zeed Al-hanzi	Male	Al-Baidha	Walad Rabei
19	Abdulah Ali Al-Theheb	Male	Al-Baidha	Walad Rabei
20	Fisel Nohammed Salah	Male	Al-Baidha	Walad Rabei
21	Mohammed Hussin Zamel	Male	Al-Baidha	Walad Rabei
22	Gamil Abdulah Al-Mahni	Male	Al-Baidha	Walad Rabei
23	Mohammed Mohammed	Male	Al-Baidha	Walad Rabei
24	Abdulah Ali Hthit	Male	Al-Baidha	Walad Rabei
25	Gaber Ali Al-Mati	Male	Al-Baidha	Walad Rabei
26	Nadia Alwai Moqbel	Female	Al-Baidha	Walad Rabei
27	Gamila Abad Ali	Female	Al-Baidha	Walad Rabei
28	Anissa Ali Zamel	Female	Al-Baidha	Walad Rabei
29	Eiman Aadel Al-Rboei	Female	Al-Baidha	Walad Rabei
30	Safia Mohammed Ali	Female	Al-Baidha	Walad Rabei
31	Tiba Ahamed Thiban	Female	Al-Baidha	Walad Rabei
32	Saleh Moqri Rabe'e	Male	Mareb	Sarwah
33	A'aref Mohammed Rabe'e	Male	Mareb	Sarwah
34	Zebn Allah Saleh Al-Zaidi	Male	Mareb	Sarwah
35	Mohammed Hussein A'amond	Male	Mareb	Sarwah
36	Mohammed M. Ali Atajlan	Male	Mareb	Sarwah
37	JarAllah Naji Derhem	Male	Mareb	Sarwah
38	Mohammed ZebnAllah	Male	Mareb	Sarwah
39	Sultan Hussein Al-Zardi	Male	Mareb	Sarwah
40	Mosheera Ahmed M. Al-Zaidi	Female	Mareb	Sarwah
41	Mosheerq Ali Naser Al-Zaidi	Female	Mareb	Sarwah
42	Ghafra Yahya Ahmed Ali	Female	Mareb	Sarwah

43	Razna Moqri Raber'e	Female	Mareb	Sarwah
44	Ameera Hussein Hamond	Female	Mareb	Sarwah
45	Mosheera Mobarak Raber'e	Female	Mareb	Sarwah
46	Mosheera Jecebel To'yaiman	Female	Mareb	Sarwah
47	Fatima Ameen Ashmari	Female	Mareb	Sarwah
48	Mohammed A. Dowond	Male	Mareb	Harib
49	Abdullah A. Al-Fajere	Male	Mareb	Harib
50	Abdulaziz Ali Abbas	Male	Mareb	Harib
51	Abdurahman Abdullah Dowek	Male	Mareb	Harib
52	Abdurahman Abdullah Shane	Male	Mareb	Harib
53	Ali Al-Qazmi	Male	Mareb	Harib
54	Ali Saleh Daiman	Male	Mareb	Harib
55	Salem Mohammed Al-Shareef	Male	Mareb	Harib
56	Saleh Mohsen Mohammed	Male	Mareb	Harib
57	Amal Yahya Al-Qubani	Female	Mareb	Harib
58	Ayeda Abdulwahed Al-Qamad	Female	Mareb	Harib
59	Wafa Rasman	Female	Mareb	Harib
60	Ehsan Ali Dawond	Female	Mareb	Harib
61	Laila Dowond Shajera	Female	Mareb	Harib
62	Malha Khmeer Al-Najar	Female	Mareb	Harib
63	Abeer Yahy Al-Quban	Female	Mareb	Harib
64	Najla Al-Aidrons Ahmed	Female	Mareb	Harib
65	Mohammed Ahmed Al-Shaiba	Male	Shabwa	Rudhum
66	Alawi Ahmed Malhonf	Male	Shabwa	Rudhum
67	Ali Mohammed Baqatmi	Male	Shabwa	Rudhum
68	Ahmed Saleh Basohaib	Male	Shabwa	Rudhum
69	Saleh Mobarak	Male	Shabwa	Rudhum
70	Sabah Saeed Awadh	Male	Shabwa	Rudhum
71	Ahmed Naser Qadoul	Male	Shabwa	Rudhum
72	Talal Saleh Basouhaib	Male	Shabwa	Rudhum
73	Nesreen Khameer Ramdan	Female	Shabwa	Rudhum
74	Molouk Abdullah Salem	Female	Shabwa	Rudhum
75	Awatef Hassan Sa'ad Allah	Female	Shabwa	Rudhum
76	Ebthaj Saeed Awad	Female	Shabwa	Rudhum
77	Seham Khmeer Al-Aqir	Female	Shabwa	Rudhum
78	Haja Sa'ad Allah Balcheet	Female	Shabwa	Rudhum
79	Joma'a Omar Salem	Female	Shabwa	Rudhum
80	Bagia Saeed Saleh	Female	Shabwa	Rudhum
81	Ali Salem Al-Qadadi	Male	Shabwa	Ayin
82	Ahmed Mohammed Ziad	Male	Shabwa	Ayin
83	Taleb Abdullah Qabsan	Male	Shabwa	Ayin
84	Ahmed Mohammed Al Awlaqi	Male	Shabwa	Ayin
85	Saleh Ali Naser Lahonl	Male	Shabwa	Ayin
86	Abdullah Ali Al-Mesri	Male	Shabwa	Ayin
87	Fadl Abdullah Al Waslah	Male	Shabwa	Ayin
88	Mohammed Ahmed Balma	Male	Shabwa	Ayin

89	Seena Abdullah Al-Waslak	Female	Shabwa	Ayin
90	Lebia Saleh Galonm	Female	Shabwa	Ayin
91	Afrah Saeed Al-Sarhi	Female	Shabwa	Ayin
92	Nabeela Abdullah Al-Waslak	Female	Shabwa	Ayin
93	Soudi Saleh Al-Najar	Female	Shabwa	Ayin
94	Yasmeen Saleh Marzonq	Female	Shabwa	Ayin
95	Hussan Abdullah Al-Rowqi	Female	Shabwa	Ayin
96	Salih Ali Hadi Tahir	Male	Al-Jawf	Al-Khalaq
97	Manea Mohamad Aliqqi Shotife	Male	Al-Jawf	Al-Khalaq
98	Mohamad Hamad Atig	Male	Al-Jawf	Al-Khalaq
99	Uraze Apdalae Kpas	Male	Al-Jawf	Al-Khalaq
100	Shaleh Mohamad Aliqi	Female	Al-Jawf	Al-Khalaq
101	Suada Jaralah Osoas	Female	Al-Jawf	Al-Khalaq
102	Jamela Mohammad Mobark Bajer	Female	Al-Jawf	Al-Khalaq
103	Hamesa Mohammad Sazeh	Female	Al-Jawf	Al-Khalaq
104	Sayeda Mohammed Yahya	Female	Al-Jawf	Al-Khalaq
105	Thuraya Saleh Ali Matwan	Female	Al-Jawf	Al-Khalaq
106	Qadria Mohammed Hassan	Female	Al-Jawf	Al-Khalaq
107	Sayed Saleh Hamad	Female	Al-Jawf	Al-Khalaq
108	Salwa Mohammed Ahmed	Female	Al-Jawf	Al-Khalaq
109	Warqa Saleh Arshad	Female	Al-Jawf	Al-Khalaq
110	Ahlam Saleh Al-Nagar	Female	Al-Jawf	Al-Khalaq
111	Badria Mohammed Saleh	Female	Al-Jawf	Al-Khalaq
112	Abdullah Al-nesr	Male	Al-Jawf	Al-Hazem
113	Farh	Male	Al-Jawf	Al-Hazem
114	Rabysh Asicar	Male	Al-Jawf	Al-Hazem
115	Yahay Alehake	Male	Al-Jawf	Al-Hazem
116	Bushra Ghasem	Female	Al-Jawf	Al-Hazem
117	Fatma Mohammed	Female	Al-Jawf	Al-Hazem
118	Moneera Asskar	Female	Al-Jawf	Al-Hazem
119	So'ud Saleh Mohamed	Female	Al-Jawf	Al-Hazem
120	Majeeda Mohamed Saleh	Female	Al-Jawf	Al-Hazem
121	Jameela Ali Mohammed	Female	Al-Jawf	Al-Hazem
122	Fatima Mohsen Zamilan	Female	Al-Jawf	Al-Hazem
123	Tahia Masoud Almew	Female	Al-Jawf	Al-Hazem
124	Najwa Saleh Abbar	Female	Al-Jawf	Al-Hazem
125	Amal Ebrahim Ali	Female	Al-Jawf	Al-Hazem

Interviews conducted in the four Governorates of Al-Baidha, Mareb, Al-Jawf and Shabwa, December 2010

	Name	Gender	Governorate	District
1	Ebtisam Ali Jo'aish	Female	Al-Baidha	Al-Arsh
2	Sheikh Abdullghani Saleh Mohammed Al-Farza'ai	Male	Al-Baidha	Al-Arsh
3	Sheikh Abdullah Alawi Al-Majrabi	Male	Al-Baidha	Al-Arsh
4	Tawfeeq Hussein Asaqeel	Male	Al-Baidha	Al-Arsh
5	Sheikh Ahmad Jaralla Alawi	Male	Al-Baidha	Walad Rabei
6	Sheikh Mohammad Al-Ma'ati	Male	Al-Baidha	Walad Rabei
7	Jamila Mohamed Saleh Al-A'agab	Female	Al-Baidha	Walad Rabei
8	Ali Ahmad Abu Saleh Sheikh	Male	Al-Baidha	Walad Rabei
9	Saleha Ahmad Azaiydi	Female	Mareb	Sarwah
10	Yahya Al-zaiydi	Male	Mareb	Sarwah
11	Ahmad Mubarrak Tua'aima	Male	Mareb	Sarwah
12	Sheikh Mohammed bin Ahmad Azaiydi	Male	Mareb	Sarwah
13	Abdullah Saeed Atyah	Male	Mareb	Harib
14	Yahya Manna'a Al-Shareef	Male	Mareb	Harib
15	Muhalla Dawood	Female	Mareb	Harib
16	Abdullah Dawood	Male	Mareb	Harib
17	Ali Mohammed Ahmed Alnajar	Male	Shabwa	Rudhum
18	Fahed Ali Mohammed Aladhmye	Male	Shabwa	Rudhum
19	Hadi Seed Alkharma	Male	Shabwa	Rudhum
20	Maryam Messed Alsabeel	Female	Shabwa	Rudhum
21	Alya Ahmed Harkadan	Female	Shabwa	Ayin
22	Ali Abdullah Al Dafi'ah	Male	Shabwa	Ayin
23	Salem Saleh Al Sadeh	Male	Shabwa	Ayin
24	Zayedd Abdullah Al Roki	Male	Shabwa	Ayin
25	Norah Birt Hammad Su'ood Khaled Shetayb	Female	Al-Jawf	Al-Khalaq
26	Sheikh A'askar Bin Hammad	Male	Al-Jawf	Al-Khalaq
27	Taqqi A'askar	Male	Al-Jawf	Al-Khalaq
28	Taleb Mohammad	Male	Al-Jawf	Al-Khalaq
29	Sheikha Saydah Mohammad Al-Ghanni	Female	Al-Jawf	Al-Hazem
30	Hizam Abdullah Hizam	Male	Al-Jawf	Al-Hazem
31	Sheikh Abdullah Shihhat	Male	Al-Jawf	Al-Hazem
32	Sheikh Hizam Arrabone'	Male	Al-Jawf	Al-Hazem

Annex II: Major Steps in Tribal Mediation and Conflict Resolution

Tribal Mediation can be divided into two areas: **Conflict Prevention** and **Conflict Resolution**.

Conflict Prevention[12]:

There is a tradition of conflict prevention employed when tribes observe a potential conflict, especially over resources (such as a fight over a piece of land, border, water source). In this scenario the following happens:

Stage 1: Negotiation between potential conflict parties:

- The sheikhs of the two tribes who have a disagreement contact each other directly by phone or other means.
- They agree to meet in a **neutral place** to negotiate over differences.
- The sheikhs negotiate. Normally they **authorize** two **representatives**[13] (one from each tribe) to negotiate and reach an agreement.
- **If negotiations** between the two **representatives** fail, they consult with a **neutral sheikh** (from outside the two tribes). They present the case to him as well as each party's suggestion to resolve the problem. This sheikh advises the parties on the solution he thinks is appropriate.
- If one or all parties disagree with the **verdict** of the **sheikh,** he advises them or they themselves choose another **arbiter.**
- If one of the tribes refuses to negotiate or arbitration, people who have blood bondage[14] from both tribes communicate. Those people are not necessarily sheikhs. They **put pressure on** their sheikhs to agree to **negotiate** or choose an **arbitrator**.
- If the blood-bound people in the tribe fail to push their tribes to negotiate, they go to a third party (a sheikh of third tribe) and ask him to **intervene**.

Stage 2: Third party Intervention: Mediation for arbitration:

- Sometimes sheikhs from a third tribe initiate to intervene when they notice that there is a potential for violent conflicts[15]. This is called **فزعة or نكف (immediate response).**
- Third party tribe sheikh/s (**mediator/s)** go first to the party who refuses to negotiate or peacefully resolve the conflict. They ask its sheikhs to hand them some ***guarantee guns*** (**مقواد الصواب**[16]**).** The **mediators** then go to the other party of the conflict and request similar ***guarantee guns.***
- The **mediators** then asks the conflicting parties to agree on an **arbitrator** and when they agree the mediator hands the **arbitrator** the ***guarantee guns*** (**مقواد الصواب).**

[12] The sections on conflict prevention and conflict resolution are taken from a 2011 paper by Nadwa Al-Dawsari under publication with the Carnegie Endowment for International Peace.

[13] Normally they authorize them in writing.

[14] This happens when there are inter-tribal marriages.

[15] It is considered a shame if a neighboring tribe fail to intervene between conflicting parties. They can be blamed by other tribes for not taking the initiative to intervene.

[16] This is a number of guns handed by the tribe who refuse to resolve conflict peacefully. This is to indicate that the tribe accepts the third tribe intervention and ready to negotiate or accept arbitration process. It is considered as a guarantee that they will do that.

- If conflicting tribes did not agree upon a certain arbitrator and choose two different ones, there is a tribal rule that they agree on a third arbitrator who will have the final decision. They call him ***Ghassab*** **غصّاب .** His decision should be **honored** by the two conflicting parties. *At this stage, the* ***mediator's*** *role ends.*
- If a tribe continues to **refuse** to go for **arbitration**, **the mediators withdraw.** Sometimes other tribes try to mediate. If all these efforts did not work, the **conflict moves to a violent stage (war).**
- If one or both conflicting parties do not agree to the arbitrator's verdict, they can go to an "appeal arbitrator" **منهى**. Conflicting parties do not have the right to choose an "appeal arbitrator" **منهى** unless it was pre-agreed with the arbitrator and noted down/ documented in the agreement.
    - If one tribe accepts the arbitrator's verdict and the other refuses, the case becomes between the arbitrator and the refusing party.
    - If both tribes do not accept the arbitrator's verdict, his verdict becomes invalid.

Guarantees taken/written down to ensure peace treaties are respected:

1. **Moral guarantee**: before arbitration, the arbiter requests guarantors for conflicting parties. Those could belong to the conflicting tribes or from other tribes. Every guarantor is obliged to follow up to make sure the tribe he/ they guarantee meets the terms of the agreement. **وجه من كل قبيلة**
2. **Material guarantee**: **عدال** Two conflicting tribes contribute a similar number of material things (cars, guns, etc) as a guarantee that they will fulfill the agreement.

Conflict Resolution:

Stage 1: Mediation[17]:

- When war breaks out between two tribes, a **mediator** from a third tribe (either invited or not invited by conflict parties) rushes with some armed men to the place of the shooting and stations himself with his men in between the parties to prevent the shooting. As soon as he arrives to that area he flies a white cloth **راية.** This signifies a request from the **mediating** tribe to the conflicting tribes to stop shooting and accept their **mediation**. According to tribal customs, conflict parties must stop shooting until they talk to the mediator. However, sometimes mediators or some of their men are shot at by mistake.
- If conflicting parties respond and suspend the fight, the **mediator** requests the conflicting parties to agree on a **temporary truce**[18] which can take a few days until they agree on **arbitration**. Then the **mediator's** armed men make sure the conflicting tribes' fighters leave their fighting locations and ceasefire.
- The **mediator** then goes to the sheikhs of the two conflicting tribes and asks them to agree on an **arbitrator**[19].
- Sometimes one of the tribes refuses. Normally it is the tribe which originally agreed to peaceful resolution of the conflict when the conflict was at the non-violent stage. In this case the **mediator** hand this tribe some guns. This is called

[17] A mediator who succeeds in resolving conflict gains greater status and respect among tribes.
[18] The mediators request a guarantor from each tribe (**وجه**) .
[19] The **mediator** may become an arbitrator if the conflicting parties choose him.

Guns of Right or ***بنادق كسر الحق . Guns of Rights*** are given to the tribe to acknowledge that this tribe, unlike the other tribe, was open to peaceful resolution in the non-violent stage of the conflict.

Stage 2: Arbitration:

- If the sheikhs of the conflicting tribes do not agree on one arbitrator, each sheikh of a tribe choose an arbitrator but both agree on ***a third arbitrator*** called ***Ghassab غصّاب*****.** In case the two arbitrators chosen by the sheikhs of the two tribes do not agree on a solution, the verdict of the ***Ghassab غصّاب*** become enforcing.
- The **arbitrator** brings the sheikhs of the conflicting tribes and asks them to first **agree on a truce** during which they **negotiate** over **arbitrator/s and guarantors**[20] and **their representatives to the arbitrator**. During the truce fighting and mobilizing for fighting is agreed to be stopped. **At this stage the mediator's role is over** unless he is chosen and agreed to become an arbitrator.
- The conflict parties submit material and moral guarantees to the arbitrator. This is considered a statement that they are committed to arbitration:
    - **Material guarantees** (عدال): Normally guns, cars, daggers. These belongings have some moral value to the tribesmen. A personal gun or dagger represents the honor of not only the person involved but the whole tribe. These personal arms or belongings are given back to the conflict parties after they implement the verdict.
    - **Guarantors**: Every conflicting party should bring a guarantor to the arbitrator. The guarantor's role is to guarantee in front of the arbitrator that the conflict party will implement the verdict and will not do any act that might disturb the arbitration process or violate the truce. Guarantors should be prominent sheikhs who are well-respected among tribes.
- The **arbitrator/s** requests a **peace treaty**[21] which can last for one year while he/they look at the case and come up with a verdict. Peace treaties can be renewed many times. Either the arbitrator or the other tribes request renewal of the treaty. It is said that there are some peace treaties which have been renewed every year for twelve years.

Challenges:

- The **arbitrator** comes out with a **solution** to the case. In most cases, a peace treaty gets extended because of the difficulty to carry out an arbitrator's verdict. This happens especially in blood-related issues. It is considered a shame for a tribal man to accept blood feud from the perpetrator. If that happens the tribe looks down on him because he took money for blood. However, it is not considered a shame if the blood feud gets paid by a third party, be it the government or another tribe or individual or organization. In some cases, the tribe of the perpetrator prefers that a person from their tribe gets killed instead of paying blood feud.

[20] Every tribe asks a prominent sheikh to guarantee that they will abide by the temporary ceasefire. The guarantor sheikh gives his word of honor that the tribe who chooses him as a guarantor will abide by seize fire.

[21] Peace treaty is like a long truce.

Stage 3: Verdict Implementation Enforcement:

- Similar to procedures of implementing verdicts of non-violent conflict.
- In a case where a member of a tribe violates a peace treaty or truce and kills someone from the other tribe, the case becomes between him and the sheikh of his own tribe. To avoid escalation of conflict his tribe apply severe punishment that would satisfy his victim's family and tribe. Punishment might reach killing for violating the truce/peace treaty and bringing shame to the tribe. **خروج عن الوجيه**
- The same procedures and conditions for appeal that takes place in non-violent conflict apply here.
- If one of the tribes refuse to implement the agreement, the following happens[22]:
    - The **arbitrator** writes that on a paper and has someone read out in the market that **tribe X** refuse to abide by the verdict. The **arbitrator** puts a white flag on top of a tall building in the market or on a house**.** This flag is kept for **8** days. This is to give the **tribe X** a warning so that it abides by the verdict agreed upon with the **arbitrator**. If the tribe comes back to agreement, its sheikh/s needs to give some guns to the arbitrator as a guarantee that they will honor/ fulfill the agreement.
    - If the **8** days pass without any positive response from **tribe X,** the **arbitrator** put a black flag next to the white one for another **8** days. This means that **tribe X** have to choose white (which means come back to the agreement) or black (which means war against it from other tribes).
    - If the **8** days pass without any positive response from **tribe X,** the white flag is taken out and only the black one is kept for another **8** days. If **tribe X** comes back to agreement, its sheikhs have to give **4 times** the amount of guns required as a guarantee they will fulfill the terms of agreement.
    - If the **8** days pass without any positive response from **tribe X,** the black flag is put down and they put a piece of wood with burnt end called ***Gethn*** (**جذن**). The arbitrator specifies a period of time for **tribe X** to come back to the agreement. If that happens, the tribe gives the arbitrator **44 times** the number of guns as guarantees that they will fulfill the agreement**. Tribe X** then come with its sheikhs and men and recite poetry (***Zamel*)** indicating its position and submission to fulfill the terms of agreement.

If **tribe X** does not fulfill the terms of agreement after the ***Gethn,*** the neighboring tribes **boycott/ alienate** it. They prevent this tribe from entering their markets or areas or use their passage ways. They use whatever they can to block their interest and they even do not marry from that tribe.

Selected terms used in Yemeni Tribal Mediation include:

Attadrook, an eight-day-long cease-fire requested by a third party usually after a killing or when fire arms are used.

A'addal (guarantee): *A'addal* can be in the form of guns, cars, money or other valuables. *A'addal* is requested from both parties to a conflict. Mediators choose a Sheikh known to be just and capable of resolving conflicts. The Sheikh is given the *A'addal*.

[22] This process is called **ظاهرة**

The Sheikh prepares the *Al-Gharres* (arbitration document), which sets out the terms under which the two tribes agree to submit to arbitration. The parties and guarantors are all expected to "give face" or honor the sheikh's ruling. Both sides submit the narration of their case in writing and are permitted to respond to each other's claims. This process ends a declaration called the *Alhujban* (closing.)

This is followed by the *Ala'nna* (demand for evidence) in which the parties submit evidence to the Sheikh, including documents and witnesses. After consulting with all parties and hearing the evidence, the sheikh makes a verdict.

An unsatisfied party can resort to *Atta'akooz* (appeal), at which time the case goes to a more senior sheikh (*Al-Mannha* or "the end"), or in extreme cases this may go to the *Maragha* (the most senior sheikh who has much experience in resolving conflict).

There are additional tribal traditions including the *hijrah*, or neutral spaces, which tend to be marketplaces, mosques or certain tribal territories are designated neutral spaces in which violence can not occur. Generally two sides to a conflict will agree to respect *hijrah*, and there are strong penalties (payments) in the event that the *hijrah* is transgressed. As noted in the report, in some areas the *hijrah* is no longer respected.

Special Methods of Putting Pressure on Parties to Come to Agreement

1. The White Flag: In this traditional tribal custom, a group of people will camp on the land of both tribes who are in dispute and who have refused resolution or settlement. As tradition requires them to be treated as guests, this puts a financial burden on the disputing tribes, who must feed their guests. These camps can be populated by hundreds of people, depending on the scale of the dispute. It pressures hosts to agree to mediation. When women are added to the tent, this acts as extra pressure on the warring party.

2. Women Uncovering the Face: In Shabwa, Al Jawf, and Mareb, a woman might stop a conflict by going to a meeting with the tribes and uncovering her face. By placing her veil in front of a man she notifies him that it is a shame not to stop the war. Older women might show their hair and their face in such an action.

3. Woman Cuts her Hair: A woman may also cut her hair and give it to a tribe. This action can be meant to end a conflict, although in Jawf this action can signify demanding justice from a sheikh or tribal leader, and can inflame a conflict given that it asks a tribe to defend the woman's honor.

4. Bringing a baby or young girls to a warring tribe: Some tribes respect the tradition in which a person will bring a baby and put it on the lap of a sheikh to demand the end of a conflict. Usually this would be done by a third tribe trying to pressure two parties to come to an agreement. On other occasions, a parent (usually the father) or grandparent will bring his young sons or daughters as guests before a tribe that has refused arbitration. This is another symbolic act that puts pressure on a tribe to take part in arbitration proceedings.

Annex III: Questionnaire

Section One - Conflict Profile (for all interviewees and focus groups)

1. **What type of issues are causing conflict in your communities?**
    i. Are there resource shortages (water, food, grazing land) in your community? How do these affect you?
    ii. Have these resource shortages increased in recent years?
    iii. Is there conflict over water in your community? Why? Do certain people get more water? If yes, who and why?
    iv. Is there conflict over land use or land ownership in your community? If yes, what happens when there is a conflict?
    v. How does inheritance contribute to conflict in your community?
    vi. Is qat grown in your community? If so, is there enough water to grow both qat and food?
    vii. Are there tensions in your community over health and education?
    viii. Do children (including girls) attend school? Until what age? If not, why not?
    ix. Are there many unemployed young people in your community? What problems does unemployment cause?

2. **Are there disputes between neighboring tribal communities that have become violent? If yes, how and why did the conflict escalate?**
    i. What form does violence take? Is it widespread, or contained?
    ii. Are there 'revenge killings'? If yes, can you describe how these revenge killings affect your community?
    iii. Are there many guns in your community? How many weapons per capita?
    iv. Do you think the prevalence of guns in the community increases or decreases the likelihood of violent conflict? If there were no guns in the community how would conflict be dealt with differently?

Section Two - Resolving Conflict (for all interviewees and focus groups)

3. **How does the community deal with or resolve disagreements? Can you describe each step between the initiation of a conflict and potential resolution?**
    i. What enables conflict to stay non-violent and contained?
    ii. Have you noticed a change over time in how your community deals with disagreements?
    iii. What authorities deal with disputes in your community?

4. **What is the most effective mechanism in place to deal with tribal conflicts? For example, tribal customary law, or other mechanisms? In what ways is this effective in resolving conflict?**
    i. Is customary law as effective as in the past? If not, why not?
    ii. To what extent are citizens aware of the tribal customary law?
    iii. To what extent do citizens respect customary law implementation?
    iv. Are youth aware of the tribal customary law?
    v. To what extend do youth respect tribal customary law?
    vi. Who interprets tribal law in these communities? Is their interpretation respected? (*Note that we are interested in both formal interpretation and informal interpretation of the law*)
    vii. Is there a broad awareness of which elements of tribal law would support mediation and nonviolent conflict resolution, or is this awareness limited?

5. **How does the local government contribute to mitigating conflicts?**
    i. Do other groups become involved in mitigating conflict (religious leaders, for example)?
    ii. Are there conflict mitigation programs or international assistance programs operating in your community? What effects do they have on the community and conflicts?

Section Three - Corporations and the Community (for all interviewees and focus groups)

6. **What corporations are operating in your community? Are there any issues or active disputes in regards to the corporations' work in your community?**
    i. Do these corporations employ members of your community?
    ii. How does the corporation communicate with the communities?
    iii. Is there anything the corporations should be doing that they are not currently doing to resolve disputes?
    iv. Are there corporations that have done a good job at engaging and dealing with the community? What have they done differently that has contributed to improved relations?

Section Four – Gender (for all interviewees and focus groups)

7. **What roles do women play leading up to, and during, conflict?**
8. **Do women play a role in mediating disputes in the community? If so, how and in what way?**

Additional Questions for Women-Only Focus Groups

9. **How do women resolve conflicts at home?**
10. **If there is a conflict between women, how might that be resolved?**
11. **How do women influence men leading up to, and during, conflict?**

Annex IV: Baseline Assessment Research Methodology for Training of Local Staff

Guidelines for Partners-Yemen staff going in to the four regions

The Tribal Mediation and Conflict Resolution Program (Y-TMC) will assist the Yemeni government, local authorities and councils, tribal and community leaders, as well as community-based organizations, to establish sustainable systems and structures for short-term and long-term interventions that address various conflicts regarding land (ownership and use), natural resources, educational services, and health facilities. Special attention will be given to conflict between corporations and local communities in Mareb, Al-Jawf, Shabwa and Al-Baidha. The **Objectives** of the project are to 1: Promote understanding of conflict over development and resources in targeted areas; 2. Build in-country capacity to analyze and manage conflicts on land related issues, natural resources, educational services, health facilities, and conflict between corporations and local communities; and 3. Foster cooperation among local authorities – councils, security and justice sector representatives, tribal leaders, community and religious leaders, and community-based organizations to manage conflict over land related issues, natural resources, development (health and educational services) and conflict between corporations and local communities.

The baseline conflict assessment will analyze conflict over development and resources focusing on the nature, causes and impact of conflict as well as an assessment of existing and potential efforts to address it. This assessment will depend on **your research** in the four governorates of Mareb, Al-Jawf, Shabwa and Al-Baidha. Your findings will inform the PDCI and Partners Yemen Tribal Mediation and Conflict Resolution Program.

Work Plan:

- Partners Yemen staff will conduct two focus groups in each governorate. In running focus groups, staff will ensure that each participant has the opportunity to speak freely and that the discussion is not dominated by only a few individuals. Everyone should be participating equally. We are looking for the participants' thoughts about conflict over natural resources, education and health in their communities, as well as their thoughts on corporations and conflicts in their communities – how these issues affect them, what opportunities and challenges they observe, and what they need to resolve tensions in their communities.

- Interviewees: A list of interviewees and focus group participants will be drawn up in consultation with Partners Yemen.

- You will be conducting two focus groups in each governorate. One focus group will be mixed (both men and women), and the other will be women-only. The rationale for women-only focus groups is to ensure that women can speak freely about their experiences, especially concerning the private sphere (the home and family), and to understand how conflict might affect women and men differently.

- Please ensure the **list of Focus Group participants** is correct and lists the Name, Governorate, District, Organization, Position, Birth Year, Educational Background and Contact Information for each participant.

- Staff should **record** the focus groups only with permission of all participants. Notetakers should continue to take notes. The recorder can be used to review something after and update notes.

- For each of the questions, we need answers that are **as detailed as possible**. Include **quotations** wherever possible, and who spoke. Also include your assessment of whether

there is consensus among the participants, or differences of opinion (identify these differences and reasons behind them). Are there different experiences of conflict that are described in the same focus group? What explains these differences? We do not expect everyone to have the same experience or opinion about conflicts in their communities, so we need you to be alert for this and give a full assessment of what is said.

- In addition, please ask follow-up questions to clarify what is being said to make sure we fully understand or to dig deeper into a statement to get more detail. Clarifying questions can be as simple as, "Can you say more about that?" or "What do you mean by that?" By digging deeper, you ask questions to understand all the details – Who, what, where, when, why, and how? An example: If someone says, "there was a conflict over water," we will need to get more detail. Who is involved in the conflict? What exactly about the water situation is resulting in conflict? Where exactly is the conflict? When did it start? Where does it stand now? What are some underlying reasons for the conflict? And how have people engaged in conflict? How have they tried to resolve the conflict? Etc.

- To understand the root causes of a conflict, you also often need to continue to ask 'why' something is happening. For example, if someone says, "there was a conflict over water," you can try and get at why that happened by asking, "what is the underlying reason for the conflict?" If the response is, "because some tribes have access to water and some don't," then you can ask, "what causes some tribes to have access to water and some to not?" And so on. Sometimes, asking why can come off aggressively, so it can be better to ask a 'what' question instead of a 'why.'

- We will need detailed notes of answers to each question for each focus group, and notes from the interviewers on the general feeling and outcomes of each meeting. Keeping in mind the purpose and objectives of the Tribal Mediation and Conflict Resolution Program, what observations can you make about the main issues and how they affect the communities?

Reflection Report for Field Researchers Conducting Focus Groups and Interviews

After completing the focus groups and interviews and typing up your notes, please take time to reflect on the questions below and provide responses.

1. What are the most important themes or ideas that emerged from your focus group and interview discussions for each section of the protocol (conflict profile, etc.)?
2. What new knowledge or ideas did you learn from the focus groups and interviews that you did not know before about conflict, the target areas, or anything in general?
3. What was the most insightful or interesting story that you heard that reflects conflict in tribal areas?
4. Were there issues or questions raised by the focus group and interview protocol that you feel are still unanswered? Which ones and what information do you feel is missing?
5. Were there any major differences of opinion within each focus group? Or between focus groups that you would like to highlight? What were those differences?
6. Were there any major differences of opinion between the mixed and women's only focus groups? What were those differences?
7. How would you describe the social dynamics in each focus group? Do you feel that all people felt empowered to speak and shared their thoughts?
8. Please highlight any questions that you felt created a lot of discussion and questions that may have caused discomfort and/or silence among participants. Why do you think those questions caused discomfort or silence?