Yemeni Traditional Tools for Disputes Resolution and the Role of women and Men
Yemeni Traditional Tools for Disputes Resolution and the Role of women and Men

Prepared by:

Dr. Mohammed Al-Najar
Dr. Abdulmalik Eissa
Nuoraia Shujaa Addin
Al-Hassan Al-Qotary

Conducted by youth Leadership Development Foundation within Women Leadership for Peace Program.
Revised by:

Dr. Antelak Moh’d Al-mutawakel  Nawal Dubais
Ahmed Hassan  Hana’a Moqbel

English language Review
Sophie Stevens

All Rights Reserved, no part of this publication may be reproduced, stored in retrieval system of any nature, or transmitted in any form or by any means (Electronic, Mechanical, Photocopying, Recording or otherwise) without the prior permission in writing of the copyright owner.

The research report does not express the views of YLDF or partners Oxfam and Awam.

Sana’a - Mujahid Str., across from Kuwait Embassy
Phone: +967 1 240335 / +967 1 510 447
PO.Box: 14321
Email: information@yldf.org

@YLDFYemen
www.yldf.org

1st Edition

Designer:
Ahmed Shujaa Addin :770868758
Contents

About YLDF: ................................................................. 6
Project Background: ....................................................... 7
Executive Summary: ....................................................... 9
Study Methodology: ....................................................... 10
Theoretical Framework: ................................................... 11
  Introduction: ............................................................... 11
  - First: Dispute and Conflict: The Concept: ..................... 12
  - Second: Types, Classifications and levels of Disputes: .......... 14
  - Third: Dispute Resolution Tools: .................................. 16
    - Traditional Tools: ................................................... 16
    - Modern Used Tools: ................................................. 22
  - Fourth: Effects of Disputes on Women: ........................... 24
  - Fifth: Tribe and Dispute Resolution Tools: ......................... 25
Analysis of the Field Study: ........................................... 27
  - First: Personal Interviews Analysis: ............................... 27
  - Second: Focus Groups Analysis: ................................... 38
  - Third: Questionnaire Analysis: ..................................... 45
    1. The volume of response to sample: ............................ 45
    2. Sample Type (Male - Female) Sex / Gender: .................. 45
    3. Age: .................................................................... 46
    4. Education: ............................................................ 46
    5. Employment: .......................................................... 47
    6. Place of Residence: .................................................. 47
    7. Analysis of Women Role in Dispute Resolution as per: ........ 48
      - First: Do women play any role in dispute resolution from the perspective of sex: .............................. 48
      - Second: Are women affected by disputes from the Sex perspective? ..................................................... 48
      - Third: Women’s successful experiences in disputes resolution from the Gender perspective: ..................... 49
    8. Analysis of the Study Variables from the Gender Perspective: ............................................................... 50
      - First: Location of Respondents from Gender Perspective: ................................................................. 50
      - Second: Age of Female / Male Respondents from the Sex Perspective: ................................................. 50
      - Third: Respondents Educational Level from the Sex Perspective: ....................................................... 50
      - Fourth: Job of Male Female Respondents from Gender Perspective: .................................................... 51
Case study of Women’s Participation in Dispute Resolution: ................................................................. 56
Terminology and Endnotes: ................................................ 58
About YLDF

Youth Leadership Development Foundation (YLDF) is a non-governmental non-profit organization, located in Sana’a capital city of Yemen. YLDF was founded (1998) to support youth in voicing their opinions and needs, and participating in Yemen’s development, especially underprivileged and female youth. Youth represents a wide base in the demographic pyramid of Yemen, yet they play a small role in decision making processes and have a minor contribution to the economy.

YLDF Vision, Mission and Values:

Our vision is a Yemen in which skilled, well-qualified and active young women and men play leadership roles in all domains of society and enable Yemenis to contribute to a better world.

Our mission is “to increase female and male youth participation in development of their communities through high standards of quality education and participatory and action oriented training and youth NGOs and initiatives capacity building overall Yemeni governorates in response to development and labor market needs”.

YLDF works in light of the following values:

- Quality Assurance
- Non-Discrimination
- Gender Equity
- Respect of Human Rights
- Fostering Creativity
- Participation
- Continuous Improvement
- Volunteerism
- Sustainability
Project Background

The Young Leadership Development Foundation has implemented the Women’s Leadership for Peace project in partnership with Oxfam and Awam. The project has been implemented in Sana’a, Aden and Hodeidah. The project seeks to link local, national and international levels through various activities that seek to support the role of women in the decision-making process, peacebuilding, raise women’s voices and define their needs.

The Women’s Leadership for Peace project was implemented through various capacity building training, create an impact strategy to promote the voice’s and needs of women, build alliances and improve policies supporting needs of women. By working with 80 government employees in Aden and Hodeidah to promote women’s voices, support them in the peace-building process and to involve them in decision-making positions, as well as working with 30 women’s civil society organizations.

The project also works with youth at the local level, where 60 young women (Bilqis granddaughters) from the local community in Sana’a, Aden and Hodeidah have been trained to become the core to become local women leaders who raises the needs of women at the local level and link local level with the National and international level. Sixty young men and women were trained in filmmaking skills, producing short films about women, their needs and their role in peacebuilding.

Goal:

This project generally aims to represent the needs and voices of women affected by conflict in Yemen at the local, national and international levels to ensure inclusive peace building processes, and ensure gender mainstreaming through initiatives that enhance the effectiveness of civil society and local level.

Objectives:

1. Involve women actively and seriously in government and non-governmental policy-building processes and fully respect women’s needs and rights.

2. Increase the capacity and influence of formal and informal civil society organizations as an effective and effective tool for communicating and raising the voices of women affected by conflict and supporting women’s active participation in conflict prevention and mitigation at all levels of the peace-building process.

3. Wide and strong alliances to preserve the rights and achievements of women and ensure their sustainability.
### Project contents

1.1 Improving strategies and policies.

2.2 Build capacity of civil society organizations to amplify women’s voices in local communities and influence decision makers to support their participation in a peace building process.

3.3 Build stronger and wider alliances for women in peace building.
Executive Summary

A research working team was assigned by the Youth Leadership Development Foundation within the Women Leaders for Peace project to conduct a field study in six governorates (Sana’a, Aden, Ibb, Hodiedah, Marib and Hadramout) of Yemen. The study is a descriptive piece of field research on the traditional tools used to settle disputes in Yemen, including tools used by women which may be used in future; and the extent to which women are affected by disputes and obstacles related to women’s engagement in settling disputes. There are many different types of disputes based on culture or the surrounding environment. Some types are considered to be of common concern for all such as criminal or family disputes. Others are new disputes resulting from the current political and economic situation resulting from the war such as authority-base disputes or service-base disputes, in addition to disputes resulting from economic deterioration.

The research team found a decline in people’s awareness and knowledge of traditional tools except for arbitration, which was the most well-known and popular tool. There is a significant interest in the modern tools like dialogue and negotiations. In relation to women’s tools, community awareness is limited since most of these are not traditional but developed by the community to align appropriately with the traditional role of women.

The research team concluded with some tools and ideas which can be used in the future despite the community’s ambiguous perception of women’s roles in dispute settlement.

Women are primarily and directly affected by disputes in addition to various challenges concerning women’s participation in settling disputes, which will be discussed in detail in this study.
Study Methodology

The research team was commissioned to prepare a descriptive field study on traditional tools used to settle disputes in Yemen, including tools used by women, that may be used in the future. The study also focused on the extent to which women are affected by disputes and the obstacles women face when they actively engage in dispute settlement in six governorates (Sana’a, Aden, Hodeida, Hadhramaut, Marib and Ibb). The research team first carried out a desk review of relevant references. The team then prepared a set of research tools for the first stage of the study, including focus groups and in-depth interviews. This initial stage involved qualitative research to understand people’s opinions on types of conflicts, traditional tools for settling conflicts, tools used by women and that may be used in future, the extent to which women are affected and the obstacles to women engagement in conflict settlement. 12 field researchers (six male and six female) were trained on these tools. They were also given training on information gathering techniques through interviews and focus groups. During this phase, the research team conducted a total of 18 focus groups (three in each governorate) with women, men and civil society; and 61 in-depth interviews (10 in each governorate), with tribal leaders (Sheikhs), public figures, local councils, police officers and women activists. The interview questions focused on the above-mentioned areas and the terms of reference of the study. Some interviews and focus groups were documented using photos. The team analyzed the data taken from the interview reports and focus groups. According to this data, a quantitative questionnaire was designed consisting of 176 questions intended to measure perceptions of the data collected from interviews and focus groups. Key determinants such as age, gender (male/female) and educational level were all identified. An android application was used to fill in the questionnaire (Kobo toolbox). This technique was used to strengthen the quality of data collection and to reduce the time needed for interviews, data entry and analysis. Data analyzed was collected from 321 (133 Female – 186 Male).

**Traditional Tools** refers to the tools or methods that has been used historically by local social leaders to settle disputes such arbitrations, alhajer.

**Modern Tools** refers to the new the tools or methods that is developed and used modernly to settle disputes such as mediation, negotiation and arbitrary committees.
Theoretical Framework

Introduction:

Yemeni society throughout its ancient and contemporary history was and is still one of the most homogenous countries in the Arabia region. It is ethnically homogenous, as all of its members are of Arab origin. There are no ethnic, religious or linguistic minorities that can create diversity, which can reduce the cohesion of society though there are some social differences that prevailed and effect some social relations.

Yemeni society is an agricultural rural society where tribes play an influential role in all the details of social interactions, including conflicts between tribes (inter-group), between tribes and the state, and amongst society members (interpersonal). The reasons behind such conflicts are related to the nature of tribal society which depends on agriculture, to which many causes of disputes are related. Throughout Yemen’s history, much of the knowledge and tools produced by social interactions have been accumulated to settle and control these conflicts, which are still the most effective and applicable tools. Despite the legislative development of laws and the existence of the judicial authority as a body responsible for resolving and reducing these conflicts under a set of judicial control tools, traditional social control tools are still the most common and powerful in reducing social deviations and settling disputes even at the urban level. Yemeni legislators have recognized this strong role and have strengthened them by granting the tribal sheikhs the power of judicial control, and have issued the arbitration law, which made arbitrators more powerful and authoritative than judicial decisions issued by the courts.

Despite the qualities of conformity between the role of authorities (especially the judicial authority) and the tribe, legislators have applied the rule of tribe to the rule of state and made the rule of tribe more powerful. This undermines juridical authority, which already suffers from a range of bureaucratic complexities, corruption and delay in adjudication of cases. All of this has led to individuals preferring tribal arbitration in resolving their disputes. A popular saying summarizes this situation: “a wrong judgment is better than tolerant sharia”.

On the contrary, it is not uncommon that the state in many cases uses traditional tools to resolve disputes between the state and tribes or individuals or
even inter-state institutions. When the power of state gets weaker, customs and traditions replace law and tribal Sheikhs replace the judge.

In this theoretical framework, we will try to identify and describe the traditional local and international tools that are used or can be used to resolve disputes especially those used or can be used by women throughout, highlighting the studies and research on the disputes, tools to resolve them and other related issues.

**First : Dispute and Conflict: The Concept:**

**Dispute:** is a natural condition in all societies and is a major factor in social change processes, resulting from differences between people related to needs, interests and values. We can say that conflicts are similar to bacterial interactions that create an ecological balance for organisms whether in plants, the maritime world or elsewhere. The difference is that men have produced new conflict instruments and weapons from the use of stone, animal bones and white weapons to the use of mass destruction weapons, which can damage humans, other creatures and the environment in general. Such instruments have made human disputes the worst and most dangerous kind, particularly armed conflicts and disputes. No nation is immune to conflict on some issues. Dealing with disputes when they arise is different from one person to another depending on their cultural background. Currently in Yemen there are many types of disputes. Some of them differ according to culture or environment, such as neighbor disputes in Sana’a Old City or Shajar marriage (marriage exchange) in Hodeidah, but there are other types which are a common concern of all, for example criminal or family disputes. There are new disputes arising from the latest political and economic conditions of the current war such as disputes about power or services in Aden as well as disputes resulting from the deterioration in economic conditions.

**Conflict:** can be defined as a social phenomenon caused by an actual or perceived discrepancy of interests, values and needs between two or more parties. Conflict can be interior (inside the person) or external, with others (interpersonal). Sociologists define conflict as any interpersonal and intergroup competition in society. Consequently, they have divided conflict into two parts. The first entails peaceful conflict represented by achieving demands and interests by using controlled and statutory mechanism like codes, constitutions, a prosecution system, customs and traditions, household and tribal composition, conferences and dialogues. For example, during elections conflict takes place among a number of parties within law. The second is violent conflict, where the parties in dispute abandon peaceful means of conflict
and instead try to intimidate or destroy the violator in order to achieve their objectives and interests.1

Dispute:

Ibn Mandhor has clarified the difference between conflict and dispute in his lexicon “Lesan Alarab”. He explains that a dispute is a quarrel, where conflict refers to severe confrontation. Several foreign encyclopedias depend on such a distinction where conflict refers to “violently argue” or “struggling against others” while dispute refers to “disagreement”, “discrepancy” or “competition between thoughts”. A dispute is therefore the early stage of conflict and it may not convert to conflict. Some define “conflict” as conflict of interests whereas dispute is the contradiction of legal rights. In addition, ways of dealing with each situation are always different. A conflict may be contained in the sense of taking control of it and preventing its spread, but disputes may be settled, i.e. reaching a legal and political solution.

The Definition of Disputes:

There is no specific definition for dispute. Some consider dispute as the synonym of conflict while others consider dispute as a synonym of discrepancy or clashing between two interests, views or values.

The definition of social dispute published by “Coser” in 1968 is one of the most important definitions in this field, where he says “[A] social dispute can be defined as a conflict on a specific interest, power, seldom resources or claims for specific situations where the goals of the disputants are not only obtaining the intended interest but exceeds to the determination of damages or getting rid of the other disputant”2.
Second: Types, Classifications and levels of Disputes:

There are various classifications of disputes; some people classify dispute as follows:

• Domestic and international armed disputes.
• Interpersonal disputes: this type of dispute reflects the way each party thinks about or deals with the other based on emotions reflecting underlying conflicts.
• Conflicts over identity: These conflicts arise when one of the parties feels that an “essential” aspect of his or her identity has been abused or neglected. These kinds of conflicts typically arise based on social identity markers such as ethnicity, tribe or clan, race, religion, class, gender, or sexuality.
• Ideological conflicts: Resulting from conflicting values or ideologies between one party and another. This kind of conflict characterized by extremism, narrow scope and removal of any common space between them.

Others classify disputes into seven types:

• Disputes of a special nature.
• Civil disputes.
• Internal disorder.
• Conspiracy.
• Financial disputes.
• Conservative traditions and customs.
• International wars.
**Dispute Levels:**
- Interpersonal
- Intergroup
- Inter-organizational
- International

**Stages of Dispute Formation:**
From their beginnings, disputes go through 5 overlapping stages:

**First: The Formative Stage:**
Resulting from a misunderstanding, wrong realization or belief; from avoiding the confrontation of differences; real or apparent contrast between goals or desires of individuals, groups or clusters; or simply from a feeling of injustice.

**Second: Escalation and Crisis Stage:**
Escalation and crisis stage begins once a dispute has formed. In this stage, the issue surfaces in a significant way, provoking reaction or at least notice by the second party.

**Third: Blatant Hostility and Conflict Stage**
This stage results from a significant continuity and escalation of the disagreement. The parties take inflexible positions that lead to the crisis and reveal their attitudes; each party considers the other to be on the wrong side and liable for dispute risks. This stage is deemed the most difficult since a desire to use violence develops as a means to achieve political or social objectives. In addition, it is the stage of fighting and attrition on property and people. It can have various names, attributes or qualities such as struggle, revolution or rebellion. It can also be called terrorism, etc.

**Fourth: Improvement and Stability Stage:**
This is the stage of acknowledgement and coexistence between disputants. After a dispute reaches its peak, the dispute, escalation and violence can settle down. This is the stage of countdown to dialogue between the relevant parties. At this time, parties become aware of reality and come to their senses after clashing with one another, through a mutual representation.

**Fifth: Enter into dialogue:**
Parties engage in dialogue due to a belief that solving the dilemma or the problem and terminating the conflict by dialogue is better and safer. Circum-
stances then become favorable for a third party to intervene to establish dialogue between the parties.

Dialogue, dispute resolution and conversion into peaceful coexistence starts through direct discussions between the disputants, at their sole discretion; or by a party, parties or a reality imposed willingly or unwillingly on the parties. Reaching a peaceful settlement can be achieved by arbitration, mediation or by reconciliation talks ultimately ending with negotiations⁴.

Third: Dispute Resolution Tools

Dispute resolution tools are the methods and strategies for intervening in resolving disputes such as negotiation, mediation, settlement or arbitration, dialogue, communication skills and some modern concepts of citizenship and social peace.

Traditional Tools:

1. Judiciary:

The judiciary is the primary official means of resolving and settling disputes between individuals, groups and institutions. The judiciary is the competent authority to consider and adjudicate any type of dispute whether international, domestic, civil, commercial, criminal, interpersonal, or any type of disputes. In Yemen, the judge has general power to control crimes and settle disputes in his or her area of jurisdiction. In case s/he denies any claim for a dispute, it shall be considered denial of justice, which is considered an offense punishable by law. The judiciary is underpinned by a set of principles, including justice, equality, open disagreement and free access. The Public Prosecution is one of the most important judicial bodies responsible for directing the public prosecution on behalf of the community. It is concerned with controlling and stopping any disputes or criminal offences, whether armed or unarmed, and referring them to the courts that rule in all criminal cases and disputes of various kinds, in accordance with the legislation formulated by the representative legislative authority of the people.

The jurisdiction of the judiciary is obligatory in crime, disputes related to crimes and moral issues. The judiciary shall control the perpetrators in case of any serious crimes (Serious crimes are punishable by more than three years imprisonment) and is not a complaint offense. Each district has a public prosecution and a court in addition to a criminal investigations officer, judicial police and so on. In Yemen, a backlog of cases exists in all courts.
There are also a number of judicial arbitration committees in which some disputes are resolved. For example, labor arbitration committees consist of three members, one of which is nominated by the workers (General Federation of Yemeni Labor Unions); another representing employers (Federation of Chambers of Commerce and Industry), and headed by a representative of the Ministry of Social Affairs and Labor. There are also some appeals and grievance committees in government agencies that deal with disputes related to decisions issued by them.

Professor Dr. Ahmed Sharaf El-Din, Professor of Administrative Law at Sana’a University, presented a vision on the reform the judicial system in Yemen that can be summarized as follows:

1. Abandonment of the existing uniform system of judiciary.
2. Introduction of the dual justice system by establishing an independent administrative judiciary alongside the ordinary judiciary to monitor the legality of administrative decisions.
3. The establishment of an independent Supreme Constitutional Court to monitor the constitutionality of the laws and decisions related to the Constitution.
4. The necessity of harmonizing the provisions of the political foundations of the Constitution and the provisions of the judiciary to avoid conflict between them.

Women participate in the Yemeni judicial system as judges and lawyers in an effective manner in dealing with dispute resolution. Like men, Women have the right to take over the judicial positions as guaranteed by Yemeni legislation. After the unity of Yemen in 1990, and the pressure of women organization, in 2001 the higher judicial institute allowed women to take over judiciary. However, some studies have found that women are less likely to be socially accepted to take over judicial positions due to many cultural reasons, lack of access to education and lack of greater participation in the judiciary.

2. Arbitration:

Arbitration can be defined as the choice of the parties, at their sole discretion, to appoint one or more individuals to settle their dispute or disagreement, without going to the competent court.

There are different types of arbitration such as:
**Commercial arbitration:** the parties of arbitration are natural or legal persons who are engaged in any kind of business, economic activity or investment, whether they are Yemeni, Arab people or foreigners.

**National arbitration:** the disputants are Yemeni nationals.

**International arbitration:** the disputants are from different nationalities; the place of arbitration or its main office is located in a different country, or arbitration is being held in an international arbitration center.

The arbitration consists of parties in arbitration, the arbitration subject, arbitrator or arbitration committee, and the arbitration agreement, which is the agreement by the two parties to arbitrate and is included in the written document of arbitration.

This type of dispute resolution tool was regulated by the Yemeni Arbitration Law promulgated by a Republican Decree in Law No. (22) of 1992 on Arbitration, and was amended by Law No. (32) of 1997. This law is considered the law regulating the work of Arbitration and Reconciliation Committees and the sole legal arbitrator in the Republic of Yemen to resolve any interpersonal, intergroup or interagency dispute. It also applies to any arbitration that is conducted outside Yemen if the parties chose that. Furthermore, this law contains 62 articles, and allows parties to resort to arbitration in any dispute except condemnation (lia’n), mandate punishments in Islam (Hudūd), dissolution of marriage contracts, judicial review, disputes related to enforced operational procedures and everything related to public order.

Yemeni legislation has awarded arbitrators more power than those given to courts, as appeal is limited to:

- If there is no arbitration agreement, has expired or was invalid according to the law.
- If one of the parties is incompetent.
- If arbitration procedures are incorrect.
- If the arbitration committee exceeds its powers.
- If the establishment of the arbitration committee was not done according to the arbitration agreement.
- If arbitral award was not reasoned.
- If the arbitral award disagrees with the Islamic legislation (Sharia) and the public system.

However, despite the legal force granted for arbitral awards, resorting to ar-
arbitration is hazardous and can involve loss of rights. Although the law determines the levels of litigation in the courts at three levels, which are primary, appeal and the highest judiciary, arbitrators’ awards pass according to the law of arbitration, and there are no levels. In this way, Yemeni legislation has violated the Yemeni tribal customs in which revision of the judgment is allowed through resorting to Al-Manha: the Sheikh is entitled to appeal against the judgment of the arbitrator and has the right to revoke it, and then can go to Maragha.

Because of the State’s inability to perform its function of imposing the rule of law in Yemen, tribal customs have become the best way to resolve conflicts in the Yemeni society both in cities and urban areas, especially among Yemenis committed to tribal customs and traditions. Individual therefore accept and commit to tribal arbitration with full conviction, especially in light of the corruption of the judiciary and slow pace of judicial proceedings. In addition, the recently issued Judicial Fees Act obliges the plaintiff to pay fees to file any case of 1 to 1.5 per cent of the value of the case. Arbitration is therefore better than going to court in terms of quick resolution of cases, and it provides guarantees for the execution of the awards through a trustworthy person or even through social pressure of tribe members or arbitrator’s prestige. The law has given jurisdiction to the courts to execute the awards of arbitrators. The tribal customs which the arbitral awards are based on are unwritten inherited customary controls, which are resorted to in dispute resolution and many customary terms are deliberated.

These norms in many cases are above the law and sometimes resorted to by the state and its government to resolve a complex issues owing to its inability to control the tribes.

The weak judiciary in Yemen was one of the most important weaknesses that conflict actors parties argued for the Yemeni government. One of the most important tools used to win supporters has been the resolution of complicated disputes that were not resolved for years by the judiciary, as well as speeding up the implementation of power and reducing crime.

3. Conciliation

Conciliation means the resolution of a dispute between two parties at their mutual consent, in a manner that is not contrary to the legislation (Sharia’a). Linguistically, conciliation means to end a dispute, so we say s/he was reconciled with him/her i.e. make peace with someone in an agreement if they are conciliated. Conciliating something means to get rid of corruption.
There are other definitions for conciliation such as temporary armistice for a specific period between the opponents in which the right owner commits not to take any military action against his opponent, whatever the reasons are. The armistice, which shall be signed by the parties and its term shall be stated\textsuperscript{12}, is established by a third party who works as a mediator between the parties.

The pillars of conciliation are mutual consent, location, the reason in addition to the condition that there is an existing or likely dispute, intention to resolve the dispute, and disputants’ equal waiver of part of their rights. In some cases, such as personal status cases, judge may require directing the opponents to conciliation before engaging in the case. Then s/he can engage in the case. Conciliation ends the dispute where conciliation may be terminated due to fraud if it has been proved that there was illegal circumvention which spoiled the process. Conciliation may also be terminated due to exploitation, that is to say, if one of the reconciled persons exploits the other party, as making him or her accept the conciliation with injustice, the victim of exploitation may have the right to invalidate the conciliation\textsuperscript{13}.

The difference between arbitration and conciliation:

Arbitration and conciliation are both based on the intention of the parties; and both lead to an end of the dispute. Arbitration and conciliation are based on a contract executed by the disputants. Both are considered a legal action as conciliation minutes are the basis of the reconciliation process and an arbitration document is the basis of an arbitrator’s award. Therefore, conciliation minutes and arbitration documents are both affected by contractual defects. The legal validity of conciliation is more effective than judicial judgments and arbitrators’ awards, and it is considered an absolute and enforceable instrument.

4. Power

Power can be one of the tools used to resolve a dispute where a balance of power plays a role in the prevention and resolution of disputes. The general and prominent pattern of using tribal military power in wars of tribes is based on the principle of balance of power, relationships, rivalry, equality in conditions, liabilities, rights and duties when establishing alliances\textsuperscript{14*} and cession of disputes. Using tribal military powers has been subjected to the fighting customs and regulations acknowledged by tribes. Custom regulates the rights of each tribe and its clans, by enabling the tribe to make the security arrangements and preparedness required for confrontation of any attacks or aggressions by any other tribe. Simultaneously, a tribe is criticized for attacking other tribes without prior warning i.e. announcing in the general markets
of war which is tribally known as *Rad Albara*. *Rad Albara* means that the disputant tribe or tribal clusters cut their relations and renounce their liabilities, agreements and existing security and economic links with the tribe they want to attack\textsuperscript{15}. 
Modern Used Tools:

1. Mediation:
Mediation can be defined as the resort of the disputants to a neutral independent party who has the power to find a solution in the form of suggestions or recommendations, which may or may not be taken. Conciliation and mediation both aim at terminating disputes amicably. However, mediation is carried out by an independent third party who, by the end of its mandate, executes minutes, which shall be deemed an executive instrument. Sometimes the State resorts to tribal leaders (Sheikhs, who can only be male) to resolve complicated disputes especially that arise between the tribes and the government or between tribes and companies working in the areas nearby the tribe’s areas. In 2010, Marib’s Deputy Governor was killed by a US air attack while ex-president Ali Abdullah Saleh requested a mediation committee, including prominent Marib Sheikhs to contain potential clashes between Military forces and the tribes.16

Usually, Sheikhs play the mediator role as they have a notable position in the tribe obtained from tribe-inherited leadership transferred from one generation to another. Their titles as Sheikhs and chieftains have been considered inherited titles for centuries. This power makes their potential more effective to bring the disputants to negotiations than their relatives do.17

2. Negotiation
Negotiation has been practiced since ancient times and throughout history in all small or large issues. Negotiation is one of the ways used to exchange points of view between two or more parties and is devoted to resolve disputes in peace and war.

Negotiation is defined as “A kind of dialogue or suggestions exchange between two parties or more for the purpose of reaching an agreement to resolve the dispute and maintain their mutual interests at the same time. This means that negotiation consists of two core pillars: 1) the existence of one or more mutual interests. 2) There is one or more disputed cases. Negotiation can also be defined as “A method of making dialogues and expressing views arising from a specific attitude to reach a binding agreement on a specific subject between the concerned parties”.

Negotiation is, either at the local, regional or international level, a crucial tool to settle problems; to resolve conflicts and crisis, increase understanding and interaction and to balance between the various interests, different opinions, rights and duties.
Negotiation and dialogue are integral parts of tribal tools to resolve disputes. This system is very well-developed and strictly regulated as tribal dispute management involves a long series of negotiations and dialogues to ensure disputants’ satisfaction with the resolution. The tribal dispute management system often deals with disputes in their early stages if they are not violent. Despite the system being greatly based on arbitration, it uses negotiation and mediation as well. When tribes feel that an interpersonal or interfamily dispute is about to start, tribal leaders (Sheikhs) quickly contain the dispute before it gets worse. The tribal leaders (Sheikhs) of disputants hold a meeting to negotiate and settle the conflict. Usually, authorized tribal leaders (Sheikhs) or social figures from each party facilitate the negotiations\textsuperscript{18}.

Negotiations usually aim at narrowing differences between the goals of the negotiating parties, in addition to increasing mutual understanding and cooperation between the parties in order to broaden the agreement and absorb the conflict issue. Practically, negotiation passes through different stages, from discovery stage in which the disagreeing parties try to understand the requirements of each other and reach a commonsense agreement framework that enables them to reach agreement. Each party tries to strictly show its attitude towards the other.

There is then a stage of making offers and proposals where one or both of the parties do so for each problem. At this stage, the bargaining stage, each party starts negotiating with the other in order to achieve a comparative advantage. Whenever bargaining reaches an advanced stage, they recognize that reaching an agreement has materialized. At this moment, the countdown to reaching an agreement or settlement starts. The stage of reaching an agreement is the stage of approving, usually in writing, the agreement. Sometimes, it includes stating the legal details and a negotiation team shall carefully review the written provisions of the agreement.

Successful negotiations depend on a set of principles, namely: that there is no absolute right or absolute falsehood; disclosure of all details of the dispute; saving face (dignity) of the other party; understanding and listening; giving the opportunity; and forgetting the past\textsuperscript{19}. 
Fourth. Effects of Disputes on Women

Women are the most dispute-affected group in the society. Despite not being on the frontlines, they endure the pain of disputes from start to end and even years afterwards. Although women are traditionally protected according to customs and traditions, this protection is provided because according to traditional social norms, men view women as their property. In the tribal community women are considered to symbolize the honesty and dignity of tribesmen. Therefore, assaulting women is deemed a serious issue that provokes tribal sense. It is a serious shame that is strictly rejected by all tribes including the assaulter tribesmen. Tribesmen always feel proud that they only fight those who are as strong as they are and equal opponents. His fighting shall be marked with nobility and dignity. Unlike men, women are considered more valuable and are not considered as opponents. In nomadic tribes, women are called “Maworah/ can bring disgrace” as any act that touches upon women especially sexual abuse or kidnapping would bring shame and dishonor to the doer and the tribe who does not revenge or condemn such action. Hence, the most severe conflicts are those resulted from aggression exercised against women. However, it also the case that women’s own behavior can bring shame on the community/tribe more so than that of a man. For example, if there is adultery, would a woman discovered be treated more harshly than a man, because of the greater shame linked to her public behavior compared to men.

Nonetheless, women are the biggest losers in disputes. They will fear for their son or daughter as a mother, for their brother as a sister, for their husband to be injured or killed or for their father as a daughter. In any case, according to social norms and customs in Yemen she is considered responsible for her home and children, so she has to provide for all home requirements. In armed disputes, women may, in their homes, ways or work, directly or indirectly be shot so women and children are injured. In family and community disputes, women may suffer violence by men such as forced and child marriage, physical, sexual and emotional domestic violence, disinheritance traditionally due to marriage, restrictions on moving freely, expressing opinion, economic and political involvement and education, etc.

On the other hand, women could be the main reason behind a dispute arising or continuing through inducing men. In many cases, women induce their sons or brothers to revenge or she may motivate the man to fight to get money. Yemeni customs and traditions grant women immunity and protection from disputes that can extend beyond even the man. Accordingly, men accompa-
nied by women are prevented from being attacked even if they are involved in revenge acts. However, injuring a woman in war is considered a great shame. These customs are confirmed within a gender study which showed that women’s rights concerning attending seminars and public meetings including dispute-dialogue meetings, participating in the activities of charity organizations and membership of unions and rights organizations are acceptable within all social groups.

Women suffer significantly from disputes as well as playing a role in dispute mitigation and resolution. Such a role should be enhanced where many studies show that countries where women enjoy equal rights, as mediators in dispute resolution and beyond, are safer and more stable. Therefore, the United Nations has produced multiple decisions to ensure women’s equal engagement with men in dispute resolution and peacebuilding, based on UN Security Council Resolution 1325 which was passed in 2000.

**Fifth: Tribe and Dispute Resolution Tools**

The tribal system takes urgent action to resolve any dispute when it arises, even interpersonal or intergroup disputes, because the tribe is aware of the serious results of non-intervention at the appropriate time and letting disputants resolve their problems Depending on their strengths and means. Negligence in resolving some types of disputes leads to complications and conflict, which can cause the tribe to split. The dispute severity and impact increase when the killer and the killed person belong to the same tribe. Thus, the tribal leaders (Sheikhs) mediate between the fighters, starting with identifying a temporary conciliation period, which may be one week, month or year according to the circumstances and disputants’ consent especially the victim. If the dispute results in killed victims, the victim’s party is required to provide one or more than one gun “Saib” (as guarantee) Thus it would be obliged not to take any revenge or commit aggressive acts against the perpetrator, who in turn has to provide a guaranty in the form of arbitration weapons (guns) according to the scale of the dispute and action, symbolizing acceptance to go into arbitration through the customary or legislative procedures. The intermediation / intermediator(s), during the conciliation period, try to persuade the parties in dispute to go into tribal arbitration. They also try to persuade the tribe or family of the victim to accept compensation, and to agree a waiver for claiming revenge or reprisal. After this period of conciliation has passed the victim’s tribes has the right to revenge against the killer or from one of his or her relatives. However it is a common practice that the family of the killer or perpetrator’s tribe, along with the tribe / family who undertake the
mediation, at the beginning of the dispute, ask to renew the period of conciliation. This depends on the extent of readiness of the victim tribe’s to accept the compensation and waiver the revenge. If the tribe refuses a new attempt for reconciliation and we find the dispute extends, the number of injuries and deaths can increase. If any person tries to take revenge during the period of reconciliation, it is deemed to be a shame and major penalties are imposed on him/her. The procedures, which will be taken by the mediators against the criminal party, compel him or her to provide a gun or more to the mediators, which are called “silaah al-sawab/ bundoq al-adaal” (guaranty weapons or guns for arbitration). Such guns, which are taken from the two parties in disputes, are to be returned to their owners after the completion of dispute resolution in addition to the previous procedures; both parties of disputes are ordered to provide a reconciliation or arbitration warranty. As a common practice, the individuals who carry out the arbitration for the dispute have to select sponsors for all disputing parties.

There are many types of disputes which arise among the individuals of a single tribe or between tribes. The most common are lands disputes, such as regarding private ownership, borders and a district, or land and its surroundings. The next most common are disputes on water, whether water-flow courses, wells excavation, portions in water dukes or pumps, and so on.

There are three kinds of penalties and punishments in the tribal community. They are classified per kind of assault, as follows:

- First: penalties and punishments, which are subject to rules of customs due to assault on life.

- Second: penalties and punishments, which are subject to rules of customs due to assault on honor.

- Third: penalties and punishments, which are subject to rules of customs due to assault on property.
Analysis of the Field Study

First: Personal Interviews Analysis

A total of 61 in-depth interviews were carried out by twelve male and female researchers. They were chosen and trained by the main research team in six targeted governorates: Sana’a, Aden, Hodeidah, Hadramout, Marib and Ibb. The team carried out interviews with social figures, Sheikhs, neighborhood leaders and active men and women in the field of dispute resolution. Table No. (1): The number and distribution of interviews carried out can be summarized as follows:

<table>
<thead>
<tr>
<th>s.</th>
<th>Governorate</th>
<th>Directorate</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sana’a</td>
<td>Sana’a old city</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hamdan</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>Aden</td>
<td>Tawahi</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Almansoura</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alsheik Othman</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kalou’a’a</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mualla</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crater</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dar Sa’ad</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>Hodeidah</td>
<td>Al-Hawk</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Al-Marawe’a’ah</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>Ibb</td>
<td>Yarim</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Al-Udain</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>5</td>
<td>Mareb</td>
<td>Aljubah</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alwadi</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raghwan</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Murad Mountain</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>10</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Hadramout</td>
<td>Saya’un</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mukalla</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Total of governorate</td>
<td></td>
<td>9</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Total governorates 6</td>
<td>directorates 19</td>
<td>46</td>
<td>15</td>
<td>61</td>
</tr>
</tbody>
</table>
A. Types of Disputes

Disputes vary according to the district, governorate, and whether the area is rural or urban. Where anonymity of some remarks has been applied they will be clarified in detail in the analysis.

It is clear from the interviews that there is a difference in the nature of disputes between urban and rural areas, however some disputes are common to both.

Most disputes were found to be political and denominational disputes, mainly concentrated in Aden, Hodeidah and Hadramout, and the directorate of Hamadan. It became clear through the interviews that there are acute differences among armed groups in Aden related to domination and extension of power; there are also disputes related to local job positions among political parties and branches. Denominational disputes arose especially clearly in Hadramout governorate. Criminal disputes such as killing and robbery were concentrated and spread more in the cities than in the rural areas.

Land looting and burglary by individuals with power was also found through the interviews to be one of the most common disputes. They were reported to have spread widely in all target governorates, both rural and urban. These tend to be the most severe dispute types, and may lead to killing among the tribes in rural areas for long periods due to the spread of weapons.

Interviews revealed that many disputes have emerged as a result of social identity conflicts. Communities are becoming divided into more distinct categories (Al-Sadah or Hashemite people, tribes, sheikhs, workers, slaves), a prominent theme in Hadramout. There are armed disputes with terrorist groups, who confront the government. These clearly exist in Hadramout and lead only to the loss or death of many youths.

Disputes are particularly concentrated in urban areas. This included family problems, disputes on housing within the same family and disputes due to distribution of inherited houses, particularly in Sana’a Old City. This latter dispute was considered the greatest problem, leading to many disputes among families due to the existence of many old houses that had not been divided to the heirs, despite of distribution, transfer of ownership by inheritance between three to four generations, and have not been divided, yet. They are still common property between the sons of the second and third generations. The property sometimes reaches the fourth generation. The ownership of a house may therefore be shared by more than one hundred individuals. More than three to four families may have met in the third grandfather. They mostly share the kitchen, bathroom and other facilities. In such cases, many disputes occur among the women regarding water or due to incidents that hap-
pen among the children and other reasons in connection with possession and ownership of house contents.

There are also many problems with neighbors in the urban areas, for example: problems with rainwater drainpipes, which drain the rainwater flow from the roof of the house, and problems with small windows looking out for the houses, problems with throwing rubbish in front of houses. Recently, many problems have resulted from public water tanks (free public drinking water tanks). These are the most frequent problems occurring among women, where the women gather around the tanks. As well as many problems occurring among neighbors about car parking spaces since roads are too narrow in the old zone, lack of sufficient parking spaces, disputes caused by the noises of water pumps, electric generators (dynamos electric machines) due to the produced sounds especially at night or in the early morning. Many disputes occur due to the noises in the zone as a result of children playing games in the street and damages caused by footballs, which may break window glass or by playing with stones and other problems made by the children. There is also fighting among youths. Some disputes occur between neighbors as a result of the psychological pressures that Yemeni citizens suffer due to the unstable security, political and economic situation in Yemen for some years.

Disputes are spreading between property owners and tenants caused by non-payment of rentals, which in turn are caused by suspension of salaries. Examples of disputes are those occurring between IDPs for the food aid or housing, disputes due to troubles between the owners of large generators and citizens, which may result in killing each other due to nonpayment or bills overcharge at the time of collecting such amounts, or electric current theft.

Moreover, commercial disputes between traders are also prevalent in sales, purchase contracts, and labor disputes between the employer and his worker. There are also partner disputes widely spreading in the most targeted governorates and disputes about the overdue debts.

As well as problems and disputes are spreading between the communities and the government represented by the local authority. This makes a gap between the community and the government in the quality of services and the services availability places required by the citizens. These disputes have clearly appeared in Hodeidah.

Under the current circumstances, new disputes and troubles have arisen from the crisis the State is passing through, such as the absence of government and a lack of basic services and goods. Disputes have spread recently due to suspended fuel supply, diesel and water; disputes arise from the queues to access these scarce goods. Meanwhile, we should not forget to mention the long queues of salaries that have been suspended since months. These types
of disputes are concentrated in Aden. The interviews clarified that most disputes in rural areas have been over agricultural lands and irrigation ditches. Disputes over “Al-maraheq” areas surrounding agricultural lands (i.e. the highlands agricultural land), which are used to irrigate the land with rainwater. The highland areas are large and varied as per each piece of land. Problems and disputes of inheritance occur between relatives in law and relatives because of disagreements about dividing inherited properties. There are also disagreements about drilling water and water distribution among the beneficiaries. There are many tribal disputes which occur between a tribe and another tribe or between villages about the borders. They mostly occur if there are no clear and previous landmarks or documents. As well as disputes about grazing boundaries, where no tribe or village has the right to enter into the borders of another tribe or village during the grazing period. However, disputes in the rural areas are not limited to the above. Revenge disputes have been widespread, an issue which was discussed by the majority of people in rural districts across all target governorates, but they are mainly concentrated in Mareb, Hadramout and Ibb. Revenge disputes are one of the most widespread and violent types of dispute which directly affect women; this effect will be explained later on. It has become clear that there are many types of disputes existing simultaneously in both urban and rural communities, including family problems between spouses as a result of their inability to move to an independent house. There are also disputes within a single family due to children, and preference of sons over daughters. Other disputes occur due to “Shaghar/Badal” marriage practices (marriage exchange/substitution), i.e., A man is married to a women without naming a dowry, instead of a dowry the other man is married to a female relative of the first man. When a divorce or a trouble occurs between one of the two couples, the divorce and trouble moves to the second family (the second couple). This kind of dispute is only found in Hodeidah. Sectarian disputes also occur as a result of differences in views, thoughts and culture. Then they evolve into political discords and can cause a rupture of relations between family members or neighbors. This type of dispute is evolving to fighting and exists more in Hodeidah, too. It also became clear from the interviews that there are some types of disputes in which women are directly affected mentally and physically. Harassment of women can lead to severe disputes, which can result in killings to defend honor and dignity.
B. Dispute Resolution Tools:

It has become clear from the interviews that traditional tools for disputes resolution are various and they have been interfered with the modern tools. In the interviews, the difference between local tools and whether they are used or not is dependent on the presence and capacity of the State and its powers. If the government is more present, the traditional local tools will be used less and vice versa. The extent of community urbanization also has an impact, bringing with it higher education rates, less tribal presence and more State’s presence and dominance, so that if a community is more urbanized the traditional tools are used less and there is more recourse to the police, public prosecution and courts to resolve disputes. Through the interviews, a collection of traditional and modern tools was found. The most important traditional tools prevailing in both northern and southern governorates are amicable and informal settlements and process by relatives, tribes or elders in the family. If the case can not be settled amicably in the northern governorates, the plaintiff resorts to tribal arbitration and brings a guaranty, while in the southern governorates the plaintiff resorts to other tools, which will be discuss later in this analysis. Arbitration has many steps, details and stages. Where the plaintiff goes to the Sheikh, they put down a weapon, “Basira” (land ownership document), car or cash money (al-tadeel) to guaranty that the judgment will be observed. The Sheikh then asks the defendant to put satisfaction guaranties from the other party (guaranties in the same volume, i.e. weapon against weapon, car against car). Then the Sheikh hears from the two parties and issues his judgment which the two sides must observe. The Sheikh may feel that the plaintiff and defendant have to authorize the Sheikh to judge in writing, and in this case they shall not be entitled to refuse or appeal against the judgment. In case no written power of attorney for the Sheikh to judge is granted, both the defendant and the plaintiff may appeal to a senior Sheikh (the Sheikh, who will judge at this point, follows the Sheikh who was first appealed to). There is another stage for the appeal which is the last and final stage. The Sheikh could request that the guaranty is increased (doubling its value or quantity) when the Sheikh feels that the case is complicated or one of the litigants is at risk of absconding. This process is used to resolve most tribal disputes, such as manslaughter or even willful murder; land issues; borders between villages; water and irrigation; complex family issues; or attempts to kill or threaten others with weapons.

Mediation: is one of the most important traditional methods of dispute resolution, and is considered one of the most important tool used modernly in the peacemaking processes. Intermediation is also an important practice, mean-
ing the “intervention” by a third party in a dispute. Such interventions may be voluntary by the third party in person or in response to a request (whether express or confidential) from one of the parties to the dispute. The mediator is required to be judicious and wise, should enjoy approval and acceptance by the parties and be well-versed in legal matters, in addition to being older and of a socially known and respected persons (Sheikhs, Judges, Neighborhood leaders). The mediator should either: a) hear from both parties to the dispute separately, or gather both parties together to dialogue at the same place and time. The use of either approach depends on how complex the dispute is as well as the skill of the mediator. This approach is frequently used to resolve family problems, for example between Siblings, cousins, a married couple, parents and children in cases of disobedience, marriage exchange (shaghar or Badal) and it may resolve some inheritance issues.

**Conciliation:** is a simple method of dispute resolution and is mostly related to family and social matters or is used to resolve disagreements among neighbors. parties of dispute may not need an intermediary using this approach. Both litigants will meet and present their cases to each other. Then they negotiate and compromise with one another. This make take the form of discussion or sharing a meal.

**Reconciliation:** a third party meets the parties in dispute and seeks to bring their views together and provide mediatory and satisfactory solutions for all. This method resolves disagreements between brothers and cousins, the married couple, the father and his son in the cases of disobedience, marriage of shaghar or badal - marriage exchange. It may solve some inheritance issues. This tool is used by men and women alike.

**Community commissions,** one of the tools only existing in Hadramout, is an old tool established in villages and remote areas from the city centers. These commissions are permanent and their task is to resolve problems of land and family problems. The community selects the community commission members.

**Al-Hajm:** known in some areas as a “warning”, is one of the traditional tools applied in the northern governorates. This is a family gathering for resolving a dispute between individuals or families. The family, who want to undergo the “Hajm” process, gather accompanied with the head of a cow or bull. If the families or disputing individuals respond, the case goes forward and reconciliation takes place. If they do not respond, other families or tribes will be invited to join and they remain in that place even if they must stay in tents. The family continues to summon other families or tribes until the disputing parties respond.
Compensation is also used in dispute resolution in the case of material damage experienced by one of the disputing parties. Compensation shall be made in accordance with the damage. This tool is used in Hodeidah, Ibb and Sana’a.

Tribal protests are used to resolve some disputes at the tribal level. A tribe intervenes (as a third party) and settles the dispute which arose between tribes through tribal protests assemblies and the gathering of other tribes for support. This method appeared to be used in Mareb and Sana’a (Hamdan in particular).

Other Tools:

Tribal road blockages between two tribes is another tool used to resolve disputes in several areas. This involves pressuring another tribe who conceals a murderer or a highwayman. The tribe carrying it out cuts off or blocks a vital highway near its area and detains all cars and people passing on this road as well as any people belonging to the other tribe, even detaining the killer or stolen car.

Through the interviews, people confirmed that resorting to imams (religious preachers) is considered the best and most widely used tool. People trust religious leaders as they are respected among the community, in addition to their full knowledge of Shari’a (Islamic laws based on Holy Quran) rules. One of the tools highlighted by some people is the involvement of wives of sheikhs or neighborhood leaders, as they pressure their husbands to find solutions.

In addition to the disciplinary fines agreed upon and imposed on those who violate the customs and principles.

One of the traditional tools that has achieved great results, according to our research, is to use the name of allah by saying “bijah allah” which is similar for the meaning of “For God Sake”, or the presenting the shawl in the middle of the litigants meeting to resolve the dispute.

There are some tools used to satisfy people in the event of someone pleading guilty, such as “al-hajr / al-aqeer”, offering and slaying an animal to appease the other party. This involves the guilty party, who has confessed his or her error, bringing a sheep, cow or ox (in line with the extent of the error or financial capacity) to the aggrieved party in the presence of a gathering of people, prominent individuals and sheikhs. There is no attendance for females in such gatherings even if a female is on either side of the dispute. The aggrieved party must choose whether to accept and return the sheep, cow or ox, or to accept and slay the animal. If he or she accepts and slaughters the animal, he or she
is required to provide a lunch meal to those gathered from the slaughtered animal and in some cases distribute it to the poor and others in need.

**Commercial arbitration** is a tool used to resolve commercial disputed, in which disputing parties appeal to an experienced and accepted person who might be a certified accountant in order to resolve the dispute. We found through the interviews that this approach is not widely used and other traditional methods are more common.

It is worth mentioning that through individual in-depth interviews, we found that the community often resorts to modern methods such as the police, local councils and the judiciary, which was prominent in urban areas and sometimes in rural areas, in addition to a modern international tool which is dialogue.

**C. Traditional tools used by women:**

Through interviews and when asking about the traditional tools used by women, tools are focused on the traditional role of women, in which women do not attend the actual meetings that lead to decision-making. Tools used by women are instead distinguished by pressure on and advocacy towards men. Tools used by women include anger (a woman leaves the husband’s house to pressure him), influence men through their feelings, pressuring men (Husbands), awareness raising, mediation between women. Being consultants in secret, dialogue with other women, through activism in civil society organizations, persuasion, counseling, resorting to female admonishers or to the eldest woman of family, or use of a woman’s prestige and personality.

On the other hand, through the interviews, another set of tools appeared, but was not unanimously supported by society as they are opposing the traditional role of women, including throwing scarves or burning clothes, others tools are enticing and intimidation, dispute resolution through female specialists, providing gifts, cutting the hair, and women’s protests.

**D. Tools Women could Use in Future**

Men and women had different views on how women could be involved in dispute resolution. Through the interviews carried out (46 Males – 15 Females) and when asking about tools that women could use in future, a large group of men, especially in Hadramout and Mareb governorates, said that women shall not have a role in dispute resolution for several reasons. The most important reasons are customs and traditions, which do not permit thereof. In addition to the used practices that do not recognize the participation of women in disputes resolution, because men see themselves traditionally as custodians of women. However, few of the interviewees talked about women’s eligibility
and ability to resolve all kinds of disputes, but the society persecute women while some others talked about women requiring training and qualifying in this aspect.

One of the most important tools that the community talked about is raising awareness among the community, use of civil community organizations, especially women’s organizations and dialogue, and resorting to the police and the judiciary. In addition to reconciliation, arbitration and mediation, asking for assistance from the family, and influencing men and seeking advice. Followed by another set of tools. The most important of which is influence men through their feelings, being a consultant from the secret, persuasion, advice, resorting to the consultants, sheikhs or to the eldest woman in the family, use of prestige and personality, spreading the peace / love and brotherhood / sisterhood, burning veils, women protests and networking with men and local authority.

It should be noted that most people were talking about the tools and use them exclusively in resolving women’s issues or family disputes only.

The study team paid attention to some tools that women can have an active role in, which is formation of women’s committees in the districts or directorates in order to resolve disputes, especially family disputes, in addition to starting to involve women with sheikhs and leading personalities in dispute resolution.

**E. Types of Disputes affecting Women**

Through the interviews, it became clear to the study team that one of the most serious disputes affecting women are inheritance disputes, where women are disinherited from their legal inheritance and cannot make decisions in relation to their rightful assets.

In addition to inheritance disputes, women suffer from absence of their husbands either by imprisonment, murder, or escape from revenge attacks, or due to family disputes which end in divorce. Since the man is usually the breadwinner of family (although increasingly less so since Yemen’s recent conflict broke out), women can then bear additional financial and psychological burdens. Women now go out to work to gain a living for the family, whilst it cannot bring benefits in the long-term in terms of empowerment, this can put extra pressure on them in addition to psychological suffering from being exposed to sexual harassment and abuse because she is alone.

In order to face the deteriorating financial situation and due to the lack of professional skills, some women tend to work as domestic helpers. As a result, they face great pressure from the community and their family to prevent them from such work as it is not socially accepted. In addition to this, women are deprived of custody in many divorce cases.
Disputes also occur as a result of child, early and forced marriage, in which girls are either underage or married without their consent. Family disputes have a negative psychological effect on women and often end in divorce, and in some cases, husbands refuse to divorce them and women remain trapped in abusive or unhappy marriages without freedom to make choices.

Finally, the ongoing war creates different kinds of disputes that affects women in distinct ways. Displaced women suffer from having to ask for services such as water, for which they have to bring water from distant places, and are also exposed to harassment and sometimes raped. Furthermore, the dire economic situation people are experiencing due to the economic siege imposed on the country and nonpayment of salaries, as well as local currency decline against foreign currencies, increases women’s deprivation especially their access to education.

**F. Constraints Hindering Women from Participating in Dispute Resolution:**

Through interviews and when asking about the obstacles which hinder women from participating in dispute resolution, the most important obstacle reported were current customs and traditions. Yemeni society is conservative and patriarchal. It prevents women from participating in community life in general, especially in dispute resolution. The community also has an inferior and lower view towards the role of women and their potential in dispute resolution. There are also misunderstandings relating to religious beliefs. As the culture of shame spreads in the community, women are afraid for their reputation, which in turn leads families to prevent women from participating in dispute resolution. Because of all this, women’s roles in the home and community are limited to housewife and as teachers at schools.

Many people pointed out lack of experience among women in dispute resolution as well as illiteracy and lack of education among women. In addition, to lack of legal awareness among women of their rights, and their fear of the consequences of intervening in dispute resolution, women’s emotional and psychological resilience in weakened.

The last set of obstacles include the lack of fair laws, and lack of implementation of laws and supporting bodies or authorities, towards women. Weak government commitment and leadership to support women to participate in dispute resolution is also an obstacle; the government exclude women from decision-making, and do not publicize their successful experiences in dispute resolution.
Conclusions

We conclude from the interview analysis that there are many types of disputes. Some of them differ according to culture or environment, such as neighbor disputes in Sana’a Old City or Shajar marriage (marriage exchange) in Hodeidah, but there are other types which are a common concern of all, for example criminal or family disputes. There are new disputes arising from the latest political and economic conditions of the current war such as disputes about power or services in Aden as well as disputes resulting from the deterioration in economic conditions.

The interviews show a decline in people’s awareness and knowledge in traditional tools since most were not mentioned frequently, except arbitration. On the other hand, there was noticeable attention given to modern tools such as dialogue and sitting round a table. In relation to tools used by women to resolve disputes, it became clear that community awareness is limited, where most mentioned tools are not traditional ones, but invented by the community to answer the researchers’ questions such as influencing through feelings and passion, giving gifts and strength of personality.

It also became clear that the community does not believe in women having a role in dispute resolution. In relation to tools for women, they should not be used exclusively in women’s issues or family dispute resolution. However, some respondents, although they were few, believe in women’s eligibility and capacity to resolve all kinds of disputes giving examples of some women’s models in mediation and reconciliation. However, some tools and ideas have been identified that can be built on, such as the formation of women’s committees in districts or governorates to resolve disputes, especially family disputes, and starting to involve women as tribal leaders (sheikhs and lead personalities) in dispute resolution.

There is almost unanimity that women are affected by disputes and the burden of additional roles which women are affected by due to the absence of breadwinners, let alone the impacts of the current war, where displaced women are exposed to harassment and attempted rape or they suffer from lack of services such as water and the low economic situation.

The patriarchal system has excluded women from participating in dispute resolution, where it limited the role of women in traditional roles and made the stewardship at hands of men, which led to ignorance wide spreading among women, women’s lack of experience in dispute resolution, and lack of awareness of their rights.
Second: Focus Groups Analysis

Eighteen (18) Focus Groups were formed by three groups in each governorate, conducted by 12 male and female researchers, who were selected and trained by the main research team in the six targeted governorates, which were: (Sana’a, Aden, Hodeidah, Hadramout, Mareb, Ibb). Active men and women, community leaders and civil community organizations were targeted for inclusion in the focus groups (attachment of questions together with number of interviews).

A. Results of Responses for First Question / Types of disputes in your area?

The difference in types of disputes between governorates and even within the same governorate was clear. There were differences in disputes at the level of districts and between rural and urban areas. Political and denominational disputes appeared in most places. They were the common factor in all governorates starting in 2011 and increased in 2015, in Sana’a, Aden and Al-Hawk district in Hodeidah, Al-Udain district in Ibb, Mareb and Aden. It also became clear that there are serious conflicts between several armed factions for control and domination over Aden, as well as disputes about local positions between parties and political groups. It is also worth mentioning disputes relating to Sufism, Salafis and Al-Qaeda which have clearly appeared in Saya’un district, Hadramout governorate. Family disputes such as over marriage, divorce, alimony and inheritance appeared in all governorates. While in Mukalla, a new type of dispute has emerged – sectarian disputes about the Sunnah, which are family disputes in which women are deprived of inheritance. Furthermore, criminal disputes were widespread, such as killing and robbery, whether in rural or urban areas, but they were concentrated in cities more than rural areas.

Plundering and seizing of land by influential people is the most important type of disputes to have emerged, and have spread widely in all governorates, but their causes differ from one district to another. For example, the land dispute in Hamdan and Mareb is between the tribes and border disputes occur between the tribes. In Hadramout, the main reason is duplication of land sales by the State that sells land to more than one person.

For tribal governorates, issues of revenge and disputes among tribes have appeared, such as Hamadan district and Mareb governorate. Disputes have appeared between IDPs and host communities or between the IDPs themselves in the governorates which host IDPs, especially at the time of distributing materials to the displaced people for example Hodeidah, Sa-
na’a, Ibb. This is an issue which has emerged as a result of the war and displacement.

Specific types of sexually related disputes such as adultery, related to homosexuality, child molestation and abuse, and indecent assault were also found in one governorate, Hawk Directorate in Hudaydah, which is one of the largest districts in Hodeidah and it is overcrowded with population while the poverty proportion is extremely high. As well as polygamy and marriage exchange (Shaghar marriage) which was present in the two districts.

Through the interviews, disputes arose due to social class fanaticism, through dividing the community into preferred categories (gentlemen “Al-Sadah/Hashimyite people, tribes, sheikhs “tribes leaders”, laborers, slaves), which were prominent in Hadramout. There are armed disputes with terrorist groups from one side and the government or the other. Where it is clearly found in Hadramout and this leads to the loss of many young lives.

Another dispute was identified in Sana’a old city with neighbors over throwing rubbish in front of houses. Recently, many problems have emerged related to public water tanks (alsabeel = tanks for free public drinking water). They are the most frequent problems occurring among women, where women are overcrowding around the public water tanks. Many problems also occur among neighbours about car parking since the roads are too narrow, there is a lack of sufficient parking spaces, and disputes emerge over the noise of water pumps and generators (dynamos electric machines), especially at night or in the early morning. Many disputes occur due to the noise of children playing in the street and the damage that they cause by playing football, breaking windows or playing with stones and other issues made by the children, creating problems among their guardians. In addition to the disputes among youth for different reasons. Some disputes also occur between neighbors caused by the psychological pressures that Yemeni citizens suffer from due to the security, political and economic situation present in Yemen for years. Some disputes between neighbors that emerged in Sana’a old city also emerged in Aden and Hodeidah, which have occurred because neighbors have strong relations and the houses are close to each other.

Under the current circumstances, new disputes and troubles have also arisen due to government absence and lack of essential services and goods, and suspension in supply of petrol, diesel and water, where the disputes are increasing in the queues for obtaining such scarce goods. These kinds of disputes are concentrated in Aden.

It became clear from the interviews that there are many types of disputes, which exist in the city and rural areas, including family problems between spouses with the husband’s or wife’s relatives due to inability to move to
an independent house. There are also disputes within a single family due to children, and preferring sons over daughters. Disputes that occur due to marriage exchange (Shaghar marriage), i.e., the husband gets married to a woman without determining a dowry for the marriage of the second man’s female relative instead of the dowry. When a divorce or dispute occurs between partners of one couple, the divorce and trouble moves to the second family (the second couple). This kind of dispute is only concentrated in Hodeidah. Sectarian disputes also take place and evolve into political discords, leading to a rupture of relations between family members, relatives or neighbors. This dispute may evolve to fighting.

B. Results of Responses to Questions No. II & III/

What are the tools, mechanisms, styles or means used to resolve, settle and manage the above-mentioned disputes, and what are their definitions and the terms, which are similar to them.

It has been confirmed that traditional tools for dispute resolution are various. They have been mixed with modern tools. From the focus groups, variation in and emergence (or not) of local tools is essentially dependent on the extent of the State’s presence and strength. If the government is stronger, the local tools will be used less and vice versa. The extent of urbanization is also a factor: if the community is urban, traditional tools are used less and recourse to the police, public prosecution and courts to settle disputes is more common. It has become clear through the interviews that there are both traditional and modern tools.

The most important traditional tools prevailing in both northern and southern governorates are amicable and informal settlements by relatives, tribes or elders in the family. If the case can’t be settled amicably in the northern governorates, the plaintiff resorts to tribal arbitration and brings a guaranty, while in the southern governorates the plaintiff resorts to other tools, which will be discuss later in this analysis. Arbitration has many steps, details and stages. Where the plaintiff goes to the Sheikh, they put down a weapon, “Basira” (land ownership document), car or cash money (al-tadeel) to guaranty that the judgment will be observed. The Sheikh then asks the defendant to put satisfaction guaranties from the other party (guaranties in the same volume, i.e. weapon against weapon, car against car). Then the Sheikh hears from the two parties and issues his judgment which the two sides must observe. The Sheikh may feel that the plaintiff and defendant have to authorize the Sheikh to judge in writing, and in this case they shall not be entitled to refuse or appeal against the judgment. In case no written power of attorney for the Sheikh to judge is granted, both the defendant and the plaintiff may
appeal to a senior Sheikh (the Sheikh, who will judge at this point, follows the Sheikh who was first appealed to). There is another stage for the appeal which is the last and final stage. The Sheikh could request that the guaranty is increased (doubling its value or quantity) when the Sheikh feels that the case is complicated or one of the litigants is at risk of absconding. This process is used to resolve most tribal disputes, such as manslaughter or even willful murder; land issues; borders between villages; water and irrigation; complex family issues; or attempts to kill or threaten others with weapons.

In Aden there is a new type of tool being used – protests. There is also a new tool being used in Hodeidah called a ‘necromancer’ (FatehAl-Mandel) (astrologer) especially used in cases of theft and moral disputes between neighbors in Hodeidah. Resorting to judiciary is another tool used in Aden and Hadramout, and a simple number to people uses it in Hodeidah and Al-Ud-dain district in Ibb governorate. It completely disappeared in the tribal areas such as Hamdan and Mareb and in Yarim district in Ibb governorate.

Different tribal tools have emerged in Sana’a and Mareb in addition to mediation, usually used under the framework of arbitration, such as “al-ursh” = penalty against injuries, “al-hajr or al-ajeer” sacrifice an animal and feed people or distribute it, “al-Menhi”, “almalqi”, “tribal road blockage”, weapons, cars ... etc as guaranty for tribal arbitration “altaadeel” = provide a guaranty, sponsors, doubling the guaranty for tribal arbitration, “al-Menhi”, “al-malqi”, tribal road blockage in Hamdan and “Aladal” in Mareb as well as “al-tadrouk”, “al-thaleth”= the third, and Ibb governorate has shared them in “al-hajr”.

In addition, there are some social personals which are being returned to settle disputes. They are: “Aqelalharah” = Neighborhood Leader in Aden, Sana’a Old City, Ibb, Hodeidah, Hadramout. “Aqelalharah” has no role in Hamdan and Mareb, i.e. the governorates / areas of tribal arbitration system. It is also found that there are female Aqelatharah in Aden, Southern resistance are also considered as references in Aden, while the Sheikhs are references in Hamdan, Yarim, Al-Udain and Mareb.

Other tools mentioned in the focal groups are Mediation, Conciliation, Reconciliation, Community committees and Tribal protests.
C. Definition of terms is as follows:

**Tribal Road Blockage**: This rarely happens in Hamdan and Mareb on the highway in order to pressure on the other tribe to compel them to stick with the public tribal norms. The tribal road blockage is not executed on the person, who is accompanied by women or by sick people. This is a good tribal characteristic even in avenge issues. The vengeance is prohibited in the presence of a woman next to the person.

**Mediation / Mediator**: when a sheikh or several sheikhs act as mediators to resolve a problem between two tribes in dispute.

**Tribal Arbitration**: selection of a person / arbitrator or arbitrators by the parties of a dispute at their own discretion. Both comply with this arbitration through the following:

"**almarqoum**": which is editing a written document and signing it in the presence of witnesses. The parties will then accept and execute the arbitration decision.

"**Al-tadeel**": provide “adaal” a tangible guaranty as guns or jambias or sometimes a sum of money.

**Guarantors**: stop any dispute through stopping to create anything by the parties of dispute in the dispute area after providing tangible guaranties until the dispute is settled.

**Tathqeel al-adaal**: (Doubling the guaranty for tribal arbitration): If either of disputants is not satisfied with the tribal judgement, the guaranty will be increased in the amount of money to be paid to the arbitrator or arbitrators. This party shall take a copy of the judgment and appeal in a court because the judgment of arbitrators is considered a primary judgment and the court of first instance converts it to the appeal.

"**Al-manhi**": either of dispute parties, who does not accept the judgment, may express his denial and appeal to another expertise and wise man sheikh. This is called, in the tribalism, “al-manhi” “the prohibited” in view of the last Sheikh, where the second sheikh has either to agree on the judgment and approve it or modify thereof if it requires an amendment.

**Al-Malqa**: meeting and attending of all wise men, sheikhs and tribe leaders of both disputant tribes in a specific place, which is used from the ancestors time for solving the problems between one tribe and another, or a village and another or a district and another, for example Hamdan tribe meets with Ara-
hab tribe in the Alraqqa village, which is an area between Hamdan and Arhab and it belongs to Hamdan.

“al-ursh”: (penalty against injuries): causing injuries to others as a result of beating, such as breaking a hand and so on. The attacker has to pay an equivalent amount for the injury value.

“al-hajr or al-aqeer”: The disputing party shall, in case he or she confessed his error, apologize to the aggrieved party by attendance of the person acknowledged of his error and he has to sacrifice a sheep, cow or bull (depending on the error volume and financial capacity) of the person to be satisfied, at the presence of assembly of people, community leaders and tribe sheikhs. The innocent has a choice, whether to accept and return the sheep, the cow, the ox, or to accept and slay the animal. In case he accepted and slaughtered the animal, he is required to feed the attending people from the slaughtered animal and sometimes he distributes the meat to the people, who are poor and in need.

“Al-tarh”: it is done through raising a jambia or putting off a shawl or mantilla or the woman has to cut her hair, where this act is considered a great event in front of the innocent.

In Mareb, they do this in addition to the following:

Tadaruk: is a term used by the mediation committee, it means to stop the war quickly and if any party does not comply with the “tadaruk”, the mediation commission makes a pressure on him by force or heavy things will be imposed on such party, who does not adhered to do so.

The Third party: means a party other than the disputant parties

“al-edal/ al-adaal”: weapon(s) or car(s) to be brought and kept in the custody of arbitrator sheikh.

Tribal Arbitration: coming of aggressive tribe to the other tribe and they bring a number of guns, sheep with them to request an arbitration due to the issue committed by them against the other tribe.

al-adab (Penalty): Paying an amount of money as a fine, which shall be determined by Quarter/ Zone Trustee. This kind of penalties is only between neighbors and it has been noticed in Hodeidah.

Nature and Types of Disputes Affecting Women:

There was a consensus that all kinds of disputes aforesaid affect woman in terms of losing her breadwinner, who might be her father or brothers or husband or her children. So that the woman becomes the sole breadwinner for her family. In addition, she will bear additional burdens, that are considered to
be performed by the men for examples her work in agriculture and in family disputes, depriving her of children upon divorce, forced marriage, early marriage, and sometimes deprivation of marriage due to inheritance, deprivation of inheritance, preventing her from visiting her family by her husband if there is a disagreement between her husband and her family, exposure of family violence and physical violence and / or sexual harassment, rape, offense, swearing, abandonment or expulsion from the house.

However, in respect of tools that can be used by women in future, all people agree that mediation, arbitration and dialogue. In addition to use of high prestige women such as wife of Sheikh or wife of trustee (Quarter’s Head), use of punishments such as “al-hanaq” leaving her husband’s house for example for the purpose of implementation of her demands by husband. But there was a refusal for the role Women in dispute resolution as in Hamdan and Hadramout so that people see that no future tool for women.

It is worth mentioning that most people were talking about the tools and their use exclusively in solving women’s issues or family disputes only.

Obstacles that hinder women from participating in dispute resolution:
The most important obstacles, difficulties and obstacles facing women are:

- Customs and traditions that see the woman place is the house and that she is not useful for the disputes resolution, where the view is limited for role of woman and that she is deficient in mind and in religion,
- The community view the educated woman as she is a courageous woman and integrate with men, therefore how to take her pint of view to resolve disputes
- Unstable security conditions impose a threat to woman’s life and limits her ability to move and resolve disputes
- Women is unable to bear the material conditions in consequence of disputes resolution in terms of arbitration and bringing guaranties
- Women have no experience to work in this field
- The community is not confident in women’s capabilities
- The community does not highlight the women of experience in success stories for disputes settlements.

For several models of women, who have contributions to resolve the disputes, there are models and examples in Aden and Yarim, and a group of women in Al-Udain, Mareb and Hodeidah (as shown out in the results of focus groups. They are not found in Hadramout and Sana’a Old City), where the illustrated examples are from areas outside of the city as Sumaya Al-Husam Story.
Third: Questionnaire Analysis

1. The volume of response to sample:
(319) forms have been distributed, and 319 forms of which have been returned in a ratio of (100%). The proposed number to forms to be returned 300 forms making a percentage of (106%). Thus, there are more forms than the required number. There is no loss in the forms because the researchers have used (KoBo Toolbox) mobile phone application, which resulted in disappearance of any loss and a ratio of 6% more than the required number has been added.

![Figure No. (2) Proportion Response to the Number of distributed Forms:](image)

<table>
<thead>
<tr>
<th>No. of Forms</th>
<th>Returned Forms No. &amp; Percentage</th>
<th>Lost Forms No. &amp; Percentage</th>
<th>Total</th>
<th>Forms No. &amp;Percentage which can be analyzed</th>
<th>Excluded Forms No. &amp;Percentage</th>
<th>Lost Forms No. &amp;Percentage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributed 319 forms</td>
<td>319 100%</td>
<td>0 0%</td>
<td>319 100%</td>
<td>319</td>
<td>0 0%</td>
<td>0 0%</td>
<td>319 100%</td>
</tr>
<tr>
<td>Forms 300 required for the Research</td>
<td>319 106%</td>
<td>7 0%</td>
<td>319 106%</td>
<td>319</td>
<td>8 0%</td>
<td>7 0%</td>
<td>319 106%</td>
</tr>
</tbody>
</table>

2. Sample Type (Male - Female) Sex / Gender:
After entering the data into the Statistical Package for Social Sciences (SPSS), the number of forms answered were 319. Of these, one hundred and eighty-five (185) or 58.3 per cent were from men and one hundred and thirty-three (133) or 41.7 per cent from women. See Table No. (1). This is a balanced result, especially if we take into account the customs and traditions in the Yemeni community. The study tried to identify the most effective women in the community and female activists in the peacebuilding field. We also achieved this proportion with the help female researchers.

![Figure No. (3) shows percentage of females and males in the sample:](image)
3. Age:

In relation to respondents’ ages, 14.1 per cent of the total sample were between 15-25 years old, and 37.9 per cent were between 26-35 years old. Ninety-five (95) individuals or 8.29 per cent were between 36 – 45 years old and forty-seven (47) or 14.7 were between 46 – 55 years old. Eleven (11) individuals or 3.4 per cent were aged 55 and above. The bulk of the sample are between 25 – 55 years old.

Figure No. (4) shows percentage of males and females in comparison with ages for the study sample individuals

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-25</td>
<td>45</td>
<td>14.1</td>
<td>14.1</td>
<td>14.1</td>
</tr>
<tr>
<td>26-35</td>
<td>121</td>
<td>37.9</td>
<td>37.9</td>
<td>52.0</td>
</tr>
<tr>
<td>36-45</td>
<td>95</td>
<td>29.8</td>
<td>29.8</td>
<td>81.8</td>
</tr>
<tr>
<td>46-55</td>
<td>47</td>
<td>14.7</td>
<td>14.7</td>
<td>96.6</td>
</tr>
<tr>
<td>56- and above</td>
<td>11</td>
<td>3.4</td>
<td>3.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>319</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

4. Education:

The data found twenty (20) individuals or 6.3 per cent of the total sample who said they are illiterate; eighteen (18) or 5.6 per cent who can read and write; eighteen (18) or 5.6 per cent who received basic education; eighty-eight (88) or 27 per cent who received up to secondary education; and one hundred and fifty-six (156) or 48.9 per cent who have received or are still receiving university education. There are also nineteen (19) individuals or 6 per cent of the total sample who have received postgraduate studies.

Figure No. (5) shows distribution of sample’s individuals as per the educational level

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Edu.</td>
<td>18</td>
<td>5.6</td>
<td>5.6</td>
<td>5.6</td>
</tr>
<tr>
<td>Illiterate</td>
<td>20</td>
<td>6.3</td>
<td>6.3</td>
<td>11.9</td>
</tr>
<tr>
<td>Secondary</td>
<td>88</td>
<td>27.6</td>
<td>27.6</td>
<td>39.5</td>
</tr>
<tr>
<td>Graduate</td>
<td>156</td>
<td>48.9</td>
<td>48.9</td>
<td>88.4</td>
</tr>
<tr>
<td>Educate</td>
<td>19</td>
<td>6.0</td>
<td>6.0</td>
<td>94.4</td>
</tr>
<tr>
<td>Read</td>
<td>18</td>
<td>5.6</td>
<td>5.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>319</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
5. Employment:
There were one hundred and twenty-one (121) individuals or 37.9 per cent who declared themselves as self-employed, and ten (10) who said they are tribal sheikhs. Twenty-three (23) individuals work in military jobs and nine (9) declared themselves as members of local councils. Twenty-nine (29) said that they are farmers, while the highest proportion of one hundred and seventeen (117) or nearly 37 per cent are employees.

Figure No. (6) shows distribution of sample as per job of individuals, who were part of the research

<table>
<thead>
<tr>
<th>Job / Occupation</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body corporate</td>
<td>121</td>
<td>37.9</td>
<td>37.9</td>
<td>37.9</td>
</tr>
<tr>
<td>Sheikhs</td>
<td>10</td>
<td>3.1</td>
<td>3.1</td>
<td>41.1</td>
</tr>
<tr>
<td>Trustees / Heads of Quarter</td>
<td>10</td>
<td>3.1</td>
<td>3.1</td>
<td>44.2</td>
</tr>
<tr>
<td>Soldiers</td>
<td>23</td>
<td>7.2</td>
<td>7.2</td>
<td>51.4</td>
</tr>
<tr>
<td>Local Council Members</td>
<td>9</td>
<td>2.8</td>
<td>2.8</td>
<td>54.2</td>
</tr>
<tr>
<td>Farmers</td>
<td>29</td>
<td>9.1</td>
<td>9.1</td>
<td>63.3</td>
</tr>
<tr>
<td>Employees</td>
<td>117</td>
<td>36.7</td>
<td>36.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>319</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

6. Place of Residence:
Fifty-one (51) or 16 per cent of respondents reported that they reside in Ibb governorate; seventy-one (71) or 22.3 per cent in Hodeidah governorate; 44 individuals or 13.8 per cent in Hadramout governorate; fifty-two (52) in Sana’a governorate; fifty (50) or 15.7 per cent in Aden governorate; and fifty-one (51) or 16% in Mareb, which are close percentages as a result of distributing the samples in equal manner.

Figure No. (7) shows distribution of sample as per Place of Residence of respondents

<table>
<thead>
<tr>
<th>Governorate Name</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ibb</td>
<td>51</td>
<td>16.0</td>
<td>16.0</td>
<td>16.0</td>
</tr>
<tr>
<td>Hodeidah</td>
<td>71</td>
<td>22.3</td>
<td>22.3</td>
<td>38.2</td>
</tr>
<tr>
<td>Hadramout</td>
<td>44</td>
<td>13.8</td>
<td>13.8</td>
<td>52.0</td>
</tr>
<tr>
<td>Sana’a</td>
<td>52</td>
<td>16.3</td>
<td>16.3</td>
<td>68.3</td>
</tr>
<tr>
<td>Aden</td>
<td>50</td>
<td>15.7</td>
<td>15.7</td>
<td>84.0</td>
</tr>
<tr>
<td>Mareb</td>
<td>51</td>
<td>16.0</td>
<td>16.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>319</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
7. Analysis of Women Role in Dispute Resolution as per Number of Frequencies:

First: Do women play any role in dispute resolution from the perspective of sex:

When we asked respondents whether women play any role in dispute resolution in the study districts, (319) respondents, (133) female and (186) male, was an encouraging response and a societal acceptance indicator for this role. Where 27 per cent of males believe that women are currently playing a role in dispute resolution in their areas, 30 per cent of respondents said that women sometimes play this role. If we look at the difficulties and obstacles stated in interviews and focus groups from the community perspective, customs and traditions are seen as the greatest obstacles for women in engaging in dispute resolution. But this percentage could prompt women to play a larger role. Particularly if we see that 45 per cent of women have been obliged to play a role currently in dispute resolution. Around 35 per cent said that the women sometimes play a role and a percentage of 19% replied that they do not play any role.

Second: Are women affected by disputes from the Sex perspective?

When respondents were asked about the extent to which women are affected by disputes in the district, where these disputes occur, the percentage is very high – 94 per cent of respondents said that there is a definite or almost certain impact on women in these disputes. Around 66 per cent of the sample said that “Yes, there is an impact on women in disputes”, and 28 per cent of individuals said that “sometimes there is an effect”, with only 6 per cent saying that there is no impact on women in disputes. The community should therefore set programs to protect women effectively during disputes because they are most affected according to the data stated.
Third: Women’s successful experiences in disputes resolution from the Gender perspective:

When women in the sample were asked about successful experiences of women participating in dispute resolution within their place of residence, the proportion is higher than expected. The percentage of male and female respondents who replied with “Yes” is 32.6 per cent, with (49) male respondents replying that there are successful experiences of women participating in dispute resolution, and (55) female respondents in their districts. Despite this response being good in a conservative society, most of them still believe that there are no successful experiences of women in these dispute resolution - around 40 per cent of respondents still believe this, which prompts the interested individuals / bodies to exert more effort in programs which enhance a positive view for women’s contributions, to make this role socially accepted.
8. Analysis of the Study Variables from the Gender Perspective:

First: Location of Respondents from Gender Perspective

The sample targeted by the Questionnaires is 20 women or 6.3 per cent from Ibb, and 32 women or 10 per cent from Hodeidah, 25 women or 7.8 per cent from Hadramout, 24 women or 7.5 per cent from Sana’a, 19 women or 6 per cent from Aden, and 13 women or 4.1 per cent from Mareb. The total number of women is 133 or 41.7 per cent of the total sample.

Second: Age of Female / Male Respondents from the Sex Perspective:

The women in the sample targeted by the questionnaire are 20 women, 6.3 per cent aged between (15-25) years, 60 or 18.8 per cent aged between (26-35) years, 38 women or 11.9 per cent between (36-45) years old, 13 women or 4.1 per cent between (46-55) years and 2 women or 0.6 per cent aged 55 years old and over.

Third: Respondents Educational Level from the Sex Perspective:

The women targeted by the questionnaires according to educational level are 9 women or 2.8 per cent who have basic education only; 11 women or 3.4 per cent are illiterate and have no education of any kind; 13 women or 9.4 per cent have secondary education; 69 women or 21.6 per cent have university education; 8 women or 2.5 per cent have postgraduate education; and 6 women or 1.9 per cent can read and write. The total number of women is 133 and in a proportion of (41.7%).
Forth: Job of Male Female Respondents from Gender Perspective:

The women targeted by the questionnaires according to occupation are 58 in a proportion of 43.6%, who have informed that they are social personalities. While 62 women clarified that they are employees in a proportion of (19.4%). However, there are not any women working in the other occupations, such as sheikhs, trustees / heads of zones, soldiers, local council members, except one woman, who has introduced herself as a neighborhood leader “aqelharah”. Therefore, that is an evidence for the extent of society isolation that the women suffer from, and it causes malfunction or imbalance in the various occupations. However, when talking about farming occupation, there are (12) women, working as farmers in a proportion of (3.8%) which is of normal roles that women practice in Yemeni rural areas. The total number of women is 133 in a proportion of (41.7%).

Comparing most Common Types of Disputes from a Gender Perspective

Disputes related to lands, real estates and pathways are the most common and widespread disputes in Yemen. This was confirmed by the research sample as (164) male respondents answered with agree, strongly agree, that they are the most widespread disputes. Women also agreed on this point as this type of disputes has taken the first order, 122 of women samples answered that this type is the most widespread type. Intrapersonal disputes take the second order in the answers of both men and women. 160 samples of men and 120 of women answered with agree and strongly agree. Criminal disputes (murder, robbery and fire shooting) have taken the third order between the most widespread disputes. 148 sample of men and 122 samples of women answered with agree and strongly agree. Disputes related to inheritance have taken the fourth order according to 140 of men samples while women think that family disputes (divorce) are in the fourth order with 109 respondents. For the fifth order, male respondents of about 133 said that family disputes (divorce) are in the fifth order while 106 female respondents said that disputes related to inheritance are in the fifth order, in exchange of disputes order for men and women.

For less spread disputes, for men: 28 answered disputes related to drugs, 38 answered disputed related to exchange marriage, 41 answered political disputes while women (31) agreed that disputes related to drugs, then laborers
disputes (33) respondent and dispute related to exchange marriage comes before them (43).

Comparing Most used Tools to Resolve Disputes from Gender Perspective

The most widely used tool in resolving the disputes in Yemen is mediation for men. This is confirmed by the sample as 179 male respondents responded with agree and strongly agree that they are the most used. However, women did not agree with this. In their view, resolution can be by family and zone trustee, 129 of women sample answered with that. Arbitration and Tadeel (guarantees) tool comes in the second order according to men while women chose the consent tool as the second tool. 174 male respondents and 128 female respondents answered with agree and strongly agree. Conciliation tool has got the third order as the most widely used tool as 173 male respondents and 127 female respondents answered with agree and strongly agree as arbitration takes the third order according to women. For men (172), they mentioned resolution disputes by family and zone trustee as the fourth tool whereas women think that conciliation is the fourth tool. Men sample (166) stated that mutual consent is the fifth tool. However, women (120) sample indicated that dialogue comes in the fifth order. The researcher noticed that (arbitration and tadeel (guarantee), conciliation, resolution through family or zone trustee and mutual consent) are agreed tools between men and women. Men preferred mediation to be the first while women preferred dialogue to be in the fifth order.

In terms of less commonly used tools, men (51) indicated using power, (53) indicated involving sheikhs’ and zone trustees’ wives, (55) indicated commercial arbitration which is less used tool for women (33), using power as the second tool (38), disciplinary fines comes the third tool (48).

Most common used tool in dispute resolution by women

in view of respondents, is giving advice for men as confirmed by the research sample. 157 male respondents answered with agree and strongly agree that is the most commonly used tool by women agreed by women (120) samples. Referring to elder female in the family comes in the second order and both men 154 and women 118 agreed on. Men (139) indicated women’s charisma in their point of view in the third order. However, women (113) did not agree with them, in their view inter-women mediation comes in the third order. Men (126 samples) put this tool (inter-women mediation) in the fourth order while women chose conciliation (111 samples) as the fourth tool and persuasion
(110 samples) as the fifth tool. On the other hand, men think that Hanaq (125 sample) comes in the fifth order to devote society traditional view towards women as vulnerable.

For less used tools by women to resolve disputes, men mentioned haircutting with (32), burning clothes or throwing women’s scarfs (39). Women and men agreed in this point as women mentioned haircutting with (26) and burning clothes or throwing women’s scarfs with (39). On the other hand, men stated that incentives and sanctions is the less used tool by women (46) while women think that giving gifts is the least reliable tool for resolving disputes.

**Most Influential Individuals in Dispute Resolution from A Gender Perspective**

Respondents considered that (social figures and zone trustees) are the most influential individuals in dispute resolution and the are the most preferable tools for both men and women even their order is different from women to men where women put zone trustees in the first. For men, social figures tool was mentioned by 174 and zone trustee tool was mentioned by 149 while 122 women answered for zone trustees and 121 answered for social figures.

Both men and women (143 men and 106 women) agreed on the tool of member of local council as the third most influential figure. Regarding the fourth tool, men preferred tribal sheikh as the fourth tool of most influential figures in dispute resolution while women (102) preferred imams of the mosques. Together men and women (130 & 99 respectively) considered police officers are the fifth most influential figure.

In terms of the least influential figure in dispute resolution, both men and women (66 &61 respectively) agreed on female lawyers and tribal sheikhs’ wives come next for both men (67) and women (69). Also men(75) considered women’s charitable foundations are of the least influential tools while women (77) considered male lawyers are the least influential tool in dispute resolution.

**Comparing the Disputes most affect Women from a Gender Perspective**

The sample (male and female) agreed that the most influential disputes on women are the personal disputes (intrapersonal disputes) leading to the husband’s imprisonment, death or divorce, which cause women to incur the financial charges, as well as the revenge that leads women to incur the family financial support. The male sample 175 referred intrapersonal disputes, 169
referred revenge. On the other hand, female sample 128 referred to charisma, 124 referred revenge. The sample agreed that family disputes upon divorce due to nursing is in the third order for women 122 and in the fourth order for men 146. The sample agreed that war which leads deteriorating economical situation comes in the third order for men 158 as the most influential tool on women whereas women 117 considered it in the fourth order. Moreover, it was agreed (142 male, 102 female) that armed disputes that lead to losing the breadwinner (family supporter) come in the fifth order as the most influential tool on women.

113 men and 101 women referred to social disputes leading to the depriving women from education, 141 men and 91 women referred to intrapersonal disputes due to the prohibition of women from visiting their families to be in the sixth and seventh order as the most influential tools on women.

The sample agreed that displacement where women exposed to harassment or rape (74 male) and (52 female), social disputes due to minor or forced marriage (92 male and 75 female) and service-related disputes (looking for water) (96 male & 68 female) are the least influential disputes on women. That is a noticeable result or minors’ marriage or displacement have long-term consequences that cannot be noticed soon which construed such result. For water, it is related to urban more than countryside.

Comparing Possible Tools to be used Women in the Future to Resolve Disputes from a gender Perspective.

In terms of the sample’s expectation, what tools women can use in the future in dispute resolution, they are arranged in order and by agreement between men and women. Using emotion was the first (184 male & 131 female), negotiation came next (181 male & 130 female), referring to female preachers was the third (180 male & 129 female) sacrifice was the fourth tool (173 male which is a traditional male belief) this tool was never mentioned by women while charisma replaced it with (123) which is considered women self-estimation. Dialogue came in the fifth order according to women (121), it is a positive thinking in conformity with negotiating charisma of women while this tool was not mentioned by male and fine came instead with (170). The sample agreed that…. Can be a tool to be used in the future to resolve disputes with (167 male) and (177 female).

As for the tools that the sample does not think the women will use in the future in resolving disputes, the sample agreed on commercial arbitration (32)
Comparing Obstacles that face Women upon Dispute Resolution from a Gender Perspective

In terms of sample responses about the obstacles and difficulties faced by women in their engagement in dispute resolution, they came arranged in accordance with the agreement between men and women. Preventing women from involvement in dispute resolution by family came the first (184 men & 131 women) while customs and traditions came the second (181 men & 130 women). Women’s fear from engagement in dispute resolution was the third (180 men & 129 women) where prevalence of illiteracy and ignorance came in the fourth order (173 men). Women did not mention this tool but was replaced by women’s engagement in decision-making (121). It is considered as women’s awareness about their rights of engagement in decision-maker institutions. Women’s lack of knowledge of their rights came in the fifth order according to women (118), which is, together with finding related education programs, difficult to work on. Such difficulty had not appeared at men but degrading (170) and (116 women). The sample agreed that women’s lack of experience of dispute resolutions is of the big difficulties faced by women in such respect (167 men & 117 women). What draws attention is that 166 of male sample talked about the most crucial difficulties, which is the dominant culture of shame in the society. Men segment shall be targeted accordingly.

Regarding difficulties that the sample do not consider a big obstacle affects women’s involvement in dispute resolution, the sample components (87 men & 51 women) agreed on society’s view about educated women as impolite, religious extremism with (101 men & 74 women) and wrong religious believes with (111 men) and weak charisma of women (87). That is considered a noticeable result as the sample elements agreed that the religious factor is not considered an obstacle in women’s involvement in dispute resolution.
Case study of Women’s Participation in Dispute Resolution

The research team met Mrs. Somiya Al-Hussam to investigate her experience closely and to learn about the difficulties she faced during her intervention in resolving a dispute between Al-Qaidi and Bani Badr in Hajjah governorate. Such conflict/dispute continued from 2002 to 2012 as a land dispute which considered by the parties to be a good land. Political parties exploited the conflict at that time for their favor and the dispute escalated into armed dispute from 2012 and continued until 2016. About 60 people were killed, including children, and 132 were injured including women.

Al-Hussam recognized, after her participation in the National Dialogue, that peace would not dominate Yemen unless it first prevails at the local level. When she heard about the dispute in Hajja governorate, her hometown, she felt her responsibility for the matter and started her efforts towards peace, which she thought she could make.

Al-Hussam contacted previous mediators to know the background, strengths and weakness of the disputants. She also called the disputants themselves and then she visited the Hajja governor whom she later praised his positive and quick interaction as he established a committee at the same day to resolve the dispute.

Each party of dispute chose an arbitrator who met with the assigned committee to resolve the issue. All parties were keen to know the woman who endeavors toward peace. It was planned to let them meet her then go to the next room to discuss the case. To the surprise of all, Al-Hussam attended the discussion. No one objects her attendance. During the discussion, she called upon the parties to resolve the case by throwing the scarf she was wearing. The parties agreed on a pause of war and to establish a security committee under support of Abu Ahmed Al-Houthi, the revolutionary Committee chair at that time.

When she was asked about the reasons for resolving the case, she said that the parties of dispute had reached full conviction to resolve the issue and she
praised their active contribution as well as all mediators and officials.

Al-Hussam concerns about the outbreak of the conflict again. She contacts on a weekly basis with the parties of dispute to raise awareness of peace, stressing the importance of peace in the region that returned to normal life and the education, which stopped for two consecutive years.

When she was asked about the difficulties she faced, she said that everyone expected the society would reject women’s participation in conflict resolution. However, in her experience, she believes that our society does not oppose the participation of women in dispute resolution. On the contrary, she believes that society welcomes the participation of women. Al-Hussam’s stated that the only obstacle was the financial resources which hindered its movement somewhat.

Al-Hussam reported that she had trained on modern methods of resolving conflicts in Jordan and Turkey, and she stressed that these methods do not work like applying wisdom and controlling emotion. Al-Hussam also believes that empowering women to participate effectively in disputes resolution is as important as training and qualifying them in dispute resolution.

When she talks about what she is currently doing in the field, she said that she is now making new efforts to resolve the issue of Al-Hadi, asking the Lord to help her.
Terminology and Endnotes

(1) http://mawdoo3.com/%D8%A8%D8%AD%D8%AB_%D8%B9%D9%86_%D8%A7%D9%84%D8%B5%D8%B1%D8%A7%D8%B9.


(3) ibid


(5) Settlement of Labor Dispute

Article 128: Labor disputes shall be understood to mean disputes between employers and workers over disagreements relating to the application of the provisions of this Code, the regulations made thereunder, any other labor legislation, individual or collective contracts of employment.

Article 129:

1. Both parties to a dispute or their representatives shall hold a meeting to settle the dispute amicably through negotiation with a maximum period of one month. A record of the meeting to be kept secret, shall be drawn up and signed by both parties

2. Where no amicable settlement can be reached between the two parties to the dispute, the matter shall be referred to the Ministry or its competent office which shall summon the parties with a view to settling the dispute within a period not exceeding two weeks as from the date of referral.

3. Any organization or trade union committee which is a party to a collective labor contract may lift all proceedings arising out of breach of this contract in the interest of any of its members without the need to delegate it to it. Such member may intervene in the case filed in his favor. His organization or its trade union committee and in the event that the case is not filed by his union.

Article 130: Where mediation fails to resolve the subject of the dispute finally, either party may submit it to the competent Arbitration Committee within a maximum period of two weeks from the date of the minutes recording the failure of mediation.

Article 136:

1. All cases concerning labor disputes of any type shall be submitted to an Arbitration Committee.

2. The cases submitted shall be signed by one of the parties to the dispute or his legal representative.

3. The submission of a case and litigation procedures shall be subject to the provisions of the Litigation Act in all matters not covered by a special provision of this Code.

4. Cases concerned with labor matters shall be considered urgent.

5. Labor cases shall be non-receivable after the expiry of the time limit specified in the laws in force.

Article 139
1. If one of the litigating parties wishes to appeal against the award handed down by the Arbitration Committee, it shall submit a petition for an appeal to the Labor Division of the competent Court of Appeal within one month at most of the date of his notification of the award.

2. The president of the Labor Division shall, within 15 days of the filing of the petition for appeal, set a date for the first hearing on the appeal.

3. The Labor Division shall settle the dispute with a final judgment within 30 days of the date of its first hearing.

**Article 140:** A division by the name of “Labor Division” shall be established at the courts of appeal in the capital and in each of the governorates of the Republic in accordance with the Judicial Authority Act. The labor divisions shall have jurisdiction over:

1. The final settlement of all cases of appeal against the awards of the Arbitration Committees submitted to them in accordance to this Code;

2. Any other cases falling within its jurisdiction by virtue of the provisions of this Code or other labor legislation.

**Article 141:** Neither the Arbitration Committee nor the labor divisions of the courts of appeal shall decline to settle a dispute on the grounds that this Code contains no provision applicable to the case in point. In such event, they shall be bound to deliver a ruling in accordance with the provisions of the Islamic Shari’a, established custom and the principles of equity.

**Article 142:** The employer shall not, in the course of settlement proceedings before an Arbitration Committee or the labor division of a court of appeal, modify the conditions of employment enjoyed by workers prior to the dispute so as to cause them prejudice, nor shall he dismiss or impose a penalty on any worker.

**Article 143:** If the litigating parties become reconciled or reach a settlement of their dispute, they shall draw up a record to that effect before the authority to which the dispute was referred. The said authority shall deliver its ruling after ratifying the record, thereby making it an instrument enforceable at law.

(6) A handbook deals with the Martyr’s Thought, Prof. Ahmed Abdel Rahman Sharaf Eddin, Religion and State, Judiciary, p99

Uniform system of judiciary means that there is one judicial structure headed by one court, the supreme court of the state, mediated by appellate courts at governorates level and based on courts of first instance at districts level. Courts of first instance are the courts of general jurisdictions i.e. disputes of individuals or of state without distinction. Only one law rules judiciary. While double judicial system means that, there are two structures at the same time; one for resolving intrapersonal disputes and constitution of its members takes the previous structure and the other is for resolving state disputes and has different structure equal to high administrative court, mediated by administrative judiciary courts and based on administrative courts. Usually, this is judicial structure. is called council of state while jurisprudence calls it administrative judiciary. The first structure is called (ordinary judiciary). Clearly, administrative judiciary adjudicates in state disputes by a law different from the law of ordinary judiciary used for intrapersonal disputes. Individual law is called the ordinary law while state law is called the administrative law. Apparently, the duplication of judiciary causes the duplication of law. The reason behind the harmonization or duplication of judiciary is the state intervention or non-intervention in the individual activities.
Thus, if the state does not intervene and commits to sovereign functions only, judiciary will be in harmony. Whereas if state intervene in the area of individual activities, judiciary must be duplicated due to the wide administrative disputes given the broad size of administration activities. Britain and the United States are a prominent example of countries that adopt a harmonized judiciary system. France is also the explicit example of countries that adopt a duplicate judiciary system, but these systems have developed in many European and Arab countries. Egypt is at the head of the Arab countries that deal with duplicate judiciary system, quoted from the booklet “From the thoughts of the martyr Prof. Ahmed Abdel Rahman Sharafuddin, Religion and State, Judiciary, p. 97.

(7) Dr. Hamoud Saleh Al-Oudi and Dr. Ahmed Shugga Eddin “ gender in the Arab and Islamic Society” with a applied study on the Yemeni Society, Sana’a University 2006. P142.


1. Shame (Al-Aib) means killing someone without making a mistake against the killer; killing someone in the pauses or any other acts of shame such as killing elders, passers-by, elder sleepers, messengers of war, mediators of war, a neighbor, foreigners, children, women or any similar crimes. All kinds of betrayal are also considered acts of shame. Shame can be divided into four categories: Al-Athlam, Al-Agdam, red and yellow, each of them has a description and a definition, which we cannot mention here.

2- Arbitration: is a number on which the dispute parties agree by authorizing a third party to resolve their dispute, or authorizing one of the dispute parties by the other party. However, some tribally famous figures who have good knowledge with customs and who are neutral are adjudicated. Knowing that, there are types of arbitration such as “absolute arbitration”, “arbitration and arbitrator has to meet his obligation”, “arbitration and the arbitrator has to finalize the dispute” and “arbitration and arbitration and arbitrator is fully authorized to take the right judgment. A third independent party should formulate Arbitration document, mention the witnesses, the date and the signature of the concerned parties.

3-Al-Hajrah: is a place, a person or group of people whom the tribes acknowledge their right of not being assaulted or attacked and they are under the protection of all. If anyone cause harm for them, he exposes himself to big penalty and shall be considered a hateful shame. Hajrah person shall not use or carry arms due to protection provided by the tribes of the area. Hajrah places are placed determined and announced by tribes while hajrah people are those like clerics, scholars and Sadah, those who have religious characters or who cannot carry weapons.

4- Nakaf (Consolidation) (Consolidation): is the process of mobilizing a larger tribal power may be branches of one tribe or group of tribes of the same origin or goal, against another tribe who committed a crime that deserves attack. Such acts are like: shame killing, indecent assaulting, killing neighbors, foreigners and vulnerable people and other such matters which are considered, in tribal customs, big mistakes. For some tribes Nakaf (Consolidation) is called the day of the tribe or the big day.

5-Naka’a: the first kind is when there is no conciliation or pause between the two opponents.
and if anyone commit any act against the other, this case considered pure which means there is no shame. Thus, purity is the opposite of shame. The other kind of Naka’a takes place when the assaulter commits a similar action against another party who committed a serious action against him. For example, Rabee has the choice in the murder of Rabiah and kills Rabiah’s killer. It would be said that someone kept pace with Rabiah.

Alliance: is an agreement between two persons or two tribal entities to cooperate and support each other in specific issues of the concerned parties. Alliance may limit to a specific period, it may absolute alliance and may collect a number of tribes under one tribal alliance. Sometimes, allied tribes are considered, with the passage of time, one tribe and they forget the reason behind their alliance.

7-Al-Rabie: means a person or more commit serious acts that made them ask for protection from a competent entity if they were unable to protect themselves or if serious acts committed against them. In such case, they ask for help and support to take their rights and keep them harmless. Rabie is accepted only if someone is oppressed.

8-Al-Tashqeeeth: is the robbery of someone’s possessions and weapons after killing him or upon a dispute arising.

9-Al-Tasmees (Blood Wasting): it is the illegal and non-customary acts made by opponents against each other like leaving the body of the victim in the sun.

10-Distortion: is the illegal and non-customary acts made by opponents against each other such as distorting the body of the victim or the prisoner of the war.

11-Al-Tasbee: is the illegal and non-customary acts made by opponents against each other such as prevention of burying the victim’s body for days.

12. Al-Qafi: A punitive act made by one party for the benefit of another party who finds it necessary to support or assist and not mandatory.

13 –Al-Mokadem: is large military campaign directed against the enemy.

14 –Al-Mana’ (Protection): is the process of protecting the opponent and provide him peace after the opponent demanded it. Usually the opponent asks refugee from his opponent or from other competent entity when he is in a state of weakness, lost, or when his life is at risk. Protection (Man’a) the prisoner of the war is to provide him peace and keep him alive.

15 –Al-Jar: is known as Muzain (barber) in local dialect and performs his work.

16 - Thara: is known as Muzain (barber) in local dialect but does not perform his work.

17 - Al-Qatir: A man who lives next to another for a short or long period in his country, land or near to his home, and he becomes under the care and protection of that person for such period.

18. White flag (Al-Baydha): it is a flag puts a high place to announce that a man or a tribe has done a glorious work worthy of praising him, such as to kill for Rabiah or its course or other similar acts.

19- Black (Sawda): Black (Sawda) is the opposite of white. It is a black flag put against a man or tribe committed an act of shame, such as the murder of passer-by, murder Al-Rabiewhen he asks protection or any such shameful acts.

20- Truce/pause: A temporary truce for a period between the opponents, in which the right holder undertakes not to take any military activity against his other whatever the reasons. A third party acting as mediator between the two parties carries truce out.

21 - Tayyib: A temporary period between two opponents who are not in pause or Naka.

22 –Al-Tool: The group of glorious works that a man or woman hands to another person or person without a commitment to it, is simply a beautiful gain.

23- Al-Wajah: It is a promise to provide protection for someone who would be under his pro-
tection against anything. For example, he said you are under my protection.

24 – Al-Sawf: a specific time given to the mediator to display a peasant on the other party whereas fighting is prohibited.

25- Safe passage: A case in which the stranger or the opponent asks for accompany from his opponents or any party threatening him during his journey or when passing through the country of the opponent. In this case, he would be under his protection.

25- Bara (innocence) and playing it back: It is the situation of war where everyone is free from any restrictions and can do any military activity against his opponent. It the period in which there is no truce or the period after it. Playing Bara back means that the person informs his opponent that he has become not bound by any restrictions, or truce and he will exercise all military activities against him.

27 – Katha(Revenge): In the tribal tradition Katha does not mean judiciary but it means taking revenge.

28 - Aqira: to slaughter a sheep, an ox or a camel at the party you seek their pardon, support or mitigation the punishment. Aqeer are among customary provisions imposed in some cases accompanied by or without Tasheer (firing). It is a kind of blame in shame acts violations.

29. Tasheer (firing): means shooting by the arriver in order to achieve a specific purpose. Tasheer (firing) is very important as it upgrade the host and declares surrender to his will and generosity. In addition to Tasheer, other material or non-material punishment or both can accompany it.

30 – Tasbeeha(early morning acts): means early morning attack initiated by a party against his opponent, suddenly or knowingly.

31 - Fazah: means to rescue someone. Some kind of tribes have a Faza group that expel the robbers who take loot (their sheep).

32 Hama (protected area): A land that is forbidden to graze or to reside in without the permission of its protector. Tribe’s Hama are the location surrounding its borders and pastures.

33. Prisoner of war: A man who is arrested by his opponent after defeating him, and may be released only under conditions imposed on him.

34. Al-Muda’i: means rights required to be taken for the victim tribes.

37. Peace: means giving a promise of non-aggression on the applicant whether in a truce manner or directly in case of war.

38 - Da’l (call): means any call for serious acts, such as call for Nakaf (Consolidation), Makadm or the great call.

39 –Al-gharamah: it is a group of members of the same tribe committed to pay the losses incurred equally, and who share the earnings and the fine pillar of tribal formation.

40- Prisoner of war: A man who is arrested by his opponent after defeating him, and may be released only under conditions imposed on him.

41- Invasion: A group of fighters who invade the land of others for looting or murder to take revenge. Nowadays invasion has greatly decreased.

42 –Al-Tashreef (consent): means satisfaction with the judgment and commitment to implement its provisions.

43 - Raziah: it is a trap on the way of the enemy to suddenly kill him.

44- Rakeeh: means a man placed as a hostage to guarantee the fulfillment of judgment against his tribe and is considered as arbitration guarantee.

45 –Ghawi (temptation): which means the injustice and non-observance of norms and rights.
46. **Al-Sawab** (rightness): it is the provision of rights of the claimant by the other party in accordance with established customary practice. It is the opposite of temptation.

47. **Ullokah** (relationship): the relations arise through marriage or fraternity done by both parties as away rehabilitation.

48. **Al-Hajar** (sacrifices): means sacrifices slaughtered before the victim as rehabilitation for mistakes made against him.

49. **Adal** (guarantee): A set of weapons, persons or funds submitted to a third party or the opponent to ensure the execution of the arbitrator’s judgment.

50. **Guarantors**: the people who carry out judgments in tribal cases by arbitrators or *Murg hat* (appellate).

51. **Almargha** (Appeallate): is a tribal appeal that approve the tribal judgments in cases.

52. **Al-Mounshed**: A prominent tribal figure who is experienced in the customs and traditions of the tribes.

53. **Al-Taleah**: is a group of shooters walk before the invaders or convoys to guard them.

54. **Malazim**: The relationship arose due to marriage.

55. **Guide**: An expert who shows people to their destination.

56. **Inheritance**: Land that is not cultivated and common among tribesmen. It is property of the tribe and under its protection.

57. **The colonel**: the leader of people in their invasion and decision maker.

58. **Al-Mashrakh**: A recognized place to be reached by any group who wants support, removal of aggression, or to request Rabie from the tribe of the *Almashrakh*. Reaching Almashrakh without response brings disgrace to the people of the tribe.

59. **Severing “Tafreed”**: means to totally leave another GHarama by Al- Ghrama group

60. **Alien**: means someone join a tribe but not originally belong to it who were called (*Mawalli*: pro-allies).

61. **Wazel**: is the charge more than one group of killing someone. Then, the accused tribe is identified to ensure the responsibility of the killer. The charge against innocents is then dropped.

62. **Mutayab (Defendant)**: A person who commits to compel his friend to fulfill his obligations or to fulfill them by himself.

63. **Al-Tham**: means not performing Naka due to Mutayab.

64. **Ransom**: means what was paid by the loser for recovering something or releasing prisoners.

65. **Demfara**: means to reach a destination for a particular purpose.

66. **Naqesah** (deficiency): means to pay the price of what the third party has in exchange for his final exit from the country.

67. **Takeez** (Appeal): means to object or appeal the judgment on a case and you ask to appeal at *Maragha or Mahnal*. Appeal can done by submitting a number of weapon pieces.

68. **Feast**: it is what is provided to the guests of the sacrifices and food.

69. **Al-Atheqah**: the best camels taken as loot or in a greedy way.

70. **Oud “Shell Oud”**: This is a tribal custom in which a party commits to another to start hostility activities against a third party, to the extent to satisfy this party. It is usually the a big judgment as a party is assigned for his partner party and today is known as the Mabar al-Naka, quoting Ahmed bin Ali Jamaan, *Traditional Arbiter of Concepts and Terminology*.
(11) Dr. Abdul Razak Al-Hastoori, Al-Waseet for explaining the civil code, chapter 5, volume 2, syndicate of publishers union in Lebanon. P 169.
(13) Dr. Abdul Razaq Al-Hastoori, Ibid, P. 589
(14) The shared life in the tribe areas, the absence of the state from those areas in most of the past historical periods and lack of co-existence between tribes led to the establishment of economic and political and military links or relations among most tribal groups. The most prominent links are the establishment of such alliances, treaties, fraternal ties (brotherhood system) as well as the consequent identification and organization of relations of neighborliness and respect for the geopolitical boundaries of each tribe, and the regulation of the exploitation of common economic resources (pasture, water sources, firewood and quarries). In addition to, securing roadways and travelling between the various tribal areas. A number of articles in the tribal law provided for the various penalties and fines to be imposed against individuals or groups in the event of infringement and violations committed on public roads within the boundaries of a particular tribe. The rules of tribal practice, known as the “seventy rules”, set the general and specific ways within the areas of the tribe or in public places of meeting like markets. The tribal customs also identify the general and specific procedures and principles concerning disciplinary patterns and dealing with individuals and groups of the tribe or its members. They also determine the grounds and the terms to be met when the individual or group seek the right of protection (Egarah) of the tribe or of one of its members. Furthermore, The right of what is known as “brotherhood”, tribal custom shows that it is the right of any tribe or person to provide protection to the individual or group that fear of aggression, oppression or harm by another tribe. This requires to be responsible for any risks and liabilities of the protected person or group. On the other hand, the system of “brotherhood” or what is called tribal “interventions” - for the time being - has continued to take the same system of neighborhood that was followed by the tribes of the ancient Arabs. It does not involve in the request of Almajah (fellowshipping) or establishing adjacent groups, sections or tribes that are in kinship relations. Thus, it can be established between parties or groups, who are not connected, are not of the same origin or are not from the same tribe (political unity). Quoting from Dr. Fadel Abu Ghanem, *Tribe and State*, P 175-176
(16) Nadwa Dawsari, ibid, P9.
(18) Nadwa Al-Dawsari, ibid, P 10.
(19) https://annabaa.org/arabic/authorsarticles/10110
(20) Assaulting women is punished by a “Marbu”. This means the price of compensation is calculated in four blood money of woman in case it was accidental assaulting but if it was intentional, there shall be moral punishment such as defamation the intentional assaulter of women. There is a way to implement defamation by “Hashl”. *Hashl* means that if women are deliberately assaulted, the tribe of the assaulted women put women’s pants on a stick, and put it in markets or on cars to defame the assaulter tribe.
The guarantees given to women during war conflicts have allowed them free movement in areas of conflict. Women can move between the warring tribes, and even to enter the fighting fronts to rescue wounded or deliver food or medicine. They can also graze in other tribal areas, go shopping or engage in any economic or social activity. In some tribes in Marib area, women drive cars and move freely within enemy areas without fear of attack.

Often, the involvement of women in combats automatically stops the war until they leave the battlefield. Even in the case of a siege, women can access their relatives to provide supplies although it is the right of the tribe who imposing the blockade to prevent the entry of women for military reasons. However, this act leads to imposing penalties on the party prevented the entry of women, but this prohibition is taken into account for military reasons.

In some cases, women can take their male relatives out of the battlefield by accompanying them and passing peacefully in front of their enemies provided that men do not commit any hostile acts. Women can also demand a truce for an existing war that is called the “darak” and can last up to two weeks.

It is worth mentioning that killing women does not fall within the scope of the acts and revenge - that is, it is enough to accept compensation. It does not considered a blood revenge.

(21) Dr. Hamoud Aloudi, ibid P 157.

(22) Dr. Mohammed al-bayahi, Guide on Disputes in Marib, P30

(23) It is worth mentioning that the request to submit weapons or “Janabis (dagger)” its singular is “Janbia” is done in all cases of conflict between individuals and tribal groups and in each case of conflict is expressed by using a certain term and the most important of the following words:

1- Gun or weapon “Serah” which is derived from sabr (patience), which means that the claimant party has to be patient in his case and means for the defendant to accept the arbitration award.

2- Gun of loyalty is provided by a person or a group that recognizes an obligation or guilt against another person or group. It is an evidence of full readiness to fulfill it. Therefore, this loyalty is expressed by giving the plaintiff party one or more guns.

3- Gun of Mansfe is submitted by the defendant party to a third party when they don’t agree on any rights or claims at individuals or groups levels.

4- So Each party gives a gun or more commonly known as “Nasaf Weapon” i.e. Ensaf (equity) or “Nsaf Guns” and the word “Nsaf” here derived from Ensaf (equity) which means that the disputant parties are ready to discuss the demands and obligations between them.

4- Guns or weapons of “Mukha” which are given by the tribal or political unit if any of its members or a group of them split, for some reasons, and join another tribal unit. The split tribe give a gun or more to the dissident person or group asking for the return of such person or group. Guns are returned after the tribal unit study the demands of the dissidents and achieve those demands. The word “Mukha” is derived from the word Makhwa “brotherhood”. Therefore, requesting Mukha means the request to establish a relation of brotherhood with a party outside the scope Tribe or the original tribe.

5- Gun of alive and dead: it is given if a person or group aggress or attack another person, and the result of this attack is serious injury to the person who is assaulted while it is not known if would live or die. In such a case, the assaulter party gives one or more
guns to the victim or to his relatives as a confession of error and willingness to be responsible for the consequences of the act and his acceptance of arbitration judgment. However, if the attack resulted in the death of the person, the offender and his relatives must provide a bull and slaughter it in front of his relatives and is known as the bull of Hajeen (attack). It is a sign of confusing the guilt and then another bull is slaughtered before burying the victim, which is known as the bull of burying. It is sometimes slaughtered next to the grave of the victim. A third bull is slaughtered in front of the victim’s relatives and is known by the bull of Radm that means making resolution for the dispute after the relatives fully received the blood money.

6. In some cases, women can take their male relatives out of the battlefield by accompanying them and passing peacefully in front of their enemies provided that men do not commit any hostile acts. Women can also demand a truce for an existing war that is called the “darak” and can last up to two weeks.

7. It is worth mentioning that killing women does not fall within the scope of the acts and revenge - that is, it is enough to accept compensation. It does not considered a blood revenge as for men. Quoting from Dr. Fadel Abu Ghanem, *The tribal structure in Yemen between constancy and change*, P. 231-232-233.


(25) Assessment of armed violence in Yemen, report of Yemen under pressure, social conflict on land and water in Yemen, Yemen, Second issue, October 2010

This study is one of the outputs of the Women’s Leadership for Peace Program, which is implemented by the Young Leadership Development Foundation in partnership with Oxfam and Awam Foundation from January 2017 to December 2018.

This study aims to highlight the traditional local peace building tools used in different regions of the Republic of Yemen (Sana’a, Aden, Hodeida, Ibb, Marib and Hadramout). What are the tools most used by regions and how they are used. The different use to the conflict resolution tools according to the level of conflict, the roles of both men and women in the belief that the process of integrating local tools with modern international instruments may contribute effectively to the success of the process of building peace in Yemen.

The study also works on introducing traditional local tools that assists women to participate in conflict resolution. As well as, what are some of the new roles that women can participate in to reach a sustainable peace that is shared by all members of society.

Conducted by youth Leadership Development Foundation withing Women Leadership for Peace Program.

Sana’a - Mujahid Str., across from Kuwait Embassy
Phone : +967 1 240335 / +967 1 510 447
PO.Box: 14321
Email : information@yldf.org

@YLDFYemen
www.yldf.org