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TRIBALISM, GOVERNANCE AND DEVELOPMENT

WORKSHOP PAPERS

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Tribalism, Governance and Development

Workshop Papers

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The Role of Tribes in Governance in Afghanistan

		Spheres of Governance			
		Rural	Urban	Regional	National
Functions of Governance	Defense and foreign affairs	STIFR	STCFR	STIF	SFR
	Security	TIF	STCF	SIF	SIF
	Law and order/ conflict resolution	STCRNI	SCF	STCRIF	SIF
	Property and contract rights	STRI	SBC	--	--
	Promoting and regulating private activity	BTRI	SBC	SBIF	SFI
	Managing environmental resources	T	STC	SNF	SBNF
	Education	STRNIF	SBRNF	SNF	SNF
	Health	SNF	SBNF	SNF	SNF
	Roads	SNBF	SNBF	SNBF	SNF
	Water and sanitation	TNF	SCNF	--	--
	Social safety net	TRNI	TRNF	S	S
	Revenue generation	--	BC	B	SB
	Asset redistribution	TRI	C	--	S
	Money supply, interest rates, exchange rates	--	SB	SB	S

Key:

S=State

T=Tribe

B=Businesses

C=Citizens' groups

R=Religious groups/leaders

N=NGOs

I=Insurgents

F=Foreign actors (military/donors)

Bold font indicates actors that are most prominent.

Notes:

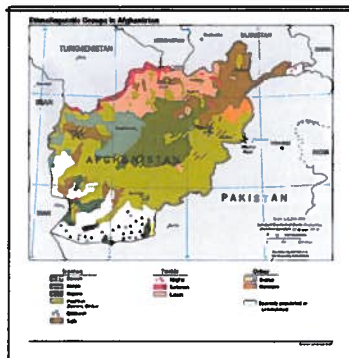
In most instances, NGO activity (N) is almost synonymous with that of a foreign actor (F)

Afghanistan – the Rural Level

M. Chris Mason

Introduction

Afghanistan cannot be essentialized to a bilateral ethnic divide of Pashtuns and Tajiks,¹ or a trilateral mix of Pashtuns, Tajiks and Hazaras. There are at least thirty important ethnic groups in Afghanistan, if we arbitrarily define that descriptor as "community and kinship-based groups of over 10,000 persons sharing common and demonstrably different customs, language and beliefs." There are over 100 languages spoken in Afghanistan, and the notions of two *linguas franca* or a bilingual society are a western fantasy. No such things exist. No linguistic surveys have been done that the author is aware of, but it would not be unreasonable to estimate that at least seventy percent of the population cannot communicate directly with anyone of different ethnolinguistic origin. The infamous maps of Afghanistan showing the country neatly divided into large, different-colored ethnic groups have been hugely unhelpful in perpetuating these myths.



Maps of this type have been extraordinarily unhelpful in comprehending the complex reality of Afghan communities.

Some communities are indeed extraordinarily isolated, such as the small, distinct tribal groups deep in the mountains of Nuristan province, many of whom have not seen a person from beyond their own valley in a decade or more. Others are remarkably diverse in ethnographic origin, with a homogeneity that confounds Western notions of ethnically segregated societies. The villages in north-western Afghanistan in Herat province which Nancy Tapper studied, for example, demonstrated a broad variety of peoples with different ethnic origins living in integrated communities where ethnically-based identities have largely ceased to be relevant.

¹ The ethnographic descriptor "Tajik" as used in Afghanistan is an excellent example of a wholly western-constructed ethnic identity taking root in the dense web of western mythology and misinformation about the country and its people. Few, if any Afghans, identify themselves as such, and the term is best defined as the agglomeration of all Dari-speaking peoples of Afghanistan not of Mongol descent. As this category has no ethnic or political identity as such, it is a meaningless term.

As a general rule in cultural anthropology, of course, the more mountainous a region, the more isolated and thus genetically discreet its populations tend to be. This is as true of the Basque region of Spain or the Appalachian regions of America as it is of Nuristan. This is not to suggest that ethnography does not play a role in human settlement in Afghanistan, which would be absurd. It does suggest, however, that "one size does not fit all," and that communities need to be examined individually to begin to understand their political economies. The expression "all politics is local" is nowhere more true than in Afghanistan, and the argument made in the conceptual paper that Afghanistan is not one country but a loose collection of 60,000 villages is the key to opening the door to comprehension. Generalizing and essentializing at levels of identity greater than those which exist on the ground are seldom helpful. It would not be entirely unreasonable to assert that for Afghanistan we would need not one "local-level" matrix but 60,000 matrices, one for each village.

Apart from a tiny minority of educated urban elites, most of whom are former expatriates and many of whom speak English, there is no sense of nationalism in Afghanistan. Unfortunately, these are the only Afghans with whom virtually all senior Americans communicate almost exclusively and in general they viscerally repudiate the importance of kinship groups or "tribes." This has logically but tragically led to a wholesale misunderstanding of identity politics at the national level in Afghanistan. In combination with the oversimplification and exaggeration of ethnically-constructed identities ("Tajik," "Uzbek" etc), this in turn has resulted in an oversimplification of community and identity throughout northern Afghanistan in particular.

Northwestern Afghanistan, formerly Khorasan, is the most peaceful, prosperous and ethnically integrated region of the country. Here, in general, "tribal" identity is muted and inextricably intertwined with other sources of identity. In and around Herat and Ghor provinces live the Chahar Aimak (literally "four tribes") a Farsi-speaking people (often wrongly considered as "Tajiks") whose numbers are often predominant. Heratis, a Dari-speaking people of Persian origin are present throughout the region and tend to predominate in civil and administrative positions. There are also significant numbers of Turkic-speaking Uzbek and Turkmen families, sometimes concentrated in relatively homogenous villages, sometimes scattered amongst Dari- and Farsi- speaking hamlets. (Tapper) Smaller pockets of "detrribalized" Pashtuns (descendants of families forcibly relocated from the south by Abdur Rehman at the close of the 19th century), Qizilbash,² and Arabs (descendants of a 14th century wave of invaders from the Middle East who are no longer Arabic speakers³) also dot the rural landscapes. This region has benefited

² Twelver Shi'a of Persian descent.

³ The search for apocryphal communities of Afghan-Arabs in the area of Balkh who still speak a 14th century dialect of Arabic has been cultural anthropology's version of the quest for the Holy Grail for several decades, but none has ever been found.

extensively from Iranian engagement and will soon be connected to the Iranian railroad network via a spur line being built by the Iranian government to Herat. Ismael Khan remains powerful in the region, the area is *de facto* semi-autonomous, and is the best administered area of Afghanistan. "Tribes" as such play a distinctly limited role at any level of governance, and the local-level "spheres of governance" matrix does not apply here (see Appendix).

The central region of Afghanistan is known as the *Hazarajat*, or "region of the Hazara people." The Hazaras are predominantly Shi'a and are primarily of Mongol descent.⁴ They have been the victims of discrimination for centuries and occupy the lowest rung on the economic ladder in Afghanistan. Even in areas such as the *Hazarajat*, however, where the ethnic composition of communities is almost exclusively Hazara, identity is usually all-too-quickly ascribed to "tribalism." In fact, communal identity is often far more complicated. In the case of the Hazaras, for example, religious difference,⁵ economic discrimination and significantly different cultural values (gender politics are markedly less unfavorable to women within Hazara communities than elsewhere in Afghanistan, although this is sadly a very low bar), and political exclusion play at least as important role in identity as DNA.⁶ The *Hazarajat* receives little attention from the national government and is also a *de facto* autonomous region. The Hazara are not entirely acephalous, as are the Pashtun, and "warlords" or local strongmen control and administer their respective territories. Thus, here it may be said that "tribes" in the classic sense self-administer the region without significant national government engagement. The Hazara are well-armed and are prepared to defend themselves in a civil war if the Taliban regain control of the national government.

The north central region has been destabilized by resource competition for many years. This competition has taken the form of militias armed and paid by warlords which are broadly divided between the Turkmen, Uzbek and Tajik ethnic groups. All are engaged in narcotics production and trafficking.⁷ As is true everywhere in Afghanistan, water and arable land are scarce in this region, except along the Amu Darya, and the true divide here is over resources, not primarily ethnic tensions. The national government attempts to make itself present here, but is essentially powerless. Scattered communities of "detrified" Pashtun are increasingly providing haven and logistic support to Taliban guerillas operating in this region and violence

⁴ About ten percent of Hazaras are Sunni. Accounts of their origins in Afghanistan as descendants of the garrisons of the *Ulus* of Chinghiz Khan are romantic legend.

⁵ The work of Canfield in Bamian was instrumental in establishing this.

⁶ The Hazaras have arguably benefited the most as a collective group from OEF. The Hazaras have been quick to take advantage of educational opportunities and clerical training programs for women, and Hazara women now occupy a clear majority of clerical positions in government, provoking a growing jealous hostility from non-Hazaras more restrictive of women's roles.

⁷ Marijuana is becoming a more lucrative crop in this region than opium.

has increased dramatically in the past three years. Here the local-level "spheres of governance" matrix also does not apply (see Appendix).

The north-eastern region of the country is divided into sections based loosely on kinship-based groupings of peoples generally referred to as "Tajiks," such as the Badakshanis and Panshiris. Excluded from consideration of this region is the **Wakhan Corridor** in the extreme northeast. The Wakhan is high in the Pamir mountains and is inhabited by the Ismaili Wahki people, the nomadic Khirgiz, who are Sunnis, and a few Uighurs with good reasons not to be in China. There is no government presence at all in the Wakhan and it may be considered to conform with the local-level Spheres of Governance matrix (Appendix). Also excluded from consideration in this region would be **Nuristan**, another *de facto* autonomous region which is all but cut off from the outside world. There are seventeen major tribes in Nuristan (Strand), each of which speaks a distinct language, and any number of smaller tribes which speak dialects of them. There is also no government presence in Nuristan apart from a Provincial Reconstruction Team, and all governance is vested in the tribes. It conforms to the matrix. The northeastern region is also home to a significant number of detribalized Pashtuns who are increasingly supporting or in thrall to the Taliban, particularly in Konduz province. Relatively quiet from 2002-2009, Konduz has become a battleground between Taliban guerillas, fighters from Gulbuddin Hekmatyar's *Hizb-i-Islami* (HIG) militia, and local forces. With caveats, much of the northeastern region may be said to conform to the Matrix, although there are exceptions, such as the area around Mazar-i-Sharif.

The south and east of Afghanistan are more ethnolinguistically homogenous in the sense that the majority of the inhabitants are of Pashtun descent and speak some dialect of Pashto which is generally intelligible to other Pashtuns. Beyond that, however, there is no homogeneity among the Pashtuns. The Pashtuns are not, of course, the only ethnolinguistic group in the south. There are also large communities of Baluch and the semi-nomadic Brahui people, who speak a Dravidian language not found elsewhere in Afghanistan or Pakistan. There are also some 400,000 *Kuchi*, or nomadic Pashtuns, who live entirely beyond the writ of either the government or sedentary Pashtuns. Their annual migration from *quishlak* to *yillak* (winter camps to summer camps) along age-old routes and family-specific waypoints spans the region from the Indus to the Shomali Plain. The Pashai are an important ethnic group in the southeast in Kunar and Nangarhar provinces. Additionally, there are significant numbers of "Tajiks" living as merchants in the urban areas, and a smattering of Hindu traders in Ghazni, Kandahar, Jalalabad and other major southern cities. About 90 percent of Pashtuns are Sunni Muslims, but there are pockets of Shi's Pashtuns as well, most notably in Orakzai Agency across the notional border in Pakistan, and numerous communities in Kandahar province. However, the

Sunni Pashtun predominate and in a paper of this length and such sweeping generalities, they must take precedence.

Here in the south and east the meaning of the word "tribe" itself becomes critical to the answers in the Matrix. If we think of Afghan "tribes" in the sense of Native American tribes, such as the Apache, Comanche, Lakota Sioux, Pawnee, Hopi, Cheyenne, Blackfoot, and so on, then there are approximately 400 major Pashtun "tribes." These may be grouped into six loose confederations. To the five major decent groups, the Durrani, Ghilzai (or *Ghalji*), Ghurghusht, Karlanri (known as the "Hill Tribes"), and the Sarbani, or Eastern Pashtun, should be added the *Kuchi*, or nomadic Pashtuns, because they are so distinct socially and culturally from the sedentary groups. Approximately 70 percent of the *Kuchi* are ethnically of *Ghalji* descent, but the remaining 30 percent are of Durrani origin. The *Kuchi* range from fully nomadic (all members of the family migrate seasonally) to partially sedentary (some family members remain stationary while others migrate).

The 400 major Pashtun tribes are sub-divided into roughly 3,000 vitally important clans, or *khels*, and the first (and daunting) task of the aspiring Pashtun tribal analyst is to memorize these *khels* and their descent groups, as these affiliations lie at the heart of understanding many of the dynamics of local politics in the south and east. Some *khels*, such as, for example, the *Suleimankhel* of the Katawaz, are so large that they have another layer of sub-*khels* underneath them in segmentation, while others are relatively small (defined as 5,000 or fewer members). Beneath this level of segmentation are the 30,000 to 40,000 extended families, or *kahols* (called "sections" by British colonial ethnographers), and the nuclear families, or *koranays*, which comprise them. The *kahol* is the primary level of Pashtun social organization, and the largest social group to which the vast majority of Pashtuns ever perceive allegiance and identity. Only on rare occasions, such as war, or a major land dispute, does the *khel*-level identity ever coalesce (Roy). This is unlikely to happen even once in a Pashtun's lifetime.

While generalizations can be (and often are) made at the *khel* level, and even at the descent group level (i.e., Durrani vs. Ghilzai conflicts), it is at the *kahol* level that the questions posed by this project need to be answered. In terms of extent and geography, the *kahols* predominate at the district (*woleswali*) and sub-district (*alaqadari*) levels, and are important factors in the social groupings of the roughly 80 percent of Pashtun who may be considered rural as opposed to urban residents.

There is essentially no *de facto* "provincial level" identity in Afghanistan whatsoever, as provinces are a recent western invention, and two thirds of today's 34 provinces did not exist 50 years ago. Provincial "boundaries" have essentially no relationship to any meaningful

political, ethnic, or social identities on the ground, and they are little if anything more than red lines on western maps. No Afghan alive today, for example, would incorporate his "province" into his definition of his identity in the way that an American might say, for example, "I'm from California" or "I'm from Virginia." Thus, tribes do not act at the provincial level, because there isn't one. Identity, rather, is rooted at the *kahol* level, which as we have noted, is centered in the *woleswali* and the *alaqadari*. Again, it cannot be over-emphasized that what is true of one *woleswali* or one *alaqadari* is not universal. Each of the approximately 200 Pashtun-dominated districts of the south and east of the country has its own unique social and political dynamics, derived from the complex formula of factors identified in the introduction, and generalizations are generally not helpful in understanding district level political economies.

At the national level, much has been made of the "*Durrani* vs. *Ghilzai*" dynamic of tribal politics in Afghanistan over the years. It is true that, with rare and short-lived exceptions, national leaders over the past two centuries, including all Afghan monarchs, have originated in the *Durrani* descent group, and opposition to the state has often been centered in the *Ghilzai* group. And it has been noted by many, including the author, that the Karzai government in power from 2002-2010 was and remains virtually devoid of *Ghilzais* in important positions, especially in the Army officer corps, which traditionally was the sinecure of the *Ghilzais*. (Mason and Johnson) While it is true that a significant proportion of the Taliban leadership of the 1990's was centered in *Hotaki Ghilzai* and *Kakar Ghurghusht* kinship groups, however, other, more significant shaping factors, as for example the *pirimuridi* system of *Mullah* education, played more important roles in that group's social dynamics, and too much can be made of the *Durrani* vs. *Ghilzai* trope. There were and are, for example, a significant number of Durrani and Karlanri-descended leaders in the Afghan Taliban and its affiliates. Because there are no organized political parties in Afghanistan (they are prohibited by law), however, it fair to say in general that ethnography and nepotism are more influential in regard to both the Karzai government and the Taliban leadership than "tribalism" *per se*. It is also fair to say that ethnolinguistic identities play a far-greater role in national-level politics than "tribal" identities.

With one important exception, "tribes" do not function as such in urban settings. As noted previously, kinship groups do play a role in commercial and mercantile concerns, as they do in any society in the world in any time period. The key exception to this generalization about the role of "tribes" at the local level in urban areas are the refugee camps in northern Pakistan which are still home to some three to four million Afghans, the great majority of whom are Pashtuns. Many of these refugee "camps" (which started out as tented temporary holding areas for refugees from the Soviet-Afghan war which began in 1979) have now morphed into permanent settlements of considerable size, some of which would be among the largest towns

in Pakistan if the Pakistani government recognized and accepted them as such. Although their influence is increasingly yielding to religiously-based political affiliations (such as the Hamas-like *Lashkar-i-Islam*, for example), *khels* do play a significant role in the social and political organizations of these large urban centers, which are no longer tents and shanties but brick-and-mortar settlements. These are not insignificant, as at least half of all Afghan insurgent-group recruiting occurs in these communities among disaffected and unemployed youth, the great majority of whom have never known any other basis for social organization. While this is an interesting topic for a discussion of the role of the "tribe" in urban insurgent recruiting, the scope of this paper precludes further discussion of it.

To summarize, then, "tribes" (if defined as *kahols*, or "sections") play important but complex roles in local politics and governance, no role in provincial governance (because this level doesn't exist conceptually to them), and exert some, but often exaggerated and misunderstood, influence at the national level. The role of "tribes" (again, *kahols*) is significant in rural settings overall, and insignificant in urban settings, apart from the universal influence of kinship groups in commerce and trade, with the important exception of the Afghan refugee cities (aka "camps") in northern Pakistan. The border between these two countries exists primarily in western imaginations.

The Invention of "Pashtunwali" and Tribal Identity

To understand how the *kahols* carry out governance functions, it is necessary first to address notions of *Pashtunwali*. A large body of literature, as noted, was produced by the imperial knowledge project to "understand" the indigenous peoples of northern India (today's Pakistan) and Afghanistan. The progenitor of this project was Mountstuart Elphinstone, an early 19th century British East India Company official whose early anthropology of the Afghans was (and remains) the foundational text for Western interpretations of Afghan culture. It literally formed the basis of nearly all colonial understanding of Afghanistan for almost a century (Porter), and moreover established the central tropes for generations of Afghan anthropologies whose influence continue today. This is not to say that Elphinstone was wrong - - indeed, many of his cultural observations were remarkably astute and well-developed a century and a half before anyone dreamed of "cultural anthropology" - - merely that Elphinstone was Elphinstone, as it were, and the cultural paradigm which he created and to which generations of imperial anthropologists adhered, is merely one possible interpretation of the evidence.

Among the constructions of Elphinstone's progeny was the still-popular notion of *Pashtunwali*, or the "way of the Pashtuns," a purported "code of behavior" shared by all the various Pashtun tribes and epitomizing an ideal-type of "Pashtun-ness." In this sense, and to the extent that it is

interpreted like the "pirate code" of the popular "Pirates of the Caribbean" movies, for example, it is however wholly a creation of British colonial anthropology. It was propounded by any number of nineteenth century British administrators (see, for example, Richard Warburton), maintained by twentieth century stalwarts like Olaf Caroe, and popularized by laymen travelers like James Spain (see, for example, *The Way of the Pathan*). The author, however, has interviewed scores of educated and illiterate Pashtuns in both urban and rural settings, and none of them was familiar with this concept of *Pashtunwali* as a code of behavior. That the Pashtuns have customs and traditions which have evolved from shared social values there is no doubt, but there is no more a universally understood and transmitted "code" of these precepts than there is a universal "*Americanwali*" consisting of quantifiable "family values" which we as Americans all share. Furthermore, these Pashtun social values or goods are flexible, dynamic, and adaptive, and they vary considerably from one Pashtun community to another.

Nor is Pashtun tribal identity a clear-cut matter. There are communities which are genealogically Pashtun but which pretend not to be, and speak another language, and there are communities of peoples who are not Pashtun, but claim to be and do speak Pashto. Some scholars have attempted to delineate Pashtun identity in different ways. For his PhD dissertation, Akbar Ahmed, for example, postulated a major Pashtun identity divide between the rural "highland" Pashtuns who keep to the "code," and lowland farmers more easily co-opted by successive government elements and oppressed by ruinous taxation.⁸ This divide, which he described as the split between "*Nang*" (honor obligation) and "*Qalang*" (irrigated land) cultures has been the subject of rigorous and at times venomous academic rebuttal. (It is nevertheless supported by the age-old Pashtun proverb that "honor ate up the mountains and taxes ate up the plains.") Be that as it may, the point is that Pashtuns are certainly not homogenous or monolithic as an ethnic group, any more than Native Americans were. A significant number of Pashtuns are Shi'a, for example, and a very significant number are steeped in reverence for Sufi saints, shrines and traditions, which as Beatrice Manz and others have noted, has played a significant role in resistance to government intrusion and change throughout the region.⁹ In addition, Barelvi traditions compete with the Taliban-imposed Deobandi school, which has been influenced, since the time of the "Hindustani Fanatics" movement in the mid-nineteenth century, by Wahabi thought imported from Mecca via the *Hajj*.

⁸ This he later published as *Resistance and Control in Pakistan* (Routledge, revised 2004).

⁹ See, for example Manz, *Central Asian Uprisings in the Nineteenth Century, Ferghana Under the Russians*.

In summary, what it means to be "Pashtun" is both contested and unclear. It is not a religious identity, as this is a highly contested space, nor a geographical one, as the Pashtun Diaspora is one of the largest in the world. It is not even an ethnographic or entirely linguistic identity, as there are Pashtuns without Pashtun DNA, and Pashtuns who don't speak Pashto. It is sometimes "tribal," but among educated urban elites such as former interior minister Ali Jalali, also sometimes virulently anti-tribal.¹⁰ It is both sedentary and nomadic. Whatever it is, however, that it is an element of *personal* identity is beyond debate. An Afghan recognizes the ethnicity of another Afghan as Pashtun (or Hazara, Uzbek, etc) at a distance of 30 or 40 yards, just as a white American recognizes a black American as such at an equal distance, and *vice versa*. But in both cases, importantly, the meanings construed by this cognizance are largely *personally* constructed.

Rural Pashtuns in the Matrix

The writ of the national government does not extend to the Pashtun lands, and international efforts to make it do so since 2002 have failed. Here governance is indeed tribally-based, as long as by "tribal" we mean not the 400 major tribes or the 3000 *khels*, but the 30,000 to 40,000 *kahols* discussed previously. Security and defense are provided, when necessary, by *ad hoc* war parties known as *lashkars* or *arbakai*. Justice has been reliably provided for a millennium by a process known as the *jirga*. A *jirga* is often misunderstood as a meeting, but it is in fact an orderly process comprised of many meetings and led by an appointed panel of elders without a direct interest in the matter at hand. It has been estimated that the *jirga* process resolves over 95 percent of all disputes in Pashtun lands. A more recent phenomenon has been the establishment of Taliban courts, adjudicated by Taliban *mullahs*. Both forms of justice are considered by rural Pashtuns to be infinitely preferable to the corrupt, protracted, and incomprehensible processes of the government.

Resource allocation takes the form of *jirga* or Taliban *mullah* judgments, which may order the transfer of property or women of breeding age from one family to another in compensation. Property rights, distribution of resources,¹¹ and regulation of commerce are all moderated by local tribal law enforced by the *kahols* at the local level. Although feuds between *kahols* and *koranays* can and sometimes do persist for decades, the Pashtun regions are generally self-regulating autonomous areas and function best when they are. The Pashtun consider, in general, that their form of governance is superior to any others, and they have no interest in

¹⁰ Jalali, once a colonel in the old Afghan Army and a former Voice of America radio producer with a high school education, is now a Professor at National Defense University in Washington, DC.

¹¹ Village lands are partly private and partly communal. All adult males, a term whose meaning varies considerably, have the right to an equal share of the use of communal land. Disputes about the use of communal land are rare, but the lack of trigonometric surveys and conflicting land title claims make land ownership a significant source of conflict.

the intrusions of a corrupt, incompetent and illegitimate national government in any case. Again, however, it must be stressed that each region and even each *alaqadari* is different, and what pertains in the South is very different from the situation in the Hill Country, the Katawaz, or the east, for example, where the diversity of *kahols* in any given area is significantly greater than it is in Helmand province. Patterns of land ownership in particular (highest in Paktika province and lowest in Kandahar province) play vital roles in local governance, as feudal landlords usually exert a major influence over community decisions.

It is also critically important to an understanding of the role of "tribes" in governance at the local level in southern and eastern Afghanistan to recognize that all Pashtuns are acephalous, unlike most "tribal" societies around the world. Pashtun society is famously egalitarian and in principle, no Pashtun male may ever tell another Pashtun male what to do. There are no tribal "chiefs" among the Pashtun.¹² Forms of social importance, such as the *khan* (family patriarch) and *malik* (appointed spokesperson) are often seriously misunderstood by outsiders. In Pashtun communities, decisions must be unanimous, because no one has the right to impose the potential communal consequences of a decision on a man who does not agree with it. In general, *spingar* (literally, "white beards" or elders) have more respected and influential voices in their communities than younger men, but all adult males have a right to attend and speak at the *jirgas* where decisions are made. In the past twenty years, *shuras*, or religiously-led decision groups, have replaced the traditional elder-led *jirgas* in many areas. International elements often unwittingly assist this process by conflating *jirgas* and *shuras*, thus aiding the Taliban. *Mullahs* in traditional communities are spiritual guides whose role is to ensure the conformity of the *jirga's* decisions with *Sharia*, and often serve as mediators in particularly thorny disputes. Part of the process of Talibanization of the south and east, however, has been their elevation to unwonted positions of authority in their communities via enforcement of the Taliban's religious laws over tribal laws. When the wheels are on the train in rural Pashtun areas, and the regions are in balance and at peace, the elders lead the governance of their *woleswali* and *alaqadari* via the *jirga* process. The greater the extent to which this still applies, the more stable and peaceful the community; the more it has broken down and the greater the government intrusion, the more anarchic and unstable the community is.

Unfortunately, in many places, thirty years of continuous warfare (which has often deliberately targeted village elders for assassination) has badly damaged these normal governance patterns.

¹² There are exceptions. If, for example, a tribe is so weakened that it is on the verge of becoming extinct, the tribe may seek *nanawatey*, or surrender, to a more powerful tribe in exchange for its protection. This tribe then becomes *hamsaya*, or subservient to the stronger tribe. This is not a permanent condition, however, as tribal demographics and strengths vary over time. Traditional *hamsaya* relationships often break down when tribal strengths fluctuate over protracted periods (i.e., centuries). In contrast, the Baluch recognize chieftains, known as *Sardars*, and the patriarchs of Brahui society exert considerably more influence over community decisions than do Pashtun *khans*.

Fear of the Taliban has also driven many elders influential in their communities into hiding in the major urban areas, further eroding local governance. However, local alternative governance has not broken down in all areas, and not entirely in most. Again, this has to be considered on a district-by-district basis. What is true in Dand district of Kandahar is not true in Arghandab district, for example. Finally, a wildly misguided policy of establishing elected "district councils" has virtually administered the *coup de grace* to the possibility of stable and sustainable governance exclusive of the Taliban in the Pashtun areas by establishing parallel lines of authority to that of the elders, further eroding and undermining their ability to maintain order and administer justice. Study has shown empirically that these councils increase instability and insecurity wherever they are implemented (Brick), but the U.S. government has never permitted facts to impede the implementation of demonstrably misguided and counterproductive policy if it conforms to the ideological constraints of the Treaty of Westphalia. In many parts of the Pashtun south and east, these "district councils" have dramatically weakened the elders and led to rapid Taliban takeovers of territory. Indeed, the only "winners" of these district elections are the Taliban *mullahs* whose power they enhance, and if the Taliban gave medals, all the crew members of the ship of fools who support this catastrophically misguided policy would be awarded the "Order of Mullah Omar 1st Class" for their work in helping bring the Taliban back to power.

Conclusion

In summary, every district in Afghanistan, and indeed every village, is different, and must be considered first in isolation, then in the context of its neighbors to be understood. The Pashtun are famously acephalous in governance, the northern ethnic groups less so. "Tribes" as such do not exist at the higher levels of allegiance and abstraction at which they are commonly imagined in Afghanistan. Kinship groups are an important element in community identity and rural governance in most of Afghanistan, but they cannot be disaggregated and considered in isolation, for they are but one element in a hugely complex and ever-changing equation of power and identity. Tribal law and tribal custom, particularly in the Pashtun south and east, when left unmolested, provide greater local stability and less competition for resources than any other system of governance which has been attempted in the past thousand years. To paraphrase Winston Churchill, "tribal law is the worst system of governance in Afghanistan, except for all the others."

Appendix

"Local Level Spheres of Government Matrix"

*This matrix does not apply to the northwestern, and north-central regions. See text.

	Spheres of Governance	
	Rural	
Functions of Governance	Defense	??
	Foreign affairs	13
	Security	✓
	Law and order/ conflict resolution	✓
	Property and contract rights	✓
	Promoting and regulating private activity	✓
	Managing environmental resources	✓
	Education	14
	Health	15
	Roads	16
	Water and sanitation	✓
	Social safety net	✓
	Revenue generation	<i>Mu</i>
	Asset redistribution	✓
	Money supply, interest rates, exchange rates	17

¹³ This is a completely Hobbesian and Westphalian construct, and the answer depends on what is meant by "foreign affairs." If it means the tribe's contact with Madagascar, the answer is *Mu*. Most Afghans are born, live and die within ten miles of their home, and "foreign affairs" are irrelevant. If what is meant is diplomatic arrangements with neighboring groups, intramural or transnational, the answer is yes, but local actors do not conduct state-to-state diplomacy.

¹⁴ It depends what is meant by "education." If what is meant is secular, western-style, classroom education of children on an organized basis by qualified instructors, the answer is no, but in Afghanistan this is not provided in the rural areas by anyone at any level. However, local communities usually attempt some level of semi-formal schooling, frequently only for boys, in which an elder who is literate provides a type of education which does not coincide with western methods of instruction. And of course, religious instruction for boys in *madrassas* (mosque-run religious schools) is common.

¹⁵ Health care in most rural areas in Afghanistan is provided by a *mullah* who has received specialized training in the making of amulets containing hand-written verses of the Quran for wear near or on the part of the body afflicted. Health clinics are few and far between, and are generally empty buildings, because there are no trained health care workers to work in them, and few if any would accept employment in them in any case. Hospitals are an urban phenomenon, and use of them by members of rural communities is uncommon. Tragically, in general, women will be allowed to die rather than be seen and treated by a male doctor, as this would bring great dishonor upon her family.

¹⁶ Local community engagement in improving paths and trails is not common but not unknown, but in general the answer to this is "no."

¹⁷ The answer to this piece of the matrix is largely also *Mu*. The charging of interest is *haram*, forbidden by the Quran. There is no such thing. Money supply in a barter economy is of little significance. In any event, foreign currencies are far more common in Afghanistan than the Afghan currency, the *Afghani*. In most communities, the Pakistani *rupee* is the common currency of the south of the country, as it can be used in cross-border trade with Pakistan, where the *Afghani* has little value. Dollars, Euros and even Pounds Sterling are almost universally accepted, and the relative and current values of these currencies are surprisingly well-known. The universal acceptance of a variety of world currencies makes "exchange rates" largely irrelevant, because anyone can pay any debt or purchase in any currency anywhere in the country, rural or urban, without the need to exchange them into the national currency.

Tribes at the Regional and National Level: Afghanistan

Jennifer Murtazashvili

Regional

While few doubt the importance of tribal affiliations at the local or village level, the political and social importance of tribes becomes more tenuous at higher levels of geographic analysis. In Afghanistan, tribes are generally most effective in providing public goods and services at the village level (*deh, qarya, khel*). It is at units of analysis larger than that of the single village that the tribes have difficulty resolving disputes and providing other kinds of public goods. Given that the central state and local administration are weak, some have sought out informal governance solutions in the tribes. A problem with the tribal approach to weak governance and development in Afghanistan is that nowhere in Afghanistan do tribes (or other ethnic groups for that matter) aggregate upwards into cohesive political units. In some areas, tribal groupings may coalesce at the district level, but this is not always the case. Politics in Afghanistan remains extremely decentralized. It is so decentralized that even politics at the regional or provincial level is difficult to sustain.

Since 2001, Coalition Forces (CF) and donors have increasingly looked for non-state or tribal solutions outside formal mechanisms of the state at larger units of aggregation (beyond the district), but it is at this level of analysis where tribes and other non-state forms of social organization are the weakest. While some have argued that tribal structures and networks have “broken down” due to years of warfare and migration, most scholars argue that structures linking tribes to one another never existed. Some even question the ability of individual leaders to emerge within a single sub-tribe, making larger scale tribal activity at a regional level nearly impossible.

The most pressing challenge to tribal or local solutions to insurgency or development issues in Afghanistan is the lack of clarity when referring to “tribes.” As the analysis of Pashtun tribes at the village level indicates, tribes are at their strongest and most cohesive at that level. But oftentimes when outsiders refer to tribes, they speak of larger units of analysis and of tribal networks that transcend single communities. In a quest for silver bullets to fight insurgency or to develop governance structures in the absence of a cohesive or legitimate state, outsiders have looked to tribal structures for solution. On the one hand, the search for alternative structures is laudable. It signifies a search for solutions that are “outside the box” and more in line with local values than most top-down development or military solutions. On the other hand, supporting certain tribes at the expense of others for the purposes of fighting an insurgency is a dangerous endeavor as such efforts may destroy fragile local political and social

equilibria, with potentially devastating unintentional consequences. For example, the U.S. military has provided substantial aid to “tribal militias” in an effort to fight Taliban advances. The logic behind such an effort is that tribes may be more locally legitimate than Afghan National Security Forces and thus have stronger incentives to keep the Taliban from their own land. But without any kind of hierarchical structure governing these militias, there is no guarantee of discipline within their ranks to prevent predatory behavior. Nor are there any assurances that these militias will remain cohesive units and not turn their U.S. provided weapons on one another.

Tribes are most cohesive at the clan level, which often corresponds with the contour of a single village. In such cases, everyone who lives in that village is a member of that clan. Given the ongoing warfare and migration in the country, such homogeneity no longer exists in many areas. The strength of tribes as governance structures breaks down once we move beyond the clan or village level. Thus, tribes at the regional level have almost no meaningful influence.

There are several ways to understand “region” in the context of Afghanistan. Formal bureaucracy in Afghanistan is organized into districts (*woluswali*) and provinces (*wilayat*). These formal administrative divisions do not have significant consonance with tribal divisions or with local politics. In some cases, districts correspond to specific tribes, but such correspondence is never perfect. More significantly, administrative divisions are particularly tenuous and lack local meaning because they are always in flux. In the past half century the map of Afghanistan and the administrative divisions within it has undergone profound change. For example, in 1950 there were ten provinces in Afghanistan. In 2010 there were 34. Furthermore, given that the boundaries between provinces are not clear to the Government of Afghanistan or to foreign governments involved in the country, they have absolutely no meaning to those individuals who inhabit them. The weakness of local administration at the regional level would also preclude individuals from having any meaningful interaction with government at that level. Most interaction between citizens and the government occurs at the district level.

Recent political games involving provinces provide a sense of how much internal boundaries are in flux. During the 2010 presidential election, rumors swirled around the country that President Karzai was making political deals with various local factions. In return for support, the President in turn offered to carve out new provinces from land in existing provinces. According to Pahjwok News Agency, Karzai promised to create two new Hazara-majority provinces out of existing districts (Jaghori District in Ghazni Province, Behsod District in Wardak Province) and an Uzbek-majority province (from Andkhoy District in Faryab Province). Allegedly, Karzai did this in return for the political support of Hazara and Uzbek leaders in the run up to the 2009 Presidential elections. Karzai has apparently failed to keep his promise and create these new

administrative units. The story, however, explains the process by which the number of provinces has increased so dramatically in the past fifty years.

Since 2001, the number of districts (*woluswali*), or sub-provinces, in the country has also grown dramatically. When the Taliban fled Kabul in 2001 there were approximately 328 districts in the country. In 2010 the number of districts has grown to 398. The flux in local boundaries and resultant shifts in administrative responsibility creates another factor compounding uncertainty in subnational governance in the countryside. On the one hand, the increased number of districts may map more directly on to tribal realities in some parts of the country, but the increased number of administrative units has exponentially raised costs of the central government as it seeks to govern the country.

Aside from the administrative barriers to tribal self-governance, the most pronounced obstacle to the effectiveness of tribes at the regional level lies in the very nature of Pashtun tribes. Pashtun tribal society in Afghanistan remains segmentary and largely acephalous. The highly egalitarian nature of tribal organization prevents these structures from assuming a hierarchical or vertical governance structure that is suitable for management of large swaths of territory or large numbers of individuals.

In any society or social setting, it is difficult for groups to organize for collective action in the absence of an external enforcer or leader – either within the group or from without – as the scale of space or the number of people required for cooperation increases (Olson 1971; Ostrom 1990, 2005). This is especially true of tribal or other forms of self-organized customary structures that exist in Afghanistan. As the scope of space and number of people involved increases, the ability of tribes to effectively agglomerate decreases.

The notion of solidary groups in Afghanistan – *qawms* – has provided hope for some that resilient self-governance beyond the scope of an individual village is possible. Although the term *qawm* usually refers to a group of agnatic kinsmen (Canfield 1973), the term has significantly different meaning depending on the context in which it is used. Among Pashtuns, the term usually refers to a particular tribe, or sub-tribe. At a regional level, the term might generally refer to tribal affiliation but could also be used to refer to Pashtuns as a distinct ethnic group if a particular region is ethnically diverse. In other contexts, *qawm* refers to an area of geographical origin. While the Pashtun clans trace their lineage to four main descent-groups (in Afghanistan primarily the Durrani and Ghilzai, but also Gurghusht and the Karlani), these groups do not aggregate upwards or downwards in any meaningful way. At certain periods in Afghan history, tribal entrepreneurs have emerged some of whom have been quite capable of mobilizing tribes to achieve some purpose (more on this in the section on tribes at the national level). In the absence of such a goal – in day to day life – there is no inherent aggregation

structure among tribes. As a result, they have proved quite incapable of managing affairs at a larger scale.

One problem with a singular focus on tribes as a governance solution in Afghanistan is that such a focus may obfuscate other important forms of affiliation and identity aggregation. Identity scholars have long ago pointed out the importance of the social construction of identity. Identity is both socially constructed and primordial. It is primordial in the sense that it is based on genealogies. As such, individuals are born into tribes or sub-tribes and in that sense the identity is fixed. But when the size and scope of communities become larger, tribal identities become much more fluid. At the community level, for example, where most social interaction takes place, the importance of larger tribal structures (such as Durrani, Ghilzai, etc.) may not be important or even be considered. In fact, many individuals may not even be aware of the broader tribal structure of which they are a part. More specifically, “the fact that local people talk about tribes is not a sound basis for making authoritative claims about tribes’ relevance” (Meinshausen and Wheeler, 4).

Afghanistan is a lawless society in the sense that the rules of the formal state do not govern society. Society is lawful if we take into account rich sources of customary law that govern day to day life. The wealth of informality at the village level gives us hope that informal structures can be built upon to create robust formal structures. The problem for development agencies and foreign military forces is how to harness the robust endogenous social organization into the formal mechanisms of the state.

The search for endogenously created, self-enforcing local self-governance structures beyond the scope of a single village has led many to look to Pashtun tribes. For such a model to be effective, tribes would behave more like networked structures than like highly segmentary groups. Because lineage groups are involved that can tie their history to a common ancestor, many have tried to work with tribes as if they are networks. The egalitarian structure among tribes makes the emergence of tribal leadership challenging in normal contexts, but even more formidable in the context of war and migration. The next section on tribes at the national level will detail how some tribal entrepreneurs have tried to mobilize tribes as networks, but such efforts have been largely ineffective in the absence of fungible patronage.

At the community level, tribes tend to be most effective at providing for local level dispute resolution and collective defense. Due to the highly informal nature of these structures, it is difficult to generalize about the degree to which these structures aggregate at the supra-village level. There are often *jirgas* that mediate disputes between communities. In some cases, these intra-communal disputes involve one or more tribes. *Jirgas* and other forms of informal governance structures in the countryside are not permanent or fixed structures. They do not meet with regularity. In villages, membership and participation are generally open to male

members of most households. Face-to-face interactions reduce the costs of both organizing such councils and enable individuals within community to police those who transgress rulings of the village councils.

At the district level (*woluswali*), tribal and other informal structures meet with regularity. In many districts, village representatives (who are sometimes but not always tribal leaders) meet weekly with district government officials. Such meetings usually take place on Saturdays – the first day of the Afghan work week. At these meetings village representatives share information about security conditions with government officials. In return, village representatives expect that the government will share information about aid projects, security, or other fruits the state might provide.

Such interactions between local or tribal officials do not occur with any regularity at the provincial or regional level. As recent creations with little administrative or legal teeth, regions are merely distant structures that have little resonance with local politics. The highly segmentary nature of Pashtun tribes does not allow them to network well with structures at such a large scale. Tribes remain effectively entities for governance and development at the village level.

National

Pashtun society has been dubbed the world's largest "tribal" society. Such a description is largely misleading as Pashtun tribes are so segmentary that the clans and sub-clans that constitute the larger Pashtun community do not easily aggregate into cohesive social or political entities at the national level. As the section on tribes at the regional level underscores, a fundamental difficulty with tribes as a form of political or social organization at the regional or national level is that Pashtun tribal affiliations do not have a bottom-up or a top-down hierarchical structure. The fairly autonomous development of tribes in Afghanistan does not mean that states or other political entrepreneurs have not tried to develop a political system exploiting coalitions, rivalry, and patronage.

As a result of this extremely egalitarian and segmentary structure, tribes do not provide significant public goods or services at the national level. They are rarely able to provide public goods at a scale larger than that of the community. Bernt Glatzer described this system in anthropological terms:

"There is a dilemma in tribal societies: the very tool which enables tribal leaders to establish powerful political entities, the charter of segmentary solidarity, is also instrumental for segmentary division. Once a charismatic leader who masters the instrument of segmentary alliance loses influence or dies, the divisive character of the segmentary tribal system will gain the upper hand. Tribal systems do not usually develop

institutionalized political power which could tolerate fluctuations in the abilities of individual rulers” (Glatzer 2002, 6).

Despite the difficulty of maintaining tribes as a sole source of political legitimacy, tribes are instead one source of legitimacy leaders can draw upon at the national level. In Afghanistan, tribes and tribal affiliation alone are not enough to sustain political cohesion as tribes are not inherently political entities. Tribes are not sufficiently organized in a vertical manner to sustain large scale political or social organization. Rather, charismatic political leaders have emerged throughout periods of Afghan history to mobilize groups utilizing tribal allegiances but not based firmly on tribal organization (because it does not exist in a concrete manner). Instead, political entrepreneurs have relied upon alternative organizational forms on which to base their authority. In Afghanistan’s recent past, political entrepreneurs have been able to use tribal foundations to build political parties to compete with the government or as a basis for armed insurgency efforts. During the civil war, this was done in the *tanzim* system of political parties opposed to Soviet occupation. The Taliban created another form of political organization that has been used to mobilize individuals sympathetic to certain tribal affiliations. It is important to note that political mobilization at the national level has never relied on tribes alone, but instead on alternative organizational forms, which often coincide with tribal proclivities.

One of the many reasons outsiders and to some extent Afghans believe tribes can exist in any meaningful way at the national level is due to beliefs surrounding the founding of the country. The country was founded on a tribal basis when the then head of the Durrani tribal confederation, Ahmad Shah Abdali ascended to the head of the confederation in 1747. Unlike many other countries in the developing world, Afghanistan does not mark its birth when it gained independence from a colony, but instead when an individual assumed leadership of a tribal structure.

Despite hosting the world’s “largest tribal society,” there are significant problems with tracing the legitimacy in the country solely to tribal roots. First, Pashtun tribes are not able to easily consolidate themselves into a cohesive form of political organization due to their extremely decentralized and egalitarian form of self-governance. Elphinstone described how it is difficult for individuals to solidify leadership positions over a single Pashtun tribe:

“No khaun of a tribe, or Mullik of a village, ever interferes as a magistrate to settle a dispute, or at least a serious one; they keep their own families and their immediate dependents in order, but leave the rest of the people to accommodate their differences as best they can” (1839, 440).

Second, Afghanistan consists of several other large ethnic groups. Tracing the founding of the country to the accession of Ahmad Shah Abdali as the leader of the Durrani also has significance

for non-Pashtun groups in the country. The rise of Ahmad Shah is also significant as he worked with significant non-Pashtun groups (including Tajiks and Qizilbash) to join his army in the fight to keep neighboring imperial forces out of what is now Afghanistan.

The Durrani Pashtun confederation has dominated the seat of government in Kabul since the birth of the country, and along with it the spoils of patronage that come with governance. The Afghan royal family that ruled Afghanistan from 1747 until 1973 was exclusively Durrani. President Hamid Karzai is also a Durrani Pashtun. There have been only four (very brief) non-Durrani periods of governance at the national level. The first was for a brief eight month period in 1929 during a Tajik-led uprising, which was quickly put down by a Durrani faction. The second instance was the rise of the Soviet-sponsored People's Democratic Party of Afghanistan (PDPA), who were led almost exclusively by rival Ghilzai Pashtun groups. Political analysts have thus partly explained the rise of Socialist parties as a response to tribal competition rather than as a manifestation of great power politics. The third instance was the Rabbani-led Northern Alliance that marginally governed Kabul in the wake of the collapse of the PDPA government in 1992. Although the ruling alliance did include Pashtuns (and indeed some Durrani), it was led largely by non-Pashtuns. Finally, the Taliban government in the mid-1990 was led by Mullah Omar, a Ghilzai (Hotak).

Even under the height of monarchical rule, the ability of tribes to coalesce into meaningful groups at the national level for the purposes of governance and provision of public goods was almost non-existent. While some speak of the "fragmentation" of Afghan society, it does not appear that Pashtun tribal society was ever strongly consolidated into effective large scale vertical networks. Instead, monarchs and other leaders dealt carefully with individual tribes and other forms of local social organization with which it engaged.

The inability of tribes to organize vertically does not mean they have been completely ineffective at coalescing for meaningful results. In fact, tribes have been quite effective as political entities in the face of an external threat. Thus, when tribes feel a common threat they are able to mobilize for purposes of collective defense. Once the common threat dissipates, however, incentives to cooperate breakdown. Tribes were able to effectively engage to fight Soviet invasion because they felt a common threat. At various periods in Afghan history, tribes were able to effectively fend off the looming tentacles of monarchical power through such collective defense mechanisms. This was particularly true during the revolt against King Amanullah's modernization efforts in the 1920s.

Despite the inability of tribes to organize vertically for purposes of governance, it is ironically at the national level where the differentiation between the major Pashtun tribal lines becomes most salient. It is important to note that while there are differences between Pashtun groups, they have much in common. Pashtun tribes claim descent from a common ancestor, Qais. Each

of the major lineages is associated with a son of Qais. In addition, they share a common code of conduct, *Pashtunwali*, that in principal governs day to day life. They share common Pashto language.

It is difficult to discern the degree tribes and tribal organization have an influence on national politics and public good provision at the national level. Afghan politics is just as much the story of rivalry between Durrani and Ghilzai groups as it is the story of conflict between sub-tribes within these groups. Historically, the state never sought to control tribal groups directly, but instead used methods of indirect rule and patronage to appease different groups.

Tribes, both Durrani and Ghilzai groups, presented a threat to various monarchs. Despite the fact that the government was led by a Durrani royal family for most of its modern history, the monarchy slowly developed its own trajectory and source of authority that was often independent of tribal lines and tribute. Historically, scholars have depicted the rivalries at the national level in Afghanistan focusing on Ghilzai grievances against Durrani hegemony.

While most observers of Afghanistan point to political divisions between the two largest Pashtun tribal confederations in Afghanistan, the Durrani and the Ghilzai, other scholars have painted a far more nuanced and explanation. Anthropologist Akbar Akhmad (1980) suggested the most meaningful divisions between Pashtun groups did not occur along tribal or sub-tribal lines, but instead on geographic ones. He classified contemporary Pashtuns in both Afghanistan and Pakistan as either hillside or valley Pashtuns. This hillside Pashtuns, in the rugged eastern mountains that span the Durand Line, have never been subjugated to government rule. Their distance from the center and remoteness result in a near allergic reaction to the slightest hint of co-optation by state rule. Their strong notion of self-governance contrasts significantly with the experience of the valley Pashtuns, who reside in the irrigated, fertile land. The enhanced value of the fertile land provides greater incentives for governments to try to govern and co-opt them. As a result, there is a history of more significant interaction with central government authorities among the valley Pashtuns. Many of the purely egalitarian virtues of tribal life have also experienced significant shifts as many tribes became tenant farmers subject to the will of landlords in these areas. As a result, egalitarian norms preventing dynamic leadership and political coalition building can be stronger among the hillside Pashtuns.

Although the Taliban cannot be described as belonging to one element of Pashtun tribal society, the first Taliban insurgency in the 1990s was heavily associated with Ghilzai Pashtuns. Barfield notes that although the Karzai government was dominated by Durrani, it was unable to maintain their loyalty to the state because it could not deliver the voluminous subsidies and other forms of political patronage it bestowed in previous generations. All the government could do was protect the southern poppy fields from government or externally funded eradication programs (2010, 323).

Although Pashtun tribes do not aggregate meaningfully at the national level, glancing at the Afghan cabinet since 2001 depicts a tribal imbalance. Ghilzai groups have largely been left out of meaningful cabinet positions in the country. The most powerful non-Taliban Ghilzai to emerge in post-2001 Afghanistan is Ashraf Ghani (an Ahmadzai Ghilzai). Although due to his many years overseas, mostly in the United States, some Pashtuns view Ghani as detribalized. The inability of Ghilzais to maintain a strong presence in the central government has left them out of the patronage network—one of the few sources that glue the government to its people. It is also important to note that many important Durrani factions have not supported their fellow Durrani President Karzai. Most notably Panjpai Durrani (including the Noorzais and Alizais) have largely not supported the President.

Despite the hostility between Durrani and Ghilzai groups, the current insurgency in Afghanistan does not neatly follow tribal lines. Some analysts point to the tribal nature of the insurgency and the Taliban movement along Ghilzai/Durrani lines, thus ascribing the rise of the Taliban to Ghilzai grievances for having been left out of positions of authority in Kabul for so many years: first under the monarchy and then during the nominal rule of the Rabbani government in the 1990s. After all, the leader of the Taliban movement, Mullah Omar himself is a Ghilzai (Hottak). While such a division may have been true of the original Taliban movement in the 1990s, such a clear tribal division is less true of the post-2001 Taliban movement. A close examination of the Taliban leadership reveals Ghilzais as well as Durannis, with significant participation by Karlanis (particularly the Zadran). It is unclear whether the increased diversity among Taliban ranks was a concerted effort on the part of Taliban leadership to reach out to a broader cross-section of Afghan society or was merely a result of disaffection with the Karzai government.

Further compounding the structural difficulties to achieving large scale cooperation among tribes is the devastation to these groups due to decades of warfare. In the years since the fall of the monarchy, tribal society has become significantly fractured. This is largely due to the patterns of migration in and out of the country as well as the fact that tribal leaders (usually tribal elders) were the primary target of Soviet and subsequent Taliban assaults on rural Afghanistan. Some have argued that tribal society has largely been overrun by networks of warlords and commanders who have deployed their own rules over community life, in a sense de-tribalizing much of rural life.

Giustozzi (2007) describes the effects of civil war and insurgency on local life in tribal parts of Afghanistan. He describes that after the collapse of the central government in Kabul in the 1980s, Afghans increasingly turned to traditional forms of leadership to provide badly needed public goods and services. But these tribal and other traditional leaders were some of the first casualties of war. In the place of tribal leaders emerged a group of “tribal entrepreneurs” who

claimed strong positions among the different communities. These included Gul Agha Shirzai as nominal leader of the Barakzai in Kandahar (and subsequently Nangarhar), Abdul Kadir of the Arsalai in Eastern Afghanistan, Sher Mohammed Akundzada in Helmand, and Jan Mohamamed leading the Popalzai in Uruzgan (Karzai is also Popalzai). The strength of many of these tribal entrepreneurs was solidified with backing from the international coalitions (Rashid 2008).

Although there are elements of tribalism among the contemporary Taliban, they are not exclusively a tribal group. In some instances they may rely on tribal authority, but this is not the norm. Another more plausible hypothesis that explains the rise of the insurgency has to do with the weakened tribal authority at the local level and more entrenched religious authorities. Although it is often dangerous to generalize about Afghanistan, religious leaders have often been subservient to tribal or other forms of customary leadership in the countryside. As the Taliban entrenched themselves in parts of the country, they were able to effectively usurp the authority of customary leaders for religious leaders they appointed. Unlike the royal family, who ruled indirectly through customary leaders, the Taliban administered the countryside through networks of religious leaders. Unlike tribal elders, religious leaders are more easily mobilized than the tribal leaders because they can be organized into vertical networks. The egalitarian nature of the tribal system largely precludes tribes as serving as a mechanism of social or political mobilization, thus politicians have been less able to activate networks along tribal lines.

Religious leaders, unlike their tribal counterparts, are far more able to mobilize as a cohesive network. There are several reasons for this. First, religious teaching in Afghanistan has been largely independent of geographical place or lineage. As a result, Islamic religious philosophies and ideologies can transmit from person to person through groups without reference to descent group. The long history of traveling Sufi teachers throughout Central Asia is evidence of the fluid nature of religion in the region. Second, and more specific to the rise of the Taliban is that many religious leaders gained their training in refugee camps or in madrasahs in Pakistan that were free of the tribal contexts in Afghanistan. As a result, religious leaders have served as a far more effective means to mobilize individuals across villages and regions. This mobilization, however, remains far from complete.

The segmentary nature of the tribe combined with the ravages of war weakened tribal structures—that is, if they ever existed in a meaningful way. It is difficult to say with precision the degree to which tribes matter at a national level. They do matter, but are not easily mobilized.

The complexities of tribal life in Afghanistan are manifest in the following story: In late 2007, President Karzai travelled to Kandahar to a tribal meeting to anoint the successor of Mullah Naqib. Mullah Naqib had a long history of cooperation with the Karzai government. Sarah

Chayes (2007) details how he brokered the peace deal between nascent Karzai government forces (although these belonged to Gul Agha Shirzoi) and the Taliban. His deal allowed safe passage of thousands of Taliban forces to surrender to the government in 2001. Naqib was one of Afghanistan's most respected mujahidin, fighting alongside the largely non-Pashtun Northern Alliance, but also governing alongside the Taliban in the 1990s. Not only was Naqib a prominent mujahidin, he was also a respected tribal leader of the Alikozai tribe who reside in strategic areas around Kandahar city and control much of the roadway to and from the city. After his funeral in 2007, President Karzai travelled to Kandahar and placed a silver turban on the head of Naqib's son, thus anointing him as the nominal head of the Alikozai tribe. It is extremely unusual for a government official to anoint the head of a tribe. Subsequently, Alikozai elders travelled to Kabul to meet with President Karzai to persuade him to rescind his public declaration of Naqib's son as their tribal leader, believing that the President had violated tribal norms and ethics by having the government appoint a head of another tribe (Smith 2007). Mullah Naqib gained political prominence in Afghanistan not as a leader of an Afghan tribe, but due to his affiliation with a complex web of political and religious organizations. His tribe mattered. His place in the tribe also served as an important pivot to catapult him into political prominence. Tribal affiliation, in and of itself, was an insufficient condition to grant authority but without it his legitimacy may have come under scrutiny.

Tribal affiliations do matter at the national level in Afghanistan; it is just difficult to say with any precision how they matter.

Works Cited

Ahmed, Akbar S. 1980. *Pukhtun Economy and Society*. Routledge & Kegan Paul.

Barfield, Thomas. 2010. *Afghanistan: A Cultural and Political History*. Princeton, NJ: Princeton University Press.

Canfield, Robert. 1973. *Faction and conversion in a plural society : religious alignments in the Hindu Kush*. Ann Arbor: University of Michigan Press.

Chayes, Sarah. 2007. *The Punishment of Virtue: Inside Afghanistan after the Taliban*. New York: Penguin.

Elphinstone, Mountstuart. 1815. *An Account of the Kingdom of Caubul, and Its Dependencies in Persia, Tartary, and India; Comprising a View of the Afghaun Nation and a History of the Dooraunee Monarchy*. London: Richard Bentley.

Giustozzi, Antonio. 2007. *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan*. New York: Columbia University Press.

- Glatzer, Bernt. 2002. "The Pashtun Tribal System." In *Concept of Tribal Society*, Contemporary Society: Tribal Society, New Dehli: Concept Publishers, p. 265-282.
- Meinshausen, Paul, and Schaun Wheeler. "Tribes and Afghanistan: Choosing More Appropriate Tools to Understand the Population."
- Olson, Mancur. 1971. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.
- Ostrom, Elinor. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. New York: Cambridge University Press.
- Ostrom, Elinor. 2005. *Understanding Institutional Diversity*. Princeton, NJ: Princeton University Press.
- Rashid, Ahmed. 2008. *Descent into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*. New York: Viking Adult.
- Smith, Graeme. 2007. "Karzai under fire for his crowning gesture." *Globe and Mail*.

The Role of Tribes in Governance – Somalia

Note: regional here defined as Puntland, Somaliland, and Galmudug polities

		Spheres of Governance			
		Rural	Urban	Regional	National
Functions of Governance	Defense and foreign affairs	--	--	ST	SI
	Security	TI	TI CB	TS	--
	Law and order/ conflict resolution	TRI	TRI CN	TSN	F
	Property and contract rights	T	TBCS	TBCS	--
	Promoting and regulating private activity	T	TBCS	TBCS	S
	Managing environmental resources	TC	TCS	TCS	C
	Education	BCRFN	BCRSFN	SCF	SCF
	Health	BCRFN	BCRFN	FSC	FS
	Roads and Infrastructure	--	SBFC	FSC	--
	Water and sanitation	TFCBN	FCBSN	TFS	--
	Social safety net	TRF	TRCF	TF	F
	Revenue generation	TB	B	B	B
	Asset redistribution	TR	TBR	--	--
	Money supply, interest rates, exchange rates	B	B	S	BS

Key:

S=State

T=Tribe

B=Businesses

C=Citizens' groups

R=Religious groups/leaders

N=NGOs

I=Insurgents

F=Foreign actors (military/donors)

Bold font indicates actors that are most prominent.

Red letters are ones that Mary Hope had that Ken did not, while the **blue** letters are ones that Ken had that Mary Hope did not.

Somalia: Tribes at the Rural Level
Mary Hope Schwoebel
United States Institute of Peace

Somali society is organized according to a segmentary lineage system. Lineage is patrilineally determined, and constitutes the most fundamental building block of an individual's identity in society. However, often overlooked by non-Somalis, is the importance of matrilineal and affinal ties (through marriage), which plays almost as great a role in the political and economic lives of Somalis as patrilineal ties. And, more importantly, and also misunderstood by non-Somalis, is that while clan is always central to individuals' identity, that clan identity is based on context, and is thus fluid.

Most scholars identify six major Somali clan families believed to have sprung from a legendary Arabian ancestor: Darod, Hawiye, Isaq, Dir, Rahanweyn and Digil. The first four are primarily camel, sheep, and goat herding pastoralists. They have traditionally occupied the semi-arid far-southern, central, and northern regions of the country, Djibouti, and parts of western Ethiopia and northern Kenya. The latter two are primarily agropastoralists, who practice the rain-fed cultivation of sorghum, maize, and cowpeas, and who herd camels, sheep, and goats, in addition to cattle. Traditionally, these two clan families have inhabited the fertile, interriverine regions between the Juba and Shebelle Rivers, from western Ethiopia to the southern Somali coast. These differences are important because they also involve political cultures and governance models.

Clan families are segmented into clans, which are further segmented into sub-clans, which are further segmented into lineages. Among the pastoralist clan families, clan-families are comprised of a depth of approximately 20 generations; clans are comprised of a depth of between 15 and 20 generations; sub-clans are comprised of a depth of between 6 and 10 generations; and lineages are comprised of a depth of between 4 and 8 generations (Lewis, 1994, p. 20) Thus, for example, General Aideed was of the Hawiye clan-family, the Habergidir clan, the Sa'ad sub-clan and the Reer Jalaf lineage. It is important to note however, that Somalis do not themselves have precise terms for these different structural levels. Rather the structural level referred to by the use of the word clan (qabiil, which is the Arabic word for tribe) is determined by the context. And among the agropastoralist Rahanweyn and Digil clan families, where federation and adoption are commonplace, genealogies have much more complex structures.

Within the country of Somalia, political and economic power and resources have since independence, alternated between two clan families – the Darod and the Hawiye. The Darod clan family consists of a number of clans, the main ones being the Mijerteen, Marehan, Ogaden, Dolbahante, and Warsengeli. The Mijerteen clan controlled the parliamentary democracy from independence in 1960 until the coup of 1969. From the coup of 1969 until the collapse of the state in 1991, the military government was controlled by the Marehan clan. Power in post-civil war Mogadishu, however, rested mainly in the hands of another dominant clan family, the Hawiye, which also consists of a number of clans, including the Abgal, Habergidir, Hawadle, and Murusade. While al Shabab began as a Hawiye, particularly

Habergider, movement, it has since become dominated by other clans, and the Habergider have turned against it, refashioning themselves into anti-Wahabist “Sufis”.

There are other categories in traditional Somali culture that sometimes overlap and sometimes crosscut clan. One of these is the distinction between herders and cultivators, which expatriates often portray as two discrete categories, when in fact there exists a continuum of practices, and distinctions between social groups that have important social ramifications. For example, while the pastoralist and agropastoralist clans will intermarry, neither group intermarries with the sedentary agriculture practicing Bantu groups, who are former slaves from elsewhere in East and Central Africa. However there are Somali clans, such as the Abgal and Gudabirsi, who practice sedentary agriculture, and who enjoy equal status with other Somali clan families.

Living among Somalis are several ethnic minority populations, which are generally assumed to comprise less than five percent of the total population. These include various groups living in the coastal cities that are presumed to be descendants of Arab, Yemeni, Omani, Persian, Indian, Pakistani, and Portuguese traders. There are also several low-status groups whose origins are not known, many of whom are associated with specific occupations, such as leatherworking or blacksmithing. Some of these, such as the Midgan, the Tumul, and the Yibir, in northern Somalia, may be the remnants of hunter-gatherer populations who inhabited the region before the Somalis arrived. In the interriverine area, there are groups who live among the Rahanweyn and Digil clans, who may be the remnants of pre-Somali populations, including tribes still found in Ethiopia and Kenya.

Somalis use the terms bilis and boon - which scholars have somewhat imprecisely translated as nobles and commoners – to distinguish between the members of these low-status groups along with the Bantu groups and members of the Somali clan families. When speaking English, Somalis often utilize the term low-caste to describe the low-status groups with whom they do not intermarry. There are also groups who are the descendants of individuals who became low-caste due to transgressions committed by one of their ancestors. And certain occupations, that are considered low-caste in northern Somalia, and are held only by members of low-caste groups, are not considered so in southern Somalia. Another of these traditional distinctions is between reer magaalo (urban) versus reer badiyo (rural) - reer magaalo connotes peaceful, civilized, religious, etc. while reer badiyo connotes warlike, uncouth, uneducated (in terms of Islamic law and religion) etc.

Until relatively recently, most of the English-language social science literature on Somalia has focused on the nomadic pastoralist culture of northern Somalia. One reason is that it was northern Somalia that was colonized by the British and thus studied and written about by British anthropologists. Another, not unrelated, reason is that until the past two decades, most of the Somali scholars who have studied and written in English about Somalia have been northern Somalis. (what Elphinstone was to the Pashtun's, I.M. was to the Somalis).

Thus, both colonialist and nationalist scholars and national government policies colluded to create what Simons refers to as the pastoralist ideology. (Simons, 1995) There is no doubt that this ideology exists in

the minds of Somalis today, but because it is a spurious, constructed, and culturally hegemonic ideology, it is important to avoid reinforcing it by assuming that the pure and true Somali culture is that of the northern nomadic pastoralist and that everything is a variation of it. The fact is, colonialism, nationalism, civil war, and Islamist extremism aside, the variations of Somali culture (pastoralist, agropastoralist, agricultural, and urban) exist on a continuum, exist side by side, are mutually interdependent, and have been heavily influenced by each other.

Northern Somalis were traditionally almost exclusively pastoralists. Of the six main Somali clan families, three are predominant in the northern part of the country - the Isaq (comprised of the Garxajis (which includes the Haber Yoonis subclan), Cisa Musa, Saad Musa, and Haber Jaalo), the Daarood (mainly, of the Dulbahante and Warsangeli clans) and the Gudabirsi, a clan of the Dir clan family. Traditionally, exogamous marriage constituted the ideal in northern Somalia, so that marriage partners were sought outside of the sub-clan, although not outside the clan.

The basic political and judicial unit of traditional northern, pastoralist society was the diya-paying group, which is constituted by a lineage or coalition of lineages (comprised of a depth of between 4 and 8 generations within the sub-clan), which Lewis defines as "a corporate agnatic group whose members are united in joint responsibility towards outsiders." (Lewis, 1994, p. 20) The diya-paying group is collectively responsible for the payment of compensation in the event of the death or injury of a member of another group at the hands of one of the diya-paying groups' members. It is also collectively entitled to the receipt of compensation in the event of the death or injury of one of its members at the hands of a member of another group. Although based on lineage, the diya-paying group was nevertheless somewhat fluid, especially when it involved coalitions of lineages.

The primacy of the diya-paying group is mitigated somewhat by the practice of xeer which was sometimes complementary to and sometimes contrary to genealogical relationships. Xeer is commonly translated by scholars as an enforceable, formal contract that can be of either a political or an economic nature, and of either a long-term or a short-term duration. Yet, Somalis often use the term to describe different situations that form a continuum from a formal agreement to a customary law. Both the breaching of a formal agreement and the violation of a customary law are subject to sanctions.

The British colonial administration formalized both diya-paying group and xeer. However, both the British colonial administration and Siyad Barre's socialist government identified (and provided salaries to) the heads of diya-paying groups. In neither case however, was formal authority vested in these positions, rather they served as liaisons between their communities and the colonial administration, and later between their communities and the national government.

In southern Somalia, racial and ethnic diversity and variety of settlement patterns resulted in a decentralized, but hierarchical, authority system and the formation of fairly stable political and judicial groups. Social organizations center on the maintenance of territorial solidarity in relation to land and water rights. Individual identity was based both on lineage and territory (land and village) and these two do not necessarily, or even generally, correspond to each other. In the context of the broader Somali

population, identity among the interriverine peoples was also, and continues to be, based on the possession of the Af May-may dialect. Traditionally, endogamous marriage constituted the ideal in southern Somalia, so that marriage partners were sought among patrilineal and matrilineal cousins.

Village policies are made by a council of aqiyaar (wisemen) or odiyaal (elders) comprised of the heads of each of the lineages residing in the village. And although villages are not organized hierarchically, lineages are, so that a permanent, hierarchical administrative organization existed coinciding with the hierarchical organization of the lineage segments. Each segment has a gob (headman), whose importance accorded with the lineage level that he represented. (personal interview)

The village council continues to be viewed by the village residents as the most important source of political and judicial authority. The government of Siyad Barre provided salaries to the heads of lineages, but vested formal authority in village administrations since there was not always overlap between the interests of lineage elders and those of the state. In reality however, there was frequently considerable overlap between the members of the council of elders and the village administration.

Traditionally, the function of diya-paying groups among the Rahanweyn and Digil clans related not only to the payment and receipt of compensation for deaths and injuries, but also to land and water use. In the context of this variety of settlement and subsistence patterns and ethnic and racial diversity, xeer played a much greater role in southern Somalia than in northern Somalia, governing land and water use with elaborate systems of sanctions.

For example, throughout the interriverine area the xeer relating to the management of the waro (singular war) (man-made watering holes) is uniform. Each war is managed by a hierarchical structure beginning with the saqaaley, the group who guards the war, at the bottom; the gob at the middle level; and the awl at the top. In addition, all adult males whose families and livestock use the war must contribute to the cost of upkeep of the war and the fence surrounding it, and of guarding it during the rainy season (when water is readily available elsewhere and thus people are prohibited from using the war). (personal interview)

There are a number of potential sources of conflict related to the waro, and there are xeer to address all of them. Thus, for example, if cattle belonging to a member of a war-using group break the fence surrounding the war, one of the saqaaley guarding it will rub mud on the sides of an animal in the herd responsible for the damage. That way, when the animals return home at night, their owner will know what has occurred. The saqaaley then goes to home of the owner and the owner must serve the saqaaley bun (coffee) and caambuulo (cowpeas and sorghum or maize) and sor (porridge). If the owner refuses to do so, the gob will come next and the owner must kill a goat for him. If the owner refuses to serve the gob, the awl will come next and the owner must kill a three-year old bull. And if the owner refuses to serve the awl, then he may no longer use that war.

If cattle belonging to a member of one war-using group breaks the fence surrounding the war of another group, the saqaaley of that war will talk to the saqaaley of the war of the owner of the cattle,

and the owner will make reparations to the saqaaley of his own war. However, if he refuses to do so, he will not be able to use any of the war in that area. And if he wishes to rejoin the group, he must pay three-times what he owes. If a member of a war-using group refuses to fulfill his responsibilities for the upkeep of the war and surrounding fence or for guarding the war during the rainy season, then he must pay a fixed penalty; if he refuses again he must pay double what he owes; and if he repeatedly refuses to fulfill his responsibilities, he will eventually lose his right to use the war. Both the colonial administration and the Somali government enforced the xeer related to use of the waro by jailing people.

That Somali political culture had undergone tremendous changes due to colonialism, nationalism, urbanization, two decades of civil war, Islamic extremism, and the war on terror is obvious. As of 2010, an entire generation has reached adulthood in a context of ongoing instability and conflict. The breadth and depth of the culture change that has resulted has yet to be understood.

There are a number of terms associated with traditional Somali governance and justice that should be defined. The titles used for traditional leaders were different in different parts of Somalia or the same titles were used to designate different levels of the hierarchy. Thus, a term may mean one thing in one part of Somalia and another thing in another part. The terms most commonly employed are Boqor (an Arabic word meaning king), Suldaan, Ugaas, Garaad, Beldajiye, Wabar, Gob, Awl, Akil, Islan, Islow, and Malaq; however there are other less common titles used by particular communities. Finally, these titles have been complicated by the practices of the colonialists, who assigned titles that they may have borrowed from other regions, to their “native” functionaries in different regions. Therefore, these titles sometimes bore no relation to the local titular hierarchy. The roles of traditional leaders were those of negotiators and mediators. They were not military leaders. An individual would be assigned for a specific military expedition. Women took no part in public life.

The word diya, which has been described elsewhere, refers to the blood compensation or fine imposed to settle a dispute. The word xeer refers to an agreement or contract between clans or sub-clans in relation to general matters or to a specific matter, such as resource sharing or settling a dispute. A guurti is a council of elders that makes decisions and settles disputes for a community that is comprised of lineage heads. Since a guurti can be called at any level, it may be comprised of lineage heads of any depth. A shir is a meeting of the guurti for the purpose of making decisions for the community or of the guurti of one or more clans or sub-clans for the purpose of a settling dispute within or between communities.

In the pre-colonial period, relations between individuals and groups were regulated by a synthesis of customary laws and Islamic law or sharia. Colonial administrations imposed their own judicial and legal systems over Somali customary laws and sharia. The British imposed the British common legal system in Somaliland, and the Italians imposed the Italian civil legal system in Somalia. The British colonial administration limited the jurisdiction of sharia courts to family and inheritance cases. The Italian colonial administration extended the jurisdiction of sharia courts to minor criminal and civil cases. (Metz, 1992, p. 217)

Upon unification of the north and the south in 1961, integration of the British common and Italian civil law systems and incorporation of sharia and customary laws were one of the challenges facing the newly independent country. The complex task of integrating the common and civil law systems took two years to complete. A hybrid common and civil law system was developed, leaving sharia and customary laws to cover civil cases and certain types of disputes. Institutionally there was a dual court system comprised of the government courts and the sharia courts. Initially, sharia courts became the courts of first instance in all civil cases. However, Barre's socialist government extended laws into areas previously under the jurisdiction of sharia and customary systems. This resulted in considerable conflict between Barre and the Qadis. (Metz, 1992, p. 217)

Clan affiliations were the basis for survival, security, and identity in traditional Somali society and continue to be so today for most Somalis. Clan also continues to provide the moral framework that shapes Somalis' attitudes and behaviors. It is a moral responsibility to assist one's clan members, whether politically, economically, or logistically. Therefore, what westerners would consider immoral practices in the context of governance – corruption, nepotism, and even the deployment of violence – are moral practices in the Somali context. In this setting, then, the appropriation of resources and discourses (Wahabist Islamist discourses for example) for the promotion of clan interests and the well-being of clan members is both logical and ethical.

There are growing numbers of people who envision a different moral order. There are former and/or aspiring politicians and bureaucrats who view themselves as "modern" and promote various models of election-based democracy and merit-based bureaucracy. Many of these individuals would like to see the eventual dissolution of traditional governance systems and the roles of traditional leaders. Most, whether or not that is their goal, recognize that for the time being, traditional leaders must be reckoned with, especially if they are to gain and/or maintain power themselves. Another group of people who envision a different moral order are the Shabab and other Islamists. These groups assert that the moral claims of clan members are un-Islamic, that the only relevant identity is being Muslim. Yet, these groups too are dependent upon their clan members, for protection and for expanding their membership base. They are therefore also subject to the moral claims of their clan members, although at times these may contradict "correct" Islamist principles.

This was recently seen in the demotion within the ranks of al-Shabab of Al Mansur, the Rahanweyn al-Shabab leader, who was accused to accepting western food aid for the needy Bay and Bakool regions, although al Shabab has a policy of not accepting western food aid. Al Mansur claimed that the people needed the food, he was accused of clannism, and therefore demoted. (need to verify the facts of this story).

Al Shabab has done something that previous Islamist and other armed groups have not done. It has recruited from and appealed to individuals from a wide variety of clans and specifically from low-status and low-caste clans. This has afforded these individuals a source of pride and dignity that has not been afforded them elsewhere. How this has played out at the national and local levels is extremely complex.

At the macro level, al Shabab's policy is to deploy fighters who are from outside a given theatre of war, since they therefore have no clan loyalties that would lead to conflicts of interest. At the micro-level, al Shabab is reported to leave local clan members in charge of security and religious policing, thereby providing its members with roles and responsibilities in their own communities. (personal interview)

Informal and Tribal Authorities in Somalia at the Urban, Regional, and National-level

Ken Menkhaus

1. Introduction

This paper looks at the interplay of tribal (hereafter clan) authorities in Somalia in three political settings: urban, regional and national. Clan authority in rural settings in Somalia is covered in a separate paper. As with most categorical schemes, there are fuzzy zones in our typology – where, for instance, do rural settings end and urban settings begin? For the purpose of this paper, the following definitions obtain:

- An **urban** setting is any town or city which possesses self-declared, locally selected, or appointed political authorities such as mayors who possess a formal level of authority that can rival that of the clan elders. Put another way, an urban area necessarily involves some degree of contested, shared, or overlapping authority between clan elders and formal political authorities. In Somalia, this is not always simply a matter of the size of a town – some remote towns of several thousand people are run entirely by clan elders, while other towns of that size, thanks to strategic location or past role as a district capital, feature mayors or district councils of some sort. Urban areas are often also home to other sources of authority such as businesspeople, local civic groups, and notable clerics. These municipal authorities vary in quality, but at their best have constituted some of the most effective forms of governance in Somalia since the collapse of the state. Finally, to be considered an urban area in Somalia, a town must be inhabited by and viewed as home by more than one clan. The quintessential feature of a Somali urban area is two or more clans sharing space and working out – with varying degrees of success – cooperation on basic functional issues like schools, roads, and markets. Towns that are mono-clan are essentially extensions of rural pastoral areas and governed as such.
- **Regional** polities are multi-district polities typically governed – at least on paper – by a governor or regional president. To date, Somalia has produced only a few functional regional authorities, most notably Puntland in the northeast. Benadir region (Greater Mogadishu) has intermittently formed a modest administration, as has Galmudug, Bay and Bakool regions, Hiran, and Jubbaland. With the notable exception of Puntland, regional authorities have tended to be contested and have rarely provided much by way of actual administration. This is of real consequence since Somalia has committed itself to a federal system. Because most of these regional authorities reflect in varying degrees a sort of ethno-federal model, clan elders are drawn into regional political affairs in a variety of ways.
- Somalia currently possesses two quasi-**national** polities, the self-declared secessionist state of Somaliland and the Transitional Federal Government (TFG). Because Somaliland has structured itself as a national government, it will be treated as such in this study.

An important caveat – this paper is seeking to generalize about a very diverse array of relationships and roles played by clan authorities. This necessarily produces a level of over-generalization that will not hold true in every setting.

Our notion of a “gap in governance” can be read two ways – governance needs that go unmet, or governance needs that are unmet by government but that are filled by other actors. It is possible to have both – under certain conditions societies face a “governance failure” (a public policy decision not to provide a need); a “market failure” (the private sector does not meet the need because there is little to no profit in it); and a “civic” failure (third sector actors, ranging from non-profits to religious, professional, and tribal leaders and organizations, do not meet the need either because of lack of will or ability or awareness). In this paper both interpretations of the term are drawn on to illustrate different conditions of government failure. Doing so requires us to appreciate what governance needs local populations actually have, and what their expectations of government are. Societies with low expectations and minimal needs will therefore have a smaller gap in governance even if their government is performing poorly.

Finally, a point on what we mean by “clan authorities” in Somali society. “Elders” are the lead authorities in Somali clans. In some locations, a top elder – known as an Ugaas, Malik, Sultan, Garad, or Imam depending on clan or location – holds titular (sometimes inherited) authority, but may or may not have actual influence. Generally, the power of elders is in group meetings, or *shir*, where they forge collective decisions *in active consultation with their constituencies*. The latter is what gives their decisions legitimacy and makes them binding on the clan. The designation of elder is earned by any adult male who has demonstrated good judgment and leadership (though some can be corrupt and venal!), and one’s status as an elder can wax or wane as circumstances and reputation dictates. In addition, clan authority encompasses influential members of the lineage in other realms, including top businesspeople, professionals, civic leaders, clerics, and militia leaders. This paper privileges the role of clan elders as “tribal authorities” but recognizes that their decision-making and power are nested in a wider array of authority and voice within the clan, and are rooted in consultation and consensus-building within the wider lineage.

2. Urban governance

2.1 Gaps in governance. Somalia’s urban settings reflect enormous disparity in degree and quality of governance. At their best, cities and towns possess legitimate, responsive, functional town councils and mayors capable of running piped water systems, overseeing trash collection, allocating public market space, handling land deeds, and

operating a formal police force. At their worst, urban spaces in Somalia constitute ground-zero for the violent and lawless competition by clans and militias battling over prime real estate. Kismayo and portions of Mogadishu have been unfortunate examples of the latter.

The paradox of Somali municipalities is that they are generally the most responsive, effective, and legitimate form of formal governance in the country, but they possess the weakest security forces and have little to no legal standing in the country's national and regional-level politics. Mayors and town councils tend to govern by consensus and, unless the "mayor" is also a militia leader (this does occur), have limited capacity to manage the many spoilers which surround them – criminal gangs, warlord militias, jihadists, and disgruntled or hostile clans. Unless they control a valuable seaport or customs post, most municipalities also have very limited capacity to raise taxes (mainly road-toll or "municipio" and market taxes), and so operate on very small budgets. This makes it difficult for them to fund work on major public goods such as bridge and road repair.

Because of high levels of displacement and mobility in Somalia, urban areas in most of the country face a tension over identity and rights that neither traditional nor formal authorities has been able to effectively manage. This is expressed in Somali as a debate over three principles – *U Dhasheey* (blood rights), *Ku Dhasheey* (birth rights), and *Ku Dhameey* (citizenship rights). In rural areas, this is no debate – households control access to pasture and water by dint of their clan identity (*U Dhasheey*). But in urban settings, claims to the right to live, own property, conduct business, secure portions of jobs and services, and hold political power are contentious and debated, especially in urban settings where one or two clans have historically been the sole residents but where migration, displacement, and conquest by newcomers (*galti*, literally "guests") have changed the composition and power relations in the city.

Related to this is a governance gap in Somali urban areas over land title and ownership. This is usually not a major problem in the center of larger towns and cities, where property is freely bought and sold, with elders serving as a de facto notary public and the larger municipalities sometimes capable of providing formal titles and verification of boundaries with GPS surveying. Elders also attempt to mediate the many land disputes arising over high-value urban plots (not always successfully – real estate is a leading cause of homicide in the otherwise peaceful city of Hargeisa, Somaliland). The problem is more acute in Somalia's peri-urban settings, where expanding towns (organized around privately owned plots) meet communally-owned pastoral commons. Fast-growing cities have seen rampant land speculation and land-grabbing in peri-urban

areas, and neither formal nor customary authorities have the tools to cope with ensuing disputes.

A final governance gap of importance in urban settings is diplomatic relations with other towns. Each town in Somalia tends to constitute its own city-state. A variety of opportunities for intra-city cooperation exist, but to date nothing approaching a “league of city-states” has formed. Instead, towns often form the base for rival authorities. Clan elders play a growing role in managing relations between clans in nearby towns, expanding an already existing diplomatic role they play.

2.2 Actor relations. Again, relations vary enormously depending on the quality and type of local government and clan leadership. Municipal authorities and clan elders typically work closely together to fill gaps in governance. Clan elders are turned to in order to mobilize clansmen to collect resources - money, manpower, etc. Elders are unquestionably critical as part of consensus-building processes. Municipal authorities turn to clan elders as the main if not only source of judicial functions in the town, as most disputes and crimes are resolved through customary law. Local police often answer first to clan elders. Perhaps most importantly, elders are often used to try to negotiate with, manage, and contain potential spoilers. This is even the case with the jihadist group al-shabaab, which currently controls most urban centers in south-central Somalia. Shabaab has weak capacity to govern and sub-contracts out this function to local authorities, but can and does interfere when it believes policies are “un-Islamic.” Clan elders, civic leaders, and local municipal authorities run real risks when they attempt to push back on shabaab edicts, and some have been assassinated. But they can and do work to create “negotiated space” in hostile environments with al-shabaab or other armed groups.

Civic and professional groups and elders also tend to work most closely together at the municipal level, mainly because it is in urban spaces that most social service and civic organization takes place. This relationship varies from place to place, but over time these two actors have learned how best to complement one another in a division of labor. Elders face new and often perplexing issues related to new social formations, technologies, conflict patterns, and external actors that civic and professional actors can help to explain and mediate. Clan elders are often critical players in negotiating (for better or worse) allocation of resources (jobs, services, and contracts) that local non-governmental organizations channel into the community. They also play an important role in developing new customary law (*xeer*) to help govern relations between established and newcomer clans.

2.3 Implications of current arrangements. Urban space is the most valuable territory in Somalia, and as such tends to produce the highest levels of cooperation as well as the greatest levels of conflict. This puts considerable pressure on all forms of authority, both formal and informal, to keep the peace, contain spoilers, and maintain and develop “regimes” of routinized cooperation. All this is done in a context of political structures with weak legal mandates in the Somali national charter and very limited powers of coercion. What is accomplished by tribal and municipal authorities is usually less a matter of administration and more a case of constant negotiation.

The current arrangement of “negotiated space” with al-shabaab, armed groups, or wider regional or national authorities has enormous implications. To the extent that clan authorities, in partnership with others, are willing to assume the risks and able to exert leverage with these outside forces, their capacity to negotiate and preserve space for local governance at the municipal level is a critical window of opportunity both for local communities and for external aid agencies.

Likewise, the existence of relatively responsive, legitimate, and autonomous “city-states” in much of Somalia points to the possibility of an alternative model of state revival. Most state-building in Somalia has sought, with little success, to impose a top-down model of the central state on the country – either assuming no local governance exists or presuming that whatever is in place can and should be replaced by a government appointed authority. But resilience and legitimacy of municipalities suggests that a “mediated state” model may in fact be more feasible for Somalia, at least as an interim measure. In this model, a weak central government forges negotiated alliances with existing authorities (mainly municipalities) in the rest of the country where it is unable to project its authority.

Finally, the role of clan elders in helping to negotiate allocation of goods, services, and jobs in the city raises a difficult dilemma. This impulse to allocate along clan lines is meant both to ensure fairness (each clan gets its “fair share” of whatever service is introduced) and also to prevent conflict over those resources. This is a laudable goal, but one which stands in tension with the principle of merit as the basis for the awarding of jobs and the ethical imperative of need-based allocation of basic services for the poor.

2.4 Trends. Until 2006, the increasingly successful partnership of clan elders, civic leaders, municipal officials, clergy, businesspeople and others in governing Somalia’s urban areas was a trend that many thought could form the basis for an organic, bottom-up revival of national government. The debate at that time was whether these autonomous “city-states” had any incentive to be used as building blocks for a larger national governments or if they simply represented temporary, local coping mechanisms. That debate has

been at least temporarily suspended by the dramatic changes since 2006 – the plunging of much of south-central Somalia into renewed war, and the rise of the jihadist group al-shabaab. These changes have shattered some local governance systems and forced others into the much more constrained roles depicted as they negotiate for space to administer their communities in a much more hostile environment.

The failure of the TFG has sparked renewed interest in local systems of governance on the part of external donors, a trend that is likely to increase attention on the partnerships of clan elders and other local authorities in Somalia's urban areas.

While the long-term future of al-shabaab, the TFG, and other political movements in the country is difficult to predict, one certainty is that the most enduring and effective form of self-governance in Somalia has been at the municipal or neighborhood level in Somali urban areas. This is a trend that is not likely to change. The growing number of assassinations of civic, municipal, and clan authorities by al-shabaab and other armed groups will produce more caution and risk-aversion on the part of these urban-based leaders, but will not shut them down altogether.

3. Regional governance

The most important and functional case of regional governance in Somalia is Puntland, and as a result most of the observations made here draw on that case.

3.1 Gaps in governance. Self-declared regional administrations in Somalia, from Puntland in the north to Jubbaland in the south, have consistently aspired to assume expansive government roles that they are never in a position to execute. As a result, gaps in governance in these polities tend to be very wide. Puntland's ambitions are betrayed by the fact that its leader is titled "President" (other regional leaders have opted for "Governor"), and the structure of its administration partially mirrors that of a sovereign state, with ministries of the interior, defense, and finance. In reality, these regional administrations focus most of their energy on a few core activities: (1) customs revenues from ports and airports under their control; (2) relations with international donors and aid agencies, with the aim of maximizing control over resource allocation; (3) maintenance of security forces, to protect against outside threats, neutralize or defeat internal threats, and provide basic police functions to the public. Only Puntland has expanded its activities to include modest levels of wider government services such as a national highway authority.

This leaves many gaps in governance, most of which are partially filled by the private sector, local and international aid agencies, and traditional authorities. One of the most persistent gaps is the judiciary and policing functions of the state. Regional

administrations invariably lay claim to this role, but rarely become even modestly successful. The result is a dual legal system at the regional level in which state judiciaries are paramount on paper but not in practice, and customary law is paramount in practice but not on paper.

A second governance gap is accountability. Regional authorities collect revenues in a variety of ways but rarely if ever possess adequate internal mechanisms for transparent oversight of budget expenditures. More often than not, customs and other revenue are handled as a matter of private gain by governors or presidents who then put the funds to use in patronage politics.

A final gap is a clear and compelling sense of purpose of the administration. Municipal or urban polities are essential, functional and local, focused on provision of core services of governance to local populations. National governments clearly reflect the aspirations of the nation and meet the responsibilities of a sovereign state. What is the core mission of a regional state? In Somalia, it has tended to justify itself as a manifestation of clan rights and interests, borne of an impulse toward “self-rule.” But that does not help to answer the functional question of what roles a regional state should and should not take on.

3.2 Actor relations. Because nearly all regional administrations in Somalia to date have either explicitly or implicitly been formed on the basis of clan identity, or ethno-federalism, clans and clan elders usually play a role in their formation and legitimation. The initial creation of Puntland was done through a series of meetings in which clan elders played a lead role. Subsequent selection of the first President, Abdullahi Yusuf, was done by the clan elders, as was selection of the first members of Parliament. Clan elders met to select a new President when Yusuf refused to hold scheduled elections, leading to a political crisis in Puntland in 2003. These roles – as “founding fathers” of new regional polities, as selectors of political officials, and as a sort of “supreme court” ruling on constitutional crises – gave the clan elders impressive power in Puntland, at least on paper. In reality, they were subject to pressure, manipulation, and purchase by the very political leaders they were supposed to be regulating. Regional political authorities have had to pay serious attention to the clan elders in order to maintain essential support and legitimacy within the wider lineage, but they can and do find ways to manipulate them to their advantage.

3.3 Implications of current arrangements. Regional polities in Somalia often seek to bring together large clan-families under a single administrative umbrella – the entire Harti clan in Puntland, the Rahaneyn clan-family in Bay and Bakool Regions, the Darood clan-family in Jubbaland. These are very wide alliances, strained greatly by the fact that most armed conflict in Somalia in the past twenty years has occurred *within*, not between,

the major clan-families. As a result these efforts to build regional administrations have often produced rather than reduced conflict, forcing clan elders to devote time and energy to addressing the conflicts.

The dual system of justice in regional administrations has major long-term implications for Somalia, as it has in other tribal societies in weak or failed states such as Yemen and Afghanistan. The most effective and locally accepted source of justice is customary, not the formal judiciary of the state. Many argue pragmatically that the role of tribal or customary law should be enshrined, not ignored, in regional or national judicial systems, on the grounds that it provides better protection and justice than anything else at present. Others warn that it is illiberal, extra-constitutional, and affords very uneven protection to different social groups, including women, and that therefore neither external actors nor the national government should recognize and legitimize it.

3.4 Trends. Somalis are deeply divided over the pros and cons of federalism, often along clan lines – autonomous regional states serve some clans well while marginalizing others. But there is in the short to medium term little prospect of a strong central state emerging which could challenge the emergence of regional states, so for the time being this form of governance is likely to endure or even expand in the country (Kenya is actively supporting efforts to revive a Jubbaland polity along its border with Kenya). As long as these regional states derive at least part of their identity and legitimacy from clan, clan authorities will continue to play an important role.

4. National-level governance

4.1 Gaps in governance. The two “national” governments in Somalia, the TFG and Somaliland, face similar problems – very small budgets, contested authority, limited human resource capacity, and powerful armed non-state actors within the polity. But Somaliland has fared far better in every category -- performance, legitimacy, stability, democracy, rule of law, and facilitation of economic recovery – than has the TFG. Much of this is due to factors beyond the TFG’s control. But it worth noting that Somaliland has actively embraced and even institutionalized the role of clan authorities, while the TFG has institutionalized “clan” while largely ignoring the “authorities.”

In Somaliland, the gaps in governance have mainly been due to limited resources. The government operates on a budget on only \$35 to \$50 million per year, much of which is spent on salaries for its army. Most social services such as health and education are either in the hands of local non-profits and the private sector or are heavily underwritten by international aid.

The most visible governance gap in Somaliland is the government's inability to project its authority into the eastern third of the country where the local population is divided over its affiliation with the secessionist Somaliland state. Another gap has been accountability in the government with regard to public funds. Somaliland's population has been able to hold its government accountable through elections – in fact, in June 2010 it voted out of office the incumbent President – but that has not yet translated into accountability mechanisms over tax and other revenues. A third governance gap, one which may fade over time as Somaliland's nascent democracy is consolidated, is the relative absence of political party platforms based on competing ideas over governance. Somalilanders at present choose between rival patronage systems, not over ideas. Fourth, though public order and security are very good in Somaliland, they constitute a governance gap because they are provided by customary authority, not so much by the formal police and judiciary. Finally, a governance gap exists in rule of law, especially laws that provide protection and an enabling environment for private sector investment. Some of this has to do with a weak judiciary and poor separation of powers; some has to do with the highly personalized and poorly institutionalized nature of the Somaliland government; and part has to do with constraints imposed by the lack of international recognition of Somaliland as a sovereign state. Having said this, the governance gap in Somaliland is much narrower than anywhere else in the country.

By contrast, the governance gap in the TFG is enormous, reflecting the fact that the TFG has not yet been able to build a minimally effective administration. It performs none of the basic governance services that the Somali people expect of it, and in fact controls only a few districts in the capital Mogadishu. Public security – always the top demand voiced by Somalis of their government -- is either in very scarce supply or is provided by other, non-state actors, including the jihadist group al-shabaab.

Interestingly, while shabaab does maintain a degree of law and order in the broad sections of south-central Somalia now under its control, it has until recently made little effort to govern these regions. It has not attempted to win "performance legitimacy" by providing services along the line of a Hezbollah, nor has it declared itself to be the national government of Somalia, even though it clearly controls ample territory to do so. For now, it appears willing to farm out basic duties of local governance to existing local and clan authorities.

4.2 Actor relations

In Somaliland, relations between the government and clan elders constitute an important experiment in formalization of the role of customary authorities, of interest not only to Somalia but to other parts of the world. There, the relationship of the elders to the government has evolved over time. In 1991, clan elders played the role of creator not only of the government but of the very concept of an independent Somaliland. The elders met in a grand assembly or *shir*, brokered peace among the clans, declared Somaliland secession, and negotiated the selection of the first President as well as members of the lower house of parliament. The lower house was selected on the basis of explicit clan proportional representation, and elders of each clan thus controlled the choice of individuals in the parliament. In a second phase, the top elders were formally brought into the government as an upper house of parliament the *guurti*, assuming authorities roughly equivalent to the House of Lords in the UK. This had advantages and disadvantages. The benefits included routinizing the valuable role of conflict mediation played by the elders, reassuring all clans of their formal voice in government, and earning the government legitimacy in the eyes of Somaliland society. The drawbacks included the fact that clan elders did not always possess adequate skills and background to understand complex public policy legislation (the range of expertise within the *guurti* varied widely); became “captured” by the government as paid representatives, and were prone to patronage politics and payoffs for votes; and perhaps most importantly risked losing their ability to play a mediating role when conflicts involved the government versus an opposition, as the elders were now viewed as having “taken sides” with the government.

Since 1999, the elders have lost their control over selection of lower house members of parliament as Somaliland has transitioned to multi-party democracy. But they retain place in the upper house, though this has been under active discussion for reform as well.

Throughout these changes, clan elders continued to play their expected role as the primary source of judicial functions in the country, and as mediator of social conflicts. They work in coordination with the police, not in competition with them.

In south-central Somalia, relations between the TFG and customary authorities have been weak. The TFG has generally been populated by top officials who view any “alternative” source of authority – elders, cleric, civil society, businesspeople – as a potential threat rather than a potential partner. Elders have been caught up in the highly polarizing and divisive war between the TFG and shabaab, and have been vulnerable to threats, bribes, and manipulation by both. The single most visible role

played by elders in the TFG was in 2007, when the United Nations made an attempt to convene Hawiye clan elders to broker a peace in the fighting; the effort failed. Clan elders were marginalized in the initial selection of the transitional federal government in 2004, a fact which some claim contributed to the low legitimacy of the government once formed. This stood in contract to an earlier effort to form a transitional government, the ill-fated Transitional National Government (TNG) of 2000-02, which convened civil society leaders – including clan elders – to Djibouti to broker the formation of the government.

4.3 Implications of current arrangements

The Somaliland role of customary authority has enormous implications as a possible transitional strategy for countries emerging from state failure or civil war. Clan authorities can have many drawbacks, but they are a known quantity among their communities and generally enjoy legitimacy as leaders. Their primary role traditionally is as conflict mediators. This can matter greatly in a context of high levels of communal distrust following civil war. Their formal role can help build trust and confidence in the short-term. The Somaliland case suggest that tribal authorities may be most essential not only as a fall-back authority during periods of state failure, but as part of a transitional phase in the aftermath of war.

4.4 Trends

The role and status of clan elders will remain important in Somaliland's national politics, both in the guurti and as the main source of judicial functions and conflict mediation. The status of clan authority in the TFG is likely to be irrelevant as the TFG itself has not demonstrated a capacity to govern and is probably not going to be viable within the next two years.

The Role of Tribes in Governance - Yemen

		Spheres of Governance					
		Rural	Urban	Regional			National
				North	South	Sada'a	
Functions of Governance	Defense and foreign affairs	STIF	STIF	STIF	STIF	STIF	STIF
	Security	STIF	STIF	STRF	STRIF	STRIF	STRF
	Law and order/ conflict resolution	STCRNIF	STCRNIF	STFRN	STRINF	STRINF	STF
	Property and contract rights	STR	STBF	ST	ST	ST	SF
	Promoting and regulating private activity	STRIF	STRIF	STRIF	STRINCF	STRIF	STRIF
	Managing environmental resources	ST	SFN	STN	STN	STNI	SF
	Education	STRF	SRNF	SRNF	SRNF	SRNFI	SRNF
	Health	SNF	SNF	SNF	SNF	SNF	SNF
	Roads	STCF	SCF	STCF	SCF	STCF	SF
	Water and sanitation	STCF	SCFN	STFN	SCFN	STIFN	SF
	Social safety net	STCF	SCF	ST	ST	ST	S
	Revenue generation	S	S	S	S	S	S
	Asset redistribution	S	S	S	S	S	S
	Money supply, interest rates, exchange rates	STBIF	SBF	STBIF	STBIF	STBIF	STBIF

Key:

S=State

T=Tribe

B=Businesses

C=Citizens' groups

R=Religious groups/leaders

N=NGOs

I=Insurgents

F=Foreign actors (military/donors)

Bold font indicates actors that are most prominent.

Tribes and Governance in Yemen: Rural and Urban Dimensions

Jefferson Gray

In rural and urban areas of Yemen “tribes” and “tribalism” pervade Yemeni governance. In a state where enduring extended family histories have outlasted any of Yemen’s regimes, legacies of extended kinship weigh heavily on who governs Yemen and how Yemen is governed. Yet tribes are not undying things. Throughout Yemeni history, tribes have swelled, shrunk, and disappeared in the face of leadership challenges, foreign powers, new patterns of trade, and ecological shifts. All of these factors continue to bear on the place of tribes in ruling Yemen.

The Origin of Customary Governance in Rural Areas

Tribes are frequently thought of as rural competitors to (city) states, in fact since pre-Islamic times extended kin groups have foiled and opposed Yemeni states and empires. However, as prosperity is increasingly linked to trade and technologies rural communities have intertwined their lives with cities and their markets. In practice and in custom, Yemeni tribes have adapted to the need for the trade in goods and ideas of which urban areas are better providers.

In the Yemeni context “tribes” can be understood as kin-ordered, self-protection, and welfare associations that may agglomerate into confederations of political significance. Extended families are not necessarily the same thing as a tribe. Extended families exist nearly everywhere in Yemen but only some extended families manifest themselves for political purposes, to demand things from the state or from other tribes. In some places, like the highland steppes of central- northern Yemen tribal confederations have always existed. These central highland tribes have generally maintained a higher degree of autonomy than Yemenis living to the south, east, and west, whose experience as tribal peoples has waxed and waned under the influence of Yemeni states and foreign powers.

Yemeni tribesfolk do not practice “amoral familism” in a “state of nature.” Rather, relationships are ideally constructed along themes of reciprocity and responsibility. Coercion plays an important role in both family and greater family governance: men hold higher public status than women; middle-aged adults over children and the elderly; and Muslims over non-Muslims. The highest status of all is accorded to those adult males familiar with customs, history, and religion capable of organizing family groups into units of self-defense that can extend protection to weaker people. Although not a democracy, leadership in a tribe requires the “word of all” or widespread respect and consensus from tribal members.

The tribal areas of Yemen endure a condition of legal pluralism whereby customary law (*'urf*), Islamic law (*shari'a*), and the law of the Yemeni (*qanun*) state coexist and a variety of venues are available for complaints to be heard or ignored. The code of behavior among Yemeni tribal peoples is called *'urf qabali*. It is as much a code of conduct as it is a guideline for settling disputes concerned with the maintenance of honor, the inviolability of a promise, and protection of the people who are considered "weak." Adult, fit Muslim tribesmen are the guardians and enforcers of this code, whereas women, children, religious authorities, and tradesfolk are considered "weak" and incapable of protecting themselves or others.

Violations of customary law are solved through mediation or arbitration. Violations are called a shame or *'ayb*, to which there are assigned degrees of severity based upon the circumstances, such as where the offense took place; who was harmed; and who inflicted the injury. An "*'ayb aswad*" or "black shame" is the worst of all crimes, most often ascribed to an intentional killing of a "weak" or protected person.

In a society where most adult males are armed every effort is expended to prevent violations of customary law from escalating into greater conflicts, the most dreaded of which is a *tha'r* or bloodfeud. Several different kinds of authorities are available to hear disputes between tribesfolk. An *'aqil* or head of an *'ashira* (a subdivision containing many a tribal "*bayt*" or "house") typically hears simple cases like family disputes and conflicts related to property rights that involve only little material or immaterial losses. A *shaykh* who heads a larger tribal grouping (*qabila*) will deal with issues appeal from an *'aqil* or serious issues involving assault, homicide, or boundary disputes between smaller groups. A *shaykh* hears *'urf* cases in a public market where he also oversees transactions and guarantees the safety of market participants. Tribal markets and gatherings are protected from violence under a *hijra* (guarantee) by the tribe on whose territory the meeting takes place. In case of a great dispute between tribes, such damages or bloodshed caused by wars between tribes, a *maragha* is consulted. The highest tribal authority, a *maragha* is a recognized expert in customary law who has the authority to create new rules and set new precedents. Muslim men of religion, such as descendents of the Prophet Muhammad (*sayyids*) or judges of Islamic law (*qadis*) enjoy a guarantee when called on to perform services for tribes. As adjudicators of Islamic law they preside over religious affairs, such as marriage, divorce, and inheritance, and form a separate authority in tribal areas.

Adjudicators of tribal disputes seek outcomes that offer restitution to the aggrieved and restore balance in relations between tribes. Distinctions between civil and criminal law are not found in customary law. Punishments are not imposed individually, but collectively on the tribe concerned. Damages are not only offered as compensation but also as an apology for violating

a person's family honor. Corporal punishments are eschewed in favor of *diya* (blood money) or goods.

But this justice system is only as good as its means of enforcement. Customarily, tribal parties to a conflict agree at the outset to be bound by an arbiter's decision. The threat of banishment from one's tribe and all the protections that come with it was historically enough to keep the aggrieved from continuing their disputes, but as the power of the Yemeni state has expanded a variety of new social and material pressures make it more difficult to prevent or resolve disputes.

Political Problems of Legal Pluralism

Imam Yahya, the highest Islamic authority in Yemen among Zaydi Muslims in the early 20th Century, C.E., was the first to challenge the primacy of *'urf* in rural areas. Imam Yahya tried to impose *shari'a* law administration by kidnapping the sons of prominent *shaykhs* and holding them hostage. While his "jail-schools" educated some of his charges in the virtues of administration most tribal leaders were unmoved: their authority derived their tribesmen and the Imam's coffers were never full enough to entice tribes into complete obedience. Eventually, the Imam granted deference to some customary practices and created a mixed judicial system in tribal areas by appointing a separate judges for *shari'a* and *'urf* cases. Some tribesmen accepted these courts, as the seal of the Imam could confer greater legitimacy on some decisions.

But for most of the last 100 years successive Yemeni governments preferred to subdue rather than seek consensus with tribal groups. The Mutawakkalite Imamate, the British Protectorate, and both the YAR (Yemen Arab Republic) and PDRY (People's Democratic Republic of Yemen) governments all have tried to supplant *'urf* with their preferred judiciary systems, all the while using tribes as a base in military recruitment. Combined with the flush of small arms distributed by the British, Saudi, and Egyptian governments to their clients in the hopes of subverting various Yemeni governments, the exaggerated importance of tribalism in their militaries has undermined both the goal of a unitary legal system and the veracity of *'urf* to address problems of social peace.

Yemen has tried to grapple with this legacy, but has been unable to find a legal formula for governance that satisfies both the Yemeni government and its tribal communities. The current Constitution of the Unified Yemen specifies roles for *shari'a*, first as the "principal source" in 1990 and then amended as the "basis of all laws" in 1994, but makes no mention of *'urf*. Only in the Civil Code of Yemen is there guidance for considering the role of customary law; even

there, it may only be considered if it is “long-established, and does not conflict with the public order and public morality.” Likewise, the Yemeni Criminal Code and Arbitration Law only declare *‘urf* acceptable where it does not conflict with *shari’a*.

In practice, court judges and government officials continue to parlay with tribal arbiters outside Yemen’s legal framework to address and contain major conflicts among tribes. The most critical of these tribal conflicts are those exacerbated by the capture of water resources. Aquifers in highland Yemen are mostly fed by two monsoons; one in early spring, the other in late summer. Spate (runoff) channeling was the most common form of irrigation and it is this method that informs customary law, which dictates that no one upstream should block the flow of runoff to those who live downstream.

In the 1970s Yemeni beneficiaries of the Middle-East’s oil boom wealth drove a radical change in the use of water for irrigation at the very moment changes in northern Yemeni tribal leadership weakened customary law’s influence in the countryside. Yemeni workers returning from Saudi Arabia brought with them experience and knowledge of new irrigation methods that would allow them to exploit the aquifers under the alluvial plain with diesel-fuelled pumps in tube wells. As the population of Yemen rose with its prosperity, so did tribal conflicts over surface water. Drilling wells was viewed as a way of avoiding conflicts over water and it also released families drilling wells from communal arrangements over water use. Fears of the state seizing common land led many tribes to privatize their holdings, occasionally compromising customary law rules about land transfers to other tribes rather than risk further government intrusion. A 1984 ban on imported fruits and vegetables, the rising demand for the mood-altering plant *qat* since unity, and efforts to stop smuggling across the Yemeni-Saudi Arabian border have accelerated the interest in water-intensive forms of agriculture. As alluvial aquifers closer to the surface are exhausted more wells are drilled deeper and illegally to satisfy demand. The water and land privatizations of the 1970s, which seemed logical back when the new deep water sources seemed boundless, are now accelerating conflicts as communities have forgotten the customary ways of negotiating resource rights.

The wealth accumulated during the 1970s oil boom also spread paved roads throughout tribal areas of Yemen with equally dramatic consequences. The new pavement allowed the Yemeni government to project its authority directly and without ceremony into tribal areas. Tribesfolk fret that paved roads are meant to favor some tribes and encircle or capture others. Tribesmen will spontaneously block the roads, with obstacles or checkpoints, if they are aggrieved with the government over an issue. When under great duress, it is not uncommon for roadblocks to be extended to utilities, such as electrical lines or oil pipelines, to make a point about where sovereignty in the countryside truly lies. In addition to the suspicion and dread of government

intentions tribesfolk also consider the consequences of roads on relations with neighbors. Newly paved roads frequently cut across runoff zones and have altered the flow of rainwater, complicating disagreements over water rights. Tribesfolk also worry that the roads will be used to accelerate and easily bring parties to *tha'r* disputes face to face whereas in the past such encounters would be less likely. The fact that Yemeni government checkpoints may decide who may and may not pass deepens suspicions that outside forces are manipulating conflicts among tribes.

Urban and Rural Yemenis Find Their Worlds Turned Inside Out

The strength of tribes and their *shaykhs* does not necessarily reflect either the weakness of a Yemeni state or undermine the building of a state. From antiquity forward, various states within Yemen, ranging from the pre-Islamic empires of Saba and Himyar to the Imamate, relied on Yemeni tribes for support and changed or manipulated them for political purposes. The contemporary era is no different, with the Imamate disposed of for over a half century and its former "wings," the Hashid and Bakil confederations, in the fore of politics the Yemeni state is arguably more tribal now than it has ever been. The President is a tribesman, as are many members of the President's cabinet; the two major political parties in parliament - the General People's Congress (GPC) and the Yemeni Congregation for Reform (Islah) - contain many tribesmen; and the senior officers of the military and security services mostly come from the President's *bayt* (house), the Sanhan. While the President has a cadre of non-tribal bureaucrats to help the Yemeni state navigate its international relations with states and NGOs, they do not manage local affairs. The President's regional and party-political opponents rue the stink of "tribalism" that they find in the President's governing style and regions of united Yemen not known for tribal sentiments are expressing themselves in tribal fashions. Yet in such a tribally ruled state it is the tribal areas of the country that are becoming the regime's biggest headache.

Since the stabilization of the Yemeni regime under the current President in the late 1970s leadership in the tribal countryside has been enticed into government. A Department of Tribal Affairs was created to officially manage state relationships with patron *shaykhs*, who began receiving direct payments (*mezaniyya*) for their cooperation. The Yemeni government considers these payments as support for traditional social forms in Yemen, but in fact they undermined the customary relationship between tribesfolk and their *shaykhs*. Instead of attaining their positions of leadership through the confidence of extended kinfolk, *shaykhs* began to derive their authority from the Yemeni government. As the relationship between the state and *shaykhs* became more intimate, cooperative tribes received preferential access to employment in the civil service and promotions in the military. This system of patronage also created a new business class of tribal origins that relies almost exclusively on state contracts for its business.

While the oil-boom related wealth sustained this system of patronage, called by some a “military commercial complex,” it also channeled and controlled most tribal grievances effectively. But as Yemen was repeatedly battered by crises, including the decline of the Yemeni Rial in the 1980s; the expulsion of nearly one million Yemeni workers from the Gulf states in retaliation for Yemen’s UN vote against the expulsion of Iraqi forces from Kuwait; and the inability of the Yemeni economy to recover from the costs of the fighting among the ruling factions after unity, the tribal areas of Yemen have become as malcontent with the regime as protesters in major urban areas like Sana’a, ‘Aden, and Ta’iz. Of habit, Yemeni tribesfolk looked to notable families for guidance in managing austerity and injustice, only to find that their *shaykhs* were abdicating nearly all roles of leadership except as distributors of patronage.

As *shaykhs* have retreated from their responsibilities as arbiters of *‘urf qabaliya*, the Yemeni government has offered in its place an impromptu hybrid of customary, Islamic, and state rules and forms that *shari’a* and state court judges and government officials apply as political needs dictate. Rather than parties to a dispute jointly choosing which of the plural legal process they would find most trustworthy to address a grievance, the Yemeni government selects the venue irrespective of the wishes of the aggrieved. In practice, this leaves city folk expecting *qanun* finding themselves facing semi-tribal/Islamic formulas for justice while tribesfolk, expecting *‘urf* proceedings, instead get their grievances adjudicated by a *qadi* instead of a *shaykh*. The irony of the Yemeni government bringing customary “laws” into the city while finding a newfound urgency for “law and order” in the countryside is not lost in either place.

As prominent tribal families, especially the most affluent *shaykhs*, migrated from their kinfolk to walled villas in major cities a tendency to solve problems through violence followed them. *Tha’r* motivated assaults, once the province of rural tribesmen bounded by custom, guarantees, and neighboring tribes, are now directed at urbanized tribal members with all the grace of a drive-by shooting. Perpetrators of such attacks are rarely caught or investigated by the Yemeni police. Should the case be brought to court a state judge would try it as straight murder since the Yemeni Criminal Code makes no provision for killings emanating from blood feuds. In case of conviction, a prescribed jail sentence plus a fixed *diya* satisfies no grievant. Tribesmen would find the non-negotiated blood price too low to stop the blood feud from continuing and city folk harmed in the course of the attack would be aghast at the lack of process and justice.

Nontribal and urban folk, especially from southern Yemen, hold this shocking state of affairs against tribal peoples as well as the government and its clients. Although the apparently arbitrary and lawless politics bears little resemblance to how business was customarily conducted in the countryside city dwellers nonetheless view it as literally consanguine with the

government's misrule. Urban civil society's ready association of tribesfolk with the bad behavior the regime and its tribal clients exhibit in cities further undermines the rich potential of Yemen's associational life to demand consensus and accountability. During the unity period between 1990-1994, when both the former YAR and the PDRY regimes sought and secured a united Yemen, there were hopes that citizens from both areas would become familiar with and enjoy each other's civic heritages. The former YAR President's GPC and the former PDRY President's Yemeni Socialist Party (YSP) competed vigorously for favor and popularity from civil society in all regions of unified Yemen. Although the YSP was doctrinally opposed to the existence of tribes as a legacy of "feudalism," the party courted various tribal groups for support and some of the confederations returned the favors. Tribesfolk of both North and South Yemen eagerly reasserted their distinct identities, both in reaction to their complete suppression in the former PDRY and to perceived marginalization by the Hashid/Sanhan government grouping in the YAR. The Bakil in the North organized public meetings to present alternatives to the Hashid tribesfolk in government, whereas in previously southern areas confederations like the Madhhaj and the Yafa'i arose as former PDRY regime sponsored cooperatives collapsed. Popular tribal groups coordinated with other civic organizations, like cooperatives, professional syndicates and labor unions, press and professional associations to stop the political leaderships of the former north and south from using political differences as an excuse to provoke a civil war. They failed, and in the summer of 1994 the leaders of the former republics mobilized their clients in the military to wage war on each other. As they did so most of Yemeni society, including the tribal confederations, stayed home and out of the way. The "*Harb 'Aliayn*" or "War of Two 'Alis" was seen as a purely partisan affair, not a greater statement about the nature or direction of the new Republic of Yemen.

In the decade after the YSP separatist army's defeat, the President consolidated rule over Yemen and slowly marginalized potential opponents. Defeated as a military force, the surviving YSP politburo failed to turn problems with subsequent elections into referenda on the President's rule.

The Islah Party, ostensibly cast as the Islamist opposition to the President's "secular" right GPC, was unable to provide an alternative to the status quo in either parliamentary or presidential elections despite cooperating with the YSP and other leftist parties in 2006. Although the election process in Yemen was generally seen as free and fair at unity, it has become less so as the President has institutionally neutered potential bases of opposition through amendments to the constitution. Those amendments changed the President's election from a parliamentary process to a direct plebiscite (in 1999); extended the current President's term by two years and, henceforth, to six years between elections (2000); and created a bicameral legislature with the second, new Shura Council composed solely of members appointed by the President.

As it became less tolerant of urban demonstrations or press complaints against policies the Yemeni government has constrained the movement of Yemeni civic group members, making coordination difficult. Rising crime in the tribal areas has further hobbled urban civic groups from coordinating with rural associations. Since 2001, foreign interest in Yemen's precarious security situation has made free movement between the countryside and the cities, already a tenuous affair, almost impossible.

Sectarianism Fills the Void of Rural Leadership

Sectarian religious violence, almost unheard of before unity, now rivals crime as the greatest security threat in the tribal areas. Yemen is mostly Muslim: slightly more than half are Sunni and mostly of the Shafi'i school of Islamic law; slightly less than half are Shi'ites, mostly of the Zaydi sect. There were ugly political confrontations before Yemeni unity based on class, regional, and ideological disputes but they rarely involved differences based on faith among Muslims. Although the religious pluralism in Yemen made conservative Muslim men of religion in Saudi Arabia uncomfortable no efforts were made to influence the situation before unity. After unity, Saudi Arabian worries about the influence of the (atheist) YSP on northern Yemen combined with the GPC's disinterest in *'urf* and YSP-style rule of law opened an opportunity for religious conservatives with money to exploit.

During the unity period the Islah Party was formed from three groupings: a tribal confederacy lead by the Paramount *Shaykh* of the Hashid, Abdullah al-Ahmar, the Yemeni Muslim Brotherhood, and a prominent Sunni religious scholar, Abdul Majid al-Zindani. Although Islah as a whole has reform-minded elements within it, the wing of the party associated with Zindani is noted for its strict, austere view of Islam and hostility towards those who do not practice it. With support from Zindani and funding from Sudan and Saudi Arabia, conservative Muslim religious institutes spread in Yemen. Sympathetic to *Wahhabi* and *Salafi* views, these institutes promoted a view of Yemen's troubles after unity as the front line against atheist and imperialist encroachment on the Muslim world. This message attracted Yemenis looking to promote this version of Islam at home as well as volunteers from Saudi Arabia and beyond, many of whom had experience in other conflicts like Afghanistan, the Balkans, Kashmir, and the Caucasus.

In 1994, when tribal militias didn't materialize to support the GPC army's campaign to restore Yemeni unity Islamic institute volunteers happily took up arms and joined the campaign against the separatists. After the YSP army fled the country these volunteers imposed their own form of "religious education" upon southern Yemenis, who, it was thought, had been brainwashed by the PDRY regime. Mosques and gravesites were vandalized, women attacked, and men

harassed for failing to conform to Islamic norms imposed by the Islamic volunteers. The popular backlash against them was so strong that even members of Islah refused to defend them and the Yemeni government dialed down the cultural campaign in the South.

Militant Muslim revivalist activities in the northern areas of Yemen, closer to the Saudi Arabian border, did not receive the same scrutiny from the Yemeni government. Even before the 1994 fighting, Islamist vigilantes were harassing and attacking religious minorities. These provocations were a harbinger of the crisis to come as attacks on religious minorities are not only against the habit of tribesfolk in northern Yemen, but violate a basic tenant of *'urf qabali* that "weak" peoples should be protected from harm. Despite tribal attempts to enforce customary writs of protection over the small Jewish populations living in the northern towns of Sa'ada and 'Amran most of these "weak" people were moved to Sana'a or out of Yemen entirely by 2008. Muslim revivalists have also intimidated Ismaili communities in Yemen, but tribal attempts to enforce writs of protection in these instances had more traction: on several occasions, Yemeni tribal militias have even come to defense of Ismailis fearing persecution across the border in Saudi Arabia.

Of the strife flowing from religious revivalism in Yemen none is more threatening to Yemeni and regional security alike than the current struggle over the militant counter-revival of Zaydi Islam popularly known as "Huthism." Identified by the extended family name of its first commander, the Huthi movement has origins in Sa'ada as a reaction to the Wahhabi proselytization of Yemeni men who had studied in Saudi Arabia or fought in Afghanistan in the 1980s. Zaydism as a political movement had withered away after the last Imam's death in 1962, but the personal attacks on the piety of the *sayyid* families living in Sa'ada stirred a counter-revival, including the formation of a small Zaydi political party, the Hizb al-Haqq. Far more volatile than the revival of Zaydism among *sayyid* families was the emergence of young Zaydi religious men with non-*sayyid*, tribal status. The product of Zaydi religious institutes formed to counter the influence of Wahhabi academies, the "Believing Youth" promoted Zaydism through teaching, religious pamphleteering, and encouraging the public performance of Zaydi rituals. Their zeal outpaced their more traditional Zaydi parents for popularity and inflamed the senses of Wahhabis. Public brawls over prayers and sermons turned into firefights and with the tribal connections of the parties involved larger interests were drawn into the fray. The Yemeni government officially views the insurgents as royalist rebels and has enlisted Hashid militias and Wahhabi fighters to assist the Yemeni military and security services. The Yemeni government has brought armor and artillery to bear upon areas harboring Huthi militias, as well as Yemeni and foreign air power.

Six years of on again, off again combat since 2004 has not settled the argument. Instead, the conflict has become the most threatening crisis for the republic because important factions within the Yemeni government and society are on opposing sides and the crisis distracts or confuses other Yemeni security agendas of national and international interest. In 2008, the fighting spread beyond Sa'ada south to the 'Amran governorate, where the Harf Sufyan, a Bakil tribe, has engaged in firefights with members of the al-'Usaymat, one of the principal Hashid tribes. Related conflicts have been reported in Bani Hushaysh, ten miles north of Sana'a. It would not take much to extend the conflict throughout the North or into the northern neighborhoods of the capital. In fall 2009, Huthi forces crossed the border and engaged Saudi Arabia's armed forces and border guards for two months.

The cost to Northern Yemeni society has been high and unprecedented. Nearly 250,000 people have become displaced and malnutrition in refugee camps is high due to shortage of World Food Program aid. The unrestrained use of heavy armaments against the Huthis has destroyed hundreds of homes, granaries, irrigation ditches, and wells, decimated and terrorized livestock, and littered date orchards and grain fields with unexploded ordinance. As the Saudi-Yemeni border has been militarized from the struggle, smuggling simple goods, like food, consumer items, or fuel has become untenable. Instead, tribesmen not forced into refugee camps are compelled to make their living by taking a side in the struggle, either by joining a militia or smuggling high-risk cargos across the frontier, like narcotics or explosives. A cease-fire was put in place in February 2010, but without the core issues addressed it is not likely to hold.

Regional and international actors have been ineffective mediators, at best. Among interested parties, only Qatar in 2007 has interceded among the parties to the conflict, but when fighting resumed in 2008 Qatar cancelled its offer of aid to finance reconstruction and development in Northern Yemen. Other powers have either been indifferent to the conflict or see it subsumed under the more urgent areas in the "war against terrorism." Saudi Arabia unambiguously backs Yemeni forces and its tribal militias while making no attempt to cut assistance to the Wahhabi/Salafi fighters, thereby fuelling the conflict. The United States/CENTCOM and the EU/NATO have not put any apparent effort into securing a peaceful solution to the conflict, preferring to spend their efforts on heightening Yemeni cooperation with their regional security agendas. The Yemeni government recognizes their interests and spins the Sa'ada conflict to suit. The Yemeni government accuses the Huthis of receiving support simultaneously from Iran and al-Qa'ida. The latter connection is implausible given the Huthi movement's strong identification with Zaydism and al-Qa'ida's hatred of Muslim sects. While the Iranian government has shown concern for the humanitarian dimensions of the conflict evidence of material support for Huthism beyond books and pamphlets is scant.

While the war in the north rages the United States/CENCTOM has preferred to orient the Yemeni government towards hunting down and eliminating al-Qa'ida in the Arabian Peninsula (AQAP). AQAP operates in Saudi Arabia and Yemen, using the latter as a refuge, recruiting and training ground for volunteers. Volunteers have been recruited from some Yemeni tribal groups, many are veterans of wars in Afghanistan, the Balkans, the Caucuses, and Iraq. Some AQAP members are active and ideologically motivated; others are on the run from past activities and cannot escape the powers hunting them except among Yemeni tribes.

AQAP volunteers have formed relationships with Yemeni tribes under a number of conditions. Tribes that live near the Saudi Arabian border have found that AQAP's expertise in clandestine work is useful for facilitating the transit of smuggled goods. Some AQAP members have sought deeper ties with Yemeni tribes through intermarriage or by participating in or negotiating an end to *tha'r* conflicts. Many tribes allow AQAP to antagonize the Yemeni government as punishment for failing to fulfill public works projects, employment, or imprisoning tribal members. By putting the Yemeni government on the defensive, AQAP mischief helps the tribes preserve their autonomy.

Yet AQAP's presence in the tribal areas is not very deep. The secretive nature of AQAP is not very impressive in a society habituated to the open and proud militancy of Wahhabi and Salafi organizations. Internet-savvy activities appear impressive to urban youth elsewhere in the Middle-East, but in rural, illiterate and technology poor Yemen AQAP's messages must compete with rich tribal oral traditions of joust and riposte circulated by amateur radio, tape cassettes and word of mouth. AQAP's austere view of proper Muslim behavior does not sit easily among most tribesfolk, who generally favor customary law's more contingent and familiar habits to the clinical and more restrictive interpretations of *shari'a*. While some tribal areas appreciate the assets AQAP volunteers bring to local concerns, tribes generally do not welcome the blowback created by local linkages to terrorist attacks in Yemen or abroad. The rumor of an AQAP presence is enough to cancel lucrative visits from foreign tourists, bring brigades of hostile military or police officers into tribal areas and make everyone live in constant dread of a Hellfire missile strike. For most Yemeni tribal folk, AQAP is merely another party from whom, it is hoped, some aid can be drawn without allowing an outside actor's agenda to further compound difficult local relationships already strained by years of declining economic opportunities, social chaos, and resource shortages.

Select Bibliography

Abu Ghanem, Fadl. 2003. Tribal Structure in Yemen: Between Continuity and Change (Arabic). San'a: Dar al-Hikma al-Yamaniya.

al-'Alimi, Rashad. 1986. Tribal Justice in Yemeni Society (Arabic). San'a: Dar al-Wadi.

Carapico, Sheila. 1998. Civil Society in Yemen: The Political Economy of Activism in Modern Arabia. London: Cambridge University Press.

Caton, Steven C. 1990. "Peaks of Yemen I Summon". Poetry as Cultural Practice in a North Yemeni Tribe. Berkeley: University of California Press.

Dresch, Paul. 1993. Tribes, Government, and History in Yemen. Oxford: Clarendon Press.

Dresch, Paul. 1995. "The Tribal Factor in the Yemeni Crisis." In al-Suwaidi, Jamal S., (ed.): The Yemen War Of the 1994: Causes and Consequences. Abu Dhabi: The Emirates Center for Strategic Studies and Research.

Dresch, Paul and Bernard Haykel. 1995. "Stereotypes and Political Styles: Fundamentalists and Tribesfolk in Yemen." In International Journal of Middle East Studies 27 (4):405-31.

Haykel, Bernard. 1995. "A Zaydi Revival?" In Yemen Update 36:20-21

International Crisis Group. 2009. Defusing the Saada Time Bomb. Washington, DC.

Phillips, Sarah. 2008. Yemen's Democracy Experiment in Regional Perspective. London: Palgrave Macmillan.

Small Arms Survey. 2010. Fault lines: Tracking armed violence in Yemen. Geneva: Small Arms Survey.

Weir, Shelagh. 1997. "A Clash of Fundamentalisms: Wahhabism in Yemen." In Middle East Report 204: 234.

Weir, Shelagh. 2007. A Tribal Order: Politics And Law in the Mountains of Yemen. Austin: University of Texas Press.

Regional and National Levels of Governance in Yemen

Elham Manea

In order to discuss the regional and national levels of governance in Yemen three observations are especially important to mention:

First, the Republic of Yemen is a weak state. It lacks the capabilities a state needs to exercise control over its own society; according to Joel Migdal, these are ‘the capacities to penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways’.¹⁸ The Yemeni state is clearly deficient in these respects because it cannot control its own territory, extract resources from its remote areas, regulate the social behavior of the tribes in the periphery, or even establish law and order there. The consequence of this state of affairs is that the tribe still assumes roles, which should normally be undertaken by the state.

Second, the division of the regional levels in Yemen between North, South, and Sada’a is theoretical and serves as a means to facilitate discussion. As it will become clear in the following paper, the categories of North and South are not homogenous as one would expect them to be, but rather each is divided along sectarian, tribal, or regional lines.

Third, the data provided by the Yemeni government are at best shaky and at worst unreliable. Often the data do not reflect reality. A former World Bank official (Yemeni national), who works today as a senior executive in the Yemeni investment sector, cited the way the per capita income in Yemen is calculated to demonstrate this point. Per capita income is calculated through the formula “total reserves plus total savings plus total personal bank accounts over the number of population”. The official said in an interview with this author in April 2010: “in Yemen *only three percent of the population* have bank accounts. The rest are keeping their money at home, or under the table... so there is a huge amount of domestic capital that is floating un-transparently. The (central) bank does not account for this capital”.¹⁹ This observation is important to caution against assuming that a matrix can accurately describe the complex reality in Yemen.

In this paper I will offer a sketch of tribal state relations of the two levels of governance, make a narrative of the matrix *according to the best of my knowledge*, and address the four topics assigned to all papers. My aim throughout the discussion is to highlight state-tribal relations and how these reflect on governance.

A. Regional Level of Governance

1. Background on Tribal and Sectarian Affiliations in Yemeni Regions

Fragmentation of Yemeni society is a fact. This fragmentation occurs across tribal sectarian lines in North Yemen and across tribal, regional, and cultural lines in South Yemen. In North

¹⁸ Migdal, Joel, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*. Princeton, NJ: Princeton University, 1989 p. 4.

¹⁹ Name of Interviewee kept anonymous, Author Interview, Sana’a, 1st April, 2010.

Yemen, depending on who you ask, you will get a different narrative of the tribal/sectarian division in society. A Zaydi North Yemeni would make a narration of the Hashid/Bakil tribal confederation, will downplay the importance of the Zaydi/Shafite sectarian division, and may or may not mention the Adnani (Hashmite)/Gahtani tribal division. A Shafite North Yemeni will most probably make sure to start with the Zaydi/Shafite division, highlighting it through his or her classification of North Yemen as divided into two major regions - higher Yemen (*Al Yaman Al'ulia* اليمن العليا) and Lower Yemen (*Al Yemen Al Sufla* اليمن السفلى) – and then will allude to the historical oppression of the Zaydi tribal confederations of Shafite ‘farmers’ of lower Yemen. In South Yemen, an Adani will insist that Aden has always been a distinct ‘modern’ unit of ‘south of Arabia’, and that it has nothing to do with the ‘backward tribal regions’ of South Yemen, let alone with the ‘Zaydi tribal North Yemen’. A Hadrami will most probably insist that though the region is divided along tribal lines Hadramawt constitutes a ‘nationality’ distinct from all of its surrounding southern units; in fact ‘it only joined South Yemen after 1967 because of the rhetoric of the Pan-Arab movement which swept the region at the time’.²⁰ The same can be said about a person from the provinces of Abien or Ad Dali, each will provide a different narrative of the social reality, the latter may even contest the very existence of a “South of Yemen” – it would be better to call it South of Arabia as it used to be called before independence.

While this discrepancy in narration may confuse a listener, it is possible to chart a map of the tribal/sectarian divisions across the Republic of Yemen, created in 1990 out of the Unification of Yemen Arab Republic (North Yemen) and the People Democratic Republic of Yemen (South Yemen). The following will focus on those divisions that have political relevance.

North Yemen/Sada'a

Zaydism is an Islamic denomination which is neither Sunni or Shiite, although some scholars would identify it as closer to the Sunni tradition than to the Shiite. Named after its founder Zayd Ibn Ali, who died in 740 A.D, Zaydism appealed to dissatisfied tribesmen. Its ideological foundation was the principle of revolt: *al-Khurug ala al-Thalimiin*. It called on Muslims to stand up against any imam who proved to be unjust. The mountainous terrain of northern Yemen provided refuge for Zaydi leaders persecuted by the central authorities. It also allowed the Zaydi missionaries who moved to Yemen from al-Hijaz, a region in the west of present-day Saudi Arabia, beginning in 859 A.D to propagate the new sect among the northern Yemeni tribes.²¹

Those who embraced Zaydism, however, were ethnically divided along tribal lines. The Zaydi imams, who established shaky political authority in small political pockets, claimed to be the descendants of Ali Ibn Talib, the cousin of Mohammad. Translated into tribal terminology, they were members of the Adnani tribe, dominant in the northern part of the Arabian Peninsula, to which the tribe of Quraysh belonged to, the tribe from which Mohammad descended. They established themselves as a higher and closed ‘class’, called the Hashemites. Considering themselves to be of aristocratic status based on their being descendents of Mohammad, they

²⁰ Statement of an interviewee in Field Visit to Yemen, September-October, 2006.

²¹ Manea, *Regional Politics of the Gulf*, London: Saqi Books, 2005, pp.18-19.

called their members *sayyids* or masters and thus expected obedience from other Yemeni social groups. They were, and still are to a great extent, a closed class in that marriage between them and non-Hashemites went only one way. Hashemite men were allowed to marry women from other non-Hashemite groups (except for those groups considered of inferior status), but Hashemite women only married men from their own social group. Al Huthi family who led the rebellion in Sada'a, a governorate some 240 kilometers north-west of the capital Sana'a, belongs to this Hashemite tribal category.²²

On the other hand, the northern Yemeni tribes, who also embraced Zaydism, were members of the Qahtani lineage, called *arab-ariba*, or the real Arabs. They claim to be descendants of Qahtan, a son of Noah, and were dominant in the southern parts of the Arabian Peninsula. They resented the Hashemites' claim to authority and their ethnic superiority. Among themselves they were divided into different tribal groups, most prominent among them being the Hashid and Bakil confederations.²³

This ethnic division expressed itself in political terms and the two groups – the imams and the tribes- also competed for authority among themselves. The Zaydi principle of revolt paved the way for fierce competition among members of the Hashimite group, each claiming to be the rightful imam fighting an unjust imam. Each had to gain the loyalty of a certain segment of the tribes in order to fight his way to authority.²⁴

The Huthi rebellion, which led to an on and off civil war in Sada'a since 2004, are played along these tribal line. It is not a sectarian war. The Huthi family is Adnani Hashemite whereas the President's clan belongs to Qahtani Hashidi tribal confederation. Both are Zaydis.

Through these wars, the tribes maintained their independence, and they switched sides as they deemed it profitable. They also revolted against any imam who tried to extend his authority to their tribal territories. Periodically they raided Sana'a, the capital, and looted it. They also engaged in tribal wars against each other, especially between the Hashid and Bakil confederations.²⁵

Additionally, those who suffered most from this state of affairs were the settled farmers in the fertile middle region and coastal areas of Yemen. As Sunnis, they adhered to the other Islamic denomination and were followers of the Islamic Jurisprudence School of Shafite, named after Shafite (768-820), its jurist founder. The Shafite farmers, who endured constant tribal raids, were also subject to an arbitrary system of taxation enforced by the imam claiming authority in their area. This led to "constant waves of immigration and the diminishing of the agricultural

²² Manea, *The Arab State and Women's Rights: The Trap of the Transitional State*, Post-Doctoral Thesis, not published, Zürich, pp. 44-47.

²³ Ibid.

²⁴ Ibid.

²⁵ For detailed accounts of this state of affairs see Author unknown, *Yemeni Years*, in Arabic; Al Aamry, *One Hundred Year of Yemeni Modern History: 1748-1848*, in Arabic; Abatha, *Ottoman Rule in Yemen: 1872-1918*, in Arabic, 51-68.

lands cultivated... and hindered the possibility of internal and external trade".²⁶ Wars and raids during this period – 19th century - were also launched on a sectarian basis.²⁷

This historical state of affairs expresses itself in today's North Yemen. The Zaydi Hashid and Bakil confederations inhabit the northern eastern part of North Yemen. Political power rests with this group (especially from Hashid confederation). The Shafite population, on the other hand, inhabits the middle region and coastal areas of North Yemen (Ibb, Taiz, Hudiada). The Shafites frequently complain about discrimination based on their Sunni denomination and point to their marginalization in the army, though they have constituted the bulk of technocrats in the northern government, and have often played an important role in the private sector (despite the rising competition of Zaydi tribal figures).

South Yemen

In the southern areas of Yemen, the majority of the population adhered to the Sunni Shafite tradition, with another segment of the population following Sufi Islamic tradition (especially in Hadramawt). They have also been divided along tribal lines, most prominent among them are the Himiar and Madhhij confederations. This classification, however, conceals a tribal segmentation that runs across the South itself. In Al Mahra region for instance, one author counted no less than 32 major tribes that inhabit the region; another named 15 major tribes in Hadramaout; not to mention the Al Waliq tribes, which are divided into Upper and Lower Awaliqs, each is divided in turn into a group of tribes.²⁸

On the one hand, the southern regions are closer to the Shafite regions of North Yemen (Taiz, Ibb) in their religious affiliation.²⁹ On the other hand, the tribal character of some of the southern regions - especially in Ad Dalih, Shabwa, and Al Mahra - makes them closer in their structures and norms to some northern Zaydi regions such as Maarib.

Historically, the presence of fertile lands in some regions of this area encouraged the inhabitants to maintain their economic activities and to work as farmers. To some degree, agriculture helped in some of these units to dissolve the tribal roots of these groups and led to the creation of semi-feudal separate entities in the region. The inhabitants of these areas either worked as farmers for their landlords and their families, or they owned individual small farms.

²⁶ Abatha, *Ottoman Rule*, 58-59.

²⁷ Abatha, 56.

²⁸ Seel Al Qumairi, Mohammad and Salim, Lhimier, *Al Mahra: Tribe and Language*, in Arabic, Aden: Abadi for Publications, 2003, pp.10-13; For more about Hadrami and Awaliqi tribes see Luqman, Hamza, *History of Yemeni Tribes*, in Arabic, Sana'a: Dar Al Kalima, 1985, pp. 352-368; pp. 273-303; about the political history of Al Awaliq see Tawhal, Khalid, *Al Waliq and their Contemporary Political Structure: 1918-1967*, Aden: Aden University Press, 2006.

²⁹ Southern secessionist movement has often called upon the Shafite regions in north Yemen to 'rebel against their Zaydis oppressors'. This can explain, as one journalist explained, why President Salih chose Taiz to celebrate the 20th anniversary of Yemen's unification this May: "the regime was trying to tell the population in Taiz and Ibb that the conflict is between the north and south and not between Zaydis and Shafites".

Whatever their arrangement, they were subject to the often brutal command of the ruling semi-feudal families, who also engaged in frequent wars and raids against one another.³⁰

So when Britain colonized the port of Aden in 1829, it fell into already fragmented units. The South was divided, into Aden, a port near the intersection of the Red Sea and the Indian Ocean, and the Hinterland, composed of twenty-four mini sultanates and sheikhdoms, each ruled by a sultan, tribal sheikh, or semi-feudal lord.³¹

Colonial policies toward the two parts reflected the differing value placed on each one. As a result, the British left untouched the fragmented status quo in the hinterland, with its convoluted constitutional and political legacy, while it turned Aden into a bustling economic center. Britain fortified Aden and the area surrounding it, and concentrated all its economic activities there, allowing commercial interests to establish a major infrastructure to service the shipping industry. Small-scale industrial activity and commerce developed, turning the city into a prosperous colony. Education, combined with a semi-functioning media and association rights, fostered a sizable and influential middle class. This segment of southern society, organized in the form of political parties and labor unions, began to participate in politics and later spearheaded an opposition movement against British colonization.³²

Conversely, the hinterland received scant attention from British authorities. It was left to the rule of local sultans and sheiks and emirs with whom Britain signed protection treaties starting in 1886. In return for an annual salary and military protection, the local rulers pledged to relinquish foreign-policy making to the British as well as to refrain from direct contact with external powers. The protectorates were constitutionally separate from the Aden colony and were politically and economically fragmented as a result of tribal segmentation and local autonomy.³³

Only in World War II did Britain reverse its policy and began to interfere actively in the hinterland, while proposing constitutional rule and elections in Aden.³⁴ It also decided that unifying Aden and the Hinterland's unit in a federation might ensure its survival in the face of a Pan-Arab wave. Ironically, the British-envisioned unification created a new political entity whose parts were not homogeneous and did not share a Yemeni identity.

The independence of the People's Democratic Republic of Yemen and its adoption of communism have given the impression that the socialist regime succeeded in rooting up the tribal structures through a combination of penetrative (social engineering) and coercive (oppressive) methods.

³⁰ For more information on the tribe and state in Yemen see Manea, Elham, "La tribu et l'Etat au Yèmen", in Kilani, ed. *Islam et Changement social*, 205-218; for more on the tribes in the southern part of Yemen and their war activities see Luqman, *History of the Yemeni Tribes*, in Arabic.

³¹ Manea, *Regional Politics*, Chapter 3.

³² Ibid.

³³ Molyneux, 245-246; Manea, *Regional Politics*, 28-31, 44-45, 48-50.

³⁴ Carapico, *Civil Society in Yemen*, 26; Manea, *Regional Politics*, 48-50; Field visit, Aden, October, 2006.

This impression is far from accurate. In fact, one realizes that the manner by which the socialist party built its new regime reflected tribal/regional considerations. On the one hand, the new regime, led by the National Front (which led the armed struggle against Britain and renamed itself the Socialist Party after independence), took systematic measures to sideline the urban Adenis elites, which had good relations with the British authorities and aspired for a separate treatment to Aden (similar to Hong Kong and Singapore colonies). The new regime assigned the label *petit bourgeois* to the Adenis and therefore treated them harshly. On the other hand, the socialist regime, according to the account of a journalist in an unpublished article, started a “process of cleansing” which excluded members of the Awaliq tribes (Shabwa and Abien provinces), which played an influential role in the pre-independence Federal Army. This has led to the strengthening of the position within the army and security apparatuses of the provinces that joined the National Front, such as Ad Dali, Radfan, and Duthaina.

The tribal/regional character of the socialist regime was clearly revealed in the southern civil war of 1986. The provinces of Shabwa and Abien supported the President Ali Nasr Mohammad, whereas the provinces of Ad Dali and Radfan supported the radical wing in the party. The former was defeated and left with 30 thousands armed men to North Yemen.

This tribal/regional division reflected itself in the civil war of 1994 between Northern and southern leaderships in unified Yemen. The defeated troops of Abien and Shabwa joined the Northern President in the war against the troops of the southern leadership, dominated by members of Ad Dali and Radfan. It does not come as a surprise therefore that the most vocal in the secessionist movement are members and groups coming from these two provinces Ad Dali and Radfan, though this has started to change since the mid 2009.

II. Role of the Tribes in Regional Governance

- a. **Gaps in Governance:** As mentioned previously, the Yemeni state is a weak state, which lacks the capabilities “to penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways”. Lack of capabilities is best illustrated in three examples:

- *Inability to disarm the tribes:* There are no official figures for the number of available firearms today in Yemen, but “*unofficial estimates suggest that there are almost 17 million weapons circulating in the country, which according to the latest census in March 2005 has a population of 19.7 million*”.³⁵ Whatever the absolute numbers, weapons are widely available and sold throughout Yemen. For a Yemeni tribesman, gun ownership is not simply about having an instrument for defense and for attack, it is also a symbol of status, power, manhood, wealth, and celebration.³⁶ Arms are sold openly in markets in both northern and southern regions. These include the Suq al-Talh in Sana province, 242 km north of the

³⁵ “Yemen: When Cultural Norms underpin Gun Ownership”, IRIN –Humanitarian news and analysis (a Project of the UN Office for the Coordination of Humanitarian Affairs), 29 June, 2010, [<http://www.irinnews.org/InDepthMain.aspx?InDepthId=8&ReportId=41050&Country=Yes>].

³⁶ “Firing guns in the air is a traditional means of celebrating important social occasions, including weddings. On any given Friday, hundreds of men gather at Wadi Dhahr, a deep rocky canyon outside Sana, to celebrate the marriages of men in their community. Holding guns above their heads, they display them with pride, firing rounds in the air”, *ibid*.

capital, and Suq Juhainah, 40 km outside the city. There are three other regional markets located in Al-Jowf, Al-Baydah and Abien.³⁷ The fact that arms are being sold in such an open manner in the country is a testimony to the state's failure to disarm its population. The last serious attempt to disarm the tribesmen was made in 1992, when the Yemeni leadership, pushed by the southern members, submitted a draft law to the parliament entitled "the draft law on firearms and ammunition and explosives". However, as one Yemeni study has shown: *"Tribal sheikhs and their supporters in the parliament inside the parliament rejected the word of 'possession' of arms mentioned in the draft law, and instead managed to change it to 'regulate' the carrying of arms"*.³⁸ Public demands from NGOs and Yemeni officials to start parliamentary debate on a draft law to control the ownership and use of firearms do come about (latest example occurred in September 2005 when protestors took to the streets of Sana'a demanding just that). But fierce opposition of tribal figures to governmental disarmament attempts has often been met with government compliance.

- *Inability to collect taxes:* Governmental inability to collect taxes is best illustrated by the manner by which its tax collectors operate in its very center –Sana'a, the capital. According to several personal accounts related to the author, tax collectors often openly demand to be paid a sum of money (bribe) in order to exempt the tax payer from his taxes or reduce the amount paid. This corruption permeates the state's apparatus and institutions. It is compounded by its inability to penetrate the stronghold of tribal areas in Yemeni different regions in order to try to collect taxes in the first place.
- *Inability to deliver services to its population:* Services, such as education, health, electricity roads, water, and sanitation are often shaky and under many constraints in both northern and southern cities of Yemen. Electricity cuts that stretch over several hours are a daily experience in Sana'a, Aden, and Taiz. Water is supplied (to taps in households) every four days in Sana'a and every 20 days in Taiz (no figures are available on the southern cities). State hospitals and schools are unable to provide competent services (a common joke is that if a person entered a Yemeni hospital healthy, he or she will leave it dead). This leads to a situation where those who have enough resources could turn to private hospitals or schools for their children. The rest are deprived of such services (more than 40% of the population is living under the poverty line). The state's inability to deliver services to its population is best highlighted by the demands of (often northern) tribesmen who kidnap foreign tourists. If these kidnappings are not motivated by Islamist ideology, then it is more often that they have kidnapped the foreign tourists to exert pressure on the government to build 'roads, hospitals, and schools' in their tribal areas.

The state's lack of capability has meant that the tribe still assumes roles, which would normally be undertaken by the state in the different regions of Yemen. It has meant that the tribe assumes the role of defense (defense of the community, tribal territory, and water wells), and caretaker of its members (protector and provider); it assumes the role of resolving conflicts between its members or between it and other tribes, and it does provide a safety net to its

³⁷ Ibid.

³⁸ Althahiri, M. Mohammad, *The Political Role of the Tribe in Yemen: 1962-1990*, in Arabic, Cairo: Madbouli Library, 1996, pp.212-213.

members. It is very telling that in Aden, where the nuclear family has replaced the tribe, Adenis are said to suffer more from poverty than their tribal counterparts in Shabaw, Al Mahra, Ad Dali, etc. Without the safety net of the tribe, they are left alone to scratch a living for themselves. In this respect the tribe can be regarded as the first resort to its members, and this holds true for both northern and southern regions.

b. Actors Relations to Each Other: The tribe-state-other actors' relations takes three forms: it can supplement the weak capabilities of the state, it plays a role in conflict resolution, and it also fosters conflict and feuds.

- *Supplement states' Weak Capabilities:* because the state is unable to deliver services to its population, the tribes have often assumed self responsibility and tried to cover for the gaps of governance in their regions. In the northern region, the local population in remote villages will dig its own well, attempt to chart a rudimentary road to facilitate movement, and collect money from its community to buy an electricity generator. Education and health services are often left to the work of international donors. This role is also supported by other actors such as citizen groups/business/foreign donors/NGOs. In Taiz for instance, Hail Said and his family - a well known and very wealthy Shafie businessman - pour money into his home region of Taiz (scholarships, building infrastructures, providing social safety net). The same can be said about Hadaramis businessmen and donors, who are still living in Saudi Arabia, but are investing money in the infrastructure of their home region.

- More significantly, the state's inability to provide adequate education services to its citizens has been a gap which has been filled by fundamentalist religious groups: Neo Salafis (Saudi/Najdi Wahhabi version of Islam) in the southern and the northern regions and Hashmite Zaydis particularly in Sada'a. These schools/religious institutes/Quran groups have often been funded either by Neo Salafi groups in the North or by like minded Saudi or Yemeni migrants merchants. Their ideology justifies terrorism as a religious duty. Zaydis, on their part, have responded by building and supporting their own religious schools. This has in return led to the fostering of fundamentalist Zaydi ideology and sometimes to identification with the Shiite's Iran denomination as a 'partner' in the face of the 'Sunni/Wahhabi hegemony and encroachment'. Both groups are often said to resort to outside help – Huthi in Sada'a for instance are rumored to have contacts with Libya, Qatar, Iran, and Neo Salfai Yemeni groups with Saudi Arabia, Gulf donors, and global Jihadists.

- *Conflict Resolution:* The customary tribal role has been to help resolve conflicts between tribes in times when the state is unable to do so. The latest example was the "Festival of Peace", which took place in Lahj on 15 June, 2010. Thousands of tribesmen of the northern Hashid and southern Yafa gathered in the southern region of Lahj to put an end to a feud that started after the murder of the director of the office of the former Prime Minister Bajamal. The director was a Sheikh from Yafa, his murderer from Hashid. The paramount Sheikh of Hashid, Sadiq al Ahmar, came with his tribesmen to the Yafai tribal region of the murdered Sheikh and resolved the issue according to the tribal customary law called *al orf* - a collection of unwritten laws and traditions, passed on orally from one generation to another in a tribe, which defined appropriate behavior and also set the rules of conduct both

within the tribe and in relation to other tribes. The interesting part in this whole episode was that the festival was held with the blessing of the Yemeni President himself. Yemeni officials along side of tribal leaders attended the ceremony.³⁹

- *Fostering conflicts and feud:* Just as tribal customary law may help in resolving conflict; it can all the same cause, foster, and perpetuate conflicts. The availability of arms compounds the effect of this problem. According to government figures, tribal vendettas are common and result in the deaths of more than 2,000 people annually. For example, revenge killings between the Hajerah and Annis tribes in Ibb and Tamar provinces, south of Sana'a, led to the murder of more than 30 people and the wounding of 100 more in early July 2005. The catalyst for this vendetta was a land dispute. The dispute between the two tribes has flared up intermittently for the last five years.⁴⁰

c. Implications

This state of affairs has several implications for governance:

- *Absence of Respect for the Law:* The state is often regarded by Yemenis (tribal or otherwise) as a Leviathan -using Hobbes term- that is more resented, hated, and loathed than respected. The rules provided by the state are often looked at as impediments that one has to overcome not to respect. Respect for the law is not a cherished value. Widespread corruption makes small men think that 'if respect of the law does not apply to the big officials –president and his entourage included-then why we should?' The tribe in this respect plays a role in overcoming and bypassing the state's authority. One example, related to this author, is a regulation passed by the Sana'a's authority in the early 2000s to prohibit taxi drivers, who own old models of cars, from parking and providing services to passengers at the Sana'a International Airport. The regulation's aim was to enhance the attractiveness of Yemeni image for foreign tourists arriving to the country. New cars, so was the logic, would foster the image. Taxi drivers affected negatively by this regulation gathered money and bought a calf, then slaughtered it in front of the house of the now deceased paramount Sheikh of Hashid, Abdullah al Ahamar. The latter responded to the gesture and met with the group and after hearing their grievances '*used his influence to freeze the regulation*'. His '*mediation*', as described by the taxi driver who recounted the event, '*was successful*'.
- *The tribe seems to be the main force dictating the norms of behavior and claiming the loyalty of Yemeni citizens. This is mostly observed in the Zaydi tribal areas in the north. It has also been apparent in the southern regions in their affiliation/or the lack thereof with the secessionist movement. Both have implications for conflict and crisis in a Yemeni context.* Interviews conducted between 1993 and 1992 with northern Sheiks and sons of Sheiks who hold official military and security positions in the state have emphasized this point. Some of them answered the question 'how would they respond if a war erupted between their tribe and the state' by saying they will side with their tribe, especially if the "state was exaggerating in its behavior towards his tribe or one of its members". Others responded by

³⁹ "Attended by Thousands Tribesmen: Ending the Case of the Sheikh Atef Murder with a Tribal Ruling", News Yemen, in Arabic, 16.06. 2010; [http://newsyemen.net/view_news.asp?sub_no=1_2010_06_16_44809].

⁴⁰ "Yemen: When Cultural Norms underpin Gun Ownership", *ibid*.

saying that it depends on whether their tribe was unjustly treated by the state. When asked how they would respond towards a war between their tribe and another tribe, the common answer was 'to take a leave from the army and join their tribe in their fight'; if their request for absence was rejected, they 'will have no choice but to desert their posts and join the tribe to defend it or fight with it'.⁴¹ On the other hand, regional/tribal affiliation has also shaped to a great extent the composition of the southern secessionist movement, leaving a question mark whether the different regions identify equally with the 'southern national identity'. The movement's stronghold is Ad Dali (with its tribe of Al Sha'ari/الشاعري). This province had much to resent especially as thousands of its members were dispensed or early retired from the army after the end of the 1994 civil war. Two of the main leaders of the movement in Ad Dali province are members of Al Sha'ari tribe. By contrast, the Awaliq tribes (who are spread across the Shabwa and Abien provinces) have mostly remained quiet and did not join forces with the secessionist movement. The same can be said about the Yafa tribes, which for the most part have taken a neutral position during this crisis. This regional/tribal composition of the movement started to change in mid-2009 as former southern allies of President Salih, such as Tariq al Fadhli⁴² of Abien (who fought with the Afghan Arabs in Afghanistan and is said to be affiliated with Usama bin Laden), joined rank with the movement.

- *The weaknesses of the state's capabilities combined with tribal customary laws have left room for foreign and local Islamists/Al Qaeda cells to work in Yemeni tribal territory.* On the one hand, the state's inability to control its territory, compounded by Yemen's mountainous topography, made it an attractive destination for terrorists' cells. On the other hand, customary tribal laws oblige any tribe to 'protect a guest', if he asked for 'protection'. In addition, the tribes have rarely considered themselves 'part' of the 'state's conflicts. This has meant that they would accept money from whoever would pay more. Tribal territories in the north or south are therefore an attractive destination for such cells. The presence of cells in these areas, on the other hand, has started to leave its impact on tribesmen and their adherence to their respective traditional laws. Indoctrinated into an Islamist ideology, tribesmen would commit crimes, such as harming a woman or a child, that are customarily considered 'black shame', which dishonors the whole tribe. Religious indoctrination in this sense seems to weaken the tribal identity, but with dire consequences.
- *Tribes' assumption of the state's function combined with their rejections of the state's authority has implication for the management of national resources.* Ground water depletion in Yemen is related to this factor, as tribes and individuals dig their own wells and resist government attempts to regulate and manage this resource.
- *Inability of the state to control arms sales in its regions has implications for fighting terrorisms in a regional context.* A 2003 United Nations report submitted to the UN Security Council named Yemen as the chief source of smuggled weapons to a number of East African and Horn of Africa countries (ex. Kenya, Ethiopia, and Somalia), fueling their violent conflicts.

⁴¹ Althahiri, M. Mohammad, pp. 198-199.

⁴² Al Fadhli desertion should be regarded with caution, for it could be simply a maneuver of Salih's regime to cast an "Islamist/terrorist" cloud over the secessionist movement.

It said that it was relatively easy to get surface-to-air missiles in Yemen and export them to Somalia, and alluded to the fact that the missiles used in the failed attack on an Israeli airplane leaving the coastal Kenyan city of Mombasa in November 2002 were brought through Somalia from Yemen.⁴³

- d. **Trends:** Given the state's weak capabilities, the tribes' central role in the lives of their members will remain unchallenged in their respective regions. Fragmentations along tribal, regional, and sectarian lines are being constantly revived and reinforced. This is not only a trend that threatens the unity of Yemen as a whole, it is a trend that casts a shadow about the unity of South Yemen itself, if it ever manages to achieve secession. Significantly, as long as the social, economic, and political grievances of the different Yemeni social groups are not heeded, the tribal, regional, and sectarian based conflicts will continue to flare.

B. Role of the Tribes in National Governance

1. Background on the Regime's Tribal Character

The Yemeni state is tribal in its core character. This assertion is not only related to the strength of the tribal institution socially and politically. It has more to do with the fact the political regime itself is very much an expression of the dominance of one sectarian/tribal group.⁴⁴

To compensate for its lack of legitimacy and consolidate its power, the ruling elite in Yemen have depended on its traditional base of power.⁴⁵ The traditional base of power on which the Yemeni ruling elite has depended was of a sectarian/tribal nature. Two circles have developed in the traditional base of power: the inner and outer. Each deserves a thorough description.

Traditional Base of Power - Inner Circle of the Power Base

The inner circle of the power base includes two levels of the ruler's sectarian and tribal group affiliation. The first level is the more immediate and the second is the more extended clan.

- a. **Immediate clan members.** The first level includes the ruler's immediate tribal/sectarian clan. In Yemen, the clan is the President's *Sanhan tribe*, located at the south-southeast corner of Sana'a, the capital of Yemen, which is a member of the Zaydi Qahtani Hashid tribal confederation. When Salih came to power in North Yemen in 1978, he systematically appointed close relatives and members of his tribe to key command positions, thus ensuring the loyalty of the army and the security apparatus. His clan's grip on those two institutions continued after the civil war of 1994, which resolved the power struggle in unified Yemen in his favor. The journalist Bashir al Bakr made an inventory of the members of Salih's direct family and the Sanhan tribe who were controlling the key security and army

⁴³ Yemen: When Cultural Norms underpin Gun Ownership",

⁴⁴ Manea, *The Arab State and Women's Rights*, chapter 6.

⁴⁵ Traditional base of power is defined here as the sectarian/tribal/religious/regional or cliental groups that are the origin or major support of the state's political elites. Manea, *The Arab State and Women's Rights*, *ibid*.

positions after 1994; he named 33 persons, each residing over an army command or security organization.⁴⁶ This grip on key military and security position continues today.

- b. The larger tribal or sectarian group.** This is the ruler's second level of traditional power. President Salih has depended on the Zaydi Qahtani *Hashid* tribal confederation, which ensured his survival during critical political upheavals, the most recent being the civil war of 1994 when Hashid tribesmen were a pivotal part of the coalition that ensured Salih's victory. Nevertheless, the fact that interdependence and shared interests bring Salih and the tribal strongmen together does not indicate that their relationship is harmonious. Often their ties feature multiple ups and downs and sometimes bitter rivalry that can border on open confrontation. One example is the simmering power struggle in the relationship between Salih and al-Ahmar over the past decade. The continuous push-and-pull between the two culminated in a 'car accident' that almost cost al-Ahmar his life in 2007, and after which Salih went to Riyadh for "medical treatment".

Traditional Base of Power - Wider Circle of the Power Base

The wider circle of the power base upon which the Yemeni political systems depend features both diversity and fluctuation. It includes those religious, sectarian, tribal, or regional groups that are marginalized, discriminated against, or feel threatened within the larger system, or simply aspire to be part of the political system and gain some of its spoils. This circle of the power base has proved vital for the survival politics of the ruling elite, which have often played on the sense of victimization, fear, or ambition among these social groups, and then played them against other competing political powers or against each other.⁴⁷

Yemeni wider circle of power shifts along with the sands of politics. Sometimes it includes tribal confederations, such as the Zaydi Qahtani Bakil, known historically to be at odds with the Hashid tribe. Part of the Bakil's tribe sided with the royalist camp during the northern civil war of the 1960s, but it was later included in Salih's patronage network and its leaders were showered with money and prestigious positions on the Northern 'consultative' council. Over time, though, Bakil's strongmen have expressed independence in their positions; as a result they shifted farther away from Salih's camp.

For example, Bakil's Primary sheikh, Sinan Abu Lohoum, stood with Salih in his decision to support Yemeni unification. His decision provided an appreciated source of support that countered the opposition of Hashid's top sheikh Al Ahmar, who was against unification because of the Communist ideological background of the southern leadership. Nevertheless, Abu Lohoum was one of the few sheikhs who opposed Salih's decision to enter the 1994 war against the Southern leaders. He expressed his disagreement in a public letter and then left the country in a gesture of

⁴⁶ See the list in Al Bakr, *The Yemeni War: The Tribe Wins over the State*, in Arabic, 131-132; also see Manea, *Regional Politics*, 43; Manea, *The Arab State and Women's Rights*, *ibid*.

⁴⁷ Manea, *The Arab State and Women's Rights*, *ibid*.

defiance. Shortly thereafter, he survived an assassination attempt, for which he publicly blamed the president's camp.⁴⁸

In Yemen, sometimes the wider circle of power includes dissatisfied social and political groups. One such group has been the camp that was defeated in the 1986 southern civil war. It includes army commanders and political figures, the majority of whom live in the southern regions of Shabwa and Abien. During the 1986 war, they fled to the North and were allowed to reorganize their defeated army brigades in what were later called the Brigades of Unity. These brigades were instrumental in supporting Salih in the 1994 civil war. Representatives of this group are often appointed to symbolic positions such as vice president, or given technocrat positions in the cabinet.⁴⁹

Another group has been the Northern Shafites of the middle regions (*al-manateq al wousta*), who have often resented the tribal Zaydi Qahtani control of power. Members of the Yemeni Shafites have often dominated the business sector; being given technocrat positions in the cabinet, they have therefore been allied with the Salih regime. However, this alliance has sometimes been tested, as the strongmen of Hashid started to compete with the Shafite businessmen to monopolize the business sector.⁵⁰

To sum up, both the inner and the wider circles of the traditional base of power have provided Yemeni leaders with much-needed traditional channels of support, through which they were able to justify, legitimize, and continue their hold on power.

The Politics of Survival

Another feature of the Yemeni regime is its leadership's constant engagement in the politics of survival. Yemeni ruling elite recognizes this deficiency as the Achilles heel that threatens the stability of their regime. A natural outcome of this deficiency is their dependence on their traditional base of power. The combination of these two factors is what compels these elites to continuously engage in the politics of survival – elite's *Shifts of alliances with and allocates and channels resources to various political and social groups to ensure its hold on power, and to survive in a hostile regional environment*. Two strategies of survival have been of relevance within a Yemeni context:⁵¹

- The Yemeni political elites often make their alliances with social groups within the wider circle of the traditional base of power. They make these alliances with one clear purpose: to weaken competing political groups that prove threatening to their authority. And they are by nature ephemeral – they shift along with the sands of politics.

⁴⁸ Shikh Sinan Abu Lohoum, Interview, in Arabic, A Special Visit, Aljazeera Satellite Channel, July 1, 2006. Sinan Abu Lohoum, interview, in Arabic, Al Nedaa Newspaper, December 13, 2007.

⁴⁹ Manea, *The Arab State and Women's Rights*, ibid.

⁵⁰ During my field visit in Yemen in 2007, I was told repeatedly that the northern Yemeni Shafites had been instrumental in changing the demographic structure of the Southern part of Yemen, most evident in Aden which was flooded by internal migrants from Ta'aiz city after the civil war of 1994. But it is not clear whether this process was systematically engineered by Salih's regime, or has mainly been a natural outcome of the economic activity that Aden has started to witness. In any case, the complaint, with its tone of accusation, was difficult to ignore.

⁵¹ See Manea, *The Arab State and Women's Rights*, ibid.

- In playing the Islamist card, the state leader takes advantage of the phenomenon of political Islam. He endorses certain Islamist groups rather than others and forges political alliances with them. The main aim of this strategy is political: to deploy the support of these Islamist groups as a means of legitimizing his rule in a religious sense and/or delegitimizing that of his rivals. The tactic has also been instrumental in undermining rival Islamist groups that pose a real challenge to the state's leadership, and sidelining, or even gaining the reluctant support of, other political groups that fear the rise of political Islam in their societies. Here, the leader is deliberately taking advantage of fear. This may be fear of Islamic fundamentalism and its intolerance of non-Sunni, non-Shiite, or non-Muslim groups, or fear of the tyranny of a theocratic rule, or fear of being branded as anti-Islamic.⁵²

Foreign Policy

The manner by which the Yemeni leadership conducts its foreign policy follows the lines of the politics of survival. The operational setting within which the Yemeni leadership designs its foreign policy has two dimensions: The internal dimension is the intra-state pressures that emanate from social divisions (tribal, sectarian, regional, etc.). The external dimension is the external regional pressures that Yemen faces, and which have constantly put strains on the state (Saudi Arabia, Libya, etc).⁵³

Applied within the context of Yemen, the Yemeni leadership has had to ensure three conditions.

- a) Power must remain in the hands of the core elite: the Sanhan clan in Yemen;
- b) Leadership must withstand regional pressures from hegemonic or competing neighbors; for Yemen this means Saudi Arabia;
- c) It also has to compensate for its weak and marginalized position within the international system.

Considered within this context, the foreign policy realm was and still is the area that allows the Yemeni leadership to maneuver and strengthen its position vis-à-vis Saudi Arabia, enhance its regional role, and legitimize its authority internally. It has also been a means to generate much needed foreign aid for its economy. To achieve these ends Yemeni leadership has continuously exerted pressure against the seams of its regional and international setting. Examples are abundant: using the Cold War rivalry to its own advantage; playing Iraq against Saudi Arabia before the Second Gulf War; making use of Saudi security concerns of a bigger Iranian role in the region; using the nascent democracy in Yemen as a means to get help from the EU; and when this was no longer convincing using the fight against international terrorism to its own advantage.⁵⁴

II. Role of Tribes in National Governance

a. Gaps in Governance

⁵² Ibid.

⁵³ Ibid.

⁵⁴ For More Information see Manea, *Regional Politics*, chapter 7.

The Yemeni system is ailing. In addition to the weakness of the state which makes it difficult for the government to fulfill its obligations towards its citizens; it has also difficulties controlling its coastal areas let alone the tribal peripheral areas. One of the poorest countries in the Middle East and North Africa with half of its population of around 20 million living off of less than two dollars a day, Yemen struggles with 27% inflation, 49% unemployment, and 46% child malnutrition. Its oil resources, which provides 75% of government revenue, is diminishing, and has declined from a peak of 460,000 barrels per day in 2002– falling by 12% in 2007– to the current rate of 300–350,000 barrels per day. As an indication of the government financial problems and constraints, the government announced in late December 2008 a 50 percent cut in its 2009 general budget (decision No. 467, 2008). Accordingly, budget allocations of ministries and institutions will be cut by half. Salaries, on the other hand, are exempt from the cuts.

Somali refugees put another strain on the national government. In 2008, more than 50,000 new arrivals of refugees and migrants landed on the shores of Yemen. The number represented a 70% increase on the previous year. Giving the statistical trend and the volatile situation in Somalia the UNCHR Representative is preparing for a worse case scenario. The numbers provided by the UNCHR do not account for those who landed on Yemeni shores undetected and then moved to unknown urban or rural areas. Most of the Refugees and migrants do not remain in the three reception camps (Ahwar Reception Centre, Kharaz Refugee Camp, and Mayfa'a Reception Centre) and often move and settle within the country *or* try to enter a Gulf country or beyond. Both International Organizations and Yemeni officials acknowledge the existence of organized human trafficking taken place, especially from Yemen to Saudi Arabia.⁵⁵

Water shortage is an acute problem, with Sana'a projected to be the first Arab capital to run short of groundwater. And the country is considered one of the most corrupt states in the world, ranking now 154th out of 180 in the Corruption Perception Index.

These conditions are bound to reflect negatively on the state's institutional capacity to tackle its economic and social responsibilities, control its territory, and ensure law and order in its domain, let alone addressing the humanitarian needs of the refugees (UNHCR refugee's estimation put their numbers at 140,000).⁵⁶

Finally, clouds of doubts have surrounded the leadership's commitment to democracy. Yemen's parliament approved on February 27th, 2009 a two-year postponement of the country's legislative elections. The decision rescheduled the elections from April 27, 2009, to April 2011. The extension comes after two years of failed talks between the ruling party and the Joint Meeting Parties over an agreement to conduct free and fair elections. It was requested by the five major blocks in the Parliament, i.e. the ruling party (GPC), and the four opposition parties the Islamists Islah, Socialists, Nasserites, and Ba'athists. It followed a meeting between President Ali Abdullah Saleh and leaders of the top opposition groups in Yemen during which

⁵⁵ Information is based on the author's latest mission in Yemen on behalf of the Swiss Agency for Development and Cooperation.

⁵⁶ Estimation as of February 4th, 2009.

Saleh pledged to push through reform measures demanded by the opposition. More than a year after the meeting, reforms have not been implemented, talks with the opposition are stalled, and each is accusing the other of undermining the 'dialogue'.⁵⁷

b. Actors Relations to Each Other

Yemen's lack of capacities, which is mostly self-inflicted, has led to its dependence on international donors to supplement its dearth of resources. This aid is designed to support the government in providing services to its population, help it combat Qaeda cells entering its territories or working within it, or fight a Sada'a rebellion that threatened to spill over to Saudi Arabia. Donors include the World Bank, European Union, United States, and Arab donors, especially Saudi Arabia.⁵⁸

Relationships with these donors have often been strained by concerns about Yemen's capacity to allocate funds reliably and its inability to implement reforms that are designed to strengthen the government's institutional capacity. The latter is attributed to a lack of technical expertise within the relevant organizations or ministries in addition to deliberate apathy/obstruction from beneficiaries of the status quo.⁵⁹

The regime's politics of survival has also cast doubts about the regime's seriousness in combating terrorism, especially as it often has had 'warm' relations with Jihadists or ex-Jihadists. The regime enlisted tribesmen (from Hashid) and Jihadist Islamists' (neo-Salafis) groups during the civil war of 1994; the same pattern repeated itself in fighting the Huthi rebellion in Sada'a. Saudi Arabia also joined Yemeni troops in this war, especially after the Yemeni government situated the war within a regional context citing an Iranian connection to the Huthis.

The Yemeni government 'reluctant' cooperation with the United States in combating international terrorism after December 2009 has put strains on its strong relations with local Islamist groups and leaders. For example, after the then British Prime Minister Gordon Brown invited key international partners to a meeting in London on 28th January, 2010, to discuss how to support Yemen and counter radicalization within it, Yemeni religious leaders met and called in a statement for Jihad (holy war) against 'any military foreign intervention'. Sheikh Abdul Majeed al-Zindani, a Neo-Salafi and president of the Sana'a based Islamist Iman University, said

⁵⁷ It should be mentioned that the Yemeni government came under international pressure in 2008 when it decided to postpone local city councils' elections, and extend the work of the current municipalities for an extra four years. At the time, the United States and the European Union expressed worries that such a move would hinder democratic reform in Yemen.

⁵⁸ For more information see Hill, Ginny, "Yemen: Fear of Failure", Briefing Paper, Chatham House, November 2008, pp. 8-9. The United States increased its assistance to Yemen after the arrest of the Nigerian Umar Farouk Abdul-muttallab on Christmas day, who attempted to blow up a US-bound flight. The news that he was trained by al-Qaeda operatives based in Yemen highlighted the country's attractiveness to Qaeda cells. Consequently, Washington has doubled aid to Yemen, pledging \$63 million in 2010 (\$12.5 million of which will buy military equipment). Sana'a also received \$67 million for its armed forces from the Defense Department in 2009. This amount is to be increased for the year 2010. Carapico, Sheila, "Arming Yemen against Al-Qaeda", MERIP, 21st January, 2010, [http://www.merip.org/newspaper_opeds/oped012110.html].

⁵⁹ Ibid.

in this meeting that “Jihad is a duty on all Muslims if Yemen was to be attacked or invaded militarily by a foreign power”.⁶⁰ The message was clear and was intended to warn the president of any ‘real close’ cooperation with the United States in this field. Sheikh al- Zindani, a close ally of Salih during the last two decades, has much to lose if this cooperation came to fruition, especially as he never hid his sympathy with Usama bin Laden.

Along the same lines, a Yemeni journalist have sighted the work of Saudi/Gulf charity societies in gathering donations inside and outside Yemen and using the money in “*directly financing Al Qaeda or supporting Salafi groups and religious teaching centers, which are often the cradle in which Qaeda activists are being recruited in Yemen*”.⁶¹ Despite the fact some of these societies are included on ‘international lists of organizations financing terrorisms’, they are allowed to work freely in Yemen. The author says that given this connection it is no wonder that Al Qaeda has a strong hold in Ma’arib and regions bordering Saudi Arabia.⁶²

c. Implications: *The Politics of survival pursued by the Yemeni leadership has clear implications for its conduct of governance on a national scale:*

- *The leadership’s constant engagement in creating alliances with social groups within the wider circle of the traditional base of power has led to political appointments in government positions that are not based on merit/competence/qualification. The main criterion for these appointments has been loyalty to the regime.* For instance, to win their support against the southern secessionist movement, the Yemeni leadership has appointed several members of the Awaliq tribes of the southern regions Shabawa and Abien in important key government and military positions. To name just some of these officials of Awaliq tribes: the current Prime Minister, the Minister of Migrants Affairs, Commander of the Navy and Coastal Defense, Deputy Commander of the Air Force, Military Adviser to the President, Deputy Chief of Staff, etc. Given the logic of the politics of survival, the appointment of these persons does not indicate trusting them, which in turn leads to measures that are aimed to check their power.
- *Salih’s alliance with the Islamist groups, especially the neo-Salafi, has left its mark on society and fostered a social and ideological basis for radicalization and recruitment.* Examples are plenty. According to the results of this author’s field work, after winning the 1994 civil war, systematic measures were taken to re-Islamize the South. Interviewees who lived through this period told of Islamists attacking women in Aden if they did not wear the veil. Others told of systematic recruitment of younger people in the South to the ideologies of Islamist Islah Party and neo-Salfia, and of children accusing their parents of being ‘unbelievers’, describing their parents’ marriage as “void” because it was “contracted during the Party’s

⁶⁰ Adrian Croft, “UK’s Brown calls London meeting on Yemen”, Reuters, 1st January, 2010, [<http://uk.reuters.com/article/idUKLDE60005J>]; “Yemeni Religious Leaders: We Will Call for Jihad if Yemen was subjected to any external Interference”, In Arabic, 14th January, 2010, Al Tagheer on Line, [<http://www.al-tagheer.com/news.php?id=13596>].

⁶¹ Ai’ish, Mohammad, “Gulf Money .. A Main Artery to the Qaeda Yemen”, In Arabic, 22ed June, 2010, Alnedaa Newspaper, [<http://www.alnedaa.net/index.php?action=showNews&id=3511>].

⁶² Ibid.

era". Still others described how the education system in southern provinces was overhauled: teachers were dismissed in favor of new groups of Islamist teachers – who made sure to disseminate their own Islamist and Jihadist views.⁶³

- *Politics of survival can cause and inflame a crisis.* Interviews conducted by this author in 2007 have indicated that the Zaydi Huthi family was first groomed by Salih's regime, which was trying at the time to counter the growing influence of the Sunni Islamist Islah Party. The strategy has clearly backfired. After the rebellion started, the conduct of the army in firing indiscriminately on villages in the northern highlands, contributing to the displacement of some 150,000 people,⁶⁴ have antagonized some of the regions tribes. A Swiss employee of an international aid organization told this author that those tribes which were neutral at the beginning of the crisis, decided to join the Huthis as a result of these indiscriminate acts of violence.
- *Politics of survival have also had a direct impact on the coherence of the state's development and gender policies.* Taking the example of gender politics one realizes that the state has have often taken an opportunistic approach to gender issues, acting always in a Machiavellian manner. This has meant that if it made sense politically the state would act in favor of women's emancipation. But if it did not, it would not. Gender rights/policies as a result have often been hostage to the political bargains of the political elites. A case in point is the current debate on child marriage. Pushed by Yemeni human and women's rights' organization outraged by several cases of girls dying as a consequence of early marriage, the government tried to introduce a law setting a minimum age for marriage. Sheikh Abdul Majeed al-Zindani threatened to send a million protesters to the streets of Sana'a. The threat came three months after the call of the Yemeni religious leaders for Jihad against external military interference. Not wanting to antagonize the Sheikh, informal orders were made, and the draft law has simply been frozen.⁶⁵
- d. **Trends:** *The politics of survival employed by the Yemeni leadership has further fragmented Yemeni society, weakened the state's capabilities, and undermined attempts to formulate and implement coherent development and gender policies.* It has also paved the ground for Islamist radicalization and provided a haven for terrorist cells. This type of politics, in light of an absence of a peaceful change of leadership, is expected to continue and so is the lack of good governance.

⁶³ Raqia Abd al-Qader Humaidan, (lawyer and women activist), interview by author, Aden, Yemen, October 7, 2006; Iman Mahmoud Nasser, interview, Kulthom Mahmoud Nasser (President, Society for Business Women in Aden), Aden, Yemen, October 10, 2006; Afandi Abd Ra'bu Hamid (Former Assistant Profosser in Biochemistry, Sana'a University & Member, Southern Opposition Movement, interview by author, Bern, September 20, 2006); all quoted in Manea, Elham, *The Arab State and Women's Rights*, pp. 175-176.

⁶⁴ Carapico, Sheila, "Arming Yemen against Al-Qaeda", op.cit.

⁶⁵ „Zindani threatens with a Million's Demonstration to prevent Parliament from Setting a Minimum Age for Marriage, in Arabic", Naba News On Line, [<http://www.nabanews.net/2009/26177.html>].

Conceptual Paper - Afghanistan

M. Chris Mason

"Mu"



"Are tribes an opportunity, a problem, or irrelevant for addressing conflict, terrorism, and failed states?"

Introduction: What's in a Question?

According to legend, when a monk once asked Zen master Chao-Chou the *koan* "does a dog have Buddha-nature?," the master is said to have replied, "*Mu*," a Japanese word meaning neither yes nor no, but rather that such categorical thinking is false and that the question cannot be answered because it depends on incorrect assumptions. The answer to the conceptual question above is also *Mu*.

This answer is not intended to be flippant, but rather a point of entry to a discussion of the incorrect assumptions in the question in regard to Afghanistan in an effort to make the final analysis more meaningful. Afghanistan may be said, without hyperbole, to be not one country but 60,000, with each village, hamlet, and valley comprising a separate and unique political entity. An ever-shifting and bewilderingly complex set of variables, of which genealogically-derived ("tribal") relationships or kinship networks are but one of many, weave a different tapestry in every human settlement. What is true of a village on one side of a mountain is often untrue of a village on the other. Patterns of land ownership, the relative clarity or lack thereof of land title and tenure, the availability of water and the relative status of those entrusted with dividing it, the importance, lineage and relationships of the local religious leaders, religious custom and the relative prevalence of Sufi, Barelvi, Hanifi or Wahabi (Deobandi) traditions, proximity to a variety of external influences, interaction with nomads, ethnic diversity, the degree of linguistic isolation, and particular local factors all interact in varying degrees with kinship networks in ever-shifting patterns to determine the unique political economy of a village at any given point in time. Just as it is said you never make the same shot twice in a lifetime in the game of golf, you never find the same village twice in Afghanistan. Thus the first

false assumption in the conceptual question is that there is a general, consistent and stable answer, when in fact the answer varies almost literally from one village to the next.

Cultural anthropologists have long been challenged by the infinite diversity and fluid dynamics of social organization in Afghanistan (Barth). The demand of sociology to find and define commonalities and extract norms and patterns has led anthropologists working in Afghanistan to ever-higher levels of abstraction, ultimately rendering their conclusions essentially meaningless (Dupree). A village in the Tajik heartland of the Panjshir valley, a Kuchi nomadic encampment in the Katawaz region of Greater Paktia, a âŠkuNu vîri-speaking village of the âŠku people in the Bâžâigal valley of Alingar, Nuristan, and a Barakzai Pashtun village in Dand District, Kandahar province, have nothing in common with each other apart from a shared state border on Western maps. They have no common religion (the âŠku are still animist in all but name), no common language, no common law, tradition or custom, and especially no common sense of the role of the "tribe" in daily life. In other words, there is not one answer to the conceptual question of tribes in Afghanistan, but 60,000 answers. Moreover, because of the dramatically dynamic nature of Afghanistan and Afghan societies today, five years from now there will be 60,000 *different* answers from the ones we would find today.

The second fallacy is contained in the word "tribe" itself, which is encumbered with wagon-loads of cultural luggage, and inextricably entangled with colonial knowledge projects of constructed identity. It is also weighted with intangible and subconscious cultural assumptions of the superiority of Western governance and the inferiority of primitives living in a primordial, "tribal," state. In other words, simply by using the word "tribe," we are invoking a subconscious value judgment about the lesser merit of "undeveloped" indigenous social systems -- judgments which reach back in our own intellectual heritage to Thomas Hobbes and John Locke.

Furthermore, Orientalist projections often cause us to see even common behaviors as "the Other." For example, when Korean-Americans dominate the dry-cleaning business in Northern Virginia, it is called entrepreneurship, but when similar patterns of kinship networks structure village economies in Afghanistan, it is called "tribalism." Furthermore, connotations of the term "tribe" often essentialize these social arrangements as Hobbesian static primordial entities to be acted upon as "opportunities" or "problems," rather than as dynamic and complex human communities. Thus the very question tends to frame and channelize its outcomes into either Hobbesian statist or Orientalist interpretations.

Constructing Identities

In Afghanistan, the British in particular went to great lengths to establish segmentary genealogies (or rather to resurrect and refine those created by the Moghuls) for the "tribes" of Afghanistan and the borders of British India, and literally compiled libraries of information about them. They, in effect, sought to construct identities for the peoples they encountered along neatly delineated tribal lines, only to be confounded time and again by factors outside this tribal construct. In other words, they sought to identify people in ways their subjects did not identify themselves. (Bayly) The massive Soviet delineation project in Central Asia in the 1920's is another textbook example of literally *constructed* ethnic identities. When Soviet geographers fanned out across the vastness of what today are the "Stans" to enact the orders of Moscow for ethnically-derived *Oblasts*, they regularly asked the indigenous people questions like, "are you Uzbek or Tajik?" What they found, to their astonishment, was that the great majority of those questioned had never considered the matter in this light. Most did not even understand the question. (Wheeler) In a similar way, the West has long sought to establish identity in Afghanistan along "tribal" lines, when in fact, ancestry is not the only, or often even the most important, component of identity of either individuals or local societies. The question suggests that "tribes" are discreet actors working in isolation, whereas, as we have seen, they are instead part of a complex and ever-changing tapestry of factors and cannot easily be disaggregated and considered in isolation. If "tribes" are not the primary component of identity, how can they be "opportunities" or "problems"? If you are a six-foot tall blond male construction worker from Los Angeles who rides motorcycles and smokes marijuana, is being right handed an "opportunity" or a "problem?" How do you disaggregate and analyze that?

What are Afghan "Tribes?"

Afghanistan is home to some 30 major ethnic groups speaking more than 100 distinct languages. The notion of one or two "*linguas franca*" (usually given as Dari and Pashto) is a Western fantasy. In Nuristan province alone, there are 17 different languages spoken, each with several mutually unintelligible dialects. In addition to the Pashtuns and Tajiks (itself a western-constructed identity comprising Dari speakers of non-Mongol descent) who receive the most publicity, there are major communities of Hazaras, Aimaks, Uzbeks, Turkmen, Khirgiz, Wahki, Pashai, Brahui, Baluch, and Qizilbash, and smaller communities of many other groups. In addition, a significant part of the Afghan population is nomadic, which has given rise to many of the classic social issues inherent in sedentary vs. nomadic communities. In each of these

ethnolinguistic groups, the concept of "tribe" or *Qawm* has distinctive meanings which often vary according to the context. For example, if a district in Panjshir province came under attack, the notion of "tribe" would temporarily expand to higher levels of segmentation or kinship groupings in a manner which would not occur in the remote valleys of Nuristan, and each of these responses would differ from that of a Ghilzai Pashtun community in Zabul Province in the South. Moreover, each of these concepts of "tribe" would be different from that existing under normal conditions if the respective communities were not under external threat.

Most importantly, in Afghanistan, as we will see in the second paper, identity based on kinship groups rarely if ever transcends the local, district level, and usually does not rise above the village level. Thus again we return to the first point in this conceptual paper, that if "tribes" in Afghanistan are "opportunities" or "problems," each village is a separate one.

Engaging with "Tribes:" The Extremes of Thomas Hobbes

Until 2008 or 2009, Pollyannaish and often delusional paradigms of a "strong central government," which involved international efforts to "extend the reach of the central government" from the capitol down to the districts, prevailed in state-building policy in Afghanistan. As recently as the ill-fated "Marjah operation" this past spring,⁶⁶ the prevailing conceptual paradigm of "governance-building" efforts of the international community remained (and perhaps remains) the delivery of a "government in a box." This may be summarized as the notion that all that is required to show rural Pashtuns the wonderfulness of the central government is to clear an area of insurgents and stand up a local government (taken out of a "box") complete with administrators and policemen, which in hierarchical fashion reports to Kabul via a provincial governor. In other words, from 2002 to 2010, western governments sought essentially to create Nebraska in rural Afghanistan (except that in the United States, of course, governors and mayors are popularly elected, not appointed by an illegitimate and incompetent kleptocracy). In the past year or two, however, there has been a growing recognition that this has not worked particularly well, and now it is *de rigueur* in development circles to suggest that "outreach" to "tribal leaders" needs to be part of this formula. Because the Pashtun are a famously acephalous society and recognize no chiefs, this, however, has largely taken the form of powerless "provincial councils" and wildly counter-

⁶⁶ The district sub-governor who first popped out of the "box," a convicted felon who recently served five years in prison in Germany for trying to kill his son-in-law, was fired last week from his job and replaced.

productive elected "district councils," which have simply further destabilized local communities by creating competing and parallel leadership structures to the existing elders' *jirgas*. These "district councils" thus merely weaken and undermine existing leadership structures, creating confusion and fissures which insurgent groups and warlords have been quick to exploit. (Brick)

Western efforts to comprehend local Afghan politics and view them as "opportunities" since the beginning of Operation Enduring Freedom have been clumsy at best and dramatically counterproductive at worst. The army, for example, has spent hundreds of millions of dollars since 2005 creating "Human Terrain Teams," a particularly unfortunate nomenclature which implies that human communities are geological formations frozen in time and space without agency, to be mapped, categorized and acted upon like mineral deposits. This misguided effort has been disparagingly termed *Military Orientalism*. (Porter) The fact that the first experience of Afghanistan for over 90 percent of the Human Terrain Team's "Afghanistan experts" is getting off the airplane in Kabul has not helped their performance.⁶⁷ In other cases, the military has sought to meddle directly in "tribal" politics, with disastrous results. A classic example of this was last year's "deal" with the *Shinwari* (Eastern or *Sarbani* Pashtun) of Nangarhar province in the Southeast. In exchange for tens of millions of dollars in direct aid, the US Army believed the "*Shinwari*" would be aggressively "anti-Taliban." In fact, the army unknowingly struck the deal with elders of only one clan (*khel*) of the *Shinwari*, excluding another, and the result has been a tribal war which has riven the formerly cohesive *Shinwari* into competing camps. This has created a deep schism in a previously-solid *Shinwari* bulwark against the Taliban in Nangarhar which the insurgents have rapidly manipulated. Another dangerous example of simplistic thinking about "tribes" and "opportunity" is the newest army plan to create "tribal militias" in rural areas to "combat the Taliban." There is almost no possibility of these traditionally short-lived and *ad hoc* armed groups remaining stable and sustainable under pan-local control, and their conception is based on an almost willful misreading of the indigenous local defense mechanisms variously known as *lashkars* and *arbaki*. It may be fairly said that the U.S. military trampling in tribal politics and negotiations is like children playing with blasting caps. Equally unhelpful on the other end of the spectrum has been the State Department's insistence on a centralized, hierarchical government model in which "tribes" are an archaic anathema to be replaced (and the sooner the better) with "modern" democratic governance structures (which might now for the time being, however, condescendingly "consult" with them

⁶⁷ The percentage is no higher for the Foreign Service Officers, USAID contractors, and others who make up the "civilian surge" expected to operate adroitly in this stunningly complex human environment.

like stubborn children), with conceptions of "successful states" and "failed states" which are derived essentially intact from the Treaty of Westphalia.

Corresponding to this Hobbesian dialectic of the existence or absence of "government" is the prevailing description of the majority of rural Afghanistan as "ungoverned spaces." The *absence* of a central government is automatically interpreted in this assumption as *no* government, a classically Hobbesian construct. I would argue that these are not, in fact, ungoverned spaces but *alternatively-governed* spaces with effectively functioning alternative mechanisms of governance, and indeed that they are spaces which in virtually all cases are better off *without* the presence of the corrupt, predatory and incompetent central state. In the second paper I will examine the specific nature of these local mechanisms in government, defense and justice within the parameters of the matrix.

Conclusion

For Afghanistan, the answer to the question, "Are tribes an opportunity, a problem, or irrelevant for addressing conflict, terrorism, and failed states?" is *Mu*. In practical terms, "tribes" as such do not exist, because in reality, supra-level "tribal" classifications derived from the colonial knowledge project and Mughal genealogies are irrelevant. Afghan identities are far more complex than constructed kinship groups, groups which rarely transcend the local level in any case. Because the Pashtun are acephalous and accept no individuals as leaders or "chiefs," each extended family usually must be dealt with individually. At best in Afghanistan, this would involve about 200 different polities, and at worst more than a thousand. Furthermore, human communities are not "opportunities" or "problems," ideas are. Constructing and conceptualizing identities for communities based on kinship groups in Afghanistan as static geological formations to be acted upon is a classically false Hobbesian assumption. So also is the paradigm of "failed states," implying as it does that only states conforming to the parameters of the Treaty of Westphalia are "successful." This kind of categorical thinking elides the real issues. The roots of conflict are in resources, the roots of terrorism in ideologies, and therein, at least as far as Afghanistan is concerned, the answers lie.

Conceptual Paper - Afghanistan
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As violence has escalated in Southern and Eastern parts of Afghanistan—the so-called Pashtun tribal belt—policymakers have increasingly looked to tribes as a local solution to the security and governance vacuum they experience. In recent years, the strength of indigenous local-level solutions has come to the attention of the U.S. military in particular, who is actively engaging them. Engaging tribes in Afghanistan is a controversial matter: there is enormous debate over the efficacy of tribal engagement programs or even over what constitutes a tribe in rural Afghanistan. If we limit our understanding of tribes to mean village-level self-governance structures based on custom, then policymakers, pundits, and the military might be more capable of speaking to one another and constructively engaging communities in Afghanistan.

Tribes are important in Afghanistan, but it difficult to say *how* they are important because the organization of tribes and their ability to mobilize vary from place to place and of course over time. Furthermore the highly segmentary structure of the tribes along with their greatest self-proclaimed strength—egalitarian ethos—is the mechanism that prevents them from serving as a meaningful organizational structure outside the community level. Despite the difficulties tribes face in aggregating preferences in any meaningful way, tribal identity can, under certain conditions, serve as a powerful source of political and military mobilization.

In this paper, I argue that when trying to come to terms with the role of tribes in governance, security, and development it is most useful to think about tribes in terms of village and community instead of as a kind of social network. In particular, it is important to consider the village as a fundamental source of political, social, and economic order. Despite the chaos of central government rule in Afghanistan, there is pervasive order at the local level. Analysts who are focused on the insurgency in Pashtun areas ascribe well-ordered village life based on *Pashtunwali* and other forms of tribal lore to the unique character of Pashtun tribes. Village life, however, seems to be equally well ordered in non-Pashtun communities that are not plagued by insurgency.

While policymakers, scholars, and military forces search for panaceas to fight insurgents, create governance, and facilitate development in Afghanistan, we must be careful not to overstate the “power” of tribes in Afghanistan. Due to their segmentary nature, power within and between tribes remains extremely diffuse. It is diffuse at inter-communal, regional, and national levels, but quite strong at the village and local level. Instead of ascribing a magical power to tribes, we must be careful to understand what it is they do and what it is they do not do. We should understand what kinds of public goods they provide and at what level of aggregation, and we

should constantly seek to understand their limits. For it is at the limits of tribal life where order breaks down and where assistance is most desperately needed.

Hopefully, this short paper will help clarify certain misunderstandings about tribes that often force academics, policymakers, and practitioners to speak past each other in their vigorous debates about the reality and effectiveness of Pashtun tribes in Afghanistan.

Networks versus Village

In trying to understand the role Pashtun tribes play in security, governance, and development in Afghanistan it is important to note two very different approaches that explain how they operate. The first approach, the one that dominates current debates, stresses tribes as well-functioning social networks. The second approach, the one which I advocate, focuses on tribal strengths as fixed in community and space.

As it became clear to policymakers that the centralized state solution offered in the Bonn Agreement in 2001 failed to create effective governance or security at any level in Afghanistan, Afghans and the rest of the policy world began to look for alternative solutions. As the state failed, discussion of the importance of tribes increased—most notably among the foreign military forces. Most policymakers and analysts who advocate a tribal solution to fix the vacuum of security and development in rural Afghanistan point to the fact that tribes represent a robust form of collective action – able to provide a wide range of public goods and services when the state is unable, due to lack of security, or unwilling, due to pervasive corruption. Several scholars and soldiers who have spent time on the ground have come to this conclusion (see Gant 2009). On the other hand, most scholars of Afghanistan have argued that at the local level tribes are no longer active and have withered away due to years of conflict, economic hardship, urbanization, social mobility, and outward migration (see Ruttig 2010 for a good description of this approach). They argue that policymakers idealize or romanticize the role of tribes in Afghanistan to achieve a political outcome. They also note that it is doubtful whether tribes ever provided the kind of systematic governance and collective defense that many ascribe to them.

What accounts for these starkly different views on the nature of tribes? I believe that one of the reasons scholarly anthropologists and other academics discount military descriptions of Pashtun tribal structures in Afghanistan is that they mean different things when they use the term “tribe.” For many in the military, the customary structures, including village councils, religious leaders, and elders, with whom they engage and encounter on a daily basis, are tribal leaders. In the context of Southern and Eastern Afghanistan they are tribal leaders—or at the very least they represent first among equals. These “white beards” can describe their tribal affiliation, down to the clan level and are well aware of their genealogy. They can also describe

their long list of grudges with rival tribesmen from a neighboring village with whom they have fought endless battles. If you enter any Afghan village, it does not take long to understand who is in charge and what the rules are. To an academic anthropologist, however, tribal structures have a more systemic connotation. They are not mere village-level structures, but instead are entire systems of social organization. In conversations with many in the military trying to engage tribes, I have come to the conclusion that when they speak of tribes, they are speaking of local actors at the village level, not tribes in a more holistic sense.

Most anthropologists and urbanized, Westernized Afghan interlocutors argue that tribal structures at the village level are no longer active and have broken down. But this contradicts what most soldiers embedded in the countryside experience. It seems that some who advocate a more robust role for tribes do so on the basis that tribes can provide local security and assistance in fighting the Taliban. From immediate field experience they note the difficulty “tribal” elders whom they engage have in dealing with the Taliban. Indeed, the proclivity of the Taliban to systematically assassinate tribal leaders points to an inherent tension between the respected ways of the tribes and the neo-Deobandi beliefs of the Taliban. It is this deep immersion in the field that has led many in the military to conclude that tribes are important.

To anthropologists, the tribal structure signifies a social network and a kind of singular form of social organization that predated the state. So if we consider tribes to be a kind of social network, they have indeed broken down: Pashtun tribes fail to provide large-scale public goods—especially the most coveted public goods of security—on their own. But if we consider tribal structures and tribal law to be the rules and norms that govern village life, then they remain quite formidable. This problem of defining tribes is extremely important when tribes are then the vehicle for policy prescriptions—such as tribal defense forces or alternatively when donor-supported governance and development policies proceed “as if” the tribal structures have broken down (and need to be replaced by something else).

Implications

There are certain implications for building security, governance, and development in Afghanistan if we take a village or community view toward tribes rather than a networked approach.

First, while tribes can behave as networks and provide larger scale public goods and services they do not do so on a regular basis. Pashtun tribes simply do not have the organizational capacity to take advantage of economies of scale. They might do so when they are mobilized by a common threat, fueled by patronage, or enabled by a political entrepreneur. Giustozzi (2007, 2009) argues that it is dynamic leadership that is plugged into non-tribal forms of political organization that can spark tribes into action for large-scale activity. Rutting (2010) further

argues that horizontally organized tribes are only important in the insurgency against the Taliban insofar as they are able to plug into larger political party, religious, or patronage networks. Thus, the predictable behavior of tribes is at the local level—not at any levels of aggregation greater than a single community.

It is also important to note that while tribes do not organize hierarchically in any meaningful way, tribal identities do matter at the regional and national level—it is just difficult to say with any specificity *how* they will matter at any given point in time and *to whom* they will matter and how they can be mobilized. In fact, divisions become salient at different levels depending on the very issue being discussed. For example, the simplistic description of Taliban grievances as merely a Ghilzai/Durrani rivalry is not true if we consider that several Durrani groups also support the Taliban. But the division may make sense to other ethnic groups in Afghanistan. For example, in many conversations with Hazara voters, they have expressed feeling more comfortable supporting Durrani candidates for political office instead of Ghilzai Pashtuns because “with the Ghilzais will come the Taliban.”⁶⁸

Second, if we consider the activity of tribes to be most salient at the village level, we find the mechanisms that govern tribes not substantially different from non-Pashtun areas. In field research I did in rural Afghanistan, I had a difficult time reconciling the fact that the organizational structure of villages seemed to be almost identical in Pashtun, Tajik, and Hazara communities. Most villages had some kind of village council (*jirga* or *shura*), an interlocutor who represented village interests to the government (*malik*, *wakil*, or *arbab*), and religious leaders (usually a *mullah*). This division of labor is even seen in urban areas where *wakil-i gozar* (neighborhood representatives), represent neighborhood interests to the *sharwali* (municipality) (Wright, Leonardo, and USAID/Afghanistan 2008). I found this kind of urban organization across cities dominated by different ethnic groups. Naturally, the effectiveness of such customary organizations in Kabul city is doubtful as transience and growth results in very few meaningful informal urban councils.

This division of labor—or separation of powers—was important because it created a web of accountability that sustained good and reputable behavior on the part of “tribal” or local leaders.

The similarity in organizational structures reflects a kind of “Afghanization” of life in the countryside. However, the institutions—the working rules that govern village life within this organizational structure—are different from place to place. Thus throughout the country you will find village councils, representatives, and religious leaders but the working rules governing communities would naturally be different in a Pashtun community that is governed by

⁶⁸ Personal communication, September 2009.

Pashtunwali and a Hazara community, for example. But often the similarities are far more striking than the differences. One of the reasons for these similarities has to do with the very nature of indirect rule that the Government of Afghanistan used for centuries—up until the fall of the Communists in 1992 when the country plunged into civil war. For even the Soviet-sponsored socialist parties who ran Afghanistan until 1990s quickly abandoned their plans to directly control the villages for a scheme of indirect rule (Arnold 1983; Hyman 1984; Male 1982). For centuries, the government used local-level intermediaries to handle community affairs. These intermediaries were selected by the communities to represent community interest to the state—not the other way around.

Louis Dupree several decades ago recognized that the norms that characterize *Pashtunwali* are present in all Muslim groups in Afghanistan:

“This [*Pashtunwali*] is a stringent code, a tough code for tough men, who of necessity live tough lives. Honor and hospitality, hostility and ambush, are paired in the Afghan mind. The values of the Pashtun and of the Muslim religion, modified by local custom, permeate in varying degrees all Afghan ethnic groups” (Dupree 1973, 127).

This Afghanization of village life is largely the result of settlement, forced settlement, and migration patterns and especially interaction with the agents of the formal government (Poullada 1973). All governments of Afghanistan, until the first period of Taliban rule, used these village representatives or headmen to rule communities indirectly, as there has never been formal rule of villages by the state in rural Afghanistan. If we place the locus of tribal and other customary power at the village level, then we can understand with greater precision both the strengths and weaknesses of tribal and other customary structures in Afghanistan.

If we take the notion that Pashtun tribes operate effectively and resiliently at the local level—and only at that level—there are several immediate policy implications we can draw to promote the security, governance, and development sectors in Afghanistan.

Security

Historically, Pashtun tribes are known for their ability to organize for collective defense of their communities when they have come under political pressure from the state or face threat from outside forces. Pashtun terms such as *arbakai* and *lashkar*—Pashtun tribal forms of self-organized militias—are now becoming increasingly common in the parlance of foreign military and diplomatic communities among countries that constitute the Coalition Forces (now called the Local Police Force Initiative).

Foreign military forces have understood the willingness and even enthusiasm tribal elders have to fight the Taliban. In some areas, tribal militias did spontaneously organize to fight the Soviets

or the Taliban in recent years (Edwards 2002). Historically, tribal militias were most effective when individuals organized spontaneously to fight the extractive hand of the central government. They fought to protect their land and their livelihoods. Furthermore, the ability to organize effectively across communities and across tribes has certainly been weakened. Tribes and village organization at the community level remains resilient, but not at the intra-communal levels where strife, distance, conflict, and migration has prevented tribes from organizing in concert across several sub-tribes.

Trying to create mobilization based on tribal affiliation has been a difficult task for Afghans do to themselves when they have been very motivated to do so. While it is laudable that the military recognize the ability of communities to organize for their self-defense, such organization has never been at a scale large enough to constitute an effective militia. Instead, under this scheme individual villages will be armed to challenge insurgents. In the absence of an external enforcer—whether that be the state or a larger tribal body—there is little guarantee that villages will refrain from turning on each other to resolve grievances rather than fight a common enemy. If the villages felt compelled to fight the common enemy—they may have already chosen to do so. The inability of communities to organize effectively to fight the Taliban may also reflect what they perceive to be short-time horizons or unreliable commitment on the part of the Coalition Forces.

It is true that without locals fighting for the cause counterinsurgency becomes difficult, but engineering mobilization is not a substitute for genuine self-motivated collective defense.

Governance and Development

While the military has figured out that understanding local context is extremely important to achieve security and other strategic objectives, the exact opposite is true of governance and development efforts in Afghanistan. While Coalition Forces may have come to some misguided conclusions about the strengths of tribes in rural Afghanistan, they have demonstrated a remarkable ability to learn from failed engagements. During the nearly ten years of fighting in rural Afghanistan, the military has developed new doctrine (or at least polished old doctrine) to deal with the challenges of Afghanistan.

The civilian side of the international effort has not adapted its methods to deal with the challenges of Afghanistan. Nowhere is this more apparent than in the Governance and Development sectors in Afghanistan.

If we consider tribes as community or village governance structures, we can quickly understand that self-organized governance is alive and well in the countryside. In my field research across more than thirty villages in six provinces, I found that upon return from Iran or Pakistan or

other place of displacement, villagers returned to their communities and rebuilt their customary or tribal forms of village governance. They reconstituted *jirgas* or *shuras* and reappointed a representative to link villages to the local government.

Communities remain well organized. Lessons from the more peaceful parts of the country may be instructive for those parts of the country that remain in conflict. Namely, once the insurgency subsides communities will come together and recreate their governance structures—if they are not functioning at the moment. They will do so because they serve an important purpose and villagers have the skills and know-how to mobilize on their own behalf.

It is remarkable that the international donor community continues to operate on a myth that the “tribal” or customary forms of governance structures do not work or have broken down in rural Afghanistan. On the one hand, they are correct to point out that they no longer function at an inter-communal level (but some even question to what extent they ever operated at this level), but on the other hand they continue to neglect an important source of collective action that could be harnessed into formal structures.

Due to the robust nature of customary forms of governance, including tribes, there is no immediate need for formal village government in rural Afghanistan—yet it is to the village where the donor community has poured most of their money and assistance. For example, the National Solidarity Program (NSP) has spent more than a billion dollars providing small scale infrastructure and assistance to Afghans at the village level. The purpose of the program is two-pronged: 1) to create participatory, democratic governance at the village level; 2) to provide small scale infrastructure. Where the program has succeeded it has done so because community members have been satisfied with the infrastructure grants they have received, but not because of the “community mobilization” assistance they have received from the international community. As this paper has demonstrated, communities in rural Afghanistan are very well organized and well mobilized.

Instead of working with customary and tribal organizations, the international donor community has eschewed them. Many NGOs have a normative mission to empower what they perceive to be the marginalized poor and women. As a result, they believe that customary organizations led by men only serve to reinforce existing inequalities thus compounding social conflict and hindering development. This is far from the case in rural Afghanistan. Tribal and other forms of customary organizations will no doubt withstand the next round of NSP funding, yet the donors are unable to innovate on the Community-Driven Development schemes that involve the creation of more parallel structures and subject villagers to yet another dose of Participatory Rural Appraisals.

Afghans need formal governance and intervention to help build the state at the margins of communities—where tribal or customary forms of self-organization do not work and where they are least effective. This is at the **district level** or the *woluswali*. To date, most assistance to the Government of Afghanistan has gone to ministries at the national level and very little of this assistance has trickled down to the local level.

It is ironic that to this day the international community in Afghanistan laments the failure of local governance in Afghanistan. But local government in Afghanistan has never had a chance. A visit to any district center tells a common story: in most cases the district governor's office is nothing more than a shack, streaming with citizens looking for help, sitting next to a well-groomed, well-equipped, well-staffed NGO office. From 2001 onward, assistance to the local level has been channeled to international NGOs and other donor-created mechanisms or it has gone to ministries at the national level. The highly centralized structure of the Afghan government together with the lack of imagination on the part of the donor community has left local governance in the lurch. The international community has a unique opportunity to make a difference in Afghanistan by providing citizens public goods and services where they struggle the most: at the margins of communities. **Instead of providing another round of small scale community development projects, donors and the military can potentially make a huge difference by providing larger scale projects that fulfill true needs of citizens.** At the community level, tribes remain very effective.

Conceptual Paper - Somalia

Ken Menkhaus

“Are tribes (or clans) an opportunity, a problem, or irrelevant for addressing conflict, terrorism, and failed states?” Where failed states possess governments too weak or venal to respond to urgent humanitarian, political, and security concerns of regional or global importance, this question is of immediate practical relevance and the source of an ongoing debate. As the site of the longest-running instance of complete state collapse in the post-colonial era, Somalia is a critical case in this debate.

The governance role of clan, customary law, and local governance

What specific governance roles have clan authorities played in Somalia in the past and today?

Even when Somalia possessed a functioning state, Somali society relied extensively on clan for many essential governance functions. It is precisely because clan affiliation was so functionally useful that it endured as a form of social identity despite government efforts to ban it and despite the disparaging view Somali nationalists’ took on clannism. First and foremost, clan identity provided Somalis with a degree of protection, in the form of **deterrence**. An attack on one clan member was viewed as an attack on the entire clan. The tenets of customary law or *xeer* also deterred crime, since crimes required the entire blood-payment (*diya*) group of the accused to pay **compensation** to the clan of the victim. In pre-war Somalia, most Somalis strongly preferred to resolve criminal acts via customary law, preferring collective responsibility and compensational justice to the punitive justice and individual culpability built into the modern judicial system. The latter, at any rate, was weak, often corrupt, costly, and unpredictable. When the Somali state collapsed in January 1991, the levels of violence, theft, and displacement were so great that traditional elders and customary law were initially overwhelmed and unable to respond. Within a few years, however, clan elders managed to gradually reassert their authority over their clans, at which point Somali communities were again able to use customary law to resolve most crimes.

Both before and after the civil war of 1991-92, Somali clan elders played essential roles **mediating conflicts** at the individual and group level. Within the clan, elders hear and resolve their clansmen’s disputes on the daily basis. They also play a **diplomatic role** negotiating disputes on behalf of their lineage with other clans. In some cases, clan elders have even taken on quasi-diplomatic roles representing their clan in talks with neighboring governments. Clan

elders also play a role of notary public, serving as **witness** to large commercial (especially real estate) transactions. Clan elders are often important negotiators of the **partitioning of positions and resources** between clans on items such as seats in a district council, jobs and contracts from a new international aid agency, or positions in a transitional government. All of this constitutes a form of conflict prevention. The fact that clan-based proportional representation is enshrined in the system of representation in the Transitional Federal Government (the so-called 4.5 formula) reflects the centrality of clan in Somalia today. Finally, clan elders are the ultimate **intelligence** chiefs in their areas, receiving a constant flow of information from lineage members on matters of local significance.

In all these political roles, tribal elders rely increasingly on partnership with other non-state actors from their clan – businesspeople, professionals, civic leaders, militia leaders. This is so in part because most elders lack the experience to fully understand the array of new issues, actors, and technologies at play in Somalia. The emerging local political orders in Somalia are thus not a reflection of a “return to traditional authority” – they are instead the rise of **hybrid political orders** which draw on new configurations of power and legitimacy on the part of coalitions of local actors. Clan elders are arguably the most important of these, but they are not alone. They must be understood as part of a wider trend toward local governance systems arising as community responses to protracted state failure.

Clan also plays a role in **social security**. Every Somali is bound to a powerful ethical obligation to provide assistance to clansmen in need, and in turn can count on help from the clan when in trouble. Given the high levels of livelihood insecurity in Somalia, this lineage based welfare safety net is extremely important to Somalis.

The complete absence of a state in Somalia magnifies the importance of these roles and makes clan an indispensable tool for Somali households to protect themselves in a highly risky environment. But even when provided strong formal judiciaries and state-run welfare programs, Somalis express a strong preference to ensure physical and social security as well as access to justice through clan links and customary law.

These tangible benefits explain why Somalis remain so beholden to clan identity despite the fact that they blame clannism for the country’s long-running crisis. Clannism is **divisive** and is easily **manipulated** by political elites and outsiders; clan elders can be **uninformed** and corrupt; and customary law is **illiberal**, extra-constitutional and flawed. For these and other reasons, many Somalis argue that nothing should be done to routinize, legitimize, or codify the role of

clan and clan authorities in Somali political life. Clan in this view is an obstacle to transcend, not a social identity upon which to rebuild a state.

Interpreting the significance of local governance orders

Whether one has a normative preference for or against clan as a possible source of authority to deal with the challenges of conflict management, state-building, and security, most analysts agree that tribe/clan plays a visible governance role in failed states. Where they disagree is over their interpretation of the long-term significance of local governance arrangements. These differing interpretations fall into five broad categories.

1. *Customary authorities and informal governance are of no significance.* Informal governance and security arrangements, according to this argument, reflect short-term coping mechanisms that will evaporate as soon as the central government is strengthened. Most state-building programs operate on this assumption, and as a result devote little attention to mapping and understanding informal governance. Since local governance systems are seen to be of little consequence, this approach is not unduly concerned about adhering to a “do not harm” principle as it promotes state revival.
2. *Clan-based informal governance is actively harmful.* Some observers worry that Somali communities have adapted too well to state failure, drawing heavily on clan and customary law to cope. In the process, they have reduced their incentives to support a revived state. Moreover, stakeholders in the informal governance systems will feel threatened by and will resist state-building. From this vantage point, informal governance arrangements form a dangerous source of potential spoilers to state-building, even as they enshrine illiberal and tribal forms of rule of law. They are, from this perspective, a step backward. Weak central governments often (though not always) view local non-state actors in this vein, seeing them as potential rivals and rejecting external discussions about engaging them directly.
3. *Clan-based authority is a critical transitional source of security and governance during the long and slow period of state revival.* State building takes many years, and it is unreasonable and unwise to expect that local communities and the international community will be willing to tolerate extremely high levels of security threats and “ungoverned space” in the interim. Clan-based authority is a potential bridge, a key element of a strategy to deal with the specific security and governance problems during the long transitional period of state revival. Clan-based representation is also essential in building trust and political “rules of the game” during post-conflict transitions. As formal state authorities gradually strengthen and gain legitimacy, they will overlap with

and then replace these informal polities. Somaliland's evolution from clan-based to multi-party democracy is cited as an example of how clan can be a vital part of a transition and confidence-building strategy.

4. *Clan authority is of enduring importance as the only source of effective local governance and should be formally incorporated into the state system.* Where the government has the "competence to know the limits of its own competence" and where tribal or clan authority is legitimate and effective governments can seek to formalize the informal and bring clan authority and customary law into the state structure. This is a variation on colonial indirect rule. This has been done in a number of places, such as south Sudan (where local government and judiciary consists of traditional "Boma" courts), Botswana (where customary courts have long co-existed with and played a key role in the formal judiciary), and Somaliland (where the upper house of parliament consist of the *guurti* or assembly of top clan elders).
5. *Clan authority and other forms of local governance are central not just as local level forms of government but as the building blocks of an emerging central state.* Some observers propose that the mosaic of local polities that emerges in zones of state failure may serve as building blocks for a new and more organic form of state authority. Weak state authorities will not replace informal systems of governance, this argument goes, but will have to enter into negotiated relationships with them. This is known as a "mediated state" model, and has a long pedigree as a state-building strategy -- all the way back to early modern Europe. It differs from policies of indirect rule in that the negotiated arrangement with local informal authorities is not a matter of choice (to govern on the cheap) but rather the only option the state has if it wishes to claim any authority at all in its hinterlands. This is an unavoidably messy, contentious, constantly negotiated and renegotiated set of relationships between a weak central government and robust local authorities, but it is in fact a common if unspoken practice in most weak states today. Given current circumstances, it is the most likely trajectory for the revival of a Somali state.

Clan and combating terrorism

Clan elders and customary law have unquestionably proven to be the most effective source of conflict management in Somalia, both locally and between clans. As a pillar of state revival, clan has played an important role in Somaliland; local governance systems of which clan plays a role may yet prove to be a foundation of state revival in the rest of Somalia. As a source of combating terrorism, clans have both potential and limits. Somali clans are astute calculators of their long-term interests, and if affiliation with a group with terrorist links is viewed by clan elders as harmful, they will break ties with that group. This is precisely what happened with the

Haber Gidir/Ayr sub-clan, once closely associated with shabaab but today the main source of armed resistance to shabaab via the group al Sunna wal Jamma. Clan authorities are invariably opposed to movements that promise to transcend clan, as shabaab purports to do, and so are inclined to mobilize against and subvert any such group. But Somali clans are also famous for seeking to maneuver others to do their fighting for them, and are very reluctant to “get out front” of an armed struggle that is likely to produce heavy casualties. Somali clans are best equipped to negotiate with clan members who have joined the shabaab but who are amenable to defection.

When foreign terrorists are involved, clans and local governance systems have excellent capacity to gather information about activities and movements in their clan home territory. But Somali local governance systems are not well-designed for foreign interests to partner with on counter-terrorism. As governance entities, they are fragile and vulnerable to spoilers and shabaab assassinations. As clan-based polities, they operate on the basis of consensus and are very susceptible to penetration by shabaab.

Conceptual Paper - Somalia
Mary Hope Schwoebel
United States Institute of Peace

Whether problem or opportunity, tribes, as a form of social, political, and economic organization, not only exist, but persist. Is the way forward for achieving peace, justice, and democracy their elimination or their enhancement? Clearly, colonial and international efforts to eliminate or ignore them have contributed to conflict, corruption, nepotism and other ills. Such a social order comes with its own moral and ethical order, and that order looks a lot like corruption and nepotism in the context of a western-style nation-state.

In addition, the creation of winners and losers among tribes during the processes of state-building and the use of the state for the benefit of the-tribe-in-power has led to endless conflict, not to mention the rise and growth of violent Islamic extremism in many states. If conflict achieves anything, it appears to entrench the salience of tribes in such societies, as people fall back on established safety nets and networks of trust for survival and security.

Implications for Macro- and Micro-Level Governance

Given the persistence of tribes, we should not be afraid to think beyond the western-style nation-state (the Westphalia model as Mason refers to it) as potential models for tribal Muslim societies. Some version of an Islamist state that is just, democratic, and peaceful should not be dismissed out of hand. However it is much more likely that locally grown hybrid models represent more feasible and acceptable options. Somaliland, although far from a utopia, offers a potential model for tribal Muslim societies. However the reasons for Somaliland's success should be studied seriously and inductively – not deductively with preconceived theoretical models. One reason for its success is the issue of scale. Tribal societies function best at a small scale, and Somaliland (minus the eastern districts) seems to be just about the right scale. In other words, Somaliland is a LOCAL level success story. This reveals much about what it is going to take to achieve successful governance in a tribal Muslim society.

The implications for the international community then are that we must begin our work at the LOCAL level – this might be regional or district or sub-district, **depending on the meaningfulness of the levels in each society**. If the international community can contribute to strengthening governance and development and security in critical masses of successful sub-districts or districts or regions in a country, then it will have succeeded.

At that point, the international community can contribute **by creating space** for these entities to come together to determine how they wish to relate to one another and what kind of supra-structure, if any, they wish to establish. It is understood that countries the size of Somaliland, even if recognized, are not in positions to interface with powerful international actors including states, organizations, corporations, or organized criminal organizations, and violent extremist organizations. For this reason, federations make sense in the realms of external affairs and perhaps defense.

In Somalia this means supporting Puntland (although they need to be pressured to commit to either a regional government or membership in the national government), Jubaland (although Kenya's role is counterproductive given that it is driven by the interests of its own Somali clans), Alta Juba, etc. Mixed and contested localities will have to be addressed individually and separately.

Implications for Macro and Micro Level Development

Development approaches in such contexts should be holistic and integrated at the local level, rather than sectorally focused and national in scope. USAID/Pakistan's new approach of thinking long-term (10 years) and establishing regional offices throughout the country and staffing them with USAID professionals represents a return to a much more effective approach to development and one that is especially recommended in tribal societies.

In Somalia, USAID's pre-war integrated rural development Bay Project was an appropriate development model, but it failed because it allowed the central government to control the resources, including the selection of personnel, beneficiaries of scholarships, contracts, etc. Had it been administered and managed locally it would have been highly successful in reducing vulnerability and enhancing development in the region. As it was, it contributed to the vulnerability of the population by taking resources from the region and distributing them to more powerful clans from elsewhere in Somalia.

Development must be conflict-sensitive at both macro- and micro- levels in such societies. The distribution of development resources must therefore be equitable both between and within regions, districts, and sub-districts and it must have as an explicit goal the establishment of greater equity between and within regions, districts, and sub-districts.

Implications for Macro and Micro Level Security

The issue of security is much more challenging than that of governance and development. If and when federal arrangements are in place, then perhaps security –especially external – should be a function of a federal entity. It makes sense that internal security should be a local-level function. But there are no easy answers for how to accomplish that. In both Pashtun and Somali cultures, there were no standing armies. Appropriate individuals were selected for each and every operation. This ensured that the power and the means of force remained in the hands of civilian authorities – the elders. For this reason, I am extremely leery of the establishment, arming and training of local militias. My own sense is that in the societies under study individuals are well armed and are skilled fighters already.

If the international community were to take a long-term, rather than a short-term view, and approach the establishment of security from the perspective, not of defeating the Taliban or al Shabab, but of building sustainable security at the regional, district, and sub-district levels, the answer to the issue of security might well present itself.

Conceptual Paper – Yemen

Jefferson Gray

Setbacks in the prosecution of the multinational, U.S.-led campaign against Muslim religious extremist groups has led policymakers, NGOs, and academics to consider which countries, if any, are likely candidates for deeper levels of intervention to end local conflicts and enable better governance. Whether called “crisis states,” “fragile states,” or “failed states,” these sovereign nations do not enjoy a monopoly on the legal use of violence. Without this sole claim to the legitimate use of coercion to achieve political means, a facility that Max Weber considered a “necessary condition” for a state to function, armed groups may engage in political violence against society, the state, and against other states or the international community. Yet all members of the United Nations have not realized the ideal type of state postulated by Weber in the early 20th Century. The Euro-American tendency towards nation-states monopolizing violence has not necessarily occurred in Africa and Asia. On these continents, the creation of post-colonial *de jure* states did not always confer a state monopoly on the use of force. Whether lacking in political legitimacy, firepower, or development resources to aid the appeal of unitary sovereignty, these states must unwillingly share authority with other actors, new and old.

Among the organizations competing with states striving for a monopoly on force are social organizations named by Western and local observers as “tribes.” In the West Asian and African context, tribes may best be thought of as kin-ordered, self-protection, and welfare associations that may agglomerate into confederations of political significance. These groups began as pre-state organizations, making guarantees of peace, development, and justice for their members before states could make similar claims. The relationship of these groups to state authorities in the region is varied. In some, tribal groups have been suppressed or destroyed through military actions and a concurrent bureaucratic management of society. In others, pure coercion enforcing a legal regime over society has not worked and states have joined coercion with a variety of other methods to enforce a legitimate monopoly on violence. Sometimes bribing local authorities with state-enabled resources is sufficient; in others, it is not enough to weigh material gains before tribal leadership to gain cooperation. Yemen best exemplifies a state where the political exercise of violence is diffused among branches of government that sometimes operate across purposes; tribal authorities enjoying extraordinary latitude to conduct business; foreign governments with resources to deploy unfiltered by the state; and clandestine groups that pursue their own agendas irrespective of the wishes of society, the state, and the international community.

It is important to differentiate among institutions and actors in the roles of tribes in Yemeni governance. The relationship between tribal leaders, like *shaykhs* (sing. *shaykh*), to tribesfolk has changed with the times, as has the resonance and integrity of customary law (*'urf*) in comparison with competing legal forms, such as Islamic (*shari'a*) or state (*qanun*) law.

In Yemen, tribal leadership is customarily granted to adult males familiar with *'urf*, history, and religion capable of organizing families into self-defense units that can extend protection to weaker peoples. Although not a democracy, a grant of customary leadership requires respect and consensus. *Shaykhs* failing leadership tests could be replaced by acclaim or tribesfolk finding their leadership wanting could leave their tribes and petition for sanctuary or membership in other tribes. As competitors in a pre-state marketplace of prestige, *shaykhs* found customary means of accountability could accrue personal benefits to men of leadership skilled at adjudicating disputes, as well as those emerging victorious from them.

But as the state in Yemen has gained strength the relationship of its tribes to Yemen's sovereign authorities has changed with it. Lacking the means to completely subjugate the countryside, over the past century a variety of Yemeni regimes have used many tools to undermine customary leadership. Only the former Marxist People's Democratic Republic of Yemen (PDRY) applied pure coercion to tribal leaderships and tribal institutions; the rest - the Mutawakkilite regime of the former Imam; the British Aden Protectorate; the former northern Yemeni Arab Republic; and the contemporary Republic of Yemen - have preferred contingent formulas of cooptation to secure the countryside. These governments have added *shaykhs* to government payrolls; employed tribal militias as adjutants to the security and military services; bought tribal lands at preferentially inflated prices; and given some tribesfolk preferential treatment in government employment, military promotions, and government contracting. Foreign governments and religious/political movements have added yet more revenue streams for *shaykhs* by making direct contributions to their personal wealth.

During the boom years of the late 1970s and early 1980s tribesfolk did not display grievances against the changing weight of their opinions in the ears of their *shaykhs*. The rising global price of oil generated employment opportunities for enterprising tribesmen willing to move to the Persian Gulf; remittances from returning workers funded local development and raised wages above what the government could offer. But as Yemen was battered by crises that harmed the economy and constrained opportunities, tribesfolk found their relationship with customary authority had been undermined by the new relationship between *shaykh* and state.

As compensation from governments and other actors increased, *shaykhs* became commensurately loath to maintain tribal autonomy through collective self-defense, arbitration,

and enforcement of customary law. While a sense of customary rights endured among tribesfolk, without interested leadership customary legal processes became courts without judges. Many prominent *shaykhs* no longer live in their tribal areas, preferring to live closer to the government in Sana'a or acting as enforcers in non-tribal areas while doling out patronage from afar. As *shaykhs* abdicated their personal roles as adjudicators of '*urf* the government and other social forces proffered Islamic or state legal processes upon the countryside. Unfamiliar with or mistrustful of these systems, tribesfolk frequently continue conflicts rather than accept court-imposed settlements. As all *shaykhs* are on someone's payroll to some degree, tribal leaders have become less likely to grant dissident tribesfolk refuge from either other tribes or enforcers of *shari'a* or *qanun* courts. The absence of *shaykhs* from leadership harms more than just relations between a *shaykh* and his tribe; it also undermines the tribal ideal. Relations of marriage and extended kinship in the countryside are as important as "old school" ties are elsewhere and these relationships wither without reinforcement through the exercise of customary law. Without the common bond of '*urf*, rural folk become tribal more in name than of habit and young people become *murtabitin*: literally, "those not linked." At worst, such men become anomic and threaten society with criminal or anti-social activity. At best, they are ready to entertain new forms of collective action.

The problem for tribesfolk unhappy with customary forms of leadership and representation is not a lack of alternatives. Labor unions, professional syndicates, human rights organizations, local development associations, and other interest groups easily recognizable to a Western eye as "civil society" have proliferated in Yemen. Unfortunately, the Yemeni government is skilled at manipulating civil society. Through plying opponents with opportunity, threatening others with jail, and creating government-sponsored doppelgangers (called by some "government organized non-governmental organizations" or GO-NGOs), the Yemeni state can effectively blunt most civic instruments of complaint that tribesfolk might wish to employ. State meddling fuels suspicions among members of urban groups, especially those with higher education, that tribesfolk are unfit partners in reform coalitions. By foiling and toying with associational life rather than banning or destroying it the Yemeni government makes civil society incapable of aggregating itself into an advocate for reform.

As many customary and modern forms of associational life in Yemen are rendered ill from state interference the remaining instruments of solidarity that are both salient and popular are those based on religion. Even here, the Yemeni government and its allies enjoy a great public sphere presence, but cannot monopolize it. The solidarity of some religious communities makes it impossible to channel their demands, and groups with foreign funding feel no need to be patient with their programs for Yemeni society. As young tribesfolk found both customary and

modern forms of representation unsatisfying, they have turned to religious movements with disastrous civic consequences.

The most outstanding example of sectarianism filling the void of leadership in the countryside is the combat between Sunni Salafi and Shi'i Zaydi revivalists ("Houthis") in northern Yemen. The former group derives from men returning from studies in Saudi Arabia or struggles in Afghanistan, the Balkans, or the Caucasus; the latter, among men of non-Hashemite (*sayyid*) lineage who find Zaydi Islam under attack from Sunni Muslims who are proselytizing an alien, sectarian version of Islam. While the goals of these two groups are contrary their membership is remarkably similar in background: tribesmen alienated from customary leadership channels; pulled from illiteracy through religious learning institutes; and confident in their cause and their ability to reshape the religious and sociological landscape of Yemen. Competing for hearts and minds in mosques through prayers and sermons, these groups responded to each other's provocations with brawls and then gunfights which have drawn larger interests into the fray, including the Yemeni state, its tribal clients, and foreign powers. Rather than containing the conflict, the presence of other actors has inflamed the fighting and threatened to turn the conflict into a regional proxy war.

The consequences of the conflict are extraordinary for Yemen's tribal ecology, splitting the *shaykhly* consensus over government rule of the countryside by forcing *shaykhs* to choose sides. As circumstances oblige more *shaykhs* to defend friends and clients, the fighting has extended south on either side of the paved road from Sa'adah to the outskirts of Sana'a. It would not take much to extend the conflict into the northern neighborhoods of the capital.

Rather than being but one of many factors in the conflict, the war over Houthism springs directly from the leadership crisis in the countryside caused by the alienation of *shaykhs* from their tribesfolk. The contradictions created by the gap between expectations of tribesfolk and which responsibilities *shaykhs* currently accept drive tribesfolk to alternative forms of association, but those opportunities are constrained by several forces, including the character of the Yemeni government, the hostility of urban associations to tribesfolk, Yemen's poverty, and the hostile international environment. This climate favors foreign funded groups over those based on self-help; organizations with linkages to the Yemeni government over those preferring autonomy from the state; secretive organizations over open, transparent ones; sectarian groups over organizations with pluralistic memberships; charisma driven leadership instead of deliberative or representative governance; and coercion over consensus gathering as a means to achieve goals. It is no wonder that organizations with agendas against the United States find sanctuary and aid in the Yemeni countryside.

While these worrisome developments fuel suspicions among stakeholders that Yemen will be the next “Afghanistan” or “Somalia” a furtive comparison of cases reveals Yemen’s problems as less problematic, in part due to the legacy of “tribalism” as a moral and legal organizing force. Unlike Afghanistan and Somalia, Yemen has not endured decades of conflict that has smashed customary political leadership in the countryside. The kind of indiscriminate criminality that harms women and children in Somalia and Afghanistan is still not common in Yemen, where women in tribal areas continue to tend fields and visit markets without the need for male escorts. Whereas new religious movements, such as the Islamic Courts Union or the Taliban, eclipse tribal authorities in Somalia and Afghanistan in rural Yemen *shaykhs* generally still hold more authority than Salafi or Houthi missionaries and Yemeni tribesfolk do not find applications of *shari’a* law helpful for resolving non-religious issues when customary legal processes still work. Yemeni Salafis are advocating the creation of a religious police along the same lines as parts of Somalia and Afghanistan, but recent conferences have found a broad spectrum of voices, including Yemeni tribesfolk, agitating against it.

These examples reveal how carefully relationships between Yemen’s tribes and crises must be nuanced. Rather than view *shaykhs*, tribes, or tribesfolk as **actors** who are assets or obstacles it is more helpful to view the **tribal legal/cultural environment** as a source of issues and opportunities for resolving issues of conflict, terrorism, or state failure. As noted in this essay, developments in modern Yemen have undermined customary governance in the countryside, polluted remaining tribal institutions with authority derived from outside tribal regions, and failed to replace customary governance with institutions or habits that support “good governance” and undermine social instability and extremism. Restoring a modicum of trust among the actors in this environment will require, either that the Yemeni state fulfill its ambitions to displace the imperfect legal pluralism of the countryside with a democratically based unitary legal authority or that the Yemeni state formally recognize customary law and adopt federalized tiers of authority for governance of tribal areas.

Pursuing either strategy is fraught with problems. That the tribal idiom continues to resonate in the countryside despite its apparent contradictions speaks both to its strength and an enduring mistrust of the Yemeni government. Absent transparency and accountability, it is unlikely that the Yemeni state will enjoy the moral authority to impose unitary rule over the countryside irrespective of whether it can muster the military power necessary to pacify tribal militias and religious volunteers. Restoring authority to customary legal processes is likewise problematic. The Yemeni state is loath to relinquish legal or military gains made in the countryside and making *shaykhs* accountable to tribesfolk again will inevitably turn out local leaders found wanting. In either case, interested foreign parties will have the resources to undermine, wholesale or piecemeal, new governance strategies that contradict their interests.

Benevolent stakeholders should likewise be wary of haphazardly construing their goals with achievements that benefit either Yemeni tribesfolk or Yemen as whole. Destroying religious extremists is satisfying, but only to the degree that eliminating terrorist cells does not create more chaos or uncertainty in an already uncertain environment. Absent policies to redress the anomie in the countryside caused by the breakage of customary ties this crisis will eventually become unmanageable.

Conceptual Paper – Yemen

Elham Manea

In Yemen, as Sheila Carapico accurately put it, the state “has been a variable rather than a constant”. Three generations of states have governed parts of historical Yemen during the past century with the result that the current Republic of Yemen, created out of the unification of North and South in 1990, “is a new state, still in the process of formation”.⁶⁹ While the state is still in the process of formation, the tribe has been the constant factor shaping the politics of the different Yemeni states that came to existence in modern history.

If we are to ask the question: “*Are tribes an opportunity, a problem, or irrelevant for addressing conflict, terrorism, and failed states?*”, one way to answer the question is to look at how the tribes interfered with the process of the Yemeni state’s formation. Another is to discuss the Yemeni leadership’s conduct of politics and how this relates to the tribal factor. Looking at the two dimensions, a complicated picture would materialize highlighting the *transitional nature* of the Yemeni state (definition will follow).

First Dimension – Tribes and Yemeni States’ Formation

Tribes in a Yemeni context are not irrelevant. They are a social reality; they make up the building block of society despite the variation in the strength of the tribal structures in some regions of unified Yemen. From a social perspective, the tribe has played an important role in supporting its members, providing them with a safety net, which the state has been unable to offer. Its customary laws are important tools if used wisely can be effective in conflict resolution.⁷⁰ But from a political perspective, the tribe in Yemen has been an obstacle that hindered the realization of a modern state. In both North and South Yemen the tribes have often displayed an independence that resisted the creation of a modern strong state with autonomous institutions and separation of powers. A short overview of the tribal-state relations in three historical points in modern Yemeni political history can highlight this point.

1. Pre-Independence stage

A. North Yemen - The Mutawakiliat Kingdom (1911-1962)

During the Zaydi imamate regime in North Yemen, the tribes stood as a separate institution along the side of the ruling Mutawakiliat dynasty. Historically, Zaydi imams who had a different tribal genealogy than that of Yemeni tribes (see paper on levels of governance) did not have a regular army and were dependent on the tribes to launch wars and fight their rivals. It was the ability of Imam Yihia to rally and mobilize the tribes in North Yemen that was decisive in his military campaign against the Ottoman colonizers, who were forced to acknowledge his authority over the Zaydi areas. After the defeat of Turkey in World War I, his authority extended to the Shafitte areas (see paper on levels of governance). In the period between 1911

⁶⁹ Carapico, *Civil Society in Yemen*, p. 19.

⁷⁰ The independence of tribes, their customary law, and how this can play a role in supporting terrorist cells, will be discussed in the paper on levels of governance.

and 1962, which was considered a politically stable phase by Yemeni standards, Imam Yihia and later his son Ahmed needed the loyalty of the tribes (Hashid and Bakil confederations) to fight rivals to their personal power—but they could not allow them to become strong enough to threaten their authority. Thus Yihia and Ahmed used a carrot-and-stick approach. Their first technique was the hostage system: they abducted the sons and brothers of tribal leaders (sheiks) and held them as hostages in the capital, Sana’a. If a tribe attempted to oppose the imam’s authority, its hostages were killed. Their second technique followed the old principle of ‘divide and rule’: by deliberately creating conflicts and wars between the tribes, they played them off against one another. They offered the carrot in the form of monthly financial stipends to the sheiks of the Hashid and Bakil confederations. They also recruited tribesmen as soldiers and then relocated them to the Shafite agricultural areas whose inhabitants had to provide them with free food and shelter. Finally, to reward those who supported them against rivals, they allowed tribal warriors to enter any insurgent city for three days to loot and plunder. This occurred, for example, in 1948 in Sana’a after Yemeni reformers tried to overthrow Imam Yihia.⁷¹ Tribes in this period were an independent institution that was crucial for the survival of an imam of his defeat. But all the same they were not strong enough to dictate the rules of the political game.

B. South Yemen – British Era (1838- 1967)

Tribal fragmentation was also a reality in what used to be called South of Arabia. Mostly Sunnis with some segments following Sufism, South of Arabia was divided into Aden, a port near the intersection of the Red Sea and the Indian Ocean, and the Hinterland, composed of twenty-four mini sultanates and sheikhdoms, each ruled by a sultan, tribal sheikh, or semi-feudal lord. British policies (starting from its capture of Aden in 1839) left this state of social and political fragmentation intact. It was left to the rule of local sultans and sheiks and emirs with whom Britain signed protection treaties starting in 1886. In return for an annual salary and military protection, the local rulers pledged to relinquish foreign-policy making to the British as well as to refrain from direct contact with external powers. The protectorates were constitutionally separate from the Aden colony and were politically and economically fragmented as a result of tribal segmentation and local autonomy. Tribal affiliation runs across some of these units especially in the eastern regions of South of Arabia, while features of a feudal system dominated others. By contrast, because of Aden’s strategic importance, British colonial policies concentrated all economic activities there, allowing commercial interests to establish a major infrastructure to service the shipping industry. Small-scale industrial activity and commerce developed, turning the city into a prosperous colony. Education, combined with semi-functioning media and association rights, fostered a sizable and influential middle class. Only in the middle twentieth century did the colonial power decide to reverse course and sought to unify Aden and the Hinterland’s units as a mean to ensure their survival in the face of a Pan-Arab wave.⁷²

⁷¹ Manea, Elham, *Regional Politics of the Gulf*, pp 32-33.

⁷² Manea, Elham, *The Arab State and Women’s Rights*, pp. 72; Manea, *Regional Politics*, 28-31, 44-45, 48-50.

2. After Independence Stage

A. North Yemen – The Yemen Arab Republic (1962-1990)

During this stage and after much power struggle the tribal institution literally overtook the state. The Free Officers who masterminded the coup against the northern imam had a vision of a modern state run by 'equal Yemeni citizens'. But then the country was pushed into civil war by Saudi Arabia and Egypt and more power struggles ensued, dealing a blow to that vision of a nation-state. Saudi Arabia and Egypt showered the tribes with arms and money during the civil war to enlist them in the war. The tribes would take the money and then change their alliance and allegiance as it suited them. As the civil war came to an end a sectarian/tribal power struggle ensued. Those who were in favor of a strong modern state independent of the tribal institution, mostly Shafite of the lower North Yemen, lost in 1967. Ibrahim al-Hamdi (1974-1977), the only president who tried to challenge the tribal authority, was murdered in 1977. Consequently, a close circle of members of the tribal, sectarian, and military groups (Zaydi Qahtani Hashidi) came to power. President Ali Abdullah Salih assumed power in 1978, he later became the first president of unified Yemen and is still in power today, has become a symbol of this group.

B. South Yemen – The People's Democratic Republic of Yemen (1967-1990)

It is often said that the socialist regime, which took over South of Arabia after its independence and established the first and only communist state in the Arabian Peninsula (Middle East and North Africa as well), has managed to weaken the tribal structures of the hinterland's units. The results of my field work in Yemen in 2006 have shown that reality did not correspond to this assumption. In fact, while the ruling party implemented a harsh policy against feudal and tribal 'elements' in the south, a closer look reveals that these policies, while keeping traditional 'structures' checked, were nevertheless instrumental for the survival of competing fractions in the repeated power struggles of the Socialist Party.⁷³ The power struggles that occurred in South Yemen always had an ideological taint: how to reconcile Marxist ideological dogmas with the state's practical needs. Conflicts often developed between the party's orthodox left wing and a presidential camp with much more pragmatic views. Interestingly, though, these Marxist ideological power struggles were often divided along regional/tribal identities. *Manatikiah*, an individual's strong emotional bond to his or her birthplace, played a decisive role in these conflicts. Then each politician sought support from his traditional base of power, appointing a group of his regional or tribal areas in the party (central and regional) to consolidate his power base, and cried for their help during times of military confrontation. The strength of this bond was best illustrated during the 1986 civil war when the feuding factions within the Socialist Party ultimately split over their home origins. The fact that the army brigades that sought refuge in North Yemen after the 1986 civil war were mainly run by military officers of Shabwa and Abien backgrounds implies that the army was also divided along these traditional lines of support. The elite who were victorious in 1986 all came from the tribal regions of Ad Dali and Radfaan.

⁷³ Field visit, Aden, October, 2006.

3. Unified Yemen (since 1990)

The Republic of Yemen (RoY), founded on 22 May 1990, is a result of a peaceful and (hastily) negotiated unification between the Northern and Southern leadership. Between 1990 and 1994, i.e. before the civil war erupted between the two leaderships, a revival of tribal identities and structures came about in the southern regions, encouraged by the Northern leadership. Southern leadership, on the other hand, supported the northern Bakil tribal confederation, which has been disadvantaged by the stronger Hashid confederation. The nascent democratic system adopted by unified Yemen took all the same a tribal character as political parties and the parliamentary seats reflected tribal/sectarian/regional affiliations. By the beginning of 1994 it was clear that the Northern and the Southern leadership entered into the union without good faith and trust in each other. The civil war that ensued in May 1994 was a natural outcome.⁷⁴ The Northern President Ali Abdullah Salih, supported by an alliance of northern tribes, southern troops of the defeated Shabwa and Abien regions, and Islamists, won the war.

The state that came about after the civil war is run by sectarian/tribal/regional elites (northern Zaydi Qahtani-Hashidi). However, in order to survive these elites always have to take into consideration the tribal and regional affiliation in their distribution of power and largesse (see paper on levels of governance).

Second Dimension– Yemeni Leadership and the Tribal Factor

Yemen is an embodiment of a transitional state. A transitional state is a term I introduced in my post doctoral thesis entitled “the Arab State and Women’s Rights: the Trap of the Transitional State”. Based on field research I explored state’s structures in three countries, Yemen, Syria, and Kuwait and how they shape their gender politics. The outcome was a model that I suggested of the transitional state.

Neither modern nor traditional, a transitional state has not developed the modern features of an autonomous legal/rational state, with independent institutions, and separation of powers, yet it has enough of an institutional image that it is difficult to call it traditional. In such a state, the role of the core elites in the decision-making process becomes so indispensable that the state and the rulers are considered one and the same. States that are neither modern nor traditional - hence transitional - stand trapped in a certain pattern of politics and conduct of power relations, driven by their very lack of legitimacy.⁷⁵

One feature of the transitional state is its lack of legitimacy which subjects it to constant power struggles. Lack of legitimacy leads state’s leaders to depend on their Traditional Base of Power, defined here as the sectarian, tribal, religious, regional, and/or cliental groups from which a state’s political elites come, or on which they depend, and whose support is vital if the political system as a whole is to endure and survive. Another feature is their constant resort to the Politics of Survival – defined here as Arab state’s Shifts of alliances with and allocates and

⁷⁴ For more information please see Manea, Elham, *Regional Politics*, pp.56-66; Manea, Elham, *The Arab State and Women’s Rights*, pp. 173-174;.. Hudson, Michael C., “Bipolarity, Rational Calculation and War in Yemen”, in al-Suwaidi, ed. *The Yemeni War of 1994*, 20-21; 22-32; Manea, *Regional Politics in the Gulf*, 56-66. .

⁷⁵ Manea, Elham, *The Arab State and Women’s Rights*, pp. 34-41.

channels resources to various political and social groups to ensure its hold on power, and to survive in a hostile regional environment.⁷⁶

Applied within a Yemeni context, the lack of legitimate claim to power of the different Yemeni leaderships which came to power before and after unification has led them to depend on their traditional base of power. In the south the traditional base of power has been tribal and regional in nature, in the north it has been tribal and sectarian (see the paper on levels of governance for details). Moreover, the incumbent leadership which is in power since 1978 has been able to endure in a constantly challenging political environment (dancing on the heads of snakes using the title of Victoria Clark's book) by employing the politics of survival in his conduct of internal politics (how this is being done on the foreign policy level is discussed in the paper on levels of governance). One strategy of survival employed repeatedly by Salih's regime has involved using different Islamist groups at different periods to confront, counter, or weaken rivals. While this tool has been effective, it has sometimes backfired. Most significantly, it has paved the way for the spread of fundamentalist Islamist ideologies (Neo-Salafi and Zaydi alike), and provided a fertile ground for the radicalization and recruitment of Jihadist fighters. Given this type of strategy and what it demands of the sustaining strong and close alliance with Islamist leaders known for their support of terrorism, it is legitimate to ask whether the Yemeni leadership is serious in its cooperation with the international community and the United States in combating international terrorism. Another strategy of survival used by Salih's regime involves utilizing the tribal factor in its power struggles to its advantage. But while attempting to revive, weaken, or use tribes to its own advantage, the leadership's constant employment of tribal factors has simply meant that this traditional institution has been kept alive and become very much relevant within the Yemeni political context.

Conclusion

The previous overview has shown that the tribe is very much relevant within the Yemeni political landscape. Tribal-state relations have often been featured with political conflict: on the one hand, every time an attempt was made to create a modern state with strong institutions the tribal institution managed to turn the tide to its favor. On the other hand, the state's leaders have often cultivated their tribal/regional connections in all the power struggles that ensued in the modern history of Yemen before and after unification. The tribal factor has repeatedly interfered with the state's formation in North and South Yemenis. Often the Yemeni 'modern' institutions and organizational forms, such as parliament, government and political parties, have been in fact only a new expression of traditional tribal structures. Today, it is possible to describe the Yemeni system as run by a tribal/sectarian closed elites.

What has complicated the picture is the transitional nature of the Yemeni state, its leaders' lack of legitimacy, and the politics of survival it has constantly applied. In its strive to survive, it has used the strategies of divide and rule, sought to weaken or strengthen rivals playing on the sectarian/tribal divisions, and co-opt its rivals through a system of rewards and corruption. The end result is a shaky system that depends on the leadership's ability to buy off/co-opt its rivals. Dwindling Yemeni resources can jeopardize this strategy. Given this context, any strategy that

⁷⁶ Ibid.

attempts to address conflict, terrorism, and a failed state in Yemen will have to take into account not only the tribal factor, but the Yemeni leadership conduct of politics as well.

Bibliography

1. Carapico, *Civil Society in Yemen: The Political Economy of Activism in Modern Arabia*. Cambridge: Cambridge University Press, 1998.
2. Hudson, Michael C., "Bipolarity, Rational Calculation and War in Yemen", in al-Suwaidi, ed., *The Yemeni War of 1994*, 20-21.
3. Manea, Elham, *The Arab State and Women's Rights: The Trap of the Transitional State*, Post-doctoral Thesis, not published, Zürich, 2009.
4. Manea, Elham, *Regional Politics of the Gulf*, London: Saqi Books, 2005.
5. Manea, Elham. "La tribu et l'Etat au Yèmen". in *Islam et Changement Social*. Kilani, Mondher (ed.). Lausanne: Editions Payot Lausanne, 1998.
6. Dresch, Paul K., "The Tribal Factor in the Yemeni Crisis", in Jamal al-Suwaidi, ed., *The Yemen War Of the 1994: Causes and Consequences*, Abu Dhabi: The Emirates Center for Strategic Studies and Research, 1995.

