Policy Planning White Paper: The Emergence of New Actors: Redefining Roles in Yemeni Society

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POLICY PLANNING WHITE PAPER:
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Executive Summary

Years of conflict have significantly disrupted power structures within Yemeni society, amplifying trends established after the 2011 Arab Spring transition. In Yemen, governance increasingly relies on individual commitments and on agreements between social, political and security actors.[1] The impact on Yemeni citizens is particularly clear when examining a key aspect of governance – the resolution of local disputes. This position paper shows how two newly influential groups in Yemeni society have amplified their power by controlling aspects of dispute resolution. In the North, the Houthi *mushrifeen*, or appointed supervisors, have effectively taken over both the informal and formal dispute resolution process. In the South, non-state armed groups funded by external actors, including the Resistance Forces and the Security Belt Forces (SBF), are in some areas responsible for delivering judgments as well as implementing decisions by force.

Relying on interviews conducted with Yemenis in 2021,[2] including in governorates held by Ansar Allah, this paper provides a snapshot of how dispute resolution functions (or fails to function) in parts of North and South Yemen. Yemen's justice system includes a rich tradition of non-state dispute resolution, but the role of these "new actors" in dispute resolution demonstrates four important insights:

- Where the judiciary and formal legal mechanisms for resolving disputes exist, interviewees lack confidence in them.
- Local dispute resolution mechanisms may exist in theory but not in practice, resulting in the de facto prominence of "new actors" in dispute resolution.
- There is high variability in the non-state dispute resolution mechanisms communities employ, including within the same districts. Parties to a dispute can in theory choose from a range of tribal and non-tribal dispute resolution processes, but local conditions may impose one of the "new actors" as the only effective arbitrator.
- "New actors" lack accountability, and are likely to be biased by ideological fervor or material incentives.

[1] Bertelsmann Stiftung, *BTI 2022 Country Report — Yemen*, (2022), *available at* https://bti-project.org/en/reports/country-report/YEM.
[2] For an overview of data methods, *see* Annex I.

Recommendations for policymakers include:

- Monitor local dispute resolution practices within areas where the justice system has disintegrated, including Aden and parts of Taiz and Shabwa, to understand the full range of community approaches.
- Explore methods for promoting and protecting the integrity of dispute resolution from the involvement of security actors and political operatives.
- Conduct further research on options to strengthen local ownership of lower-level dispute resolution to promote stability in communities.

Statement of Purpose

Yemen is a state with fragmented power structures and various political actors seeking influence and control over different segments of Yemeni society. One way to exert such influence is by governing and presiding over different aspects of local dispute resolution, a common form of conflict mediation in Yemen. This White Paper provides an analysis of public opinion of those in both ROYG and Ansar Allah controlled territories on some of the newest actors to exert their control over these processes, particularly the Mushrifeen in the North and other non-state armed groups, including the Resistance Forces and the Security Belt Forces (SBF), in the South, and how they have impacted Yemen's justice systems.

Background

The war in Yemen has allowed new political and security actors to build and consolidate power alongside existing tribal, religious, and community-based leaders, whose influence has fluctuated according to political and economic changes and shifting alliances. While their roles are still emerging, these new actors, which include Houthi appointees and members of security forces, will continue to shape political life in Yemen for years to come. Ansar Allah, also known as the Houthi movement, has appointed *mushrifeen* or "supervisors" to shadow each government official at every level throughout the territory it holds. The supervisory system was first fully developed in 2011 in the northern governorate of Sa'ada, which borders Saudi Arabia, and has traditionally been a base of power for the Houthi movement.[3] It has now been deployed quite effectively throughout governorates controlled by the Houthis, creating a powerful class of loyalists empowered to influence government policy by "supervising" officials decisions and reporting any dissent to the Houthi inner circle.[4] Organized armed groups in the areas held by the Republic of Yemen Government (ROYG, referred to as "Legitimacy" by interviewees, and now headed by a 16 person

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[3] For background on the Sa'ada Wars and the ROYG's conflict with the Houthi movement, *see* Christopher Boucek, *War in Saada: From Local Insurrection to National Challenge*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, (Apr. 2010), *available at* https://carnegieendowment.org/files/war_in_saada.pdf. For an in-depth analysis of the Sa'ada conflict's impact on northern tribes *see* Marieke Brandt, *Tribes and Politics in Yemen: a History of the Houthi Conflict*, HURST & CO. PUBL. LTD., (2017).

[4] For a detailed discussion of Ansar Allah's governance practices, *see* PILPG Policy Paper #6, *Governance Under Ansar Allah*, (2022).

Presidential Leadership Council), have been trained, equipped and in many cases paid by regional powers including the United Arab Emirates (UAE) and Saudi Arabia.[5] Throughout non-Ansar Allah-held Yemen these security forces all work closely with one another but vary in their leadership and goals. Some, such as the Security Belt Forces, are aligned but not controlled by domestic political parties. Others, such as the Popular Resistance, follow a charismatic leader such as Tareq Saleh, the nephew of the former President (who the Houthis assassinated after creating a strategic alliance that lasted roughly two years).

While these new actors exert power in many aspects of society, this paper focuses on their prominence within the local legal system, currently dominated by non-state dispute resolution.[6] In Section I, the paper observes trends in the role of armed groups in dispute resolution in the South. Section II provides an overview of Houthi supervisor involvement in local dispute resolution in the North.

Non-State Arbitration in Yemen: An Overview

Non-state dispute resolution refers to the system of adjudication that occurs outside of traditional, state-run institutions, but is accepted as legitimate by the society in which it is practiced. Yemen has an important tradition of non-state dispute resolution, through centuries of tribal law practice, but also includes non-tribal dispute resolution through neighborhood leaders called ‘uqqal (singular ‘aqil), and arbitration and negotiation conducted by powerful social figures (including government officials working outside their formal positions). In some areas, local religious leaders are engaged to mediate disputes.[7]

Yemeni dispute resolution practices vary geographically, even across different neighborhoods of the same city. Tribal structures are strongest in the North, including most of the areas controlled by Ansar Allah. In the areas currently outside of Ansar Allah control, a 2013 U.S. Institute of Peace study found tribal dispute resolution was used heavily in Marib, Lahj, and Shabwa, where there were

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[5] Note that many interviewees referred to the ROYG as Legitimacy since it has historically led the anti-Houthi political coalition. The majority of the research for this paper is based on data published before President Hadi’s resignation and implementation of the Presidential Leadership Council (PLC). Note that the latter could pursue changes to the governance of Yemen including by modifying local dispute resolution mechanisms.

[6] In the years prior to the 2014 Houthi takeover of Sana’a, legal experts foreshadowed this phenomenon, observing that “new actors,” including organized armed groups, had emerged to fill the vacuum created by Yemen’s weakened justice sector. *See* Erica Gaston and Nadwa al-Dawsari, *Dispute Resolution and Justice Provision in Yemen’s Transition* (Special Report 345), U.S. INSTITUTE OF PEACE, (Apr. 2014), *available at* https://tinyurl.com/5ykfmf6b.

[7] *See* footnote 6.

few formal courts and strong tribal structure. In parts of Abyan and Hadramawt, tribal sheikhs also play an important role.[8] Increasingly, the collapse of state institutions and fragmentation of political control in areas outside of Ansar Allah control has made alternative dispute resolution a critical way to access justice. Interviewees described choosing those with the power to enforce judgments either socially or by force. While technically judgments can be appealed in the legal system, as described below, the formal system has been weakened significantly, and is not consistently available and operating. Where formal courts exist, many interviewees viewed them as time consuming and ineffective. Meanwhile both the Houthi supervisors and the armed groups function in state-parallel systems, leaving parties with speedier decisions but little meaningful recourse to the law should the dispute remain unresolved.

Armed Groups as Dispute Resolution Actors

A security actor's role in dispute resolution varies widely depending on the territory they control. At times, more than one armed group is active in an area, potentially complicating lines of authority. While interviewees reported that these security actors were effective at rendering and enforcing judgments in areas where the state is weak or absent, as discussed below, their commitment to fairness and impartiality is questionable. There is much to learn about how they formulate judgments or to what degree they uphold the equal rights of parties. Armed groups have been accused of committing crimes against civilians, as reflected in the Armed Conflict and Event Data Project (ACLED) which found a 186% increase in repressive militia activities against religious groups mostly in southern Yemen in 2021.[9]

In 2021, interviewees in Aden, Taiz, Shabwa, Lahj, and al-Dhale'a all indicated that security forces were responsible for resolving disputes, often alongside tribal authorities and community actors. Each of these governorates had a mix of security forces involved in producing or enforcing judgments. The levels of coordination between these armed groups and local authorities appeared to vary, reinforcing the increasingly local nature of dispute resolution as state institutions have weakened over time. Perhaps unsurprisingly, few interviewees openly criticized the armed groups controlling the districts in which they reside, however the subject merits further monitoring.

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[8] Ibid. An analysis of tribal dispute resolution dynamics since 2014 in Yemen lies outside the scope of this paper, but merits further research and analysis. Tribes can play a critical role in both security provision and administration of tribal law, which is well developed in some areas and upon which many increasingly rely.

[9] Luca Nevola, *Mapping Religious Repression in Yemen*, ACLED, (Mar. 21, 2022), *available at* https://acleddata.com/2022/03/21/mapping-religious-repression-in-yemen-2020-2021/.

There are a wide range of armed groups in the South. In addition to the well-known SBF and the Elite Forces, numerous smaller groups with fluid allegiances are aligned against the Houthi militias, providing security without accountability.[10] The Southern Resistance began in 2014 as an umbrella group established originally as the armed wing of the separatist Southern Movement (Hiraak). [11] Reportedly, many religiously motivated Sunni fighters joined the Resistance to combat the Shi'a-Zaydi Houthi forces, including some who may have been involved in Sunni extremist groups.

As Hiraak's political fortunes have declined and the Southern Transitional Council (STC) has emerged as a key political actor, the Security Belt Forces allied with the STC have come to dominate areas of the South in which the STC is popular. [12] The UAE invested heavily in the Security Belt Forces (SBF), but has reportedly trained and financially supported an estimated 90,000 fighters in a range of forces across the south with direct training, capacity building, logistical assistance, and salaries from 2015-20.[13] Saudi Arabia in turn has provided significant support for pro-ROYG militias, including through its financial backing of former President Hadi's government.[14] It is unclear the extent to which the UAE continues to support these fighters materially, however they represent well-established fighting forces and control territory throughout Yemen.[15] Much like the western forces commanded by Tareq Saleh, the nephew of the late

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[10] For an excellent snapshot of some armed groups, *see* ACLED, *Little-Known Military Brigades and Armed Groups in Yemen: A Series*, (Jul. 2020-Aug. 2021), *available at* https://acleddata.com/little-known-military-brigades-and-armed-groups-in-yemen-a-series/

[11] The Southern Resistance is an umbrella armed group established originally in 2014 as the armed wing of the separatist Southern Movement (Aden Live, Jan. 18, 2014), *available at* https://www.youtube.com/watch?v=-HfR7cNDjV8. The Southern Resistance continues to be active in frontline fighting; *See* Al-Ayyam Media Center, *Southern Resistance Targets Houthi Positions on the Thara Front,* (Jun. 29, 2022), *available at* https://www.alayyam.info/news/923JXZXH-IK005Z-4C1.

[12] For an overview of the political parties vying for supremacy over the South, *see* PILPG Policy Paper #5, *The Southern Question*, (2022).

[13] Zoltan Barany, *Military Performance: Training, Deployments, and the War in Yemen*, ARMIES OF ARABIA: MILITARY, POLITICS AND EFFECTIVENESS IN THE GULF, (23 Sept. 2021). https://doi.org/10.1093/oso/9780190866204.003.0007

[14] For an overview of pro-Hadi militias, *see* Nadwa al-Dawsari, *The Popular Committees of Abyan, Yemen: A Necessary Evil or an Opportunity for Security Reform?,* (Mar. 5, 2014), *available at* https://www.mei.edu/publications/popular-committees-abyan-yemen-necessary-evil-or-opportunity-security-reform#_ftn19.

[15] Almasdar Online, *Left Without Pay, UAE-Backed Fighters in Yemen's South Face Precarious Future*, (Feb. 2, 2020), *available at* https://al-masdaronline.net/national/300.

President Saleh, these groups have their own goals and shifting alliances.[16] By definition this makes them poorly suited to be neutral arbitrators of local disputes.

Interviews in areas where armed groups are active in dispute resolution yield several top-line insights that can serve policymakers when considering related initiatives:

1. Local dispute resolution mechanisms may be available in theory but not in practice, resulting in the de facto prominence of "new actors" in dispute resolution.

Citizens' interviews described formal government institutions in Yemen as weak and unable to fulfill their designated judicial role. Responses to this power vacuum depended on local conditions. For example, in the northeastern district of Al-Mudhaffar in Taiz, a disabled woman observed that while the local security forces are technically responsible for dispute resolution, "[m]ost of the sentences are not enforced. Because of the proliferation of weapons people take matters into their own hands to carry out the sentences more often than going to a police station, because security is not yet effective enough."[17]

In Aden, the shared capital of the ROYG and the STC, community committees and other non-state arbitrators are supposed to fill the role of the state, as courts have not functioned reliably there. A former British colony, Aden is the governorate with historically the least tribal influence, and hence the most cultural latitude for non-tribal dispute resolution. However, many formal institutions there have suffered the depredations of war and the economic crisis, restricting formal legal access. A government worker in Aden's port district of al-Mualla explained, "[t]he strikes of the courts and judiciary postponed the resolution of many disputes," adding that "the alternative is represented by community committees"[18] which in theory are chosen by "[c]itizens and independent youth" at the neighborhood level.[19] A female academic in Khormaksar district noted the community committees "assist the most in resolving disputes."[20] However a social activist from the same area indicated that Resistance security forces are mainly responsible for resolving disputes, because "[t]he local authority is weak, and cases

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[16] Aliyev, H., *Strong Militias, Weak States and Armed Violence: Towards a Theory of 'State-Parallel' Paramilitaries*, 47(6) Security Dialogue, 498-516, (2016). *See also*, ACLED, *Tareq Saleh's National Resistance Forces,* (May 10, 2018), *available at* https://acleddata.com/2018/05/10/tareq-salehs-national-resistance-forces/.
[17] TF07, PH III
[18] XM01, PH III
[19] XM05, PH III
[20] XF03, PH III

are all pending."[21] She added that especially regarding disputes over land and houses,"[c]itizens don't accept the enforcement of any rulings, rather they are imposed by force."[22] In the Sheikh Othman district, which has seen fierce fighting between forces allied with the STC and those supporting the ROYG, a male member of the historically oppressed Muhamasheen group explained that in addition to "some social figures" and civil society organizations, "the Security Belt, the police, and supporting forces are the authorities on the ground responsible for resolving conflicts."[23]

In theory, consultative committees in Aden are tasked with dispute resolution, yet the reality of chronic insecurity and persistent economic instability make these unrealistic in practice. Instead, armed forces such as the UAE trained and STC affiliated Security Belt dominate dispute resolution in some neighborhoods, Resistance forces in others.

<u>2. High variability in the non-state dispute resolution mechanisms communities employ, including within the same districts.</u>

Dispute resolution practices can differ widely, even within the same area. For example, in the Ataq district of Shabwa, a man displaced from Turba on the Red Sea coast in Taiz explained that security forces aligned with "Legitimacy and the [Saudi-led] Alliance are responsible for resolving disputes," adding that "even in cases involving revenge and arrest for murder, the forces do their job." He added that because the security forces are efficient, "[i]n Ataq there are no problems. Security moves quickly in any neighborhood or street."[24] However others in Ataq described a different set of practices, which likely operates parallel to the security forces. A male social leader in Ataq noted that disputes were resolved "50% tribally and 30% according to Islamic law," adding that "only 20% were resolved by the judiciary and referred to the security authorities."[25]

A high-level political activist in Shabwa noted the importance of customary tribal law to dispute resolution, observing that

> Our litigation procedures are long and complex, and sometimes they are not resolved. We all know that there is a defect in the effectiveness of these

[21] XF01, PH III
[22] Ibid.
[23] XM07, PH III
[24] WM03, PH III
[25] WM05, PH III

judicial institutions, so often people turn to customary law to solve their problems.[26]

The array of perspectives within a single district demonstrates that the social and economic circumstances of the parties may significantly impact which authority controls resolution of the conflict. It is therefore not currently possible to describe a single or standard application of local non-state dispute resolution mechanisms in Yemen; rather, it is important to observe trends and practices in specific areas among certain communities.

3. Parties to a dispute can in theory choose from a range of tribal and non-tribal dispute resolution processes, but local conditions may impose one of the "new actors" as the only effective authority.

While a range of dispute resolution options may exist in an area, local conditions may force parties to rely exclusively on security actors to resolve critical conflicts. For example, the STC enjoys significant support in both Al-Dhale'a and Lahj governorates, and significant numbers of its affiliated SBF troops are deployed there. In Lahj's Hawta district, a female high level political activist reported that while dispute resolution is "a social effort, community committees, sheikhs and clerics who contribute to resolving conflicts. These parties are respected and appreciated," responsibility for dispute resolution lay with the "local authority and security"— namely the STC and the SBF.[27] A female academic in the Al-Maqatira district of Lahj also reported that a mix of security authorities, tribes, and social and "community personalities" were responsible for resolving conflicts.[28] However this contradicts the experience of a male academic in Tibn district who explained, "the state has no presence," adding that while the police play a role in "simple matters, military leaders get involved in the solution and mediation of bigger conflicts."[29]

Interviewees in al-Dhale'a reported that the security forces, and particularly the SBF, were key to enforcing judgments. A male worker in the district of Qa'tabah in central al-Dhale'a governorate, said "[t]he courts are currently closed, but sentences are implemented through the police or the Security Belt."[30] A disabled woman from Qa'tabah indicated that "those who refuse [to follow

[26] WM04, PH III
[27] LF01, PH III
[28] LF02, PH III
[29] LM01, PH III
[30] DM03, PH III

judgments] are bound by force."[31] A male resident of Qa'tabah noted cynically, "[y]ou can go to any security authority or commander and promise him some land or money. He will take out the 'uniforms' [troops] with you. They do the work, and you take your rights by force."[32]

In Al-Dhale'a and Lahj security forces, including armed groups, retain most of the responsibility for dispute resolution. With courts closed due to strikes and lack of resources, citizens rely on the SBF, or tribal or community authorities, for enforcement of judgments.

<u>4. Even where the judiciary and formal legal mechanisms for resolving disputes exist, interviewees lack confidence in them.</u>

In al-Dhale'a, interviewees reported that the formal legal system had functionally ceased to operate. In the Qa'tabah district a male member of the marginalized Muhamasheen group explained that "the courts and the prosecution have been on strike for more than six months…no judicial rulings are issued, and the courts have been suspended." He added that the jurisdiction of state-run dispute resolution has narrowed: "the [formal legal] parties currently resolving disputes are involved in mediation and conciliation but do not issue decisions in criminal cases."[33] Given this situation, the role of the armed groups in deciding legal matters was disturbingly clear from interviewees. In the Qa'tabah district, a disabled woman explained that the SBF and the Resistance are responsible for resolving disputes, in addition to "some tribal figures."[34] A male social activist in al-Dhale'a City explained that "[t]he Transitional Council representing the Al-Dhalea region and the Security Belt Forces, along with the judiciary and the prosecution, are currently responsible for resolving conflicts in the region."[35] However a government worker in al-Dhale'a City noted that "[c]urrently many are resorting to the Security Belt. Conflicts are resolved sometimes by consent, sometimes by force, and enforced with the power and authority they impose."[36]

Houthi Supervisors

The Houthi movement, also known as Ansar Allah, embraces a revivalist interpretation of Zaydi theological doctrine (which many Zaydi religious scholars

[31] DF02, PH III
[32] DM02, PH III
[33] Ibid.
[34] DF02, PH III
[35] DM05, PH III
[36] DM04, PH III

reject); it has a deep reverence for late members of the Houthi family whose writings are considered central to religious life and policy development.[37] Although Houthi doctrine can be vague and inconsistent, the movement has consistently pursued a long-term strategy of placing its members within the state apparatus in order to transform it.[38] This transformation, including at the level of local dispute resolution, impacts approximately 70% of Yemen's pre-war population, which resides in areas under its control. [39]

The Houthi supervisory system emerged from a network of loyalists that began to crystallize in Sa'ada governorate in March 2011, the same year the Houthi movement adopted the name "Ansar Allah."[40] The Houthis developed this model to preserve existing administrative structures while controlling and supervising non-Houthi officials, creating "a symbiotic relationship" between the supervisors and "managers and executive officers of the security, military and general services."[41] Part spy, part enforcer, the supervisor answers only to the Houthi family members within the erstwhile Supreme Revolutionary Council, despite Ansar Allah's creation of a governing Supreme Political Council in 2015.[42] Supervisors have effectively infiltrated every level of government administration, conferring great power to a new and often untrained class of political actors.[43]

'Aqil al-Hara: Neighborhood "Point Person"

Supervisors have influence over all levels of political life, including a particularly sensitive but low-level position known as the '*aqil al-hara* or

[37] For an excellent overview of Houthi beliefs and their relationship to other forms of Islam, *see* Bernard Haykel, *The Houthi Movement's Religious and Political Ideology and its Relationship to Zaydism in Yemen*, in THE HOUTHI MOVEMENT IN YEMEN, (Abdullah Hamidaddin ed., Aug. 2022).
[38] M. Brandt, & Weissenburger, A., Ḥūthīs. *In Encyclopaedia Islamica*, (2022), *available at* https://doi.org/10.1163/1875-9831_isla_SIM_062041
[39] U.S. Department of State, *Yemen 2021 International Religious Freedom Report*, (Jun. 2, 2022), *available at* https://www.state.gov/reports/2021-report-on-international-religious-freedom/yemen/.
[40] Luca Nevola, *From Periphery to the Core: A Social Network Analysis of the Ḥūthī Local Governance System*, VERSUS WORKING PAPER, (Jul. 2019),
[41] Ibid. Note that established patterns in the supervisory system may be changing. Joshua Rogers, who studies local governance in Yemen, believes that in some areas, Ansar Allah is moving "toward greater formalization, localization, and professionalization in the Huthi Movement's control of local governance." Joshua Rogers, *Becoming the State: How Ansar Allah Took Over and Adapted Formal Institutions at the Local Level*, in THE HUTHI MOVEMENT IN YEMEN: IDEOLODY, AMBITION AND SECUIRTY IN THE ARAB GULF, 220, (Abdullah Hamidaddin ed., Jun. 2022)
[42] Multiple authors indicate the SRC still functions despite technically having been superseded by the theoretically more representative SPC. *See*, ACAPS Yemen Analysis Hub, *The Houthi Supervisory System*, footnote 1, p. 5, (Jun. 17, 2020), *available at* https://tinyurl.com/24826mav; Luca Nevola and Baraa Shiban, *The role of 'coup forces,' Saleh, and the Houthis*, in GLOBAL, REGIONAL AND LOCAL DYNAMICS IN THE YEMEN CRISIS, 233-251, (2020)
[43] Joshua Rogers, *Changing Local Governance in Yemen: District and Governorate Institutions in the Areas Under Ansar Allah's Control,* Berghof Working Paper 12/2020, (2020).

neighborhood leader (عاقل الحارة; plural, *'Uqqal al-Harat*). The 1994 Criminal Procedure Law[44] codified the quasi-judicial powers of both the 'aqil and the sheikh in cities and villages, where they filled pre-conflict gaps in state institutions. The 'aqil documents events in the neighborhood, reporting information to local authorities, and maintaining a list of residents for voting rolls[45] and receipt of humanitarian aid.[46]

Traditionally, the 'aqil served as the interface between the neighborhood residents and municipal and state government,[47] and plays an increasingly important role in non-state dispute resolution throughout Yemen.[48] In Ansar Allah areas, 20% of interviewees indicated the 'aqil was among those responsible for resolving disputes and was often described as the first person to consider a dispute.[49] As discussed below, given the direct influence a supervisor has over an 'aqil, this role is vulnerable to political abuse.

Interviews in Ansar Allah areas where supervisors are active in dispute resolution yield several key observations of benefit to policymakers:

1. New actors are involved in dispute resolution in the North, both directly and as social and cultural supervisors.

Traditional patterns of dispute resolution throughout Yemen involve consultations within local communities. The centralized Houthi supervisory system appears to have sidelined traditional actors like the 'aqil and the tribal sheikh, who were historically chosen through community processes.[50] A male academic in the

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

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

[46] Iman al-Gawfi, Bilkis Zabara and Stacey Philbrick Yadav, *The Role of Women in Peacebuilding in Yemen*, p. 9, CARPO/GDRSC BRIEF, (Feb. 27, 2020), *available at* https://carpo-bonn.org/en/brief-14-the-role-of-women-in-peacebuilding-in-yemen/.

[47] For a pre-conflict description of the 'aqil's role in Sana'a, *see* Michel Tuchscherer, *Autorité et Notables Dans Les Quartiers*, in SANAA: ARCHITECTURE DOMESTIQUE ET SOCIETE, 58-63, (2002).

[48] Note this position and title occurs throughout Yemen, however the precise job description and function can change by locality or even neighborhood. Current reports indicate the 'aqil distributes fixed price goods such as cooking gas, provides references for employment applications, and can serve as a credit reference for major purchases such as vehicles. ACAPS Yemen Analysis Hub, *The Houthi Supervisory System*, (Jun. 17, 2020), *available at* https://tinyurl.com/24826mav.

[49] The 'aqil was mentioned spontaneously as responsible for dispute resolution in Bayda, Dhamar, Hajjah, Ibb, Sana'a Municipality and Sana'a governorate. Almost 30% of the 2021 interviewees in ROYG areas mentioned the 'aqil as key to dispute resolution, demonstrating the role's persistence even through years of conflict.

[50] Maysaa Shuja Al-Deen, *Entrenched Power: The Houthi System of Governance*, SANAA CENTER FOR STRATEGIC STUDIES, 7 (Jul. 11, 2022), *available at* https://sanaacenter.org/the-yemen-review/june-2022/18144

Shu'aub neighborhood of Sana'a Municipality reported this norm, saying "[n]otables of the tribe or the 'uqqal al-harat are responsible for resolving disputes."[51] A male high-level activist in Hajjah noted that parties chose customary tribal law instead of the formal courts, and that in high stakes cases, "military intelligence intervenes in disputes between groups and tribes, and there are people of stature who act as mediators to resolve these disputes."[52] He also indicated that unless a supervisor hears the case first, it cannot be transferred to the public prosecutor and the court. This was repeated by a male social activist in Dhamar City who emphasized that even filing a formal legal case involves "bringing the client to an influential person or supervisor familiar with the case, then entering the courts and starting a trial that may last for years."[53]

The roles of 'aqil and supervisor in the North may be converging in practice. A young male Ansar Allah supporter and government employee in Hajjah governorate referred to the 'aqil as "a sort of social or cultural supervisor," conflating the two roles. He observed that "members of society" rarely bring formal legal cases, because "it is considered shameful to go before the judiciary when there are 'uqqal and prominent social figures who could resolve the dispute."[54] A businesswoman and government employee from Ibb said that "The 'aqil al-hara or the supervisor of the area" was responsible for dispute resolution.[55] In the Arhab district of Sana'a governorate, a male lawyer articulated his belief that the role of 'aqil has been co-opted by Ansar Allah through the supervisors, noting,

> In the past, there was a prominent role for the so-called supervisors, but now they no longer have a big role because the 'uqqal or neighborhood leaders have become largely loyal to them, and they play their roles as a substitute for them.[56]

In other areas, interviewees noted that Houthi supervisors play a frontline role in dispute resolution. A male academic in Alhaymah al-Kharjiyah, in western Sana'a Governorate, said that Houthi supervisors resolve disputes "in the first instance."[57] A female Muhamasheen merchant in the Kassmeh district of Rayma

[51] AM06, PH III
[52] JM03, PH III
[53] DM03, PH III
[54] JM05, PH III
[55] IF01, PH III
[56] SM01, PH III
[57] SM04, PH III

governorate noted that "[d]isputes are resolved through Supervisors, and what can't be resolved goes to the police departments."[58]

2. Houthi supervisors within the security forces enforce judgments.

Houthi security forces are also involved in dispute resolution. A male high-level activist in Hajjah noted that in high stakes cases, "military intelligence intervenes in disputes between groups and tribes, and there are people of stature who act as mediators to resolve these disputes."[59] In places where supervisors do not have primary responsibility for resolving disputes, they can be involved in enforcement as security actors. In Raymah governorate, a male merchant in the Kassmeh district said disputes are resolved by "the sheikhs, and if [the problem] increases, there are security supervisors on every block."[60]

3. "New actors" lack accountability and are likely to be biased by ideological fervor or material incentives

Interviewees expressed concern that the supervisors involved in dispute resolution themselves act with impunity. A man working in the business sector in Ibb mentioned concerns with accountability for supervisors under the law, recounting that

> A Houthi supervisor attacked a person in the qat market. The leadership eventually responded, apologized, and 'rehabilitated' the assailant, but this makes us worry about the lack of application of the law and the tendency to tribal rule.[61]

In addition to impunity for individual crimes, a high-level political activist in Hajjah explained that "the rate of abuse and extortion is increasing, the Houthis are unable to reduce the rate of corruption among their supervisors" and that those "who steal, and loot public funds have protection from the de facto authority," and that filing a corruption case is impossible.[62]

Despite Ansar Allah's attempts to centralize governance processes, local dispute resolution practices continue to vary across the territory they hold.

[58] RF01, PH III
[59] JM03, PH III
[60] RM02, PH III
[61] IM03, PH III
[62] JM03, PH III

However, this variation does not imply community independence. Supervisors throughout the North play either a direct role in resolving disputes or exert power over those who have traditionally done so, particularly the ‘uqqal al-harat or neighborhood leaders.

Conclusion

Houthi supervisors and armed groups are each expanding their power in Yemen, including by participating in nonstate dispute resolution. Interviews indicate the non-state dispute resolution system has gained power with the decay and demise of formal state legal institutions. It is likely non-state dispute resolution will continue to play an important role in the lives of Yemenis, and elements of local practice existed long before the conflict. However, the role of new actors in formulating and enforcing judgments should give policymakers pause, given their lack of accountability to the public for whom they interpret the law. While there is no single Yemeni approach to non-state dispute resolution, recommendations to policymakers include:

- Monitor local dispute resolution practices within areas where the justice system has disintegrated, including Aden and parts of Taiz and Shabwa, to understand community approaches and how they are compromised or can be strengthened.
- Explore methods for protecting the integrity of dispute resolution from the involvement of security actors and political operatives.
- Conduct further research on options to strengthen lower-level dispute resolution to promote stability of communities and rule of law at the grassroots.

About the Public International Law & Policy Group Policy Planning Initiative

PILPG's Policy Planning Initiative supports the development of long term, strategic policy planning that is crucial to international accountability, global conflict resolution, and the establishment of international peace. The Initiative provides timely and accurate policy planning analysis and work product on pressing and future policy conundrums by leveraging PILPG's deep network of talent within the international legal and policy communities and experience with its *pro bono* clients globally. PILPG Policy Planning focuses on advising policymakers, policy shapers, and engaged stakeholders on pressing issues within the arenas of international law, war crimes prosecution, and conflict resolution efforts. This includes identifying and addressing gaps within existing policies, anticipating key conundrums and questions that will riddle future policy decisions, applying lessons learned from comparative state practice, and proactively producing and sharing work product to inform such policies and avoid crisis decision making.

Annex I: Methodology

Beginning in March 2019 and ending in December 2021, Yemeni civil society organizations that are part of the Civil Alliance for Peace (CAP), with support from Public International Law & Policy Group (PILPG) and Resonate!Yemen, conducted quantitative surveys and qualitative in-depth interviews (IDIs) and focus group discussions (FGDs) throughout Yemen. In total, there were two quantitative surveys with 5,750 respondents. The team conducted over 350 in-depth interviews and held 159 focus group discussions over all three years. (See Table 1 below).

In-depth Interviews

Phase III (July-December 2021)

In July 2021, PILPG and its partners carried out 100 in-depth interviews (IDIs) in Arabic in nine Yemeni governorates currently controlled by the Republic of Yemen Government (ROYG), including Abyan, Aden, al-Dhale'a, Hahramaut, Lahj, Marib, Shabwa, Socotra, and Taiz. In November and December 2021, PILPG and its partners carried out an additional 100 in-depth interviews (IDIs) in Arabic in nine Yemeni governorates currently controlled by Ansar Allah, including Amana Capital, al-Bayda, Amran, Mahweet, Dhamar, Hajja, Ibb, Rayma, and Sana'a. All interviews were conducted remotely due to the COVID-19 pandemic.

Limitations

While the quantitative data provides rich insights into trends, it is limited by a number of factors. While there was significant overlap in the subject matter of each survey instrument, many questions were phrased differently in each phase.

Some questions varied significantly, and sections of the data collection tools were added or removed across phases, making trend analysis challenging.

The large number of IDIs represents an important source of qualitative insights, particularly in areas held by Ansar Allah. However representative generalized statements about population beliefs in these governorates surveyed cannot be inferred from the sample.

Table 1: *APPY Data Collection Sample, 2019-2021*

APPY DATA COLLECTION 2019-2021		Phase I March-July 2019			Phase II September-December 2020		Phase III July-December 2021	
Governorate		Survey	PH I IDIs	Focus Group Discussions	IDIs	Focus Group Discussions	IDIs	Survey
ROYG/STC Controlled Areas	Abyan	248	6	3	9	6	7	271
	Hadhramaut	470	20	12	16	23	15	513
	Lahj	260	6	3	8	5	7	210
	Marib	400	20	12	15	13	15	485
	Taiz	620	20	12	16	13	21	510
	al-Dhale'a	-	-	-	10	4	7	183
	Shabwa	-	-	-	7	7	7	230
	Socotra	-	-	-	5	3	5	131
	al-Mahra	-	-	-	4	2	-	60
	Aden	502	13	6	23	10	16	420
Ansar Allah Controlled Areas	Amran	-	3	10	-	-	5	-
	Dhamar	-	3	2	-	-	6	-
	Hajja	-	3	2	-	-	6	-
	Ibb	250	5	3	-	-	8	-
	Rayma	-	3	2	-	-	4	-
	Sanaa	-	3	2	-	-	15	-
	Amana Capital	-	-	-	-	-	10	-
	Al-Bayda	-	-	-	-	-	5	-
	Mahweet	-	-	-	-	-	8	-
	Hodeidah	-	3	2	-	-	-	-
	Saada	-	3	2	-	-	-	-