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Finally, we are grateful to the local authorities in Berbera District for giving us the permission to conduct this assessment in the district.
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<tr>
<td>DCSA</td>
<td>District Conflict and Security Assessment</td>
</tr>
<tr>
<td>DDF</td>
<td>District Development Framework</td>
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<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<td>FGDs</td>
<td>Focus Group Discussions</td>
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<tr>
<td>KII</td>
<td>Key Informant Interviews</td>
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<tr>
<td>OCVP</td>
<td>Observatory of Conflict and Violence Prevention</td>
</tr>
<tr>
<td>ODK</td>
<td>Open Data Kit</td>
</tr>
<tr>
<td>PSG</td>
<td>Peace and Statebuilding Goal</td>
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<tr>
<td>SGBV</td>
<td>Sexual and Gender Based Violence</td>
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<td>SLGs</td>
<td>Somaliland Local Governments</td>
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<tr>
<td>SRS</td>
<td>Systematic Random Sampling</td>
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<tr>
<td>SSA</td>
<td>Somaliland Special Arrangement</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>YOVENCO</td>
<td>Youth Volunteers for Development and Environmental Conservation</td>
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Map of Berbera District: Adopted from UN OCHA 2012
DISTRICT PROFILE

Berbera is the capital of the Sahil region of Somaliland. It is a coastal town, located on the Gulf of Aden. The town has a port, which is a key source of income as it is the main export and import gateway into the country. Exports include sheep, goats, camels, hides, ghee, frankincense, myrrh and gum Arabic. Berbera also has an airport, which has the longest runway in Somaliland.

It is the strategic location of Berbera that has attracted many of the ancient world powers. During the 1600s, while serving as the capital of the medieval Muslim state of Adal, Berbera was considered to be the leading commercial and cultural centre of Islamic influence in the Horn of Africa. The city remained under the authority of the sharifs of Mocha and the Ottoman Turks until 1845, after which it was ruled as an Egyptian protectorate. Berbera later served as the capital of the British Somaliland Protectorate from 1884 to 1941, when Hargeisa replaced it.

After World War II, Berbera saw increases in trade as a result of improved port facilities with the support of the Soviet Union. However, between 1980s and 1991, warfare resulted in the destruction of much of the port and the wider infrastructure of the city. The cement factory and current water distribution system, built by the Ottomans in the 1800s, became unusable.

Berbera was one of the contested towns during the Somaliland Civil War in the early 1990s but is, at present, a symbol of co-existence and clan reconciliation in the country. Insufficient provision of basic services, however, remains one of the main challenges for the local population. Under the Somaliland Regions and Districts (Self-Management) Law, Berbera is classified as a Grade A District and as such, has a local government body, the Local Council, comprised of twenty-one members who are elected to serve for a period of five years.

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1 One of the six regions before the creation of numerous new regions which are yet to be approved by the Parliament
SCOPE OF THE ASSESSMENT

The District Conflict and Security Assessment is designed to gather people’s perceptions of service providers and the accessibility and effectiveness of public service provision. Information is gathered according to four progress indicators relating to service provision, justice, governance, security and conflict. While a district may contain a major urban settlement (main town) and a number of smaller surrounding villages, it is the unfortunate reality that the type of public services this assessment is aiming to measure are concentrated only within the main town of the district, while at the village level, they are either inadequate or completely absent. Keeping this in mind this study was designed and carried out in the major urban settlement of the district; the BERBERA Town.
EXECUTIVE SUMMARY

Continual assessment of issues directly affecting the community’s safety and security is critical for effective evidence-based programming, informed decision making and measuring the impact of related programmatic interventions. It enables a better understanding of what works and does not work at the community level. With this in mind, the district level assessments map out and provide a better understanding of issues that affect targeted communities across the Somaliland regions. By using key indicators for selected thematic areas, this report provides an assessment on the state of governance, justice, and security as well as conflict and violence in the Berbera District. This assessment was conducted in Berbera from January 11 to 17, 2015.

The following summarises the key findings of the assessment:

Governance providers

Being a grade A district, Berbera has an elected local council with 21 councilors, of which the majority of respondents (96%) had been aware. Among those who were aware of the council, approximately three in every five (59%) - a smaller portion, yet still a majority - knew of at least one of the services which the council provides. The Regions and Districts (Self Management) Law entails the jurisdiction of the local councils and includes provision of water, education, health, electricity, sanitation and raising awareness as some of the Council’s primary roles. However, the feedback from the survey strongly suggests that, in reality, it is still the central government that directly provides and oversees the provision of such services. It is also worth noting that these services are not yet sufficiently addressed, with shortage of electricity, poor infrastructure, lack of water, poor sanitation and insufficient access to education being identified among the most pressing needs in the district. Nevertheless, approximately two-thirds of the respondents (66%) were of the perception that performance of the local council had improved in the last twelve months preceding this assessment. The majority of respondents (87%) also remained positive towards the importance of having elected representatives in the local government.

Justice providers

Berbera, being the capital of Sahil region, has three levels of courts present: District, Regional and Court of appeal. An overwhelming majority of the respondents (98%) were aware of the existence of at least one of these courts in the district. The courts also fell under an hour’s walking distance to most respondents (88%). Among the various formal and informal justice providers, the most used was the court (16%). The majority (62%) also ranked the court as their most trusted justice provider. Fast decision making and independence of judgments were the main reasons that this trust was based on. Furthermore, qualitative findings indicated that this might also have been influenced by an improvement and reform in the formal justice system. However, there were some challenges that faced the formal justice providers including lack of infrastructure, logistics and low payment of the judges. Nonetheless, one half of the respondents (52%) stated that court performance had improved in the last twelve months.

Security providers

Security is provided by the formal institutions: the police, local authority, governor, along with the civil committees that work with these institutions in each of the sub-divisions. No major incidences of insecurity were reported in the district; however, rape, burglary and sexual molestation were the main types of incidents that were reported. Land dispute, however, remains the most potential driver of community conflicts. A representative of the police argued that the number of police officers and stations or posts is
adequate based on the size of the district, but emphasised logistical and financial challenges that face the police. Police uniforms, walkie-talkies, handcuffs and forensic equipment topped the list of police needs. Despite these challenges, respondents’ trust toward the police was very positive (92%). This was reflected in preference of reporting civil, petty and criminal cases, where police remained the most preferred institution in all cases. Respondents also had a positive perception of the progress made by the police, with 67% indicating that police performance had improved in the last twelve months preceding this assessment.

Conflict and violence

The findings indicate fairly low levels of exposure to conflict and violence among respondents over the past year. Approximately 7% of respondents had witnessed group or clan conflict, while 11% stated that they had witnessed incidences of crime or violence during this time. Disputes concerning resources, followed by family disputes were reported as the main reasons for the conflicts observed. From the qualitative findings, the main factors contributing to crime and violence were rape, land disputes and the perceived lack of justice. Although incidences of clan related conflicts were determined to be low, it was noted that political parties were divided along clan lines, promoting a local divide. Also, not to be ignored is the possible impact of youth-based violence, which was mentioned as a concern by most focus group participants. Finding indicated the common occurrence of land disputes which had precipitated the establishment of the Regional Urban Land Dispute Committee to address and make judgments on land disputes. However, the elders still played a vital role, particularly in rural communities where formal institutions were not as accessible. Despite the concerns regarding causes of conflict and violence, an overwhelming majority (91%) of survey respondents stated that they felt safe in their area. Most interviewed persons (80%) also felt that safety in their area had increased within the past year.
1. METHODOLOGY

1.1. Overview

As part of its continual assessment of issues directly affecting community security and safety, OCVP conducted an extensive collection of primary data in the BERBERA District- the regional administration of the Sahil region of Somaliland.

In order to gain a comprehensive understanding of the thematic areas under investigation, a mixed-method approach was employed to allow the research team to triangulate information uncovered in both the data collection and subsequent analysis phase. The household survey aimed at obtaining a representative picture of the target populations’ perceptions regarding the thematic areas under exploration, and Key Informant Interviews were used to probe deeper into, and cross-validate issues that emerged from the Focus Group Discussions.

The quantitative data was analysed by the OCVP Research and Analysis team using the Statistical Package for Social Sciences (SPSS) version 22, after it had been collected using smart that were running ODK Collect – an open source mobile data collection tool. The qualitative data was subjected to thematic analysis, using a largely deductive approach (qualitative research being a smaller component of a larger quantitative study). The main themes of coding were developed before the mission, in line with the questions, but further coding was done during analysis.

1.2. Sampling Methodology

A sampling formula\(^2\) was employed in order to determine a representative sample size for the district. The study took into account certain statistical parameters such as the level of confidence desired (95%), sample design effect (1.5), margin of error (+ or – 8%) and the assumption that some security correlations (of 0.3) existed within the sub-divisions.

The p-value of 0.3 in the formula assumes a security correlation above a random normal distribution of 0.5 within the district clusters (sub-division). This is a reasonable assumption based on the topic of the survey – respondents within districts are likely to exhibit a correlational relationship between their perceptions and the surrounding security environment. This is further backed by OCVP’s past experience in which individuals from the same area tend to exhibit similar perceptions on security, justice, governance and conflict and violence.

Finally, a total of 189 household questionnaires were calculated for the district. However, the sample comprised 200 responses due to oversampling.

1.3. Household Survey

A face-to-face quantitative survey was conducted in which questions relating to personal demographics, security, justice and governance provision, and conflict and violence were asked of respondents from randomly selected households. OCVP’s three trained data enumerators with local acquaintances and knowledge on borders between sub-divisions (the same enumerators who administered the Berbera 2013 assessment) under the supervision of an OCVP supervisor, completed 200 interviews with respondents in the Burao-Sheikh (70), Wadajir (70), Barwaago (30) and Daaroole (30) sub-divisions (Table 1) from January 12 to 16, 2015.

OCVP employed Systematic Random Sampling (SRS) where enumerators randomly selected every 5th household after a random start point and interviewed one respondent above 18 years old in each selected household. A gender balance was emphasized across the entire survey. (Table 1 illustrates the distribution of respondents by gender.

\(^2\) See Annex 6.1
within each of the sampled sub-divisions.) Each enumerator made approximately 14 household observations per day.

**Table 1: Distribution of respondents within sub-divisions by gender**

<table>
<thead>
<tr>
<th>Area/Sub-division</th>
<th>Gender (Number of respondents)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Burao-Sheikh</td>
<td>28</td>
<td>42</td>
</tr>
<tr>
<td>Wadajir</td>
<td>36</td>
<td>34</td>
</tr>
<tr>
<td>Barwaqo</td>
<td>28</td>
<td>2</td>
</tr>
<tr>
<td>Daaroole</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total sample</strong></td>
<td><strong>112</strong></td>
<td><strong>88</strong></td>
</tr>
</tbody>
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### 1.4. Focus Group Discussions

The second research tool utilised was a series of Focus Group Discussions (FGDs) aimed at capturing participants’ perception on security and justice providers (formal and informal), governance providers and the dynamics and experiences of conflict and violence. The FGDs were conducted on the 12th to the 14th of January, 2015 at the Youth Volunteers for Development and Environmental Conservation (YOVENCO) Conference Hall in Berbera town. Each discussion group lasted for about an hour.

A total of five FGDs were held with representatives from the following groups: women; elders and religious leaders (in one group); youth (male and female in one group); justice providers (formal and informal); and governance providers (formal).\(^3\) Each group consisted of 10 participants, with the exception of two groups (justice and governance providers) composed of eight participants. (See Table 2.) A local organizer assisted in the recruitment of the participants based on clan-lines, geographic coverage, social class, gender and age (as well as profession in the case of justice and governance providers).

An OCVP researcher moderated the discussions with the assistance of a note taker. Digital recorders were used to record the discussions only after obtaining the participants’ consent. Following verbatim transcription, the data was cleaned; organised and finally, further coding was done during the analysis phase.

**Table 2: Distribution of focus group participants by gender**

<table>
<thead>
<tr>
<th>Focus Group</th>
<th>Gender (Number of respondents)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>- 10</td>
<td>10</td>
</tr>
<tr>
<td>Elders/Religious Leaders</td>
<td>10 -</td>
<td>10</td>
</tr>
<tr>
<td>Youth</td>
<td>6 4</td>
<td>10</td>
</tr>
<tr>
<td>Justice Providers</td>
<td>8 -</td>
<td>8</td>
</tr>
<tr>
<td>Governance Providers</td>
<td>8 -</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32 14</strong></td>
<td><strong>46</strong></td>
</tr>
</tbody>
</table>

### 1.5. Key Informant Interviews

The third method utilized for data collection was personal interviews with key informants who possessed experiential knowledge on the themes under investigation. The aim was to go deeper into the subject areas and cross-validate the issues raised in the FGDs.

The interviews were conducted between January 14 and 17, 2015 at the respective offices of the interviewees. A convenient venue was selected for those who did not have offices. Each interview lasted for about half an hour. Six key informants were interviewed, including: the Deputy District Police Commissioner, the Berbera Municipality Permanent Secretary, the District Court Commissioner, a key religious leader, a key traditional elder and Chairperson of the Urban Land Dispute Committee. (See Table 3.)

A local organizer assisted in the scheduling of the interviews which were then conducted by OCVP researchers. Interviews began with questions that were tailored to the interviewee and then generally cut-across the thematic areas of governance, justice, security, and conflict and violence.

**Table 3: Participants in key informant interviews by gender**

<table>
<thead>
<tr>
<th>Key Informant</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role</td>
<td>Quantity</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>District Deputy Police Commissioner</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Berbera Municipality Secretary</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>District Court Commissioner</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Key Religious Leader</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Key Traditional Elder</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Urban land dispute Committee Chairperson</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6</strong></td>
<td></td>
</tr>
</tbody>
</table>
2. PROFILE OF RESPONDENTS

The household survey sample comprised 56% males and 44% females (Fig. 1). A gender balance had been emphasised to allow a clear depiction of the differences in experiences, views and insights between the two genders in relation to the areas that were assessed.

Figure 1: Respondents by gender

More than one half of respondents (59%) fell within the 20 – 29 and 30 – 39 year age categories, (32% and 27% respectively), while those over 60 accounted for the smallest portion in the sample (4%), see figure 2.

Figure 2: Age distribution of the respondents by gender

In terms of the marital status of those interviewed, a little less than three quarters of the respondents were married (72%), compared to a quarter (25%) that was single. The smallest categories were divorced (3%) and widowed (2%), as seen in figure 3.

Figure 3: Marital status of the respondents

Approximately 12% of respondents indicated that they had been educated to the tertiary level, while 20% of respondents had gone to secondary school. However, a little less than one half of respondents (45%) had been educated below the secondary level (i.e. Madrasa, primary, and intermediate), while close to one quarter (24%) had never received any formal education (Fig. 4).
A stark contrast appears when we look at gender divisions. Female respondents were three times more likely to have never been educated, compared to their male counterparts (30% women vs. 10% men). In contrast, when it comes to madrasa education, 30% of women have attended this form of schooling against 13% of men (Fig. 5). There was also a marked difference between those who had attained secondary (29% male vs. 9% women) and tertiary (19% male vs. 2% female) education. However, as illustrated in figure 5, less variation was observed between the genders when it comes to primary and intermediate education.
3. GOVERNANCE, JUSTICE AND SECURITY PROVIDERS

3.1. GOVERNANCE PROVIDERS

In the last two decades, since Somaliland reclaimed its independence, the Local Governments have passed through different stages. During the first decade, nominated district commissioners ran local governments. However, in 2002, the first local government elections, in which several political organisations registered and participated, were held in Somaliland. Since then, elected councillors who vote for a mayor and deputy mayor amongst themselves (under the procedural law for presidential and local council elections), have run the business of the local governments.4

The main law governing Somaliland Local Governments (SLG) is the Regions and Districts (Self-Management) Law (Law No: 23/2002). Somaliland’s administration system categorises districts into grades A, B, C and D; it is the first three categories that have elected local councils of which the number of councillors is proportional to the district grade. Only D districts have nominated village councils.5

This section is aimed at assessing the awareness, performance, participation and perception of the local government as well as the challenges facing the institution.

3.1.1. Level of deployment

Almost every respondent (96%) was aware of the existence of the Local Council in the district (Fig. 6). Further gender-based analysis of the awareness indicated that males had been slightly more aware of the Local Council. All male respondents were aware of the council compared with 91% of females (Fig. 7).

Regarding awareness of the council in the different sub-divisions, no considerable differences were observed, with the exception of Burao-Sheikh. While all respondents in Barwaqo and Daarole and nearly all respondents in Wadjir (97%) stated that they were aware of the Council, approximately one in every ten respondents (9%) in Burao-Sheikh was unaware of the Council (Fig. 8).

4 Mohamed A., Local Governments in Somaliland: Challenges and Opportunities (2012), Wardheernews
5 Somaliland Local Government Law
In contrast to the considerable awareness of the local government, respondents’ awareness of the services provided by the institution was substantially less as 40% of those who knew of the Local Council stated that they were unaware or unsure of the Council’s services (Fig. 9).

Analysis of the awareness of services provided by the local government on the basis of gender indicated that a little more than two-thirds (68%) of the male respondents had stated awareness of the services against less than one half (48%) of their female counterparts (Fig. 10).

3.1.2. Performance of the Local Government

Of the respondents who were aware of the Local Council, approximately 69% were observed to be unaware of channels of communication with the elected councillors (Fig. 11). This is notable considering the fact that, it is a constitutional obligation of the elected councillors to consult with and represent the local community by paying close attention and bringing community needs to the local government, creating community awareness, and facilitating consultations.6

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6 Article 21: Councillor’s obligations, the Regions and District Law No: 23/2002
Further examination of the participation in consultations between the local community and the councillors, revealed that only a little more than one-quarter (27%) of those who were aware of channels of communication had participated in local government consultations in the last twelve months (Fig. 12). Gender seemed to influence respondents’ participation in the local government meetings as only 15% of females compared with 34% of males stated that they had participated in any of the government consultations (Fig. 13).

The frequency of participation in the consultative meetings varied among respondents. When asked about the number of times that they had participated in government consultations in the last twelve months, 29% of the respondents who had participated in consultations reported once, while the majority (71%) reported that they had participated more than once (Fig. 14). Overall, those who had participated in government consultations did so an average of two times in the past twelve months.

3.1.3. Perception toward the Local Council

Thirteen years (from 2002) after elected councillors took the reign of the local government, it was noted that a considerable proportion (87%) of the
respondents acknowledged the importance of having elected representatives (Fig. 15).

Figure 15: Respondents’ perception towards elected representatives

It was also observed that a greater proportion of males (92%) than females (81%) agreed that it is important to have elected officials (Fig. 16).

Figure 16: Respondents’ perception towards elected representatives, by gender

Some of the qualitative participants, however, questioned the need to have twenty-one (21) councillors, considering the scarcity of resources and the facilities that every councillor is entitled to.7 One participant stated:

The elected local councillors are becoming a burden to the districts; this burden comes in different forms: each wants decent payments, luxury car, land and other benefits. The elected mayors are obliged to give what each councillor asked for; otherwise, they give the mayor a vote of no confidence [quid pro quo deal].8

The Berbera local government provides multifaceted services including: sanitation and maintenance of hygiene; land acquisitions and land preservation; protection of districts’ assets; funding and maintenance of public roads; keeping the city’s appearance attractive; education and health services; and town planning.9 Of the services provided, sanitation (79%), infrastructure (68%), education (41%) and health (32%) were the services that respondents identified most as being delivered by the local government (Fig. 17).

Commenting on the Local Government’s role in service delivery, the Executive Secretary of the Berbera Municipality remarked:

The local authority gives budget supplements to many institutions that face budget deficit to help them cover the shortfalls. We also subsidise electricity so that residents can have access to cheap electricity. In the last two years, the local authority has disbursed $200 million towards electricity subsidies and the procurement of new water generators for the water agency.10

There is, however, an overlap of responsibilities between the local and the central government. While provision of services such as education, health, water and electricity fall under the jurisdiction of the local government, these services are still managed by the central government. Each of the central government ministries has a coordinator who is responsible for overseeing delivery of these services. Therefore, it is within this context that some of the qualitative participants emphasised the need for decentralisation.11

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7 Governance providers, Focus Group Discussion, Yovenco, Berbera, 14th January, 2015
8 Ibid.
9 Executive Secretary of the Berbera Municipality, Key Informant Interview, Berbera, 15th January 2015
10 Municipality Executive Secretary, Op. Cit
11 Governance Providers, FGD, Op. Cit
The most pressing issues in the district are those that lie within the jurisdiction of the local council, (Article 21 of the Local Government Law speaks to the role of the Local Council: the councillors shall lead community development in education, health, water, electricity and sanitation.) The issues mentioned by the respondents as critical are listed in order of the frequency with which they were mentioned: shortage of electricity (54%), lack of infrastructure (36%), lack of water (32%), poor sanitation (26%), unemployment (21%), poor education (16%), poor health (16%) and poor economy (14%). Figure 18 illustrates pressing issues within the community that were mentioned by more than 2% if respondents. Other pressing issues, each mentioned by less than 2% of respondents were:

- The need for more police posts
- High tax rates
- Injustice
- Collapse of old buildings

### 3.1.3.1. Berbera’s most pressing issues

Electricity, poor infrastructure, and shortage of water were three of the most pressing issues that emerged from both quantitative (Fig. 18) and qualitative participants. Participants in the women’s group stated that the major need in the district is electricity, claiming that:

*This is a coastal city where one needs 24/7 access to electricity, but there is hardly any electricity, and the when it is available, it is very expensive. One unit costs 0.9 USD and the income of the people is very limited; many people cannot afford to pay if they consume much electricity.*

However, the concerned authorities are unable to sufficiently deliver these much needed services to an ever-expanding city. With respect to water, access varied among the sub-divisions. Youth and women participants from the Burao-Sheikh sub-division argued that, “*Burao-Sheikh is the largest sub-division and residents have no access to clean tap water... we buy water from water tanks which distribute low quality water.*” The Permanent Secretary of the Berbera Local Municipality stated that the current Berbera water system was built by the Ottoman Empire in the 1800s and since then, it has not undergone any substantial improvement, despite the huge expansion of the city. The challenges resulting from the current infrastructure were further exacerbated by the fact that significant numbers of livestock are annually exported from the Berbera port. The livestock, while in quarantine, are provided with large amounts of water. The executive secretary of the municipality estimated that, “…each animal consumes approximately 14 litres [of water] in every

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12 Women’s Group, Focus Group Discussion, Berbera, 13th January, 2015
2-3 days\textsuperscript{13} and as the livestock export increases this will deplete the already scarce water supply.

\textsuperscript{13} Municipality Executive Secretary, Op. Cit
Despite the fact that the local government is yet to sufficiently address community needs (as seen in Fig. 18), almost two-thirds (64%) of the respondents believed that the performance of the local government had improved, while approximately one quarter (26%) of respondents felt there had been no change in the local government performance over the past year. Only 6% of respondents felt that the performance of the council had declined during this period (Fig. 19).

Area-based analysis of the local government performance indicated substantial divergence. Respondents in Daaroole (93%), followed by those in Burao-Sheikh (75%) and Wadajir (62%) were most likely to indicate that the local government performance had improved, whereas the majority of respondents in the Barwaako sub-division (70%) did not view any substantial change. Respondents in the Burao-Sheikh sub-division (3%) were least likely to indicate that the performance of the council had declined compared to the last year (Fig. 20.)

**Figure 18: Respondents' perception of the most pressing issues**

<table>
<thead>
<tr>
<th>Issue</th>
<th>% of respondents (n = 200)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shortage of electricity supply</td>
<td>54%</td>
</tr>
<tr>
<td>Lack of infrastructure</td>
<td>36%</td>
</tr>
<tr>
<td>Lack of water</td>
<td>32%</td>
</tr>
<tr>
<td>Poor sanitation</td>
<td>26%</td>
</tr>
<tr>
<td>Unemployment</td>
<td>21%</td>
</tr>
<tr>
<td>Poor education</td>
<td>16%</td>
</tr>
<tr>
<td>Poor economy</td>
<td>14%</td>
</tr>
<tr>
<td>Poor health</td>
<td>9%</td>
</tr>
<tr>
<td>Bad health centers</td>
<td>7%</td>
</tr>
<tr>
<td>Gender based violence</td>
<td>5%</td>
</tr>
<tr>
<td>Insecurity</td>
<td>3%</td>
</tr>
</tbody>
</table>

**Figure 19: Respondents' perception towards the performance of the Local Council (year to year)**

Perception of the performance of the Local Council yearly trend
- Improved
- No change
- Declined
- Don't know

(n=200)
3.1.3.2. The call for Decentralisation

“All ministries are seated in Hargeisa. What do the ministry of fishing and agriculture do in Hargeisa? They should come closer to the regions that are known for fishing and agriculture.”

As stated earlier on, some of the services that fall under the jurisdiction of the local council are still within the ambit of the central government (e.g. water and electricity). Local authorities consented to the view that water and electricity are pressing needs in the district. However, they were unable to address these needs, since it is the central government that is directly responsible for delivering these services. An official from the local government commented on this:

*The local government could not address water and electricity issues unless these services are truly decentralised and fall under the jurisdiction of the local authority. It is only when you are responsible for and involved in the decision making process that you can address issues and can be held accountable to the citizens.*

3.1.3.3. Triple B: Decentralisation Pilot Test

The government and its development partners seem to have acknowledged the need for effective decentralisation and currently there are primary education decentralisation pilot projects in three cities: Berbera, Borama and Burao, dubbed “Triple B.” As a part of the pilot, the local municipalities will take the lead to manage and oversee the delivery of primary education in these three districts. The Berbera Local Municipality’s permanent secretary expressed optimism in the success of this pilot test and emphasised that this will improve accountability and empowers the local authorities; he stated:

*There are numerous benefits coming out from the decentralisation of the primary education including that the region [Sahil region in which Berbera district falls] has become self-sufficient with supervisory*
powers. The local government is able to efficiently allocate funds and monitor if the money was spent in the right way.\textsuperscript{16}

In the last decade, local government took the reign of Berbera district and offered a sense of representation to the local residents as they elect their councillors. The majority of respondents believed in the importance of having these elected local government officials. However, there are numerous challenges facing this institution. The most notable challenge is the fact that some of the services under the jurisdiction of the local government are still directly managed by the central government. This affects the performance of the local councillors, whereby they are expected to lead community development in these areas, such as education, health, water, electricity and sanitation, while in reality, it is the central government that delivers these services.

\textsuperscript{16} Municipality Executive Secretary, Op. Cit
3.2. JUSTICE PROVIDERS

The legal system, and by implication, the criminal justice system in Somaliland is unique in character. Following the declaration of independence in 1960 and the subsequent fusion of the common law existing in British Somaliland to the north and the civil code that had been in use in the former Italian colony to the south, the need for reforms to mitigate the initial disharmony soon became apparent.17 The fall of the Siad Barre regime provided an opportunity for such reform in the newly self-declared Somaliland, but the preceding civil war had so adversely affected state institutions that such progress was inevitably slow.

On the one hand, the formal justice sector faces a myriad of challenges. The present penal code, along with many other statutes, still bears the hallmarks of the justice system inherited from the colonial administration and is in need of amendment. With the support of the UNDP’s Access to Justice Project, the government has been undertaking progressive judicial reforms led by the Justice Sector National Judiciary/Justice Reform Steering Committee. The High Judicial Council has taken steps to ensure progress towards the establishment of a competent, accountable and efficient judiciary. In recent years, those efforts have been coordinated towards the operationalisation of the Peace and Statebuilding Goal 3 (PSG 3) – Justice – priorities under the Somaliland Special Arrangement (SSA). Those priorities are geared towards “improving access to an efficient and effective justice system for all” by; strengthening the capacity of courts, clarifying the roles and responsibilities of law-makers, promoting a more responsive and accessible justice system and investing in justice architecture.18 The trickle-down effect of this approach remains a subject of interest.19

On the other hand, the informal justice mechanisms (traditional Xeer and Islamic Shari‘ah law) that existed in pre-colonial Somaliland continue to subsist and despite their limitations, still have acceptability among the people. This acceptability appears in two ways: first, out of necessity owing to the relative lack of access to formal judicial institutions, especially in rural communities. Secondly, out of preference, even in urban areas with functioning courts, owing to several advantages the informal institutions are associated with in relation to the formal justice system, such as the relatively expedited conclusion of disputes, lower costs of litigation and in the case of Shari‘ah law, confidence in the fairness of the judgment.

This section investigates the deployment of justice providers in Berbera, their performance and interaction as well as the perceptions and preferences of the community with regard to justice provision.

3.2.1. Level of deployment

As the regional capital of Sahil, Berbera has a Regional Court in addition to a Court of Appeal and a District Court. The three courts are located within close proximity of each other in the Burao-Sheikh Sub-division. The facilities and resources of the formal courts are meagre in relation to the mandate imposed on them. The District Court, in particular, only had one room that was both an office and a courtroom presided over by a single judge.20

Among the household survey respondents, awareness of the existence of courts was very high;

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19 Among the peace and statebuilding goals in both the Somali Compact and the SSA, PSG 3 has been said to better express a clear link between capacity building and positive changes in the lives of people, making a close observation of its implementation pivotal in the tracking of progress and development. See Saferworld and World Vision, Ibid.

20 District Court Commissioner, Key Informant Interview, 15th, January, 2015
98% of the surveyed respondents were aware of the court’s existence (Fig. 21).

Figure 21: Respondents' awareness of the existence of courts

Across the sub-divisions, awareness of the presence of courts was recorded at 100% in all areas except Burao-Sheikh, where only five respondents, representing 7% of the sub-division's sampled respondents stated that they were not aware of the presence of courts (Fig. 22).

Figure 22: Respondents' awareness of the existence of courts by sub-division

When it was enquired of the respondents who had indicated awareness of the courts how many courts they were aware of, more than one half (58%) of them said that they only knew of one court. More than one quarter (28%) of the respondents were aware of two courts and 13% were aware of all three courts (Fig. 23).

Figure 23: Respondents' awareness of the number of courts

A majority (88%) of the respondents went on to state that the court was less than an hour’s walking distance from their locality while 11% estimated that the time it would take them to walk to the closest court was more than an hour but less than two hours (Fig. 24).

Figure 24: Respondents' estimation of distance to closest court

This sense of proximity to the courts was high across the sub-divisions, more so in Barwaqo, where all (100%) of the respondents said the court was less than one hour away. In Wadajir, nine in ten respondents (90%) reported similar proximity, while respondents in Burao-Sheikh and Daaroole reporting that the court was less than an hour away made up

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21 The largest sub-division
85% and 79% of the samples in those sub-divisions respectively (Fig. 25).

**Figure 25: Respondents’ estimation of distance to closest court by sub-division**

While those observations might indicate spatial accessibility, they ought to be qualified by both the facts that the survey was conducted in a predominantly urban part of Berbera and that qualitative interviews indicated that this spatial accessibility does not extend to the remote villages of the district.  

### 3.2.2. Performance of the Justice Providers

Among the respondents interviewed in the household survey, the most commonly used justice provider in the 12 month period preceding the assessment had been the court (16%), followed by traditional elders who had been used by 7% of the entire sample (Fig. 26). The use of religious leaders was reported by only 1% of the respondents.

**Figure 26: Usage of justice providers**

#### 3.2.2.1. Formal Courts

The on-going judicial reforms seemed to have had a positive impact on the formal justice system in Berbera. During a key informant interview, the District Court Commissioner stated that, among the most notable improvements, judicial staff now had formal legal training and were well supervised and held accountable. In addition, he mentioned a mobile judicial oversight committee that periodically monitors the performance of courts across all regions. The justice providers’ group discussion participants also emphasised the recent improvements at the courts. The courts in Berbera showed a distinguished level of operational capacity in spite of the challenges they continued to face with regard to resource constraints. The District Court in particular, had handled upwards of 400 cases in the 12 months preceding the assessment, about half of which were criminal cases.

Most of the civil cases the court had dealt with involved family disputes, often caused by economic hardship or wilful negligence of familial obligations, and loan-related disputes, where the pecuniary value fell within the court’s jurisdiction. Where the civil matter in question involved a matter of personal laws, especially inheritance, the formal court would sometimes refer the case to religious

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22 Traditional Elder, Key Informant Interview, 14th January, 2015

23 District Court Commissioner, KII, Op. Cit

24 Ibid

25 Ibid
leaders, with the proviso that if a peaceable conclusion was unattainable, the court would take over the case.26

With regard to criminal matters, the District Court’s jurisdiction was limited to minor crimes, and most of the cases handled within the 12 months preceding the assessment had involved immorality, blasphemy, petty theft (as opposed to robbery with violence) and assault.27 The District Court Commissioner stated that the Regional Court handles felonies and capital crimes, which include charges of rape or attempted rape.28

Among the 16% of respondents who had used courts in the last year, the proportion among men (15%) was almost equal to that of women (16%), indicating that gender considerations may not have played a significant role in the usage of courts (Fig. 27).

Figure 27: Usage of courts by gender

Within the sub-divisions, some minor variations were observed. There was a slightly higher level of usage of courts in Daaroole and Wadajir where approximately two in every ten respondents (20% and 19% respectively) had used courts, followed by Burao-Sheikh at 13% and finally Barwaago, where one in every ten respondents (10%) had used courts (Fig. 28).

Figure 28: Usage of courts by sub-division

3.2.2.2. Traditional elders

Traditional elders were said to be most active in the rural communities of Berbera where access to formal justice institutions is limited.29 One of the most common disputes they handled in such remote locations was land dispute resolution, wherein as a compromise to the prevalent lack of land titles, traditional elders would use the neighbours of the disputants in question to ascertain ownership. The elder interviewed as a key informant stated:

In the absence of land titles we use the four adjacent neighbours to the disputed land as witnesses; people are the living documents.30

The role of the traditional elders was not limited to rural areas. Due to the ubiquitous nature of the clan system upon which the legitimacy of the Xeer system rests, traditional elders could delve more effectively into the root causes of a dispute, even in urban areas, using clan networks to gather evidence.31 In addition, the status of traditional elders in the social structure of the Somali community was said to afford them a semblance of legitimacy not only among the general populace, but also within the political arena where their influence affords the prerequisite stabilising effect for post

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26 Ibid
27 Ibid
28 Ibid
29 Traditional Elders, KII, Op. Cit
30 Ibid
31 Ibid
conflict recovery and statebuilding. A religious leader opined that:

There are several factors that affect the performance of the formal justice providers. The institutions are not yet fully decentralised and effectively functional. The poor economy of the country and the political status, lack of recognition, hinder the performance of these institutions. It is because of these that both formal and informal justice systems work together to strengthen the peace and the fragile statehood.

In the rapidly urbanising environment of present day Somaliland however, the role of the traditional elders, while widely accepted as the norm, has been questioned by sections of the society. In one of the FGDs, participants levelled criticism at traditional justice providers for what they perceived as interference with legitimate judicial processes in instances where elders take over cases already in progress under the pretext of seeking a peaceful out of court settlement, sometimes without regard to the victims of crimes. However, a gradual shift in this practice is underway; the settlement of rape cases mostly in the courts is an example. Commenting on the jurisdiction over rape cases, the religious leader stated:

There were times when elders were allowed to withdraw rape cases and settle them out of court in order to prevent violence but this has changed. As the governance system and government legitimacy is strengthened, the role of the informal actors starts to fade slowly, now it is the formal authorities that settle such cases even in the rural areas.

Some participants in the women’s focus group discussion also felt that the overly patriarchal nature of proceedings under the customary system left women vulnerable, especially in matters of domestic disputes.

Of the 7% of respondents known to have used traditional elders within the 12 months preceding the assessment, such usage was observed to be five times higher among the men (10%) than among the women of whom only 2% had used elders (Fig. 29).

Traditional elders were least used for an issue of justice in the Burao-Sheikh Sub-division, having been engaged by only 3% of the respondents interviewed there. Wadajir and Daaroole each had 7% of the respondents reporting usage of elders, while Barwaqo at 13% had the highest level of usage (Fig. 30).

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Figure 29: Usage of traditional elders by gender

Figure 30: Usage of traditional elders by sub-division

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32 Ibid
33 Religious Leader, Key Informant Interview, 14th January, 2015
34 Youth FGD, Op. Cit
35 Traditional Elder, KII, Op. Cit
36 Traditional Elders and Religious Leaders, FGDs, Op. Cit
3.2.2.3. Religious leaders

Although they are not legally recognised as a part of the judiciary, religious leaders who are often Islamic scholars of repute, operate offices under permit from the Ministry of Justice, from which they offer Alternative Dispute Resolution (ADR) services. Most of the cases they handle pertain to family matters such as inheritance, marital disputes and divorce. The prominence of Shari’ah in Somaliland is recognised in Article 5 of the constitution, which among other things, stipulates that the laws of the nation shall be grounded on and shall not be contrary to Islamic Shari’ah. Although among the relatively more conservative sections of the society there may have been voices advocating for a more visible application of Islamic Shari’ah, among the general populace the actual usage of religious leaders for matters of justice appeared minimal.

In the 12 months preceding the assessment, only one male respondent out of the entire sample had used religious leaders (Fig. 31).

Figure 31: Usage of religious leaders by gender

This minimal usage of religious leaders for a matter of justice was observed in Barwaaqo sub-division (Fig. 32).

Figure 32: Usage of religious leaders by sub-division

3.2.2.4. Synergies between justice providers

The three justice providers discussed above were observed to operate both in parallel and in complementarity, depending on the circumstances of the dispute in question. Personal law issues and minor offences were handled by the informal justice providers while serious crimes and grave offences were handled by the courts. In addition, the informal justice providers relied on the courts when alternative dispute resolution failed, since they do not have the legal authority to enforce their own judgments. Inasmuch as the religious leaders and the elders relied on the formal justice system to effectuate their provision of justice to the community, the courts were also said to often refer matters to the informal justice providers where it was deemed appropriate. Referencing this symbiotic relationship, a religious leader stated:

Courts refer many cases to the elders, mostly the civil cases and sometimes criminal cases. It is only cases that elders fail to settle or those in which the parties reject the elders’ decision that are referred back to the courts. We need each other. In this manner, elders

37 Religious leader, Op. Cit
38 Justice providers, Focus Group Discussion, 14th January, 2015
39 For instance, when questioned about options for reform of the justice sector, the Religious leader interviewed as a key informant opined that he would advise a paradigm shift to the application of Shari’ah and acceptable tenets of Xeer in exclusion of the formal justice system. The same sentiments were voiced by the traditional elders who were part of the justice providers’ focus group discussion.

40 Justice providers, FGD, Op. Cit
41 Ibid
are justice providers who do not have jails to imprison people but can still offer many other services that courts do.⁴²

Among the respondents who had used the court in the past 12 months, almost one half (48%) reported that the issue had been a land dispute. Land disputes were also the most common issue referred to the traditional elders (38%) followed by domestic violence at 31%. At 29%, domestic violence was also the second most common issue referred to the courts (table 4).

Table 4: Issues referred to justice providers

<table>
<thead>
<tr>
<th>Issues referred to different justice providers</th>
<th>Justice providers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Court</td>
</tr>
<tr>
<td>Land dispute</td>
<td>48%</td>
</tr>
<tr>
<td>Robbery</td>
<td>6%</td>
</tr>
<tr>
<td>Household violence</td>
<td>29%</td>
</tr>
<tr>
<td>Assault</td>
<td>3%</td>
</tr>
<tr>
<td>Other</td>
<td>13%</td>
</tr>
<tr>
<td>Base</td>
<td>31%</td>
</tr>
</tbody>
</table>

Between the two providers of justice reported to have been predominantly used in the last year, rates of issuance of judgment were almost equal. In the courts, 84% of the respondents reported receiving a judgment, compared to 85% among those who had used traditional elders (Fig. 33).

The levels of enforcement of judgments resulting from both justice providers were also high, slightly more so in the case of traditional elders at 91% compared to the court at 81% (Fig. 34).

3.2.3. Perception of the Justice Providers

The Court was mentioned by a clear majority (62%) of the respondents in the household survey as the most trusted justice provider in solving cases. Traditional elders were mentioned by slightly more than one quarter of the respondents (27%), while religious leaders were mentioned by 11% (Fig. 35).

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⁴² Religious leader, KII, Op. Cit
When observed with regard to gender, the court remained the most mentioned provider within the genders, represented by a slightly higher portion of women (65%) than that of men (60%). Traditional elders were also the second most mentioned option for both genders, though a slightly higher proportion of male respondents (29%) had mentioned them compared to almost one quarter (24%) of the female respondents (Fig. 36).

For the court and the traditional elders, the most cited reason for trust was that they give fast decisions (58%: court and 30%: elders), while religious elders were most trusted on account of their fair judgements (55%), see table 5.

In terms of the level of confidence associated with the formal justice system, a clear majority (84%) exhibited confidence (46%: very confident and 38%: fairly confident). However, 16% of the respondents said they were not confident in the formal justice system (Fig. 37).

Table 5: Reasons for trust of justice providers

<table>
<thead>
<tr>
<th>Reason for trust of justice provider</th>
<th>Most trusted justice provider</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Court</td>
</tr>
<tr>
<td>Fast decisions</td>
<td>58%</td>
</tr>
<tr>
<td>Fair judgment</td>
<td>22%</td>
</tr>
<tr>
<td>Independence from politics</td>
<td>-</td>
</tr>
<tr>
<td>Less costly</td>
<td>6%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>2%</td>
</tr>
<tr>
<td>More reliable</td>
<td>13%</td>
</tr>
<tr>
<td>Not stated</td>
<td>-</td>
</tr>
<tr>
<td>Base</td>
<td>124</td>
</tr>
</tbody>
</table>

An evaluation of the levels of confidence within the genders illustrates that more female respondents (52%) than male respondents (41%) were very confident while more male respondents (45%) felt fairly confident than female respondents at 28% (Fig. 38).
Within the sub-divisions, Barwaqo had the smallest portion (13%) of sampled respondents stating that they were very confident, but had the greatest portion (77%) stating that they were fairly confident compared to the other sub-divisions. In Burao-Sheikh, more than half (53%) of the respondents were very confident but almost a quarter (23%) were not confident – the highest such portion in relation to the other sub-divisions (Fig. 39).

A little more than one half of the respondents (52%) felt that the performance of the court had improved compared to the previous year. Slightly less than two in every five respondents (37%) reported that in their opinion, there had been no change, while 4% felt that there had been a decline (Fig. 40).

Most of the respondents (80%) in Daaroole felt that the performance of the formal court had improved compared to the previous year while a similar portion (81%) in Barwaqo felt that there had been no change. In Burao-Sheikh and Wadajir, those who felt that there had been an improvement made up more than half of the sampled respondents (51% and 57% respectively) while the proportions of those who felt that there had been no change were about a little less than one third in each of these two sub-divisions – 31% and 30% respectively (Fig. 41).
Male respondents appeared to have a more positive outlook regarding the performance of the court over the past year, as approximately 93% of them compared with 82% of female respondents indicated that the court’s performance had remained the same or improved over the past year. In addition, a marginally greater proportion of female respondents felt that there had been a decline than the proportion of male respondents – 7% compared to 2% (Fig. 42).

Figure 42: Perception of the performance of the court: yearly trend by gender

Progressive justice sector reforms seem to have aided in increasing the quality and effectiveness of service provision by the formal courts and consequently, the positive outlook of the community in Berbera with regard to the courts. The resources required to match the achievements made thus far in the capacity of the courts have however not been forthcoming. As a result, access to justice still remains limited, more so in the rural areas of the district. Conversely, informal justice providers – particularly the traditional elders in the case of Berbera – continue to provide a broad spectrum of justice services, drawing legitimacy from their widespread acceptance within the community. A re-evaluated approach to justice sector reform encompassing the multiple legal systems in operation and formally harmonising them without prejudice to the flexibility of the traditional systems could result in greater gains in the provision of justice services to the benefit of the community.
3.3. SECURITY PROVIDERS

Police are the main provider of security in Berbera. However, there are also other formal institutions, including the local authority and office of the Governor, that also assist in ensuring security. Furthermore, each sub-division has a committee from different segments of the community who work closely with the police and local government on security issues.

The district of Berbera, in recent times, has not seen major conflict, or violence and confrontation. The majority of cases that the police handle, concern rape, burglary and Dabagur (sexual molestation of women who sleep in fenced open-air compounds during the hot season). Other issues that lead to insecurities that were highlighted include; land disputes and youth based violence.

This section assesses level of deployment of the security providers and the perception held by the general public towards security including level of performance and trust in the security providers. Finally, the section sheds some light on the challenges facing the police as a formal security provider which might affect their performance.

3.3.1. Level of Deployment

The vast majority of respondents (93%) had been aware of police presence in the district (Fig. 43). All respondents (100%) in each sub-division, with the exception of Burao-Sheikh (80%), were aware of the presence of the police in their area (Fig. 44).

FGD participants from Burao-Sheikh complained of lack of police posts in their sub-division, “Burao-Sheikh is the largest sub-division and there are no police posts in the sub-division, the nearest police station is the central police station.” In tandem with this claim, one in every five respondents (20%) from Burao-Sheikh reported lack of awareness of police presence (Fig. 44).

Responses regarding the number of police stations were varied. The largest portion believed there was one police station (47%), followed by those who believed that there were three (25%), and two stations (24%). Finally, the respondents that thought there were four and five stations comprised of 4% and 1% respectively (Fig. 45).

The same trend of speculation concerning the number of police stations was observed in the qualitative discussions. The deputy police commissioner, however, confirmed that there are

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43 Deputy Police Commissioner, Key Informant Interview, 15th January 2015
44 Women’s Group, FGDs, Op. Cit
three police stations: two in the city centre and one at the Batalaale shoreline.  

Figure 45: Respondents’ estimation of the number of police stations

![Figure 45: Respondents’ estimation of the number of police stations](image)

The police stations were generally estimated to be located under one-hour’s distance to nearly all respondents (97%), regardless of their sub-divisions (Fig. 46 and 47).

Figure 46: Respondents’ estimation of distance to police station

![Figure 46: Respondents’ estimation of distance to police station](image)

3.3.2. Preference of the Security Providers

This section of the report looks closely at those providers that respondents would most likely report civil, petty and serious crimes to.

3.2.3.1. Civil Matters

When it comes to the reporting of civil matters, the majority of respondents stated that they would prefer to report such cases to the police (83%), followed by those who stated that their preference lay with local authority (9%) and the court (8%), see figure 47.

Figure 47: Respondents’ estimation of distance to police station by sub-division

![Figure 47: Respondents’ estimation of distance to police station by sub-division](image)

Figure 48: Respondents’ preference of reporting civil matters

![Figure 48: Respondents’ preference of reporting civil matters](image)

Gender made no impact on the reporting preferences for civil matters as similar portions, 83%

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46 Deputy Police Commissioner, Op. Cit

47 Civil issues are those pertaining to family and business disputes and trespass
and 82% of both male and female respondents, responded that they would prefer to contact the police, followed by the local authority and the court for civil cases. A marginal proportion of females also indicated that they would prefer to report such matters to the elders or ‘others’ (Fig. 49).

Figure 49: Respondents’ preference of reporting civil matters by gender

3.2.3.2. Petty Crimes

With respect to the issue of petty crimes, the police were also identified as the preferred choice for reporting of such issues by the majority of respondents (97%). A minority of respondents (3%) indicated a preference for reporting such issues to traditional elders, the courts, or the local authority (1% each). (Fig. 50.)

Figure 50: Respondents’ preference of reporting petty crimes

Similar to the civil cases, no substantial gender variations existed in the reporting of petty crimes with all (100%) of the male respondents and 94% of the female respondents mentioning that they would report petty crimes to the police. Nonetheless, there was a small portion of women that would seek the assistance of traditional leaders (2%), the courts (2%), and the local authority (1%) as seen in Figure 51.

Figure 51: Respondents’ preference of reporting petty crimes by gender

3.2.3.3. Serious Crimes

Once again the police emerged as the preferred entity for reporting serious crimes. A minor twist is that religious leaders emerged with a very small minority percentage in the reporting of serious crimes (Fig. 52). Finally when it comes to serious crime, both genders were nearly unanimous in that they would most likely involve the police with such matters (Fig. 53).

Figure 52: Respondents’ preference of reporting on serious crimes
3.3.3. Level of Trust in Security Providers (formal and informal)

In line with the reporting preference patterns, where police emerged to be more preferable in all cases, the trend continued as the police remained popular among the majority (92%) in holding the role of most trusted security provider in responding to crime and violence. The remainder were divided amongst traditional elders (4%) and the court (3%), and lagging behind was trust in religious leaders (1%), while 1% stated that they did not trust any of the security providers, see figure 54.

Despite the high level of trust in the police displayed by the respondents, it is important to note there are numerous challenges faced by the police in their efforts to provide security; lack of adequate resources (e.g. vehicles, police radios), equipment (e.g. cuffs to chain suspects), and even police uniforms and boots. The deputy police commissioner highlighted the consequence of such inadequacies:

The uniforms differentiate police from the ordinary people. However, police do not get sufficient sets of uniforms. Officers buy uniforms from town and put on casual shoes. I would recommend providing uniforms to the police officers yearly, because the citizens will not respect the police if they cannot identify him/her as a police officer.  

Nonetheless, during the course of the Youth FGDs, there was the acknowledgement that, it is imperative that local community cooperates with the police, in support of their efforts as a security provider.  

Further examination of what is likely to influence respondents’ trust in security providers indicated that the police were most likely to be most trusted for their fast response (72%), while ease of access was the factor which most influenced trust in the traditional elders (43%). Table 6 illustrates the reasons given by respondents for their choice of most trusted security provider.

Table 6: Respondents’ reasons of choice of most trusted security provider

<table>
<thead>
<tr>
<th>Reason for trust of security provider</th>
<th>Most trusted security provider in responding to crime and violence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Police</td>
</tr>
<tr>
<td>Fast response</td>
<td>72%</td>
</tr>
<tr>
<td>Unbiased enforcement</td>
<td>10%</td>
</tr>
<tr>
<td>They are respected</td>
<td>6%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>10%</td>
</tr>
<tr>
<td>Reliable</td>
<td>1%</td>
</tr>
<tr>
<td>Base</td>
<td>184</td>
</tr>
</tbody>
</table>

However, the Berbera District Court Commissioner also alluded to issues that were likely to negatively

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49 Youth, FGD, Op. Cit
impact trust in the police; highlighting that the police are underpaid, leading to low morale and temptation to accept bribes from the public in order to meet their basic living costs. The commissioner stated: “You can hold people accountable when you take care of them; provide them with enough salary, equipment and training.”

Overall, trust in the Police was positive with 83% of the respondents having very and fairly high trust in the police, against 18% with fairly and very low levels of trust, (Fig. 55).

Furthermore, there was no great variation when looking at the genders, as approximately one half of male and female respondents (52% and 45% respectively) expressed to have very high level of trust in this institution (Fig. 56). Participants in the women’s FGD posited that the relationship between the police and the local village committees could also be a contributing factor to the high level of trust in the police. The committees assist in solving domestic and local issues and report their interventions to the police. If unable to resolve these issues among themselves, then they refer the cases to the police.54

3.3.4. Police Performance

The obstacles faced by the police, which impact on their performance, were not only logistical but also forensic. The Berbera District Court Commissioner believes that better training and equipment is necessary in order to conduct reliable investigations and to collect sufficient evidence. He went on to say,

*The court receives case files when the police did not go to the crime scene, or there are no photos or what-ever evidence... and when the case file is half-baked, we send back the files to them. This is what causes the procedural delays in the formal justice system.*

However, the deputy police commissioner expressed confidence that his officers are following proper procedure: “We do not submit a file that does not have [at least] two witnesses and if there is no strong case against the suspect, then the police are unable to pursue the matter further.”

Nonetheless, two thirds (67%) of respondents believed that the police performance had improved in the 12 months preceding this assessment (Fig. 57). There was hardly any difference along gender lines, with the exception of 4% of women replying that there had been a decline in police performance, while none of the men shared this opinion (Fig. 58).

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50 District Court Commissioner, Op. Cit
51 Women’s Group, FGD, Op. Cit
52 District Court Commissioner, Op. Cit
53 Deputy Police Commissioner, Op. Cit
Analysis of the perception of different areas of the town regarding police performance had shown inconsistent results. With all respondents in Daaroole sub-division (100%), along with 73% and 66% of respondents in Burao-Sheikh and Wadajir reporting an improvement in police performance. In contrast, a substantial portion (70%) of respondents in the Barwaaqo area felt that there had been no change in the police performance (Fig. 59). However, these results generally indicate a positive perception of police performance among respondents. Moreover, FGD participants claimed that Berbera was safer than other cities like Hargeisa and Burao.54

Participants in the Youth Group stated, “Every now and then we hear of insecurity incidences in Hargeisa and Burao, but we do not witness similar incidents here.”55 Women also claimed:

*The incidences insecurity such as youth violence, phone mugging that happen in this town are mostly caused by youth from Hargeisa who happen to visit Berbera during the public holiday.*56

Commenting on the number of police officers and stations in the district in relation to the police performance, the Deputy Police commissioner stated,

*The size of the town is not big, the police stations are proportional to the size, we have enough police cars, [and] officers but sometimes the police cars break down and we have neither the tools for repair nor allocated budget for car maintenance. We have to request that from either the local municipality or the port authority to support us, and as we are waiting or following up with the request, then the police services become affected.*57

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54 Youth, FGD, Op. Cit
55 Ibid
56 Women’s Group, FGD, Op. Cit
57 Deputy Police Commissioner, Op. Cit
3.3.4.1. Police Investigation: Rape cases

A prevalent crime that was cited by participants in both the women’s and youth FGDs, and by the Deputy Police Commissioner was rape (where drug abuse could be a factor). The investigation methods employed by the police were, however, very unscientific. The Deputy Police Commissioner explained:

*If a rape victim claims to be raped by someone and the perceived offender denies any wrong doing, we [police] put the perceived offender in a group of similar men and ask the complainant to identify the offender, if she identifies the same person three different times, then that is it, that is all we can do.*

Furthermore, according to the police commissioner, the police base their investigations on the Article 398 (pertaining to sexual intercourse with a person of the other sex) and Article 399 of the Penal Code which refers to acts of lust and molestation.

3.3.4.2. Procedural challenges: investigating rape cases

The methods police rely on when investigating such claims are limited. In fact the Deputy Police Commissioner concedes that, “the only option available for the police to investigate rape claims is to refer the complainants to the hospital for test.”

Unfortunately, the hospitals face their own challenges as they lack technology for testing rape, and often rely on checking for seminal fluid, in order to disprove or prove claims by victims. The police also take into consideration physical injuries. From the medical report, the police then conduct their investigations. Those limited investigations, mostly caused by the inadequate tools and training often negatively impact on the outcome.

This assessment deduces that the lack of equipment and technology cuts across the entire process and touches all institutions: Police, Hospitals and Court, hampering proper investigations, which negatively affect the performance of formal institutions and security providers in particular.

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58 Deputy Police Commissioner, Op. Cit
59 Ibid
60 Ibid
61 Ibid
4. CONFLICT AND VIOLENCE

There was relatively little experience with conflict and violence among persons in Berbera. However, there was concern about various issues which could potentially have a negative impact on safety and security. The following section presents an account of respondents’ experience with crime and violence in their community, feedback on key measures in place for conflict resolution, and the overall perception of safety in the district.

4.1. Experience of conflict

The Deputy Commissioner of Police pointed out that “group conflicts are not common in the district.”

In line with this, only 7% of respondents stated that they witnessed a conflict between different clans or sub-groups in the last 12 months. The majority of respondents (92%) stated that they had not witnessed any such conflict, while a minority of respondents (1%) were unable to provide a response when asked (Fig. 60).

Experience of conflict did not appear to be impacted by gender, as similar proportions of males and females (7%) reported having observed a conflict in the past 12 months (Fig. 62).

Those who had witnessed conflicts (n = 14) indicated that, within the last 12 months, they had witnessed an average of just less than two conflicts (mean = 1.93). However, more than one half of these persons (57%) had witnessed only one conflict during this time (Fig. 63).

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62 Deputy Police Commissioner, Op. Cit
Most respondents (79%; n = 11) reported that the conflict(s) which they had witnessed between clans or sub-groups had led to violence. Further to this, more than one third (36%) of these persons also stated that the conflict(s) which they witnessed had resulted in at least one person being killed (Fig. 64).

Figure 63: Number of conflicts witnessed in the last 12 months

Figure 64: Observation of conflicts resulting in deaths in the last 12 months

Resources (land and water) were the most common reason cited for the conflicts observed (64%). In support of this, participants in the youth focus group pointed out that land conflicts were also emerging as a result of the growth of the city. These land conflicts were said to be primarily at the clan level, but also at the individual level.63

Family disputes were also mentioned as one of the main reasons for conflicts observed by respondents (36%). Other underlying reasons mentioned were crime; revenge; rape; and lack of justice (Fig. 65). Participants in the women’s focus group discussion reiterated rape as one of the causes of conflict and added that early marriage was another contributing factor. They also purported that politics plays a role in local conflict, particularly since “each political party is supported by its respective clan.”64 This type of clan-based conflict was even thought to affect the students in school.65 The youth were, however, not in agreement with this perspective.66

Participants in the youth focus group discussion highlighted sports groups as one of the contributors to conflict and violence, often as a result of the outcome of a game.67

Figure 65: Causes of observed conflicts between clans or groups

4.2. Experience of crime and violence

The majority of respondents (87%) indicated that they had not witnessed any crime or violence against someone outside of their household in the last twelve months. However, approximately one in ten respondents (11%) stated that they had such an experience (Fig. 66).

63 Youth, FGD, Op. Cit
64 Women’s Group, FGD, Op. Cit
65 Ibid
66 Youth, FGD, Op. Cit
67 Ibid.
No significant difference was observed across subdivisions with respect to observations of incidences of crime and violence (Fig. 67). Similarly, there was only a marginal difference between the proportion of males and females who reported that they had witnessed an incident of crime or violence during the past year (Fig. 68).

Participants in the qualitative research largely attributed incidences of crime and violence to the youth. Those in the women’s focus group discussions pointed out that teenage boys often gather in the village where they sometimes fight each other. They speculated that drugs were being distributed among them, thereby contributing to other maladaptive behaviours. Rape and child abuse were also mentioned among the violent acts carried out within the district.

The women suggested that the spread of violence among the youth was largely influenced by those who visited other cities and then adopted the violent and confrontational behaviours that they had experienced elsewhere.

4.3. Conflict Resolution

Both the qualitative and quantitative responses in the preceding section have pointed to the fact that the residents of Berbera seldom experienced conflicts and violence. The relevant authorities – both formal and informal – had established mechanisms to deal with these issues.

Resolution of conflicts within the Berbera district was largely dependent on the nature of the case. For example: the Regional Urban Land Dispute

68 Women’s Group, FGD, Op. Cit
69 Youth, FGD, Op. Cit
70 Women, FGD, Op. Cit
Committee is responsible for resolving land disputes. In the case of a rape, both the courts and elders may decide the outcome of the case, depending on the situation. Cases involving minors are referred to the elders as the courts do not have jurisdiction to hear the case, being that the parties involved are underage.

These institutions, however, faced their own challenges. In particular, insufficient budget allocations to formal providers of security and justice posed a threat to their level of efficiency as a result of resultant factors such as potential bribery, inadequate facilities and lack of public awareness. This was especially evident in the case of the Regional Urban Land Dispute Committee.

Informal justice providers also played a significant role in supporting the formal system to carry out its mandate. Village Committees, which have been established by the Local Authority, play a key role in coordinating the responses between these two groups. The size of the respective committee is dependent on the population of the village. However, the formal institutions remained the recognised authority pertaining to these matters, as elders and members of the Village Committee are required to report to the police and the courts who then have the final say in the resolution of the issue.

4.3.1. Land Dispute Resolution

As land disputes are a major cause of conflict in the Berbera district, it is worth exploring the main reasons for these disputes and the mechanisms in place to address them.

The elders identified the Land Regulation Authorities as the cause of several land disputes. In particular, it has been mentioned where different administrations have given different titles to the same plot of land. This is largely attributed to factors such as the absence of a proper filing or online system in the relevant institutions.

In the case of a land dispute which is likely to result in violence, the police commissioner stated that the police are usually the first to intervene. After law and order are restored, the institutions authorised to deal with such issues take over. Previously, these were mainly the local authority and the courts, but in recent times, the mentioned Regional Land Dispute Committees, which have been established on the basis of a law passed by the National Parliament, have been mandated with this responsibility. However, elders still play a role in helping to resolve land disputes, especially in rural communities, where the formal justice system is not as well-established.

At present, based on the account of the chairperson of the Sahil Regional Urban Land Dispute Committee, the mandate of the Committee is:

...to settle land-related disputes, with the exception of range land, ex-Al Sha’ab areas [government zone], non-residential zones, any land which has been previously adjudicated by a formal court, and land that is beyond the town master plan.

The Committee is, however, faced with several challenges, including fiscal constraints and the sensitive nature of the job. Disputing parties also attempt to bribe the committee members to influence their judgment. The Chairperson pointed out that the only payment which the committee members receive is “the meagre sitting allowances from the local municipality.” In addition, he commented:

This is hard work and very problematic. It needs sufficient budget allocations because the committee provides justice and if justice providers are not paid well, they will get tempted to accept bribes. Those who come to us mostly try to bribe us – both disputing

71 Administrative body established with a presidential decree. The Committee consists of seven members – five including the chairperson who are appointed by the government ministries, and two appointed by the Local Authority
72 Ibid
73 Justice provider, FGD, Op. Cit
74 Women, FGD, Op. Cit
75 Traditional Elder, KII, Op. Cit
76 Ibid
77 Deputy Police Commissioner, Op. Cit
78 Berbera Municipality Permanent Secretary, Op. Cit
79 Traditional Elder, Op. Cit
80 Chairperson of the Sahil Region Urban Land Dispute Committee, Key Informant Interview, 17th January 2015
parties will reach you for payment, so there should be something stopping you from accepting this.81

Another possible challenge, based on the feedback from the qualitative research, is the evident lack of awareness of the committee and its designated role in the resolution of land conflicts.

4.4. Perception of Safety

All things considered, most respondents (92%) stated that they felt safe in the area, including a little less than two-thirds (65%) who indicated that they felt very safe (Fig. 69).

When assessed on the basis of location, it was observed that respondents in the sub-division of Daarole were most optimistic about their safety, as indicated by 90% of respondents there who stated that they felt very safe. Although the majority of respondents in Barwaqo indicated that they felt rather safe (83%) as opposed to very safe (17%), it is notable that none of the respondents in that sub-division stated that they felt unsafe in the area. In fact, most respondents in each sub-division indicated that they felt rather or very safe. However, it was observed that 16% of the respondents in the Burao-Sheikh division stated that they felt rather unsafe (Fig. 70).

Males also had a more positive outlook than females regarding safety within the area. Approximately 95% of males compared with 85% of females indicated that they felt safe walking in the area after dark. Correspondingly, approximately 15% of female respondents indicated that they would feel unsafe in this situation, whereas only 5% of males also shared this perspective (Fig. 71).

With respect to changes in safety overtime, the majority of respondents (80%) felt that the safety of the area had improved over the last year, while 11% felt there had been no change. However, there was still evidence of some apprehension, with 9% of respondents stating that they felt that safety in the area had declined over the last year (Fig. 72).

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81 Ibid
Most respondents in each sub-division indicated that the level of safety in the area had increased. Notably, none of the respondents in the Barwaqo sub-division felt that it was less safe than in the previous year – 97% of respondents there indicated that safety had increased in the area, while 3% indicated that there had been no change. It should, however, still be taken into account that approximately 13% of respondents in the Burao-Sheikh sub-division and 9% and 7% of respondents in the sub-divisions of Wadajir and Daaroole respectively stated that safety in the area had decreased over the past year (Fig. 73).

Overall, only a few persons had observed conflict in Berbera in recent times and, in these instances, land and family disputes were identified as the main contributors. However, although in need of improvement, the mechanisms in place to address these concerns had proven to be fairly reliable. Other underlying reasons for conflict, such as politics and sports groups were identified, but their impact did not appear to be especially significant at the time of this assessment.

Nevertheless, community members expressed some concern regarding a perceived increase in violent crime, largely on account of the youth who were allegedly being influenced externally. While there were a few persons who indicated that they did not feel safe in the area, most persons stated that they felt safe, with the majority also declaring that safety in the area had, in fact, improved over the past year.
5. CONCLUSION

The local council in Berbera has made progress in the last decade of its existence towards good governance that is representative as may be illustrated by the large portion of surveyed respondents who had positive attitudes towards the place of electoral processes. The ability of local governments to deliver on their mandate however requires that, in addition to being put in power through legitimate democratic processes, they should also be empowered to act in authority through decentralisation. The Triple B pilot project is a positive indication, but what is required ought to be wider in scope and reach. On the converse, the local governments receiving such power might be in need of reforms to conform to the high standards of transparency and accountability that such responsibility requires.

The level of interaction between the various entities involved in the provision of security and justice in Berbera was high. The police, as the foremost security provider, also play a role that is pivotal to the success of the courts as the formal justice provider. The criminal justice system, which is the realm of the justice providers, mostly begins with reporting, investigation, and apprehension before presentation for prosecution. The police, in the course of their provision of security to the community, mainly do this.

In that regard, a police service that is defective in the quality of training of its officers and insufficiently equipped is not only hindered in carrying out its duty as the state sanctioned security provider, but also handicapped in the level of assistance it can lend to the provision of justice. Additionally, a justice system whose main component (the courts) is similarly under-resourced is also bound to fall short in the full attainment of its mandate.

Running in parallel to those formal institutions is a robust and pervasive clan system with a clearly defined – though not constitutionally legitimised – governance mechanism with aspects of community protection (security) and customary law (justice) that have wide acceptance across the community. This informal institution interacts with both the police and the courts, deploying clan networks to assist in the apprehension of offenders and on many occasions, especially where access to courts is limited, offering alternative dispute resolution.

The level of complementarity thus observed offers avenues for further exploration of ways in which the formal and informal actors can be streamlined to act in one accord, to deliver effective security and justice provision to the community.

Outbreaks of conflict and violence between clans and groups had not been observed at an alarming frequency; however, land disputes were consistently mentioned and pose an underlying threat that ought to be addressed. While the recently formed Regional Urban Land Dispute Committee is doing commendable work in consideration of its constraints, the root cause of the disputes has not been addressed. The land registration and administration regime needs to be harmonised and consistent land management practices need to be institutionalised.
6. ANNEXES

6.1. Sample Size Formula

\[ z^2 \times (P) \times (1-P) \times (f) \times e^2 \]

Where:
- \( z \) = confidence interval (95%)
- \( P \) = P-Value which assumed some security correlation within the cluster (0.3)
- \( f \) = is the sample design effect (1.5)
- \( e \) = the margin of error to be attained (+ or – 8%)
### Glossary of Terms

<table>
<thead>
<tr>
<th>Access to Justice</th>
<th>People’s ability to solve disputes and reach adequate remedies for grievances, using formal or traditional justice systems. The justice process has qualitative dimensions, and it should be in accordance with human rights principles and standards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil case</td>
<td>Non-criminal cases relating to civil wrongs and disputes between individuals, including generally property, business, personal domestic problems, divorces and such types where ones constitutional and personal rights are breached</td>
</tr>
<tr>
<td>Clan</td>
<td>The clan is a system characterised by a chain of paternal ancestors reaching back to a perceived founding ancestor whose name all members of the clan share for identity</td>
</tr>
<tr>
<td>Conflict</td>
<td>State of disharmony between incompatible persons, ideas, or interests</td>
</tr>
<tr>
<td>Criminal case</td>
<td>An action, suit, or cause instituted to punish an infraction of the criminal laws of a country</td>
</tr>
<tr>
<td>District Safety Committee</td>
<td>A representative body comprised of a broad cross section of civil society that acts in an advisory capacity to the local government in issues of community security and safety</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Relates to the implementation of orders, decisions and settlements emerging from formal or informal adjudication. Enforcement bodies include police and prisons, and administrative bodies in particular cases. Traditional systems may also have specific mechanisms of enforcement. Enforcement systems are the key to ensuring accountability and minimise impunity, thus preventing further injustices</td>
</tr>
<tr>
<td>Formal Justice System</td>
<td>A codified system of laws and court proceedings enforced by recognised actors of lawyers, police and justice officials. The formal justice system involves civil and criminal justice and includes formal state-based justice institutions and procedures, such as police, prosecution, courts (religious and secular) and custodial measures.</td>
</tr>
<tr>
<td>Gender</td>
<td>“Gender” refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.</td>
</tr>
<tr>
<td>Governance provider</td>
<td>Formal institutions or Individuals that act, process, or possess the authority of governing</td>
</tr>
<tr>
<td>Informal Justice System</td>
<td>Dispute resolution mechanisms falling outside the scope of the formal justice system. The term informal justice system is used here to draw a distinction between state-administered formal justice systems and non-state administered informal justice systems.</td>
</tr>
<tr>
<td>Justice Provider</td>
<td>Formal or Informal Institutions or individuals that are responsible to provide fair and equitable treatment of all individuals under the law (customary, formal or Shari’ah)</td>
</tr>
<tr>
<td>Justice System</td>
<td>Includes formal justice institutions and procedures, such as police, prosecution, courts and prisons, as well as Alternative Dispute Resolution (ADR), and other informal and traditional systems (e.g. a council of elders). The justice system includes coordination and other arrangements among its different components that influence overall outcomes on access to justice</td>
</tr>
<tr>
<td>Land/water disputes</td>
<td>A state of debate or quarrel between/among persons, groups or communities over the property, the use, etc. of plots or swaths of land and water points</td>
</tr>
<tr>
<td>Local Authority</td>
<td>Those invested with formal power, especially a government or body of government officials at district level</td>
</tr>
<tr>
<td>Petty Crimes</td>
<td>Criminal offense that is less serious than a serious crime and generally punishable by a monetary fine, forfeiture or a jail term of up to a year, or a combination of both.</td>
</tr>
<tr>
<td>Security Provider</td>
<td>Formal or informal Institutions or individuals that are responsible for the protection of persons, dwellings, communities or the nation from harm</td>
</tr>
<tr>
<td>Serious Crimes</td>
<td>Criminal offense that is more serious than a petty crime and which can be punished by one or more years in prison</td>
</tr>
<tr>
<td>Violence</td>
<td>The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, or deprivation</td>
</tr>
<tr>
<td>Xeer</td>
<td>A customary law system that has evolved from a basis of clan relations, with some influence of Islamic law (Shari’ah), that employs mediation and negotiation through the use of traditional elders.</td>
</tr>
<tr>
<td>Youth</td>
<td>Men and Women between the age of 15 and 30</td>
</tr>
</tbody>
</table>