District Conflict and Security Assessment Report

KISMAYO DISTRICT

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Finally, we are grateful to the local authorities in Kismayo District for giving us the permission to conduct this assessment in the district.
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<th>Abbreviation</th>
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<tr>
<td>AMISOM</td>
<td>African Union Mission in Somalia</td>
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<tr>
<td>DCSA</td>
<td>District Conflict and Security Assessment</td>
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<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>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>KIIs</td>
<td>Key Informant Interviews</td>
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<tr>
<td>OCVP</td>
<td>Observatory of Conflict and Violence Prevention</td>
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<tr>
<td>ODK</td>
<td>Open Data Kit</td>
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<tr>
<td>SNA</td>
<td>Somali National Army</td>
</tr>
<tr>
<td>SRS</td>
<td>Systematic Random Sampling</td>
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<td>UNDP</td>
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MAP OF THE STUDY AREA

Source: UN OCHA 2012
DISTRICT PROFILE

Kismayo is the commercial hub of the autonomous Jubaland State of Somalia (Jubaland), which is a part of the Federal Republic of Somalia (Somalia). It is the third largest city in Somalia and is centrally located between the Kenyan border and Somalia’s capital, Mogadishu. The district of Kismayo benefits from a beautiful coastline with a port that once served not only as a base for the Somali Navy but for the Soviet Navy as well. This is currently the main port in South Somalia. Kismayo also has an airport which is located a few kilometres away from the city.

Jubaland comprises the regions of Gedo, Middle Juba and Lower Juba, of which Kismayo is the capital. During the colonial era, parts of Jubaland were briefly incorporated into British East Africa until being ceded to Italy in 1925, thereby forming a part of Italian Somaliland. After gaining independence in 1960, the then Trust Territory of Somalia (formerly Italian Somaliland) along with the State of Somaliland (the newly independent British Somaliland) together formed the Somali Republic.

There have been frequent battles for control of the Juba regions since the downfall of the central government in 1991 during the Somali Civil War. Several factors have contributed to this, including the area’s fertile soils, rich grazing grounds, and marine resources - otherwise absent in Somalia; as well as the importance of the seaport as a source of revenue for local authorities. The region is also one of the most diverse in Somalia, with a population comprised of more than thirty sub-clans constantly struggling for resources along clan lines.¹

In August 2008, militants from Al-Shabaab and the Islamic Courts Union (ICU) gained control of Kismayo after a three day battle with pro-government militias, dubbed the Battle of Kismayo, involving heavy loss of human lives and leaving tens of thousands homeless. The city was under the control of AL-Shabaab until, in 2012, an alliance between the Somali National Army and the African Mission in Somalia (AMISOM), with mandate from the African Union (AU), went head to head with Al-Shabaab and drove them out of Kismayo. In 2013, the Juba Interim Administration, established in 2010, was officially recognised as the government of Jubaland under a national reconciliation agreement (concerning Jubaland and the Federal Government of Somalia).

The State Government of Jubaland, headed by the Regional President, is composed of the Central Government of Jubaland, along with the Regional and District Administrations. The Interim Charter of the State outlines the role of the government and is the supreme law of the land after Shari’ah.² The Charter also makes provision for the Council of Traditional Elders of Jubaland, formally establishing the role of recognised elders as advisors to the government on religious and cultural affairs as well as arbitration of communal disputes (Article 32). This provides a framework for governance and institutionalisation of key services, including security and justice, with due regard for the traditional system. Non-governmental organisations (NGOs), International Development Partners, and other civic groups also play a key role in supporting the Government. Kismayo, however, remains vulnerable due to continued interest in the area as a result of its natural resources and economic potential.

¹ AMISOM, Sector II Profile: Kismayo.
² Draft Interim Charter of the State Government of Jubaland of Somalia (March 2013).
SCOPE

The District Conflict and Security Assessment is designed to gather people’s perceptions regarding service providers and accessibility and effectiveness of the services they provide. 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 assessment was designed and carried out in the major urban settlement of the district; the KISMAYO 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. Ultimately, it enables a better understanding of what works and does not work at the community level and with this in mind, the district level assessments map out and provide a better understanding of issues that affect targeted communities across the Somali regions. By using key indicators for selected thematic areas, this report provides an assessment of the state of governance, justice, and security as well as conflict and violence in Kismayo District. This assessment was conducted in Kismayo from January 1 to 7, 2015.

The following summarises the key findings of the assessment:

Security providers

Security was regarded by respondents as the cornerstone of any future development. Formal security in Kismayo is delivered by a combination of the police and the military along with support from AMISOM troops. The possible presence of Al-Shabaab, clan-based fighting, land and family disputes were identified as some of the more prevalent threats to the state of security in Kismayo. While the majority of respondents acknowledged that the police had improved their performance, or at least remained at the same level over the past year, respondents generally expressed a higher level of trust in the elders for handling various security issues. The overall trust in the police was perceived to be low with more than one half of respondents stating that they have low or very low trust in the police. The police, however, faced several challenges which affected their image and how it was perceived among residents. Even identifying the police was a challenge; as residents faced difficulty distinguishing them from other entities (including militants) due to the absence of uniforms or even an official logo. In order to improve police image and performance, a number of other areas requiring intervention were identified. These included: the number of police officers (along with having more than one police station); more resources to facilitate purchasing of equipment, uniforms, etc.; as well as “fair compensation for doing a very risky job.” These are some of the underlying reasons for the continued deployment of AMISOM troops, particularly the Kenyan contingency alongside the Somali National Army to assist in securing the area and restoring normalcy in life.

Justice providers

The formal justice system had only recently been reinstated in Kismayo. There are District and Regional Courts along with a mobile court, sent from Mogadishu. The absence of the courts overtime had, however, resulted in continued reliance on the informal justice system, comprised mainly of the district elders aided by religious leaders. The majority of respondents were aware of the presence of the courts; however, there was still a substantial proportion (33%) that was unaware or unsure of the courts’ presence in the area. Among those who had sought intervention in the administration of justice within the past year, the elders were the most utilised justice provider, followed by religious leaders, with the court being least utilised. With respect to issuing and enforcing judgments, the elders and religious leaders appeared to be more effective than the courts, having issued and enforced judgments in a greater proportion of the cases brought before them. The elders were also most trusted among the justice providers, as indicated by the majority of
respondents in the household survey. The court, however, took precedence over the religious leaders in this regard. While the majority expressed confidence in the courts, there was noted room for improvement as more than a quarter of respondents were unable to express confidence in the court as a provider of justice. Potential challenges to the effective administration of the courts, chief of which was resource constraints, were identified. However, the impacts had yet to be realised and nearly all respondents noted that the courts had in fact improved or at least maintained its level of performance over the past year.

**Governance providers**

The formal system of governance in Kismayo is relatively new. It consists of a District Commissioner appointed by the president, who in turn appoints his subordinates. Under this system, areas such as tax collection, sanitation, hygiene, security provision and education fall within the purview of the District Administration. Survey participants alluded to a consultative process between the administration and residents of the community in fulfilling its mandate, despite complaints from a few IDP discussants that the administration often acted without consultation. However, the local government representatives appeared cognisant of issues facing the community, often citing areas of concern mentioned by survey respondents. In addition to demonstrating awareness, examples of their work include effecting recent improvements in sanitation and hygiene, as well as road rehabilitation. The community, however, continued to face significant challenges in several areas including water supply, health care, education, sanitation and security. Factors such as limited resources, clan politics, and the absence of clear administrative processes negatively impacted the administration’s ability to address these issues. Respondents, however, remained optimistic as it relates to the role of governance with the majority – both males and females - acknowledging the importance of having elected representatives.

**Conflict and violence**

The findings indicate that there has been a downturn in incidences of conflict and violence in Kismayo. However, this vice continues to penetrate the community. Power or cultural struggles were identified as the main cause of observed conflicts. In particular, continued fighting between the security forces and Al-Shabaab posed an on-going threat to security within the region. Other common causes of conflict included family disputes, crime, and acts of revenge. Conflicts were often accompanied by acts of violence and often resulted in deaths. Although there was noted room for improvement in respondents’ confidence and trust in the formal systems of governance, security, and justice, the decline in the occurrence of incidences of conflict and violence relative to former years resulted in a general feeling of safety among respondents. With the majority of respondents below the age of forty years old, many had little to base their perceptions on but the extended period characterised by anarchy and instability. Consequently, while there was still a profound sense of fear among persons within the district, the majority of respondents indicated that they felt rather or very safe. There was also general consensus that safety in the area had improved over the past year. The general attitudes expressed towards the formal institutions, and the security forces in particular, however indicate that there remains much to be done in order restore peace and stability within the society.
METHODOLOGY

1.1. Overview

As part of the continual assessments of issues affecting community security and safety, OCVP conducted extensive primary data collection in Kismayo district. In order to gain a comprehensive understanding of the thematic areas under investigation namely, governance, justice, security and conflict as well as violence. A mixed-method approach was employed (both quantitative and qualitative designs were used. This was done in order to allow researchers to triangulate information uncovered in both the data collection and subsequent analysis phase. Firstly the household survey was aimed at obtaining a representative picture of the target populations' perceptions regarding the thematic areas under exploration, and secondly, Key Informant Interviews were used to probe deeper into those aspects, and thirdly to cross-validate issues that emerged from the Focus Group Discussions (FGDs).

The quantitative data was analysed by the OCVP Research and Analysis team using the Statistical Package for Social Sciences (SPSS) version 20, once it had been collected using smart tablets 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 field work, in line with the guiding questions, but further coding was done during the analysis phase.

1.2. Sampling Methodology

A sampling formula\(^3\) 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 202 household questionnaires were calculated for the district.

1.3. Household Survey

A face-to-face quantitative survey was conducted in which questions relating to personal demographics, security, justice, governance provision and conflict and violence were asked of respondents from randomly selected households. OCVP’s two trained data enumerators and two local supporters (with local acquaintances and knowledge on borders between sub-divisions) completed a total of 202 interviews with respondents in Calanley, Shaqala, Fanole and Guulwade sub-divisions from January 1 to 7, 2015.

OCVP employed a Systematic Sampling (SRS) approach where enumerators randomly selected every 4th household, after a random start point and interviewed one respondent above 18 years old in each selected household. A gender balance was emphasised across the entire survey. (Table 1 illustrates the distribution of respondents by gender within each of the sampled sub-divisions.)

<table>
<thead>
<tr>
<th>Area/Sub-division</th>
<th>Gender (Number of respondents)</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Male</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td></td>
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</tbody>
</table>

\(^3\) See Annex 6.1
1.4. Focus Group Discussions

The second research tool utilised was a series of Focus Group Discussions (FGDs) aimed at capturing participants’ perceptions 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 1st to the 7th of January 2015 at Masha Allah Hotel in Kismayo and each discussion group lasted for about an hour.

A total of six groups were involved in the FGDs: women, elders and religious leaders (in one group), youth (male and female in one group), IDPs, justice providers (formal and informal) in one group and governance providers (formal)\(^4\). Each group consisted of ten participants, see (Table 2.). A local organiser assisted in the recruitment of the participants based on: clanlines, geographic coverage, social class, gender and age group (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 tape some of the discussions. Following a verbatim transcription, the data was cleaned, organised and coded.

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\(^4\) Adjustments were made to the composition of focus groups, following discussions within OCVP in which it was observed that (i) there had been an overlap of the nature of information obtained using the previous composition, and (ii) sufficient information about some of the thematic areas was not being captured. Consequently, the governance providers’ and justice providers’ groups were scrapped and the religious leaders’ and traditional elders’ groups were merged into one group.

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

<table>
<thead>
<tr>
<th>Focus Group</th>
<th>Gender</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elders/Religious Leaders</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>Youth</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Justice Providers</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>Governance Providers</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>IDPs</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>39</td>
<td>21</td>
</tr>
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1.5. Key Informant Interviews

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

The interviews were conducted between January 4 and 7, 2015 at the respective offices of the interviewees. A convenient venue (Masha Allah Hotel) was selected for those who did not have offices. Each interview lasted for about half an hour. Five key informants were interviewed, including: the Security Commander, District Deputy Commissioner, an IDP Chairperson, a key traditional elder and key religious person as informal justice provider (See Table 3.).

A local organiser 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: Distribution of key informant interview participants by gender

<table>
<thead>
<tr>
<th>Key Informant</th>
<th>Male</th>
<th>Female</th>
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1.6. Limitations

Kismayo remains in a very fragile state of security, which generally presented a myriad of challenges to the research team. The following are some of the challenges that presented limitations to this study:

**Quantitative Limitations**

As the security situation is still very fragile with imminent attack being a real possibility. This state of affairs caused the enumerators to be in a state of constant cautious vigilance – which may have adversely affected the ease and effectiveness with which they carried out their duties. Nonetheless, the field team liaised with security providers to ensure their safety.

**Qualitative Limitations**

The FGD participants were hesitant to give full responses and often used allusions with the expectation that researchers would figure out what they meant. They did this out of fear in case there were Al-Shabaab sympathisers amongst them. Researchers therefore had to make an extra effort to probe deeper in an attempt to understand the experiences and insights of the participants.
2. PROFILE OF RESPONDENTS

Of the total respondents, 54% were females and 46% were males. A gender balance had been emphasised to allow a clear depiction of the differences in experiences, views and insights between the two genders throughout the report (Fig. 1).

The majority of respondents – both males and females – were between the ages of 20 and 39 years old (61%), with nearly equal portions of respondents falling between the ages of 20 and 29 and 30 and 39 years (30% and 31% respectively). Approximately 17% of respondents were between the ages of 40 and 49 years, while in the 50 – 59 year age category and those 60 and above each comprised 10% of the sample. Those under 20 were least represented, accounting for less than 2% of respondents (Fig. 2).

The majority (69%) of the respondents were married, with the divorced, singles and widowed comprising 13%, 11% and 7% of the sample respectively (Fig. 3).

Approximately 21% of the respondents had attended Quranic Madrasa, while those who attended formal schooling comprised 66% of the sample - with 14% and 20% having acquired tertiary and secondary level education respectively, while 17% had undergone intermediate studies, and 15% primary level schooling. The self-schooled and those who had never been formally educated made up of 12% of the respondents (Fig. 4).
In general, males had been educated to a higher level than females, with a little less than one half of male respondents (47%) having acquired at least secondary level education compared with only 20% of their female counterparts. In addition, a greater proportion of females had never been formally educated (17% vs. 8% males). Figure 5 illustrates respondents’ level of education by gender.

Figure 5: Respondents’ level of education by gender
3. SECURITY, JUSTICE AND GOVERNANCE PROVIDERS

3.1. SECURITY

The decades’ long destruction and collapse of all institutions in Kismayo has caused the informal entities such as the traditional elders to step up and fill the roles of the formal security providers. With the restoration of a recognised structure of governance, the formal sector is progressively taking back its role of security provision. National formal security providers: Somali National Army

The police, under the mandate of the Central Government, with support from the Somali National Army and the African Mission in Somalia (AMISOM), an active regional peace keeping mission operated by the African Union. The elders, religious leaders, and other community groups, however, continue to play a role in the provision of security.

The relative state of peace in the district is at its infancy and there is always the risk of return to insecurity, largely as a result of on-going interest in administrative control of the regional capital (Kismayo). Against this background, this section assesses the level of deployment of the security providers and the perception, including preference and trust, held towards the security providers. Finally, the section sheds some light on the challenges faced by the security providers.

3.1.1. Level of Deployment

The broad majority (80%) of respondents reported awareness of the police presence (Fig. 6). Participants in the qualitative discussions also acknowledged the presence of the Somali National Army and AMISOM.

Area based analysis of police awareness suggested that no major differences existed across sub-divisions. At least 80% of respondents in Calanley, Fanolee and Shaqalaha had been aware of police presence. There was slight variation in Farjano compared to other areas as 72% of their respondents expressed awareness of police presence (Fig. 7).

In addition to the formal security providers, the responsibility of resolving conflicts was attributed to the elders by several participants. The Youth Committee also assisted in the provision of security, although in a limited capacity. Although appetite for joining the police was said to be relatively low, it was noted that there was strong interest in being a part of

5 Kismayo Youth, Focus Group Discussion, 3rd January 2015
the Youth Committee. The Committee Chairman also noted that previously some youths were opposed to being members of this committee, largely due to fear; however the situation had since changed and more recently there was a waiting list of hopefuls.6

Despite variations in the estimation of the number of police stations (Fig. 8), it was confirmed that there was only one police station7 and as a result a large number of villages and IDP camps, which were not centrally located in relation to the station, had difficulty accessing the police within reasonable time.8 Consequently, the remote sub-divisions had to gain access to police services through the telephone in the event of insecurity or if they observed suspicious elements.9 However, few participants expressed concern that the distance to the police station posed a threat to security.10

Acknowledging the constraints of having only one police station, the District Deputy Commissioner stated that there was the need for:

“…police stations to be developed on the government owned community centres where currently the police are situated as mobile units.”11

Nevertheless, the police station was located under one-hour’s walking distance to a majority of respondents (84%), particularly those in the sub-divisions of Faanole and Farjano (94% each). However, approximately 27% and 18% of respondents in the sub-divisions of Shaqahala and Calanley respectively estimated that the nearest station was more than one hour away (Figs. 9 and 10).

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6 Kismayo Youth, Ibid
7 Security Officer, Key Informant Interview, 6th January 2015
8 Internally Displaced Persons (IDPs), Focus Group Discussion, 2nd January 2015
9 Traditional Elders, Focus Group Discussion, 3rd January 2015
10 Internally Displaced Persons, Op. Cit
11 District Deputy Commissioner, Key Informant Interview, 6th January 2015
Challenges facing the police

Security was seen as paramount, with the majority of focus group participants stating the need to prioritise it ahead of other public services. Elders emphasised the fragile state of security, especially due to the close proximity of Al-Shabaab:

“We are only within 7km radius of the secure areas of the town and the distance beyond this area is occupied by the Al-Shabaab.”

Further expanding on the significance of security, justice providers alluded to its impact on other aspects of daily life, stating that the current insecurity imposed restrictions on their movements and as a result, they did not feel autonomous and liberated. It was felt that other services could be addressed once the current instability had been resolved. However, the security providers, particularly the police, were faced with several challenges.

The study revealed that the public could not easily identify the police from military personnel. This was the result of lack of visible police uniforms with distinguishable colours or recognisable logos.

The police lack a dress code, there is no distinction between the police and the military because their dress code is similar.

One of the elders further alluded to the difficulty the public faced when differentiating between the police and military by stating,

Only old officers who previously served in the former Siad Barre regime can differentiate the two wings of security.

Whilst the public find it difficult to distinguish between the police and the military, the Security Commander explained the different roles that each entity was responsible for:

The police mainly handle crimes like robberies and domestic violence cases while the military and the intelligence handle more sensitive matters [such as those relating to Al-Shabaab].

In addition to the difficulty identifying the police, the elders further complained of the absence of reliable and sustainable security strategies. They also lamented that the police does not receive sufficient support from the current administration, despite insecurity being what they perceived to be the biggest challenge facing the district.

Geographical limitations which restricted free movement to areas within the district were also identified as an area of concern by one of the elders: “Beyond the airport one cannot travel, our security is very bad.”

Preference of the Security Providers

The study sought the respondents’ perception towards which entity they would prefer reporting cases of civil, petty and serious crimes.

Civil matters

When it came to reporting civil cases, the traditional elders were identified as a preferred choice by almost one half of the respondents.

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12 Traditional Elders, Op. Cit
13 Justice Providers, Focus Group Discussion, 4th January 2015
14 Traditional Elders, Op. Cit
15 Ibid
16 Ibid
17 Security Officer, Op. Cit
18 Ibid
19 Ibid
(48%), followed by the police with 18%, the court at 13%, local authority with 9% and finally with the religious leaders at 7% (Fig. 11).

Less than 2% of respondents also mentioned that they would report civil matters to the village (sub-division) head (n = 2) or the military (n = 1).

Figure 11: Respondents’ preference for reporting civil matters

Factoring in the gender perspective in respondents’ choice of reporting civil matters, the study revealed similar trends, whereby both genders preferred the traditional elders, followed by the police, the court, and then the local authority. However, females had a greater preference for the formal system, with 37% of females versus 26% of males identifying the police or the court as their preferred choice for reporting civil matters (Fig. 12).

Figure 12: Respondents’ preference for reporting civil matters by gender

3.1.2.2. Petty crimes

With regard to reporting of petty crimes, a similar trend was observed, with the traditional elders being the preferred choice (42%), followed by police (29%). Religious leaders got slight uptick in preference over the court when reporting petty crimes with 13% of the respondents stating a preference for this entity compared to the court at only 9% (Fig. 13).

Figure 13: Respondents’ preference of reporting petty crimes

Gender based analysis on the preference for reporting petty crimes did not show any considerable variation, with similar proportions of males and females (42% and 41% respectively) stating a preference for traditional elders, followed by 29% of each gender who said they would report such matters to the police. These were followed, in order of preference for gender, by religious providers, the court, and the local authority (Fig. 14).
3.1.2.3. Serious Crimes

In the instance of serious crimes, for the respondents, the traditional elders still ranked highest with 46% stating that they would utilise their services. The police’s role as security provider declined and assumed third position with 21%, paving the way for the courts with 24% (See Fig. 15).

3.1.3. Level of Trust in Security Providers (formal and informal)

The study continues to indicate the significant role played by the traditional system, with more than one half of respondents (51%) identifying elders, religious leaders, or the local authority as their most trusted security provider, whereas approximately 39% of respondents placed their trust with the formal providers (Fig. 17).

The trend seemed to be unchanged with the traditional elders still being preferred with slight variations across gender. However, it was observed that 50% of women compared with 40% of men expressed a preference for reporting serious crimes to the formal entities (Fig. 16).

Overall, respondents’ level of trust was a reflection of a number of factors, primarily unbiased enforcement (40%), accessibility (23%), respect (20%), and speed of response (16%).

The police and the local authority were most trusted for their accessibility (77% and 57% respectively), while religious leaders, the
courts, and traditional elders were most trusted for their perceived unbiased enforcement (59%, 54%, and 38% respectively). Table 4 presents respondents’ reasons for their choice of most trusted security provider.

Table 4: Respondents’ reason of choice of most trusted security provider

<table>
<thead>
<tr>
<th>Reason for trust of Security Provider</th>
<th>Most trusted security provider</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Court</td>
<td>Traditional elder</td>
</tr>
<tr>
<td>Fast response</td>
<td>31%</td>
<td>12%</td>
</tr>
<tr>
<td>Unbiased enforcement</td>
<td>54%</td>
<td>38%</td>
</tr>
<tr>
<td>They are respected</td>
<td>10%</td>
<td>27%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>2%</td>
<td>23%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>2%</td>
<td>-</td>
</tr>
<tr>
<td>Base</td>
<td>48</td>
<td>97</td>
</tr>
</tbody>
</table>

The study further analysed respondents’ opinions of police as a formal security provider and the findings showed that while 42% of respondents expressed trust in the police, more than one half of the respondents (54%) had fairly low and very low levels of trust in the police as the entity that responded to crime and violence (Fig. 18).

In keeping with the observed trends regarding preference for the various security providers in responding to issues of concern, gender disaggregation of trust towards police indicated that more females trusted the police than their male counterparts (47% vs. 38%). Correspondingly, a greater proportion of males had very low trust in police compared to females (56% and 41% respectively). See Fig. 19.

Among other things, the confusion that was observed regarding the ease with which police officers could be identified vis a’ vis other formal security providers may have had a negative impact on the level of trust. Moreover, the other challenges mentioned such as the implementation of an effective security strategy, as well as limited resources potentially
had a negative impact on the effectiveness of the police force and consequently, how they were perceived. Added to this, some participants even went as far as challenging the integrity of the police,

*The Police should be well conversant with law and order; they lack the ethics governing them.*

### 3.1.4. Performance of security providers

The circumstances under which the police in Kismayo operate might have had an impact on their performance. Youth FGD participants for instance, had a negative perception towards the nature of police work.

*We, the youth, fear to be recruited into the police or military due to the risk of being victimised and lack of salaries make it unworthy.*

At the same time, not only was the profession perceived as dangerous but there were complaints of the youth being victims of mistaken identity, whereby they were at risk of being detained on suspicion of being Al-Shabaab members.

Furthermore, there was discontent amongst the FGD participants with regard to the scope of operations of all security providers (non-national and national). Despite the high military presence, it was claimed by the participants of the traditional elders FGD that the foreign military, in particular, were fearful of venturing even to Abdibire, approximately 50km away from the city centre, to engage the insurgents.

*These [foreign] troops take a lot of money and yet need to fight hand in hand with our troops in combat operation is very appalling.*

Despite the drawbacks that the police faced, when asked about their opinions towards police performance, more than half of the respondents (58%) reported that there had been an improvement, compared to approximately 29% who mentioned that police performance did not change in the last twelve months preceding this assessment. Only 4% of respondents felt that the performance of the police had actually declined during this time (Fig. 20). Consistent with the general feedback, more women expressed a positive opinion towards police performance than males (66% and 51% respectively), see Fig. 21.

**Figure 20: Respondents’ perception of the performance of the police-year trend**

**Figure 21: Respondents’ perception of the performance of the police-year trend by gender**

When comparing the opinion of police performance across different sub-divisions, it

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20 Traditional Elders, Op. Cit
21 Kismayo Youth, Op. Cit
22 Ibid
23 Traditional Elders, Op. Cit
24 Ibid
was noted that more than one half of the respondents in each sub-division, with the exception of Calanley (43%), reported improvements in police performance. The only perception of a decline was reported by approximately 13% of respondents in Calanley and a marginal 2% of respondents in Shaqalaha (Fig. 22).

In conclusion, security provision was recognised as one of the premier needs within the district. Support was also provided by the military, including AMISOM. However, they were not favourably regarded as their movement within the community was said to be rather limited.

Despite the improvements in police performance from the previous year, the prevailing challenges such as lack of resources for the provision of equipment, facilities like police stations and essentials like police uniforms which are all necessary for implementing law and order,25 made it difficult for these improvements to be translated into effective service delivery. This consequently negatively impacted the trust of persons in the community. Instead, informal providers such as traditional elders were ahead of the race in holding the public’s trust with respect to addressing security matters.

25 Security officer KII, 6th January 2015
3.2. JUSTICE PROVIDERS

After twenty-four years without formal institutions, the informal justice providers had firmly established themselves in the minds of the public, who favoured their methods when disputes arose. However, the landscape has started to change and the formal courts are re-emerging in Kismayo. A Regional and District Court are now in place, although not yet fully functional. There was also access to a mobile court that is periodically sent from Mogadishu to assist in the provision of justice in the area.

Against this background, this section explores the level of deployment and access to justice providers as well as preferred justice providers for handling various issues. In addition, the level of trust in the different justice providers and underlying reasons for this trust, as well as the performance of the formal justice system are also evaluated.

3.2.1. Level of Deployment

Despite only having resumed operations in December 2014, the majority of respondents (67%) acknowledged the existence of courts. However, 24% were unaware of the court’s presence, and the remaining 9% stated that they did not know when asked whether there were functional courts in the area (Fig. 23).

![Figure 23: Respondents' awareness of court presence](image)

There was noted variation in respondents’ awareness of the presence of the courts across sub-divisions. More than one half of respondents in each sub-division stated that there were in fact functional courts, with respondents in Fanoole being most aware (84%). However, nearly two in every five respondents (39%) in the Calanley sub-division stated that there was no functional court (Fig. 24).

![Figure 24: Respondents' awareness of presence of courts by sub-division](image)

There was uncertainty regarding the number of courts in the area. While the majority of those who were aware of the courts indicated that there was one court (63%), more than one-third (36%) also stated that there were two courts (Fig. 25). As illustrated in Figure 26, respondents in the Shaqalaha and Fanoole sub-divisions were more likely to surmise that there were two courts (49% and 41% respectively).

![Figure 25: Respondents' estimation of the number of courts](image)
Most respondents (75%) also stated that the court was within one hour of their homes when travelling by foot, while 17% stated that it was within two hours and a minority of respondents estimated that the court was more than three hours away. However, approximately 7% of respondents were unable to give an estimate of the distance to the closest court (Fig. 27).

Across sub-divisions, respondents in Shaqalaha and Calanley appeared to live furthest away from the court with 34% and 23% respectively of those who were aware of the court mentioning the closest court to be more than an hour’s walking distance to their localities (Fig. 28).

3.2.2. Performance of the Justice Providers

Findings inferred a more common usage of the informal justice providers over their formal counterpart. Elders appeared to be the most utilised justice provider with 29% of the respondents having used them in the year preceding the assessment, followed by religious leaders at 15%. The Courts (formal justice providers) were the least utilised (10%) among all justice providers (Fig. 29). The elders pointed out that they had been the only existing “system of justice” for years, and that the reason they continue to operate is the personal preference of the people.
The study analysed the usage of justice providers across gender. Of the proportion purported to have used the courts (10%) there was greater usage among female respondents (12%) than among male respondents (7%). In contrast, more males reported to have used traditional elders and religious leaders for justice in the last twelve months, compared to females. Figure 30 illustrates.

Land dispute and robbery were the two most frequent cases taken to the court in the last 12 months at 42% and 32% respectively. Those who had used traditional elders reported that the two most addressed issues were land dispute and household violence with 53% and 23% respectively.

The pattern changed slightly when it came to the types of cases reported to the religious leaders as household violence (45%) took precedence over land disputes. However, land dispute persisted to be the second accounting for approximately one-third (34%) of the cases that were brought before religious leaders (Table 5).

Regardless of the nature of the case, justice providers’ FGD participants stated that there was an undercurrent of “clanism” which impacted on whether disputants accepted the outcome or not.26 They pointed out that, “justice cannot prevail unless the state is a powerful one,” adding that, “the courts need to be independent from political interference.”27

<table>
<thead>
<tr>
<th>Issues referred to different justice providers</th>
<th>Court</th>
<th>Traditional Elders</th>
<th>Religious Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land dispute</td>
<td>42%</td>
<td>53%</td>
<td>34%</td>
</tr>
<tr>
<td>Robbery</td>
<td>32%</td>
<td>12%</td>
<td>7%</td>
</tr>
<tr>
<td>Household violence</td>
<td>21%</td>
<td>23%</td>
<td>45%</td>
</tr>
<tr>
<td>Assault</td>
<td>5%</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>Lack of consultations</td>
<td>-</td>
<td>4%</td>
<td>-</td>
</tr>
<tr>
<td>Friction between religious groups</td>
<td>-</td>
<td>-</td>
<td>3%</td>
</tr>
<tr>
<td>No response</td>
<td>-</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Base</strong></td>
<td>19</td>
<td>57</td>
<td>30</td>
</tr>
</tbody>
</table>

3.2.2.1. Enforcement of judgments

A traditional elder in the justice providers’ FGD noted that, in order to dispense just verdicts, one is required to have strong knowledge of Somali customary law and once that is in place, enforcing the verdict becomes the next obstacle faced by both formal and informal providers.28

Regarding the issuance of judgements by the different justice providers. Informal justice providers were ranked highest with 80% and 79% mentioning that religious leaders and traditional elders respectively made a verdict on

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26 Justice Providers, Op. Cit  
27 Ibid  
28 Ibid
the issues taken to to them, while the issuance of judgement appeared to be lower in the formal court (68%), see Fig. 31.

The trend observed above continued in the enforcement of the judgements, as the religious elder had the highest rate (92%) and the courts had the least (77%), see Fig. 32.

Figure 31: Issuance of judgements

![Chart showing issuance of judgments: Court: 68%, Traditional Elders: 79%, Religious Leaders: 80%.]

Figure 32: Enforcement of judgements

![Chart showing enforcement of judgments: Court: 23%, Traditional Elders: 11%, Religious Leaders: 8%.]

3.2.3. Perception of the Justice Providers

Traditional elders were most frequently identified as the most trusted justice provider by more than one half of respondents (57%). The court and religious leaders followed, being identified as the most trusted justice provider by 23% and 13% of respondents respectively (Fig. 33). It is worth noting that 7% of the respondents mentioned others, including: Police (n = 2), Military (n = 9) and District Administration (n = 2), who they trusted most as providers of justice. The relatively low level of trust in the formal justice providers could be explained in that the courts were only newly operational and there were many cases waiting to be addressed. Added to this, there were concerns regarding the availability of resources for the courts.29

Figure 33: Respondents’ trust of justice providers

![Chart showing trust of justice providers: Traditional Elders: 74%, Religious Leaders: 13%, Other: 7%.]

Regarding trust, the qualitative findings complemented the survey findings as several participants emphasised the central role that elders play in conflict prevention and justice provision, commenting on this, an elders’ FGD participant noted:

**In Kismayo, elders prevent violence by delivering justice. Elders have rules and regulations governing them in addition to local acceptance; many residents find elders more accessible and honest in their services...elders have no weakness; they are like the shadow that moves from one side to the other side.**30

Youth FGD participants highlighted further reasons for trusting this entity and stated that:

**Elders are the most preferred and trusted simply because of their various roles. For instance, they mediate**

29 Justice Providers, Op. cit
30 Traditional Elders, Op. Cit
between conflicting parties..., in times of reconciliation they are reliable..., and often they seem more realistic and objective when handling different community issues unlike politicians.\textsuperscript{31}

Overall, fairness in judgement emerged to be one of the main factors influencing trust; being cited most frequently as the reason for respondents’ trust in the courts, traditional elders and religious leaders (59%, 30%, and 48% respectively). See Table 6.

Table 6: Respondents’ reason for choice of justice providers

<table>
<thead>
<tr>
<th>Reason for trust of justice provider</th>
<th>Most trusted justice provider</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Court</td>
<td>Traditional elders</td>
</tr>
<tr>
<td>Fast decisions</td>
<td>33%</td>
<td>13%</td>
</tr>
<tr>
<td>Fair judgment</td>
<td>59%</td>
<td>30%</td>
</tr>
<tr>
<td>Independence from politics</td>
<td>4%</td>
<td>27%</td>
</tr>
<tr>
<td>Less costly</td>
<td>2%</td>
<td>16%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>2%</td>
<td>8%</td>
</tr>
<tr>
<td>More reliable</td>
<td>-</td>
<td>5%</td>
</tr>
<tr>
<td>Base</td>
<td>46</td>
<td>113</td>
</tr>
</tbody>
</table>

Although not mentioned in the household survey, Youth FGD participants viewed that the degree of respect enjoyed by the justice providers mattered and resulted in elders being more trusted over other providers:

Respect is what elders reflect... elders are highly respected by the Kismayo community... they are more knowledgeable about the past and the present challenges and are more contextual, which the people appreciate.\textsuperscript{32}

3.2.3.1. Confidence in the formal justice system

While the traditional elders were the most trusted justice providers, respondents still had a high level of confidence in the courts. A broad majority (70%) exhibited confidence (35%: very confident and 35%: fairly confident). However, a little less than one quarter of respondents (23%) stated outright that they were not confident in the formal justice system, while 7% did not give a definite response (Fig. 34).

Figure 34: Respondents’ level of confidence in the formal justice System

There were observed differences in confidence in the formal justice system across genders. In general, females indicated a higher level of confidence in the courts than males (73% vs. 67%). Added to this, males were more inclined to state that they were fairly confident (41%), rather than very confident (26%) in the courts. On the other hand, 46% of women stated that they were very confident compared with 27% who stated that they were fairly confident. A greater proportion of males also expressed an opinion of no confidence (25% versus 20% females), see Fig. 35.

\textsuperscript{31} Ibid
\textsuperscript{32} Kismayo Youth, Op. Cit
Qualitative research participants, however, expressed negative opinions toward the formal justice system. Elders critiqued the formal system as they argued that,

*Justice as it is today, in Kismayo community, is for the rich, powerful and affluent only.*

IDP participants also shared a similar perspective:

*There is lack of justice and the formal courts are still new ... it is the limited infrastructure that makes the formal justice system inaccessible, hence many turn to informal justice services, mainly elders.*

There was general consensus that a number of provisions would need to be put in place in order to ensure fair administration of justice by the formal justice providers.

However, it is important to reiterate that by the time these discussions were conducted, the formal justice system was still in a nascent stage of recovery. Whilst the court was ‘officially’ open, it was still not fully functional and therefore the elders were still regarded as the main source of justice provision in the District.

Respondents expressed a positive outlook regarding the courts, as more than one half of respondents in the household survey (53%) felt that there had been an improvement in the performance of the court. Only one per cent (1%) reported perception of decline while 15% did not give a definite response (Fig. 36).

**Figure 36: Respondents’ perception towards the performance of courts (yearly trend)**

Gender analysis indicated that female respondents were more positive towards the formal justice providers than their male counterparts with 64% of females compared with 45% of males stated that the performance of the courts had improved over the past year (Fig. 37).

**Figure 37: Respondents’ perception towards the performance of the courts (yearly trend) by gender**

Traditional elders were identified as the most trusted justice provider, followed by the courts. Justice has been dispensed by these informal entities for the past twenty-four years and as

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33 Traditional Elders, Op. Cit
34 Internally Displaced Persons, Op.Cit
35 Traditional Elders, Op. Cit
such has earned the public’s trust in their abilities when issuing judgements. However as the formal courts are coming out of prolonged hibernation, there is a need to strengthen those institutions and to recruit knowledgeable, motivated and well equipped staff in order to restore public confidence.
3.3. GOVERNANCE

Each of the four districts in Jubaland is headed by a District Commissioner who is appointed by the President. In accordance with this, the District Commissioner, who in turn appoints respective chairpersons for each village (subdivision) and neighbourhood, heads the Local Government in Kismayo. The neighbourhood chairperson represents the smallest group, and is responsible for fifty households.

The Local Government, under the ambit of the Central State Government (Jubaland), assumes responsibility for provision of services including tax administration, sanitation, hygiene, security provision, and education. However, there remains some confusion between the roles and functions of the Central Government and the Federal Government of Somalia as Federalism is yet to take its deep roots in the country.

This section examines the perception of the local government with respect to its level of interaction with the local community, efforts to address local needs, and the main challenges faced in executing its mandate.

3.3.1. Interaction with the Community

Local governance providers stated that they meet twice per week to discuss matters of significance to the community.36 Elders and other community stakeholders, including women’s groups and youth committees, are also invited to meetings at their offices or at the Social Affairs Office.37 Community needs and other issues of concern are raised in these forums and then submitted for further consideration by the local administration.38

The elders also spoke of the consultative process with governance providers, adding that recently their work had resulted in improvements in hygiene and sanitation. In addition, there had been work on road rehabilitation, including filling of potholes to deter planting of roadside bombs.39

However, a few participants in the IDPs’ FGD disputed the consultative process between the residents and the local government. Commenting on this, the IDP Chairperson remarked:

The administration does not consult with anyone. They just sit and implement issues as they see fit.40

3.3.2. Community Needs

When respondents were asked about the most pressing community needs, lack of water (67%), poor health (61%), poor education (54%), and poor sanitation (52%) were each mentioned by more than one half of the respondents. Other factors such as unemployment (49%), lack of infrastructure (37%), and a poor economy (32%) were also frequently mentioned (Fig. 38).

In addition, security provision was highlighted as one of the main concerns among qualitative participants.

Among the youth, lack of educational and employment opportunities were the main concerns.

We need skills training and support for creating employment opportunities for the youth [in fields such as] tailoring, mechanical, electronics and computers

36 Local Governance Providers, Op. Cit
37 Deputy District Commissioner, Key Informant Interview, 6th January 2015
38 Local Governance Providers, Op. Cit
39 Traditional Elders, Op. Cit
40 Internally Displaced Persons Chairman, Key Informant Interview, 3rd January 2015
or small enterprises to generate income.$^{41}$ Maternal health and other general health issues were also mentioned by participants in the youth and women’s focus group discussions. In addressing these problems, the youth suggested the need for more community-based initiatives, such as provision of scholarships, leadership training, and increased awareness of the significance of educating females.$^{42}$

Figure 38: Main issues facing community

<table>
<thead>
<tr>
<th>Issue</th>
<th>% of Respondents (n = 202)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of water</td>
<td>67%</td>
</tr>
<tr>
<td>Poor health</td>
<td>61%</td>
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<tr>
<td>Poor education</td>
<td>54%</td>
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<tr>
<td>Poor sanitation</td>
<td>52%</td>
</tr>
<tr>
<td>Unemployment</td>
<td>49%</td>
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<tr>
<td>Lack of infrastructure</td>
<td>37%</td>
</tr>
<tr>
<td>Poor economy</td>
<td>32%</td>
</tr>
<tr>
<td>Bad health centers</td>
<td>24%</td>
</tr>
<tr>
<td>Charcoal production/deforestation</td>
<td>23%</td>
</tr>
<tr>
<td>Shortage of electricity supply</td>
<td>14%</td>
</tr>
<tr>
<td>Drought</td>
<td>14%</td>
</tr>
<tr>
<td>Gender based violence</td>
<td>6%</td>
</tr>
<tr>
<td>Insecurity</td>
<td>3%</td>
</tr>
</tbody>
</table>

3.3.3. Challenges facing local government

Resource constraints were identified as the local government’s main limitation in carrying out its mandate.$^{43}$ This was said to negatively impact several areas ranging from payment of local government officials$^{44}$ to the provision of security and other facilities which are necessary for implementing law and order.$^{45}$

Lack of unity, “clanism,” and limited awareness of the roles and responsibilities of the different government departments were also recognised hindrances to effective service delivery.$^{46}$ Local government providers pointed out that there was a low level of awareness, even among themselves, with respect to administrative matters including work processes, coordination, and lines of communication.$^{47}$ Other participants confirmed this, including the youth who stated that the concept of government was still relatively new owing to the fact that the past twenty-four years had been characterised by wars, which were predominantly clan-based, and the absence of any formal administration or recognised system of governance. They expressed that they had little knowledge concerning government and governance.$^{48}$

3.3.4. Perception towards the importance of having elected officials

Despite the fact that current local government officials are appointed, the majority of respondents in the household survey (87%, both males and females) felt that it is important to have elected officials. Similar perceptions were observed across gender lines (Figs. 39 and 40). However, one in ten respondents (10%) stated outright that they did not think it was important to have elected government officials, possibly due to the continued high level of trust and regard for elders as the foundation of the community.$^{49}$

41 Kismayo Youth, Op. Cit
42 Ibid
43 District Deputy Commissioner, Op. Cit
44 Ibid
45 Security Officer, Op. Cit
46 District Deputy Commissioner, Op. Cit
47 Local Governance Providers, Op. Cit
48 Kismayo Youth, Op. Cit
49 Youth and Women, FGDs, Op. Cit
3.3.5. Avenues for improving local government performance

Governance providers suggested that in order to improve their level of performance, efforts should be undertaken to strengthen the relationship between the administration and the community. Proposed avenues towards this include creation of public awareness as well as continuous workshops and training sessions for government employees and the public.\(^{50}\)

...the constitutional rights of individuals must be expressed to them... there is need for the creation of public awareness of these rights to the citizens – Awareness on federalism, the rights of central government, local government, district administration and rights of citizens. The four committees of parliament should embark on this mission.

Governance providers further suggested that efforts should be undertaken to restore access to community centres, which were currently being occupied by civilians, in each sub-division. These centres would serve as the venue for meetings between the public and administrative staff, thereby facilitating increased dialogue between the community and the local government.

Elders also emphasised the need to reinforce concepts such as humanity, peace building and how to create acceptance of law and order.\(^{51}\)

The concept of a recognised system of governance is still relatively new to Kismayo. Having undergone a prolonged period of the absence of government, there has been continued reliance on the traditional systems, particularly the elders, for direction and support. The result is that, in addition to limited resources, undue clan influence poses one of the main threats to the effectiveness of the local government. However, the community’s acceptance of governance is demonstrated in their willingness to collaborate with local government representatives on planning and development initiatives. Most persons also acknowledged the importance of having elected officials, thereby alluding to the gains which had been made in legitimising a formal system of governance.

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\(^{50}\) Local Governance Providers, Op. Cit

\(^{51}\) Traditional Elders, Op. Cit
4. CONFLICT AND VIOLENCE

At the time of the assessment in Kismayo, the town was said to be relatively peaceful with the exception of a few isolated incidents. Relative normalcy had only recently returned since the establishment and subsequent recognition of the Jubaland state.

This section presents an overview of respondents’ account of their experiences with conflict and violence, the root causes of such incidents, and the overall perception of safety in the area.

4.1. Experience of Conflict

A little less than one in every five respondents (17%) reported that they had in fact witnessed conflict among clans or sub-groups during the past twelve months, while 7% could not say for sure whether or not they had witnessed any conflict (Fig. 41).

Respondents in Faanole were more exposed to conflict than those in other sub-divisions, with 30% of respondents there stating that they had witnessed conflict within the past year compared with less than 20% of those in the other sub-divisions (Fig. 42).

All respondents who had observed conflicts indicated that at least one incident had led to violence (Fig. 44).
4.2. Experience of Crime and Violence

More than one quarter of respondents (27%) stated that they had witnessed at least one incident of crime and violence within the past twelve months (Fig. 46). Such incidences appeared to be more prevalent in the sub-divisions of Farjano and Faanole, with 36% and 30% of respondents in these sub-divisions having witnessed incidences of crime and violence compared with 22% and 21% of respondents in Calanley and Shaqalaha respectively (Fig. 47).

Victims were more likely to be women and children. Women were often raped and targeted by robbers or thieves. The elders and disabled were also said to be particularly vulnerable52.

While formal institutions of security and justice - the police and courts – were now functioning, it was felt that the lack of security

52 Kismayo Women, Op. Cit
and justice resulted in crime and violence. Women pointed out that, “security that can ensure that offenders are apprehended is lacking.”

4.2.1. Causes of conflict

Power and/or cultural struggle was identified as the main cause of observed conflicts (60%). Participants in the discussions reinforced this, mentioning, in particular, the fighting between the government and Al-Shabaab. They also pointed out that this tended to manifest itself in acts of violence, such as planting of explosives.54

Elders also spoke generally of administrative conflict between “groups trying to control and rule the city.” This was said to be compounded by excessive use of clan power and clan-based violence.55

Other common causes of conflict cited by respondents in the household survey include family disputes (43%); crimes (40%); and acts of revenge (23%), see figure 48.

Figure 48: Causes of observed conflicts between clans or sub-groups

Khat was mentioned as one of the main contributors to family disputes, wherein it was often prioritised over other basic amenities such as food and clothing. Women pointed out that this led to mistrust between married couples, especially as it relates to financial matters as wives believed that the family income was misused despite more pressing issues. Within the homes, domestic violence was often a consequence, sometimes leading to divorce.56

This also had the potential to have a wider impact on crime as persons sought money to sustain the habit. An example was given of a new bride taking her new gold earrings to her aunt for safe custody. Unfortunately, the earrings were stolen by the aunt’s husband in order to fund his purchase of khat. This further led to disagreements and family disputes and subsequently resulted in divorce for both ladies.57

4.3. Conflict Resolution

The elders, who are considered “foundations of peace,”58 played a lead role in the resolution of conflicts, sometimes even assisting with conflict prevention.59 Generally, land disputes and domestic or family disputes were identified as the main sources of conflict which they were asked to settle. There had, however, been a decline in these types of conflict in recent times. Instead, administrative conflict or power struggles, which sometimes involved violence perpetrated by militias, had become the main concern.60 As it relates to resolving these issues, reconciliation and mediation roles had been taken up by representatives from the United Nations.

53 Kismayo Women, Op. Cit
54 Local Elder, Key Informant Interview, 3rd January 2015
55 Ibid
56 Kismayo Women, Focus Group Discussion, 2nd January 2015
57 Ibid
58 Kismayo Women, Op. Cit
59 Local Elder, Op. Cit
60 Ibid
Local Committees for Conflict had also been recently created. These committees assisted in the provision of security by alerting the police of anything untoward which could potentially affect the state of security in the area. Members of the Youth Committee stated that, contrary to the past when people were afraid of becoming involved with these groups, now persons who were very willing to join them.\textsuperscript{61}

The women also regarded themselves as playing an active role in helping to prevent disputes. They pointed out that they initiated peace talks in Kismayo, volunteered their time, and participated in the peace talks, with the hope of having a positive influence on the men.\textsuperscript{62} It was proposed that increased awareness, seminars and peace building initiatives could also be used to aid the reconciliation of partners.\textsuperscript{63}

4.4. Perception of Safety

Regardless of the experiences with conflicts, crime and violence over the past year, the majority of respondents (90\%) stated that they felt safe within their area, including more than one half of respondents (53\%) who stated that they felt very safe (Fig. 49). This is consistent with the general feedback from the qualitative participants which indicates that the current period is perceived as being the most stable within the region in over two decades.

Perception of safety did not appear to have a direct relationship with respondents’ exposure to incidences of conflict and violence. Positive perceptions of safety were particularly evident in the sub-divisions of Faanole, Farjano, and Shaqalaha, where the majority of respondents alluded to feeling safe in their area. While the majority in Calanley (83\%) also had a favourable perception of safety, this area had the highest proportion of respondents who stated that they felt rather unsafe (17\%). (See Fig. 50). This is despite the fact that respondents in the Calanley sub-division reported the lowest level of exposure to conflict and violence.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Perception_of_safety_in_the_area.png}
\caption{Perception of safety in the area}
\end{figure}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Perception_of_safety_by_sub-division.png}
\caption{Perception of safety by sub-division}
\end{figure}

There was a similar perception of safety across gender lines, with males having a slightly more positive perception of their level of safety than females (92\% vs. 88\%). Similar proportions of males and females stated that they felt rather unsafe (8\%), while only a

\textsuperscript{61} Kismayo, Youth, Op. Cit
\textsuperscript{62} Kismayo Women, Op. Cit
\textsuperscript{63} Ibid
marginal proportion of females (3%) indicated that they felt very unsafe (Fig. 51). Women in the focus group discussion pointed out that there was fear among them that “others” might invade during the night. However, they noted that security had improved, especially in comparison to previous times.

**Figure 51: Perception of safety by gender**

Notably, the majority of respondents (94%) corroborated this view, by stating that safety in the area had increased over the past year (Fig. 52). This perception was found to be consistent across all sub-divisions (Fig. 53). Only a marginal 1% of respondents stated outright that there had been a decline in the level of safety during this time.

**Figure 52: Change in perception of safety**

There was little variation regarding perception of the change in safety based on gender. The majority of both males and females (95% and 91%) stated that safety had in fact increased in the last year (Fig. 54).

**Figure 53: Change in perception of safety by sub-division**

**Figure 54: Change in perception of safety by gender**

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64 Kismayo Women, Op. Cit
5. CONCLUSION

Kismayo was relatively stable at the time of this study, due to peace having returned to the district. However, the area is still recovering from more than two decades of unrest and instability caused mainly by administrative power struggles and clan warfare. These threats still pose a danger to the city.

The formal institutions in Kismayo are at an embryonic stage, marred by resource deficiencies and therefore incapable of fully fulfilling their mandates. Consequently, the traditional systems, upheld mainly by the elders, continue to play a significant role in addressing matters relating to peacebuilding and statebuilding, including security and justice. Notably, however, the State Charter makes provision for the role of the elders in supporting the government in these areas.

The success and performance of the formal institutions also depends on how well they raise awareness amongst the public regarding their roles and responsibilities. This is essential to the establishment of a foundation for trust and acceptance. However, it appeared that there was a lack of awareness and sometimes even misunderstandings as it pertains to the roles of the various branches of government, even among the government representatives.

With regard to local government, which was newly formed, there were numerous challenges which hampered their efforts to deliver services to the community. However, local government officials demonstrated awareness of issues facing the community and, more importantly, respondents were able to give positive examples of their work. Recent incidents of conflict and violence were mostly attributed to clan politics; family disputes (khat being mentioned as one of the main causes); and crime such as theft, rape and murder. Community stakeholders expressed concern that the police lacked the necessary tools and equipment to effectively carry out their jobs. It was also difficult to distinguish between police and military personnel due to the absence of uniforms or even distinguishing logos for the police. In addition, the security forces, particularly AMISOM, were perceived as being geographically limited in their area of operation.

These challenges concerning security as well as the extended closure of the courts further influenced the public’s reliance on the traditional elders and the religious leaders - seen as honest and knowledgeable of Somali customs. Improvements in the arrangements for provision of security in the district was often mentioned as one of the District’s most pressing needs. Despite this, survey participants acknowledged that safety in the area had increased during the past year. Also, as the courts had only recently opened, respondents remained optimistic that the courts would be instrumental in providing access to justice.

In order to address the concerns of the citizens and improve the levels of trust and confidence in the formal institutions, greater sensitisation to the role of the government and its institutions is required. This should be complemented by the development and implementation of robust administrative capabilities that can improve transparency and efficiency.
6.0. ANNEXES

6.1. Sample Size Formula

\[
\frac{z^2 (P) (1-P) (f)}{e^2}
\]

**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%)
### 6.2 Glossary Of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td><strong>Access to Justice</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Civil case</strong></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><strong>Clan</strong></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><strong>Conflict</strong></td>
<td>State of disharmony between incompatible persons, ideas, or interests</td>
</tr>
<tr>
<td><strong>Criminal case</strong></td>
<td>An action, suit, or cause instituted to punish an infraction of the criminal laws of a country</td>
</tr>
<tr>
<td><strong>District Safety Committee</strong></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><strong>Enforcement</strong></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><strong>Formal Justice System</strong></td>
<td>A codified system of laws and court proceedings enforced by recognised actors of lawyers, police and justice officials. The <em>formal justice system</em> 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><strong>Gender</strong></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><strong>Governance provider</strong></td>
<td>Formal institutions or Individuals that act, process, or possess the authority of governing</td>
</tr>
<tr>
<td><strong>Informal Justice System</strong></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><strong>Justice Provider</strong></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 Sharia)</td>
</tr>
<tr>
<td><strong>Justice System</strong></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><strong>Land/water disputes</strong></td>
<td>A state of debate or quarrel between/among persons, groups or communities over the property, the use, etc. of plots or swathes of land and water points</td>
</tr>
<tr>
<td><strong>Local Authority</strong></td>
<td>Those invested with formal power, especially a government or body of government officials at district level</td>
</tr>
<tr>
<td><strong>Petty Crimes</strong></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><strong>Security Provider</strong></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><strong>Serious Crimes</strong></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><strong>Violence</strong></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><strong>Xeer</strong></td>
<td>A customary law system that has evolved from a basis of clan relations, with some influence of Islamic law (Sharia), that employs mediation and negotiation through the use of traditional elders.</td>
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<tr>
<td><strong>Youth</strong></td>
<td>Men and Women between the age of 15 and 30</td>
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</tbody>
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