District Conflict and Security Assessment Report

SHEIKH DISTRICT

JANUARY 2015
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Finally, we are grateful to the local authorities in Sheikh District for giving us the permission to conduct this assessment in the district.
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>DCSA</td>
<td>District Conflict and Security Assessment</td>
</tr>
<tr>
<td>DDF</td>
<td>District Development Framework</td>
</tr>
<tr>
<td>DFID</td>
<td>Department for International Development</td>
</tr>
<tr>
<td>FGDs</td>
<td>Focus Group Discussions</td>
</tr>
<tr>
<td>JPLG</td>
<td>UN Joint Programme on Local Governance and Decentralized Service Delivery</td>
</tr>
<tr>
<td>KIIs</td>
<td>Key Informant Interviews</td>
</tr>
<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>SRS</td>
<td>Systematic Random Sampling</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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Map of Sheikh District: Adopted from UN OCHA 2012
DISTRICT PROFILE

Sheikh is a C-grade District in the Sahil region of Somaliland. It existed before the British Colony in the 19th century, making it one of the oldest urbanised areas in Somaliland. This small town is emblematic of formal education in Somaliland. The first primary school, a renowned boarding school, was established in the district under British Military Administration in 1945. Leaders such as the late Abdirahman Tur, the first president of Somaliland, the late Mohamed Haji-Ibrahim Egal, the second president of Somaliland and Dr. Ali Qadi graduated from this school. In 1959, the British Colony also established the first secondary school in Somaliland in this district. Leaders including Ahmed Mohamed Mohamoud ‘Silanyo’, the current president of Somaliland, Saleebaan Maxamuud Aadan, the Chairman of the Somaliland Guurti, and Abdirahman Mohamed Abdullahi, the chairman of the Somaliland Parliament, studied in the Sheikh Secondary School.

Sheikh District is a highland with an altitude of 1500 meters. The district covers an area of 1600 km² and administers 29 villages or communities with an estimated population of 40,000. Its temperature is around 24-36°C during the warm seasons and 5.5-20°C during the cold seasons. The district receives a rainfall of 523 mm annually.

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1 Regions and Districts Administration Law (Law # 23/2000 and amended in 2007), splits the districts into grade A districts with 21 councillors (with the exception of Hargeisa; being the capital city, it has 25 councillors), B with 17, and C with 13.
2 Now, IGAD Sheikh Technical Veterinary School and Reference Centre (ISTVS).
3 Now, SOS Sheikh Secondary School.
4 Deputy Mayor, Op cit.
SCOPE OF THE ASSESSMENT

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 Sheikh 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 Somali regions. By using key indicators for selected thematic areas, this report provides an assessment on the state of conflict, governance, justice as well as safety and security in Sheikh District. This assessment was conducted in the Sheikh District from December 18 to 21, 2014.

The following summarises the key findings of the assessment:

Governance providers

The assessment findings revealed that most respondents were aware of the existence of the Local which consists of 13 councillors, one of whom is female. Despite facing numerous challenges, the Council had made considerable headways in terms of outreach, holding annual consultations to elicit community views on pressing needs, and update members of the community on progress made towards the attainment of planned activities. Working with the UN Joint Programme on Local Governance and Decentralised Service Delivery (JPLG), and in consultation with grass root-level stakeholders, the Local Council had developed a 5-year District Development Framework (DDF) as a service-delivery road map. As proof of the positive performance of the Council, Sheikh District had the best score (93%) out of the eight (8) districts benefiting from cooperation with JPLG. This performance is impressive when taking into consideration the fact that it was achieved against the backdrop of numerous constraints such as ineffective coordination with the central government, meagre revenue, as well as some heavily pressing community needs, the greatest of which was lack of access to clean water.

Justice providers

At the time of data collection, the District Court had just been re-opened following several months of closure. The decision to close the court came as a response to a physical attack on the previous Court Commissioner in relation to a judgement he had delivered on a decades-long land dispute. Although the existence of the court was known to most of the respondents interviewed in the urban localities of Sheikh, access to the formal justice system was claimed to be highly limited in the remote villages. In the household survey, usage of the court in the last 12 months was reported at a lower frequency than the usage of traditional dispute resolution mechanisms. Qualitative feedback implied that this trend was primarily the result of a relatively greater ease of access to informal justice providers, as well as other factors such as the perceived corruption, delays, and lack of confidentiality associated with the formal system. Among the informal justice providers, respondents expressed their trust toward religious leaders because of the fairness of their judgements, and traditional elders because of their independence from politics. However, none of the respondents had actually referred a case to religious leaders in the past year. Respondents also indicated a relatively high level of confidence in the formal system, and acknowledged that limitations including the limited availability of resources and the absence of tools, such as a computer or typewriter and a vehicle to facilitate delivery of summons, had a negative impact on the availability and reliability of services from the court.
Security providers

As the main security provider in the district, the police were facing challenges similar to other service providers with respect to limited logistical and human resources capacity. In the urban areas, a majority of the household survey respondents reported their awareness of the police presence. Even though their presence was seen as diminishing in the most peripheral of the 29 villages under their jurisdiction, the police had managed to respond to security incidences as a result of coordination with the Local Council and the District Safety Committee. Where police presence was severely limited, traditional elders had stepped in to fill the security gap. In order to build more trust toward the police among the civilian population, it was suggested that increased outreach ought to be carried out in line with gender-mainstreaming policies, particularly in the form of training and recruitment of female police officers in order to cater for gender-sensitive security concerns.

Conflict and violence

Incidences of major conflict and violence had not been witnessed by any of the respondents in the survey, nor were any of the qualitative research participants particularly apprehensive about the state of safety in the district. Petty crime such as mobile snatching had been practically unheard of in recent times. Nonetheless, there was growing concern over the increasing number of land-disputes over arbitrary land enclosures and isolation of large stretches of erstwhile communal range land for purposes other than production. Gender-based violence was also noted to be on the rise, particularly in the rural areas of the district. Overall, however, the general perception was that Sheikh District had been safer in the 12 months preceding the assessment than it had been the previous 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 SHEIKH District 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 Science (SPSS) version 22, after it had been collected using smart tablets (Samsung Tab 4 mini) that were running ODK Collect; a mobile data collection tool developed by Open Data Kit (ODK). The qualitative data was subjected to thematic analysis, using a largely inductive 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 using NVIVO 10 during analysis.

1.2. Sampling Methodology
A district household estimation provided by the local municipality enabled the application of a sampling formula\(^5\) 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 subdivisions.

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 (subdivision). This is a reasonable assumption based on the topic of the survey – respondents within the 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 140 household questionnaires were calculated for the district. However, the sample comprised 152 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 two trained data enumerators and two local supporters (with local acquaintances and knowledge on borders between subdivisions) under the supervision of an OCVP supervisor, managed to collect 152 questionnaires in Dariiqo, Dayaha, Nuura and Sha’abka subdivisions (Table 1), from December 19 – 21, 2014.

OCVP employed Systematic Random Sampling (SRS) where enumerators randomly selected any 5th household after a random start point and interviewed

\(^5\) See Annex 6.1
one respondent above 18 years old in every selected household. A gender balance was emphasised across the entire survey. (Table 1 and Figure 1 illustrate the distribution of respondents by gender within each of the sampled subdivisions.) Each enumerator made 19 household observations per day.

Table 1: Distribution of respondents within subdivisions by gender

<table>
<thead>
<tr>
<th>Area/Subdivision</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>Dariiqa</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Dayaho</td>
<td>35</td>
<td>42</td>
</tr>
<tr>
<td>Nuura</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>Sha’abka</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total sample</strong></td>
<td>68</td>
<td>84</td>
</tr>
</tbody>
</table>

Figure 1: Distribution of respondents by subdivision and gender

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 18th and 19th of December 2014 at the Sheikh District local municipality conference hall. Each discussion group lasted for about an hour.

A total of five groups were involved in the FGDs: women, men and religious leaders (in one group), youth (male and female in one group), justice providers (formal and informal) and governance providers (formal). 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 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 record the discussions only after obtaining the participants’ consent. Following a verbatim transcription, the data was cleaned, organised and finally imported into NVIVO 10 for further coding.

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6 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 introduced, the business persons group was 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Women</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Elders/Religious Leaders</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Youth</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Justice Providers</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Governance Providers</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
<td>18</td>
</tr>
</tbody>
</table>

### 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>District Police Commissioner</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Deputy Mayor</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>Key Business Person</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>-</td>
</tr>
</tbody>
</table>

1.5. **Key Informant Interviews**

The third method utilised 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 December 19 and 20, 2014 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 District Police Commissioner, the Deputy Mayor, the District Court Commissioner, a key Religious leader, a key Traditional Elder and a Business Person. (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.
2. PROFILE OF RESPONDENTS

More than one half of the respondents were females, accounting for 55% of the sample versus 45% males of the males (Fig. 2). 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.

Figure 2: Distribution of respondents by gender

All respondents were at least 18 years old, with just over two-thirds (68%) falling between the ages of 18 and 39 years (inclusive). Only 14% of respondents were 50 years or older (Fig. 3).

Figure 3: Age distribution of respondents, by gender

Most respondents were married (71%), while a minority reported being widowed (3%) or divorced (2%). Just less than one quarter (24%) of respondents reported being single (Fig. 4).

Figure 4: Respondents’ marital status

Overall, approximately three-quarters of respondents (74%) had received some amount of formal education. However, only a little more than one quarter of respondents (26%) had been educated to the
secondary (22%) or tertiary (4%) levels. A similar proportion of respondents (26%) had never received any formal education (Fig. 5).

Figure 5: Respondents’ level of education

Males were more likely than females to have received formal schooling, with 84% of males having attended school compared with 67% of females. Males were also educated to a higher level, as indicated by 37% of males having had secondary or tertiary education (31% and 6% respectively) compared with 18% of females who had been educated to a similar level (16% and 2% respectively). See figure 6.

Figure 6: Respondents’ level of education by gender
3. GOVERNANCE, JUSTICE AND SECURITY PROVIDERS

3.1. GOVERNANCE PROVIDERS

3.1.1. Level of deployment

The local council in the Sheikh District comprises thirteen (13) councillors who are elected by members of the community. The council receives its funding from property taxes and other annual taxes from small business owners and market vendors. This revenue stream is also supplemented by the Central Government. The total revenue was, however, considered to be “very limited.” In particular, fiscal constraints were identified as the main challenge to the effective delivery of services.

It was, however, noted that the Sheikh District is currently one of eight districts benefitting from the UN Joint Programme on Local Governance and Decentralised Service Delivery (JPLG) project. Consequently, the district was able to benefit from additional support in the execution of its responsibilities for the provision of services. This includes assistance in the construction of schools and roads, as well as helping to facilitate access to piped water.

Despite its challenges, residents in the Sheikh district were generally aware of the presence of their elected council, as indicated by 98% of respondents in the household survey (Fig. 7).

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Figure 7: Respondents’ awareness of the existence of a Local Council

All respondents within the subdivisions of Dayaho and Dariiqo indicated that they were aware of the Local Council, while awareness was relatively high in the subdivisions of Nuura and Sha’abka (97% and 92% respectively). (Fig. 8.)

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Figure 8: Respondents’ awareness of the existence of a Local Council

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7 Governance Providers, Focus Group Discussion, 19th December 2014
8 Ibid
9 Sheikh Youth, Focus Group Discussion, December 2014
Despite the high level of awareness of the presence of the local council, respondents in the household survey were not very familiar with the services that the council provides. Less than one half of the respondents (44%) stated that they were aware of any of the services provided by the local council (Fig. 9).

As noted by the Deputy Mayor, “the role of the council is to work on security, provide access to clean water, support education, health and sanitation and environmental protection.” These services are not all provided by the local council as the central government directly delivers some of these services. However, it has been argued that there is need for decentralisation in order to improve the efficiency of the services provided. Consequently, there is currently a decentralisation pilot test in three towns in order to gauge the feasibility of decentralisation.10

Figure 9: Respondents’ awareness of services provided by the Local Council

Respondents’ location within the district appeared to have an impact on their awareness of the services which the council provides. Among respondents who were aware of the existence of the local council, awareness of the services provided was highest in the Nuura and Sha’abka sub-divisions with approximately one half of the respondents in each of these subdivisions stating that they were aware of any of the services that the council provides (51% and 50% respectively). Approximately 44% of respondents in the Dayaho sub-division expressed a similar level of awareness, while respondents in Dariiqo were least familiar with the services provided by the local council, as indicated by only 13% of respondents within that sub-division stating that they were aware of any of the council’s services (Fig. 10).

Figure 10: Respondents’ awareness of services provided by the Local Council by Subdivision

Males who were aware of the local council generally indicated a higher level of awareness of its role than their female counterparts. Approximately 49% of male respondents stated that they were aware of any of the services provided by the local council compared with 40% of female respondents (Fig. 11).

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10 Deputy Mayor of Sheikh District, Key Informant Interview, 20th December 2014
Respondents who were aware of the services provided by the local council were most familiar with its role in providing sanitation (78%) and infrastructure (65%) services. Health, education, water, agriculture, justice, and security were also mentioned among the services which the council provides (Fig. 12).

Among those who were aware of the council’s presence, respondents in the Nuura subdivision (40%), followed by those in the Sha’abka sub-division (36%) were most aware of communication channels with the elected representatives. Awareness of communication channels was lowest in Dariiqo, where only 7% of those who were aware of the council were also aware of existing communication channels (Fig. 14). This sequence was notably consistent with respondents’ awareness of the services provided by the council.

3.1.2. Performance of the Local Council

The Sheikh District local council conducts annual city consultations. Notably, this has been identified as one of the requirements of the mentioned JPLG project, whereby the residents of the community are able to contribute to the District Development Framework (DDF). Respective village committees are then provided with annual updates on the progress. These city consultations serve as the primary avenue for communication between the Council and the district.

Just over one quarter of respondents (28%) who were aware of the presence of the council knew of communication channels between the community and the elected representatives (Fig. 13).
Figure 14: Respondents’ awareness of channels of communication with the local council by sub-division

Awareness of communication channels with their elected officials was higher among males who were aware of the council’s presence (32%) than among females with similar knowledge (23%). (Fig. 15).

Figure 15: Respondents’ awareness of channels of communication with the local council by gender

Only one in every five respondents (20%) who were aware of communication channels with the council had participated in at least one local government consultation within the twelve months preceding the survey (Fig. 16).

Figure 16: Respondents’ participation in local governance consultations

Respondents who had participated in local government consultations were all from Nuura and Dayaho, with 29% and 22% of respondents respectively in these sub-divisions who were aware of communication channels with the local council having participated in at least one local government consultation over the past twelve months. None of the respondents in the Dariiqo and Sha’abka districts had participated in any local government consultations during that period (Fig. 17).

Figure 17: Respondents’ participation in local governance consultations by sub-division
There was greater participation in local government consultations among females who were aware of communication channels with the council than among the males (26% and 14% respectively). (Fig. 18)

Figure 18: Respondents' participation in local governance consultations by gender

3.1.2.1. Pressing Community Needs

When asked about challenging local issues facing the community, the majority of respondents (88%) mentioned a lack of water. Poor infrastructure (28%), unemployment (13%), poor education (9%), poor sanitation (8%), the poor state of the economy (7%), and shortage of electricity supply (5%) were also among the more frequently cited issues (Fig. 19).

Other issues mentioned by less than 2% of respondents were:
- Poor health
- Deforestation/ charcoal production
- Insecurity
- No mosque
- Poor transportation

Participants in the focus group discussions and in the key informant interviews also identified and spoke to issues or challenges which they faced in the district. They reiterated some of the points raised by respondents in the household survey, but also mentioned a few other concerns, such as the capacity of the security services and land enclosures.

(i) Access to Clean Water

With water being such a pressing issue for members of the district, it is encouraging to note that the installation of a pipeline system, funded by the JPLG project, had been recently completed. This was reported to have been a rehabilitation and enhancement of the water distribution pipeline installed during the Siad Barre regime. The Deputy Mayor pointed out that operation of the system had commenced approximately one week prior to the interview.

We finalised the installation of the pipeline system from Dubur village; 11km to Sheikh town and the two water pumps: one at the water point and the second which is a booster 5.5 km from the town; we started the supply of water last week.13

However, although the system was in place, it had yet to function properly due to insufficient funds to

12 Ibid.
13 Ibid.
finance outstanding items in order to make the system fully operational.

The pipeline system is complete but there are no funds to finance a few remaining things so that the system is fully operational.\textsuperscript{14}

Therefore, the district continued its reliance on water tanks. However, many were unable to afford to purchase the trucked water for the tanks.

Water is trucked to the district in tankers but many families cannot afford it because it goes for 8,000 shilling per barrel. This water shortage has persisted for a long time and those who cannot afford to buy water do not get access to clean water.\textsuperscript{15}

(ii) Education

Education was singled out as one of the key issues facing the community, particularly by the governance providers, youth and women. They pointed out that there were no major complaints regarding primary or secondary education. However, there was a recognised need for more options pertaining to post-secondary education as the only post-secondary institution in the district is the Sheikh Technical Veterinary School, which admits only four students from the district each year.\textsuperscript{16} Other graduates are faced with the option of going to other regions but this cost was often prohibitive for several families. Consequently, many quit after finishing their secondary education.\textsuperscript{17}

Participants in the women’s focus group discussion also suggested the need for training opportunities geared at older members of the community.

There is also a need for vocational training to support elderly people who need skill-oriented courses in areas such as electricity, beauty and hand machine embroidery.\textsuperscript{18}

(iii) Access to Health Services

There had been an improvement in the provision of health services in the district within recent years, particularly with the inauguration of the Sheikh Hospital (2012) and the Tuberculosis Hospital (2011).\textsuperscript{19} However, during informal interviews at the Sheikh Hospital, OCVP researchers observed that some patients or visitors to the hospital had been told that there was no medicine. Also, at the time of this assessment, there had been only one ambulance serving the district, transporting severely ill patients as well women with labour complications to the Sheikh Hospital for emergency treatment or to the Berbera Hospital upon referral.\textsuperscript{20} Both the lack of health centres in the far flung villages of the district and lack of training facilities for nursing and midwifery were identified as great challenges to the district’s overall health care services.\textsuperscript{21}

(iv) Land Enclosures

The arbitrary acquisition of communal land by erecting fences around a plot of land was also pointed out as an issue of concern in Sheikh. As those enclosures increase and range land is progressively diminished, resource-related conflicts inevitably arise among the predominantly pastoral inhabitants. In the FGD with women, a participant said that the town was “under siege by the fences.”\textsuperscript{22} The local council, through the Land Dispute Resolution Committee, handles many of those conflicts.

\textsuperscript{14} Sheikh Governance Providers, Focus Group Discussion, 19th December 2014.
\textsuperscript{15} Ibid.
\textsuperscript{17} Sheikh District Women, Op. cit.
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid.
\textsuperscript{22} Ibid.
(v) Deforestation and Soil Erosion

Illicit charcoal trade was blamed for rampant deforestation and the consequent soil erosion. Participants in the focus group discussion with religious leaders and traditional elders, where this problem was highlighted, were however quick to add that the government had taken pre-emptive policy action to mitigate the negative effects of the trade by lobbying for the exclusive use of the Garanwaa (unknown) tree\(^\text{23}\), which is considered to be overgrown in the country, for charcoal production.\(^\text{24}\)

3.1.2.2. Hindrances to effective local governance

(i) Centralised Government

The absence of key government institutions in the district, as well as the lack of practical decentralisation was repeatedly pointed out as the main hindrance to effective service delivery. A governance providers’ group discussion participant stated:

> Key government ministries are absent and yet their presence could stimulate the economy, create employment and promote service delivery in the district.\(^\text{25}\)

The lack of effective communication between the local council and the Ministry of Interior, the government ministry tasked with the supervision and coordination of local governance efforts at the district level, had been detrimental to the local council’s efforts on service delivery. For instance, it was pointed out that despite the economic importance of the Sheikh Mountain Pass Road, the ill-funded local council was left to its own means when rock slides blocked it and caused accidents.\(^\text{26}\) A councillor in the governance providers’ discussion group complained:

> Where are the authorities that should be in charge? The government is exclusively present in Hargeisa and it should decentralise its institutions.\(^\text{27}\)

Speaking on ongoing efforts at decentralisation elsewhere, the Deputy Mayor stated during a key informant interview that:

> There is an on-going decentralisation pilot-test in three towns: Berbera, Burao and Borama. The pilot-test started with education sector decentralization; the administration of primary education will be the mandate of the local municipalities in the selected towns.\(^\text{28}\)

(ii) Lack of Revenue

The councillors in the governance providers’ FGD stated that the district’s only source of revenue consisted of meagre property taxes from Sheikh town that were used to fund local council activities.\(^\text{29}\) They further claimed that, though sometimes a small amount of budget funds is received from Berbera, the regional capital of Sahil (under which Sheikh falls), it is often subject to innumerable delays, making the support neither sufficient nor reliable. Furthermore, it was pointed out that there was an opportunity to raise funds from the lucrative livestock trade within the district that was not being utilised:

> Burao is our biggest market. We send all kinds of animals to the Burao livestock market. We do not tax the livestock going to Burao or on their way to Berbera port; we just see them passing by in transit. We do not benefit from the livestock trade and the government is not playing a big enough role in reducing income inequalities between districts and regions.\(^\text{30}\)

3.1.3. Perception towards the Local Council

When asked if they believe that it is important to be represented by elected officials, the majority of

\(^{23}\) An emergent tree species that self-propagates aggressively, often dislodging indigenous tree species for space.

\(^{24}\) Religious Leaders and Traditional Elders Group, Op Cit.

\(^{25}\) Governance Providers, Op Cit.

\(^{26}\) Ibid.

\(^{27}\) Ibid.

\(^{28}\) Deputy Mayor, Op Cit.

\(^{29}\) Ibid.

\(^{30}\) Ibid.
respondents (82%) in the household survey indicated that they did (Fig. 20).

Participants in the youth focus group discussion highlighted the role of the local council in the development of the community:

*When we are talking about development, the District Authority should come up with a functioning plan and consult with its community. This can certainly work. It is the government that can help to develop the community.*

However, despite this level of optimism from the youth, approximately 15% of respondents in the household survey did not agree that it is important to be represented by elected officials, while 3% did not offer an opinion when asked (Fig. 20).

**Figure 20: Respondents’ opinions regarding the importance of elected representatives**

![Figure 20: Respondents’ opinions regarding the importance of elected representatives](image)

Most respondents in each sub-division believed that it is important to be represented by elected officials. In particular, 87% of respondents in Dariiqo stated that they felt this was important, while 84% in Dayaho shared a similar opinion. Approximately 78% and 75% of respondents in the sub-divisions of Nuura and Sha’abka respectively also agreed (Fig. 21).

**Figure 21: Respondents’ opinions regarding the importance of elected representatives by subdivision**

![Figure 21: Respondents’ opinions regarding the importance of elected representatives by subdivision](image)

Gender did not impact significantly on the perceived importance of having elected officials. Approximately 85% of males compared with 79% of females felt that this was important. However, 6% of female respondents stated that they were uncertain about whether it was important to be represented by elected officials. (Fig. 22).

**Figure 22: Respondents’ opinions regarding the importance of elected representatives by gender**

![Figure 22: Respondents’ opinions regarding the importance of elected representatives by gender](image)

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Only in the FGD with religious leaders and traditional elders was there complaints of lack of coordination between the local authority and the community. In fact, it was a matter of pride that the district had done well in the JPLG programme performance review receiving the highest score of 93%, as pointed out by the deputy mayor in his interview.32 This was endorsed by feedback from respondents in the household survey as the majority of respondents (61%) who were aware of the council’s presence stated that there had been an improvement in its performance over the past year. However, approximately 20% felt that there had been no change in the council’s performance, while 10% indicated that they did not know whether the council’s performance had changed during this time. Few respondents (9%) also stated that there had been a decline in the local council’s performance when compared with the last year (Fig. 23).

Figure 23: Respondents’ perception of the performance of the Local Council

Location appeared to have an impact on the perception of the council. In a reversal of observed trends with respect to respondents’ level of awareness of the services provided by the council and means of communicating with the council, respondents in the sub-divisions of Dariiqo and Dayaho were more likely to indicate that the performance of the local council had improved over the past year (87% and 73% respectively) than respondents in the areas of Sha’abka and Nuura, where less than one half of respondents (45% and 34% respectively) shared this perception (Fig. 24).

Figure 24: Respondents’ perception of the performance of the Local Council by sub-division

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32 Deputy Mayor of Sheikh District, Key Informant Interview, 20th December 2014.
3.2. JUSTICE PROVIDERS (Formal and Informal)

3.2.1. Level of Deployment

In addition to the court system, elders and religious leaders have traditionally played an integral role in the implementation of justice throughout the district. Somaliland currently has a hybrid justice system which comprises a penal code, Sharia law, and the traditional system (clan elders).\textsuperscript{33} The three systems complement each other,\textsuperscript{34} sometimes working together depending on the nature of the case.

At the time of the survey, the Court Commissioner had been recently appointed and the court reopened following its closure for some time due to the resignation of the previous Commissioner.\textsuperscript{35} As a result, the Court Commissioner pointed out that he had yet to receive any cases as people were still unaware of his arrival. The elders also stated that they play an important role in the provision of justice but that they too were unaware of changes in the formal system. They proposed that they should be consulted by the formal courts as they themselves were “currently unaware of what is going on when it comes to nominating, changing, or transferring of judges.”\textsuperscript{36}

Nevertheless, despite this closure, there was a relatively high level of awareness of the court’s presence within the community. Approximately 79\% of respondents in the household survey acknowledged the presence of a functional court (Fig. 25), with all these persons stating that there was one court when asked how many courts there are in the community.

When evaluated by location, it was observed that nearly all respondents in Dariiqo (93\%) were aware of the presence of the court, compared with 83\% of respondents in Sha’abka and 78\% and 75\% of respondents in Nuura and Dayaho respectively (Fig. 26).

\textsuperscript{33} Religious Leader, Key Informant Interview, 19\textsuperscript{th} December 2014.
\textsuperscript{34} Ibid.

\textsuperscript{35} Sheikh District Court Commissioner, Key Informant Interview, 20 December 2014.
\textsuperscript{36} Sheikh District Justice Providers, Focus Group Discussion, 19\textsuperscript{th} December 2014.
Nearly all respondents who were aware of the presence of a court within the community (98%) were also aware of the location of the closest court.

In most instances (96%), the court was said to be within one hour walking distance of the respondents’ homes. However, a minority of respondents (4%) who stated that they were aware of the court’s location also indicated that it is was located more than one hour but less than two hours away (Fig. 27).

Respondents in each subdivision, with the exception of Sha’abka, were more likely to have referred cases to traditional elders than to the courts, while respondents in Dariiqo who used the justice system had only referred cases to traditional elders (7%). Approximately 17% and 11% of respondents in Nuura had referred cases to traditional elders and the courts respectively, while 5% and 3% of respondents respectively in Dayaho had referred cases to these parties. None of the respondents in Sha’abka had referred a case (Figs. 29 and 30).

None of the respondents in the subdivisions of Sha’abka and Dariiqo had used the courts during the past twelve months (Fig. 30).

The use of the justice systems had been more prevalent among the male respondents during the last twelve months, with 13% of males having brought an issue to the elders, and 7% having brought an issue to the courts. In the case of female respondents, only 2% of respondents had brought an issue of justice to the elders, while 1% had brought an issue to the court. (Figures 31 and 32.)

Of those who had brought issues of justice to traditional elders (n = 11), more than one half (55%) had been referred by family members, while 27% had been referred by elders. The others simply stated that they were already aware of this medium. However, in cases which had been brought to the court, (n = 6), the majority had been referred by the police (83%), while only one person had been referred by a family member.

Judgements were issued by the elders in 73% of cases and by the court in 67% of cases (Fig. 33). Land dispute cases were the only ones with outstanding
judgements in the court. The judgements of both the court and the elders were enforced in all cases where a judgement had been made.

Figure 33: Issuance of Judgment

According to the interviewed traditional elder, all the cases brought before the local elders were resolved in traditional mechanisms which consist of adjudication and peaceful mediation. Depending on the nature of the conflict, the cases were sometimes referred to religious elders or the local courts. In addition, the elders also engaged others if this was deemed necessary. The elder cited examples stating that Sharia scholars were consulted if the issue should be decided according to Sharia law, while in cases where the issue was considered complicated, it would be referred to the formal courts.

Adjudication could be postponed if it was determined that there was need for further investigation. This also involved consultation with others, where necessary. In the case of sensitive issues, such as rape, religious men and medical doctors were also consulted.

3.2.2.2. Challenges faced by justice providers

Each justice provider faced challenges in carrying out its mandate. In his interview, the chief Aqil (elder) pointed out that the elders sometimes faced resistance from conflicting parties. He suggested that the use of force could be one way of overcoming this challenge, but noted that the elders did not have enforcement authority.

With respect to the court system, lack of equipment and required materials, such as a computer, type writer, copies of the relevant laws, stationery, and financial and human resources, were identified as some of the main challenges facing the court. In particular, the “low salary” paid to the court’s personnel was identified as a major factor. Other challenges included the dispatch of summons, especially to persons in remote areas. In some instances, the court would have to nominate an agent in these remote areas to obtain the signature of the person summoned on behalf of the court.

More pointedly, there was only one judge in the District Court. The District Court’s Clerk pointed out that if the judge was unavailable due to illness or personal commitments, then the court would be closed for the day. The justice providers also pointed out that there were no lawyers, legal aid providers, and paralegals in the district.

In addition, cases such as rape were beyond the jurisdiction of the District Court if the punishment is more than three years of imprisonment. These cases would therefore be referred to the Regional Court in Berbera.

3.2.3. Perception of the Justice Providers

In spite of its challenges, the court was identified as the most trusted justice provider among respondents in the household survey (49%), followed by traditional elders (28%) and then religious leaders (16%). Approximately 7% of respondents did not state which justice provider they trusted most, including one respondent who stated none (Fig. 34).

39 Ibid.

41 Justice Providers, Op. cit
42 Ibid.
The most frequently cited reason for the selection of the court as the most trusted justice provider was fast decisions (69%). Among those who indicated a preference for traditional elders, the main reason was their independence from politics (27%), while an overwhelming majority (96%) of those who indicated a preference for religious elders cited fair judgments as their main reason. See table 4.

Table 4: Reasons for choice of most trusted justice provider

<table>
<thead>
<tr>
<th>Reasons for choice of most trusted justice provider</th>
<th>Most trusted justice provider</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>The Court</td>
</tr>
<tr>
<td>Fast decisions</td>
<td>69%</td>
</tr>
<tr>
<td>Fair judgment</td>
<td>14%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>7%</td>
</tr>
<tr>
<td>Independence from politics</td>
<td>-</td>
</tr>
<tr>
<td>Less costly</td>
<td>1%</td>
</tr>
<tr>
<td>More reliable</td>
<td>10%</td>
</tr>
<tr>
<td>Base</td>
<td>74</td>
</tr>
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</table>

The recent reform of the judiciary was believed to have resulted in improvements in the court’s speed in issuing judgments. However, despite this, few participants in the women’s focus group discussion expressed dissatisfaction with the courts on the basis of the slow speed of settling disputes:

People do not have confidence in the formal courts. I personally asked some people why they preferred other justice providers over formal courts and they said that the court cases linger for months and sometimes years. You just have to routinely walk to and from the court …but traditional elders settle the cases quickly.

The cost associated with delays was also a key consideration. Some persons differed to the traditional elders as a result. There was also the option to request a referral to the regional court.

If those with cases do not have the time and financial resources to travel from their villages to the court on a regular basis, then they just opt for the traditional elders’ quick judgment. I personally spent several months going to the court on different occasions until I got tired and asked for referral to the regional court.

Another key issue which was found to impact trust in the justice providers was confidentiality. Women in the focus group discussion were of the opinion that confidentiality was more likely to be upheld with elders:

If you take your case to court, you have to sacrifice confidentiality since you have to walk to and from the court and hence everyone will know that you have a court case. It is worse when you have a sensitive which needs a degree of confidentiality. On the contrary, with the traditional elders there are only a few people who will know about your case.

The Court Commissioner, however, emphasised that trust in the justice providers was largely dependent on the people in charge. He pointed out that the people would be likely to trust persons who work well and

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fairly. However, he also noted that there was a belief among the people that justice depends on money and this often resulted in harassment from the public to accept their offers.

Nonetheless, there was a high level of confidence in the formal justice system, as indicated by approximately 84% of respondents who stated that they were very confident (57%) or fairly confident (28%) in the system. However, approximately 12% of respondents declared that they were not confident in the formal justice system, while 4% expressed uncertainty about their level of confidence (Fig. 35).

Overall, females indicated a higher level of confidence in the formal justice system than males, as indicated by 92% of females compared with 75% of males stating that they were very confident or fairly confident in the system (Fig. 37). However, participants in the women’s focus group discussion also raised the issue of bribery mentioned by the Court Commissioner. They pointed out that there was a general perception that the court would request bribes:

**Figure 35: Confidence in the justice system**

The majority of respondents in each sub-division expressed confidence in the formal justice system. In particular, approximately 79% of the respondents in Sha’abka and 62% of the respondents in Dayaho stated that they were very confident in the formal justice system. However, few respondents in each district also expressed uncertainty or stated that they had no confidence in the system at all. This was especially the case in Nuura where approximately one-third of the respondents there (33%) stated that they were not confident in the system (Fig. 36).

The women felt that this perception had a negative impact on usage and access to the courts. Additionally, this made the task of being a judge in the formal system even more difficult as judges could even face physical attacks.

**Figure 36: Confidence in the justice system by subdivision**

> Overall, females indicated a higher level of confidence in the formal justice system than males, as indicated by 92% of females compared with 75% of males stating that they were very confident or fairly confident in the system (Fig. 37). However, participants in the women’s focus group discussion also raised the issue of bribery mentioned by the Court Commissioner. They pointed out that there was a general perception that the court would request bribes:

> Sometimes the courts do ask the clients to pay bribes for their cases to be settled and this has caused many people to distrust and avoid formal courts… Sometimes if a court announces its judgment fairly and independently, the party that lost the case will claim that the second part bribed the court and will not accept the court’s judgment.  

**Figure 37: Confidence in the justice system by gender**

> The women felt that this perception had a negative impact on usage and access to the courts. Additionally, this made the task of being a judge in the formal system even more difficult as judges could even face physical attacks.

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judgment could not be enforced and since then the court has been closed. However, overtime, it was felt that the court had upheld its level of performance and even shown some improvement as more than three-quarters of the respondents (78%) felt that the performance of the courts had remained the same or improved over the past year. However, approximately 13% did not share this opinion, and indicated that the service had declined over the past year, while 9% were uncertain about how the performance of the courts had changed during that time (Fig. 38).

When asked how the formal justice system could be improved, the District Chief (elder) suggested that “the person in charge should be knowledgeable and familiar with Sharia.” This was also mentioned by the District Court Commissioner who felt that their needs should be covered. However, he felt it was important for judges to exercise their authority independently. Other suggested avenues for improving the formal justice system were improving ethics among the judges and ensuring that their needs are taken care of.

Women recommended the recruitment of more female lawyers, as well as providing legal aid clinics and paralegals who could give advice and support to women on legal cases. They also felt that these initiatives could promote access to the formal justice system.

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48 Ibid
49 Ibid
3.3 SECURITY PROVIDERS

The main security provider in Sheikh District is the police. However, the local authorities and the elders play a complementary role in the provision of security.\(^{51}\) This is particularly the case in villages that do not have a police station or police post.\(^{52}\) Each village also has seven members who serve on a committee set up to solve disputes, often working along with the District Safety Committee, established by the Danish Refugee Council.\(^{53}\)

3.3.1. Deployment Capabilities

Nearly all the respondents in the household survey (99%) were aware of the presence of the police in their community (Fig. 39).

Figure 39: Awareness of police presence in the district

![Figure 39](image)

In fact, all respondents in the Dayaho, Nuura, and Sha’abka subdivisions stated that they were aware of the police in their community. Most respondents in the Dariiqo subdivision (93%) also acknowledged the presence of the police, with only one respondent there (7% within the subdivision) being unaware of the police in the community (Fig. 40).

Figure 40: Awareness of police presence in the district by subdivision

![Figure 40](image)

When asked about the number of police stations in the community, most respondents (97%) who were aware of a police presence stated that there was one police station. The remaining few (3%) estimated that there were two or three police stations (Fig. 41).

Figure 41: Estimated number of police stations

![Figure 41](image)

\(^{51}\) Sheikh Youth, Op Cit.

\(^{52}\) Sheikh District Police Commissioner, Key Informant Interview, December 2014

Those who were aware of the police within the community generally indicated that the closest police station was less than one hour’s walk away from their homes (Fig. 42).

Figure 42: Distance to the closest police station

![Bar chart showing distances to closest police station. 96% are within an hour, 4% are under two hours.](image)

Participants in the focus group discussions and key informant interviews expressed contrasting opinions regarding the adequacy of the police presence in their villages. A majority of the youth and women believed that the number of police officers was sufficient to respond to the security needs of the community. One of the women’s group discussion participants, a member of the District Safety Committee, stated that:

> The District Police Commissioner has our telephone numbers and if any committee member calls the police to intervene in a security incident, the police respond very quickly.  

However, youth discussants pointed out that the police faced logistic and material challenges which impacted their ability to respond. These include a lack of vehicles and limited economic resources in general. There was also the matter of the level of support shown by the community as it was felt that “people in certain areas have shown significant resistance against the police operations.”

Several governance providers, justice providers, religious leaders, and traditional elders did not agree that there were enough police in the district. They also pointed out that several members of the police force had exclusive assignments to protect agencies and facilities within the district, such as NGO offices, schools, etcetera.

In addition, female participants in the governance providers’ focus group discussion felt that the number of female police officers was inadequate:

> There is a prevalence of rape and gender-based violence in the district. We requested the recruitment and training of six female police officers to attend to female complaints, but we are yet to see female police officers in the district.

They too alluded to resource constraints, pointing out that there was no jail in the district and only two small detention rooms in the District Police Station.

> If the police arrests four women and places two women per cell, then if a man is arrested, he has to be arrested under a tree.

3.3.2. Preferred Security Providers

Respondents in the household survey were asked about their preferred security provider for reporting of various crimes. The police was generally the preferred choice among the court, traditional elders, religious leaders, and the local authority.

3.3.2.1. Civil Cases

When asked to indicate who they would contact in the event of a civil case such as land dispute or divorce, just less than three-quarters of respondents (72%) stated that they would contact the police. The local authority was identified as the preferred choice for

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58 Ibid.
16% of respondents, while 8% and 4% of respondents stated that they would report such problems to the court and traditional elders respectively (Fig. 43).

Figure 43: Preferred security provider for reporting of civil cases

Respondents’ preference for reporting of civil matters did not appear to be significantly impacted by gender (Fig. 44).

Figure 44: Preferred security provider for reporting of civil cases by gender

3.3.2.2. Petty Crimes

The police was by and large the preferred choice for reporting of petty crimes, such as robbery, household violence, etc., as indicated by 93% of respondents. A minority of respondents also stated that they would report petty crimes to the local authority, traditional elders, or the court (Fig. 45).

Figure 45: Preferred security provider for reporting of petty crimes

Males and females generally expressed similar preferences among the security providers for reporting of petty crimes. However, while approximately 4% of males stated that they would report petty crimes to the court, none of the female respondents identified the court as an option for reporting of petty crimes (Fig. 46).

Figure 46: Preferred security provider for reporting of petty crimes by gender

3.3.2.3. Serious Crimes

In the case of serious crimes, such as rape, assault, or murder, the police was again identified as the security provider.
provider that respondents were most likely to report such crimes to (96%). (Fig. 47).

Figure 47: Preferred security provider for reporting of serious crimes

Both males and females expressed similar preferences for reporting of serious crimes (Fig. 48).

Figure 48: Preferred security provider for reporting of serious crimes by gender

3.3.3. Perception of Security Providers

The police was respondents’ most trusted security provider for responding to crime and violence, as indicated by 89% of respondents. Traditional elders were also identified as the most trusted security providers by 7% of respondents, while the local authority and religious leaders were each identified as being most trusted by 1% of respondents (Fig. 49).

Figure 49: Most trusted security provider for responding to crime and violence

While both males and females identified the police as the most trusted security provider for responding to crime and violence (85% and 93% respectively), approximately 15% of males compared with 6% of females identified other security providers as being most trusted in this regard (Fig. 50).
When asked to state the reasons for their choice of most trusted security provider, a significant majority (93%) of the respondents who had reported that the police were their most trusted provider went on to state that fast response was the reason for their trust. Table 5 illustrates.

Table 5: Reasons for choice of most trusted security provider

<table>
<thead>
<tr>
<th>Reasons for most trusted security provider</th>
<th>Most trusted Security Provider for responding to crime and violence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Traditional elder</td>
</tr>
<tr>
<td>Fast response</td>
<td>9%</td>
</tr>
<tr>
<td>Unbiased enforcement</td>
<td>18%</td>
</tr>
<tr>
<td>They are respected</td>
<td>55%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>18%</td>
</tr>
<tr>
<td>Base</td>
<td>11%</td>
</tr>
</tbody>
</table>

Overall, respondents generally indicated that they had a high level of trust towards the police in responding to crime and violence (93%). However, approximately 7% of respondents still had a very or fairly low level of trust in the police (Fig. 51).
When evaluated on the basis of gender, it was observed that a greater proportion of males indicated that they had a low level of trust towards the police. Approximately 11% of males stated that they had fairly or very low levels of trust towards the police while only 2% of females indicated a similar level of trust. Overall, 96% of females compared with 88% of males expressed very or fairly high levels of trust towards the police (Fig. 53).

Figure 53: Level of trust towards the police in responding to crime and violence by gender

Respondents generally indicated that the performance of the police had improved (84%) or remained the same (11%) over the past year. Only 1% of respondents felt that the police’s performance had declined during this period, while 5% of respondents stated that they did not know how the police’s performance had changed compared with the previous year (Fig. 54).

Although there was a general perception that the police’s performance had improved over the past year, qualitative participants underlined the importance of addressing the challenges that negatively affect the police’s capacity to ensure security.

According to several justice providers, only three villages in the district have police posts. More specifically, the women explained that:

Out of the twenty-nine communities administered by the district, only a few, including Godaweyn and Hudissa, have police stations.59

The limited or even inexistent presence of the police in some areas, combined with the previously mentioned lack of logistic materiel such as vehicles needed to reach the villages, leads to a potential degradation of their security levels and the integrity of the institution. Justice providers’ group discussion participants commented:

Some villages are remote and the police do not have enough transportation, they ask favours to the public for transportation to reach those villages.60

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59 Sheikh Women, Op Cit.

The safety and security in these communities is particularly threatened by disputes concerning land, water and clan-based tensions. Under these circumstances, it is the local elders who take the lead.\(^61\) However, the police should make a decisive effort to expand its area of operation in order to include the villages that are not yet covered. Along with police coverage expansion, it has also been recommended to carry out awareness campaigns that announce the creation of new police posts.\(^62\)

\(^{62}\) Ibid.
4. CONFLICT AND VIOLENCE

4.1. DYNAMICS OF CONFLICT AND VIOLENCE

Most respondents (89%) stated that they had not witnessed a conflict between two different clans or groups in their district over the past twelve months. Nonetheless, a little more than one in ten respondents (11%) had in fact witnessed at least one conflict between clans or groups during that time (Fig. 55).

Figure 55: Respondents’ accounts of witnessing a conflict in the last 12 months

Just less than one quarter of respondents in the Nuura subdivision (22%) indicated that they had witnessed at least one conflict between groups or clans, while nearly one in ten respondents in the subdivisions of Dayaho and Sha’abka (9% and 8% respectively) also witnessed similar conflict during the past year. None of the respondents in the subdivision of Dariiqo had witnessed any conflict during this time (Fig. 56).

Figure 56: Respondents’ accounts of witnessing a conflict in the last 12 months by subdivision

Males were twice as likely as females (15% versus 8%) to indicate that they had witnessed a conflict between clans or groups over the past year (Fig. 57).

Figure 57: Respondents’ accounts of witnessing a conflict in the last 12 months by gender
Respondents who had witnessed conflict cited resources such as land or water as the main reason for most of the conflicts that were witnessed (71%). Family disputes (24%), youth violence, and lack of justice (6%) were also identified as underlying reasons (Fig. 58).

According to a vast majority of youth, women, religious and traditional elders’ group participants, and the District Court Commissioner, most conflicts that did arise in the Sheikh district concerned land disputes (both urban and rural land). Women stated that large portions of land were being enclosed, which diminished the size of the communal land for hay or grazing livestock. Nonetheless, what seemed to provoke the strongest discontent among the participants was the fact that these land enclosures were not being used for production purposes. A woman stated that:

*It is not a problem if people fence the land for production purposes, but there is a tendency to place a fence around large swathes of land which are not used for any production purposes. The town is under siege by the fences.*

Moreover, land disputes were said to escalate fairly easily and ultimately lead to cases of criminal violence, including murders.

Female participants and religious and traditional elders, also mentioned rape and gender-based violence as a recurrent form of violence in the district. Victims were particularly vulnerable in rural areas since the high levels of illiteracy led to a lack of awareness of basic human rights. Moreover, the District Police Commissioner added household disputes, affecting primarily women and children, as a threat to the social cohesion within the communities.

### 4.2. DISPUTE RESOLUTION

Most cases of land disputes were settled by the local municipality’s land committee. Women group discussion participants remarked:

*The committee settles several types of land disputes that come to the local council. If the committee fails to settle the dispute, then it refers it to the local council. If the local council fails as well, then it sends the case to the court.*

This is revealing of the general tendency in the district to resolve conflicts preferably at the community-level,
particularly through the use of adjudication and peaceful mediation techniques (*musaalaxo*).68

Elders as an informal conflict resolution mechanism complemented the efforts of the formal institutions (police and local government) in all conflicts that have arisen. The elders, however, opined that some conflicts (including land disputes) are better settled by them:

> There are two types of land conflicts; a conflict on registered land [one of the parts has a land title] and land that was informally transferred long time ago from one hand to another (example: the piece of land given out for dowry); courts might better settle disputes on registered land but it is elders who know which land was informally transferred.69

However, while the elders were recognised as an alternative mechanism for settling disputes and were praised for the speediness with which they were able to deliver a binding judgment, there was strong criticism concerning a perceived tendency of elders to use their conflict resolution power for generation of substantial revenues.70

### 4.3. PERCEPTIONS OF SAFETY

The research participants expressed overall satisfaction with the security levels in their respective subdivisions. Despite the above-mentioned cases of conflict and gender-based violence, the quantitative data shows that an overwhelming majority of respondents stated that they felt very safe (94%). Only 4% of respondents stated outright that they felt unsafe in their area (Fig. 28). One participant in the women’s focus group discussion commented:

> I have a small business in town and sometimes I leave my shop at 11 pm and walk home. I do not see any danger. I even use my phone torch for lighting and do not fear it being stolen.71

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5. CONCLUSION

The governance institutions in the Sheikh district, which consist of a local council and voluntary local committees in the villages, have successfully managed to secure the legitimacy and support of the population. They have paid particular attention to facilitating support to the police for carrying out its services, especially in remote rural areas, as well as the settlement of land disputes and the mitigation of the negative impacts of illicit charcoal trade. However, the absence of effective decentralisation remains an obstacle to local governance performance. These local governance institutions were also negatively impacted by insufficient revenue.

Issues such as the lack of access to clean pipe water and the absence of tertiary education and vocational training institutions/centres in the district, inevitably contribute to higher levels of poverty, unemployment, and low morale of students who are financially unable to move to other regions for higher education purposes. Concerning the problem of water scarcity, the local council, with the support of the UN Joint Programme on Local Governance and Decentralised Service Delivery (JPLG), is expected to finalise arrangements for the supply of piped water through a water pipeline which was recently installed.

The formal justice system in the Sheikh district had only recently resumed operations. The district court was closed for an extended period of time due to the absence of the (only) judge, which reveals the lack of adequately trained personnel and the resulting loss of continuity within the formal justice sector. It was also criticised for its slowness, poor infrastructure, lack of confidentiality, and for allegations of perceived bribery. In order to fill these operational gaps, the elders have developed an important complementary role, as they are believed to be more accessible, reliable, and affordable. Despite these arguments, the courts are still considered as the most trustworthy institutions in terms of justice provision. Nevertheless, a process of justice sector reform is still needed to improve the capacity, accountability and legitimacy of the formal justice providers.

The main security provider in the Sheikh district is the police, which benefits from consistent support by the local authorities and the elders. However, there have been recurrent complaints concerning the limited size of the police units, which prevented them from extending their presence into most of the villages, as well as the lack of adequate equipment and infrastructure (i.e. vehicles, detention rooms, among others). Additionally, improving police-community relations was deemed necessary in order to enhance the effectiveness and legitimacy of the police force vis-à-vis the population it is supposed to protect, as well as to pave the way for the implementation of confidence-building measures. To build this trust, the number of female police officers must be increased in order to meet the particular security needs of the women and children in the civilian population. Furthermore, the police presence should be extended into the villages and more detention rooms should be built for the Sheikh Police station.

The survey respondents and the qualitative research interviewees that were engaged in Sheikh did not report any major cases of violence and conflict. Nonetheless, there were several land disputes concerning the arbitrary enclosures of land for purposes other than production. Moreover, gender-based violence was a situation of utmost concern, particularly in rural areas. In resolving these issues, the community demonstrated a distinct preference for local conflict resolution entities such as the Local Municipality’s Land Committees and the elders. In spite of these cases of violence and conflict, a large number of men and women believed not only that
their communities were safe, but that they were actually becoming safer. This positive trend marks thus the possibility of creating the political space needed to improve the institutions in charge of providing security, justice and peace for the people in the district.
6. 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>
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<tbody>
<tr>
<td>Access to Justice</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>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 constitutional and personal rights are breached.</td>
</tr>
<tr>
<td>Clan</td>
<td>The clan is a system characterized by a chain of paternal ancestors reaching back to a perceived founding ancestor whose name all members of the clan share for identity.</td>
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<tr>
<td>Conflict</td>
<td>State of disharmony between incompatible persons, ideas, or interests.</td>
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<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 prison, and administrative bodies in particular cases. Traditional systems may also have specific mechanisms of enforcement. Enforcement systems are the key to ensuring accountability and minimising 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>
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<tr>
<td>Gender</td>
<td>&quot;Gender&quot; refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.</td>
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<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 Sharia).</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 swathes 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 (Sharia), that employs mediation and negotiation through the use of traditional elders.</td>
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<tr>
<td>Youth</td>
<td>Men and Women between the age of 15 and 30.</td>
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