Hobyo

Key Findings from the 2015 DCSA Report

Hobyo is located in the north-central Mudug region of Somalia. In the 19th century, Hobyo was the base of the sultanate of Hobyo, which was established by Sultan Yusuf Ali Kenadid in the 1870s and later ruled by successive members of the Kenadid family. In 1888, the ruling Sultan signed a treaty with Italy that made his kingdom part of what would later become the protectorate of Italian Somaliland. After the declaration of independence in 1960, Hobyo was among the very first nominated districts in Somalia.

As with any other Somali district, Hobyo suffered from the 1991 civil war which tore the whole country apart. The district was left without a functioning administration. As a result of the absence of formal justice or security providers, people in Hobyo were left to depend on the informal entities such as traditional elders and sheikhs. Nevertheless, in 2008 the Himan and Heeb administration, based in Adaado - the administrative capital of Galgaduud region - claimed control of the district. However, the Galmudug administration also claims that the regions of Galgaduud and Mudug are within its ambit. During the assessment, there were ongoing efforts to establish one administration for the central regions of Mudug and Galgaduud.

The results of the assessment indicate that there had been a downturn in conflict in the district of Hobyo following decades of unrest. However, violence and crime were fairly common features of everyday life. In 2008, a new administration called Himan and Heeb, assumed control of the district. Under this administration, Hobyo has a locally nominated council comprised of 23 members (four of whom are female). Positions are distributed on the basis of the clan composition of the district. In addition to the structure of the local government, the significance of the traditional clan-based and religious systems was evident in local security and justice provision. The police were notably absent from the district, with state appointed soldiers and informal entities taking the lead in addressing matters of security. Similarly, there was no formal state-run court. Instead, there was strong reliance on the Islamic court as well as elders and religious leaders for dispute resolution. Nonetheless, respondents declared a high level of confidence and trust in the existing systems that were in place in the district. Most persons also reported that they felt safe in the area.
- **Governance**

The Local Council in Hobyo is comprised of 23 nominated representatives. The council is administered by a mayor and a deputy mayor with support from local committees formed by the council. Most respondents acknowledged the council’s presence (91%), with more than one-half of these persons (55%) stating that they were aware of the services provided by the council. The Council employed various means of engaging members of the community at different levels, including meetings with representatives of different groups such as women, youth and internally displaced persons (IDPs). Approximately one in every five respondents (22%) said that they had participated in consultations with the local government in the twelve months leading up to the assessment. When asked about pressing issues facing the community, respondents identified a number of areas that were in need of improvement. These areas included health care, infrastructure, education, employment, sanitation, as well as electricity and water supply. Governance providers, in their focus group discussion, indicated that the capacity of the council to deliver services was severely constrained by lack of resources. Consequently, service delivery was purported to be voluntary and therefore one of the main reasons for shortcomings with respect to service provision. Despite these accounts, respondents had a positive opinion of the performance of the Local Council, as evidenced by the majority (75%) who perceived that there had been an improvement in the council’s performance over the past year.

- **Security**

At the time of the assessment, there was no state-sanctioned police force in the district of Hobyo. In the absence of the police, a regiment of uniformed soldiers had been seconded to the district by the Federal Government and soldiers had been deployed by the Galmudug Administration. The local authorities and traditional elders also played a part in maintaining security and order in the district. Members of the Local Authority pointed out that a small number of police officers had previously been stationed in the district but that there had been insufficient resources to maintain their presence. However, the district still had a police station, which was said to be in a poor state.

The majority of respondents in the household survey confirmed that there was no police presence in the district (84%). However, 9% of respondents stated otherwise, while 7% indicated that they did not know whether or not the police was present. With respect to reporting of security issues, more than one-half of respondents identified traditional elders as the entity to which they would prefer to report civil matters, petty crimes, and serious crimes. To a lesser extent, religious leaders, the court, the local authority and the police were also named among the entities to which respondents would prefer to report these types of issues. Religious leaders were the second choice for reporting of civil matters and petty crimes and, in the case of serious crimes, the court replaced religious leaders as the second choice.

Overall, traditional elders (59%), followed by religious leaders (19%), the court (14%), and the local authority (5%), were identified as the entity that respondents trusted most to respond to crime and violence. Unbiased enforcement was the most frequently cited reason for each of these selections. There was no mention of the police in this regard.
Despite the fact that the majority of respondents acknowledged that there was no police based in the district, when asked specifically about their trust in the police, more than three-quarters of respondents (79%) stated that they had fairly or very high levels of trust in the police. Most respondents (60%) also stated that there had been an improvement in the performance of the police over the past year.

### Justice

The only court in Hobyo at the time of the assessment was an Islamic (Shari’a) court, which follows Shari’a law, based on religious precepts laid down in the Quran and the Hadith. Traditional elders and religious leaders also played a role in the administration of justice through their involvement in dispute resolution. Participants in the focus group discussions and key informant interviews held contrasting views regarding the existence of a formal court in the district. While elders and women stated that there was no formal court, the judge who was in charge of the Shari’ah court was adamant that he oversees a formal court. Indeed, when asked whether a formal court was present in the district, the majority of respondents in the household survey (88%) stated that there was a formal court, while 3% stated that there was no formal court, and the remaining respondents stated that they did not know. It is essential to take this into account as this suggests that respondents’ feedback regarding the formal justice system was largely based on their perception of the Shari’ah court.

Traditional elders had been used by approximately one-third of respondents (32%) for matters pertaining to justice in the twelve months preceding the assessment, while 11% stated that they had used religious leaders. The courts had been used by a little less than one-quarter of respondents (23%). Similar issues - land disputes, household violence, assault and robbery - had been referred to each of these entities. When asked who they trusted most to resolve cases, the majority of respondents stated the elders (56%), followed by religious leaders (18%), and the court (6%). Few respondents (6%) also stated a preference for the Local Authority. Respondents gave similar reasons for their choice of elders, religious leaders, and the court, with fair judgments being the most frequently cited reason for their selection. Fast decisions and independence from politics were also reasons for the selection of each of these entities. However, while cost was one of the factors influencing respondents’ choice of traditional elders and the court, this was not mentioned for religious leaders. Likewise, reliability was said to have influenced selection of traditional elders and religious leaders, but was not mentioned for the court.

Respondents generally appeared to be satisfied with the local justice system. When asked specifically about their level of confidence in the formal justice system, the majority (86%) stated that they were fairly or very confident. Only 3% of respondents stated outright that they were not confident, while 11% did not give a definite response. Further to this, 62% of respondents felt that there had been an improvement in performance over the past year.
Nearly all the respondents in the household survey stated that they had not witnessed any conflict between clans or subgroups (95%) in the twelve months preceding the assessment, while 4% did not give a clear indication of whether or not they had. Only a marginal 1% of respondents stated that they had witnessed such conflict during this period. In contrast, more than one quarter of respondents (28%) indicated that they had witnessed crime or violence against someone outside of their household.

During discussions, participants spoke of the factors which contributed to crime and violence in the district. Competition over watering points and disagreements over grazing lands sometimes led to violent disputes and, in turn, retributive acts of violence such as rape. In more urban areas, confrontations ensued in response to attempts by the Local council to enforce taxation laws. There was also concern about robberies in the district, with women and children said to be most vulnerable. Women complained that members of the public were armed and that this posed a threat as some of these armed men looted properties, which then had the potential to escalate into violence among the gunmen themselves.

The District Council was the entity which assumed responsibility for dispute resolution with the aid of traditional elders, religious leaders, and other supporting groups within the community. Despite the reported experience with crime and violence, the Council was perceived as doing a good job in this regard. Furthermore, it was perceived that the level of safety in the district had improved significantly. Reference was made to a period when the town had been practically deserted as a result of the ongoing conflict and violence in the area. Respondents in the household survey also shared the opinion that there had been an improvement in the level of safety, with 92% stating that safety had improved over the past year. Notably, most respondents (94%) also indicated that they felt fairly or very safe in the district.