District Conflict and Security Assessment Report

BORAMA DISTRICT

OCTOBER 2015
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Disclaimer

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# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>DCSA</td>
<td>District Conflict and Security Assessment</td>
</tr>
<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<tr>
<td>FGDs</td>
<td>Focus Group Discussions</td>
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<tr>
<td>GBV</td>
<td>Gender Based Violence</td>
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<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>
</tr>
<tr>
<td>ODK</td>
<td>Open Data Kit</td>
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<tr>
<td>SRS</td>
<td>Systematic Random Sampling</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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Map of Borama District: Adopted from UNOCHA 2012
DISTRICT PROFILE

Borama is the capital of Awdal region of Somaliland. It is situated near the border with Ethiopia in the northwest and is mainly inhabited by the Gadabuursi, also known as Samaroon, Somali clan. In the 15th century, Borama was ruled by the Adal Sultanate (Kingdom of Adal), which later formed a part of the British Somaliland protectorate in the 20th Century.

In 1993, Borama hosted a Grand National Conference which attracted delegates from all clans in the former British Somaliland protectorate to have a national dialogue on the formation and structure of the Somaliland government. The conference ushered in the formation of a hybrid governance system, which combines traditional and modern institutions. The government is separated into an executive branch, a legislative branch, and a judicial branch, each of which functions independently. In addition, the Guurti, which is comprised of members who were selected by the respective clans, represents the traditional system within the Somaliland government. The members of the Guurti remain those who were selected at the Conference or relatives who have since inherited their positions in the Guurti House.

The establishment of Amoud University, the first higher learning institute in Somaliland, after the collapse of the former state in 1988, stimulated the expansion of schools and an increase in student enrollments. The town attracted students from Puntland and South Central Somalia. There are also nine secondary schools in Borama. This has caused the town to be dubbed as the Hoyga Waxbarashada (education centre).
SCOPE

The District Conflict and Security Assessment is designed to gather people’s perceptions regarding service providers and the 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 mainly 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 BORAMA 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 Borama District. The assessment was conducted from the 7th-13th September 2015. Key research findings are presented below.

Security Providers

The district had two main police stations and one police post which was yet to start its operation. Police officers fell short of both number and quality, with the police commissioner stating that out of the 104 police officers registered in the central police station, only 47 were fit to undertake police duties for various reasons including health problems and being at an “advanced” age. Despite this, the police remained the preferred choice when reporting civil, petty and criminal cases. Furthermore, a majority of the respondents identified the police as the entity that they trust most in security provision, with the largest proportion basing this trust on their fast response. However, worsening relations between the police and the community was identified as an area of concern, with the police commissioner recounting instances when the community prevented the police from arrests.

Justice Providers

A District Court, Regional Court and Court of Appeal were all present in Borama. All respondents had been aware of the presence of courts in the town. Though no registered Shari’ah courts existed, the district court mainly employed Shari’ah law for family and civil disputes. The courts were overloaded as they served both the Awdal and Salal regions. Research participants complained of delays and overdue court cases in the formal courts. On the contrary, informal justice providers (elders) were praised for their swift announcement of verdicts. The prosecutor and interviewed elder both stated that the delay in court judgements was caused by the procedures that formal courts should follow. Furthermore, the delay in court cases was attributed to the poor infrastructure with 15 judges at the regional court using one trial room in turns. Despite these shortcomings, most respondents expressed confidence in the formal justice system, while similar proportions of respondents identified the courts and elders as the justice provider that they trust most.

Governance Providers

The majority of respondents were aware of the existence of an elected Local Council, comprised of 21 councillors. Although knowledge of the existence of the Local Council was high, awareness of channels of communication between the community and their elected representatives was relatively low (25%) and when it came to the participation in local consultations the figure was a small fraction (3%). The local council provided the community with basic services of which respondents were most familiar with the provision of sanitation, infrastructure, health, water and education. The council’s ability to deliver these services was hampered by a number of challenges, mainly involving centralisation of government offices and resources in the capital, Hargeisa, and working with severe budgetary constraints. There was, however, a favourable perception of the council’s performance, with almost one-half (45%) of the respondents stating that the Council’s performance had improved in the past year.
Conflict and Violence

Although group participants reported that the district was relatively peaceful with few incidents of conflict and violence, approximately one in five household survey respondents stated that they had witnessed at least one incident of conflict in the year leading up to the assessment. The most common causes of conflict related mainly to resources such as land (both urban and agricultural), youth and general crime. Furthermore, discussants also referred to armed opposition that entered the district from time to time to cause destruction of property, robbery, and spread propaganda to undermine formal providers such as the police. FGD participants explained that this was because of the militia’s opposition to the Somaliland governments’ legitimacy over Awdal region on the basis of supposed unequal power and resource sharing within the country. Although certain FGD participants felt that the basis of this opposition was valid, they preferred to see a peaceful solution rather than a violent altercation. However, in spite of the mentioned triggers of conflicts and violence, on the whole, a majority of the respondents (68%) felt that safety in the area had improved over the past year.
1. METHODOLOGY

1.1. Overview

As part of its continual assessment of issues directly affecting community security and safety, OCVP conducted an extensive collection of primary data in the district of Borama, located in the Awdal 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. Focus Group Discussions and Key Informant Interviews were used to probe deeper into, and cross-validate issues pertaining to these areas.

The quantitative data was analysed by the OCVP Research and Analysis team using the Statistical Package for Social Sciences (SPSS) version 22, after it had been collected using smart 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 the overall study). The main themes of coding were developed before the mission, in line with the questions, but further coding was done during analysis.

1.2. Sampling Methodology

A district household estimation provided by the local municipality enabled the application of a sampling formula\(^1\) 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 – 9%) and the assumption that some security correlations (of 0.3) existed within the subdivisions.

The calculation detailed above resulted in a sample size of 164 households.

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, conducted 164 household interviews with respondents in the Sh. Ahmed Salan, Sh. Ali Johar, Sh. Makahil and Sh. Osman subdivisions (Table 1) from 7\(^{th}\) to 13\(^{th}\) of September 2015.

OCVP employed a modified Systematic Random Sampling (SRS) approach where enumerators randomly selected the 4\(^{th}\) household after a random start point and interviewed one respondent above 18 years old in every selected household.

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\(^1\) See Annex 6.1
Table 1: Number of male and female respondents within the subdivisions

<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>Sh. Osman</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>Sh. Ali Johar</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Sh. Ahmed Salan</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>Sh. Makahil</td>
<td>28</td>
<td>21</td>
</tr>
<tr>
<td>Total</td>
<td>94</td>
<td>70</td>
</tr>
</tbody>
</table>

1.4. Focus Group Discussions

The second research tool utilised was a series of Focus Group Discussions (FGDs) aimed at capturing participants’ perception of security and justice providers (formal and informal), governance providers and the dynamics and experiences of conflict and violence. The FGDs were conducted between the 7th and 13th of September 2015 at Rays Hotel (see breakdown in Table 2). Each discussion group lasted for about an hour.

A total of five (5) groups were involved in the FGDs: Women, Elders and Religious Leaders, Youth, Justice Providers (formal and informal) and Governance Providers. Each group consisted of 10 participants, except the Justice Provider’s group, which comprised six (6) participants. A local organiser assisted in the recruitment of the participants based on clan-lines, geographic coverage, social class, gender and age (as well as profession in the case of justice and governance providers).

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

Table 2: Distribution of focus group participants by gender

<table>
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<tr>
<th>Gender</th>
<th>Total</th>
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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 the 9th and 12th of September 2015 at the respective offices of the interviewees. A convenient venue was selected for those who did not have offices. Each interview lasted for about half an hour. Four (4) key informants were interviewed, including: Police Commissioner, Prosecutor, Key Traditional Elder and Key Religious Leaders.

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: Key informant Interview participants

<table>
<thead>
<tr>
<th>Key Informant</th>
<th>Gender</th>
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<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Police Commissioner</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Traditional Elder</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Religious leader</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>-</td>
</tr>
</tbody>
</table>
2. PROFILE OF RESPONDENTS

The household survey sample comprised 57% female and 43% male respondents (Fig. 1). A gender balance had been emphasised to allow a clear depiction of the differences in experience, views and insights between the two genders in relation to the areas that were assessed.

Figure 1: Gender distribution of respondents

![Gender distribution of respondents](image)

The majority (63%) of the sampled respondents were aged between 20 and 39 years old, with 52% of respondents falling in the 20-29 age group, and 21% in the 30-39 age group. Those who were less than 20 years old made up 11% of the sample. The least represented groups were those of respondents in the 40-49, 50-59, and 60 years and above categories, each of which made up 5% of the sample (Fig. 2).

Figure 2: Age distribution of respondents by gender

![Age distribution of respondents by gender](image)

Six-in-ten (61%) of the respondents were single, followed by the married category, which made up 37% of the sample. The widowed and the divorced were the least represented groups, each comprising 1% of the sample (Fig. 3).

Figure 3: Marital status of the respondents

![Marital status of the respondents](image)

With regard to the level of education achieved by the respondents, a majority (51%) had attained tertiary education, followed by two in every ten (22%) respondents who had attended secondary school and 10% who had attended Intermediate. Approximately 6%
of respondents had never attended school, whereas 5% had primary-level education. A minor portion (4%) of the sample had been to Quranic Madarasa, whereas the least represented group, amounting to 1% of the total sample, featured respondents who had been self-schooled (Fig. 4).

**Figure 4: Respondents’ education levels**

The distribution of education along gender lines highlights some similarities in the educational levels of the male and female components of the sample. A greater proportion of female respondents had never been educated (10% of women, as opposed to 3% of men), or had only attended Quranic Madrasa (7% of women, as opposed to 2% of men) and primary (9% women vs. 3% men) school. On the other hand, a greater proportion of men had attained higher levels of education from the secondary to the tertiary levels, with the distinction being most pronounced at the tertiary level (56% of males and 44% of females). Comparable portions of the female and male sample were represented among those who had intermediate levels of education, and only 1% of male respondents were self-schooled, as illustrated in Figure 5.

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

3.1. SECURITY PROVIDERS

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

3.1.1. Level of Deployment

There are two main police stations in Borama. There is also one police post which is not fully operational since it was built recently:

There are two police stations. There is a third one but it is not functioning yet; it was built recently. The two police stations are the Central Police Station and the Eastern Police Station. The town has grown large and it needs more stations.2

There was a general consensus among focus group discussants that police officers in the district fell short in number and quality. This was believed to have a negative impact on their performance:

The number of police officers in the district is less than the necessary number and their quality is very low because most of the officers are old men who cannot even see well.3

The Police Commissioner substantiated this claim as he stated that many police officers were unfit to undertake daily duties:

I have the list; there are around 104 police officers registered in this police station. If you exclude officers who have gone insane, women [who take maternity leaves], the sick officers, elderly officers and students [police officers who are part-time students or in training], the balance is 47 active officers who should provide security in a large swathe of land starting from the hospital to the custom [check point at the town entrance] and Sheikh Ali, this number is far from enough to provide security.4

When survey respondents were asked if they were aware of police presence in their areas, all (100%) respondents said they were aware of police presence in the district.

Of the respondents who had indicated an awareness of the police presence, the majority (92%) stated that there were two or three police stations in the town. This included one-half (51%) of the respondents who mentioned that there were two police stations and 41% who mentioned three that there were three. The proportions who stated one and four tied with each mentioned by 4% (Fig.6).

Figure 6: Respondents estimation of the number of police stations

Approximately two-thirds (67%) of the respondents estimated that they were less than twenty minutes away from the closest police station by foot, while slightly more than a quarter (27%) stated that the

2 Women, Focus Group Discussions, 9th September 2015
3 Youth, Focus Group Discussion, 8th September 2015
4 Police Commissioner, Key Informant Interview, 12th September 2015
closest police station was between twenty and forty minutes away from their homesteads (Fig. 7).

Figure 7: Respondents’ estimation of distance to nearest police station

When looking at the subdivisions, more than 60% of the residents in the different subdivisions estimated the closest police station to be less than twenty minutes away. Sh. Ahmed Salan had the greatest proportion (76%) of respondents who estimated that they were able to walk to a police station from their homes in less than 20 minutes. Conversely, Sh. Osman had the greatest proportion (40%) of respondents who estimated that they were more than 20 minutes away (Fig. 8).

Figure 8: Respondents’ estimation of distance to nearest police station by subdivision

3.1.2. Perception of the Security Providers

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

Civil matters

With regard to the reporting of civil matters, the police was identified as the most preferred choice (74%), followed by other formal entities such as the local authority and the court (15% and 10% respectively). A marginal number of respondents (1%) preferred traditional elders while an equal proportion (1%) did not have any opinion (Fig. 9).

Figure 9: Reporting preference - civil matters

Considering the gender perspective in respondents’ choice of reporting civil matters, the study revealed that eight-in-ten and more (83%) of the females preferred the police for reporting civil cases compared with six-in-ten and more (67%) of the males. In contrast, more men than women preferred local authority and courts (19% vs 9% and 13% vs. 7% respectively), as illustrated in figure 10.
Similar to the reporting of civil cases, the police were identified as the preferred choice for reporting petty crimes (90%). A minority of respondents indicated a preference for reporting such matters to the court (4%), traditional elder (3%), and the local authority (2%). Only 1% of respondents did not have a preference for reporting petty crimes (Fig. 11).

Consistent with the overall results, the majority of both genders identified the police as the entity to which they would prefer to report petty crimes (91% of females and 89% of males). (Fig. 12.)

When respondents were asked about their reporting preference for serious crimes, the police still ranked highest, with 95% of the respondents stating that they would utilise police services. Though marginal, similar proportions mentioned the courts and traditional elders (2% each), while the proportions who stated the local authority and those who did not indicate a preference tied at 1% each (Fig. 13).

This trend was unchanged when looking at the genders, with the police still the most preferred provider for both females and males (97% and 93% respectively). It is noteworthy that no women mentioned courts and the local authority among preferred options for reporting of serious crimes (Fig. 4).
The traditional elder who was interviewed as a key informant stated that the police are the ones who respond to violence and insecurities first and it is only after the police contains the situation that elders get involved in the conflict resolution process. A similar account was put forward by the youth discussants who stated that, “When it comes to security, the police is the first approached entity.”

Discussants among the governance providers’ group perceived that the police response to individual complainants depended on whether or not a payment was made to the police officers:

Only those who have money are served in terms of security. If someone commits crime or any other form of offence and the victim does not pay the police, there will not be any action against the offender but if the victim pays he or she will be served and the offender will be detained.

When asked about the police response, most of the participants levelled criticism at the police. Participants in various FGDs recounted an incident of robbery in the town where hooded men attacked one of the busiest stores in Borama, robbed it and walked away without being caught. Participants argued that the robbed store was located within a short distance from the central police station and yet the police failed to respond in time. Participants also cited at least three other incidents, including a car robbery and an attack on the police station, where police could not intercept.

When the police commissioner was asked about these incidents, he confirmed that the mentioned store is near the police station but stated that the police operation proved futile as the attackers were familiar with the town and easily escaped:

It is true [that] the store is just near us. We surrounded the place but the attackers were quite familiar with the place because they are from Borama. I personally led the operation, but unfortunately they escaped with a plate-less car and we could not trace them.

Most trusted security provider

The study continued to gauge respondents’ perceptions regarding the most trusted security providers. A broad majority (89%) identified the police as their most trusted provider for responding to crime and violence. Traditional elders were most trusted by 7% of respondents, while marginal proportions of 2% and 1% respectively selected the local authority and the courts (Fig. 15).

Figure 14: Reporting preference for serious crimes by gender

Figure 15: Respondents’ most trusted security provider for responding to crime and violence

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5 Traditional Elder, Key Informant Interview, 10th September, 2015
7 Governance Providers, Focus Group Discussion, 9th September, 2015
Both females and males (93% and 86% respectively) identified the police as their most trusted security provider when responding to crime and violence. Traditional elders ranked second among both genders (male: 7%, female: 6%). See figure 16.

Figure 16: Respondents’ most trusted security provider for responding to crime by gender

When asked to state reasons for their choice of most trusted security provider, fast response was the most frequently cited reason for the selection of the police (82%), while accessibility and respect were the main two reasons for the selection of the local council (67% and 33% respectively) and elders (36% and 55% respectively). Table 4.

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

<table>
<thead>
<tr>
<th>Reason for choice of most trusted security provider</th>
<th>Most trusted security provider in responding to crime and violence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Traditional Elder</td>
</tr>
<tr>
<td>Fast response</td>
<td>-</td>
</tr>
<tr>
<td>Unbiased enforcement</td>
<td>9%</td>
</tr>
<tr>
<td>They are respected</td>
<td>55%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>36%</td>
</tr>
<tr>
<td><strong>Base</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

The study further analysed respondents’ opinions of the police as a formal security provider. The quantitative findings showed that a little less than three-quarters (72%) of the respondents held a high degree of trust in the police (very high: 46%, fairly high: 26%). However, slightly more than one-quarter (27%) of the respondents had a low degree of trust in the police (very low: 14% and fairly low: 13%). See Figure 17.

3.1.3. Trust towards the Police

Figure 17: Respondents’ level of trust towards police in responding to crime and violence

Disaggregation of trust towards the police along gender lines indicated the majority of males and females indicated high levels of trust in the police; however, a greater proportion of females had high levels of trust than their male counterparts (77% versus 69%). See Fig. 18.

Figure 18: Respondents’ level of trust towards police in responding to crime by gender

As mentioned previously, some of the participants in the discussions purported that the police was susceptible to bribery. However, the police commissioner did not agree and argued that such
beliefs exist due to lack of understanding of the work of the police and are based on false perceptions:

For example someone will complain to you [police] and you go to address his complaint but the second part will accuse the police of bribery and that the first party bribed to police for the arrest of the second part [false perception]. There is a lack of understanding between the police and the community and mostly this misunderstanding is based on false perceptions and lack of awareness.\textsuperscript{11}

3.1.4. Police Performance

The majority of respondents (59%) perceived that there had been an improvement in police performance over the last twelve months. However, 18% believed that police performance had not changed at all, while 23% felt that there had been a decline in performance over this period (Figure 19).

When comparing the opinions of the change in police performance across different sub-divisions, it was noted that Sh. Ahmed Salan and Sh. Makahil were the two subdivisions that held the most favourable perception, with 64% and 67% of respondents respectively within these subdivisions stating that there had been an improvement over the past year. On the other hand, Sh. Osman, Sh. Makahil and Sh. Ali Jowhar were the three subdivisions that held the unfavourable perception towards police performance, with 31%, 22% and 21% of the respondents in these subdivisions respectively stating that police performance had decline (Fig.20).

Factors affecting police performance

Both the number and quality of police officers in the district were mentioned to be factors affecting police performance. Several group discussants spoke of the number of police officers who were unfit to undertake

\textsuperscript{11} Police Commissioner, KII, Op. cit.
daily police duties due to their advanced age, sickness and other factors: “

The number of police officers in the payroll could have provided security to the town but the effective ones are small. I believe that active police officers are not proportional to our needs.”

Worsening relations between the police and the community was also likely to affect police performance. The Police Commissioner believed that the relationship between the community and the police was at its lowest stage since Somaliland reclaimed independence. This was attributed to lack of awareness and politicisation of police duties. In some cases, community members were said to have interfered with police operations by obstructing the police from carrying out their duties:

There has been a change in police-community relations, previously, the community used to support the police in security provision and give them transportation if they [police] need it. But now this has changed, [the] community prevents police from arresting perceived culprits such as thieves or alcoholics. The police work is politicized and there is need for awareness.

13 Ibid
3.2. JUSTICE PROVIDERS

This section presents participants’ views and insights regarding the justice providers (both formal and informal) operating in the Borama district. The section attempts to provide an overview of the available justice providers, of their performance, and of the level of trust they enjoy. Finally, the section will encapsulate the challenges faced by the justice system.

3.2.1. Level of Deployment

The district court (Borama district), regional court and court of appeal all have a presence in Borama town. When respondents were asked about their awareness of the presence of courts, all respondents confirmed that they were aware of the court presence in the district.

Focus group discussants also spoke of the existence of three forms of justice providers, namely: (i) the formal courts; (ii) the religious leaders who base their judgments on Shari’ah law; and (iii) the traditional elders who rely on Somali customary law, known as Xeer. The elders and religious leaders constitute the informal justice system.

Further inquiry into the number of courts in the district suggested that more than six in ten respondents (65%) were aware of two courts, approximately two in ten (22%) were aware of one court, while the remaining (12%) said three courts (Fig. 22). The interviewed prosecutor confirmed the presence of three levels of courts: district and regional courts and court of appeal in the district.\(^{14}\)

These courts also serve the Salal region, one of the new regions created in 2008. The Salal region had only one district court, located in Zaila, the administrative capital of the region. However, in some cases, residents from other districts within the region, such as Abdulqadir and Lughaya, also used the district court in Borama due to its proximity to these areas. Discussing on this matter, the prosecutor stated that: “There is a lot of burden on the district [Borama courts]; Salal region does not have a prison neither a regional court.”\(^{15}\)

When surveyed respondents were asked to estimate the time it would take them to walk to the nearest court from their homes, 42% estimated that it would take between 20 and 40 minutes. Equal proportions of approximately one-quarter of the respondents (26% apiece) estimated that they were less than 20 minutes or between 41 minutes and 1 hour away, while 6% indicated that they would have to walk for over an hour (Fig. 23). Notwithstanding these estimates, large areas (both urban and rural areas outside Borama) including Salal region used the courts in Borama town for justice matters as confirmed by the prosecutor in his interview.

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\(^{14}\) Ibid

\(^{15}\) Prosecutor, Key Informant Interview, 12\(^{th}\) September 2015
The majority (more than 90%) of the respondents in each subdivision estimated that they were able to walk to the court within an hour. Sh. Osman and Sh. Makahil appeared to be in closest proximity to the courts, with 35% and 31% of the respondents in these subdivisions estimating that they could walk to the court in less than 20 minutes compared with 19% and 10% of respondents in Sh. Ahmed Salan and Sh. Ali Johar respectively. See figure 24.

Discussants supported the findings from the household survey, stating that the court was in fact the justice provider which was used most by residents in the urban areas of the town. Overall, it was felt that the informal traditional justice was the most widely used, mainly in rural and peri-urban areas: “There are three different justice systems in the country, the most used is the traditional one [elders] especially in the rural villages and residences.” The formal justice (court) was regarded as the second most used overall. As mentioned before, this form of justice provider was mainly used by those in the urban areas. Discussants also suggested that outside of the urban areas, there were certain groups who opted for the formal courts: “The second most used justice provider is the formal judiciary which is mostly used among those who live in the urban areas and the civilized people.” Shari’ah was mentioned to be the third most used mainly for family disputes: “The third most used justice provider is the religious leaders and the shari’ah principles which is used for the family disputes.”

3.2.2. Use of the Justice Providers

Approximately 17% of the respondents stated that they had used either formal or informal justice providers in the twelve months preceding the assessment. The formal court had been used by 12% of respondents, while 5% had used elders. None of the respondents reported that they had used religious leaders for matters of justice during this time (Fig. 25).

Discussants supported the findings from the household survey, stating that the court was in fact the justice provider which was used most by residents in the urban areas of the town. Overall, it was felt that the informal traditional justice was the most widely used, mainly in rural and peri-urban areas: “There are three different justice systems in the country, the most used is the traditional one [elders] especially in the rural villages and residences.” The formal justice (court) was regarded as the second most used overall. As mentioned before, this form of justice provider was mainly used by those in the urban areas. Discussants also suggested that outside of the urban areas, there were certain groups who opted for the formal courts: “The second most used justice provider is the formal judiciary which is mostly used among those who live in the urban areas and the civilized people.” Shari’ah was mentioned to be the third most used mainly for family disputes: “The third most used justice provider is the religious leaders and the shari’ah principles which is used for the family disputes.”

Figure 25: Usage of justice providers

Discussants supported the findings from the household survey, stating that the court was in fact the justice provider which was used most by residents in the urban areas of the town. Overall, it was felt that the informal traditional justice was the most widely used, mainly in rural and peri-urban areas: “There are three different justice systems in the country, the most used is the traditional one [elders] especially in the rural villages and residences.” The formal justice (court) was regarded as the second most used overall. As mentioned before, this form of justice provider was mainly used by those in the urban areas. Discussants also suggested that outside of the urban areas, there were certain groups who opted for the formal courts: “The second most used justice provider is the formal judiciary which is mostly used among those who live in the urban areas and the civilized people.” Shari’ah was mentioned to be the third most used mainly for family disputes: “The third most used justice provider is the religious leaders and the shari’ah principles which is used for the family disputes.”

Figure 23: Respondents’ estimation of the distance to the court

Figure 24: Respondents’ estimation to the distance of the court, by subdivision

16 Justice providers, Focus Group Discussion, 10th September, 2015
17 Ibid
18 Ibid
Of those used courts in the year leading to the assessment (n=19), the proportion of females slightly outnumbered males (13% vs. 11% respectively). On the other hand, those used traditional elders (n=9), the proportion of males was greater than the females (7% vs. 3% respectively), see figure 26.

The respondents were asked about the issues they took to the justice providers. The findings show that household violence, land and business disputes were the three cases that were most referred to traditional elders and court. Household violence comprised 56% of the cases brought to the elders, followed by land disputes and business disputes at similar proportions (22% each). On the other hand, land related disputes and household violence together topped the list of issues referred to the courts and each comprised 37% of the cases that were brought to the court. These were followed by business disputes, which made up 16% of the cases that respondents had brought to the court. Youth violence had also been referred to both the courts and traditional elders (11% each), while assault had been referred to the elders alone (Table 5).

Further inquiry was made regarding the issuance of judgments by the justice providers. Most of the respondents who had used the courts and elders stated that they had received a judgment (63% and 78% respectively). However, a greater proportion of respondents who had used the courts (37%) than those who had used traditional elders (22%) had not received a judgment (Fig. 27).

Elders were praised for their swift announcement of judgements: “Traditional elders announce judgements… [in] the formal justice [system], judgement is not announced, it is prolonged.”

This difference between the elders and courts in announcement of judgements was attributed to the respective procedures. Courts follow legal procedures and there is also inter-institutional dependency, unlike

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Table 5: Issues referred to justice providers

<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>37%</td>
<td>22%</td>
<td>-</td>
</tr>
<tr>
<td>Business dispute</td>
<td>16%</td>
<td>22%</td>
<td>-</td>
</tr>
<tr>
<td>Robbery</td>
<td>5%</td>
<td>11%</td>
<td>-</td>
</tr>
<tr>
<td>Youth violence</td>
<td>11%</td>
<td>11%</td>
<td>-</td>
</tr>
<tr>
<td>Household violence</td>
<td>37%</td>
<td>56%</td>
<td>-</td>
</tr>
<tr>
<td>Assault</td>
<td>-</td>
<td>11%</td>
<td>-</td>
</tr>
<tr>
<td><strong>Base</strong></td>
<td>19</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

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the elders who follow informal procedures and do not depend on other institution(s) but just use witnesses and swearing and then pronounce the judgement. According to the elder interviewed as a key informant:

"The formal [court] follows legal procedures and different levels but [in] the traditional [system], one of the disputing parties should bring a witness and the second should swear, that is why it takes [a] short [time] to finish cases in the traditional. With the government the person is remanded, then is prosecuted, he has the right to appeal and so on and this why cases linger."21

Lack of infrastructure, such as offices, and the case load were also said to be other factors which caused delays in announcement of judgements in the formal courts: "Regarding the protracted cases, there are no offices and courts rooms, all 15 judges should use one hall in turns, they are doing their best."

When respondents were asked if the judgements were enforced, all the respondents said elders’ judgements were enforced whereas 83% said court judgements were enforced and 17% stated lack of enforcement of court judgments (Fig. 28).

**Figure 28: Enforcement of judgments**

Group discussants expressed that court judgements face enforcement challenges, “The enforcement of the law is the main challenge.”23 Elders also believed, “The law enforcement forces are not active and the enforcement level is very low."24 The governance providers’ discussants believed that police (the enforcement authority) faced challenges such as logistical and financial support which hampered effective enforcement of judgements, “The police do not get the basic logistical and financial support, hence, does not have power to enforce law.”25

The police commissioner admitted that the police did not enforce some judgements, claiming that police investigation or knowledge was contradictory to the court verdicts or at times the part who lost the case might have developed the land. Therefore enforcement of such judgements could have caused confrontations, “It is true that there is lack of enforcement in some cases, other cases are enforced. Remember, there is faulty judgements which can cause problem if enforced."26 In such cases, the police sat with the courts, explained to them the consequences if the judgement were enforced and the need to mediate between the parties to reach an agreement, “We mostly sit with the courts and explain to them the consequences if this judgment is enforced and ask them to mediate the parties.”27 Governance providers’ discussants believed that court judgements could be faulty and that measures to address this should be considered before enforcement, “I believe that the orders of the court are not just. There is obvious partiality in court judgements. So before we talk about the enforcement stage, let us discuss the partiality and corruption within the courts.”28 The group spoke of lack of oversight and suggested a serious reform of the justice sector, “There is no correct oversight of the courts. Therefore the people are faced with consequences of unjust practices. I would propose that there should be a serious reform in the justice system.”29

### 3.2.3. Perception of the Justice Providers

An inquiry was made to gauge respondents’ trust in the different justice providers. Respondents were asked to identify the entity that they trust most for matters of justice. Equal proportions of respondents identified the

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27 Ibid
29 Ibid
courts and elders as the entity that they trust most (46% each), while 5% stated religious leaders (Fig. 29).

Figure 29: Respondents’ choice of must trusted justice provider

Qualitative findings suggested varied perceptions of the justice providers. Discussants among the youth believed that, “Traditional elders are the most trusted entity in resolving disputes because their justice provision is both time and cost efficient.”

Women, on the other hand, critiqued elders for their interference with Gender Based Violence (GBV) and releasing offenders from the law enforcement, “…elders agreed to release the perpetrator [from law enforcement] while the victim was in agony. This makes me strongly trust the courts more than elders.”

When data was disaggregated by gender, findings showed that gender influenced trust in justice providers; slightly over one-half (53%) of the female respondents trusted the courts most compared to 41% of the males. In contrast, one half (50%) of the male respondents trusted traditional elders most compared to 41% of the females (Fig. 30).

Table 6 shows the reasons for respondents’ choice of their most trusted justice provider: Fast decision (47%), accessibility (20%) and fair judgement (16%) were the three most cited reasons for choice of the courts. In the case of the traditional elders, higher reliability (28%), cost (25%) and accessibility (20%) were the reasons reported for trust in them ahead of other entities. Selection of religious leaders as the most trusted justice provider was mainly based on fair judgement (67%), cost (22%) and independence from politics (11%). See table 6.

Table 6: Reasons for trust of justice providers

<table>
<thead>
<tr>
<th>Reason for trust of justice provider</th>
<th>Most trusted justice provider in solving cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Court</td>
</tr>
<tr>
<td>Fast decisions</td>
<td>47%</td>
</tr>
<tr>
<td>Fair judgment</td>
<td>16%</td>
</tr>
<tr>
<td>Independence from politics</td>
<td>3%</td>
</tr>
<tr>
<td>Less costly</td>
<td>5%</td>
</tr>
<tr>
<td>Ease of access</td>
<td>20%</td>
</tr>
<tr>
<td>More reliable</td>
<td>7%</td>
</tr>
<tr>
<td>Enforcements</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Base</strong></td>
<td><strong>76</strong></td>
</tr>
</tbody>
</table>

These factors also influenced the choice of the provider to use for justice matters. Discussants argued that

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elders were used owing to the fact that it took them less time to hand down judgements:

*The procedure is much easier in the cases they [traditional elders] resolve while it is little more complicated in the formal courts than in the informal mechanisms.*

Elders FGD participants argued that the community's respect for and trust in the elders helps with the enforcement of verdicts handed down by them.

### 3.2.4. Trust in the Formal Justice System

Approximately two-thirds (66%) of the respondents expressed some degree of confidence in the formal justice system, with 27% stating that they were very confident and 39% fairly confident. However, nearly one-third (32%) of the respondents were not confident in the formal justice system and 2% did not give a definitive response when asked about their level of confidence in the formal justice system (Fig. 31).

![Figure 31: Respondents’ level of confidence in the formal justice system](image)

When confidence in the formal justice system was disaggregated by gender, females were noted to have indicated higher levels of confidence in the formal justice system. Seven-in-ten female respondents expressed fairly or very high levels confidence in the formal justice system against six-in-ten of the male respondents (female: 73%, male: 60%). On the other hand, a greater proportion of males stated outright that they were not confident in the formal justice system (37% of males compared with 26% of the female respondents). (See Fig. 32.)

![Figure 32: Respondents’ level of confidence in the formal justice system by gender](image)

### 3.2.5. Performance of the Court

When respondents’ perception of the performance of the courts (in the 12-months preceding the assessment) was gauged, the findings showed that similar proportions perceived that there had been an improvement in performance and that there had been no change (Improved: 41% vs. No change: 38%). Furthermore, 16% believed that courts’ performance had declined and 4% expressed no opinion (Fig. 33).

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When respondents’ perception of the change in the performance of the courts was disaggregated by gender, slight differences were observed in the opinions of both genders. Collectively more than one-half of the male respondents (57%) felt that there had been no change or that there had been a decline in the court’s performance (40% and 17% respectively) during this time, compared with approximately one-half of female respondents who held similar views (35% and 14% of females respectively felt that there had been no change or that there had been a decline in performance). In contrast, approximately 44% of males compared with 39% of females felt that there had been an improvement in the court’s performance over the past year (Fig. 34).

Factors affecting the performance of the Court

A myriad of challenges faced the courts including poor infrastructure and work overload which both had adverse effects (such as delays) on the courts’ performance. According to the prosecutor, “Delays in court judgements could be procedural but also could be related to poor infrastructure, for example, the 15 judges in the regional court use one trial room in
Furthermore, the prosecutor reiterated that, “The courts [regional and appeal] serve for two regions [Awdal and Sool] and this gives them [an increased] workload, [which] therefore [results in the] delay of cases.”

3.3. GOVERNANCE PROVIDERS

This section aims at assessing the awareness, performance, participation and perception of the local council. Furthermore, the section will highlight challenges facing the Local Council in general.

3.3.1. Level of Deployment

Borama is a grade-A district and as such has 21 elected councillors. Nearly all (99%) of the survey respondents included in the assessment reported being aware of the presence of the Local Council in the district (Fig. 36).

Figure 36: Respondents’ awareness of Local Council

The Governance Providers’ FGD participants confirmed that sanitation and hygiene, education and maintenance of the roads are among the services provided by the local council. According to the governance providers’ group, they place great emphasis on such basic service deliveries, along with paying the salaries of school cleaners and watchmen. However, participants were also aware that they are not executing their responsibilities sufficiently:

As the local council, we are responsible [for delivering basic services], but we still do not do that. It appears that the local government is not fulfilling its own responsibilities and therefore, NGOs and other international organisations tend to fill the gap in some instances because local public intuitions lack capacity to provide services in full.

Group discussants mentioned that certain services were being privatised, and being delivered with varied outcomes. However, youth participants, went as far as

stating that the local government “…used to collect garbage from the district but this was privatised a while ago. Now they do not do anything.”37 The situation with the district’s water supply was said to be similar. Traditional elders and religious leaders’ FGD participants presented the notion that services provided by private providers were now more highly regarded:

Services provided by the government are supposed to be higher quality than that of the private entities, but the case is reversed. This has made people trust the private service providers more than that public ones.38

According to governance providers’ FGD participants, the local government had been delegating certain services to private companies, such as Shampoo, in an act dubbed 3P (Public Private Partnership):

This is a collaboration between the community and local government. Shampoo is one of the more successful companies and the reason why we [local government] contracted them (is) so that they cover the waste collection need but the quality is still relatively low as they do not have enough resources to cover the whole district.39

However, lack of sufficient resources and shortage of funding restricted service delivery as the district’s only source of revenue is through tax collection. The Governance Providers’ FGD participants pointed out that this issue was compounded by the fact that, due to centralisation, revenue collected from the district did not always go directly to the area:

Ministry of Finance, for instance, takes revenue such as those collected from sales tax, that should have stayed in the district and [this] instead ends up in national coffers.40

3.3.3. Challenges facing the Community

When asked to identify what they regarded as the most pressing needs in their community, the need for infrastructure was mentioned by a strong majority, representing 85% of respondents, although this is the service that was most readily associated with the local administration (see Fig. 37 above). Most respondents (64%) also mentioned the need for improved sanitation services. The unavailability of good quality health centres was mentioned by three in every ten (33%) of respondents, followed by unemployment, mentioned by two in every ten (21%) of respondents. Poor health was cited by 17% of the sample. The need for a stronger economy and better quality education were each also mentioned by one in every ten (10%) respondents, see Figure 38.

Figure 38: Pressing Community Needs

<table>
<thead>
<tr>
<th>Issue</th>
<th>% of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of infrastructure</td>
<td>86%</td>
</tr>
<tr>
<td>Poor sanitation</td>
<td>64%</td>
</tr>
<tr>
<td>Bed health centres</td>
<td>33%</td>
</tr>
<tr>
<td>Unemployment</td>
<td>21%</td>
</tr>
<tr>
<td>Poor health</td>
<td>17%</td>
</tr>
<tr>
<td>Poor economy</td>
<td>10%</td>
</tr>
<tr>
<td>Poor education</td>
<td>10%</td>
</tr>
<tr>
<td>Lack of water</td>
<td>8%</td>
</tr>
<tr>
<td>Insecurity</td>
<td>8%</td>
</tr>
<tr>
<td>Shortage of electricity supply</td>
<td>5%</td>
</tr>
<tr>
<td>Other</td>
<td>5%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5%</td>
</tr>
</tbody>
</table>

Group discussants spoke of numerous basic needs, including employment and water, as pressing needs in their community. Some participants stated that the lack of accountability by the local council in the district negatively impacted its role in service delivery:

There is no punishment and reward policy in Somaliland. For example, if an official gets involved in corruption, he or she will not be fired or even held accountable and the case was different in the previous Somali government. Since officials know that they will not be answerable to their superiors they will do whatever they like, which contributes to the poor service provision by the local government.41

Unemployment

Although unemployment featured fourth in the quantitative responses, it ranked as the most pressing

40 Ibid
need among participants in the youth, traditional elders’ and religious leaders’ FGDs in which participants argued that the public sector should have been a leader in providing gainful employment for graduates. According to the youth group participants, Somaliland was experiencing a “graduate crisis” because:

There is no public policy regarding the students who graduate from schools and universities - How many of them should work where? And how many should go for vocational training? How many of them should get the chance to receive further training? Unemployment is at its highest level. The government should look deeply at these issues to achieve development. At the moment, students not contributing to their families’ expenses causes great strain and, as their productivity is not utilised, this affects the national public interest.\(^{42}\)

Furthermore, job opportunities are further impacted by nepotism, where any job opening is by word of mouth and those known to the hiring manager are often recruited. According to governance providers’ FGD, “Functioning Ministries are very few, such as health, planning and education departments, therefore job vacancies are few to begin with, and those few chances are not fairly divided among Somalilanders.”\(^{43}\)

Lack of jobs locally has been cited as one of the main reasons for youth conflict and emigration from the district to cities such as Hargeisa or embarking on treacherous journeys abroad.\(^{44}\)

Water

Instead of shortage of water due to drought and the environment as is the case for most of Somaliland, in Borama misuse of water and poor management of resources was mentioned by governance providers:

The district is becoming larger and there are new buildings and they need water installation so the district needs to explore more wells, and soil that is used for building works is being removed from water source areas, causing soil degradation.\(^{45}\)

3.3.4. Channels of Communication

Further enquiry was made among those who aware of the presence of the Local Council regarding their awareness of the channels of communication between the community and the local government. Despite awareness of the presence of the Local Council being nearly universal among those involved in the assessment, knowledge of the mechanisms of communication between the local administration and the population were remarkably low. A solid majority (72%) of respondents claimed they were unaware of such channels, whereas only a quarter (25%) of respondents stated they were familiar with them. A minority (3%) of respondents did not know (Fig. 39).

Figure 39: Respondents’ awareness of channels of communication

There were similar levels of awareness of communication channels with the local council among males and females, with 27% of female respondents and


\(^{43}\) Governance providers, FGD, Op. cit.

\(^{44}\) Ibid

\(^{45}\) Ibid
23% of males reporting that they were aware of existing channels of communication.

**Figure 40:** Respondents’ awareness of channels of communication, by gender

Variations emerged following the disaggregation of data according to respondents’ subdivision of residence. Respondents from Sh. Osman and Sh. Ahmed Salan were the ones to show highest awareness, with three in every ten (31% and 30% respectively) reporting their knowledge of the channels of communication in place between the local administration and the population. Respondents from Sh. Ali Johar and Sh. Makahil followed, with 22% and 16% of the respective samples (Fig. 41).

**Figure 41:** Respondents’ awareness of channels of communication, by subdivision

Of the total sample, only 3% of respondents reported that they had participated in consultative meetings between the local government and the community within the 12-month period leading up to the assessment (Fig. 42).

**Figure 42:** Respondents’ participation in local governance consultations (last 12 months)

Looking at subdivisions, only residents from Sh. Makahil had not participated in local government consultations in the last 12 months, whereas the highest participation (9%) was recorded from those residing in Sh. Ahmed Salan (Fig. 43).

**Figure 43:** Respondents’ participation in local governance consultations (last 12 months), by subdivision
Approximately 6% of women compared with 1% of men reported that they had participated in local government consultations in the past twelve months, see Figure 44.

Figure 44: Respondents’ participation in local governance consultations (last 12 months), by gender

Among those who had participated in consultations over the past year, three quarters (75%) reported having participated in a single consultation, whereas the remaining quarter (25%) claimed they had attended two, as shown in Figure 45).

Figure 45: Frequency of participation in consultations

Among those who had participated in consultations over the past year, three quarters (75%) reported having participated in a single consultation, whereas the remaining quarter (25%) claimed they had attended two, as shown in Figure 45.

Figure 45: Frequency of participation in consultations

The disaggregation of data along gender lines highlights that the majority of both male and female participants regarded the election of representatives as important (85% and 80% respectively). However, twice the proportion of females than that of males stated outright that they did not believe it was important to have elected officials (20% of females compared with 10% of males). See Fig. 47.

Figure 47: Respondents’ perception towards elected representatives, by gender

3.3.5. Importance of Elected Representatives

When survey respondents were asked whether they regarded having elected representatives in the local council as important, the majority (83%) responded they did. Only 3% of the sample did not provide an opinion on the issue, whereas more than one in every ten (14%) respondents stated they regarded the election of representatives as unimportant (Fig. 46).

Figure 46: Respondents’ opinions regarding the importance of elected representatives

The disaggregation of data along gender lines highlights that the majority of both male and female participants regarded the election of representatives as important (85% and 80% respectively). However, twice the proportion of females than that of males stated outright that they did not believe it was important to have elected officials (20% of females compared with 10% of males). See Fig. 47.
Responses were similar across the various subdivisions, with majority of the sample in each subdivision stating that it was important to have elected representatives (Fig. 48).

Figure 48: Respondents’ perception towards elected representatives, by subdivision

Group discussants expressed varied views towards the election of the local councillors. However, many of them argued that the previous system of nominating local officials was preferable:

Holding the Mayor accountable for his actions and shortcomings was a lot better in the previous time as we could raise our issues to the ministry of interior; but now, the situation is more complicated than before because there is no specific person to report our complaint to.  

There was speculation about the reasons elected representatives were not outperforming their predecessors. The majority of FGD participants expressed that experience was preferable to younger officials:

Age is very important, they [elected representatives] should be selected according to age, the older the better, for example previous administrations comprised of old people and their conflicts were limited, but now their disputes are for all to see and hear of.  

Members of the youth FGD also supported this notion. According to participants in the Youth FGD, under this new electoral system “…young people are elected and the situation has deteriorated. But in general, I would suggest the new system would be better only if experienced people are elected for the post of the Mayor.”

Furthermore, discussants also felt that the elections endorse inequality among society in the area where unqualified persons were elected and qualified people lost elections due to corruption and clan interests. Once representatives were elected, they were still under the influence of their clansmen who had voted for them and therefore unable to exercise total autonomy from their clans:

The election system has been very risky because it causes rivalry between the clans and sub clans and after the election, each councillor has to listen to his sub clan and therefore the councillors will block all matters that they perceive goes against the interest of their constituents. There are political parties [but clan loyalty surpasses loyalty to political party] but the election should be based on skill rather than serving clan interest.

Discussants from the governance providers’ group believed that the nomination system was more preferable due to the perception that members were held more accountable than under the current election system. However they also laid part of the blame for the occurrence of corruption and inefficiency of local government on the local community:

The level of awareness among the community is low and that is why there is corruption and lack of accountability in the election system. Since the community leaders select their prospective council member, they should hold them accountable for their actions.

Also, poor visibility of government departments within the district has caused frustration and discord between elected representatives and their constituents. In fact,

49 Religious Leader, Key Informant Interview, 10th September 2015
several FGDs expressed their criticism of the concentration of main government offices in the capital:

...the government should expand the governance and institutions in the different districts and regions instead of just proposing elections of local council members. The ministries do not exist in Borama so how can we expect to receive any service if there is limited government presence in our district.\(^{51}\)

### 3.3.6. Confidence in the Local Council

Survey participants were also asked to state the level of confidence that they held in the local council. Nearly one-half (49%) of the sample expressed positive feelings, with 15% of respondents claiming that they held ‘very high’ confidence in the council and 34% reporting a ‘fairly high’ level of confidence. However, a similar proportion of respondents (48%) also expressed low levels of confidence, including 27% and 21% who claimed that they held ‘fairly low’ and ‘very low’ levels of confidence. A minority (3%) did not know how to respond to the question (Fig. 49).

Figure 49: Respondents’ level of confidence in the local council

Some variation emerged when organising data according to respondents’ gender. Collectively, female respondents reported higher levels of confidence in the local council than their male counterparts. Approximately 60% of females compared with 41% of males reported very high or fairly high levels of confidence. Conversely, males indicated lower levels of confidence than females - 60% of males compared with 36% of females stated that they had fairly low or very low levels of confidence in the local council (Fig. 50).

Figure 50: Respondents’ level of confidence in the local council by gender

### 3.3.7. Performance of the Local Council

When asked about variations in the performance of the local council over the previous year, almost one-half (46%) of respondents reported that there had been an improvement. Three in every ten (30%) respondents claimed there had been no change, whereas a minority of participants, amounting to 14% of respondents, claimed that the council’s performance had declined over the year prior to the assessment. One in every ten (10%) respondents did not know how to assess the changes in the council’s performance over the previous year (Fig. 51).

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The disaggregation of data along gender lines highlights that female respondents had a more favourable perception of the council’s performance over the past year, with 51% of females compared with 41% of males stating that the council’s performance had improved. On the hand, a greater proportion of male respondents felt that the performance of the council had remained the same or declined during this time (57% males compared with 45% females). (Fig. 52.)

Substantial differences emerged following the organisation of data according to respondents’ subdivision. Respondents in Sh. Osman held the most favourable perception of the change in the council’s performance over the past year, with more than one half (57%) of the respondents from that subdivision reporting that there had been an improvement in the council’s performance during this time. Less than one-half of the respondents in each of the other subdivisions shared this perception, with 47% of respondents in Sh. Ali Johar along with 39% and 37% of respondents in the respective subdivisions of Sh. Ahmed Salan and Sh. Makahil also reporting an improvement. However, despite the favourable opinion which was held by the majority, more than one-quarter of respondents (24%) from Sh. Makahil, followed by 24% from Sh. Osman felt that there had been a decline in the council’s performance, while 18% of respondents from Sh. Ahmed Salan and 16% of respondents from Sh. Ali Johar also felt that there had been a decline over this period. (Fig. 53.)
4. CONFLICT AND VIOLENCE

4.1. Experience of Conflict and Violence

Respondents who reported awareness of clan or group conflict taking place over the 12-month period preceding the assessment made up 24% (n=39) of the sample. The vast majority (76%) of respondents, however, were not aware of any conflict of the kind having taken place, as shown in Figure 54.

Figure 54: Awareness of conflict between clans or groups

Awareness of conflict was higher among men than among women, with 29% of the male respondents confirming they were aware of recent conflict, as opposed to 17% of the participating females (Fig. 55).

Some variation also emerged when organising data according to respondents’ subdivisions of residence. Respondents who reported being aware of group or clan conflict were most prominent in the Sh. Osman subdivision, amounting to one in every three residents (29%) within that subdivision. Approximately one-quarter of the respondents from Sh. Makahil (24%), followed by 21% of respondents from Sh. Ahmed Salan (and 18% of respondents from Sh. Ali Johar also reported their awareness of recent group or clan conflict taking place, see Fig. 56.

Participants in the women’s FGD reported their awareness of clan or group conflict having taken place over the year preceding the assessment. They mentioned that disputes over farming land sometimes gave way to clan conflicts “conflicts like farms gets back to the clans”.

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Most of those who confirmed being aware of recent conflict were also direct witnesses, with one in five respondents stating that they had witnessed conflict in the past twelve months (20%). See Fig. 57.

Among the various subdivisions, experience with conflict was highest among residents of the Sh. Osman, followed by the Sh. Makahil and Sh. Ahmed Salan subdivisions, where (24%, 20% and 18% respectively) of the relevant samples had been a direct witness of clan or group conflict. A smaller portion amounting to 12% of the relevant population from Sh. Ali Johar also reported observing conflict, as illustrated in Figure 59.

Following the disaggregation of data along gender lines, findings show that when compared with the accounts given by their female counterparts, more than twice the proportion of males had witnessed conflict during the past year, with approximately 26% of men reporting that they had witnessed conflict compared with 11% of women (Fig. 58).
Furthermore, of the respondents who had reported observing conflict, one third (38%) had witnessed two conflicts, and 22% reported observing a single conflict. Nearly two in every ten (19%) reported witnessing three conflicts in the previous year, whereas a minor portion (9% each) of the sample reported four and five recent conflicts (Fig. 60).

Of those respondents that had witnessed conflicts, approximately 6% reported at least one incident that led to a death and roughly 3% of the sample reported two deaths occurring (Fig. 61).

4.2. Dynamics of Conflict and Violence

Survey respondents identified a variety of triggers for the recent conflicts that they had witnessed. Youth violence was the most frequently mentioned factor that had led to conflict, brought up by 81% of the relevant respondents. It was followed by competition over resources (28%), crime (25%), and family disputes (13%). See Fig. 62. In line with the quantitative findings, participants in focus group discussions also regarded resource related disputes\(^{53}\) and youths dissatisfied with the status quo (unemployment and lack of recreational facilities), as factors which contributed to conflict in the area. The supposed bribery of public employees and tribal dynamics leading to clan nepotism were mentioned as additional reasons for the proliferation of violence and conflict. A Key Religious Leader also mentioned widespread unemployment, particularly among the youth, as another relevant cause.\(^{54}\)

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Resource related disputes

Competition over resources, sometimes referred to as “Ku qabso ku qadimaysid” (stake claim on something you will get something out of that action) was identified by group discussants as the main cause of conflict and violence in the area.\textsuperscript{55} According to discussants, disputes over land were the most prominent, and could concern both agricultural and urban land. Since the collapse of the strong central government that existed prior to the civil war, there were incidents of individuals closing off large portions of land as mentioned by participants in the governance providers’ group: “We sometimes see people claiming more than 5 kilometres of land, which cannot legally be owned by one person.”\textsuperscript{56}

Moreover, disputes in urban areas could arise from the issuance of conflicting proof of ownership to different parties, whereby the local government either due to poor land management system, or due to negligence/corruption were willing to provide duplicate ownership papers to whomever paid them. Even land previously designated as roads has been encroached upon and access to different land is sometimes difficult due to such blockages.\textsuperscript{57}

Opposition related conflicts

The majority of FGD and KII participants referred to armed opposition that had begun to gain force within Borama as instigators of minor acts of violence. The main cause of the conflict from such militias was cited as unequal sharing of power and resources. Although these concerns were said to be real, participants suggested that they would like to see a peaceful solution rather than change through force.\textsuperscript{58} According to a key religious leader:

This group claims that Somaliland is based on clan system and their clan is marginalised and is under embargo. They perceive that they are not allowed to construct their port or improve their economy. They also perceive that all revenue sources are collected by the central clan and they are deprived of opportunities to engage in revenue generating ventures. They feel that they are despised and hence want to fight for their rights.\textsuperscript{59}

Youth conflicts

Participants mentioned that there was “graduate crisis” in the region of Awdal, due to the high numbers of university graduates and the limited employment opportunities available to them in the region, influencing them to either leave the region to gain employment or to end up in gangs that cause upheaval in the district, impacting on the lives of the rest of the community (through muggings of ordinary citizens, and fights between different gangs after football matches etc.).\textsuperscript{60} According to the women’s group FGD participants:

This year there were 960 graduates from universities. Most of them do not have a job or something else to do, so we need job creation so that these generations are not wasted. The children will migrate if they do not gain a job after they graduate, and it will be the women or mothers who will be most upset.

\textsuperscript{56} Ibid
\textsuperscript{57} Ibid
\textsuperscript{58} Traditional Elder, KII, Op. cit.
\textsuperscript{60} Youth, FGD, Op. cit.
In addition, participants further expressed the notion that youths who not only lack meaningful hobbies or work to keep them occupied can become troublesome. Furthermore, FGD participants also suggested there has been a negative shift since the civil war, whereby large numbers of mothers have been forced to work outside the home in order to provide for their families and were no longer present to discipline their children.61

When further enquiry was made as to how many of the sample had witnessed conflicts outside of their homestead, one in every ten (12%) respondents answered in the positive, (Fig. 63).

Some differences also emerged when organising data according to respondents’ subdivision. Residents of the Sh. Ali Johar and Sh. Osman subdivisions featured the highest proportion (18 and 16% respectively) of respondents claiming they had witnessed crime or violence against someone outside their homestead, followed by respondents from Sh. Ahmed Salan (12%) and least at Sh. Makahil with 4% of respondents, (Fig. 65).

The disaggregation of data along gender lines highlights that men were more likely than women to have witnessed crime or violence against someone outside the homestead. Whereas almost two in every ten (15%) male respondents confirmed witnessing such events, only 9% of the female sample did so, as illustrated in Figure 64.

4.3. Perception of Safety

The majority (83%) of the sampled respondents described their district as being 'very safe'. An additional 13% considered the district to be 'rather safe', resulting in a vast majority of the respondents (96%) expressing overall positive feelings towards the level of safety that they experienced. On the other hand, a small portion, representing 4% of the respondents described the district as 'rather unsafe' or 'very unsafe' (Fig. 66).

When asked about the evolution of the condition of safety over time, more than two-thirds (68%) of the respondents claimed that they had detected an improvement over the year prior to the assessment, whereas 23% of the sample stated they perceived no change, and one in ten (9%) respondents claimed that the conditions had, in their opinion, recently deteriorated (Fig. 68).

The disaggregation of data along gender lines reveals very marginal differences in the perception of safety of women and men in the district, as shown in Figure 67.

The disaggregation of data along gender lines revealed that the majority of both men and women perceived that there had been an improvement in the level of safety in the area over the past year. A little less than three-quarters (72%) of the male respondents felt that there had been an improvement in safety in the area, while 63% of female respondents shared this opinion (Fig. 69).
Disaggregation of data according to subdivisions revealed that reports of an improvement in safety in the past year was highest among residents from Sh. Makahil and Sh. Osman (76% and 71% respectively). Only 6% of the respondents from each of these two subdivisions felt that safety in the area had declined over the past year compared with 12% in each of the subdivisions of Sh. Ahmed Salan and Sh. Ali Johar (Fig. 70).
5. CONCLUSION

Borama is the administrative capital of the Awdal region in Somaliland. There are established formal systems, such as police, court(s), and local council with an elected mayor, providing basic services. Furthermore, there are informal providers such as traditional elders and religious leaders that are also utilised by the local community. Although an overwhelming majority (99%) of respondents were aware of the local council, its inability to meet the public’s expectations of services such as sanitation, well-kept infrastructure and adequate healthcare, along with strong government institutions, had led to a negative perception. Furthermore, reports of rampant corruption, lack of accountability for officials and nepotism has led to many participants to prefer the previous nomination rather than the current electoral system of representatives.

All respondents were aware of the formal court in the district. Three courts were present in the district, the district and regional courts as well as the court of appeal. The formal court, followed by the elders, was the entity that was most utilised by respondents in the household survey for matters of justice over the past year. However, FGD participants reported that traditional elders were most preferred and this was partly to do with the perception that informal providers issued sentences swiftly and managed to enforce it, unlike the formal justice system, which needed to go through a prolonged process. Moreover, other factors that reduced the public’s trust in the formal justice system was the perception that bribery was prevalent and also that the system was understaffed, making it very difficult to deal with their heavy workload. However, focus group participants opined that Gender Based Violence and rape cases were best dealt with by the formal courts as their track record was better than the traditional elders who were more concerned with maintaining clan relations than seeking justice for the victim.

Security in the district is delivered by a combination of the police, of whom entire survey sample was aware, and traditional elders. Whilst there were only two police stations in the district and respondents pointed to shortage of officers, facilities, and criticised the quality of their work, the police remained most trusted provider for civil, petty and serious crimes. Furthermore the police was the entity which initially responded to security matters, while elders stepped in afterwards and often worked alongside the police. Despite the denial of the police commissioner, respondents reported concern over having to provide payment to the police in order to receive their assistance. This could explain the worsening police-community relations, although the police commissioner pointed to the public’s lack of awareness as to what the police’s duties were.

Although respondents generally perceived the district as being safe in recent times, there were certain issues that were likely to cause disputes; such as resources, in particular land (both urban and farming) and youth related disputes, which sometimes turned violent. Participants in the discussions perceived elders to be more efficient than the local government in resolving land related matters, as they accused the local government of being the original cause of these disputes by issuing duplicate land registers. Despite concerns over matters pertaining to insecurity, a majority of respondents also felt that safety had improved compared with the last reporting period.
### 6. ANNEXES

#### 6.1. Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<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 one's constitutional and personal rights are breached.</td>
</tr>
<tr>
<td>Clan</td>
<td>The clan is a system characterised by a chain of paternal ancestors reaching back to a perceived founding ancestor whose name all members of the clan share for identity.</td>
</tr>
<tr>
<td>Conflict</td>
<td>State of disharmony between incompatible persons, ideas, or interests.</td>
</tr>
<tr>
<td>Criminal case</td>
<td>An action, suit, or cause instituted to punish an infraction of the criminal laws of a country.</td>
</tr>
<tr>
<td>District Safety Committee</td>
<td>A representative body comprised of a broad cross section of civil society that acts in an advisory capacity to the local government in issues of community security and safety.</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Relates to the implementation of orders, decisions and settlements emerging from formal or informal adjudication. Enforcement bodies include police and prisons, and administrative bodies in particular cases. Traditional systems may also have specific mechanisms of enforcement. Enforcement systems are the key to ensuring accountability and minimise impunity, thus preventing further injustices.</td>
</tr>
<tr>
<td>Formal Justice System</td>
<td>A codified system of laws and court proceedings enforced by recognised actors of lawyers, police and justice officials. The formal justice system involves civil and criminal justice and includes formal state-based justice institutions and procedures, such as police, prosecution, courts (religious and secular) and custodial measures.</td>
</tr>
<tr>
<td>Gender</td>
<td>&quot;Gender&quot; refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.</td>
</tr>
<tr>
<td>Governance provider</td>
<td>Formal institutions or individuals that act, process, or possess the authority of governing.</td>
</tr>
<tr>
<td>Informal Justice System</td>
<td>Dispute resolution mechanisms falling outside the scope of the formal justice system. The term informal justice system is used here to draw a distinction between state-administered formal justice systems and non-state administered informal justice systems.</td>
</tr>
<tr>
<td>Justice Provider</td>
<td>Formal or Informal Institutions or individuals that are responsible to provide fair and equitable treatment of all individuals under the law (customary, formal or Shari'ah).</td>
</tr>
<tr>
<td>Justice System</td>
<td>Includes formal justice institutions and procedures, such as police, prosecution, courts and prisons, as well as Alternative Dispute Resolution (ADR), and other informal and traditional systems (e.g. a council of elders). The justice system includes coordination and other arrangements among its different components that influence overall outcomes on access to justice.</td>
</tr>
<tr>
<td>Land/water disputes</td>
<td>A state of debate or quarrel between/among persons, groups or communities over the property, the use, etc. of plots or 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 (Shari'ah), that employs mediation and negotiation through the use of traditional elders.</td>
</tr>
<tr>
<td>Youth</td>
<td>Men and Women between the age of 15 and 30.</td>
</tr>
</tbody>
</table>
BORAMA DISTRICT CONFLICT AND SECURITY ASSESSMENT REPORT

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