

Report

**Conflict, security and clan protection
in South Somalia**



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Report: Conflict, security and clan protection in South Somalia

SUMMARY

Despite progress at the political level, the general security situation in Somalia remains volatile. In mid-September 2008, it was estimated that about 8 000 Somalis had been killed as a result of the conflict since the beginning of 2007. Civilians are caught in the crossfire between the insurgents and the Ethiopian-backed Transitional Federal Government forces.

The absence of Transitional Federal Government control in most areas has permitted banditry and criminality to thrive. While the Somali people continue to face persistent drought and conflict, the global economic crisis during the last year has exacerbated their distress. The unprecedented increase in global food and fuel prices has contributed to an alarming rise in prices in Somalia. According to the UN 1, 3 million Somalis are internally displaced, and more than three million are in need of humanitarian assistance.

SAMMENDRAG

På tross av visse politiske fremskritt og dialog mellom overgangsmyndigheter og moderate opposisjonskrefter, er sikkerhetssituasjonen i store deler av Somalia vanskelig. I midten av september 2008 anslo man at minst 8 000 somaliere hadde mistet livet som følge av konflikten siden begynnelsen av 2007. Mange av ofrene er sivile. Sivilbefolkningen er i klemme mellom etiopiske styrker og overgangsregjeringen på den ene siden og opprørere på den andre. Dårlig sikkerhet, tørke, kraftig økte matvarepriser og devaluering av valutaen, har forverret den humanitære situasjonen i store deler av landet. Ifølge FN er 1,3 millioner somaliere internt fordrevne. Man regner dessuten med at mer enn tre millioner mennesker har behov for matvarehjelp. Det er sammenfallet av flere ulike forhold som ifølge FN og andre sentrale observatører har resultert i en sikkerhetsmessig og humanitær situasjon som er den verste på en årrekke.

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1. INTRODUCTION

This report focuses on the security situation in South Somalia, with a main emphasis on the situation in Mogadishu. The report also describes conflict negotiations and clan protection in the current situation.

In order to give a balanced and representative outline of the relevant problems, the background material for the report has been taken from various types of sources. The report is partly based on publicly available information in the form of written publications and web-based publications, and partly on interviews with representatives for international and local (Somali) organisations, various UN organizations and Somali resources gathered during a fact-finding mission to Nairobi in June 2008. However, it only covers the period until November 2008. During January 2009 the Ethiopian armed forces withdrew from Somalia. On 31 January Sheikh Sharif Sheikh Ahmed was elected as the new Somali president, raising hopes that a way can be found out of the conflict that has torn Somalia for 18 years. Sheikh Sharif Sheikh Ahmed is a moderate Islamist who was one of the leaders of the Union of Islamic Courts (UIC) that controlled Mogadishu and large parts of Southern Somalia during parts of 2006, before being ousted by the Ethiopian military invasion in December 2006.

All of our interlocutors were informed that the information would be published. The majority gave their consent, but many did not wish to be mentioned by name or function. They agreed to be referred to anonymously, either as a local source/organisation or international organisation. In order to avoid recognition, they have also been omitted from the reference list.

Landinfo would like to thank Dag Petterson, the foreign attaché, and the staff at the Norwegian Embassy in Nairobi for their invaluable help in identifying suitable interview subjects and in organising the interviews held in Nairobi and Mombasa in June 2008.

1.1 BACKGROUND

The agreement that was drawn up between the Somali transitional government (TFG) and the Islamist-dominated umbrella organisation for Somali opposition groups ARS (Alliance for the Reliberation of Somalia) on 9 June 2008 in Djibouti was signed on 19 August. The cease-fire agreement agreed by the parties on 26 October was intended to come into force on 5 November. The agreement also entails Ethiopia initiating the withdrawal of its forces from the capital of Mogadishu and the city of Beled Weyne in the Bay region by 21 November. The parties further agreed to form a coalition government, and the second phase of the withdrawal was planned to be completed within 120 days. However, it is not clear when the countdown for the 120 days begins (Al Jazeera 27 October 2008).

In meetings with Landinfo in June 2008, a number of well-informed observers indicated that the Ethiopian presence has contributed to a radicalisation of the parties in the conflict. The opposition to TFG is now split, and the radical Islamist leader Hassan Dahir Aweys has rejected the cease-fire agreement that ARS and the

transitional authorities entered into. Muktar Robow Abu Mansoor, the spokesman for al-Shabaab, stated that the struggles in Mogadishu will not cease until all foreign forces have left Somalia.

There is undoubtedly a gap between the ongoing political process and what is happening on the ground. The extremist forces have not let themselves be affected by the political process. The war against terror and American air and missile attacks on assumed terrorist targets is another important dimension that has contributed to a polarisation of the situation and to increasing hostility amongst the population towards the West. As a consequence, prospects for national reconciliation are being gradually reduced. The humanitarian situation is also worsening.

The insurgency in Mogadishu continues,¹ and the question today is whether the Djibouti agreement will succeed. The agreement has not changed the situation on the ground, and the population does not seem to have confidence in the agreement or its supporters.

AMISOM, the African Union's peacekeeping force, has around 3 500 soldiers in Somalia. Ethiopia has approximately 7 000 soldiers, and the TFG has an estimated 5 000 soldiers/militiamen. However, these partly professional forces have not managed to either stabilise the situation or provide security for the inhabitants so far, not even in the capital of Mogadishu where the armed violence is concentrated to a large extent. At the same time, gangster activities are increasing in southern and central Somalia and piracy in Puntland is extensive. Kidnapping of foreign nationals and the payment of huge ransoms has become a business which the TFG has not yet had the means to deal with. Targeted killings of journalists and aid workers, among others, continue.

According to the UN, 1.3 million people are now internally displaced (UNHCR 2008b). It is further estimated that more than 3 million people have a need for food aid. Since the beginning of August 2008, more than 100 000 people have had to leave their homes in Mogadishu due to the difficult security situation. Almost half took shelter in other parts of Mogadishu or on the outskirts of the city (UNHCR 2008b).

In mid-September 2008, it was estimated that at least 8 000 Somalis had lost their lives as a result of the conflict since the beginning of 2007. Many of the victims were civilians and half were women. Around a third were young men aged between 14 and 20 (Landguiden 2008). The number of persons treated at hospitals in Mogadishu, according to an international source Landinfo met in June 2008, was indeed lower in the first half of 2008 than in the second half: Yet 1 400 persons were treated for conflict related injuries from February to March. In 2006, the figure was 2 000 and in 2007 it had risen to 4 300. The fall from 2007 to 2008 was due to the absence of major strikes (until the summer of 2008), which characterized parts of 2007.

On 29 October 2008, Somaliland and Puntland were also shaken by a number of

¹ The struggles in Mogadishu were less extensive in the last few weeks of October 2008, but at the same time there was an increase in clashes between TFG/Ethiopian forces and insurgents in Lower Shebelle, Gedo and Baidoa. While one person was killed in Mogadishu in the last week in October, at least 32 persons were killed and 30 injured in Lower Shebelle. In Gedo and Baidoa, 10 civilians were killed and 18 injured during the same period (UNHCR 2008b).

suicide bomber attacks, and according to the UN, 22 people were killed and 35 were injured in these attacks (UNHCR 2008b).

2. CHANGES IN THE SECURITY AND HUMAN RIGHTS SITUATION IN SOUTH SOMALIA

2.1 MONITORING, REPORTING AND MEDIA COVERAGE

IASC Somalia² has, since 2006, compiled weekly *Protection Cluster Updates*, which are passed on to international and local aid organisations and donor countries. This information is gathered by Protection Monitoring and/or Population Movement Tracking Partners in the Protection Cluster, which includes OCHA, UNHCR, UNICEF and local and international NGOs. Cooperating partners gather the information from a number of sources – directly from victims and witnesses as well as indirect information from hospitals and the media.

Together with local Somali NGOs, UNHCR and UNICEF have established and supported a human rights network that reports on and documents violations of human rights and the movements of those internally displaced. The Dutch organisation Oxfam Novib has supported local organisations and reported on the human rights situation. Other international organisations such as the Norwegian Refugee Council and Oxfam UK are also involved in efforts aimed at protecting the civilian population. Neither Amnesty International nor Human Rights Watch have a permanent presence in Somalia, but both organisations escalated their efforts in Somalia in 2007. In May 2008, Amnesty International published a report that fiercely criticised the approach of the Ethiopian forces in Somalia.³ During Landinfo's visit to Nairobi in June 2008, the interlocutors largely agreed that the descriptions in the report were mainly correct, but a well-informed international source nevertheless called for caution. Other parties emphasised that sensationalism and to a certain extent misinformation from the Hawiye clan influence the presentations of both the Amnesty report and the local media.

With regard to news coverage of the conflict, the perception of key observers differs somewhat. Some give the impression that the reporting of the situation in the country is relatively good and that the UN's local collaboration partners and their network functions well. Others believe that the media coverage gives a somewhat distorted view of the situation – whatever the case; the situation in South Somalia is open to exaggerations. Questioned whether it is true that journalists let themselves be coerced into over-reporting, one well-informed observer meeting with Landinfo in June 2008 believed that some journalists are indeed pressured and lose their

² The Inter-Agency Standing Committee is a forum for central UN organisations and humanitarian partner organisations for coordination, political development and decision-making. IASC was established in 1992 as a result of resolution 46/182 in the UN general meeting, where the strengthening of humanitarian assistance was pivotal.

³ See <http://www.amnesty.org/en/library/asset/AFR52/006/2008/en/1162a792-186e-11dd-92b4-6b0c2ef9d02f/afr520062008eng.pdf>

objectivity, but that the media in South Somalia in general is not hostage to any of the parties in the conflict.

The killing of journalists and others who have spoken out shows just how unpopular critical voices are, and the journalists are treading a thin line in their daily work. However, it is without doubt extremely difficult to monitor and document human rights violations in Somalia (interview with NOVIB Oxfam, Nairobi March 2007). Monitors of the human rights situation cover only a limited area, i.e. where they live, and the organisations working on such issues do not have the capacity to provide physical protection to those at risk. The human rights activists are also working under difficult circumstances and are often the target of threats and attacks.

A number of Landinfo's interlocutors in Nairobi in March 2007 indicated that the majority of members in the different Somali NGOs belong to the large Somali clans, and it is primarily their clan interests that are protected. This can have consequences on the reporting of the situation, both for minority groups and rival clans. The lack of understanding or interest for the minorities' and the marginalised groups' situation is not necessarily conscious discrimination, but rather a result of a widely held attitude in Somali society. However, it was also emphasised that the most central human rights organisations in Somalia are credible.

These assessments have not changed to any significant degree, and a representative for a well-informed international organisation confirmed in the meeting with Landinfo in Nairobi in June 2008 that it can be difficult for the clan-based NGOs to present balanced information. However, it is Landinfo's belief that this does not affect the descriptions of the situation or the overall picture presented by the central UN organisations.

2.2 THE AUTHORITIES: CONTROL AND EXECUTION OF POWER

The UN High Commissioner for Human Rights states the following in his report of August 2008:

The TFIs (transitional institutions), which suffer from a severe lack of capacity and also often from internal political tensions, have so far failed to promote law and order. The administration of justice system is practically non-functional, and elders are presently de facto in charge of justice by applying traditional practices, including compensation, mostly for less serious offences, as they will have no influence on ensuring accountability for serious crimes. In this sense there is an absolute culture of impunity (OHCHR 2008: 8).

An evaluation of the transitional parliament conducted by the National Democratic Institute (NDI)⁴ in autumn 2007 shows that the transitional parliament/the institutions are characterised by inexperienced members, a lack of professionalism with regard to appointments, few technical resources, a lack of technical logistics/infrastructure, inadequate routines, a high absence rate among parliamentary members and an unclear division of roles between parliament and the government. The transitional institutions have also failed to establish and provide

⁴ The NDI is an organisation based in Washington DC, USA, whose work covers the development of democracy in many parts of the world, see <http://www.ndi.org/>.

basic services for the population, and do not appear to be executing power in a credible manner.

In meetings with Landinfo in Nairobi in June 2008, a number of sources stated that 70-80 percent of the areas in the south are controlled or under the influence of insurgent groups.

The Alliance for Reliberation of Somalia (ARS) claims to control the entire area from Galkayo in Puntland to Jowhar in the Middle Shabelle region, and the situation in the area is now apparently stable. The weekly security reports from the UN indicate, however, that the situation is somewhat more uncertain.

The Somali transitional authorities have, with the exception of the towns Baidoa in the Bay region and Beled Weyne in Hiraaan, marginal control in South Somalia.

2.2.1 The police and law and order

UN Development Programme (UNDP) is involved in the work of the ROLS programme,⁵ which has trained judges for the Supreme Court and helped establish a number of regional law courts.

Free legal assistance is also provided through this programme via local NGOs and legal aid clinics. These projects also collaborate with the traditional conflict negotiators in the local communities.

However, the significance of the initiatives is mixed. The judges are afraid and do not turn up for work. It is also difficult to monitor the court proceedings and the activity at the courts. Nevertheless, the legal aid project has been successful in North Somalia, and according to UNDP (interview in Nairobi, June 2008), there are also certain positive signs of development in the south.

UNDP is also responsible for training the police forces in Puntland and Baidoa in the Bay region. The police consist of various forces or units. Although it can be difficult to identify the units separately from each other, a well-informed observer told Landinfo in June 2008 that the population knows the difference between the different units. The main problem according to this source (and others) is that the police, regardless of unit, do not carry out ordinary police work, but are primarily responsible for defending the transitional institutions. The police are recruited from local clans and this can create conflicts of loyalty. With regard to questions on whether people report crime or approach the police for protection, it was claimed by various observers that no one approaches the police because they do not trust them, but many have an acquaintance in the police force that they can approach. Otherwise, the police have very little ability to protect the population and as one observer pointed out, the police are also attacked by the insurgents.

However, the Police Advisory Committees play a positive role. These committees were established to ensure that prisoners in the Benadir region were treated in line

⁵ The Rule of Law and Security Programme (ROLS) was established in 2002 in collaboration with various UN organisations, donor countries and the Somali authorities. The aims of the programme are to rehabilitate and strengthen the judicial system, establish a professional police force, improve the understanding for human rights, support the authorities in their efforts to demobilise and disarm the militia, raise the awareness of the population in relation to the need to regulate small firearms, and strengthen the national mine clearance activities.

with international human rights standards. They report monthly on the situation and between September 2007 and April 2008, 12 police stations, the main prison and the CID's custody centre in Mogadishu were visited frequently. Between June and December 2007, 1 800 out of the 5-6 000 prisoners in the 16 police stations in Mogadishu were released. In April 2008, these custodial centres held 1 378 prisoners. Of these, 162 were women and 65 were minors. Many of the minors were in custody at the request of their parents.

3. SECURITY AND HUMANITARIAN SITUATION IN SOUTH SOMALIA: CONFLICT AREAS – SAFE AREAS?

Both the international and local observers Landinfo spoke to in Nairobi in June 2008 said that the security and humanitarian situation in South Somalia had worsened since 2007. In October 2008, the UN High Commissioner for Human Rights claimed:

Despite the recent political progress of the Djibouti agreement, the precarious human rights and humanitarian situation in southern and central Somalia has critically worsened over the past two years, particularly in the Mogadishu area. During the past months it reached alarming levels in terms of human suffering. Many of the mission's interlocutors observed that the situation in Mogadishu was presently at its worst since 1992. Serious, widespread and systematic violations of international humanitarian and human rights law continue to be reported with alarming regularity (OHCHR 2008).

The civilian population is subjected to random violence and is often in the firing line between the fighting parties. Unresolved property and land disputes often cause clan conflicts, and freedom of speech is under threat. The discrimination of minority groups and marginalised groups continues, and sexual assault on women and the recruitment of children to militia groups make the situation additionally worrisome. Journalists are still being attacked, and since January 2007 a total of nine Somali journalists have been killed.

This is due to a combination of different conditions, which according to the UN and other key observers has resulted in a security and humanitarian situation that is worse than it has been for several years. The contributing factors to this are:

- Guerrilla warfare aimed at the TFG and Ethiopian forces affects the civilian population because the conflict between the parties takes place in residential areas and at markets. The insurgents attack Ethiopian targets and hide among the civilian population. This pattern of conflict has been ongoing since January 2007.
- Supporters of the TFG, or those who are believed to be supporters of the TFG and/or Ethiopia, are subjected to threats, attempted murder or murder. Kidnappings for ransom are very common and international players are particularly vulnerable.
- Apprehension often happens under the pretext of political conditions, but is normally motivated by money.

- General crime (petty crime) is also a problem.
- An estimated 750 000 persons are internally displaced due to the conflict in Mogadishu – parts of the capital are deserted. In total, approximately 1.2 million are internally displaced throughout Somalia.
- A new alarming development is the occurrence of killings within families due to political/ideological disagreements.
- Droughts have created considerable problems in large parts of the country.
- The devaluation of the Somali shilling has had dramatic consequences on the population's living conditions - the value of the currency has fallen by more than 140 percent in less than a year.
- Poor security affects trade, and thereby the local food prices.
- The food prices on a global basis have increased considerably and this also affects the prices in Somalia. Without the money transfers from the Diaspora (which are estimated to be in the region of USD 1 billion, and make up 70 percent of Somalia's gross national product), the majority of Somalis would not have a source of income (UN Security Council 2008a).

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in October 2008 that an estimated 3.2 million people have a need for humanitarian aid. This is almost 43 percent of the population, marking an increase of 77 percent since the beginning of 2008.

According to one well-informed observer, the increase in new arrivals to Eastleigh (the Somali district in Nairobi) is also striking (interview in June 2008). Large numbers arrive in Kenya every day, creating a major impact on the support mechanisms among the Somalis in Kenya, which are stretched to breaking point.

However, several of the international observers met by Landinfo in Nairobi in June 2008 also indicated that there are geographical pockets in South Somalia that are not subjected to conflict. The main problem, however, is the unpredictability – will these areas be stable over time? Experience shows that areas that were relatively peaceful in June 2008 are now ridden by and vice versa. When an area becomes the scene of an insurgent attack, the TFG or Ethiopian forces take action and the civilian population is severely affected.

Because the conditions change rapidly, descriptions of the situation in the various regions are by and large based on snapshot impressions, inappropriate as basis for future projections.

Despite the situation, water deliveries and water source rehabilitation projects are being carried out both in Puntland and South Somalia. Several other aid projects are also underway, but the difficult security situation causes delays and limitations to the work.

3.1 THE SITUATION IN MOGADISHU

The situation in Mogadishu is more difficult than it has been for several years. The civilian population is caught between Ethiopian forces and the transitional government on the one hand and insurgents on the other:

In Mogadishu, regular indiscriminate attacks in which heavy artillery, mortars, rocket-propelled grenades, heavy machine guns and roadside bombs were and are being used, as well as targeted assassinations, have caused thousands of deaths and injuries, as well as the destruction of property with whole neighbourhoods razed to the ground. Many of the accounts received by the mission team indicated that the culprits are at times the TFG forces – police or military – acting with the support of Ethiopian troops. At times, following attacks against their soldiers, Ethiopian troops reportedly carry out reprisals which may involve shelling civilian quarters, causing innumerable casualties as well as damage to property and infrastructure (OHCHR 2008).

This description confirms the information Landinfo received in Nairobi; all interlocutors described the situation in Mogadishu as violent and unpredictable.

Since May 2008, the peacekeeping force of the African Union, AMISOM, has also been the target of insurgent attacks. The attacks on Ethiopian forces and the TFG have also increased in intensity. Suicide bomber attacks, however, have been extremely rare, but the car bombs in Somaliland and Puntland on 29 October 2008 are an alarming development.

Threats of kidnapping and the actual kidnapping of international NGOs are also more widespread now than previously, and reduce the aid organisations' room to manoeuvre. The kidnapping of civilian Somalis is, however, mainly financial and not politically motivated according to Landinfo's interlocutors in Nairobi in June 2008. These kidnappings are resolved by the clans involved.

However, various aid organisations, including the Norwegian Refugee Council, succeeded to implement several projects in 2008, e.g. the building of latrines, organising of water deliveries, rehabilitation of wells and establishing of water kiosks. Clearance work in several settlements for the internally displaced has been carried out as "food for work" projects, and around 80 000 meals are distributed daily via 16 soup kitchens in Mogadishu (OCHA 2008a).

One of Landinfo's interlocutors in June 2008 compared the situation in Mogadishu with the situation in Gaza, where despite the blockade, the Palestinian population has working hospitals and ambulances etc. This is not the situation in Mogadishu. Although there are hospitals and doctors there is a lack of equipment and there are no other services. Schools exist but the teachers are not paid and there is a lack of school equipment. Since August 2008, there have also been three actions aimed at students and teachers in a number of schools in Mogadishu. Several were killed and bases were set up at a number of the schools by the government forces. As a result of these actions, 41 schools and universities in Mogadishu have been closed, and 27 000 pupils and students have lost their study place (UNHCR 2008b).

Another reputable expert on Somalia believed that the situation in Mogadishu in May 2008 was the worst since 1991. The town is indeed less populated today but the inhabitants have less freedom of movement compared with the situation during the civil war.

This obstructs normal income-earning activities.⁶ The population fears the

⁶ Despite the absence of state economic activity, the Somali economy has flourished in part at various times. Livestock has always been one of the cornerstones of the Somali economy, and has involved the clan elite in

government soldiers, the Ethiopians and insurgents, particularly al-Shabaab. Other insurgent groups and clan militia make more effort to protect civilians.

While neither individuals nor groups were previously subjected to reactions from government parties, there has been a development whereby the authorities (together with the Ethiopian forces) have taken action against people suspected of insurgent activity, and now, as previously, all Somalis are at risk of being subjected to criminal actions and other attacks due to a lack of protection and control by the authorities.

3.1.1 Who remains in Mogadishu?

The UN estimates that approximately 750 000, or roughly half of the population in the capital, have left the city (UN Security Council 2008a). However, hundreds of thousands remain in Mogadishu, and the question many are asking is – who are they and why have they not left?

Landinfo's interlocutors in Nairobi agreed on this particular issue. Those who remain are people with something to gain from the conflict – warlords, clan leaders, persons with business interests, those wishing to take care of their property, or the weakest, including those previously internally displaced,⁷ who do not have the financial means to travel. Many with business interests travel back and forth from Afgoye because it is not safe to stay permanently in Mogadishu.

For many, the threshold for leaving is high. Another key element in this regard is that half of the population of Mogadishu belongs to the Hawiye clan Abgal, and the majority of those remaining in the city belong to this clan. They are well established not only in the city, but also in the neighbouring region of Middle Shebelle. They therefore have withdrawal options, and will not leave so readily. They are also to a large extent TFG supporters. According to a well-informed observer, the Hawiye clan Suleiman is still represented in Hamar Weyne, Hamar Jabjab, Karaan and Medina, but those who do not control areas in the capital have mostly left. The minorities' areas are ghost towns and it is unknown how many minority group members remain in Mogadishu.

The districts of Karaan and Medina are overpopulated because many inhabitants from other districts have settled there.

However, there are also internally displaced persons who are returning to Mogadishu because the situation in the new settlement areas is difficult, and alternative refuges are thin on the ground. More than 1 200 of those who had sought refuge in Galkayo,

large parts of the country in a lucrative and well protected commercial activity (see Little 2003). Taxes have been collected in all ports and airports by various clan militia, and despite the UN's arms embargo, the arms trade is extensive. The Khat trade provides high revenues for a number of business people with ties to Jemen, Kenya and Ethiopia. Racketeering has also been an important source of income for militia members in towns and at roadblocks. For the majority of Somalis, money transfers from friends and relatives abroad are an extremely important source of income, and perhaps a vital necessity. The large Somali Diaspora also keeps large parts of the economy running. When al-Barakat, the largest Somali money transfer company, closed down in 2002 after complaints of connections with al-Qaida, transfers to Somalia almost dried up. Al-Barakat transferred an estimated USD 500 million to Somalia every year, and the closure was extremely difficult for very many.

⁷ Before the conflict started in January 2007, it was estimated that approximately 400 000 people were internally displaced in Somalia. Approximately 250 000 of these resided in Mogadishu and many of them were being driven out of their homes in other parts of the country during the civil war in 1991-92.

Hobbyo and the Addado area returned to Mogadishu at the beginning of November 2008. Sixty internally displaced South Somalis came to Mogadishu from Hargeisa on 5 November. They feared harassment and arrest after the terror attacks in Hargeisa in October (UNHCR 2008b). This shows that there are areas in Mogadishu that continue to be inhabited and relatively peaceful, but the situation in these areas can also change rapidly. As a well-informed observer pointed out in the meeting with Landinfo in June 2008, the main problem is being in the wrong place at the wrong time, something which cannot be foreseen. However the trend has been for the struggles to take place nearer the international airport, the port and Villa Somalia, i.e. areas where the TFG and the Ethiopian forces have a foothold.

The human rights organisations and other civilian parties are continuing their efforts in the city but are weakened and have less influence than before. Any business activity is largely in the form of organised crime. The large Bakara market and adjacent areas are lawless and are controlled by non-government parties. The telecoms industry is still extensive in Mogadishu and the insurgents have a financial self-interest in this functioning.

3.2 MUDUG

The situation in the Mudug region is described as complex. The Hawiye Saad areas in Mudug are however in the process of being regenerated, but there is no real administration and there are many latent conflicts between the two dominating Hawiye clans, Saad and Suleiman. There is no visible Ethiopian presence in Mudug. The main problem in the region is the competition for the limited resources between the internally displaced population and the locals, even between members of the same clan (interview with a representative for an international organisation, June 2008). Economic marginalisation of certain groups could also become a potential risk factor.

Figures from UNHCR (2008c) indicate that an estimated 70 000 internally displaced persons reside in the region, and since the beginning of August alone, an estimated 4 700 internally displaced persons from Mogadishu have arrived in the region. The majority have gone to the town of Galkayo, but some have settled in Hobbyo (UNHCR 2008b).

3.3 GALGADUUD

In the town of Dhusamareeb in the Galgaduud region, a number of revenge killings took place after the murder of the al-Shabaab leader Aden Hashi Farah “Ayro” on 1 May 2008. Ayro was killed together with several other al-Shabaab leaders during an American missile attack. At the end of October, a female activist was killed by an unknown perpetrator in the town of Guriel in the Dhusamareed district. An unidentified armed group was also reportedly behind the killing of seven people from the hamlet of Dhabad in the same period (UNHCR 2008b).

Since 1 August 2008, more than 2 500 internally displaced persons from Mogadishu have arrived in Galgaduud. In February 2008, the number of internally displaced persons in the region was estimated to be 120 000 (UNHCR 2008c).

3.4 HIRAAN

All the various actors operate in the strategically important Hiraan region. The presence of Ethiopian forces attracts insurgents and thus conflict. The situation is unstable and it is difficult to gain access to the largest city of Beled Weyne in order to obtain an understanding of the situation. The region accommodates approximately 35 000 internally displaced persons from Mogadishu (UNHCR 2008c).

3.5 BAY AND BAKOOL

According to several of the international sources Landinfo met in June 2008, the situation in Bay and Bakool has been far more peaceful than in other regions. One of the reasons for this is that local elections were held before the conflict erupted. The elected representatives are trusted by the inhabitants and the administrations had already consolidated their position. Additionally, the Islamists are part of the local community and interact with the local authorities.

However, the capital of the region Baidoa is the seat of the TFG, and despite a large presence of government soldiers and security personnel, representatives of the authorities are also subjected to attacks here. The purpose of the attacks is to show that the government does not have real control. With this backdrop, several well-informed sources refer to the fact that the population has a well-founded fear of the attacks in Baidoa increasing (interviews in Nairobi, June 2008). Reports from the UN support this belief – in the last two weeks in October alone at least 56 people were killed in different incidents and skirmishes in and around Baidoa. Several of these were civilians (UNHCR 2008b). Approximately 2 200 internally displaced persons from Mogadishu have arrived in the Bay region from Mogadishu since the start of August 2008, and as at February 2008 the number of internally displaced persons was estimated to be approximately 30 000 (UNHCR 2008c).

3.6 THE GEDO AND JUBA REGIONS

In June 2008, the Gedo region was described as relatively stable, but was the scene of greater insurgent activity in the autumn. The Marehan clan has consolidated its position in Gedo, but there are conflicts with the Rahanweyn clan in the area, and the situation in Gedo is closely connected with the situation and changes in the conditions related to the powers in Kismayo in Lower Juba.

The UN reported in the last week of October that a total of 22 civilians were injured when an unknown perpetrator threw hand grenades at two civilian targets in Bullo Hawa in Gedo. One of these was aimed at a house inhabited by a member of the TFG, and the other was aimed at a house in which internally displaced persons lived (UNHCR 2008b).

The Juba regions have been unstable in recent years, particularly the port of Kismayo. After a long-term conflict between the Marehan and Majerteen clans, al-Shabaab took over control of the town in August 2008. There are also internal tensions and conflicts between the Absame clans in the Juba valley.⁸

⁸ The Darood Absame federation, which encompasses the Ogaden and Bartire clans, and correspondingly the Harti federation, which encompasses the Majerteen, Dhulbahante and Warsangeli clans.

According to news reports, a young girl was stoned at the end of October after being convicted of infidelity in a Sharia court. The circumstances surrounding this event are, however, still unclear according to UN sources (UNHCR 2008b).

According to UNHCR, there were approximately 30 000 internally displaced persons in the Gedo region, 11 000 in Middle Juba and 25 000 in Lower Juba in February 2008. At the end of October, the UN reported that more than 5 100 persons had moved from Mogadishu to Gedo since 1 August. There have also been movements from Kenya to Somalia due to an extensive military operation after disputes between the Garre and Murale clans on the Kenyan side of the border. More than 6 300 persons have sought refuge in the town of El Waq (UNHCR 2008b).

3.7 LOWER SHABELLE

The real power structures in Lower Shabelle have not changed much since 2007.⁹ The Hawiye clan Haber Gedir still dominates, and the security situation is unstable due to skirmishes between Ethiopian forces and al-Shabaab, as well as the guerrilla activity. A road bomb killed the Vice Governor and Vice Security Chief in the region and eight policemen in the vicinity of the town of Merka on 28 October. More than 30 civilians were killed and a similar number wounded in the clash between Ethiopian forces and al-Shabaab in the vicinity of Lego and Yaq Bariweyne on 27 October. Several civilians were also killed in the crossfire between al-Shabaab and local militia in Balad on 19 October.

The humanitarian situation in the region is also difficult due to the large number of internally displaced persons from Mogadishu that have settled in the 122 settlements in the corridor between the capital and Afgoye town. According to the UNHCR (2008c), the number is estimated to be between 270 000 and 340 000 (the estimate does not include internally displaced persons residing in Afgoye town). From August to October 2008, more than 36 000 new internally displaced persons arrived from Mogadishu. Floods in the Kurtunwaarey district also led to population movements in October.

3.8 PUNTLAND

During the fact-finding mission to Nairobi in June 2008, Landinfo's main focus was on the situation in South Somalia, but in order to gain an overall picture, the situation in the Puntland was also discussed with the various interlocutors. All of them indicated that the conflict in the south has a negative impact on Puntland. This region, which was previously relatively stable, has changed in recent years. The conflict with Somaliland, and the political and military support for the TFG has contributed to this development. The price of the support to the TFG has been high – the region's own defence is weakened, the economy has suffered and the support has attracted insurgent groups. The suicide bomber attack on Puntland's intelligence service in Bossaso on 29 October is one example of this development. Kidnappings and widespread piracy along the coast are also a serious problem, and the population feels unsafe due to the growing crime rate. Building activity in Galkayo is extensive however, but the image of economic activity can, according to a well-informed

⁹ See Landinfo, 2007. *Rapport: Den politiske og sikkerhetsmessige situasjonen i Sør-Somalia*. Oslo: Landinfo, 8 October. Available at http://www.landinfo.no/asset/617/1/617_1.pdf [downloaded 11 November 2008]

international source (interview June 2008), create a false impression of the situation. In reality, the authorities cannot guarantee the safety of the inhabitants.

The area has also been hit by droughts. The complex situation has led to the UN and other international organisations withdrawing their international representatives, and this reduces the UNHCR's possibilities for initiating projects, among other things.

3.8.1 Freedom of movement

Approximately 400 roadblocks were set up in southern and central Somalia between February and March 2008, and the risk of being robbed or raped at these roadblocks was high (interview with international organisation, June 2008). "Taxation" at these roadblocks also contributes to food prices (which have increased considerably anyway) rising even more when the goods finally reach the markets. There were previously 10 roadblocks in and around the town of Jowhar alone, but when the Islamists took control of the town in spring 2008, these roadblocks disappeared.

3.9 HAVE NEW VULNERABLE GROUPS EMERGED SINCE SPRING 2007 AS A CONSEQUENCE OF THE CONFLICTS IN MOGADISHU/SOUTH SOMALIA?

None of Landinfo's interlocutors in Nairobi could identify new vulnerable groups in South Somalia. Journalists, human rights activists and other parties expressing opinions are, as before, subjected to threats and murder. Those linked to the transitional authorities are also vulnerable, including the police, security personnel and other persons that are perceived to be supporters of the authorities or the Ethiopians. However, the political and ideological differences have created divisions that were previously non-existent in Somali society. Family members believed to support the enemy are sometimes killed nowadays.

3.9.1 The minorities' situation

The situation for the minorities remains unchanged, as the statement by the UN High Commissioner for Human Rights shows.¹⁰

Discrimination against minorities and persons with disabilities was also consistently reported, by recently asylum-seekers to Dadaab and in Somaliland. Social constraints put obstacles to inter-marriage, access to work is restricted to traditional jobs – normally those enjoying the lowest social status and pay. In a context of total breakdown of law and order, lack of protection from clans detracts them even from this shelter provided by customary law (OHCHR 2008).

However, several of Landinfo's interlocutors pointed out in June 2008 that in the present day situation, everyone can be affected – grenades and bombs do not discriminate. A well-informed observer believed, however, that the minorities caught up in the crossfire between insurgents and government forces, in contrast to many, do not have alternative places to live in Somalia. Another international source

¹⁰ See also Landinfo, 2007. *Sikkerhet- og menneskerettighetsforhold i Sør-Somalia*. Oslo: Landinfo, October. Available at http://www.landinfo.no/asset/664/1/644_1.pdf [downloaded 11 November 2008]. In meetings with Landinfo in June 2008, some of the interlocutors referred to the fact that even when the Islamists were in power in 2006 they didn't manage to make any real changes for these groups in Mogadishu for example.

believed that minorities that are forced to leave their home towns due to difficult security conditions seek to establish a client relationship to a host clan at their new place of residence. However this strategy applies to the Midgan and Bantu groups that have traditionally had such a connection with local Somali clans, not Rer Hamar or other Benadir groups.

A group whose situation appears to have worsened is the Bantus in the Hiraan region, according to an international organisation (interview June 2008). In 2007, it was feared that the relatively good terms the Bantus had achieved in order to carry out agricultural activities would attract the big clans (interview March 2007). This fear has proven to be well founded. The local clans have stepped in with heavy farming machinery and the Bantu population is under pressure and has lost access to the irrigation equipment it had before. The Bantu population is also armed and used by local clans in the fight for power.

3.9.2 Women and children

Some of the international sources that Landinfo met in June 2008 believed that rape is a tool in the conflict, but no distinct groups or clans appear to be particularly subjected to sexual violence. How widespread the assaults are is also unclear, but no increases in rape have been registered in for example the Keysaney hospital in Mogadishu. This does not necessarily mean that the number of rapes has fallen, since rape is associated with shame, and women rarely speak of the attack. Opportunities to open criminal proceedings against the perpetrators are also rare because the perpetrators are unknown in most cases. The rapes are committed by government soldiers, freelance militia and other criminal elements. It is claimed that government soldiers are more often responsible for the rapes than the insurgents, and that the Islamists commit such offences to a lesser extent than others (interview June 2008).

Escaping punishment for violence against women is extremely common, both because traditional law does not focus on the victim and because women's rights are not protected in the same way as men in the compensation system (interview, Oxfam Novib, March 2007).

4. CONFLICT PARTICIPANTS

According to many observers, armed groups in Somalia today are made up of a number of different actors; followers of the Union of Islamic Courts (UIC), supporters of the Alliance for the Reliberation of Somalia (ARS), and various groups within al-Shabaab (the former young wing and radical core of the UIC), clan-based groups and others:

A new dimension to the conflict is that it is often no longer possible to clearly identify the perpetrators, as many actors cannot be differentiated by their uniform or clothing, while others blend in with civilians, and yet others may be serving financial, clan-based or even opportunistic interests rather than political ones (OHCHR 2008).

The armed opposition is primarily characterised by its resistance to Ethiopia. The most radical regard the conflict as a national fight for liberation – and regard themselves as national freedom fighters. The most extremist group is reported to be al-Shabaab. One well-informed observer told Landinfo in June 2008 that opposing al-Shabaab can be fatal. Both implicit and vague threats are common, and merely staying in the vicinity of Ethiopian forces can be regarded as supporting the enemy, and can lead to death.

In June 2008, several of Landinfo's interlocutors pointed out that there are differences between followers of the Union of Islamic Courts (UIC) and al-Shabaab. There are also differences internally in these organisations, and the main problem is that it is unclear who is who. Likewise, it is also difficult to know what group has the greatest support. Moreover, al-Shabaab reportedly consists of many cells, groups or fractions with no single leadership or line of command, as opposed to the UIC, which appears to have clear lines of command. However, one source pointed out that outside Somalia different labels are used for the insurgent groups even for similar groups that wish to be portrayed as different from each other. While they may act similarly, they also understand how the western world wishes to categorise or use such labels (interview Nairobi, June 2008). For the Islamists, as for other political/military groups, economic power is important. Local control means control over economic activity and access to contracts for various projects, which in turn provides revenues for the movement.

4.1 WHO ARE THE INSURGENTS?

No one can say with any degree of certainty who the insurgents are. Information is often based on assumptions and rumours, in addition to which the insurgents cover their faces. Several of the sources that Landinfo met in June 2008 believed, however, that the UIC has greater support than al-Shabaab in the local population. Nevertheless, al-Shabaab is also popular because they have taken over the leadership in the national fight. With regard to questions on what knowledge people can be expected to have of the different groups, several sources that Landinfo met in June 2008 explained that the leadership structure in al-Shabaab is not a hierarchy and there has been a tendency to establish smaller hybrid groups. Gaining an overview is therefore complicated, and as with other cell-based insurgent organisations, individuals know relatively little about leadership or structure etc.

4.1.1 Recruitment to insurgent groups

Several observers point out that the transitional governments' lack of ability to demonstrate leadership, stabilise the conditions and provide services, creates the best recruitment basis for extreme groups, including al-Shabaab. Al-Shabaab pays its men, they are given clothing, food and weapons, and by far the easiest places for the extremists to recruit new followers and soldiers are in the settlements for the internally displaced, where people lack the basic essentials. The Ethiopian forces' behaviour towards the civilian population also contributes to the support. In addition, it is easier to recruit for the Islamic groups because they have relatively clear and formulated aims. The mobilisation factor is Islam, and they focus on three conditions: stabilising the situation, revenge against the TFG and Ethiopia, and last but not least, nationalism. Many of the insurgents' supporters are minors. However,

threats and force are not needed in order to recruit according to a well-informed source, although these elements cannot be precluded. Lack of choice, however, is the case for many (interviews in Nairobi, June 2008), in addition to pressure from families and clans.

4.1.2 Recruitment to the government army

According to well-informed observers, recruitment to the government's army often occurs due to the absence of employment, educational opportunities and poverty. Child soldiers are not uncommon in the army and it is perhaps particularly the idolisation of those bearing arms that entices children and young people to join the army or other groups. The soldiers receive a wage and are given training, but as a well-informed observer said, in a time where alliances and loyalties change: "You can rent a (Somali) soldier, but never buy him."

4.2 ETHIOPIAN FORCES

Amnesty's report titled *Routinely Targeted: Attacks on Civilians in Somalia* (2008) claims that Ethiopian soldiers have been responsible for serious attacks on civilians. Several of the international observers that Landinfo met in Nairobi in June 2008 believed that the report gave an accurate account of the situation, and referred to the fact that the Ethiopian soldiers are often poorly trained and poor, in contrast to western soldiers for instance. There is little to distinguish them from the Somali government soldiers with regard to their behaviour towards civilians, but a key element creates even greater dislike of them than the government soldiers and that is the religious component. The Ethiopian soldiers are Christians, or are perceived to be Christians.

5. CLAN PROTECTION AND TRADITIONAL CONFLICT RESOLUTION MECHANISMS

5.1 CLAN PROTECTION

Individual security in the traditional Somali society was dependent on the clan's,¹¹ i.e. the Diya group's ability to pay compensation and to defend itself in the event of attacks. This situation has not changed much in modern times, and the clan has remained the safety net of the Somali population since the collapse of the government institutions in 1991. Vulnerability and protection in Somalia are therefore closely linked to a clan's strength. However, weak clans or groups have traditionally been able to seek protection from and affiliation to the dominant clans in a specific area. The internal clan conflicts that have characterised the situation in recent years mean, however, that affiliation to a dominant clan does not necessarily provide protection (interviews in Nairobi March 2007). Clans are still important, but it is evident that clan loyalty is superseded by political, ideological and international conditions.

In meetings with Landinfo in March 2007 and June 2008, all of the interlocutors referred to the fact that the protection aspect is composed of a number of factors, and the individual's vulnerability and potential to obtain protection and support are dependent on several conditions. Moreover, conflicts relating to scarce resources have contributed to the impairment of the mechanisms. Clan protection is still relevant, but primarily in relation to ordinary crime. With regard to the situation linked to ideological or political conditions, which according to Landinfo's interlocutors in Nairobi in June 2008 have become a key problem, clan protection is not realistic. Additionally, the current situation is characterised by random violence and grenade and bomb attacks. The violence is indiscriminate – "Your clan cannot protect you from bombs." (Interviews in Nairobi in June 2008) However, clans continue to be important in relation to *where* a person flees (interview UNHCR June 2008), and as another source said: "Protection nowadays is primarily about knowing where al-Shabaab or other groups are located. In order to find one's bearings in the

¹¹ Family ties and clan affiliation are flexible structures; they are strengthened by external threats and are normalised in peaceful situations. Clan affiliation and identity are also subject to change, as Little (2003: 46) describes as follows:

Instead of searching within "traditional" social structure for explanations each time a new (or old) clan identity or alliance is expressed, one needs to examine the external power relations and the material benefits associated with such changes. And these have been exceptionally dynamic in the past decade. The clan system is amazingly adaptable to the changing demands of the international community, as well as the challenges of statelessness and pastoralism. In fact there is little doubt that the proliferation, fragmentation, and - in some cases - consolidation of clan identities were strongly influenced by the presence of outside, resource-rich groups, such as the United Nations and Western development agencies. They held static traditionalist definitions of what a clan is and the necessary resources to reinforce these stereotypes.

Clans are thus essentially different from rigid social categories and must be interpreted as the result of shifting social and political processes.

landscape, informal channels and tracking systems need to be used.”

These conflicts often trigger a number of revenge killings.¹² The ideological/political dimension that made its entry with the TFG, and not least the Ethiopian entry in December 2007, has further strengthened this trend (interviews with international observers in Nairobi, June 2008). Scarce resources and natural disasters such as floods and droughts limit the possibilities for and the willingness to support new arrivals in an area, even where they belong to the same clan.

However, according to a well-informed international organisation, those leaving conflict areas still tend to travel to their clan areas, and the protection issue nowadays is primarily linked to the situation in the arrival areas (interview in Nairobi, June 2008).

5.2 TRADITIONAL CONFLICT RESOLUTION MECHANISMS

The Somali transitional institutions, including the legal system, are weak, and the transitional authorities' ability to protect the population's rights is extremely limited.

Law enforcement in Somalia is currently carried out in three different ways: Traditional common law practised through the councils of elders/clan leaders, Islamic law practised through Sharia courts and secular law practised through an ordinary court authority. However, the ordinary court authority was destroyed during the civil war, and is still almost non-existent in South Somalia. Traditional common law is the most widespread and most commonly used legal system in present day Somalia. The fundamental unit in the clan system is the Diya group (the blood compensation group; *mag* in Somali). The Diya group consists of the male members of one or more family lines, who have the same forefathers going back four to eight generations, and who are collectively responsible for the members' actions. The Diya groups are large enough to be able to pay compensation, and it is between these groups that the traditional legal framework is practised and agreements (*xeer*) are entered into. The members in the Diya group are therefore obliged to support each other in the political and legal responsibilities that are defined in the *xeer* agreements (Gundel 2006). *Xeer* is the most important element that links alliances between clans in Somalia, and is considered to be the glue that holds the community together. However, *xeer* is only entered into between Somali clans, with the minority groups normally being excluded from *xeer* and the Diya system.

The long-term conflict, absence of law and order and rapid changes in the socio-economic conditions have further led to continuous pressure on the traditional leaders in their role as enforcers of law and order in and between clans (Gundel 2006). The traditional mechanisms and structures are therefore facing major challenges in South Somalia:

The traditional structures in South Central Somalia are different and more composite, fragmented, weakened and confused than in the North, for a range

¹² *Xeer*, i.e. traditional Somali law, imposes a responsibility on the entire Diya group for a crime committed by one or more of the Diya group members. However, if Diya is not paid, the aggrieved clan can choose to kill the perpetrator or another of his fellow clan members. Revenge killings have traditionally been used to force an unwilling clan to pay compensation, and the scope was limited. However, since the civil war, the number of revenge killings has increased considerably due to the large volume of weapons that are in circulation among both civilians and the militia (Gundel 2006:25).

of reasons: First of all, as mentioned in the introduction to section 2.1, the ethnic composition of people is very different due to a heterogeneous mix of sedentary agriculturalist, agro-pastoralist, old urbanised cultures along the coastline and pastoralist people - all with differing cultural heritage and traditional structures.

Secondly, the history including the colonial experience is different and with that a diverse historical social construction of the traditional structures. Finally, the dynamics of the civil war in the South differed as well, resulting in an equally different impact on the traditional structures (Gundel 2006: 28).

Some observers have claimed that the traditional legal system and the conflict resolution mechanisms in Somalia no longer work. Gundel (2006) estimates however that xeer is used to resolve between 80 and 90 percent of all disputes and criminal cases. All of the sources that Landinfo met in Nairobi in 2007 also believed that the system works, albeit to varying degrees. This was confirmed by Landinfo's interlocutors in Nairobi in June 2008.

There are still Sharia courts in Mogadishu that deal with civil cases, but all other law is practised in accordance with traditional Somali legislation. Somali traditional laws can, however, be contrary to international human rights standards, and the collective responsibility that rests with the Diya groups removes the individual's responsibility for criminal actions. Meeting with Landinfo in 2007, a representative for an international organisation stated that total impunity prevails for the individuals. The traditional compensation system does work, but it is based on a collective responsibility and not individual punishment. UNHCR confirmed this information (interview 2007), but added that local conditions, clan power, conflict lines, gender etc. are all determining factors in how the system works.

These traditional conflict resolution and compensation mechanisms require, however, a certain degree of stability (interview with international source, Nairobi 2007). Traditional law entails a group being capable of paying compensation, and rights and security can only be maintained through defence, if necessary by force (Gundel 2006). The absence of impartial mechanisms that can force a strong clan to fall into line with a decision in favour of a weaker clan, further results in discrimination against the Somali minority groups and the weak clans (Gundel 2006). This remains unchanged, but the current situation is marked by violence that is usually carried out by unknown perpetrators, and the conflict resolution mechanisms require the perpetrators to be known.

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