

Perceptions of Security and Justice in Mogadishu

Interpreting results of the OCVP Conflict and Security Assessment

Key Messages

- In comparison to previous years, there is a general sense of optimism among the population of Mogadishu. People generally feel safer due to a decline in conflicts between clans and groups.
- Despite notable improvements in the general security environment, new sources of insecurity have arisen. Suicide attacks, hand-grenade attacks, targeted killings, and land disputes are now among the leading causes of concern to the residents of Mogadishu.
- Residents question the capacity of formal security services and the integrity of the formal judiciary, often relying instead on traditional elders to resolve disputes.

Background

Somalia's capital city, Mogadishu, has a rich and cosmopolitan history dating back over 1000 years. Since the collapse of the state in 1991, however, it has experienced a prolonged period of political instability, violence, and displacement. The nature of conflict in the city has evolved over this period, from clan-based violence led by warlords of the early 1990s, to the radical insurgence led by al-Shabaab today. Throughout this period Mogadishu has earned the unenviable label as one of the most dangerous cities in the world.

Al-Shabaab were ousted from the city by Somali government forces and African Union troops in 2011. Since then the previously common running street battles in the city have been few and far between. In September 2012 a series of transitional governments were replaced by a non-transitional federal government with a mandate to secure Somalia. In March 2014 the former chairman of the Somali armed forces' military court, Gen. Hassan Mohamed Hussein 'Muungaab', was appointed Mayor of Mogadishu with the immediate priority of tackling on-going insecurity in the city.

Despite the dramatic security and political changes in the city over the past three years, grave concerns about community safety, government capacity, and access to justice persist. Nonetheless, Mogadishu's residents remain optimistic about the city's future.

Methodology

The analysis and recommendations of this briefing are based on an extensive study conducted in Mogadishu between 26 February and 24 March 2014 by the Observatory of Conflict and Violence Prevention (OCVP). A total of 1,664 people across Mogadishu's 17 districts were surveyed and grouped into the four zones recognized by government security services:

Western: Dayniile, Wadajir and Dharkeenleey districts

Central: Hamar Weyne, Shangaani, Warta Nabadda, Abdi Aziz, and Boondheere districts

Eastern: Karaan, Yaaqshiid, Heliwaa and Shibis districts

Waliyow Adde: Hamar Jajab, Waaberi, Hawl-Wadaag and Hodan districts

The **Heritage Institute for Policy Studies** is an independent, non-partisan, non-profit policy research and analysis institute based in Mogadishu, Somalia.

The **Observatory of Conflict and Violence Prevention** is a non-governmental, non-political and non-profit organization with the goal of organizing and supporting initiatives that promote peacebuilding, security, and sustainable development in all regions of Somalia and Somaliland.

The study adopted a mixed-method research approach, consisting of household surveys, focused group discussions, and key-informant interviews.

This briefing aims to draw on the data collected by OCPV to capture the security and related governance concerns of Mogadishu's residents. The analysis blends findings from a public opinion survey with conclusions drawn from the focus group discussions and key informants. It is hoped that the aggregation and analysis of the views of the city's residents will provide useful and timely information for policymakers and administrators.

Trends, Causes, and Effects

“The clan conflict that Mogadishu was notorious for in the last two decades have become less obvious...”

“Acute poverty and economic privations in the community are pushing the youth to crimes...”

Asked how safe they feel this year compared to last, the majority of respondents reported that they feel generally safer. Security concerns have changed throughout Mogadishu. Residents reported a general decline of open hostilities either between clans or provoked by groups opposed to the government, such as al-Shabaab. The overwhelming majority of the respondents surveyed stated that they had not witnessed clan or group conflict in the last 12 months.

Despite these significant developments broad concerns remain over general insecurity in the city characterized by the insurgent techniques recently adopted by al-Shabaab and those exploiting the continuing lack of law and order: indiscriminate suicide attacks, hand grenade attacks, and targeted killings.

Clan divisions do, however, also remain a source of violence in parts of Mogadishu. In the Waliyow Adde zone, for example, respondents reported that animosity and bitterness between clans continue to result in insecurity. Cases of eviction, sexual harassment, mugging, and extortion often emanate in places where clan tensions are high.

While there is agreement that certain districts are more insecure than others—particularly Dayniile in western zone and Heliwaa in eastern zone—there is a general consensus throughout all districts that the relatively new insurgent techniques are the primary source of fear and insecurity among residents.

The recent increase in targeted killings of individuals associated with the government have added to an underlying fear among the population regardless of overall improvements. The rise in violence prompted by socio-economic disparities, often perpetrated by unidentified gangs with easy access to firearms, have also added to the residents' fears.

Land and property disputes are reported to be on the rise, caused in part by the rapid return in recent years of those who

fled previous periods of violence, but also aggravated by the lack of a functioning land administration system and trusted judiciary.

Security threats facing Mogadishu's vulnerable citizens appear to be mutually reinforcing and interconnected. Most residents agree that there is a relationship between socio-economic conditions and levels of crime. High unemployment, particularly among youth, is widely cited as both a cause and result of insecurity. Insecurity often leads to further deprivation and poverty, which in turn leave the city's youth more susceptible to co-option by al-Shabaab, either acting as informants for financial gains or becoming members.

The economic impact of insecurity is also often circular. Insecurity and fear impedes economic activity. In areas perceived as being particularly insecure many businesses cease to operate altogether leaving poorly governed ghettos. Conversely, the sense of relative security increases confidence encouraging economic activity and subsequently a greater sense of security.

Respondents raised many concerns about the capacity of district-level administrations. In many districts there is a distinct lack of awareness of any services being provided by the administrations. In some cases, district administrations are perceived as not representing their constituents. Indeed, in residents were sometimes not even aware of the existence of district administrations. This implies a poor effort by the district administrations to engage with the communities they are supposed to serve.

Some residents also noted positive developments including efforts to introduce free primary education for all children. Many, however, complained about the privatization of basic public services in their districts including provision of power, water, and health. There is common desire among Mogadishu's residents to exercise democracy, and to elect and hold to account their own district representatives.

Security Services

“We see men with military uniform committing crimes, we doubt that they are [still] part of the government armys...”

Of the many concerns raised by the residents of Mogadishu, the pervasive negativity about the institutions tasked with providing law and order stand out.

The poor coordination among Mogadishu's security agencies—the police force, the National Intelligence and Security Agency (NISA), the Somali National Armed Forces (SNAF), and the African Union Mission in Somalia (AMISOM)—was a common complaint among residents. Residents in western zone reported situations when AMISOM and SNAF forces conducted operations without informing the relevant district authorities or police.

The efforts of the various security agencies are often undermined by a lack of clarity about their particular roles,

and responsibilities to the city's residents. At times citizens have difficulty differentiating government security agencies from private security firms and armed gangs.

Despite being sympathetic to their challenges residents asserted that the police were not only understaffed, but also underpaid, rendering them vulnerable to corruption. As a result there is a widespread lack of trust in the police force.

Due to the lack of trust in formal security services, many residents reported a preference to relying upon informal mechanisms. In the eastern zone, for example, 66% of the sampled population chose traditional elders as their preferred security provider in terms of reporting civil matters, compared to just 7% choosing the police.

Respondents commonly asserted that traditional elders are more respected and easily accessible. Respondents in the central zone showed similar patterns when it came to reporting petty crimes, though interestingly when it came to reporting serious crimes, 31% went to the police and only 18% turned to elders.

The study also demonstrated that when it comes to neutrality, people trusted AMISOM over and above national security services. According to many focus group participants, clan politics often leave national formal security services—and particularly the SNAF—less neutral when dealing with inter- and intra-clan conflicts.

The Judiciary

"How can you expect justice from a judge who has outstanding water, electricity and rent bills?"

"If a victim hails from the minority clans, then four apologies (*faataxo*) are considered sufficient to heal the blight..."

The formal justice system is broadly perceived to be affected by many of the same problems suffered by the security sector. The judiciary has suffered adversely from years of conflict and lacks the trust of the community.

Due to lack of capacity and resources, the formal justice system seems to have faltered on a very fundamental level. In the crucial areas of impartiality and the capacity to enforce the law, citizens perceive the judicial system to be extremely poor, compelling many to rely on traditional justice mechanisms.

The concerns of participants are largely based on the belief that the formal justice institutions neither have the necessary integrity and transparency mechanisms, nor are they held accountable to basic rules and standards of conduct. Reasons cited for the lack of faith in the judiciary include inadequate training, salary arrears, and the fear of reprisals.

Residents often compare the courts to a 'pay as you go' phones, indicating endemic corruption throughout the judicial process.

In the Waliyow Adde zone, for example, residents indicated

that judiciary officers often face violence if defendants disagree with a verdict. Many said this could be hindering enforcement of the law. In the central zone, however, residents' confidence in the formal justice system have improved the past year.

Focus group discussions and key-informant interviews suggest deep clan bias within the judiciary with powerful clans often seeking vengeance while weaker or minority clans are often compelled to accept the status quo.

Based on the above observations, the problems of the justice system are not based only on a lack of resources, or arising simply from unethical practices such as corruption, but are seen as broader issues of governance. The findings suggest that residents question the legitimacy of one of the most crucial branches of government.

In the eastern zone, for example, only 13% of respondents trusted courts as compared to 48% and 29% respectively for traditional leaders and religious leaders. Residents of the central zone gave the following reasons for choosing traditional elders as the most trusted justice providers: fair judgment was the most common (49%), ease of access (18%), and independence from politics (15%).

Policy Considerations

Mogadishu's security sector and judiciary are dogged by a multitude of challenges, including a lack of resources, a lack of capacity, a lack of legitimacy. As a result the city's residents lack faith in the services, and often choose not to rely upon them, resorting instead to traditional mechanisms to feel secure and seek justice.

A new approach to the provision of security and justice is required if Mogadishu's residents are expected to trust formal institutions. Such an approach must be multi-pronged, addressing each of the challenges of resources, capacity, and legitimacy. The allocation of greater resources and strengthening of internal systems guaranteeing reliable and commensurate salaries to civil servants will not suffice alone if concerns regarding clan-bias, for example, are not adequately addressed.

Reform will take time, commitment on behalf of multiple stakeholders, and the continued support of the international community. Many of the steps necessary for reform are already outlined in the mandates of the National Security Commission, Judicial Service Commission, and Anti-Corruption Commission, and in the recommendations made at the Vision 2016 Conference, including the establishment of a Land and Property Commission.

The lack of progress by the current government to establish these commissions and follow the Vision 2016 recommendations is disappointing. Renewed efforts by all relevant stakeholders to address this are vital.

In the short-term the federal government and Benadir

Regional Administration may also consider the following:

Security Coordination: The current measures being taken to coordinate security efforts between the different agencies are clearly not working. An independent external evaluation of the Joint Operations Center (JOC), the body responsible for coordination between security agencies, may offer concrete recommendations to address on-going challenges.

Mechanisms to ensure basic information is shared efficiently among different agencies need not be complicated but do require all agencies to adhere strictly to them if they are to be effective and sustained.

Public Relations/Civic Education Strategy: A comprehensive public relations and civic education strategy informing Mogadishu's residents of the steps currently being taken to address insecurity, as well as those planned, will increase overall awareness of the efforts being made at the district, regional, and federal levels. Information provided would also include where residents should report security concerns to and how, what residents should subsequently expect from the security services, and what to do if these expectations are not met. The strategy would include the use of multiple forms of media but particularly billboards and radio advertisements.

Bringing the elders back in: Before the collapse of the state traditional elders played a more formal role in district politics in Mogadishu. Somaliland's House of Elders or Guurti has demonstrated the positive role elders can play when their responsibilities are formalized as part of a hybrid approach to

governance, incorporating formal and traditional mechanisms. Given the trust traditional elders command in Mogadishu in comparison to the district authorities, formalizing their role as intermediaries between residents and their local administrations may strengthen relations and cooperation. In lieu of district and regional elections, enabling residents to elect their own leaders, the incorporation of elders into the district administrations will also enhance a sense of representation and accountability among residents.

Democratize Mogadishu politics: The majority of respondents made clear that they would like to elect their leaders. The commitment expressed by the current mayor to transfer his office to an elected administration is encouraging. Democratically elected leaders will also have vastly more political, legal, and social capital and incentives to fight endemic corruption and address insecurity.

It will remain important, however, for Mogadishu's residents to demand their rights as citizens of the city, and to continue pressing these demands until they are met. The Provisional Constitution is clear on Somali citizens' rights to security (Article 15) and to just administrative decisions (Article 33).

The Provisional Constitution also spells out the duties of citizens (Article 42) which include "to promote accountability and the rule of law". Addressing Mogadishu's continuing challenges will require the city's residents to work with the administration, to be patient, but to firmly demand reform.



This Policy Brief is based on research conducted by the **Obseveratory of Conflict and Violence Prevention** in Mogadishu in early 2014.

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