

Report on political, security and human rights developments in southern and central Somalia, including South West State of Somalia, and Puntland State of Somalia

Joint British - Danish fact-finding mission to Nairobi (Kenya) and Baidoa and Belet Weyne Somalia)

20 May to 1 June 2002

The Danish Immigration Service and the British Home Office

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Introduction

Since early 2001, the Danish Immigration Service (DIS) and the United Kingdom (UK) Home Office, Immigration and Nationality Directorate (IND) have planned to undertake a joint fact-finding mission to Mogadishu and other areas of southern and central Somalia. However, for security reasons the United Nations Development Programme – Somalia (UNDP-Somalia) and the United Nations Co-ordination Unit (UNCU) for Somalia have so far advised the DIS and IND not to undertake a mission to Mogadishu.

In contrast to the position in Mogadishu where the security situation remains fluid, the security situation in Bay and Bakool regions of central Somalia has improved markedly since the Rahanweyn Resistance Army (RRA) took over Baidoa and the two regions from Hussein Aidede's Somali National Alliance (SNA) in the summer of 1999. Against the background of these events and the establishment of a Rahanweyn-based regional administration in Bay and Bakool, as well as reports of the possible establishment of a Hawiye-based regional administration in Belet Weyne, Hiran region, the DIS and IND decided in early May 2002 to undertake a mission to Nairobi, Kenya and to Baidoa and Belet Weyne, Somalia. The mission to Kenya and Somalia took place from 20 May to 1 June 2002.

The purpose of the mission was to provide the DIS and IND with updated information on the political-administrative, security and human rights situation in central and southern Somalia. The delegation decided, in the light of recent important developments in Puntland, to also include in its report information about the political, security and human rights situation in Puntland.

The delegation to Nairobi and Somalia comprised Agnieszka Al-Fatlawi, Senior Case Worker, Asylum Division and Jens Weise Olesen, Senior Adviser - Africa, Documentation and Research Division, both DIS, Copenhagen, Denmark and Richard Pearce-Higginson, Somalia Country Officer, Country Information and Policy Unit, IND, Croydon, UK.

The delegation wishes to express its gratitude towards those agencies, organisations, authorities and individuals that contributed to the information in this report, especially United Nations (UN) agencies in Nairobi and in Somalia, the British High Commission in Nairobi, regional authorities in Bay and Bakool and Hiran regions, Elders and *Ugas*' and Non-Governmental Organisations (NGOs) in Baidoa and Belet Weyne. The delegation also received assistance in Nairobi from the UNDP-Somalia and UNCU who briefed the delegation and arranged a number of meetings with relevant UN agencies, regional authorities, NGOs and individuals in Nairobi, Kenya as well as in Baidoa and Belet Weyne, Somalia.

In Nairobi the delegation held meetings with representatives of a number of UN organisations, NGOs, consultants, individuals and the diplomatic missions of Denmark and the UK.

In Baidoa and Belet Weyne the delegation met with representatives of UN organisations, regional administrations, traditional leaders and councils, NGOs and the business community.

A few sources requested that their statements to the delegation should not be attributed to them in the text of the report. This request has been complied with, and in the text those sources are cited in the style in which they requested to be referred (see list of anonymous sources).

Jens Weise Olesen and Richard Pearce-Higginson have produced this report.

1. Political and administrative developments

1.1. Overview

1. In 1991, with the overthrow of the Siad Barre regime, the Somali state collapsed. There has been no central government in place in the country since then. According to the UNDP's Human Development Report – Somalia 2001 “the early 1990s were a period of state fragmentation and a localisation of political authority in which varied structures of governance and authority emerged at community, district, and regional levels to fill the vacuum of central government. Since 1998, the process of state fragmentation and factional politics that characterised the early 1990s has given way to a process of consolidation and an evolution of broader political alliances based on more institutionalised and less violent forms of authority”.¹ However, this process of rebuilding state-like institutions or local administrations in various parts of Somalia has been slow and heterogeneous, and according to the above-mentioned report the political decentralisation and the political entities in Somalia are still fragile and evolving. Finally, the report states that, “the development of governmental forms of political authority in regional administrations and the growth of urban centres such as Hargeisa, Garowe, Bosasso, and Baidoa, point to a process of consolidation”.² These areas of “consolidation” are north-west Somalia (Somaliland), north-east Somalia (Puntland) and Bay and Bakool regions in central Somalia.

2. The most conspicuous example of “regionalisation” in Somalia was the declaration in 1991 of the “Republic of Somaliland”, which comprises the territory of the former British Somaliland Protectorate. The new administration in Hargeisa declared Somaliland independent from the rest of Somalia, but the state has not been recognised by the international community. In 1998 the “Puntland State of Somalia” was created in the northeast of Somalia, comprising the regions of Bari, Nugaal and northern Mudug. In August 2000 the Somali National Peace Conference in Arta, Djibouti decided to form a “Transitional National Government” (TNG), which was to be based in Mogadishu. The TNG claims to be a legitimate national transitional government for Somalia. More recently, leaders in the far southwest of Somalia declared the establishment of the Juba Valley Alliance (JVA), an alliance formed against the forces of General Muhammed Sa’id Hirsi ‘Morgan’ and the Somali Reconciliation and Restoration Council (SRRC) opposition grouping in central Somalia. The JVA is based in Kismayo and is allied with the TNG in Mogadishu.

3. The most recent development in this “regionalisation” of Somalia was the announcement in April 2002 of the establishment of an autonomous “South West State of Somalia” (SWS), which is based in Baidoa, Bay region. The SWS is claimed to comprise the regions of Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle. In addition, factional leaders and traditional Elders in Hiran, Galgaduud and Middle Shabelle regions have for some time discussed the possibility of establishing a regional Hawiye-based administration comprising those regions.

¹ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.34.

² *Ibid*, pp.34-35.

4. Besides a number of faction leaders and warlords, the Somaliland authorities, the Puntland leader Abdullahi Yusuf and the president of the recently declared SWS, Dr Hassan Mohammed Nur 'Shaatigaduud', are strongly opposed to or keep their distance from the TNG in Mogadishu. Furthermore, some major clans are divided in their position towards the TNG.
5. The refusal by a number of faction leaders and warlords to recognise the TNG in Mogadishu, and the above-mentioned regionalisation or "building-block" processes in various parts of the country, as well as the apparent political and military weakness of the TNG has led to sporadic fighting among factions and militias in some areas of Somalia, and to fighting between some of those factions and the TNG's own forces, especially in Mogadishu.
6. According to a report from January 2002 by the Office of the High Commission on Human Rights (OHCHR)³ the outcome of the Djibouti peace conference (also called the Arta peace process or the National Somali Peace Conference)⁴ still remains unclear. Despite growing recognition from the international community, including the Organisation of African Unity/African Union (OAU/AU) and the Inter-Governmental Authority on Development (IGAD), the TNG has no effective control outside parts of Mogadishu and, furthermore, continues to face open opposition from the SRRC and various faction leaders.
7. Paul Harvey, Deputy High Commissioner, British High Commission, Nairobi and informed sources from an international organisation in Nairobi (B) explained that in the wake of the Arta conference, there was a wave of optimism that the Arta process would lead to the creation of a meaningful national authority. The hope of the Arta conference had been that it would achieve a lasting settlement that was inclusive of all groups but as time has passed the peace process has not been sufficiently inclusive to sustain its momentum. Nonetheless, Harvey observed that what emerged from Arta was a national body, the Transitional National Assembly (TNA), which was broadly representative of clans and minority groups in Somalia. Although not the answer to Somalia's problem, Harvey considered that the significance of this development should not be understated, but noted that the TNG remains weak, controls very little territory and has not embarked upon the process of reconciliation that it committed itself to at the start. While some warlords have since joined the TNG, most of the main warlords remain outside the Arta process and have formed the SRRC.
8. A similar view to that of Harvey regarding the Arta conference is expressed in a February 2002 paper by Dr Ahmed Yusuf Farah of the War-torn Societies Project (WSP), Nairobi, who notes

³ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, p.7.

⁴ The Arta peace process in Djibouti resulted in the establishment in August 2000 of a Transitional National Government (TNG) and a Transitional National Assembly (TNA) in Mogadishu. Various factions, as well as the autonomous administrations of the Republic of Somaliland and Puntland State of Somalia, oppose the TNG in Mogadishu. The TNG has never been able to extend its control beyond parts of Mogadishu and some coastal areas between Mogadishu and Kismayo. The TNG has been accepted in the UN General Assembly, the Arab League and the former Organisation of African Unity (OAU) and gave Somalia formal representation in these international bodies for the first time in a decade.

that the Arta conference differed from the many earlier reconciliation efforts in that it was more inclusive and Somali-driven and faction leaders, or warlords, were denied a central role in the process. Like Harvey, Farah notes that the TNG, after the erosion of the initial goodwill that greeted its establishment, controls only parts of Mogadishu, and cautions that unless it produces tangible results on the ground it will not be treated as a serious actor in future reconciliation efforts.⁵

9. The January 2002 OHCHR report states that the SRRC was established in March 2001, following meetings in Ethiopia by the southern faction leaders opposed to the TNG. The SRRC includes a presidential council, consisting of five co-chairmen on a monthly basis, and a first secretary. The five co-chairmen are: Hussein Aideed, Somali National Alliance (SNA); Hilowle Iman Umar from northern Mogadishu; General Adan Abdullahi Nur ‘Gabyow’, Somali Patriotic Movement (SPM); Dr Hassan Mohammed Nur ‘Shaatigaduud’, Rahanweyn Resistance Army (RRA) and Abdullahi Sheikh Ismail, Southern Somalia National Movement (SSNM). At present Nur ‘Shaatigaduud’ is chairman of the SRRC. The headquarters of the SRRC are in Baidoa, Bay region, Somalia.⁶

10. The delegation held a meeting in Baidoa with Dr Nur ‘Shaatigaduud’, who became president of the newly created South West State of Somalia (SWS) in April 2002, and Abdullahi Sheikh Ismail, Co-Chairman of the SRRC and Chairman of the SSNM –BIREM, the latter being a Bimaal-based resistance movement⁷.

11. Nur ‘Shaatigaduud’ explained to the delegation that on 1 April 2002 the RRA, SPM, Somali National Front (SNF), SSNM-BIREM, SSNM, SSNM/SNA, SANU and SPDM declared the establishment of the SWS (see annex 2). The SWS comprises the regions of Bay, Bakool, Gedo, Lower Juba, Middle Juba and Lower Shabelle (see annex 2, and also see below for detailed information regarding the SWS and the regional administration etc. of Bay and Bakool regions).

12. According to an SRRC statement dated 6 May 2002 (see Annex 4), the SRRC is strongly opposed to the “Arta Group”, i.e. the TNG in Mogadishu, and the SRRC stated that the TNG has become a “generating source for the prolongation of the civil war in Somalia”. The SRRC appealed to “all national forces of Somalia and existing regional administrative entities to come together to chart a course for the establishment of a broad-based reconciliation government in line with the principle of federal building blocks system in full respect with the bottom-up approach”.

13. According to Nur ‘Shaatigaduud’, the creation of the SWS would not undermine the existence of the SRRC. The regional SWS government is based on the “building-block principle”, whereby several regional administrations have been set up, paving the way for the formation of a federal

⁵ Dr Ahmed Yusuf Farah, War-torn Societies Project, *Somalia: the Process of National Reconciliation (paper presented to Istituto Italiano per l’Africa e l’Oriente, Rome 15 February 2002)*, Nairobi, February 2002

⁶ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, p.7.

⁷ Abdullahi Sheikh Ismail was also the Somali Democratic Republic’s Ambassador to Tunisia (1987-89) and State Minister for Foreign Affairs in Ali Mahdi’s interim administration in the early 1990s.

Somali government.⁸ Nur 'Shaatigaduud' explained to the delegation that the setting up the SWS is part of the "peaceful building-block process designed to lead to the establishment of a federal Somali state". He rejected the restoration of a strong centralised Somalia but stated that the SWS would remain as "part and parcel" of Somalia and would not secede.

14. Radio Banaadir in Mogadishu reported in the beginning of February 2002 that Muhammad Qanyare Afrah, Minister of Fisheries in the TNG, had defected to the United Somali Congress/SNA (USC/SNA), and together with three faction leaders had launched a new political alliance. The alliance included Osman Ali 'Ato' of the USC/SNA; Muhammad Mahmoud Omar 'Finnish' (a former militia commander of Muse Sudi 'Yalahow') and Mowlid Ma'ane Mahmoud, leader of the Somali African Muki Organisation (SAMO), a Bantu organisation. The faction group described the TNG's policy as "dictatorial".⁹

15. According to Finn Thilsted, Ambassador, and Henrik Jespersen, First Secretary, Royal Danish Embassy, Nairobi, four ministers defected from the TNG government on 20 May 2002. One member went to Baidoa, one to Somaliland, one to Puntland and one to Addis Ababa, Ethiopia. Jespersen considered the TNG to be "falling apart", and the political and security situation in southern and central Somalia to be "fragile".

16. John Cunliffe, Country Director - Somalia, Action Contre la Faim (ACF), Nairobi explained to the delegation that the situation in southern and central Somalia has been very fluid during the last two months. The establishment by the RRA of the SWS in April 2002 was a significant political development. Cunliffe described the SWS as a semi-autonomous state, similar to Puntland. Although the SWS administration claims authority over the neighbouring regions of Gedo, Middle and Lower Juba and Lower Shabelle, there is no realistic prospect that the new administration will extend its authority beyond the Rahanweyn-populated Bay and Bakool regions that are already controlled by the RRA. Cunliffe also considered that there is a possibility that a further autonomous region, based essentially on the Hawiye clans, may be established in the near future in Hiran region. Such a new administration might include Galgaduud region and even parts of Middle Shabelle, although the Jowhar-based warlord Mohamed Dhereh may oppose the inclusion of the latter region, which he controls most of, in any new Hiran-based administration.

Proposed Nairobi reconciliation conference

17. At its 9th Summit in Khartoum in January 2002, the IGAD states resolved to intensify the national reconciliation process in Somalia, aiming to work towards the establishment of a broad-based and all-inclusive government for Somalia. A National Reconciliation Conference for Somalia was proposed, to be convened in Nairobi in April 2002, to include the TNG and all other Somali parties without conditionalities.¹⁰

⁸ Text of report by the Canada-based "AllSomali.com" web site on 2 April 2002.

⁹ Radio Banaadir, Mogadishu, 2 February 2002 and BBC Monitoring Africa – Political, 11 February 2002.

¹⁰ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia, S/2002/189*, February 21, 2002, p.4

18. Harvey and informed sources from an international organisation in Nairobi (B) stated that the current focus on the political process in Somalia is on IGAD's efforts to bring all groups and factions to the proposed Nairobi reconciliation conference. IGAD tasked the 'frontline' states of Kenya, Ethiopia and Djibouti, which comprise the technical committee, with taking the Somali peace process forward. Kenya is acting as co-ordinator to ensure balance between the differing views of Djibouti, which wants to retain the existing TNG structures as the basis for achieving greater inclusiveness, and Ethiopia, which supports the opposition SRRC group and would like to see the TNG disbanded and replaced with an entirely new administrative structure.

19. Informed sources from an international organisation in Nairobi (B) felt that if Kenya can keep the differing perspectives of Ethiopia and Djibouti balanced then the IGAD initiative might retain vitality. The same sources also felt that if the current IGAD proposals result in a more inclusive political dispensation in Somalia the international community would be likely to more readily support it than it had felt able to do with the TNG, and its chances of success would thereby be increased.

20. Harvey stated that important players are advancing their agendas ahead of the proposed Nairobi reconciliation conference. Many newly emerging groups are trying to set themselves up to gain a position at the Nairobi conference.

21. The IGAD technical committee, comprising Kenya, Ethiopia and Djibouti, has responsibility for who should be invited to attend the proposed Nairobi reconciliation conference. The committee is currently visiting Somalia to establish the issues that people think should be discussed at Nairobi and to decide who should attend the conference. This has not been finalised.

22. It is intended that the Nairobi reconciliation conference will include much wider groups than the major factions and warlords and that it will extend to civil society. It is envisaged that the number of participants will be in the region of 100 to 150 people. There is, however, pressure from inside Somalia to increase the number that may attend the conference. There is no stated time limit on the conference, although resource limits in IGAD are likely to limit the length of the conference.

23. It is not clear yet which groups will represent civil society at Nairobi. Human rights groups will be included, but it has not yet been decided which ones. In general, in some locations civil society groups have a degree of influence but overall it is still the case that armed groups mainly determine most of what happens in any given area.

24. Finally, Harvey stated that Kenya is keen to have as many groups attend the Nairobi reconciliation conference as possible to make it inclusive. The conference will probably not produce a final resolution of all Somalia's problems. The agenda is likely to focus on achievable concrete aims. It is unclear what approach will be taken. Expansion of the Arta process and a widening of the groups participating in the TNG is one possibility although a completely new mechanism may emerge. A consensus view is emerging that there should be a central authority, which may or may not include Somaliland, but allowing a considerable level of regional autonomy so that clan interests can feel properly represented.

25. The Nairobi reconciliation conference should have started in April 2002 but informed sources from an international organisation in Nairobi (B) considered that it did not look likely to commence for some time yet. The sources informed the delegation that there have been difficulties in

reconciling the different views of Djibouti and Ethiopia on how the peace process should develop. Also, the TNG, which fills the Somalia seats in the UN and the OAU, is maintaining its insistence on attending the Nairobi conference as the legitimate government of Somalia, a position that is unacceptable to the SRRC and other groups. It has been suggested that all groups should meet in Nairobi without conditions, with, for example, the TNG retaining its UN seat but attending Nairobi only in the same capacity as any other group. The TNG has yet to accept this idea.

26. The above-mentioned sources furthermore stated that there have also been some difficulties within the IGAD technical committee. The committee was to have visited Somalia to make preparations for the conference but Djibouti refused to join the visit as it claimed not to have been consulted over important issues. The visit went ahead without Djibouti but a report from the visit was not published. Djibouti has since agreed to join another visit to Somalia but a visit has yet to take place and it is possible that another visit without Djiboutian participation will be made.

27. The same sources explained that a document listing potential participants to the Nairobi reconciliation conference produced by the IGAD technical committee had been leaked. Since then various groups have been trying to position themselves in order to fit themselves into a category that will qualify them for a seat around the table at Nairobi.

28. It was reported in late May 2002 that talks between the frontline states of Kenya, Ethiopia and Djibouti, which comprise the technical committee for the proposed Nairobi reconciliation conference, had ended in Nairobi with little agreement between the sides, and the proposed visit to Somalia in preparation for the conference had been deferred. Djiboutian officials referred to “differences over major political issues”. The main differences appear to be between Djibouti, which wants to keep the Arta process going, and Ethiopia, which wants to start afresh.¹¹

29. The position of the SRRC and SWS on the Nairobi reconciliation conference

30. In a Message dated 1 April 2002 (see annex 3), Nur ‘Shaati Gaduud’ stated that the position of his new SWS administration, “in relation to the current endeavours of IGAD member States, in a bid to revive the reconciliation process, is one of support and readiness for cooperation”.¹²

31. Furthermore, in two statements from the SRRC dated 6 May 2002 and May 25 2002 (see annexes 4 and 5), Nur ‘Shaati Gaduud’ expresses strong criticism against the Head [Abdiqassim] of the “Arta Group” [the TNG], who allegedly stated on 5 May 2002 that he “totally rejected the participation of his group to the IGAD planned reconciliation conference on Somalia [the Nairobi reconciliation conference]”. Nur ‘Shaati Gaduud’ also said that “the Arta Group has become a generating source for the prolongation of the civil war in the country”, and that “the SRRC reiterates its already well-defined position that it still welcomes the efforts of the IGAD member states to re-new the re-conciliation process in Somalia and declares that all negative consequences of Abdiqassim's statement will squarely lie with him and his group.” Finally, the statement said that, “the SRRC calls upon the IGAD member states and the international community to assist the

¹¹ IRIN, *Somalia: Technical committee talks fail*, Nairobi, 22 May 2002.

¹² Somali Republic, South West State of Somalia, *Message* from Dr Hassan Mohammed Nur (Shaati-Gaduud), SWS President, Baidoa 1 April 2002.

forces of peace and reconciliation to move ahead with the initiative that has been already set on motion by the IGAD member states, leaving the door open for the Arta group to join without any preconditions of any sort”.¹³ In a Memo dated 13 April 2002 (see annex 6), the current Chairman of the SRRC describes the TNG as the “Arta Faction”, thus considering the TNG as just another faction in Somalia and not as a legitimate transitional national government.¹⁴

32. In his meeting in Baidoa with the delegation, Nur ‘Shaatigaduud’ insisted that all parties who attend the Nairobi reconciliation conference should be represented on an equal footing. He is opposed to the TNG attending as the official government of Somalia, but would welcome the participation of the TNG as a group, on the same basis as all other attendees. He added that if the Nairobi conference failed he would be ready to talk with the TNG in Mogadishu.

Bay and Bakool regions and South West State of Somalia

33. Informed sources from an international organisation in Baidoa and Ali Yusuf Hersi ‘Ali Doy’, Consultant, UNDP-Somalia, Nairobi informed the delegation that during the UNOSOM intervention in the early to mid-1990s a local authority based on the Rahanweyn territories had been put in place. This had been dismantled when Aideed’s forces occupied Bay and Bakool in September 1995 after the withdrawal of UNOSOM forces and many Rahanweyn were forced into the bush. The Baidoa sources stated that during the occupation Aideed used similar divide and rule tactics as Siad Barre, playing one Rahanweyn clan off against another. The Rahanweyn lacked confidence at the time that they could control their territory and some clans vied for influence with the occupiers.

34. ‘Ali Doy’ stated that the present RRA administration is built on support from the population in Bay and Bakool. The RRA set up an administration based on its own structure. Each district in Bay and Bakool has an RRA District Council. A District Councillor and a Deputy Councillor (often the commander of police) head each Council, and a Regional Governor heads each of the two regions. A recent but as yet unpublished study, “*The Political Economy of Non-State Governance in Somalia*”, by Andre Le Sage and Ali Yusuf Hersi ‘Ali Doy’¹⁵ characterises the RRA administration as a centralised, clan-based patronage controlled by the RRA Executive Committee in Baidoa. The regional, district and village representation is built from individuals who contributed to RRA’s struggle against SNA.

35. Cunliffe stated that he had just returned from Bay and Bakool. He considered that the regions are generally well administered, with effective local and regional authorities operating. At local district level there are 21-man committees, representative of local clans. Clan Elders select who sits on these committees and seats are allocated in proportion to the strength of clan representation in the district. The 21-committee members send five of their number to regional committees for Bay and Bakool. The regional governor also sits on the regional committee. There are also local district

¹³ SRRC *Statement*, 6 May 2002; and SRRC: *Statement and Appeal*, 25 May 2002.

¹⁴ Somali Republic, Somali Reconciliation and Restoration Council, Memo, Baidoa 13 April 2002.

¹⁵ The delegation was permitted to quote from the study in its report, but it was not permitted to distribute or publicise it.

and regional police commanders. This structure evolved after Hussein Aideed's forces were driven out of Baidoa by the RRA in 1999.

36. Informed sources from an international organisation in Nairobi (B) stated that the announcement of the autonomous SWS by Nur 'Shaatiqaduud' in April 2002 had not come as any great surprise as the idea had been under consideration and discussion for some time. The exact timing of the announcement might though owe something to preparations for the proposed Nairobi reconciliation conference. The position of the RRA within the SRRC grouping, some members of which have been displeased by the declaration by Nur 'Shaatiqaduud' of the SWS, should be seen as a separate matter to the Nairobi conference.

37. Informed sources from an international organisation in Baidoa were similarly not surprised by the declaration of the SWS by Nur 'Shaatiqaduud' as the idea had been under discussion within the RRA and with Rahanweyn Elders for some time. The main surprise had been the claim that the new administration would include the Gedo, Middle and Lower Juba and Lower Shabelle regions as well as Bay and Bakool within the new state's boundaries. The sources considered that in reality the notional inclusion of these regions in the SWS is meaningless as the RRA has no control outside Bay and Bakool. Part of the rationale behind including other regions in the new state may be to have a "President" rather than a faction leader to represent the Rahanweyn at the proposed Nairobi reconciliation conference.

38. Informed sources from an international organisation in Baidoa stated that the announcement of the SWS had yet to lead to any administrative structures being put in place above the RRA administration of Bay and Bakool, which still operates as normal. The only development to date of any consequence had been the election of Nur 'Shaatiqaduud' as president of the new state.

39. Harvey considered that the recent establishment of the SWS is part of the manoeuvring in the prelude to the proposed Nairobi conference. It is uncertain to what extent the new administration can exert its influence. It is not in control of the Juba valley and there is potential there for conflict between the SRRC, of which the RRA is an important part, and the Juba Valley Alliance (JVA), based in Kismayo.

40. Informed sources from an international organisation in Nairobi (B) explained that Ethiopia was not pleased by the announcement of the SWS as it had somewhat confused Ethiopian plans in Somalia. The sources expected Nur 'Shaatiqaduud' to visit Addis Ababa for discussions with the Ethiopian Government. After the delegation's mission, Nur 'Shaatiqaduud' left for Addis Ababa on 10 June 2002, heading a large delegation comprising most of the RRA's Executive Council and the two RRA deputy chairmen.¹⁶

41. Nur 'Shaatiqaduud' informed the delegation that the SWS covered the regions of Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle. With the exception of the northern Isaaq, Gadabursi and Issa, members of all Somali clans, and minorities such as the Bantu and Benadiri, are to be found living in the six regions that comprise the SWS. These regions have been the centre of the civil war and military confrontation during the last twelve years. The six regions

¹⁶ IRIN, *RRA leader off to Ethiopia*, Nairobi, 10 June 2002.

are still not free of conflict and some still suffer occupation by outside clans, particularly Lower Shabelle, Lower Juba and some parts of Middle Juba. The situation in Gedo is being destabilised from time to time by the TNG, which Nur 'Shaatiqaduud' referred to as the "Arta Group". The JVA grouping in the southwest, made up of non-indigenous Habr Gedir Ayr and Marehan clans who come from Mudug and Galgaduud regions, destabilises all of south-western Somalia.

42. Nur 'Shaatiqaduud' acknowledged that the regions in the SWS other than Bay and Bakool were not under the full control of the new administration but stated that he followed the aspirations of the people in the southwest for a regional state. Some of the people present in the region, particularly the Habr Gedir, were only there by conquest and that one-day they will leave, either by peaceful means or other means.

43. According to the Mogadishu-based *Qaran* newspaper, Nur 'Shaatiqaduud' stated soon after he was sworn in as president of the SWS that he would liberate some of the regions that are under forceful occupation as soon as he sets up his administration. When asked how his administration will govern six regions in which he does not enjoy full support, Nur 'Shaatiqaduud' said Ambassador Abdullahi Sheikh Ismail, General Adan Abdullahi Nur 'Gabyow', General Muhammed Sa'id Hirsi 'Morgan', Colonel Abdiweli and others from Juba and Gedo regions will be given senior posts in his government.¹⁷

44. Nur 'Shaatiqaduud' informed the delegation that the regions making up the SWS are interdependent and representatives from all six regions had signed the declaration establishing the SWS (see annex 2). He added that the SWS did not recognise the TNG as a legitimate government and that the TNG was reaching its "natural death". He stated that the TNG "represents nobody and is composed largely of Somalis from the Diaspora associated with international terrorist networks". Nur 'Shaatiqaduud' explained that he was in favour of the proposed Nairobi reconciliation conference but insisted that all parties should be represented on an equal footing. He opposes the TNG attending as the official government of Somalia, but added that he would welcome the participation of the TNG as a group, on the same basis as all other attendees.

45. Nur 'Shaatiqaduud' added that, despite the occupation of Bay and Bakool by Habr Gedir forces from 1995 to 1999, Hussein Aideed was now able to visit Baidoa because of the dynamics of continuous political change that required Aideed and the RRA to reach a political accommodation and work together against the TNG.

46. Regarding relations between Ethiopia and Somalia, Nur 'Shaatiqaduud' explained that Somalia and Ethiopia have been in conflict in the past but the two countries can have areas of common understanding. Other regions in Somalia enjoy good relations with Ethiopia. Nur 'Shaatiqaduud' rejected the revival of narrow nationalism in the Horn of Africa and stated that Somalia and Ethiopia are not the same countries that they were in the past as realities have changed.

47. 'Ali Doy' stated that there are no *Shari'a* courts in Bay and Bakool and these regions are the least Al-Ittihad influenced regions in Somalia. 'Ali Doy' characterised the RRA's institutional

¹⁷ *Qaran*, 2 April 2002 and BBC Monitoring Africa – Political, 2 April 2002.

structure as “efficient”, and stated that it is not “infiltrated” by the business community, which is the case with many other *de facto* administrations in Somalia.

48. Finally, regarding the economic situation in Bay and Bakool regions, Nur ‘Shaatigaduud’ stated that after the withdrawal of UNOSOM there were no large income generating sources in Somalia. Extremist religious groups had been the main providers of funds, channelling money through charitable organisations and the Al-Barakaat money transfer agency to build schools and mosques (see also the section regarding Islamist movements). Nur ‘Shaatigaduud’ handed to the delegation a request for Governance capacity building, rehabilitation and development aid. The request is enclosed as annex 7.

Relationship between the regional authority and the Elders in Bay and Bakool

49. In Baidoa the delegation met with representatives of the Council of Elders. The Elders in Baidoa were Bilow Hasan Haider, *Ugas* (or king); Sharif Husein Adan, Chief; Ali Adan Ali ‘Ganey’, Adviser; Ahmed Haji Mohamed, Elder and Ahmed Mayow Abdule ‘Rush’, Elder. The Elders stated that they have the chief responsibility for the community in Bay and Bakool. The Elders’ responsibility is to lead their people and work to keep a peaceful environment. The Elders also encourage and lead people in economic and social matters including cultivation of land. If there is any dispute between two clans or sub-clans it is the Elders of the respective clans who meet and resolve the dispute. Each clan has its own *Ugas*, or king, who will meet with his opposite number in other clans to resolve conflicts. Once a solution acceptable to both sides has been found the *Ugas* from each clan will inform the local authorities of the decision and they have to accept the decision as a final resolution of the dispute, including in cases involving murder.

50. Regarding the relationship between Elders and the RRA the Elders in Baidoa explained that the Rahanweyn people are, firstly, under the administration of their traditional Elders, who act as the principal interface between the people and the central authorities, run by the RRA. The Elders had taken no direct part in the RRA’s liberation of Bay and Bakool in 1999 from Habr Gedir occupation. After the liberation, the RRA-chairman Nur ‘Shaatigaduud’ became the administrative leader of the regions. Although there is now a central administration in place in Bay and Bakool the Elders have not lost their authority to address and advise the people and there are no difficulties between the Elders and the RRA, as their authority has not been limited by the RRA. High-ranking figures in the central administration, including even Nur ‘Shaatigaduud’, are “still under the authority of their traditional Elders”.

51. When asked whether they had been consulted about the establishment of the SWS, which was declared in April 2002, the Elders in Baidoa stated that they were fully consulted about the SWS and explained that without consultation with, and the agreement of, the Elders in Bay and Bakool it would not have been possible to establish the new autonomous state. The idea of establishing the SWS came from the people, not just from one man, and confidence between the regional authorities, the Elders and the people was high following the declaration of the SWS. It was emphasised that traditional leaders and the regional administration are in no way in disagreement, and the Elders stated that they “fully support the RRA administration”.

52. Regarding the question of why Hussein Aideed (a member of the SRRC-leadership and responsible for the Habr Gedir militias’ occupation of Baidoa and Bay and Bakool regions from 1995 to 1999) had been tolerated as a visitor in Baidoa, the Elders in Baidoa stated that the RRA’s

relationship with other groups in the SRRC is a matter of foreign policy that is not the concern of traditional Elders. They explained that the various SRRC groups are guests in Baidoa and they do not interfere with local administration. The RRA does though consult with Elders on such matters, such as when Hussein Aideed wanted to visit Baidoa. However, the Elders stated that had they objected to Aideed visiting Baidoa the central administration would have been unable to allow him to come. It was added that they support and enjoy the confidence of Nur 'Shaatigaduud', who always consults with them.

53. The constitution of the SWS, according to the Elders in Baidoa, gives its leaders their authority. They stated that the RRA obtained the approval of traditional Elders for the draft constitution and that having first obtained the elders' approval there will be no conflict between the central authorities and the elders.

54. Finally, the Elders do not sit on local District Councils in Bay and Bakool. The RRA nominates a District Commissioner but the Elders are consulted beforehand over the selection. The Elders constitute a separate body "under the tree" to the local civil administration, according to Somali tradition.

55. 'Ali Doy' explained that the existence of District Councils throughout Bay and Bakool has resulted in a situation where the Elders of the Rahanweyn clans do not have as much influence as is the case in many other areas in Somalia. As a result of this the RRA only has limited support from traditional Elders who seek return to civilian authority. However, the Elders still have a role to play in local disputes on a sub-sub-clan level, but when it comes to serious crimes such as murder etc. a code of conduct supervised by RRA panels effectively constitutes the court.

Hiran and Middle Shabelle regions

Hiran region

56. Abdishakur Abdulle Abdi, Administration and Finance Officer, World Health Organisation (WHO), Belet Weyne stated that an administration for Belet Weyne was established by UNOSOM II. The main structure of that administration remains in place but the current administration is divided along clan lines. The Governor of Hiran, the District Commissioner of Belet Weyne and the administrative offices are located on the eastern Hawadle side of Belet Weyne. There is another administration on the western Galje'el side of the town. Since August 2000, the two groups have functioned more-or-less separately and occasionally come together.

57. Since the collapse of central government in 1991, traditional Elders have been the main legitimate authority in Belet Weyne and the Hiran region. The current civil administration is very nominal. The *Ugas*, or king, of each clan has the backing of the people. Elders stand between the *Ugas* and the community and resolve conflicts within and between the clans.

58. In Belet Weyne, the delegation met with local Elders, from both the Galje'el and Hawadle clans as well as Elders from other clans. The Elders were Abdihakim Ugas Mahad (*Ugas*, Bajamal clan), Ali Ugas Hassan (*Ugas*, Makane (Bantu) clan), Abdullahi Ahmed Hassan (Chief, Hawadle clan), Mohallin Hussein Nur (Chief, Hawadle clan), Ali Hussein Ibrahim (Representative of the *Ugas*, Jajele clan), Farah Nur Dolly (Elder, Hawadle clan), Ahmed Omar Barow (Elder, Makane clan), Sheikh Osman Barre (Elder, Galje'el clan).

59. The Elders in Belet Weyne stated that there are many clans living in the Hiran region. There are six or seven *Ugas*'s, or kings in the region. The civil administration for Hiran set up by UNOSOM II was effective so long as international forces remained in Somalia. When UNOSOM II withdrew, institutions like tax gathering fell apart and the administration was weakened and traditional clan rivalries and clashes resumed.

60. Abdulle Abdi stated that a *Shari'a* court was established in the eastern side of Belet Weyne in January 2002. The court gathers tax, whereas the civil administration does not. The court levies tax on small businesses and on livestock passing through Belet Weyne *en route* to Bosasso. Tax is levied on the eastern side of the town only. The *Shari'a* court has achieved certain things, such as the removal of roadblocks but cannot do anything. Much still depends on the clan Elders.

61. In Belet Weyne the delegation met with the Governor of Hiran, Hassan Abdulleh Qalad, and the District Commissioner of Belet Weyne, Aden Abdi Isha. They stated that the *Shari'a* court currently operated only on the eastern Hawadle side of Belet Weyne. They stated that efforts have been continuing for several months, using traditional channels of consultation, to extend the court's jurisdiction to all parts of the town. The people on the western Galje'el side of the town who opposed the extension of the *Shari'a* court's authority to the western side of town were the same ones who wanted to retain the vehicle switching system that the delegation witnessed on its arrival in Belet Weyne.¹⁸

62. Abdulleh Qalad explained that the region comprises five districts, each of which has its own District Council. Members of the district councils are selected on a clan basis by the clan *Ugas* and Elders. Each district has a District Commissioner, selected by the district councillors. Each district sends three people to sit on the regional administration and they elect the Governor. Each district has 21 members, one of which is a woman.

63. Abdulleh Qalad and Abdi Isha stated that Hiran was not like Somaliland or Puntland. Hiran does not have its own president and is not ready to break away from the rest of Somalia. When the TNG was established in August 2000, it was hoped that it would lead to the formation of a national government for Somalia, restoring law and order and the dignity of the country. However, the TNG had not been able to realise its hopes and ambitions and it was losing support.

64. Abdulleh Qalad and Abdi Isha neither support nor oppose the TNG. At present, the TNG has nothing to offer Hiran. If the TNG was able to fulfil its pledges and become a strong body then it would receive the support of the Hiran administration. If the TNG remains weak, the Hiran administration is prepared to attend any reconciliation meetings that may help restore national government in Somalia. There is little confidence remaining in the TNG and hopes are now pinned on a successful outcome of the proposed Nairobi reconciliation conference.

Possible new "Hawiye-land" administration

¹⁸ On its arrival in Belet Weyne, Hawadle militia escorted the delegation from the airstrip on the eastern (Hawadle) side of the town. After crossing the bridge over the Shabelle, linking the eastern side to the western (Galje'el) populated side, the delegation had to switch vehicles and be escorted for the remainder of its journey by Galje'el militia.

65. The Governor of Hiran stated that the idea of incorporating Hiran, Galgaduud and Middle Shabelle regions into a new common administration has been under consideration for some time. Consultations are continuing with traditional Elders about the idea and their support would be needed for the idea to receive popular support. This consultation process is very slow, but it is happening. The purpose of establishing a common administration for the three regions would be to contribute towards building a strong national government. If the TNG collapses and the proposed Nairobi reconciliation conference does not deliver a new national government, the only option for Hiran will be to contribute to the formation of a “Hawiye-land” administration for the Hawiye clans.

66. The Governor of Hiran visited Jowhar, Middle Shabelle in December 2001 to meet with the Jowhar-based faction leader Mohamed Dhereh to discuss peace and the establishment of a new regional authority, as a cornerstone for a revived central government. The Governor and the District Commissioner of Belet Weyne stated that Dhereh had instead destroyed the process of establishing a new common region. The people in Hiran wanted no involvement with Dhereh, who is responsible for much of the fighting in Middle Shabelle that has destroyed villages and caused people to flee the region. Hiran does not want conflict with neighbouring regions and is tired of the pattern of “warlordism” and fighting.

67. ‘Ali Doy’ did not believe that the present initiatives in Belet Weyne to establish a joint administration for Hiran, Middle Shabelle and Galgaduud regions would lead to the creation of a functioning regional administration for that area. Any new administration that is established will most likely only cover the Hiran region as the Hawiye clans are deeply divided politically.

Middle Shabelle region

68. An informed source from an international organisation in Belet Weyne stated that Mohamed Dhereh, an Abgal, had been the Governor of Middle Shabelle region under Ali Mahdi’s interim administration in the early 1990s. He had subsequently defected to General Aideed. More recently, he was a member of the TNA in Mogadishu but he quickly fell out with the TNA and set up his own administration based in Jowhar. His administration is based on the Abgal although there is a large Bantu population in Middle Shabelle, which is excluded from participation in the administration.

69. Dhereh controls five of the six districts in Middle Shabelle region up to the border with Hiran, with the sixth district, Balad, controlled by Mogadishu warlord Musa Sude ‘Yalahow’, a fellow Abgal with whom he is allied.

70. According to the previously mentioned study by Le Sage and ‘Ali Doy’, Dhereh runs a strong local administration in the northern districts of Middle Shabelle and maintains an effective monopoly on the means of violence by enforcing a strict “no guns” policy on the local population. He claims popular support from promoting himself as the guarantor of lasting security in Middle Shabelle. He enjoys a moderate level of support from the local population and Abgal Elders, who wish to maintain the strength of the clan in the region. His administration receives revenue from taxation of regional trade passing through Jowhar and Mahaday.

Benadir (Mogadishu) and Lower Shabelle regions

Mogadishu

71. Harvey stated that the TNG is not in control of all of Mogadishu. Its authority extends to some areas outside Mogadishu. According to the previously mentioned study by Le Sage and 'Ali Doy', the TNG enjoys significant public support in southern Somalia as the only existing alternative to the status quo.

72. The study by Le Sage and 'Ali Doy' states that the Djiboutian Government, which brokered the Arta peace conference that led to the establishment of the TNG in 2000, is a key political partner of the TNG. There are also strong business links between Djibouti and key players in the TNG that go back to the early 1990s.

73. All TNG political leaders are highly dependent on the pro-TNG business cartel in Mogadishu. The cartel is made up of a mixture of Habr Gedir and Abgal businessmen with interests in a number of business sectors, including telecommunications, housing, hotels, food and import/export. Some of these businessmen are contractors to international organisations that operate in Mogadishu. The business cartel provides high interest loans funded by remittances from overseas, the supply of currency import markets and money received from food aid and other UN and NGO contracts. The cartel's business links with Djibouti provide access for the TNG to international trade markets.

74. The TNG's judicial structure provides only a very weak role for Al Itihaad and former *Shari'a* court members. It was reported on 7 June 2002¹⁹ that the Shirkloe *Shari'a* Court in southern Mogadishu had been officially turned over to the TNG's Ministry of Justice. The court was one of the first to be set up in the mid-1990s to combat spiralling crime rates. The court's judges were posted to the High Court as Islamic *qadis*, where they will adjudicate on family matters. The court's militia will be absorbed into the TNG's security forces, either into the army or as police officers. Prisoners held by the Shirkloe court were transferred to Mogadishu's central prison. The TNG announced in June 2001 that *Shari'a* courts would come under the jurisdiction of its Ministry of Justice and cease to function independently, although a few courts are still reported to be operating outside the TNG's control, especially in northern Mogadishu.

Lower Shabelle

75. Harvey informed the delegation that the TNG has some control along the coast south of Mogadishu. In a recent case in which a Swiss aid worker was murdered in Merka in Lower Shabelle region the TNG sent police to investigate the case.

76. The UN Secretary-General's 2002 report on the situation in Somali notes that TNG president Abdiqassim Salad Hassan visited Afgoi, Wanlewein, Brava and Merka in Lower Shabelle in November 2001, since when TNG officials have been working with local leaders to help establish a local administration in Merka.²⁰

¹⁹ IRIN, *Islamic court in Mogadishu turned over to the TNG*, Nairobi, 7 June 2002.

²⁰ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia*, S/2002/189, February 21, 2002, p.1.

Lower Juba (Kismayo) and Middle Juba regions

77. The UK Home Office, Immigration and Nationality Directorate's Somalia Country Assessment²¹ states that a new administration for Kismayo was established in June 2001, consisting of an 11-member council drawn from the region's clan groups. The administration was set up by the Juba Valley Alliance (JVA), the grouping of Marehan, Ogadeni and Habr Gedir clans that, as the Allied Somali Forces (ASF), ousted General 'Morgan's' forces from Kismayo in 1999. The new administration allied itself with the TNG in Mogadishu.

78. According to the previously mentioned study by Le Sage and 'Ali Doy', the JVA is led by Colonel Barre Hilale, of the Marehan Rer Dini clan and Aden Serrar, of the Habr Gedir Ayr. The JVA's aim is to establish a regional administration for Lower Juba. The JVA is funded by taxes on trade through Kismayo's sea and air ports. The JVA controls the lucrative charcoal trade from Somalia to Oman and other Arab states.

Gedo region

79. The Marehan clans dominate Gedo region. The SNF, led by Colonel Abdirazzaq Isaq Bihi, has been the main Marehan faction operating in the region, which has also been strongly influenced in the past by the Islamist Al-Itihaad movement. Gedo saw heavy fighting and large-scale population displacements in early to mid-2002 as the Marehan clans became divided between those supporting the SRRC and others allied with the Kismayo-based, and TNG-allied, JVA (see further information under Security, Gedo). Colonel Bihi was reported to have switched sides from the SRRC to the JVA but was then captured by SRRC forces in May 2002. He was reported in June 2002 to be present in Mandera, across the border in Kenya, participating in reconciliation efforts²².

80. Gedo is claimed as one of the regions of the recently declared South West State of Somalia (see further information above under Bay and Bakool regions and South West State of Somalia), but the SWS administration based in Baidoa, Bay region has no effective authority in Gedo.

Galgaduud and southern Mudug regions

81. 'Ali Doy' informed the delegation that pastoralists mainly inhabit the Galgaduud and southern Mudug regions and while they have no armed militias the Elders are in local control of the two regions. No formal administration exists in the area.

82. The administrative and security situation in Galgaduud appears to have changed little since the Danish Immigration Service's fact-finding mission to Middle Shabelle in February and March 1999. The report from the mission states that, "the Galgaduud region has no formal administrative

²¹ United Kingdom Home Office, Immigration and Nationality Directorate, Country Information and Policy Unit, *Somalia Country Assessment*, Croydon, April 2002, sections 3.43 – 3.47.

²² IRIN, *Faction leader released*, Nairobi, 17 June 2002.

structure and no regional authority. It is inhabited by a number of clans, numerically dominated by the Habr Gedir...Clan councils of elders constitute individual clan's highest authority".²³

Puntland State of Somalia

83. The UK Home Office Immigration and Nationality Directorate's *Somalia Country Assessment*²⁴ states that the autonomous "Puntland State of Somalia" was proclaimed in July 1998. Colonel Abdullahi Yusuf, deputy leader of the Somali Salvation Democratic Front (SSDF), which had controlled north-eastern Somalia since 1991, was proclaimed State President and a Puntland Parliament was inaugurated. Under the terms of the Puntland Charter, the mandate of the Puntland administration was due to expire at the end of June 2001. In February 2001, the administration prohibited all political activities until June 2001, to avert unrest and maintain law and order.

84. Rather than undertake the presidential and parliamentary elections that were required under the Puntland Charter, Abdullahi Yusuf's administration sought a three-year extension of its term. In late June 2001 the Puntland House of Representatives approved the extension of the terms of office of itself and the executive for a further three years. However, this was declared unconstitutional by the Chairman of the Supreme Court of Puntland, Yusuf Haji Nur, who announced that, in accordance with the Puntland Charter, he was assuming office as the legal interim President of Puntland, pending the organisation of a conference.

85. Abdullahi Yusuf announced the suspension of Yusuf Haji Nur from office and the House of Representatives ratified this decision, but Nur's position as Supreme Court Chairman was upheld by a meeting of titled Elders in July 2001. Following unsuccessful attempts by Elders and businessmen to promote a peaceful settlement to the constitutional crisis, fighting broke out in Bosasso in early August 2001 and Abdullahi Yusuf retreated to Galkayo, his home town. He announced that he remained the President, claiming Galkayo as an interim capital and blaming Islamic fundamentalists and the TNG for his difficulties.

86. Yusuf Haji Nur announced a conference, as provided for in the Puntland Charter, to determine the future course of Puntland. The conference opened in Garowe in August 2001, with over 400 participants from across Puntland. Abdullahi Yusuf declared the conference illegal and refused to participate. In November 2001, traditional Elders elected Jama Ali Jama as the new President of Puntland. Abdullahi Yusuf refused to accept the Elders' decision and in December 2001 he seized Garowe by force, reportedly with Ethiopian support. Ali Jama fled to Bosasso.

87. On 8 May 2002, Abdullahi Yusuf's forces recaptured Bosasso and Jama Ali Jama left Puntland. Since then Yusuf has effectively reassumed the Puntland presidency.

88. Informed sources from an international organisation in Baidoa told the delegation that Yusuf was putting his former Puntland administration back in place, but excluding the Osman Mahmud

²³ Danish Immigration Service, *Report on Nordic fact-finding mission to Nairobi (Kenya) and the Middle Shabelle region of Somalia: Political and security situation etc. in central and southern Somalia and updating of information on the Middle Shabelle region, 21 February – 6 March 1999*. Copenhagen, September 1999, pp.16-17.

²⁴ United Kingdom Home Office, Immigration and Nationality Directorate, Country Information and Policy Unit, *Somalia Country Assessment*, Croydon, April 2002, sections 3.76 – 3.87.

clan, who had supported Ali Jama, at all levels, even local tax gathering. The Puntland institutions are well established now, having been operating well for over three years, and they are likely to survive the current period of unease. All major clans, including the Osman Mahmud, are committed to the continuation of Puntland as a functioning authority. The sources considered that Yusuf remains generally popular in Puntland and had he followed the constitution and faced an election rather than seeking to extend his term of office, which led to his removal from office in 2001, he would probably have been re-elected.

2. Security

2.1. Overview

89. According to a report from January 2002 by the Office of the High Commission on Human Rights (OHCHR)²⁵, the fragmentation of Somalia continues to be the main contributor to the non-observance of law and order and to widespread human rights violations. Despite United Nations and other efforts to bring the different factions together within the peace process, the country is still controlled by quasi-governmental entities, which lack international recognition, are unable to create viable administrative and legal structures and are thereby vulnerable to outside interference.

90. The UNDP's Human Development Report – Somalia 2001 states that, “while security in the northern regions continues to be relatively secure, volatile and unpredictable security in much of the south restricts humanitarian access”. However, the report adds that, “security and humanitarian access have dramatically improved in Bay and Bakool regions since 1999, when the RRA established control”.²⁶

91. Informed sources from an international organisation in Nairobi (B) stated that the situation in Somalia is very fluid at present with Mogadishu very volatile at the moment. Somaliland is the only part of Somalia that is unlikely to be easily destabilised. Elsewhere in Somalia, most areas are liable to instability. There have been concerns that the recent fighting in Gedo between the TNG-supported JVA and the SRRC could escalate into a wider conflict but so far this has not happened.

92. According to an unpublished study by a prominent member of an international organisation working in Somalia, the security of each individual or clan is mainly influenced by the position of the individual or clan in the Somali social structure. Those who have no clan lineage and particularly those from minority groups are the most vulnerable.

93. Informed sources from an international organisation in Baidoa confirmed that in Somalia it still generally applies that a person will be safe in his or her home area if their clan controls its own area. People returning to their home areas should not face any difficulties. Minority groups who live in areas controlled by others may still face some difficulties. Andrea Tamagnini, Country Director, UNDP-Somalia, Nairobi explained that the influence of Elders has diminished in areas where strong militias exist and in such areas there is generally greater insecurity. He added that the Elders still play a decisive role in conflict resolution in areas where no militias are operating.

²⁵ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr. Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, p.7.

²⁶ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.38.

94. In human development terms, the most vulnerable people in Somalia are the internally displaced persons (IDPs), returning refugees, the urban poor, destitute pastoralists, and the southern riverine farming communities.²⁷

95. Informed sources from an international organisation in Nairobi (A) explained that there are negative trends in Somalia at present. Alliances are no longer forming and the trend is moving towards factionalism and internal clan feuds, such as that currently affecting Gedo. Mogadishu is off-limits to UN international staff and Mohammed Ali Abukar, a national member of the UNDP staff, was kidnapped in Mogadishu on 28 April 2002 and was not released until 26 May 2002. The sources considered that Somalia is probably in as bad a state as it has ever been. The TNG has failed to deliver anything of consequence and all that is holding the SRRC together is Ethiopian influence. Bay and Bakool are, however, stable and the Rahanweyn are the least war-like of Somali clans.

96. Gary P. Jones, Resident Representative, Horn of Africa Programme, Norwegian People's Aid (NPA), Nairobi informed the delegation that in overall terms the situation in Somalia could be said to be better than it was two years ago. Although in quantitative terms, in respect of more fighting in some areas, the situation may be seen to have worsened there have nonetheless been many qualitative improvements. Although there has been a definite dip in the last few months, if one was to draw a line on a graph the overall longer-term trend is upwards.

97. Andrea Tamagnini, Country Director, UNDP-Somalia, Nairobi stated that the situation in southern and central Somalia has become more complex and more fluid. This may be because groups are vying for position ahead of the Nairobi reconciliation conference. The conference has been postponed until late June 2002 at the earliest. The TNG still wants to attend as the government rather than as just another faction.

98. There is freedom of movement for most trade between Mogadishu and Baidoa. There have been recent problems in Gedo, where trucks have been stopped and the drivers have been killed because they were from a different clan. Banditry remains a general problem.

99. The clan Elders still usually resolves conflicts among clans. The UNDP asks Elders to resolve problem issues before it returns to an area where it has had difficulties. Where there have been killings, Elders usually resolve the matter by arranging financial compensation for the victim's clan.

100. Paul Harvey, Deputy High Commissioner, British High Commission, Nairobi, stated that the proposed Nairobi reconciliation conference is definitely affecting the security situation in Somalia. Preparations for Nairobi to some extent explain the recent upsurge in fighting. It is likely that the situation will calm down once the conference has been held. Warlords have a limited ability to sustain active conflict over a long term.

101. Simone Wolken, Representative, United Nations High Commissioner for Refugees (UNHCR), UNHCR Branch Office Somalia, Nairobi, stated that the main problem in Somalia is not the clan issue and that in general, clans can live together quite happily, although there have always been traditional disputes. The resource issue, i.e. the lack of economic and humanitarian resources,

²⁷ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.38.

fuels much of the conflicts between clans, in a situation in which resources are acquired through violence. The anarchy in Somalia results in violence being used to acquire resources that again leads to a lack of national security.

102. Ali Yusuf Hersi ('Ali Doy'), UNDP consultant in Nairobi told the delegation that the civil war in Somalia created suspicion and division among the clans. As a result of this people do not trust each other and they are politically divided.

103. Harvey stated that in everyday life in Somalia there is a surprising amount of private enterprise and business activity, including in Mogadishu. Business is well organised and Somalia has a very efficient telecommunication network. There are however many areas of vulnerability in other aspects of ordinary life. Food insecurity is a problem in some areas. Education provision is limited. In general, the day-to-day situation in Somalia over the last two years has, overall, neither improved nor worsened. Within the overall picture there are however some areas that have clearly deteriorated and others where there have been clear improvements. In areas where there has been little or no fighting things have probably improved. The closure of the Barakaat money transfer system following the terrorist attacks in the United States in September 2001 caused difficulties throughout Somalia, although alternative systems for transferring money were soon in place. The ban on the importation of Somali livestock in Saudi Arabia continues to cause economic difficulties. There has been a detectable increase in the level of smuggling and other illegal activities, including the importation of hard drugs such as heroin, as drug smugglers take advantage of the lack of authority in Somalia to use the country as a transit point for smuggling drugs into other countries such as Kenya.

104. Wolken informed the delegation that various factions in southern and central Somalia are vying for a better position and influence in the run-up to the IGAD-sponsored Nairobi reconciliation conference. Even if the Nairobi conference does not take place, it is likely that factions will continue to try to re-arm and gain control of territory. This "power struggle" between the various factions and the uncertain situation in Somalia will continue as long as the so-called "front-line states", i.e. Djibouti, Eritrea, Ethiopia, Kenya and Sudan, do not agree on their approach to Somalia.

105. There is no guarantee at present of any long-term stability in central and southern Somalia. In addition to the political and military situation, banditry is also a concern. Wolken explained that no improvement of the security situation in Somalia has taken place since the UN Secretary-General's February 2000 report on the situation in Somalia.²⁸ This report covers the period between October 2001 and February 2002.

106. The UN Secretary-General's report on Somalia states that, "Somalia remains one of the most dangerous environments in which the United Nations operates. Conditions related to the security of United Nations staff in Somalia still vary radically from place to place and are often very difficult predict" and adds that "while the Transitional National Government has expanded its influence, various de facto authorities continue to control most parts of the country, as well as sections of Mogadishu. The most obvious example is "Somaliland", which has maintained a high degree of

²⁸ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia, S/2002/189*, February 21, 2002.

autonomy for six years. The Transitional National Government and most of the other authorities have instituted varying degrees of stability and administrative order within their respective areas, allowing civilians to resume economic, social, and in some instances, political activities. Traditional rulers and civil society also play a greater role. However, since the country remains highly militarised, when these groups compete (which they do on a regular basis) for the limited political, economic and social entitlements available, unpredictable and violent clashes often result". The report notes "a trend towards improved security conditions in "Somaliland", Bay and Bakool and Middle Shabelle regions".²⁹ Wolken informed the delegation that a new UN report on the situation in Somalia is likely to be published in June 2002.

107. Regarding the position of minority groups, Wolken explained that their situation has not improved. If anything, their position may have weakened as faction leaders and militias, looking for alternatives to violence, have tended to build a constituency with the business community, which has further marginalised the minorities as stronger groups reach understandings between themselves. The property of minorities is at risk and sexual abuse and violence against minorities is still a problem. Minorities also suffer economic marginalisation. Minority groups always need to keep a low profile and often settle in groups. Mogadishu is a multi-clan city and one will find members of all clans and groups in the city. Wolken added that the UNHCR has observed that a small number of members of minority groups are still fleeing Somalia, for example to Yemen.

108. According to a well-informed source in an international organisation in Nairobi, the TNG's Minister for the Diaspora and Refugees had recently strongly requested the UNHCR not to return refugees to southern Somalia. Previously the TNG has asked the UNHCR why it does recommend returns to Mogadishu, as it is keen to encourage the impression that conditions in Mogadishu are stable. The Minister is from Kismayo but cannot go there at present and can only move round Mogadishu with difficulties.

Bay and Bakool regions

109. According to Tamagnini, Baidoa is relatively stable. The UNDP is trying to expand its programme there and the RRA Chairman, Nur 'Shaatiqaduud', has asked to meet with the UNDP. 'Shaatiqaduud's' control extends to Bay and Bakool only and not over the other south-western regions that his new administration claims authority over as part of the recently declared South West State of Somalia (SWS).

110. Nur 'Shaatiqaduud' informed the delegation that Baidoa is home to many people displaced from other regions in south-western Somalia. Sheikh Ismail added that people were fleeing Gedo for Kenya to escape the recent fighting and people from Lower Shabelle had relocated to Baidoa. Lower and Middle Juba are still conflict-prone regions. There is still the possibility of a mass exodus from Mogadishu and people have already started arriving in Baidoa to escape the fighting that erupted in the city in late May 2002.

²⁹ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia, S/2002/189*, February 21, 2002, p.5.

111. Jones stated that the RRA is not seen as a particularly credible force and the recent declaration of the SWS is not taken very seriously. No faction in southern Somalia has been able to maintain a stable regional authority over a longer term, but there were efficient local authorities in some areas, including those in Bay and Bakool.

112. 'Ali Doy' informed the delegation that the RRA took over the regional capital of Bay region in May 1999 from Aideed's Somali National Alliance (SNA) forces, which captured Bay and Bakool regions in September 1995 and have dominated this traditional Rahanweyn area. The RRA received support from Ethiopian forces. Since 1999 the RRA has administered Bay and Bakool, but 'Ali Doy' added that RRA does not have 100 % administrative control of the two regions as well as 100 % support from the whole population. However, the two regions are to be considered as safe, and 'Ali Doy' did not expect any internal RRA conflict. The RRA is more of a community-orientated movement than the other clan-based factions in Somalia. 'Ali Doy' explained that the RRA in reality was a liberation movement with the goal of liberating Bay and Bakool regions from the Habr Gedir-based SNA. This liberation struggle was a legitimate fight, which was not orientated towards looting and occupation but to liberate. When the RRA took over in 1999 it did not commit retaliatory attacks on Rahanweyn supporters of the SNA. Generally the Rahanweyn is to be considered as a peaceful population.

113. Regarding security in Bay and Bakool, 'Ali Doy' considered it unlikely that the TNG in Mogadishu (which the RRA is opposed to) would pose a threat to the regions, and Aideed is no longer a military factor in the area. It is only Mohamed Qanyare Afrah, a Murosade faction leader in Mogadishu, who eventually could pose a threat to security in Bay and Bakool. 'Ali Doy' added that the RRA is not an aggressive force that would expand its influence to other regions in Somalia.

114. 'Ali Doy' did not consider that the reported political divisions within the leadership of the RRA between Nur 'Shaatigaduud' and his two deputies pose a serious threat to the security and the stability in Bay and Bakool as the RRA will still be in power in the two regions. He added, "most important of all, those who have the support of Ethiopia will be in power in Bay and Bakool and it will always be the RRA". The First and Second Deputy Chairmen of the RRA, Sheikh Adan Madobe and Mohammed Ibrahim Habsde, are politically opposed to the RRA Chairman 'Shaatigaduud' regarding his recent declaration of the SWS but no armed conflict between the parties have occurred. John Cunliffe, Country Director – Somalia, Action Contre la Faim (ACF), Nairobi did not consider that any deterioration in the situation in Mogadishu would be likely to affect Bay and Bakool.

115. Cunliffe informed the delegation that he had just returned from Bay and Bakool and he regarded the security situation in the two regions as very good. He had been able to travel extensively without difficulty. He had heard no gunfire at any time and had seen only one gun, at a checkpoint, during his visit. Bay and Bakool may be described as being in a 'post-emergency' situation. The generally fluid situation in southern and central Somalia could though, in the longer term, weaken the security situation and stability in Bay and Bakool but the situation is unlikely to change in the short term and the position is reasonably optimistic. Any problems in the regions were mainly of the Rahanweyns' own making, such as allowing the Ethiopians to pressure them to attack Bardera, where RRA forces were pushed back by the JVA.

116. Informed sources from an international organisation in Baidoa stated that generally there is freedom of movement within Bay and Bakool, although clan affiliation may impose some limitations depending on which area a person is travelling in. There are RRA checkpoints but these are mainly concerned with levying taxes. Goods traded move freely within, and in and out of, Bay and Bakool.

117. Cunliffe stated that the authorities in Bay and Bakool are controlled fully by the Rahanweyn. People from non-Rahanweyn clans are treated reasonably well by the authorities. Business interests of non-Rahanweyn operate without difficulty.

118. While the humanitarian situation in Bay and Bakool is better than in other areas, such as Gedo and Mogadishu, the authorities have no ability to support displaced people, which include Rahanweyn from Lower Shabelle and a number of Marehan, who have moved away to escape from the recent conflict in Gedo. Bay and Bakool can offer security but little if anything by way of humanitarian assistance. If rains that are expected to arrive in the next few weeks, which are needed for the important sorghum crop, fail to come on time, Bay and Bakool will face serious food insecurity difficulties, which have the potential to cause security problems, as people would be in competition for scarce resources.

119. Informed sources from an international organisation in Baidoa stated that the Rahanweyn clans became organised in the RRA in 1996 against the common enemy of the occupying Habr Gedir forces. The establishment of the RRA as a fighting force was significant as historically the Rahanweyn have preferred discussions to conflict to resolve difficulties and they are seen by other Somali clans as non-violent, which to a large extent explains their past vulnerability.

120. The RRA had taken Baidoa in 1999 from Hussein Aideed's Habr Gedir occupying forces. At that time, only 3,000 people were left in the town, with the rest hiding out in villages. Baidoa's population is now growing, with people arriving every week, usually in the weekly convoy from Mogadishu.

121. Nur 'Shaatiqaduud' is the least warlike of all the Somali warlords. He is an educated man who studied law and he was a middle-ranking security colonel in Siad Barre's administration. His reputation from that time was not bad and in Baidoa he is seen as a liberator.

122. Nur 'Shaatiqaduud's' RRA administration has something in common with that in Somaliland. Both areas had been dominated by outside clans and both had liberated themselves. In both areas, the militias were not seen as bandits but as liberators from outside oppression. Informed sources from an international organisation in Nairobi (B) cautioned however against drawing too many parallels between developments in Bay and Bakool and the situation in Somaliland. While both areas may be said to have liberated themselves from external control, Somaliland has benefited from the receipt of much higher levels of overseas remittances from the Diaspora than Bay and Bakool have or are likely to as there are far fewer Rahanweyn overseas than Somalilanders. Also, landlocked Bay and Bakool are more interdependent on neighbouring regions of Somalia than Somaliland is.

123. Historically other 'noble' Somali clans saw the Rahanweyn, whose cultural practices are somewhat different from other Somali clans, as inferior, even as a minority group outside the Somali clan structure. The Rahanweyn speak the af-maay dialect of Somalia whereas the majority

of Somalis speak the af-maxaa dialect.³⁰ The Rahanweyn were treated similarly to the Bantu and other minority groups and they had less access to education than other Somali clans. There are fewer Rahanweyn in the Somali Diaspora than other clans so the people remaining in Somalia receive fewer remittances than other clans who have larger numbers of their people living overseas.

124. The Rahanweyn should definitely not be viewed as a minority clan grouping. When the Rahanweyn clans, including incorporated Bantu groups that may account for some 250,000 people, around a quarter to a third of the Rahanweyn, are counted they are in fact one of the largest Somali clan groupings. The Elders in Baidoa expressed the same view and stated that Digil/Mirifle (Rahanweyn) constitute the majority in south-western Somalia.

125. According to the previously mentioned study by Le Sage and 'Ali Doy', the RRA has a military force of 3,000 to 4,000 militiamen equipped with 30 to 40 'technicals' and mortars and light weapons. The RRA receives intermittent weapons supplies from Ethiopia. The RRA exerts a medium degree of command and control over its forces.

126. Informed sources from an international organisation in Baidoa stated that, in spite of the willingness of the RRA to fight, the Rahanweyn are not natural fighters. If the Habr Gedir were determined to retake Bay and Bakool they probably could but Ethiopian support, real or perceived, for the RRA deters them. The belief that Ethiopia would intervene to defend Bay and Bakool against any attempt by Habr Gedir forces, including the TNG, to reoccupy the regions keeps them safe. Ethiopia strongly backed the RRA in its resistance to Habr Gedir occupation, particularly at the time of the Ethiopia-Eritrea war from 1998 to 2000. The presence of Eritrean-supported Oromo separatist forces, opposed to Ethiopia, in Merka prompted Ethiopia to assist the RRA in capturing Baidoa in June 1999. There is also a growing acceptance by other Somali clans that the Rahanweyn, like other Somalia clans, ought to be allowed to control their territories themselves.

127. The main concern that people have at present in Bay and Bakool is the possibility of inter-Rahanweyn clashes, although such fears have yet to translate into reality. The Rahanweyn are well aware that in-fighting amongst themselves would leave them vulnerable to external interference. The only serious incident in the past three years was in early 2002, when two Hober sub-clans, the Jili and a Bantu group, had clashed over the leadership of the Hober. Four people had died and houses were burned, in an area approximately 50 km south of Baidoa.

128. There have also been claims that the RRA has marginalised some Ealey around Burrakhaba, for allegedly collaborating with Aideed's forces during the occupation. This had not been manifested in violence but by excluding Eley from any senior positions within the RRA.

129. The security situation in Bay and Bakool is generally good. As in every other region of Somalia, there are still many guns in circulation, but gunfire is rarely heard in Baidoa and there have been very few violent incidents in the last three years. There will though always be minor security incidents, such as recently when a dispute between two chat dealers led to a brief closure of the airport.

³⁰ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.18.

130. The RRA administration is not a military administration as such. There is an emerging civil police force, composed mainly of men transferred from the RRA militias. Some police commanders are former members of the pre-1991 Somali National Police. The RRA militias will continue to function as a defence force for the Rahanweyn against potential external threats.

131. There have been rumours recently about whom Ethiopia is supporting within the RRA. The sources did not however consider that there was any substance to the rumour that Ethiopia favours the two RRA Vice-Chairman, Shaykh Adan Madobe and Muhammad Ibrahim Habsade, over the present RRA leader Nur 'Shaatigaduud'. The two Vice-Chairmen had returned a few days earlier from a visit to Addis Ababa and went straight to see Nur 'Shaatigaduud'. The RRA is a united organisation and is likely to remain so as the Rahanweyn, in control of their territory and daily lives for the first time, are unwilling to lose the independence and stability that they have gained, which has led to greater business activity and aid coming into Bay and Bakool from international agencies. After the delegation's mission, Nur 'Shaatigaduud' left for Addis Ababa on 10 June 2002, heading a large delegation comprising most of the RRA's Executive Council and his two deputies.³¹

132. The RRA faces Habr Gedir Ayr militia at the frontline to the north of Mogadishu where Bay region borders Lower Shabelle. The road is mined at that point and people travelling between Mogadishu and Baidoa or vice versa must stop at the 'border' and walk across to change vehicles.

133. The Rahanweyn, as a people, are generally forgiving. Hussein Aideed and General 'Morgan', who are now allied with the RRA in the SRRC opposition grouping, are able to visit Baidoa. Rahanweyn Elders were consulted by the RRA over whether Aideed should be allowed into Baidoa and they agreed, in the interests of reconciliation. No one is at particular risk of RRA retaliation or revenge. If that were the case, Aideed would not be able to visit Baidoa in safety. The Rahanweyn are more resentful of the Marehan than of the Habr Gedir. They blame the Marehan for the famine that caused 300,000 deaths in Bay and Bakool in the early 1990s, when Siad Barre's retreating forces looted the Rahanweyn grain stores. This resentment does not though affect Marehan who reside in Bay and Bakool and who have been incorporated into the Rahanweyn clan structure.

134. The Elders in Baidoa stated that the only significant dispute on Bay and Bakool in recent years had occurred 18 months to two years earlier. There had been reports that some Elders had to hide from the authorities in the bush but in reality the Elders had gone to the bush to see a group of young men that had fled to the bush following a dispute they had with the central authorities. The Elders had calmed the situation down and achieved a resolution of the matter. They described the environment in Bay and Bakool as "peaceful", and that nobody has anything to fear as Bay and Bakool are "secure and safe now".

135. The Elders in Baidoa want to bring home to Bay and Bakool the Rahanweyn people who had fled to Kenya but they could not afford the cost of trucks to carry them. The Elders stated that the Rahanweyn in exile in Kenya had no hope of being granted asylum in Europe and were unable to find employment with UN agencies in Kenya because the jobs always went to Darod and Hawiye. The Elders stated that many of the refugees leaving Somalia were their oppressors.

³¹ IRIN, *RRA leader off to Ethiopia*, Nairobi, 10 June 2002.

136. There is conflict between the Hawiye and Darod but they unite against the Rahanweyn when they see the Rahanweyn making any progress. The Elders stated that the Rahanweyn inhabit not only Bay and Bakool but may also be found in Gedo and Lower Shabelle. Gedo region had been set up by Siad Barre, former President of Somalia, for the Marehan. The region had previously been Upper Juba. Some of the Rahanweyn in Bay and Bakool had originally come from Lower Shabelle but cannot return there because the region remains under the occupation of the forces of Abdiqassim's TNG administration. The Elders stated that approximately 265 people from Lower Shabelle, from Digil/Mirifle and Bantu clans, are presently residing in Baidoa.

Rahanweyn clan and relations with other groups

137. Informed sources from an international organisation in Baidoa stated that the Rahanweyn clan structure is different to other Somali clans. The name Rahanweyn literally means "big group". The Rahanweyn originated in southern Ethiopia and may be distantly related to the Oromo. The Ealey clan of the Rahanweyn originally settled as far into Somalia as the Burrakhaba area, between Baidoa and Mogadishu.

138. The Rahanweyn (or Digil-Mirifle) is a confederation of clans, mostly composed of newcomers of other clans absorbed into the Rahanweyn. The Rahanweyn includes, among others, the Leysan, Ealey, Mahallinweyne, Garre, Dabarre, Tunni, Jiron, Hadama, Geledi, Dossow and Jiddo. They are concentrated in the inter-riverine region between the Juba and Shabelle rivers, in Bay, Bakool and lower Shabelle regions and parts of Gedo and Middle Juba regions.³²

139. Informed sources from an international organisation in Baidoa explained that the Rahanweyn are the only clan grouping that allows people from other clans to join and become a clan member. There is a sort of "test period" of approximately one year that people must complete before being accepted as a Rahanweyn. Another distinctive feature of the Rahanweyn clan structure is that the *Ugas* (king), who is the clan chief, is elected. In other Somali clans, the *Ugas* (or *Malak* in other parts of Somalia) is hereditary. In Baidoa one may find people from other clans who have left their original clans to join the Rahanweyn. This willingness of the Rahanweyn to accept people from other clans into their number has though proved disadvantageous at times as it has been used as a pretext by other clans to invade Rahanweyn areas, claiming that their people (i.e. those who had left and joined the Rahanweyn) populated the traditional Rahanweyn areas.

140. Amongst the Rahanweyn, as in other Somali clan groups, there are minority clans. This has emerged more so since the Rahanweyn had established control over their territory. The size of a clan is important as the larger the clan the more power and authority it will have in the overall clan structure. The Bantu, or Jareer, are usually at the lower end of the scale. Bantu groups have been incorporated into the Rahanweyn structure, but as a kind of minority. Having said that, the Bantu are treated much better within the Rahanweyn structure than they are by other Somali clan groupings, of which they cannot become a part. Around Baidoa the Bantu have not been dispossessed of their land and there have been few instances of Bantu land being taken elsewhere in

³² Danish Immigration Service, *Report on Nordic fact-finding mission to Nairobi (Kenya) and the Middle Shabelle region of Somalia: Political and security situation etc. in central and southern Somalia and updating of information on the Middle Shabelle region, 21 February – 6 March 1999*. Copenhagen, September 1999, Annex III.

Bay and Bakool. In other parts of Somalia, Bantu have lost land to Somali clans, e.g. in Gaba Weyne in Gedo region, where Bantu land was taken by force by Marehan and in Lower Juba region, where the Marehan, Ogadeni and Habr Gedir have taken Bantu land.

141. It was added that there are seasonal movements of the Rahanweyn according to the harvests. There are two main harvests in Bay and Bakool every year, around July to August and in November. Outside of these harvest periods, Rahanweyn go to Lower Shabelle to work on banana plantations. Generally the Rahanweyn easily find occupations in other parts of Somalia.

142. 70% of the 250,000 IDPs in and around Mogadishu are mainly Rahanweyn and Bantu. Rahanweyn will travel a long way to find work or a means of income. Rahanweyn may be found as beggars in Mogadishu and as construction workers in Hargeisa, Somaliland and in other places in Somalia. Many Rahanweyn stay around Mogadishu for the chance to find work.

Hiran and Middle Shabelle regions

Hiran region

143. According to an unpublished study by a prominent member of an international organisation working in Somalia, Belet Weyne is predominantly inhabited on the east side of the Shabelle river by the Hawadle clan and the Makane (a Jareer, or Bantu, sub-clan) and on the west side by the Galje'el, Jajele and Makane clans. The Jareer are farmers while the Galje'el, Hawadle and Jajele are traditional agro-pastoralists.

144. The Governor of Hiran region, Hassan Abdulleh Qalad, stated that Hiran region has its problems but compared to some other regions the situation in Hiran is relatively calm. Tamagnini, who stated that there are no major problems in Belet Weyne, confirmed this. The Governor of Hiran stated that the regional administration has done all it can to sustain peace and stability, managing to make peace in the region in collaboration with the *Ugas* and Elders of each clan and district administrations. Law and order prevails in Hiran and the administrative structure at regional and district level is supported by the recent establishment in Belet Weyne of a *Shari'a* court, covering the eastern Hawadle-populated side of the town.

145. Abdulleh Qalad stated that problems that exist in Hiran might be attributed to the difficult political situation that surrounds the region. The politics in neighbouring regions impacts on Hiran and causes interference in the region's affairs.

146. The District Commissioner of Belet Weyne, Adan Abdi Issa, stated that the peace in Hiran came about by the efforts of the people of the region. In the absence of a central government since 1991, Hiran had been left to manage its own affairs. Hiran is run by a combination of the regional administration, district administrations, traditional Elders, the *Shari'a* court and security forces, including the police. Belet Weyne has a gaol, in which 40 criminals are currently in detention. The cost of all administrative operations was met by local taxes. Much of the revenue raised is spent on security and the *Shari'a* court.

147. Belet Weyne is an important business centre, with trading connections all across Somali and into Ethiopia. The lucrative level of trading is made possible by the good security situation.

148. Abdulleh Qalad referred to conflict that took place in August 2000. Having resolved that conflict, all in Hiran were committed to not allowing similar problems to arise in the future.

149. Abdishakur Abdulle Abdi, Administration and Finance Officer, WHO, Belet Weyne stated that in Belet Weyne there is a historical divide between the Hawadle clan, which lives on the eastern bank of the River Shabelle, which runs through the town, and the Galje'el clan, which lives on the western side.

150. Belet Weyne has remained peaceful for two years, the longest period of peace in recent years. The last major Hawadle-Galje'el clash occurred in August 2000 and lasted for one to two months. However, people remain fearful of renewed conflict.

151. Despite the current peaceful conditions in Belet Weyne, movement between the eastern and western sides of the town can be limited, particularly for well-known businessmen. Ordinary people may cross the bridge spanning the Shabelle without difficulty.

152. The Elders in Belet Weyne stated that Elders from both sides had resolved the Hawadle-Galje'el clashes that occurred in August 2000 and that *diya* compensation had been paid to victims' families.

153. Even in the difficult years since 1991, the situation in Hiran has never become completely out of hand and problems have always been resolved in traditional ways. When a person from one clan does wrong, the *Ugas* and Elders from his clan go to the victim's clan to resolve the matter. Such discussions between clan Elders are the main mechanism for resolving conflict. Sometimes when two clans are in conflict, Elders from a third clan may act as an intermediary. As an example, two of the Elders in Belet Weyne stated that they had come to Belet Weyne that day from a village 60 km away to help mediate between two clans that had been fighting each other for five years.

154. It was emphasised that respect for the *Ugas* and Elders of the clans has always been strong and is permanent but that in the absence of a central government since 1991 their work has doubled. The Elders added that while the security situation in Hiran is relatively calm at present, there would be no permanent security without a central government.

155. The Elders in Belet Weyne have tackled the issue of crime in order to enhance peace and security in the region. A murderer in Belet Weyne had been executed. This action had been taken by the Elders of the murderer and victim in conjunction with the *Shari'a* court to send a strong warning signal to criminals. The execution of a murderer in Somalia is to do with religion. The Elders stated that the parents of a murder victim have three options open to them. They may forgive the murderer, demand blood compensation (*diya*), or the murderer's execution. In the example given by the elders, the victim's family had asked that the murderer be executed.

156. In cases where a Somali had committed crimes abroad, the Elders in Belet Weyne took the view that the authorities in the country concerned should not seek the return of the criminal to Somalia, as that would exacerbate the situation in Somalia.

157. *Diya* (blood compensation) is usually paid, according to religious practice, in the form of camels, or money if the person required to pay *diya* did not own any camels. Camels and money could come from the whole clan, not just from the individual concerned. 100 camels are normally given to the clan of a man who has been murdered and 50 camels if the victim was a woman. The

100 should comprise 40 animals that would fetch the highest market price and who should be pregnant, then three batches of 20, in descending order of market price. The Elders explained that only half the number of camels is paid if a woman is murdered because men have to provide for women. According to religion, a woman should not live alone and should stay with either her family or her husband. Because man is the provider, the compensation for a murdered man must be higher than for a woman. The Elders stated that this does not mean that women are not equal. Women are considered the same as men in education and job opportunities and are equally respected.

158. In some cases a clan required to compensate a victim from another clan would offer some of its women for marriage as compensation and as a good gesture. By forming links of marriage with another clan the possibility of conflict re-occurring between the two clans is diminished and an alliance between the two is created. Sometimes clans will 'swap' women to lessen the possibility of conflict between their clans³³ (see also section 3: Human Rights: Women).

159. Both the Elders and the *Shari'a* court work according to traditional Islamic beliefs. The *Shari'a* court confirms the decisions of Elders and enforces them, according to Islamic laws. Once Elders have reached an agreement to resolve a dispute and the *Shari'a* court has implemented that decision then the matter is resolved permanently in 99% of cases. As an example, the Elders stated that in Belet Weyne there are people walking free who were responsible for serious crimes but whom their victims' families have forgiven.

160. The Elders meet together regularly, across the clan divide, and they informed the delegation that their work is never-ending. They speak regularly by telephone and hold meetings. They stated that they are chosen by the people and work for the good of the people. The will of the majority, as reflected by the elders, prevails and potential wrongdoers are deterred from misbehaving by the exercise of the collective will.

161. Clan elders, including the *Ugas* from many clans, and representatives of civil society had attended the Arta conference that led to the establishment of the TNG in August 2000. The Elders expressed the view that the international community had not provided sufficient help to the TNG, particularly in the form of military personnel. The Elders support the TNG as it is the only government body available (although the delegation observed that one elder who seemed ready to dissent from the overall view of the group appeared to be encouraged by his colleagues from continuing with his remarks).

162. The Hiran regional administration had been weak for some time. The Elders in Belet Weyne stated that the administration had been waiting for the TNG to expand its control from Mogadishu and provide finances for expansion of the Hiran administration. However, the TNG has not been able to provide any assistance and the Hiran administration had consequently weakened. The Elders stated that they are still waiting for the TNG to provide documents that explain how regional administrations should be run.

³³ According to the UNDP's Human Development Report – Somalia 2001, pp.186-87, many women in Somalia consider the traditional punishment of forcing the offender to marry the victim and to pay compensation to the family for 'their' loss a further degradation of their status.

163. The TNG's president Abdiqassim Salad Hussein had been unable to visit Belet Weyne because of Ethiopian interference in Somali affairs. The community did not support elements armed and trained by Ethiopia. To avoid bloodshed in Hiran between those supporting Abdiqassim and those supported by Ethiopia, few in number but determined to create difficulties, the Elders had advised Abdiqassim not to visit Hiran.

164. National staff of UN agencies in Belet Weyne stated that the situation in Belet Weyne is peaceful. Security can never be entirely guaranteed however and there was tension in April 2002 over whether TNG president Abdiqassim Salad Hussein could visit the town. Belet Weyne can be affected by events in Mogadishu and by the wider Ethiopian agenda in Somalia. Despite the general stability in Belet Weyne, it is quite normal to hear gunfire at night. Everybody in Belet Weyne has a gun and if gunfire is heard it could simply be that people are testing their weapons. In a heavily armed society such as Somalia, if there are disagreements between people they will tend to resort to arms.

165. Members of the delegation heard what they thought was an exchange of gunfire in the early of hours of the morning before the meeting with the Governor of Hiran, which continued sporadically for approximately one hour. When asked about this, national staff members of UN organisations in Belet Weyne explained that it is normal to hear gunfire in the night, but this does not necessarily indicate that serious incidents are taking place, as everybody owns a weapon and people often shoot in the air to test their weapons or during celebrations. If misunderstandings occur between people in a heavily armed society such as Somalia, incidents will occur, but there is no standing conflict in Belet Weyne.

166. National staff of UN agencies in Belet Weyne explained that the August 2000 clashes, which began with the killing of a woman by a group of Hawadle and subsequent revenge killing of some Elders from the clan of the woman's murderer, were resolved by the efforts of elders, the business community and NGOs.

167. The *Shari'a* court in Belet Weyne was established with the support of the community. The court has achieved some success and has prevented looters setting up roadblocks.

168. There is free movement in Belet Weyne. It is usually necessary to change vehicles when moving between the town's four main sectors. This has less to do with security than business interests, as the owners of vehicles want people to rent their vehicles when they enter the different areas of the town.

169. The traditional Hawadle-Galje'el rivalry in Belet Weyne is felt more at the political level than it is by ordinary people in their everyday lives. There is more verbal tension than any physical threat.

170. In Hiran, as in other regions of Somalia, disputes are resolved through traditional conflict resolution mechanisms, principally by negotiation between the clan elders. Some of what appears to be clan-based conflict is resource-based competition, such as the need to change vehicles when moving between different parts of Belet Weyne. People with political motives often use clan as an excuse to promote conflict and further their own interests.

171. In areas in which traditional clan Elders are mainly in control there is greater stability. Since the fall of Siad Barre's regime in 1991, educated people were often more at risk. If a revenge killing is sought, those exacting the revenge will often target educated people. Before 1991, educated people were more widely respected than they are today. Recently in northern Mogadishu, a doctor was killed in retaliation for the death of a militiaman from a rival clan.

172. Abdulleh Qalad stated that his authorities had not tried to prevent the recent shipment through Belet Weyne and Hiran region of a quantity of heavy weapons for the Jowhar-based faction leader Mohammed Dhereh, as they did not want to cause a clash between Hiran and Dhereh's forces in Middle Shabelle. The Governor argued that the TNG in Mogadishu was also receiving arms from outside and that it would not be fair to the opposition to the TNG if Hiran blocked arms shipments from Ethiopia travelling through Hiran.³⁴ The sole concern of Hiran at present is to preserve stability in Hiran and prevent conflict in the region but if Hiran were attacked the region's forces would fight back.

173. National staff of UN agencies in Belet Weyne stated that Hiran's neutrality cannot be 100% guaranteed. The authorities in Hiran had not, for example, been able to prevent the shipment of arms from Ethiopia to Ethiopian-backed factions in Mogadishu passing through Hiran, as the Ethiopians are too powerful to confront. There have also been recent reports that what were presumed to be Ethiopian helicopters were seen operating near Belet Weyne's airstrip. Hiran tries its best to stand aside from the conflict between the two main "factions" that operate in southern Somalia today, which are the TNG and the Ethiopians and their allies.

174. According to the previously mentioned study by Le Sage and 'Ali Doy', a large number of roadblocks have been established on the road between Belet Weyne and Jowhar, Middle Shabelle region by various clan militias. The road remains insecure, with occasional incidents of banditry. There are also landmines that were placed in the area by the late General Aideed's forces.

Middle Shabelle region

175. An informed source from an international organisation in Belet Weyne stated that Mohamed Dhereh, who controls five of the six districts in Middle Shabelle region up to the border with Hiran (with the sixth district, Balad, controlled by Mogadishu warlord Musa Sude 'Yalahow', a fellow Abgal with whom he is allied) has a strong militia force comprising 1,200 men, who are in uniforms, and 12 to 15 'technicals'. Dhereh controls the main road north out of Mogadishu and claims to raise US\$60,000 a month from road and other taxes. He claims to pay his militiamen US\$100 a month.

176. Dhereh's forces, using artillery pieces recently acquired from Ethiopia, began shelling Mogadishu with Muse Sude 'Yalahow's' forces in late May 2002. The offensive began when Dhereh's militiamen attacked the Mogadishu home of the TNG's Interior Minister, Dahir Dayah, who is from the Abgal sub-clan, the Agon Yar, which opposes Dhereh's control of Middle Shabelle. An uneasy calm was reported to have returned to Mogadishu on 30 May 2002³⁵ (see below, under

³⁴ Mohamed Dhereh is strongly opposed to the TNG.

³⁵ IRIN, *Uneasy calm in Mogadishu*, Nairobi, 30 May 2002.

Mogadishu). Further clashes were reported to have broken out on 17 June 2002 between Dhereh's forces and those of Dahir Dayah in the Middle Shabelle region. The fighting began in El-Baraf village, north of Jowhar, and quickly spread to Mahaday, displacing many families. A lull in fighting was reported on 18 June 2002 but it appeared that the two sides were regrouping ahead of further fighting. A local journalist stated that the fighting was a continuation of the earlier fighting that had taken place between the two sides in Mogadishu.³⁶

177. According to the previously mentioned study by Le Sage and 'Ali Doy', Dhereh commands a standing militia of 250 men equipped with 10 to 20 'technicals', light weapons and mortars and exercises a strong level of command and control over his forces. In their study, Le Sage and 'Ali Doy' state that Dhereh's forces receive negligible Ethiopian military aid. However, the above-mentioned source in Belet Weyne and the Governor of Hiran region both informed the delegation that Ethiopia supplied artillery pieces for Dhereh's attack, with Muse Sude 'Yalahow', on northern Mogadishu in May 2002.

178. A group of prominent Galje'el businessmen from Belet Weyne in Hiran region with whom the delegation met commented that they knew that Ethiopian arms had recently passed through Belet Weyne to Dhereh in Jowhar, another area in which Ethiopia is attempting to exert influence.

Benadir (Mogadishu) and Lower Shabelle regions

Mogadishu

179. Since early 2001, the Danish Immigration Service (DIS) and the United Kingdom Home Office, Immigration and Nationality Directorate (IND) have intended to undertake a joint fact-finding mission to Mogadishu. However, because of continuing insecurity, the UNDP-Somalia and UNCU has advised the DIS and IND not to undertake such a mission.

180. The most recent security incident in Mogadishu was when heavy fighting broke out in northern Mogadishu in May 2002 between the TNG and forces of warlord Muse Sude 'Yalahow', who is a member of the SRRC. 'Yalahow's' forces were assisted by those of Mogadishu faction leader Osman Ali 'Ato' and Mohamed Dhereh, who controls Jowhar and most of Middle Shabelle region. An uneasy calm was reported to have returned to Mogadishu on 30 May 2002, two days after one of the bloodiest battles for years in the city. The hostilities were reported to have claimed 60 lives and to have displaced thousands of families, particularly in northern Mogadishu, although families were reported to be moving back into the area on 30 May 2002.³⁷ The fighting between Dhereh and the TNG reportedly spread to the Middle Shabelle region in June 2002 (see above, under Middle Shabelle).

181. Cunliffe explained that the security situation in Mogadishu is very poor at present and as dangerous as it has been at any time, both for foreigners, such as people working for international agencies and NGOs, and local people. There are two or three kidnappings a day at present. The

³⁶ IRIN, *Fear of more clashes in Middle Shabelle*, Nairobi, 18 June 2002.

³⁷ IRIN, *Uneasy calm in Mogadishu*, Nairobi, 30 May 2002.

group that has been holding a UNDP national staff member since April 2002³⁸ holds six other people. The TNG's police chief, Abdi Qeybdiid, is unlikely to be able to do anything to help resolve the kidnapping as he is from the same Rer Illowe sub-clan of the Habr Gedir Saad as the kidnapers, who mainly belong to Osman Ali 'Ato's' militia. The UN is taking its usual approach of refusing to pay a ransom. Such kidnappings are usually resolved by making satisfactory arrangements with the kidnapers for hire from them of vehicles and premises. Car-jackings are common and so well organised that victims can reclaim their vehicles for a fee from a compound in north Mogadishu, obtain a receipt and receive a 'discount' the next time that their vehicle is taken on production of the receipt.

182. The TNG had been formed as the outcome of the Arta conference, largely as a result of pressure from business interests and, to a lesser extent, Islamic fundamentalists. The TNG had incorporated a lot of the *Shari'a* militias into its own force. However, the TNG has been pragmatic regarding Islamic influence since the September 2001 terrorist attacks in the United States to avert the threat of military action against Somalia.

183. The TNG initially took control of Mogadishu's Hodan district, dominated by the Habr Gedir Ayr sub-clan of TNG president Abdiqassim Salad Hassan. Warlords Osman Ali 'Ato' and Hussein Aideed were also based in Hodan. Until the TNG was established, Mogadishu had enjoyed a period of relative stability and 'green lines' between the territories of clan-based warlord factions had been drawn for some time. The TNG's efforts to extend its control beyond Hodan caused instability. It was added that the highest risk of being kidnapped was in Hodan.

184. The TNG has received money and arms from Libya and Eritrea and has been provided with transport assistance by Djibouti. The money that the TNG has received has not been spent effectively, largely because of corruption. Some warlords, such as Muhammad Qanyare Afrah, have had to be paid to ensure their continuing support for the TNG, by paying the warlords' militias. Qanyare Afrah left the TNG recently, when it could no longer fund his militia. Qanyare Afrah derives income from the airstrip that he controls and he also benefited from taxes that were raised for the TNG when he was the Minister for Fisheries and Agriculture.

185. There has been heavy fighting recently in Mogadishu's Medina district between the militias of Muhammad Mahmoud Omar 'Finnish' and Muse Sude 'Yalahow'. Omar 'Finnish' had asked for the TNG's assistance, which TNG president Abdiqassim agreed to. However, Abgal Elders warned the TNG against intervening in the conflict. The TNG is very clannish in nature and operates most effectively by passing money to other groups to do things for it, such as to the JVA in Kismayo, rather than intervening directly itself.

186. Mogadishu has a large number of Internally Displaced Persons (IDPs), numbering in the region of 190,000 to 250,000 people from outside the city. Fighting in Kismayo in 2001 led to some people relocating to Mogadishu and others have begun to arrive in from Gedo to avoid the recent fighting there. There are also IDPs from within Mogadishu, caused by shifts in clan boundaries. IDPs are found all over Mogadishu, on any vacant open ground or in ruined buildings. It was added

³⁸ The hostage was released in late May 2002 after the delegation's meeting with Cunliffe – reported in IRIN, *Kidnapped UN staffer freed*, Nairobi, 27 May 2002.

that there are members of minority groups remaining in Mogadishu although many others have left the city. The Benadiri went to Kenya.

187. Uncontrolled militias in Mogadishu, often youth, are responsible for much of the present trouble. Some militiamen are former policemen who have left the force and set up their own militia groups. Although there are *Shari'a* courts in some warlord-controlled areas, criminals are usually safe and free from prosecution inside their own clan-controlled areas. Random killing is on the increase and rape, although against Somali culture, is still a serious problem, with women from all clans and minority groups at risk. Traditional clan society is beginning to break down, which leads to further instability.

188. The TNG cannot pay its own police force and army. The forces remain in place but are largely confined to their posts and are unlikely to challenge warlord militias. Muse Sude 'Yalahow' is the only warlord who has effective control over his militia. Muse Sude 'Yalahow' retains the loyalty of his militia by distributing money fairly equitably across his forces. Osman Ali 'Ato' and Hussein Aideed have militias that will fight for them but they have to provide for themselves on a day-to-day basis.

189. The TNG has recently received a large amount of money from Libya, which wants to see the situation in Mogadishu resolved. The TNG's main objective at present is to re-open the seaport and the international airport, which have been closed for several years. The seaport is controlled by the Warsangeli sub-clan, which is divided between pro- and anti-TNG elements. If the TNG is unable to re-open the ports it will effectively be relegated to the position of being merely another Hawiye faction. The position of the TNG today could best be described as somewhere between a faction and a semi-legitimate government.

190. Jones considered that the situation in Mogadishu could soon deteriorate noticeably but that if it did it would have a ripple effect in the immediate vicinity of Mogadishu. However, this is unlikely to have a major impact on Puntland or Bay and Bakool. The TNG is seen as an ineffectual faction.

191. Tamagnini informed the delegation that the UNDP national staff member kidnapped in Mogadishu in late April 2002 is a Rahanweyn.³⁹ Tamagnini and Wolken both stated that security is poor in Mogadishu and has been deteriorating for some time, with violence on the increase. Wolken stated that banditry has increased by 50% although the situation varies from day to day, and added that banditry, kidnapping, clan-based conflict and random violence target ordinary people in Mogadishu. Inter-clan conflict in Mogadishu poses a threat to ordinary citizens, members of the TNG and to visitors. Tamagnini stated that there have been kidnappings of people who have returned from the Somali Diaspora and also some kidnappings of people from minorities. The motive for kidnappings is usually money.

192. Wolken estimated that kidnappings number ten to fifteen a day in Mogadishu, with certain groups more vulnerable to threat of kidnap, such as businessman and people with money, people working for international organisations (who earn higher salaries than others), visiting members of

³⁹ The hostage was released in late May 2002 shortly after the delegation's meeting with Tamagnini – reported in IRIN, *Kidnapped UN staffer freed*, Nairobi, 27 May 2002.

the Diaspora and members of clans that are not strongly represented in Mogadishu. Hostages are sometimes “sold” from one kidnap group to another. Tamagnini and Wolken explained that the influence of the police is hampered by the inability of the TNG to pay them regularly. Tamagnini added that the situation north of Mogadishu has remained generally stable, with Mohamed Dhereh in control of Jowhar.

193. The United Nations Children’s Fund (UNICEF)-Somalia’s Humanitarian Action Donor Update for May 2002 states that abductions of UN staff in Mogadishu continue. In March and April 2002, national staff members of both UNICEF and UNDP were kidnapped. Leila Pakkala, Senior Programme Officer, UNICEF-Somalia, Nairobi stated that a UNICEF staff member in Mogadishu, who came from an ‘outside’ clan, was kidnapped in March 2002 and held for five days. In response to the spate of kidnappings and attacks against humanitarian staff, UN agencies with the support of donors and NGO partners, suspended all activities in Mogadishu.⁴⁰

194. Harvey stated that the TNG only controls a small portion of Mogadishu. However, its authority extends to some areas outside Mogadishu. The TNG has never been a strong or cohesive body and the current manoeuvring ahead of the Nairobi conference could weaken it further. Hussein Aideed is weak militarily but enjoys strong clan backing. Aideed is supported by Ethiopia as part of the SRRC grouping rather than direct support for his own faction.

195. The police in Mogadishu have had a measure of success in some areas, particularly in combating banditry and roadblocks and in protecting businesses. Police numbers though are only 3,000 to 5,000 armed men compared to around 15,000 armed militiamen, and they are not paid regularly. The police cannot therefore fully control the situation. The main need is to disarm the clan-based and freelance militias, many of whom are youths.

196. The TNG has some control along the coast south of Mogadishu. In a recent case in which a Swiss aid worker was murdered in Merka, the TNG sent police to investigate the case. The TNG has requested the UN to provide support for law and order related issues and the UNDP is supporting “capacity building” in Mogadishu but because of the risk of kidnapping, at the moment all UN activities in Mogadishu has been suspended.

197. According to informed sources from an international organisation in Nairobi (A), the prominent Abgal faction leader Ali Mahdi is still a member of the TNA, and allegedly has responsibility for women’s issues. His USC/SSA was recently resurrected and Ali Mahdi proclaimed chairman, but no more has been heard of the USC/SSA since then. Ali Mahdi’s militia is with the TNG forces. Muse Sude ‘Yalahow’ controls the bridge on the main road north out of Mogadishu. Muse Sude ‘Yalahow’ and Mohamed Dhereh in Jowhar, Middle Shabelle, are supporting each other.

198. The TNG militia numbers 3,000 to 5,000 men, mainly from the former Somali national army. The TNG has difficulty retaining their loyalty, as it cannot pay them regularly. There are rumours that the TNG is arming itself and that arms may be coming from Libya and/or Eritrea.

⁴⁰ UNICEF-Somalia, *Humanitarian Action, Somalia, Donor Update*, Nairobi 16 May 2002.

199. According to the previously mentioned study by Le Sage and 'Ali Doy', the TNG's military capacity is approximately 5,000 soldiers with 2,500 police militia armed with light weapons. The TNG forces are equipped with 40 to 50 'technicals' and mortars. The TNG has a medium degree of command and control over its forces, although their deployment usually depends on agreement by clan leaders and key businessmen and financiers.

200. In their study, Le Sage and 'Ali Doy' state that the main contributors of militia forces to the SRRC are Mogadishu warlords Hussein Aideed and Musa Sude 'Yalahow', Jowhar-based Mohamed Omar Dhereh and General 'Morgan'. Muse Sude 'Yalahow', based in northern Mogadishu, commands the largest force, comprising a standing militia of 1,500 men, equipped with 20 to 30 'technicals', two pieces of towed artillery, light weapons and mortars. Hussein Aideed's forces comprise a standing militia of 75 to 100 men, with ten 'technicals', four armoured personnel carriers, light weapons and mortars. Aideed's command and control over his forces is dependant on his limited ability to pay his militia. Aideed's power has declined because business support has transferred to the TNG and *Shari'a* courts and because of heavy losses sustained against the RRA in Bay and Bakool, from where Aideed's forces were expelled in 1999.

Lower Shabelle

201. Informed sources from an international organisation in Nairobi (A) explained that the TNG has a level of control between Mogadishu and Kismayo. TNG militia troops are camped outside Merka but there is no meaningful TNG administration in the town itself. TNG police operate in Merka and investigated the recent murder of the Swiss aid worker (the murder suspect was killed in Mogadishu, while he was allegedly attempting to escape from police). Much land around Merka remains occupied by Habr Gedir Ayr (Abdiqassim's sub-clan) who displaced the original Bimaal inhabitants. 'Ali Doy' stated that the TNG occupies Merka.

202. According to the previously mentioned unpublished study by a prominent member of an international organisation working in Somalia, Merka is inhabited predominantly by Bimaal and Jareer (Bantu) farmers and agro-pastoralists. There are also Reer Hamar traders and fishermen in Merka. Hundreds of Habr Gedir militiamen have occupied the district during the past ten years and claim jurisdiction at the expense of local residents. Merka has witnessed persistent insecurity and violence that has led to the displacement of thousands of local residents from their homes to both internal displacement camps and refugee camps in Kenya and elsewhere.

203. According to informed sources from an international organisation in Nairobi (A), the town of Brava is reportedly quiet but the UN rarely visits Brava. It is unclear who is in control. TNG has control of the route from Mogadishu to Kismayo, which passes through Brava. Control of the southern coast (between Mogadishu and Kismayo) is important to TNG, which needs to be able to reinforce the JVA in Kismayo against attacks from Morgan's forces. 'Ali Doy' stated that most Bravanese had fled to Kenya and that Brava is still effectively under Habr Gedir occupation, although some Bravanese still live there.

204. According to the previously mentioned study about the security situation in Somalia, the Bravanese communities predominantly inhabit Brava and there are also Tunni and Bantu residing in rural areas around Brava. Owing to their vulnerability, and more importantly for their resources, the Bravanese became targets for both Darod and Hawiye militias. They suffered severe persecution,

forcing hundreds to flee their homes and properties. The Bravanese witnessed murder, rape and abduction of their girls and women.

205. Afgoy is an agricultural area in Lower Shabelle, predominantly inhabited by the Hintire, Geledi, Wadan, Murosade, Gargate clans and Jareer (Bantu). Jareer identified themselves with the Hintire, Geldi, Wadan and Gargate clans for protection purposes, yet the Jareer suffer discrimination and marginalisation and are not considered as 'real' Somalis.

Lower Juba (Kismayo) and Middle Juba regions

206. The United Kingdom Home Office, Immigration and Nationality Directorate's Somalia Country Assessment⁴¹ states that in early August 2001, General 'Morgan's' forces briefly re-occupied Kismayo but TNG-allied JVA forces retook the city the following day with minimal effort. Later in August 2001, JVA forces moved inland to capture the town of Bu'aale in Middle Juba region, 200 km north of Kismayo, from General 'Morgan's' forces.

207. According to the previously mentioned study by a prominent member of an international organisation working in Somalia the JVA is made up mainly of the Marehan and Habr Gedir Ayr clans and is supported by the TNG. The main focus of conflict for the JVA is against General 'Morgan's' militias in Lower and Middle Juba regions.

208. Tamagnini said Kismayo was opened up for UN operations in 2001. General 'Morgan' intends to retake Kismayo but surrounding roads have been mined to prevent his forces progressing. According to informed sources from an international organisation in Nairobi (A), General 'Morgan' is believed to be based mainly in Gode, Ethiopia. 'Morgan' is from the Abdirahim sub-clan of the Majerteen; his wife, Siad Barre's daughter, is Marehan. His main power base was Kismayo, currently controlled by the JVA. Abdullahi Yusuf, the president of Puntland, helped maintain 'Morgan' in power in Kismayo.

209. Cunliffe informed the delegation that the JVA controls Kismayo and Jilib and also has forces in Bardera, in Gedo region. Its military force is split between the three locations. Afmadow is an Ogadeni area but has remained neutral. Kismayo is much calmer and there are indications that some form of administration is emerging there. The TNG supports the JVA and revenue is also raised from the levying of port duties in Kismayo. The TNG and JVA control the strategic main road from Mogadishu to Kismayo. Brava and Merka are under TNG control and TNG forces are located there. Cunliffe considered it unlikely that the RRA would seek to push south out of Bay and Bakool towards the coast. He considered that while the RRA had proven to be tenacious fighters in their home territory they were less effective outside their traditional areas of operation.

210. According to the previously mentioned study by Le Sage and 'Ali Doy', the JVA has a standing militia force of 800 to 1,000 men, equipped with 15 to 20 'technicals'. The ability of the JVA to exercise effective command and control over its forces depends on its limited ability to pay the militia. The JVA receives occasional military support from the TNG.

⁴¹ United Kingdom Home Office, Immigration and Nationality Directorate, Country Information and Policy Unit, *Somalia Country Assessment*, Croydon, April 2002, sections 3.43 – 3.47.

Gedo region

211. Harvey explained that the recent fighting in Gedo region was caused mainly by tensions within the Marehan clan and had less to do with TNG and SRRC rivalries, although that exists and contributes to the underlying tension. There appears to be evidence of Ethiopian support for SRRC forces in recent fighting in Belet Hawa. Wolken explained that the situation in Gedo is very complex, with part of the problem at present being the issue of, and attendant power struggle over, who will represent Gedo at the proposed Nairobi reconciliation conference.

212. Informed sources from an international organisation in Nairobi (A) considered that the main issue in the dispute within the Marehan clan is over Ethiopian support.

213. Tamagnini stated that non-essential UN operations in Gedo are closed because of fighting within the Marehan clan. Southern Gedo is accessible.

214. Cunliffe explained that northern Gedo has been used as a buffer zone for Ethiopia for several years. In early 2001, Ethiopia withdrew its forces and in the key towns of Luuq and Belet Hawa left in charge Marehan sub-clans that originated in Ethiopia. The Elidere clan was left controlling Belet Hawa and the Rer Hassan clan in Luuq. Around the beginning of 2002, the Kismayo-based JVA captured Bardera by a Marehan force. The JVA consists of three clan groups, the Habr Gedir, the Ogadeni and the Marehan.

215. Ethiopia had called on General 'Morgan' to retake Bardera. RRA forces supported by 'Morgan's' militia attacked the JVA but were heavily defeated and failed to retake Bardera. The JVA Marehan forces in Bardera tried to recruit the support of Marehan from other areas and managed to secure the changing of sides of the Somali National Front (SNF)-leader Colonel Abdirazzaq Isaq Bihi. The RRA and 'Morgan's' forces launched a second unsuccessful attack on Bardera earlier in 2002, assisted by Marehan forces from the Rer Hassan, Hawersamme and Aber Yaacob sub-clans. The Hawersamme and Aber Yaacob are sub-clans that have for centuries felt neglected by other Marehan sub-clans and they sought advantage by joining with the RRA and 'Morgan'. The anti-JVA forces were driven back into Bay region. Colonel Bihi moved to Belet Hawa but was captured in May 2002 by Ethiopian forces that moved into the town. Cunliffe stated that he had seen Ethiopian forces operating in Belet Hawa.

216. Ethiopia is still providing support, indirectly or directly if necessary, to the small Marehan sub-clans against the JVA. The TNG has condemned the Ethiopian incursion into Gedo and is likely to increase support, through the JVA, for Colonel Bihi's forces. There is now a very deep rift within the Marehan. People, particularly men, have to be in an area directly controlled by their own sub-clan to be safe. There has been some population displacement caused by the recent fighting, with some towns being deserted.

217. UNICEF-Somalia's Humanitarian Action Donor Update from May 2002 states that successive waves of fighting in Gedo region since April 2002 have caused large-scale internal displacement and a flood of over 10,000 refugees across the Kenyan border. Refugees fleeing fighting in the region have also reportedly fled to Dolow in Ethiopia. The fighting between rival Marehan sub-clans pits militias loyal to the TNG against others backing the SRRC. Periodic fighting has erupted in the main Gedo towns of Belet Hawa, Bardera, Garbaharrey and Luuq and has seriously disrupted the provision of humanitarian assistance to the populations in the region. In

April 2002, UN staff members were killed or attacked during the fighting. Humanitarian access remains the greatest problem with most roads in Gedo now mined and insecurity preventing access by UN agencies and international NGO partners. The region has suffered three years of successive drought and malnutrition rates as high as 37 %.⁴²

218. Cunliffe explained that there is some risk of the current conflict in Gedo widening. Many groups have an interest in the situation, including the JVA and Ethiopia. Cunliffe confirmed that the humanitarian situation in Gedo is now serious, with acute malnutrition levels of 30% to 40%. ACF is still running a programme in Gedo but it is one of few agencies still operating in the region. Direct Ethiopian involvement may be the most effective way of restoring stability in Gedo and enabling more humanitarian aid to be taken in, but it should not be overlooked that Ethiopian involvement in Somalia had to a large extent brought about the current crisis in Gedo in the first place.

219. It was reported on 17 June 2002 that Colonel Bihi had been released and was present in the Kenyan border town of Mandera, where he was handed over to local Marehan elders. He was reported to be participating in reconciliation talks within the Marehan clans. His release was seen as an important gesture. Humanitarian sources expressed the hope that Bihi's release might encourage the return to Gedo from Mandera of the thousands who had fled the fighting in Belet Hawa in May 2002.⁴³

220. Informed sources from an international organisation in Baidoa stated that in Bardera in southern Gedo the majority population is Rahanweyn.⁴⁴ Somalia's former President Siad Barre had placed the town under Marehan administration when the Gedo region had been established, incorporating some traditional Rahanweyn areas. The Rahanweyn in Bardera saw themselves as distinct from the Rahanweyn in Baidoa but nevertheless did not wish to come under Marehan control. Belet Hawa, Gedo is also a Rahanweyn town. Rahanweyn in Gedo have been offered assistance from an international organisation to relocate to Bay and Bakool but they had wanted to remain in Gedo where they felt they had greater access to aid, as well as to Mandera, just across the border in Kenya.

Galgaduud and southern Mudug regions

221. According to 'Ali Doy', the Habr Gedir clan south of Galkayo was not involved in the recent conflict in Puntland (see below), which borders southern Mudug. The Habr Gedir have been passive during the inter-Majerteen dispute in Puntland but the Habr Gedir would not be particularly bothered to see the Majerteen clans being in armed conflict among each other.

222. Regarding the security situation in southern Mudug and Galgaduud regions, these are traditional Habr Gedir areas, but 'Ali Doy' added that most Habr Gedir left the area a long time ago.

⁴² UNICEF-Somalia, *Humanitarian Action, Somalia, Donor Update*, Nairobi 16 May 2002.

⁴³ IRIN, *Faction leader released*, Nairobi, 17 June 2002.

⁴⁴ For details about the clan composition in Gedo and in Bardera district in particular see Danish Immigration Service, *Report on Nordic fact-finding mission to the Gedo region of Somalia, 15 – 30 October 1998*, Copenhagen July 1999, p.13.

Today the area is peaceful and there are no conflicts regarding the resources. Pastoralists mainly inhabit the Galgaduud and southern Mudug regions and while they have no armed militias the Elders are in local control of the two regions in the absence of any formal administration.

223. When the rains and the grazing are normal the humanitarian and economic situation is good and the population survive by their animals without difficulties and in a “natural” way. ‘Ali Doy’ added that traditional conflicts between the Marehan clan in the Dusa Mareb area and the Habr Gedir Ayr clan do not continue today as the Marehan sub-clan Rer Dini and the Habr Gedir Ayr are allied in Kismayo in the JVA, which is trying to establish a regional administration for Lower Juba (see the section regarding Kismayo and Lower Juba). ‘Ali Doy’ emphasised that Galgaduud is a peaceful region, which is of no interest to armed clan militias.

224. According to UNCU’s security-map of Somalia the status of security in Galgaduud region is unknown (see annex 8).

Puntland

225. According to informed sources from an international organisation in Nairobi (A), the recent political changes in Puntland and their implications for the security situation and the future stability in the area are closely related to the clan base of the key political figures in Puntland. Puntland is divided into three Majerteen dominated regions, Bari, Nugal and northern Mudug, each with its own Majerteen sub-clan. In the northern Bari region the Osman Mahmoud clan is by far outnumbered by a number of other clans, the Dulbahante, Warsangeli (mainly from Sool and Sanaag regions in eastern Somaliland), Kaptanle, Wabeneyana, Deshishe, Ali Jibrali, Ali Suleiman and Siwakron. The central Nugal region is dominated by the Isa Mahmoud clan, and northern Mudug by the Omar Mahmoud clan.

226. According to ‘Ali Doy’, Jama Ali Jama is from the Osman Mahmoud sub-clan Abdi Isse. Abdullahi Yusuf is from the Omar Mahmoud sub-clan Reer Mahad. Both clans are part of the Majerteen clan family. Ali Jama draws his support from northern Puntland (Bosasso) while Yusuf has his stronghold in Northern Mudug (Galkayo) where he also enjoys support from a number of other clans including the Beidyahan. Ali Jama has support from most of his own Abdi Isse sub-clan, but has limited support from others, due to fear of instability and association with Al-Itihaad (see below regarding Al-Itihaad). The Timoweynta and other Sufist Islamic sects fear rising Al-Itihaad power.

227. Ali Jama also received support from Al-Itihaad while Yusuf is supported by Ethiopia. However, ‘Ali Doy’ strongly refuted the claim that Ethiopian troops has been present in Puntland and added that the Ethiopian support came in the form of ammunition to Yusuf’s militia. Ali Jama has recently received economic support from Libya.

228. Ali Jama’s clan, the Osman Mahmoud, has established checkpoints in the town of Gardo, which is situated between Bosasso and Garowe. Members of the Osman Mahmoud established these checkpoints as this clan is divided in its support for Ali Jama. The other clans in Bari region generally support Yusuf, while Al-Itihaad does not. Members of Al-Itihaad only number between 100 and 200 in Bari region. The fact that the Osman Mahmoud clan is divided and that Yusuf enjoys the support from the majority of the above-mentioned clans in Bari region explains why he was able to take over the northern town of Bosasso from Ali Jama without much difficulty.

229. The Office of the High Commission on Human Rights (OHCHR) reported in January 2002 that the political crisis in Puntland was related to the transition at the end of the three-year mandate of the Charter of the Puntland State of Somalia in June 2001. The administration was not in a position to meet the criteria specified in the Charter, namely, finalisation of a constitution, referendum and elections. The mandates and the term of office of the executive and parliament expired on June 2001 and power devolved to the Supreme Judge, Yusuf Haji Nur, as caretaker president. The Charter mandated the caretaker president to open a conference in Garowe to elect a president and vice-president and approve the Puntland Charter for a further three years. Prior to this, the president of Puntland, Abdullahi Yusuf, had lobbied for an extension of the term of office on the basis that a referendum and elections could not be held owing to the economic depression and to insecurity. In March 2001 a meeting of titled Elders (*Isimo*) concluded that there could be no extension of the term.

230. However, in June 2001 the House of Assembly, supported by a number of senior elders, approved a three-year extension of the existing administration. These differences resulted in a governance crisis in Puntland and since August 2001 fighting between opponents and supporters of Yusuf have taken place in Puntland's capital Garowe and in Bosasso. On 14 November 2001 the Garowe conference elected Jama Ali Jama as the new president of Puntland but Yusuf accused the conference process of being supported by the Islamic movement Al-Itihaad⁴⁵ (see below for further details on Al-Itihaad). It was reported that Abdullahi Yusuf received military support from Ethiopia. In the wake of the terrorist attacks in the United States on 11 September 2001, this has also been used to mobilise further Ethiopian opposition to the conference process. Ali Jama was supported by the TNG in Mogadishu. However, in late November 2001, Yusuf's forces captured Garowe after extensive fighting.⁴⁶ On 8 May 2002, Yusuf captured Bosasso and Ali Jama left Puntland. Since then Yusuf has effectively reassumed the Puntland presidency.

231. Informed sources from an international organisation in Nairobi (B) stated that there had been recent rumours of some tension in Garowe, suggesting that things were not going quite so smoothly for Yusuf as he would like people to believe and that the situation in Puntland may be unsettled for some time to come. However, Yusuf's recapture of Bosasso in May 2002, which fully restored him to power as the leader of Puntland, has shown that some observers were premature in 2001 when they stated that he was finished as a political force.

232. Informed sources from an international organisation in Baidoa stated that there have been acts of retaliation carried out in Bosasso against supporters of ousted Ali Jama following the recapture of the town by Yusuf's forces. This had mainly taken place north of Gardo, up to and including Bosasso. In Bosasso, businessmen from the Osman Mahmud sub-clan, from which Ali Jama comes, have closed their businesses after receiving threats or from fear of retribution. Outside Bosasso

⁴⁵ According to the previously mentioned but yet unpublished study by Le Sage and 'Ali Doy', Ali Jama was financially supported by businessmen, particularly those linked to Al-Itihaad.

⁴⁶ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr. Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, pp.24-25.

there have been some executions carried out by militias loyal to Yusuf. There have not been any incidents of burning or looting.

233. An informed source in Baidoa was told by others that militia in a number of incidents had killed seven people over a day and a half. The source recommended the delegation to consult the business community in Belet Weyne, Hiran region in order to be updated on these recent events. The business community in Belet Weyne is well informed about political and security developments in Puntland as their business is closely connected to the business community in Puntland, especially Bosasso. Security and political developments are major concerns for the business community and it is generally well informed about these issues.

234. A group of prominent Galje'el businessmen from Belet Weyne in Hiran region who trade regularly in Puntland informed the delegation that the recent conflict in Puntland had not had any tangible effect on the trade that the Belet Weyne business community has with Puntland. During the main fighting between the forces of Yusuf and Ali Jama, all trade between Puntland and Belet Weyne had stopped. Business life had returned to normal since Yusuf's forces had captured Bosasso. They considered that the business community was always the loser when there was conflict as trade was disrupted and is in general not especially concerned with who runs the administration as they pay tax to whoever holds political power.

235. The Belet Weyne businessmen explained that Ali Jama had become president of Puntland as a result of popular discontent with Yusuf's administration. Yusuf was seen as a dictator. After his ousting from Bosasso, Yusuf retreated to his sub-clan's area. With the assistance of a neighbouring state [i.e. Ethiopia], which altered the balance of power in his favour, Yusuf's forces re-grouped and were able to regain control of Puntland.

236. Traders always gave financial support to politicians. In Bosasso there had been retaliation by Yusuf's forces against members of the business community who had supported Ali Jama. The businessmen informed the delegation that they were aware of reports of some executions, detentions and the taking away from traders of import-export rights. One of the businessmen knew of a Bosasso trader, Mohamed Ali Gonyei, who was arrested when he returned to Bosasso from Belet Weyne. He remains in prison. Other people, particularly businessmen and politicians, had fled to Somaliland after Yusuf captured Bosasso. As far as the Belet Weyne businessmen were aware, the level of retaliation against Ali Jama's supporters was not to the extent that it could be said to be widespread, but retaliation definitely has taken place and some traders were facing difficulties. It is difficult to travel at night at present in Puntland and there is general insecurity in the state.

237. Informed sources from an international organisation in Baidoa stated that Yusuf's militia in Bosasso is well aware of which prominent businessmen had supported Ali Jama. In the case of prominent figures it would be difficult to attack them openly but acts of retaliation against them could be disguised as acts of banditry.

238. The Belet Weyne businessmen felt that the situation in Puntland had not been fully resolved. Districts such as Gardo, between Garowe and Bosasso, still support Ali Jama. In addition there have been reports of illegal roadblocks in the Gardo area.

239. The businessmen considered that there could be no doubt that Ethiopia had supported Yusuf's efforts to regain control of Puntland. The arms and training that Ethiopia gave to Yusuf were

enough to shift the balance of power in the state in his favour, whether or not Ethiopia intervened directly in Puntland.

240. Informed sources from an international organisation in Baidoa explained that Yusuf is currently reluctant to allow international organisations to return to Puntland because he does not want any acts of retaliation carried out by his militia to be reported immediately. Also, it has been claimed that to discredit Yusuf the Osman Mahmud have threatened to abduct expatriate staff members of international organisations staff members if they resume operations in Puntland. However, it was reported in late May 2002 that Yusuf's chief of cabinet, Ismai'l Warsame, had stated that international agencies were welcome to return to Puntland, once law and order had been restored. He also stated that an invitation had been sent to all heads of agencies working in Puntland to visit Bosasso to meet Yusuf.⁴⁷

241. Informed sources from an international organisation in Baidoa commented that Yusuf was putting his former Puntland administration back in place, but excluding the Osman Mahmud clan at all levels. The current situation, whereby the Osman Mahmud clan is effectively excluded from state functions, is probably unsustainable over a longer term but the Puntland institutions are well established now and are likely to survive the current period of unease.

242. Yusuf remains generally popular in Puntland. He is not intent on gaining financially from his position, which is appreciated by the people, but is authoritarian by nature. He retains strong support amongst clan elders, not necessarily because they support him or his style of government personally but because, pragmatically, he is seen as the best leader available. Had he followed the constitution and faced an election rather than seeking to extend his term of office, which led to his removal from office in 2001, he would probably have been re-elected.

243. According to informed sources from an international organisation in Nairobi (A), Yusuf is now in effective control of the whole area of Puntland. Ali Jama is believed to have left Puntland and to be in Djibouti. His militia has set up some roadblocks and Yusuf will need to exert control over them. Ali Jama has stated his intention of returning to Puntland but he is unlikely to do so while Yusuf remains in control. At a local level, clan-based authorities continue to function effectively, irrespective of whoever controls the state presidency. There is some possibility of conflict between the three main Majerteen sub-clans, although clan Elders did not frustrate Yusuf from regaining control. Ali Jama's brief administration was seen as very corrupt and supported by negative elements, including Al-Itihaad. Overall, it is too early to predict what will happen in Puntland. UN intends to resume operations there but at present international staff cannot travel to Puntland.

244. Regarding the security situation in Puntland, 'Ali Doy' explained that checkpoints have recently been established in the town of Garowe, the administrative centre of Puntland. Mohammed Haji Aden, a minister in Yusuf's former government, deployed 40 'technicals' and 60 militiamen. When asked whether these checkpoints would pose a serious threat to the security situation in Puntland, 'Ali Doy' explained that he did not consider this to be a major problem. These checkpoints have been established only with the purpose of consolidating the bargaining position of

⁴⁷ IRIN, *Aid agencies welcome, says Puntland*, Nairobi, 22 May 2002.

the Issa Mahmoud clan in central Puntland. 'Ali Doy' would, however, not exclude the possibility of small clashes in Garowe between supporters of Ali Jama and Yusuf. He added that Yusuf enjoys full support from Galkayo while approximately 70 % of the Issa Mahmoud clan in Garowe support Yusuf, even though this clan is not in general a supporter of him. However, they regard his return to power as the best option to secure stability in the region. Over time, when present supporters of Yusuf realise that his control has been diminished, divisions among the Majerteen clans may re-emerge, but these divisions may be of a political nature rather than have the character of clan-based armed conflict. Ali 'Doy' added that at present an armed conflict between supporters of Ali Jama and Yusuf is unlikely.

245. 'Ali Doy' considered it unlikely that Yusuf would initiate a large-scale retaliation campaign against supporters of Ali Jama, as this would undermine his present support from a majority of the Majerteen clans and sub-clans. The present political and security situation in Puntland is more or less back to what it was before Ali Jama became president. 'Ali Doy' explained that in some sense it is, if anything, somewhat better because Yusuf will hopefully have learned something from the last few months' conflicts about the limitations of his power.

246. Tamagnini stated that the UN is looking to ensure that urgent humanitarian assistance can get through before it resumes larger programmes in Puntland. Médecins Sans Frontières (MSF) - Spain is the only NGO currently operating in Puntland. There is a cholera epidemic in Bosasso at present. There is no further conflict expected at the moment, although Elders who had supported Ali Jama as president may move against Yusuf at some point. Ordinary people were affected by clashes between the rival forces, but there have been no large-scale moves of population.

247. Harvey stated that the timing of the Nairobi reconciliation conference may have had some bearing on recent developments in Puntland, although the basis of the conflict there was already in place. Yusuf appears to be firmly in control for the time being and he enjoys strong backing from Ethiopia. The TNG had sided with Ali Jama and there were reports that he may have received weapons from Libya and Eritrea, facilitated by the TNG. There is fairly clear evidence that Ethiopian forces have been involved in training Yusuf's militia.

248. At an emergency Somalia Aid Co-ordination Body (SACB) meeting held in Nairobi the previous week (mid-May 2002), a message was received from Yusuf's authorities stating that international organisations should not have been withdrawn from Puntland and that they were not welcome back. The conclusion was drawn that Yusuf did not want international organisations to return to Puntland until his forces had satisfactorily neutralised Ali Jama's forces. There is concern that, in the absence of the presence of international organisations, human rights violations may be committed as part of the process of Yusuf resuming power from Ali Jama.

249. Wolken informed the delegation that the UNHCR intends to restart its repatriation programme to Puntland when the situation there stabilises. The lack of funds was a barrier to implementing the programme before. UNHCR had intended to return 3,000 people from the Dadaab refugee camps in Kenya to Puntland, at their own request.

250. Jones stated that although the situation in the last few months in Puntland has been poor, with the recent conflict between Yusuf and Ali Jama, it has still, nevertheless, been better than in southern Somalia. Yusuf is essentially a military man and before he was replaced as Puntland's president in 2001 by Ali Jama a large amount of Puntland's revenue, such as duties from the port in

Bosasso, was spent on military hardware, partly to impress the SRRC factions that he was important. Nevertheless, there had been a gradual evolution taking place in Puntland and things were moving in the right direction. Dr Ahmed Yusuf Farah of the War-torn Societies Project (WSP), Nairobi confirmed in a February 2002 paper that the employment of security forces and public servants in Puntland under Yusuf reached a level that could not be sustained by the limited government revenue, accounting for more than 90% of the state's administration revenue.⁴⁸

251. Jones stated that the significance of the ousting of Yusuf from power in 2001, after he had announced a year's extension to his term of office, was that the feeling amongst people in the middle levels of society was that there should be elections and that Yusuf was denying them their constitutional rights. This was a good example of another qualitative improvement in the situation in Somalia in past years.

252. Yusuf had successfully capitalised on the free hand that Ethiopia was being given by the West in the region in the wake of the September 2001 terrorist attacks in the United States.

253. According to the previously mentioned and yet unpublished study by Le Sage and 'Ali Doy', the Majerteen Elders in Puntland are generally influential as the "swing vote" in Majerteen leadership disputes, although their self-interest is served through financial patronage and threats of marginalisation by the competing political leaders. In the absence of singular leadership, the Puntland state bureaucracy continues to operate with divided loyalties, but limited interference by either side.

Islamic movements in Somalia, including Al-Itihaad

254. The UNDP's Human Development Report states that several Islamic movements exist in Somalia, some long established, others of more recent origin. The various Sufist *turuq* are the oldest Islamic sects in Somalia. Al-Tabliiq is a sect, whose members are educated in Pakistan. Hisbul *Islam* was formed in 1996 after splitting from Al-Itihaad (see below). Al-Islah is affiliated with Al-Akwan in Egypt and movements in Yemen and Kuwait that focus on reconciliation while spreading Islam and advocating for an Islamic constitution. Majmaal Islam was established in 1975 to resist Siad Barre's anti-Islamic doctrine. Majmaal Islam's scholars were educated at the Al-Ahzar University in Cairo and they supported the creation of courts in 1991. The organisation is linked to Sudan and Egypt. The Islamic Enforcement Body is an organisation supportive of *Shari'a* courts in Somalia. Finally, Al-Itihaad⁴⁹ is believed to have been operating since 1988 in Ethiopia, Sudan and Somalia. It has a political and a military agenda.⁵⁰

255. The Secretary-General's February 2002 Report to the UN Security Council notes that US President George W. Bush signed an Executive Order on 23 September 2001 in the aftermath of the

⁴⁸ Dr Ahmed Yusuf Farah, *Troubled Transition in Puntland State of Somalia (PSS) 1998 – 2001*, War-torn Societies Project, Nairobi, February 2002.

⁴⁹ For more details regarding *Al-Itihaad* and its presence in Somalia, especially in Gedo region, see Danish Immigration Service, *Report on Nordic fact-finding mission to the Gedo region of Somalia, 15 – 30 October 1998*. Copenhagen, July 1999, pp.21-22.

⁵⁰ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.192.

terrorist attacks in the United States on 11 September 2001. President Bush ordered the blocking of the assets of organisations and individuals linked to terrorism, including the Somali organisation Al-Itihaad al-Islamiya. The list of persons and organisations subject to the order has since been expanded to include a number of Somali individuals and the Al-Barakaat Group of Companies Somalia, Ltd.⁵¹

256. According to the previously mentioned study by Andre Le Sage and Ali Yusuf Hersi ('Ali Doy'), the Islamic group Al-Itihaad insinuates itself into weak and divided bureaucracies by buying influence with parliamentarians and judges. It makes temporary alliances of convenience with a variety of militia factions and regional authorities in Somalia. The key individuals of Al-Itihaad are members of various clans.

257. The above-mentioned study states that Al-Itihaad's ideological claim is to offer public security and moral rectitude to populations disaffected with government corruption and warlord competition. However, Al-Itihaad only receives moderate support from poor urban populations, who receive essential social services in the form of education and health from Al-Itihaad linked mosques and charities. The business community's support for Al-Itihaad to provide security for trade generally ceased after the creation of the TNG in Mogadishu. However, financial support to Al-Itihaad's social activities is presumed to continue from Islamist charities in Arab states as well as supportive Somali businessmen.

258. Concerning the military capacity of Al-Itihaad, the above-mentioned study states that Al-Itihaad currently maintains no standing militia, but security forces and staff for businessmen linked to Al-Itihaad are considered by some to represent a "reserve army" of more than 1,500 militia. Al-Itihaad formerly received weapons supplies from Eritrea.

259. Al-Itihaad has no defined organisational structure since the creation of the TNG and the decline of *Shari'a* courts led by Al-Itihaad. Today, Al-Itihaad is a loose network of less than a dozen key leaders, making it hard to identify and target by opposition forces. Some of the key leaders of Al-Itihaad are members of the TNG's judiciary system.

260. Regarding the presence of Al-Itihaad training camps in Somalia, the study states that all rural bases, e.g. in Ras Kamboni, south of Kismayo on the Kenyan border, El Waak in Gedo and Las Qoray on the eastern Somaliland coast, were closed since the shift of business support to the TNG and rumours of the United States targeting Al-Itihaad after the September 2001 terrorist attacks in the United States.

261. According to informed sources from an international organisation in Nairobi (A), Islamic fundamentalist influence has weakened in Somalia. There had been six training camps, mainly for Marehan recruits who mostly joined for the pay and food rather than any great commitment to the cause. These camps were destroyed by Ethiopia. At most, there might be one camp still open, though it is not functioning as a training camp. The position in Puntland is unclear. Al-Itihaad was strong in Bosasso at one point but the people are bitterly opposed to any return of fundamentalist groups there. The Al-Itihaad leader in Bosasso relocated to Las Anod in eastern Somaliland after his

⁵¹ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia, S/2002/189*, February 21, 2002, p.2.

forces were driven out of Bosasso. Some Al-Itihaad members remain in Las Anod but not in significant numbers. Al-Itihaad has switched its emphasis away from armed opposition towards exerting influence through schools, which may be funded from Saudi Arabian sources. The schools teach Arabic rather than Somali.

262. Cunliffe also considered that Al-Itihaad is no longer an important player in Somalia. Al-Itihaad forces were possibly in place to the west of Bosasso, at Las Qoray and also at El Waak but Al-Itihaad is no longer a significant force. The Al-Itihaad base at Ras Kamboni was cleared immediately after the September 2001 terrorist attacks in the United States. There is very little Al-Itihaad activity at present and most former members of the group are at home with their families. Many people had only joined Al-Itihaad for pragmatic reasons, because it offered regular employment, rather than any great commitment to the group's cause.

263. Tamagnini also understood there to be no Islamic fundamentalist groups operating training camps in Somalia today. He added that the camp at Ras Kamboni is no longer operating. This is confirmed in a study from January 2002 by Ken Menkhaus⁵² in which he states that the main drawback to a possible US bombing campaign to strike terrorist camps in Somalia "is the absence of meaningful targets in Somalia to bomb. At this time [January 2002], there are no terrorist bases and training camps in Somalia... In the early to mid-1990s, the Somali Islamist movement known as Al Itihaad did control several small towns and rural outposts, and there is some evidence that non-Somali Islamists passed through and used those bases. But holding fixed territory proved to be a curse for Al Itihaad, as it made them a sitting target for neighbouring Ethiopia, which is firmly committed to fighting Islamic extremism. For the past five years, Al Itihaad's strategy has been to integrate into local communities and clans, and work within legitimate sectors – as teachers, health workers, journalists, merchants, and in judicial structures – toward a long-term goal of preparing Somalia for eventual Islamic rule. As a result there are no local administrations in Somalia controlled by Al Itihaad, and the handful of small, remote bases that radical Islamists once held are abandoned". Menkhaus adds that, "Somalia is a notoriously difficult place for non-Somalis to operate in secrecy. Everyone knows who you are and what you are doing".⁵³

264. Menkhaus states that, "there is no evidence to date that the threat [against national security in the US] posed by Somalia's Al Itihaad organization is at all that large. In fact, Somalia's Al Itihaad is, in the pantheon of worldwide Islamic radicalism, small potatoes. Throughout the 1990s, the group has mainly been focused on a domestic, not global, agenda. It has in a couple of instances been involved in terrorist activities inside Ethiopia, enough to justify our labelling it (belatedly) as a terrorist organization. Its role in the 1998 US embassy bombings in Kenya and Tanzania is, according to public evidence so far, incidental. The group as a whole is localized these days, working within, not across, clan affiliations, and does not appear to have all that much political muscle in the country. In local Somali politics, Al Itihaad has regularly been outflanked by savvy

⁵² Menkhaus is associate professor of political science at Davidson College in North Carolina. He has written numerous articles and monographs on Somalia. The Danish Immigration Service has consulted Menkhaus during earlier fact-finding missions to Kenya and Somalia.

⁵³ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, p.1.

clan and militia leaders. That does not mean it should be overlooked or underestimated, but it does suggest that the threat posed by radical Islam in Somalia is much lower than in many other parts of the world.”⁵⁴

265. Finally, Menkhaus states that commentators consider Al Itihaad as “being synonymous with Al Qaeda, as though Al Itihaad were a sort of local subsidiary of Osama bin Laden’s global operation. This view is simply wrong and reveals a disturbing level of ignorance about Somalia. Also disturbing are the inaccurate media statements about Al Qaeda’s alleged role in the October 1993 deaths of 17 American soldiers in Mogadishu, which reinforce the perception of a strong Osama bin Laden link to Somalia. For Somalis and veteran Somalia watchers, these allegations are mystifying. There is much we do not know about Al Itihaad, but a few facts are relatively clear. Al Itihaad is not an arm of Al Qaeda. Some Somali members of Al Itihaad (including some leading businessmen) have, however, had associations with Al Qaeda that merit close scrutiny. Those associations appear to range from very significant to incidental, from ideologically committed to utterly pragmatic and expedient. Notably, no Somalis appear among the top leadership of Al Qaeda, and none has been used as a terrorist in attacks on the United States. Meanwhile, the bulk of Al Itihaad members in Somalia have nothing to do with terrorism and Al Qaeda. Most of the members of the Islamic militias in parts of Mogadishu and southern Somalia are simply young gunmen, who will work for whoever pays them a dollar a day. What this suggests is that the number of Somali nationals who have significant links to Al Qaeda is quite small – 10 to 12 individuals at most – and that none of them is especially prominent in that terrorist network.”⁵⁵

266. Regarding rumours about a sudden US air strike against targets in Somalia, Cunliffe informed the delegation that in January 2002 reporters from the CNN news agency suddenly turned up in Mogadishu, resulting in panic as people believed that a US air attack was imminent, and many people fled Mogadishu and other towns in Somalia.

267. Harvey stated that there is evidence that there have been training camps for Islamic militants in Somalia in recent years and there have been some links between Al-Itihaad and the Al Qaeda terrorist group of Osama bin Laden. There is still international interest in the possibility that Somalia may be used as a base for terrorist activities but evidence suggests that this is unlikely. German forces are still based in Kenya. British aircraft that were patrolling over Somalia have now left Kenya but the US Navy continues maritime surveillance patrols off the Somali coast, looking for any suspicious movements of vessels.

268. Informed sources from an international organisation in Baidoa stated that Al-Itihaad does not, and never has had, any influence in Bay and Bakool. Although Al-Itihaad has a presence throughout Somalia, wealthy businessmen, who also fund *Shari’a* courts, usually finance them. In Baidoa the courts are a mixture of clan-based, religious and civil justice. Religious law governs most family disputes.

⁵⁴ Ibid, p.3.

⁵⁵ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, p.1.

269. In Mogadishu, businessmen withdrew much of their funding for the *Shari'a* courts in favour of funding the TNG. The *Shari'a* courts soon collapsed as a consequence.

270. According to the BBC, it is clear that the Somali factions are using the general anti-terrorist rhetoric since 11 September 2001 to demonise each other, and it is the general feeling that Al-Itihaad's influence is vastly overblown.⁵⁶ The UN Security Council reported in late February 2002 that the TNG in Mogadishu had established an anti-terrorist task force. Opposition groups to the TNG, particularly the SRRC and Abdullahi Yusuf in Puntland, have alleged that the leadership of the TNG is pro-Al-Itihaad and that is linked to the Al Qaeda terrorist network.⁵⁷

271. Menkhaus does not consider the TNG as a "radical Islamist front" or a "Somali version of the Taliban".⁵⁸ He explains that Ethiopia sees the current TNG in Mogadishu as "a Trojan horse for Al Itihaad",⁵⁹ and writes that, "Ethiopia backs a loose coalition of anti-TNG Somali factions (known as the Somali Restoration and Reconciliation Council, or SRRC) as part of an effort to destabilize and discredit the TNG. The TNG does, in fact, include in its parliament some Al Itihaad members, and Al Itihaad has attempted to gain control of the TNG's judicial branch. But this does not make the weak and almost irrelevant TNG a radical Islamist front."⁶⁰

272. Menkhaus explains that, in its [the TNG's] worsening relations with Ethiopia, however, it has found its principal support coming from the Gulf Arab States and Egypt. Current political divisions in Somalia are therefore very much a reflection of a proxy war between Ethiopia and the Arab world. Ethiopia, in short, has its own agenda in Somalia, one that includes exaggerating the threat of Islamic radicalism in Somalia to win support from the United States."⁶¹

273. In his paper "*Prospects for Al Itihad and Islamist Radicalism in Somalia*" (attached as annex 9) Andre Le Sage, University of Cambridge discusses the political marginalisation of Al Itihaad. Le Sage writes that, "*Al Itihad* and other Islamic movements have found the inception of the TNG to be a double-edged sword. On the one hand, the TNG controls only a small portion of territory in the capital city, its strength depends on the financial contributions of businessmen who have been supporting the *Shari'a* courts for years. This provides the movement with potential influence in a weak and divided administration. On the other hand, the direct influence of *Al Itihad* has diminished as they are no longer the primary recipients of the business community's support. Further, the TNG

⁵⁶ BBC News Online, 8 January 2002.

⁵⁷ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia*, S/2002/189, February 21, 2002, p.2.

⁵⁸ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, pp.4 and 6.

⁵⁹ *Ibid*, p.3.

⁶⁰ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, pp.3-4.

⁶¹ *Ibid*, p.4.

has marginalized *Al Itihad* as it seeks to establish an independent character not connected to ‘fundamentalist’ elements that will endanger relations with Ethiopia and Western donors.”⁶²

274. Menkhaus also comments on the linkage between the business community, Al Itihaad and the TNG. He states that “in reality, most of the businessmen involved in supporting the *Shari’a* court militias and the TNG are pragmatists, seeking to harness the *Shari’a* courts to provide better security and a safer environment in which to conduct commerce. There are, no doubt, a handful of businessmen who are genuinely committed to the idea of Islamic rule and to Al Itihaad, though that does not automatically qualify them as supporters of terrorism. Many other businessmen with connections to Al Itihaad and perhaps even Al Qaeda have pursued those ties for reasons of expediency – for security, to access credit, to tap into the network of business contacts and information that that association provides. Precisely because these are ties defined largely by self-interest, they are amenable to external efforts to reshape the cost-benefit analysis on which they are based.”⁶³

275. On the basis of his analysis and his discussion of different scenarios in Somalia for the United States war on terrorism, Menkhaus supports the idea that the US and its allies could embark on a policy of establishing greater links to the Somali business community. Menkhaus argues that “the businessmen would be potentially valuable eyes and ears in the country; they know what is passing through the main ports; they control the flow of money and communications in the country; they possess vastly stronger networks of informants and local partners throughout the country than do any of the political groups; and they are the kingmakers in Somali politics.”⁶⁴

⁶² Andre Le Sage, *Prospects for Al Itihad and Islamist Radicalism in Somalia*, University of Cambridge, Faculty of Social and Political Sciences, last revised 17 October 2001. (Published in *Review of African Political Economy*, Volume 27, Number 89, September 2001).

⁶³ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, p.9.

⁶⁴ Ken Menkhaus, *Somalia: Next Up in a War on Terrorism?*, Africa Notes, Number 6, Center for Strategic and International Studies, Washington, January 2002, p.9.

3. Human rights

3.1. Overview

276. The UNDP's Human Development Report – Somalia 2001 states that, “one of the most important elements of human security is that people should be able to live in a society that honours their basic rights. After 21 years of an oppressive military dictatorship and a decade of protracted conflict, the human rights situation in Somalia defies generalisations. In areas where security has been re-established and where there is political and economic recovery, the human rights situation is much improved. Where political instability and chronic humanitarian need persists, the human rights situation remains dire.”⁶⁵

277. The above-mentioned report notes that in 1997 the UN Independent Expert on Human Rights in Somalia concluded that until a peaceful settlement is reached, international humanitarian law related to internal armed conflict, as defined in Common Article 3 of the fourth Geneva Conventions of 1949, shall apply in the whole of Somalia. In 2000, the Independent Expert also referred to the 1998 Statute of the International Criminal Court to monitor war crimes and crimes against humanity in Somalia. The scale of violent conflict in Somalia has declined since the early 1990s and several regions are enjoying levels of security that on a day-to-day basis are better than neighbouring countries. Nevertheless, atrocities continue to be committed against civilians in areas of southern and central Somalia that qualify as war crimes and crimes against humanity⁶⁶.

278. According to a January 2002 report by the Office of the High Commission on Human Rights (OHCHR)⁶⁷ the human rights situation in Somalia remains one of tenuous progress in some areas, amid continued widespread violations and specific significant setbacks. However, the report adds that the will of the general Somali population to live in peace, in dignity and with hope, is above all evident and sustaining.

279. The above-mentioned report states that the right to life is frequently violated in Somalia. Serious inter-clan fighting, especially in Mogadishu, results in significant casualties among civilians as well as among militias. Attacks on UN personnel involved in humanitarian assistance and personnel of NGOs are common in Mogadishu. Kidnappings continue to occur. Also, pillage and looting is common practice. In many parts of Somalia, children under the age of 15 are recruited by the militias, as soldiers or personal bodyguards. Rape and other forms of sexual violence are allegedly widespread and local human rights organisations in Mogadishu report a high incidence of

⁶⁵ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.66.

⁶⁶ Ibid, p.182.

⁶⁷ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, p.3.

these crimes in the city. Minorities are routinely persecuted and marginalised in political representation and employment opportunities.⁶⁸

280. UNICEF-Somalia's Humanitarian Action Donor Update from May 2002 states that Somalia continues to face grave humanitarian conditions characterised by a tenuous national peace and reconciliation process, deepening economic downturn and an increasingly complex military context. These factors, combined with precarious climatic conditions, continue to render Somalia a protracted complex emergency. A spate of kidnappings and killings of UN and partner agency staff in Mogadishu, together with an upsurge in conflict in the Gedo region in south-western Somalia, has seriously affected interventions by international humanitarian agencies in support of the country's most vulnerable populations.⁶⁹

281. The UNDP's Human Development Report – Somalia 2001 lists some of the on-going overt human rights violations in Somalia, particularly in areas of southern Somalia, as:

- Violence against life: The taking of life remains common in many contested areas in southern Somalia. Mass killings of civilians are alleged to have occurred in Baidoa and environs in February 1999. During a battle for Kismayo in June 1999 the warring factions are reported to have executed many prisoners. In 2001, attacks on Bantu villages occurred in the Middle Shabelle and Lower Juba regions.
- Intentional attacks against civilians: Kidnapping, rape and murder are common, especially in Mogadishu and Kismayo.
- Pillage: The looting of private property and diversion of relief materials is common.
- Underage conscription: Children under 15 are commonly recruited by militia. Some as young as 10 have allegedly been recruited as personal bodyguards to faction leaders.
- Rape and sexual violence: Such violence is reported throughout Somalia, with violence against minorities reported to be particularly problematic.
- Persecution: Discrimination and persecution of minority and politically weak groups is commonplace.
- Illegal ordering of displacement of civilians: Levels of internal displacement and refugee flight have declined since the mid-1990s. Nevertheless, forced displacement and flight from areas of insecurity does continue. In April 2001, 10,000 civilians fled fighting in Gedo region to Kenya. The diversion of assistance to internally displaced persons, who have the right to request and receive protection, constitutes a violation of humanitarian law.
- The denial of the due process of law: Irregular courts operate throughout Somalia, in which procedures for judgement and punishment do not accord with international practice.
- Violence against humanitarian workers: National and international staff of humanitarian agencies continue to be subject to kidnapping, violence and intimidation.⁷⁰

⁶⁸ Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, pp.10-12.

⁶⁹ UNICEF-Somalia, *Humanitarian Action, Somalia, Donor Update*, Nairobi, 16 May 2002.

⁷⁰ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.66.

282. According to the above-mentioned report, a total of 11 human rights organisations in Mogadishu comprise the umbrella human rights group Peace and Human Rights Network (PHRN). Altogether there are 15 human rights organisations in Mogadishu and in January 2000, the PHRN convened a meeting in Bosaso of 37 organisations from southern and north-east Somalia. The interests of these organisations vary between minority rights, women and children's rights, with other advocating for the effective implementation of human rights law in Somalia.⁷¹ The delegation met in Baidoa with officials of the human rights group ISHA, which is part of the PHRN (see below under human rights situation in Bay and Bakool).

Position of minorities and members of minor Somali clans

283. Regarding the position of minorities in Somalia, the UNDP Human Development Report states that, "Somali society is divided along socio-economic, cultural, occupational, class and language lines. Understanding these differences is important in analysing resource distribution, exclusion, and vulnerability. As individuals are dependent on clans rather than government for protection of their rights, the most vulnerable are those from politically weak clans or non-Somali groups. Ethnic groups, such as Arab and Bantu, and occupational castes, such as the Tumul, Midgan, or Yibir, face exclusion, discrimination, and violence. Ethnic minorities face social segregation, while occupational groups are denied the right to intermarry and they both have limited political representation. In Somaliland only one member of the House of Representatives and one member of the *Gurti* are from a minority group. Greater recognition was given to minorities at Arta, where 24 seats were reserved for minority clans".⁷² The minority groups represented in the TNG in Mogadishu are the Jarer (Bantu), Benadiri, Madhiban (Midgan), Rer aw Hassan, Mohammed Salah (Arabs, formerly affiliated with the Marehan), Musa Dheere, Ajuuran, Tumul, Yibir, Yahar and Yemeni.⁷³

284. Andrea Tamagnini, Country Director, UNDP-Somalia, Nairobi stated that groups at risk include minorities and wealthy people from small clans, who are more exposed to the risk of kidnapping. The general position of minorities has not particularly worsened but they are still marginalised.⁷⁴

285. Gary P. Jones, Resident Representative, Horn of Africa Programme, Norwegian People's Aid (NPA), Nairobi stated that the position of minorities had not deteriorated in the last two years. While some areas were still in a state of flux, the main military and political shifts that had left the minorities so badly exposed after the collapse of the central state in 1991 had taken place and the situation now was more one of groups consolidating their position within the loose framework of

⁷¹ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.189.

⁷² *Ibid*, pp.185-86.

⁷³ Danish Immigration Service, *Report on Minority Groups in Somalia, Joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya, 17 – 24 September 2000*, Copenhagen, November 2000, p. 91 (annex 4).

⁷⁴ See also Danish Immigration Service, *Report on Minority Groups in Somalia, Joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya, 17 – 24 September 2000*, Copenhagen, November 2000.

Somalia that has emerged. Also, the Somali people in general are tired of conflict and war and have no inclination for further large scale fighting.

286. Jones stated that, although not unheard of, it is still unusual for women from minorities to marry men from 'noble' Somali clans. However, this should be considered against the backdrop of Somali society, in which who one can marry has always been a much proscribed issue. Clans and sub-clans have traditional allies and long-standing feuds with other clans and marriage partners are usually found from within a set group of friendly allied clans.

287. Attitudes towards marriage, at least in urban areas, have shifted a little in recent years with the disruption of the civil war and the return of people from abroad bringing home different ideas. In the past, a person from a Somali clan marrying somebody from a minority group would usually bring embarrassment to their family and such couples that chose to elope would have been unable to ever return to their home area. Marriage between members of Somali clans and minority groups is gradually becoming more acceptable in urban areas but there has been little if any change in practice in rural areas, where arranged marriages within traditional clan boundaries are still the norm.

288. Informed sources from an international organisation in Nairobi (C) stated that it is difficult for women from minorities to be protected. In Mogadishu there have been instances in which girls from minority groups had been married at a young age to militiamen from the main Somali clans in order to secure some protection for their families. Some of these young girls are soon divorced and then find it difficult to remarry. Women from minor Somali clans that are not strongly represented in an area can also be vulnerable, in a similar way to minorities.

Bantu

289. The Bantu are an agricultural group found in pockets, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and 'Jereer') and Lower Juba (the Gosha). Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East Africa to Somalia. The term 'Jereer' is considered pejorative by some.⁷⁵

290. Jones stated that a Bantu group visiting Nairobi in the last few days had informed him of the position of the Bantu in southern Hiran region. Conditions there for the Bantu are bad, and always have been. Bantu, who historically have been unable to own camels, have been trying to acquire more cows but they have experienced problems obtaining sufficient vaccinations and have been victims of raids. There have been some returns of Bantu from the Diaspora, despite the difficulties that the group faces in Somalia. Jones considered that, in very general terms only, this might be explained by the greater affinity that the Bantu have with their lands than the traditionally nomadic Somali clans and a greater emotional need to return to their traditional home.

⁷⁵ Danish Immigration Service, *Report on Nordic fact-finding mission to Nairobi (Kenya) and the Middle Shabelle region of Somalia, 21 February – 6 March 1999*. Copenhagen, September 1999, Annex III.

291. Informed sources from an international organisation in Baidoa stated that outside Bay and Bakool, where the Bantu have largely been incorporated into the Rahanweyn clan structure and are able to retain their land, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10% of their land for their own use. The Somalia clans that have taken Bantu land are not traditionally settled agriculturists but, with no central authority to prevent them from taking Bantu land by force, they see land as a means of providing an income when few alternative income generating activities are available. Also, the dispossessed Bantu provide a convenient and readily available supply of labour. Bantu try to link themselves to the dominant Somali clans that have dispossessed them of most of their land as, for their own security, they still need their protection. This relationship with the Somali clans that have dispossessed them of their land is one that circumstance forces them into.

292. Ali Yusuf Hersi 'Ali Doy' informed the delegation that Mowlid Ma'ane Mahmoud, the leader of the Somali African Muki Organisation (SAMO), who is a Bantu, is backed by Mogadishu faction leader Osman Ali 'Ato'. In February 2002, it was reported by Radio Banaadir in Mogadishu⁷⁶ that Muhammad Qanyare Afrah had defected from the TNG to the USC/SNA and formed a new political alliance in opposition to the TNG with Osman Ali 'Ato' of the USC/SNA and Mowlid Ma'ane Mahmoud.

Bravanese

293. 'Ali Doy' explained that the vast majority of the Bravanese have fled the coastal town of Brava, although some are still living in the town. Brava is controlled by the Habr Gedir, but there is nothing left there for them to "loot or to rape". Those Bravanese who stayed and survived are those who have learned to cope with the abuses. This situation is similar to that of other minority groups in the area. Members of minority groups are still victims of abuses like forced labour, sexual slavery and general intimidation. 'Ali Doy' added that members of minor Somali clans can also be victims of such abuses (see also the section regarding security in Lower Shabelle region).

Bajuni

294. Informed sources from an international organisation in Baidoa stated that in a visit to the Bajuni islands two months earlier, 3,000 Bajuni families were found to be living on the islands, compared to only 50 in 1994, after most Bajuni had fled the invading Marehan clan. Elders stated that the position of the Bajuni had improved of late. Bajuni were able to return to their home areas, although they were still not able to own boats with engines, only traditional sailing boats. Recent Marehan settlers still effectively control the islands. Bajuni can work for the Marehan, as paid labourers, which is at least an improvement over the period when General 'Morgan's' forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour.

⁷⁶ Radio Banaadir, Mogadishu, 2 February 2002 and BBC Monitoring Africa – Political, 1 February 2002.

295. ‘Ali Doy’ stated that the Bajuni population is probably more tolerated by ‘noble’ Somali clans than members of other minority groups, such as the Bravanese. With the Bajuni, their position is more one of denial of economic access by Somali clans than outright abuse.

Midgan (Madhiban)

296. Jones stated that the Midgan, or Madhiban, have always been placed at the lower end of Somali society, but their position improves at times of stability and recovery. In some areas their position can even be slightly better than that of so-called ‘noble’ Somali clans. Midgan can trade freely, although they are usually unable to own property and livestock.

Indians in Somalia

297. Informed sources from an international organisation in Baidoa stated that the Indian community in Somalia had numbered, at the most, 200 families. They were mainly engaged in cloth dyeing in Mogadishu and, in fewer numbers, Merka. The Indians came to Somalia to establish businesses in the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s to run plantation farms as foremen, mainly around Qoryoley (the plantations begin past Afgoi, where the Shabelle flood plains lie). The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. One source stated that there had been approximately 200 Indians in Kismayo at one time but they had left the city, mostly for Mogadishu, by the early 1980s. The Indians were recruited directly from India rather than from the established Indian community in British East Africa. Traditionally, Indians and Somalis were business rivals. Virtually all Indians had left Somalia by the time that Siad Barre’s regime fell in 1991, mostly relocating to Mombasa, although one source had met two Indians, who had married Somalis, in Mogadishu recently.

298. The above-mentioned sources stated that the name “Hamar Hindi” has been applied to the Indian community in Somalia, meaning “Mogadishu Indians”. The area where Indian businesses were concentrated was also known as Hamar Hindi, a small area near the fish market and national museum, close to the Hamar Weyne district. District names in Mogadishu tend to relate to the original home of the inhabitants, e.g. Shingani is named after an area in Tanzania from where the original inhabitants, brought as slaves from Tanzania, had come.

299. The same sources stated that all Indians in Somalia could speak the Somali language, usually to a good standard but at the very least all would have had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their men. Also, under Siad Barre’s rule, society was much regulated and a good command of Somali would have been essential for Indians to be able to deal with official bureaucracy.

Women and children

Women

300. The UNDP's Human Development Report – Somalia 2001⁷⁷ states that women in Somalia are not afforded the same basic rights as men. Women's inferior status is portrayed as religiously sanctioned. Women have few opportunities to participate in political life. The Arta conference in Djibouti in 2000 allocated 25 seats for women in the TNA in Mogadishu, but women hold only four out of 75 ministerial posts in the TNG. In Puntland, five seats are reserved for women in the House of Representatives. There are no women in Somaliland's parliament.

301. The above-mentioned report further states that sexual violence against women during the civil war did not end with the war. According to the report there is some evidence that sexual violence is a persistent crime even in areas of stability. Many women consider the traditional punishment of forcing the offender to marry the victim and to pay compensation to the family for 'their' loss a further degradation of their status. Domestic violence is still treated as a matter to be dealt with through traditional means rather than as a legal issue.

302. The above-mentioned report explains the fact that many women are not fully aware of their rights with tradition and lack of education. Women often accept violations of their rights as being consistent with *Shari'a* and customary law.

303. Informed sources from an international organisation in Nairobi (C) stated that women's groups in Somalia have had some success in mobilising support among women at the grass roots level, including in efforts to promote peace building. The UN Secretary-General's 2002 report on Somalia notes that the UN Development Fund for Women (UNIFEM) has established programmes to support women's participation in peace-building at all levels⁷⁸. The above-mentioned sources advised though that in times of conflict it is usual for women to have to revert to their traditional role in Somali society. There are few women active in Somali politics, although the sources mentioned Starlin Arush in Merka, who has been successful in campaigning for the disarmament of local militias. The general level of insecurity in any given area will affect women's rights. Robbery, rape and a minimal level of protection for women remain general problems. The sources considered that, prior to the terrorist attacks in the United States in September 2001, the biggest threat to women's rights in Somalia had been Islamic fundamentalism, but this is to some extent hidden now.

304. Regarding human rights trends in Somalia, Jones stated that there has been a trend towards greater community participation, including of women, and a readiness to discuss human rights and take part in human rights workshops in Somalia. This is confirmed by UNDP's Human Development Report, which states that, "despite, or because of, their exclusion from other forums a number of strong independent women-led organisations have emerged as advocates for women's rights and human rights generally".⁷⁹

⁷⁷ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, pp.186-87.

⁷⁸ United Nations Security Council, *Report of the Secretary-General on the situation in Somalia, S/2002/189*, February 21, 2002, p.8.

⁷⁹ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.187.

305. UNICEF-Somalia's Consolidated Donor report for 2001 states that in the absence of recent estimates on maternal mortality rates (MMR), the 1990 figures of 1,600 per 100,000 are maintained, placing Somali women among the most high-risk group in the world. Haemorrhage, prolonged and obstructed labour, infections and eclampsia are the major causes of death at childbirth. Anaemia and female genital mutilation (infibulation) have a direct impact on, and aggravate, these conditions. Poor antenatal and postnatal care, with the almost complete lack of emergency obstetric referral care for birth complications, further contribute to these high rates of mortality and disability.⁸⁰

Children

306. The UNDP's Human Development Report states that Somalia has one of the highest levels of infant mortality in the world and some of the poorest educational opportunities. Thousands of children are living in destitution in displaced camps or on the streets, especially in Mogadishu and in Hargeisa, Somaliland. Hundreds of children living in orphanages are deprived of a normal family environment. In addition, children have been conscripted into the militias. The report adds that prior to the war exploitation of child labour was common on plantations and large-scale agricultural projects, and there is no evidence that this practice has ended.⁸¹

307. UNICEF-Somalia's Consolidated Donor Report for 2001 states that rates of child morbidity and mortality in Somalia remain extremely high, despite interventions and efforts aimed at improving the overall health and welfare of the population. The Multiple Indicator Cluster Survey for 2000 estimates the infant mortality rate (IMR) of 132 per 1000 and under-five child mortality rate (U-5MR) of 224 per 1000. These rates are among the highest in the world. Infectious diseases, notably respiratory infections, diarrhoeal diseases are the leading killers of infants and young children, accounting for more than half of all child deaths.⁸²

308. Leila Pakkala, Senior Programme Officer, UNICEF-Somalia, Nairobi informed the delegation that Somalia has a growing number of orphanages, for reasons that are not totally clear. UNICEF is not inclined to support the use of institutional care. It is believed that many children in such institutions may not be orphans but could be street children that have been abandoned by their parents, or who may even still be living with their families, visiting the orphanages during the day to be fed.

309. In its current three-year programme, UNICEF has a child protection element, which lays emphasis on the juvenile justice system and helping children who are in conflict with the law as well as assisting the reintegration of former child militia members into civil society. There are concerns that children are held in prisons with adults and that youths are recruited by faction militias, with the attendant psycho-social problems that this causes. This work is a new area of operation for UNICEF and aims to secure effective implementation of the provisions of the International Convention on the Rights of the Child through existing programmes and to promote the general well-being of children.

⁸⁰ UNICEF-Somalia, *Consolidated Donor Report January- December 2001*, Nairobi, January 2002, p.4.

⁸¹ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.187.

⁸² UNICEF-Somalia, *Consolidated Donor Report, January – December 2001*, Nairobi 2002, p.4.

Female Genital Mutilation

310. Informed sources from an international organisation in Nairobi (C) explained that the traditional practice of female circumcision, or female genital mutilation (FGM), has survived in Somalia for generations and is often seen in the overall context of religion. Although FGM was discouraged during the Siad Barre era, the issue was seen as a private matter within the family and the practice continued unhindered. It is estimated that 95% of Somali women have been subjected to infibulation, the most severe form of FGM. FGM is carried out at an early age between 4 and 10 years of age. These figures are confirmed in UNICEF-Somalia's Consolidated Donor Report for 2001⁸³, which adds that the harmful practice of FGM affects the physical, mental and psychosocial well-being of girls and women at every stage of their life. Infibulation, the most extreme form of FGM, is the most common cause of difficult or prolonged birth delivery in Somalia and is one of the main causes of maternal mortality in the country. The Nairobi sources stated that a growing movement has emerged in Somalia, especially among women activists, against the practice and their organisation's approach towards eradication of FGM is consultative and heavily community-based.

311. The Danish Immigration Service gathered information on FGM during its mission to Middle Shabelle in 1999. In the report from the mission it is stated that FGM is carried out almost without exception, and that FGM is a very harmful traditional practice needing to be addressed from a human rights as well as from a gender perspective.⁸⁴

312. Jones explained that a qualitative indicator of improvements on the situation of women in Somalia in recent years has been a greater openness about the issue of FGM. In quantitative terms there has been little progress, as the number of girls having FGM performed on them is still very high, but there has been a fall in the level of the more extreme forms of FGM, such as infibulation, being performed. Informed sources from an international organisation in Nairobi (C) also confirmed that it is increasingly normal for less radical forms of female circumcision to be carried out.

313. According to Jones, there has been a noticeable change in the attitude of men towards female circumcision. Whereas 20 years ago most men would have been shocked to learn that a woman had not undergone circumcision, it was of lesser importance now. Women's groups have promoted the idea of stitching rather than excision to retain a girl's virginity. This compromise, which addresses the traditional requirement that a girl should be a virgin at marriage while at the same time reducing the level of mutilation required, has come from the community itself, partly as a result of changing views in the Somalia Diaspora.

314. Jones explained that women of the Yibir minority group are traditionally performers of FGM. The Yiber perform only very minimal FGM on their own girls whereas they are happy to perform the most extreme forms of FGM on members of noble Somali clans, almost as a form of revenge for the low social status that has been traditionally imposed on the Yibir.

⁸³ UNICEF-Somalia, *Consolidated Donor Report January – December 2001*, Nairobi, January 2002, p.5.

⁸⁴ Danish Immigration Service, *Report on Nordic fact-finding mission to Nairobi (Kenya) and Middle Shabelle region of Somalia, 21 February – 6 March 1999*, Copenhagen, September 1999, pp.42-43.

315. According to the UNDP's Human Development Report, high levels of maternal mortality in Somalia are, in part, a result of the lower priority given to women's health and the prevalence of FGM.⁸⁵

Education

316. Pakkala informed the delegation that UNICEF's education programme starts from early childhood. Primary education, covering six to 15/16 year olds, is the main focus of the UNICEF programme. UNICEF operates in both the formal and non-formal education sectors. UNICEF, in a joint programme with UNESCO, has spent three or four years developing textbooks and a national curriculum, that came into effect in 2002, which is acceptable in all parts of Somalia. Local authorities in different parts of Somalia were consulted about the textbooks. The delegation was shown examples of the new national textbooks. Those for distribution in Somaliland are the same in content as for other parts of Somalia although illustrations showed the Somaliland flag flying over the school playground rather than the former national flag.

317. UNICEF also places emphasis on the development of the non-formal education sector, especially for 14 to 18 year olds. UNESCO is working on developing vocational skills and teacher training. Most progress in this field has been seen in Somaliland and central and southern Somalia. A programme started in Puntland in April 2002 but monitoring has not been possible because of the recent conflict in the state. In Mogadishu, 800 to 900 people are being trained in vocational skills, in conjunction with NGOs, to raise the awareness of youths to alternatives to militia membership as a means of income generation, but there is concern that the labour market may not have the capacity to absorb them.

318. 910 schools operate in Somalia in the formal sector, run by local authorities and communities. Independent Koranic schools receive funding from Arab states and also receive teachers from those states. Koranic schools usually pay staff more than public sector schools, causing a retention problem for the public sector. UNICEF is looking to assist in this area, not by paying salaries but by providing alternative rewards to pay such as food, accommodation and other income generating activities. UNICEF also funds materials and rehabilitation of buildings. UNICEF does not see Koranic schools as obstructive and some schools have approached UNICEF regarding use of the national curriculum and textbooks that have been developed. This is seen as very positive as the curriculum places strong emphasis on peace-building and gender issues. Currently, most Koranic schools teach in Arabic and use Arabic textbooks. UNICEF is keen that teaching is conducted in Somali but does not regard teaching in Arabic as a major problem as the numbers involved are relatively small and tend to cater for an elite on society. Some Koranic schools also teach Somali and children at the schools are generally maintaining their roots in Somali culture.

Human rights situation in Bay and Bakool regions

319. Regarding the human rights situation in Bay and Bakool, 'Ali Doy' stated that no systematic human rights violations are reported to take place in the two regions.

⁸⁵ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.186.

320. The delegation met in Baidoa with Mohamud Sheikh Ali, Vice-Chairman of the human rights organisation ISHA, and Ahmed Abdirahman Said, of ISHA's promotional unit. They explained that the name "isha" means "the seeing eye". The organisation looks for any sign of human rights violations in south-western Somalia, including Mogadishu. ISHA was established in November 1999 by intellectuals from communities in south-western Somalia in response to widespread human rights violations in the southern regions. ISHA aims to increase people's awareness of their human rights and to fight against the culture of impunity that exists for human rights violators. There are two parts of the organisation, an investigative branch and a promotional branch, the latter covering issues relating to women, children and minorities. ISHA has 20 members, including five women, and has representatives in Gedo and Mogadishu as well as Baidoa. The organisation has regular dealings with other human rights groups, such as the Dr Ismail Jum'ale Human Rights Centre in Mogadishu⁸⁶, and is part of the PHRN umbrella group in Mogadishu (see above).

321. The ISHA officials stated that the RRA had not been supportive initially when ISHA was being established but was satisfied once ISHA's purpose, to educate people about human rights, had been properly explained. ISHA is able to operate freely and the authorities and police do take notice if ISHA intervenes in a particular case and the police and the District Commissioner will discuss the case with the organisation.

322. The ISHA officials stated that the majority of human rights violations in Bay and Bakool that occur today are incidents of domestic violence against women. There are also cases of abduction, rape and infanticide but, as with violence against women, these are criminal acts and are not perpetrated by the authorities. There have also been some cases of people, mostly those charged with criminal offences, being held in detention by the RRA militia for lengthy periods with little access to lawyers. Overall though, human rights had improved considerably since the RRA ousted Hussein Aideed's occupying Habr Gedir forces from Baidoa in 1999.

323. The ISHA officials considered members of minority groups, such as the Bantu and people of Arab descent, to be at some risk. They are stigmatised socially and intermarriage with the Bantu is looked down upon by Somalis. Arabs are few in number but there have been cases of expropriation without recompense of Arab-owned land by Rahanweyn. Minor clans within the Rahanweyn clan structure may also face similar difficulties.

324. The ISHA officials stated that although people may report incidents to the police, often little is done to investigate a complaint. In a case in which land belonging to a member of a minor clan was expropriated, the matter was first referred to local elders, who ordered that the land be restored to its legitimate owners. When those who took the land refused to comply, the police were asked to intervene. They passed the matter to the RRA militia, who decided that the people who took the land could keep it.

⁸⁶ During a mission to Mogadishu in May-June 1997 the Danish Immigration Service (DIS) consulted Dr Ismail Jum'ale Human Rights Centre, and in March 2000 the DIS and the Danish Refugee Council (DRC) invited representatives of Dr Ismail Jum'ale Human Rights Centre and other organisations to Denmark where they met with the Somali Diaspora. See also Danish Immigration Service, *Report on the Nordic fact-finding mission to Mogadishu, Somalia, 28 May – 13 June 1997*. Copenhagen, February 1998.

325. The ISHA officials were not aware of any political prisoners being held in Bay and Bakool. There is no evidence of persecution or harassment of people on political grounds. The RRA treats people well and there is no evidence that RRA forces or the police have used torture. Lengthy detention of criminal suspects is the main problem. The court system is weak, mainly because of a lack of funds and capacity.

326. The ISHA officials informed the delegation that there is freedom of expression under the RRA administration in Bay and Bakool. An independent radio station opened in late 2001. The station broadcasts news, music and religious material and is able to express critical views. ISHA has a regular programme on the radio station. Baidoa has no newspapers of its own but newspapers from Mogadishu are freely available. However, people who express views that are different from the majority of their clan may face difficulties from within their clan, and direct criticism of president Nur "Shaatigaduud" could be interpreted as criticism of the clan. At worst in such cases, ISHA believes that a person may face a short period of detention before being released without charge. ISHA has not witnessed any specific cases of this, but has been told of cases in which this has allegedly happened. In general, people falling foul of their own clan tend to move away to an area where they can become assimilated within another clan.

327. 'Ali Doy' added that freedom to express one's political opinion in Bay and Bakool is limited as a person traditionally is expected to be in line with his or hers own clan's political standing. He concurred with the point made by the ISHA officials that anyone who opposes the RRA might be in trouble with his or her own clan as support for and dedication to the RRA is very strong throughout the Bay and Bakool regions. However, some Elders in the regions do not support the RRA, but they still live in the area.

4. Return of unsuccessful asylum seekers and Internal Flight Alternative

4.1. Overview

328. In her report of January 2000, the United Nations (UN) Special Rapporteur expressed concern that a draft European Union (EU) proposal for entering dialogue with regional authorities on arrangements for identification and documentation of returnees should not result in the forced return of asylum seekers to Somalia.⁸⁷

329. According to UNDP's Human Development Report, the international community has a role in enhancing understanding and observance of human rights and humanitarian principles in Somalia, and the report states that foreign countries should also uphold their responsibilities towards asylum seekers from Somalia, "support for human rights means not only strengthening institutions for law and order, but also maintaining the flow of assistance to Somali populations to protect their social and economic rights".⁸⁸

330. When asked whether the UNHCR would advise European countries and the EU not to enter into a dialogue with Somali regional or local *de facto* authorities regarding return arrangements for unsuccessful asylum seekers, Wolken responded that the UNHCR cannot be involved in the enforced repatriation of refused asylum seekers. The standards that UNHCR would apply could not be verified in each individual case of forced return. If enforced returns are to areas that UNHCR returns to, UNHCR has no objection to enforced returns as countries have the sovereign right to enforce returns. In such cases, UNHCR would want countries to fully acknowledge all relevant humanitarian factors, such as Article 3 of ECHR and links to the country.⁸⁹

331. Wolken explained that if the EU or European countries would deal with *de facto* authorities in Somalia regarding return arrangements for refused asylum seekers the UNHCR had no objection to this as countries are in their full right to do so but at the same time Wolken expressed concern regarding human rights and humanitarian considerations. Wolken would not recommend forced returns to Central and Southern Somalia and not to Puntland at the moment. She added that the United States and Canada recently deported a number of Somalis to Mogadishu in spite of the fact that some of the returnees did not have any affiliation with Mogadishu.

Internal Flight Alternative and situation of Internally Displaced Persons

332. Wolken emphasised that the UNHCR does not support the idea of an Internal Flight Alternative (IFA) within Somalia. She explained that if IFA is applied, the people relocated

⁸⁷ Office for the High Commission on Human Rights (OHCHR), *Situation of Human Rights in Somalia. Report of the Special Rapporteur*. E/CN.4/2000/110. United Nations Economic and Social Council, January 26, 2000.

⁸⁸ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.190.

⁸⁹ In July 1997 the Danish Immigration Service entered into a return arrangement for unsuccessful asylum seekers in Denmark from Somaliland with the relevant authorities in Hargeisa, Somaliland. The arrangement remains in force.

automatically become Internally Displaced Persons (IDPs), and to apply IFA is to ignore the reality in Somalia as it would destabilise the situation in the country. Various *de facto* authorities usually regard the IDPs living in their areas as refugees and UNHCR has been requested by some of those authorities to relocate IDPs back to their area of origin. However, the UNHCR has no mandate to cover IDPs. Wolken added that IDPs have less access to basic services and face a higher risk of sexual violence.

333. In its 2001 Country Report on Somalia⁹⁰, the UNHCR notes that while extensive contacts and information exchange with governments hosting Somali refugees and UNHCR offices in the same countries have led to informed decisions by several host governments on asylum and repatriation policies for Somali refugees, one side-effect of this that had not been desired by UNHCR was that its policy to promote the repatriation of people to northern Somalia (Somaliland and Puntland) had led some host governments to believe that northern Somalia is an IFA for Somalis from other parts of Somalia. The report noted that as much as UNHCR Somalia tried to argue to the contrary, some host governments maintained their position that so long as Somalis from southern Somalia can live as IDPs without being physically harmed in northern Somalia their claims for refugee status should be rejected.

334. The UNDP's Human Development Report – Somalia 2001 reports that in 2001, there were estimated to be as many as 300,000 people in Somalia who are still displaced. Bereft assets, with limited access to stable employment, the displaced constitute half of the people living in a state of chronic humanitarian need. The report further states that the IDP-population are often living in the periphery of urban areas, that they are vulnerable to personal insecurity, sexual exploitation, labour exploitation, eviction, destruction and confiscation of assets, biased media reporting, and lack of legal protection. IDPs have limited access to education and health facilities and a high global malnutrition rate is consistent among them. 84% of the IDPs in Hargeisa, Somaliland are poor or destitute with household incomes of less than 40 US cents per day. Finally the report states that in the absence of a national authority IDPs are generally dependent on the goodwill and capacity of the local population and authorities.⁹¹

335. According to a report from January 2002 by the Office of the High Commission on Human Rights (OHCHR), displacement of civilians is a major problem in Somalia. The illegal ordering of the displacement of civilians constitutes a war crime. Somalis in the conflict areas are often either chased away from their normal place of residence or are forced to flee because of the conflict. During visits to camps for IDPs in Hargeisa, Mogadishu and Baidoa the independent expert on human rights noted that IDPs are living in extreme poverty and in appalling conditions. Their continuing situation constitutes a clear violation of human rights. It was reported to the independent expert that roughly 300,000 to 350,000 of Somalia's 7 million inhabitants are internally displaced. The health problems faced by IDPs are generally more severe than those faced by the general Somali population. Malnutrition and food insecurity are critical issues affecting Somalia, and since IDPs have generally lost their household resources, livestock and access to arable land, they are the least food secure of all groups. Recently IDPs have returned to Bay and Bakool regions, but their

⁹⁰ United Nations High Commissioner for Refugees (UNHCR) Somalia, *Country Report 2001*.

⁹¹ United Nations Development Programme, *Human Development Report – Somalia 2001*, New York 2001, p.186.

reintegration is addressed on an *ad hoc* basis. The only exception to this in Somalia is in Somaliland, where under a UNDP-funded HABITAT project the Hargeisa municipal authority is being provided with assistance in planning urban resettlement projects.⁹²

336. The above-mentioned report furthermore states that significant numbers of IDPs from southern Somalia travel regularly from the south to Galkayo and onwards to Bosasso in search of work. Some of those in Bosasso attempt to reach Yemen by boat as illegal immigrants, to look for work there or in Saudi Arabia. A boat sank with the loss of the lives of 89 persons in February 2001 and in March 2001 a second boat broke down, also resulting in serious loss of life. The reports adds that IDPs in Galkayo and Bosasso, the primary centres of economic activity, lack kinship networks and economic resources and are extremely vulnerable to exploitation, criminal activity and other human rights abuses. There is virtually no support from the international community. The economic vulnerability of IDPs is worsening owing to the continuing economic depression in Puntland following the livestock ban, hyper-inflation as a result of the importation of bank notes and falls in remittances to Somalia after 11 September 2001. Even refugees returning to Puntland as their ancestral territory find it difficult to be absorbed into kinship networks. The communities in Puntland find it extremely difficult to sustain this process in view of the worsening economic depression in Puntland. There is virtually no external assistance for the absorption of refugees into the Puntland socio-economy.⁹³

337. When asked whether an improvement of the situation of the IDPs in Somalia has taken place compared to information gathered by the Danish Immigration Service during visits to IDP-camps in Kismayo, Belet Weyne and Bosasso in 1996 and 1997⁹⁴, Wolken replied that no improvement of the situation of IDPs has taken place since then. The recent constitutional crisis in Puntland has not helped the position of IDPs there, as agencies have been limited in their operations. The largest group of IDPs is in Mogadishu. Wolken added that the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) is trying to put together a more comprehensive approach to IDPs in Somalia.

Return of unsuccessful asylum seekers to Bay and Bakool regions

338. Hassan Mohamed Nur 'Shaatigaduud', Dr, Colonel, Chairman of the Rahanweyn Resistance Army (RRA), Co-Chairman of the Somali Reconciliation and Restoration Council (SRRC) and President of the South West State of Somalia (SWS), Baidoa stated that returns of unsuccessful asylum seekers from abroad affected all areas in Somalia. He expressed his gratitude to the United Kingdom and Denmark for giving shelter to Somalis fleeing the civil war. Fewer people from the

⁹² Office of the High Commission on Human Rights (OHCHR), *Advisory Services and Technical Cooperation in the Field of Human Rights. Situation of Human Rights in Somalia. Report of the independent expert, Mr. Ghanim Alnajjar, submitted in accordance with Commission on Human Rights resolution 2001/81*. E/CN.4/2002/119, 14 January 2002, pp.12-13.

⁹³ Ibid, p.25.

⁹⁴ Danish Immigration Service, *Report on fact-finding mission to Northeast and Northwest Somalia (Somaliland), 13 April – 4 June 1996*. Copenhagen, September 1996, and Danish Immigration Service, *Report on Nordic fact-finding mission to Central and Southern Somalia, 15 February – 14 March 1997*. Copenhagen, May 1997.

south-west had enjoyed the opportunity to flee Somalia than those from other areas although, of course, many people would have liked to have received international protection. Most people in Bay and Bakool were settled agro-pastoralists rather than nomads. Out of attachment to their land, they remained to starve in the famine in the early 1990s, during which Baidoa was known as the “City of Death”.

339. Nur ‘Shaatigaduud’ explained that Bay and Bakool had enjoyed relative calm and peace for just a few years and normal life had not fully resumed. People are farming and grazing animals but there are still many visible signs of the destruction from the civil war and the Habr Gedir occupation. Confidence in the regions is growing but external threats to the security of the regions were not completely dead. If countries hosting asylum seekers were to consider returning unsuccessful asylum seekers to Bay and Bakool then it would be necessary to work out a fully integrated and sustainable programme of resettlement assistance for those who would return voluntarily.

340. Regarding the possible return to Bay and Bakool of unsuccessful asylum seekers or refugees who had committed serious crimes in the country of asylum, Nur ‘Shaatigaduud’ stated that criminals should be rehabilitated in their home country. Any resettlement package for a returned criminal should provide for the person to be properly rehabilitated and also provide help to strengthen the penitential system in Somalia. Nur ‘Shaatigaduud’ stated that if that person had completed his or her sentence in the country of asylum before being returned to Bay and Bakool the authorities would have no need to impose a further punishment for the original offence.

341. Abdullahi Sheikh Ismail, Co-Chairman of the SRRC, and Chairman of the Southern Somalia National Movement-BIREM (SSNM-BIREM), Baidoa stated that he would welcome visits to European countries by Somalis who had stayed in Somalia during the civil war years to enable the Diaspora to better understand how daily life is now in Bay and Bakool. He stressed that a fair agreement should be reached between the Baidoa authorities and countries wishing to return unsuccessful asylum seekers, covering the concerns of both sides and addressing the needs of people returning to both urban and rural areas. Any agreement should cover the needs of health and education as well as security and should also acknowledge that people need to have a sustainable means of making a living.

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Abbreviations

ACF – Action Contre la Faim

ASF – Allied Somali Forces

BBC – British Broadcasting Corporation

BIREM – Bimal Resistance Movement

CNN – Cable News Network

DIS – Danish Immigration Service

DRC – Danish Refugee Council

EU – European Union

FAO – Food and Agricultural Organisation

FGM - Female Genital Mutilation

ICRC – International Committee of the Red Cross

IDP – Internally Displaced Person

IFA – Internal Flight Alternative

IGAD – Inter-Governmental Authority on Development

IND – Immigration and Nationality Directorate, Home Office, UK

IRIN – Integrated Regional Information Network

JVA – JUBA VALLEY ALLIANCE

MSF – MÉDICINS SANS FRONTIÈRES

NGO – Non-Governmental Organisation

NPA – Norwegian People's Aid

OAU – Organisation of African Unity

OCHA – Office for the Coordinator for Humanitarian Affairs

OHCHR – OFFICE FOR THE HIGH COMMISSION ON HUMAN RIGHTS

PHRN – Peace and Human Rights Network

RRA – Rahanweyn Resistance Army
SACB – Somalia Aid Co-ordination Body
SAMO – Somali African Muki Organisation
SNA – Somali National Alliance
SNF – Somali National Front
SPM – Somali Patriotic Movement
SRRC – Somali Reconciliation and Restoration Council
SSA – Somali Salvation Alliance
SSDF – Somali Salvation Democratic Front
SSNM – Southern Somalia National Movement
SWS – South West State of Somalia
TNA – Transitional National Assembly
TNG – Transitional National Government
UK – United Kingdom
UN – United Nations
UNCU – United Nations Co-ordination Unit
UNDP – United Nations Development Programme
UNESCO – United Nations Educational, Scientific and Cultural Organisation
UNHCR – United Nations High Commissioner for Refugees
UNICEF – United Nations Children’s Fund
UNIFEM – United Nations Development Fund for Women
UNOSOM – United Nations Operation in Somalia
UNPOS – United Nations Political Office for Somalia
US – United States of America
USC – United Somali Congress
WHO – World Health Organisation
WSP – War-torn Societies Project

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