

BY ROBIN MYDLAK

## Key Points

- Greater inclusion requires sustained prior engagement with women, youth & minority civil society representatives to enhance capacity and generate social capital
- Inclusive Guurtis are key to conflict prevention and de-escalation, but need coordination with police and courts for enforcement
- Participatory documentation of local *xeer* provides an opportunity for actors to engage with and learn from one another, and to review and eliminate scope for harmful practices

Justice sector reform in post-conflict environments depends on a number of prior steps. Effective conflict resolution must have occurred or mechanisms must be in place to ensure that the prosecution of rights violations does not result in renewed armed conflict. Courts and police must be disentangled from politics or accountable to communities for them to gain legitimacy and enforce decisions with communal support.

In Somalia, state collapse left customary institutions as the main, and often sole legitimate arbiters and adjudicators. Combined with widespread displacement, casualties and recurrent armed conflict, this confronted elders with a formidable and often seemingly insurmountable challenge. It also provides external actors in justice sector reform with a quandary: the primary institution is one that is traditionally exclusionary, patriarchal, parochial and often engaged in rights-abrogating practices.

This study reviewed the Danish Demining Group's (DDG) 13-year-long engagement with Somali customary justice institutions towards a more inclusive and effective set-up that is conducive to closer collaboration with fledging statutory institutions and security providers.

## Recommendations

1. Actors engaging with customary justice mechanisms should prioritise local context in concrete programme design
2. Actors engaged in *xeer* documentation should consider literacy campaigns or audio-visual methods for dissemination
3. Actors seeking to further inclusion or enhance capacity should do both concurrently to ensure legitimacy
4. Actors engaging in justice sector reform should incorporate engagement with civil society in their programme design
5. Actors must consider the tension between peace building and protection of individual rights



**Elders remain an important, but often not inclusive institution in communities**

## Introduction<sup>i</sup>

In 2003, two mayors and elders in the Togdheer region of Somaliland approached the Danish Refugee Council (DRC) for support. Traditionally, elders had been the first and main dispute arbiters and had leveraged knowledge of their communities, proverbs, and precedence to find mutually acceptable solutions in the form of collective compensation to prevent disputes from escalating into armed violence.

The scale of displacement during the Somali civil war had undermined their knowledge of communities, and the scale of violence overwhelmed clans' ability to compensate one another. Elders were no longer able to maintain peace, and asked DRC for help.

To better understand the challenge they were facing, DRC and Oxfam Novib jointly commissioned a study into the predicament of Somali elders. The resulting report<sup>iii</sup> provided a number of programmatic and strategic recommendations:

- Formerly marginalised groups should be included in elder councils (*guurti*)
- *Guurti* members needed training in participatory conflict analysis, conflict mediation, facilitation tools, referral practices, the establishment of formal coordination processes and monthly action planning
- Local *xeer*<sup>iv</sup> needed to be documented via a participatory process
- *Guurtis* needed to coordinate with security forces and emerging courts

## Main Report

This Briefing is based on draws on 250 household surveys, 50 Key Informant Interviews, 10 Focus Group Discussions, and five Most Significant Change Studies, as well as a comprehensive literature review.

The main report, accompanying documents, a brief introduction to Somali clan and customary justice, and translations of town-wide *xeer* are available at:

<https://somhub.org/>

*“I heard some clans are represented on the Duubab+, like the Abgaal and the Shiidle, as well as youth and women, but I cannot talk about the composition of the Duubab+ because my clan is not part of it.”*

– Religious Leader, Jowhar

*“If a thief is part of the majority clan, nothing will happen because his clan will not allow him to go to jail. If the thief is part of the minority clan, he will be arrested and appear in court.”*

– Minority clan elder, Jowhar

*“Women don’t have the ability to directly access the Guurtis, and they can’t access the police and courts because they don’t respect women, especially those from minority clans.”*

– Female Youth Representative, Jowhar

*“There is an influential religious leader whose voice is respected in this district. He is the only one who makes the final decisions for the community.”*

– Male Youth Representative, Warsheikh

*“Yes, there are [women who are better able to obtain justice]. ... justice systems are always in favour of the wealthy.”*

- Male focus group participant, Baidoa

From 2006 to 2009, DRC worked with communities in Somaliland and Puntland to implement these recommendations, not only to improve conflict prevention and mediation but also to secure a greater role for human rights in these processes.

Since 2013 the Danish Demining Group (DDG) has adapted this strategy to Somalia’s southern communities, which by contrast to their northern counterparts, still find themselves embroiled in communal conflict and an ongoing violent extremist insurgency.

## Key Findings

The evaluation of DDG’s engagement with customary justice institutions concentrated on three essential components: achieving meaningful inclusiveness, enhancing *guurtis*’ capacity in conflict resolution, and facilitating improved collaboration among institutions.

### Context matters

In each location, DDG convened and consulted communities to identify not merely challenges but what had already worked and what DDG could therefore build upon to form a more inclusive and effective elder council: the *Guurti+*.

Implicit in this approach, which includes a long-term local presence for DDG in project locations, is an emphasis on understanding not merely local context but also the programme’s position within and potential impact on this context.

**In Dolo**, justice provision and enforcement occurs largely under the auspices of a powerful district administration. DDG has had to work closely with the administration as well as local and Ethiopian security forces to secure their support and awareness of potentially rights-infringing practices by these forces. The majority of respondents in Dolo look to the district administration and courts first, but have welcomed the growing importance of elders and their ability to provide accountability and de-escalation.

**In Jowhar**, one major clan in Somali politics holds power, allegedly excluding other groups and communities from meaningful influence. Since this clan has lost access to

power at the federal level in the 2016 elections, its leadership has reportedly shored up power in their home district, also the capital of Hirshabelle State.

This was echoed by respondents with regards to the *Dubaab+*, the local name for the *Guurti+*. Since the elections, the *Dubaab+* has had limited meaningful inclusion and has reduced both women’s access and respect for women’s rights, entrenching patriarchal power structures.

**In Warsheikh**, power is held by religious leaders (*sheikhs*) as the district is a traditional stronghold of Sufi scholarship. The project team worked closely with the main *sheikhs* and case studies showed that their support to the *Guurti+* has facilitated greater inclusion and enabled the council to mobilise the community in support of its proposed resolutions.

**In Baidoa**, DDG has worked with local civil society the longest, and has managed to engage women, youth, and minority representatives in project activities. The *Malaq+* accordingly enjoys greater legitimacy and traction among its community, and its newer members play important roles to the extent that respondents identified the main access barrier as personal wealth, rather than identity.

**In Balcad**, there is not yet a DDG presence. The district functioned as a control district in this study, but largely bore out the relevance of DDG’s approach. The town enlarged its *guurti* on its own accord and on inter-communal consensus, and most respondents argued that women, youth, and minorities should join after having received training. They also favoured a documented *xeer*.

*“A more inclusive Guurti+ improved the conflict resolution process, because different groups can see things from different angles.”*

– Majority Clan Elder,  
Dolo

*“The level of trust between different groups or clans improved because people now believe that the elders represent all the clans, including those minority ones who had no representation in the guurti earlier.”*

- Minority clan elder,  
Baidoa

*“If a woman in the community brings a case to us, we mobilise quickly and present the case to the Guurti elders, and we always stand beside that woman until she gets fair justice.”*

- Female Malaq+ member,  
Baidoa

*“As a result of their inclusion, the work of the guurti has improved, because women and youth know more information about the issues of the community and they are always proactive and responsive to the disputes. Of course their voices carry as much weight as those of other elders.”*

- Male Malaq+ member  
(and traditional elder),  
Baidoa

## Inclusion

The project’s emphasis on inclusion concerns not only the inclusion of women, youth, and minority representatives into the *guurtis*, but also more inclusive access for community members. As a result of decades of conflict, members of minority clans – that is, of less politically or militarily powerful clans – often have minimal recourse to customary institutions, and little prospect that more powerful groups comply with unfavourable verdicts. Women traditionally have no direct access to *guurtis*, and can present cases only through male intermediaries.

### Accompaniment & Legitimacy

The hypothesis that meaningful inclusion results in greater access held true in most locations. Jowhar presented an exception, due to its above-noted rollback of openness. In Baidoa, women and youth representatives were found to enjoy a high level of community respect and trust and were thus able to accompany community members when presenting their cases – most crucially women who had experienced domestic violence – and prevent youth groups from mobilising for armed communal conflict (see box on the right).

This traction enjoyed by Baidoa’s newest *Malaq+* members builds upon DDG’s continuous engagement of women, youth, and minority representatives over past interventions.<sup>9</sup> Some of these were minor infrastructure projects that allowed for the engagement of these stakeholders without interference from more influential actors.

Over time, these activities became major infrastructure projects and comprised many trainings in conflict resolution or project management. Stakeholders were recognised by their communities for overseeing such interventions and became more confident in dealing with authorities and external actors. Now, they are part of the *Malaq+* and are able to obtain information from communities elders can no longer access directly, as well as mobilise or demobilise them during crises.

*“Last year, there was a big violent incident in Baidoa after the arrest of a prominent politician called Sheikh Mukhtar Robow, who defected from Al Shabaab five years ago. ... It was the first time I witnessed the different clan elders including those from the clan involved in the conflict marching side by side with one common vision of restoring stability by forcing an end to the violence. They worked with the local police and the religious leaders in sensitising the community through the media, and clarified to the community that what happened was not a clan issue but a mere political move that was out of the community’s hands, and that no blood should be shed. ... Also, civil society organisations and district peace committees participated in these efforts led by the Guurti elders. Finally, the violence stopped and peace was restored in a less than a week. I would say that if Malaq elders had not been united, the violence would have turned into a clan conflict that would be disastrous to the stability of this district.”*

- Baidoa Case Study

What is more, these additions allow *guurtis* to engage with issues elders are ill-equipped to address. Elders tend to be older men well-versed in tradition, but they struggle to address issues that involve technology and media or require technical knowledge. Respondents mentioned that educated youth are better able to speak to such issues and thereby fill a crucial gap in *Guurtis*’ capacity to serve their communities.

### Importance of Capacity

For this to work, prior engagement and training are crucial. Interviewees in Baidoa noted that those included in the *Malaq+* were among “the most active individuals in the community” and were “well- educated” and experienced. Their counterparts in Balcad cautioned that should women, youth, and minority representatives be added to the *guurti* but lack the social capital,

*“There are no special members in the local elders who speak on behalf of women. This is due to the lack of civil society to mobilise and ask for it.”*

– Local official, Balcad

*“There are no youth or women represented as members on the local guurti, because they lack experience when dealing with cases, and they are prone to reach immature decisions that could cause another confrontation .... If their inclusion becomes necessary, I would suggest that we give them more training and seminars in all areas related to decision-making processes.”*

– Guurti elder, Balcad

*“The local community supports the honest elders, while they reject those accused of misappropriating and serving for their own personal gains.”*

– Male youth representative, Baidoa

*“I am not in favour of increasing the numbers of the guurti further, because the elders have now been impacted by politics, and I fear that if the numbers are increased, the politically-minded elders will be there in the guurti, which is not good for the interests of the community.”*

– Majority clan elder, Baidoa

knowledge, skill, and confidence required to contribute, it might undermine the wider legitimacy of the project.

**Prior and continued work with women, youth, and minority representatives** is crucial to their meaningful inclusion, their contribution to the *guurti*'s work and their role in enhancing community members' access. Inclusion of marginalised groups does not start with their inclusion in the *guurti*, but must rather occur through repeated and sustained engagement over time, *before* this step is taken.

The difference between Baidoa and Balcad is instructive. Although the different clans in Balcad reached a consensus to enlarge the *guurti*, no women, youth, or minority representatives were added. Respondents attributed this specifically to the lack of civil society able to advocate for such inclusion and to put forward qualified candidates.<sup>vi</sup>

#### Different Elders

Not only the capacity and social standing of women, youth, and minority representatives matter. Protracted social conflict in Somalia has politically compromised many elders. Some were directly appointed by administrations, instead of being elected by their communities, whilst others became involved in patronage and graft.

Respondents warned that investing resources without a nuanced understanding of the context – including how to identify legitimate elders and appropriately target resources – may attract such “politically minded” elders or incite power holders to block meaningful inclusion for personal gain or patronage.

#### Literacy

With the documentation of *xeer* as a key component, and increasing urbanization that elevates issues of technology and more complex bureaucracy, literacy becomes an essential requirement for arbiters and justice seekers alike. Because Somali customary law is based on an oral tradition, literacy has not figured prominently among the qualifications sought in aspiring elders.

**Justice sector reform efforts should consider literacy campaigns and/or the use of audio-visual methods to avoid marginalising illiterate community members and elders.**

*“There is a need for elders who can read and write so they can play their role effectively, actively pass laws, and document agreements between clans. Other community members, such as youth, women’s groups, and sports groups should be involved to support the elders.”*

– Youth Group Leader, Balcad

#### Urbanisation & Displacement

The focus on inclusive, accessible, and effective customary justice institutions not as the core, but as the foundation of legally pluralist institutions is particularly salient for Somalia’s rapid urbanisation.<sup>vii</sup> Arrivals from rural areas are rarely familiar with statutory institutions, have no implicit reason to trust security forces, and have little exposure to coordinated *shari’ah*-based adjudication beyond that of Al Shabaab.<sup>viii</sup> They are, however, familiar with the *xeer* and its application by elders.

Besides the obvious challenge of literacy, the special position of displaced communities provides a challenge that the current *Guurti+* process has thus far been unable to overcome. In Somalia, displaced communities are not merely those who have had to leave their homes during drought or conflict, but those who lack local kinship ties that would allow them to blend into communities.<sup>ix</sup> This implies a greater level of exclusion, and respondents confirmed that instead of approaching the *Guurti+* with grievances, displaced persons “keep silent.”

*“We do not have documentation of xeer in our district, but we know it by heart. We would like to have documentation of xeer, because it will remove the subjectiveness of xeer, and everyone will know exactly what the ruling is depending on the type of case.”*

–Guurti Elder, Balcad

*“It is difficult to explain the composition of xeer, because the elders know it by heart, but it becomes confusing when each case is different and the clans and victims are different, so it makes xeer more difficult to define.”*

– Female Focus Group Discussant, Balcad

*“The xeer has existed for centuries, but it was never documented. The documentation was really a very important step, because it is now serving as a point of reference.”*

- Women’s group representative, Baidoa

*“In the past when a conflict was reported to the guurti, it used to take a few days to resolve it, but now they can resolve conflicts within a short time period.”*

– Female Youth Representative, Dolo

## Capacity

Besides a sequence of training in methods of conflict mediation and resolution, participatory conflict analysis, and the documentation of town-wide *xeer* was a critical component to improve the effectiveness of mediation and arbitration. In many previous cases, participating elders first needed to agree upon precedence and the substance of applicable *xeer* – a greater obstacle as displacement and politicisation has disrupted communities.

**The most direct impact of the documentation of local *xeer* was a simple condensation of its application.** All those involved can now consult the agreed-upon town-wide *xeer* and proceed to gathering evidence. Delays in proceedings are a principal complaint against courts and a major opening for Al Shabaab to provide harsh but swift adjudication. Elders’ ability to handle heavy caseloads efficiently in this climate is thus a crucial underpinning of justice sector reform.

### Documentation as Training & Review

**Elders view the participatory documentation process a training in and of itself.** Part of the initial impasse for elders and the fractious relationship among justice institutions was that knowledge of *xeer* norms was dispersed among elders, whose understanding of statutory norms and procedures was poor to non-existent. Participatory documentation not only consolidated knowledge of *xeer* among elders and other participants, but also enhanced their understanding of and confidence in working with courts and police on referral or joint handling of cases.

**The documentation process was also a review process.** The main platform for the review and alteration of the *xeer* are peacetime meetings.<sup>x</sup> Communities in southern Somalia, however, cannot yet consider themselves *at peace*. Most have therefore not reviewed existing *xeer* for its appropriateness to current context or harmful practices, let alone involved marginalised and vulnerable communities in doing so.



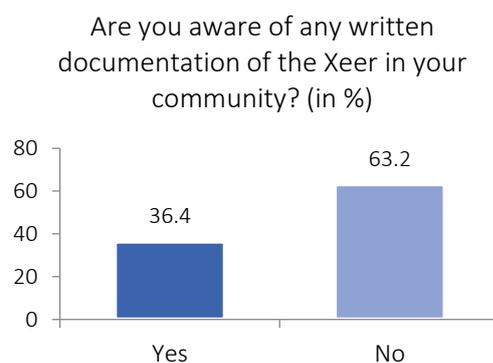
**Female *Guurti+* members often accompany women during and families after proceedings**

Documentation of town-wide *xeer* allowed for such a review, which elders and other participants alike noted as having improved the substance of local *xeer*. Since customary rulings depend on community members’ acquiescence, such improvements are likely to gain importance as clannism recedes and urbanization proceeds.

*“The documentation of Xeer taught me a lot, and it changed my mind about how justice is provided in the community. The [Xeer] document was made available to the community in order to familiarise themselves with its contents. It is even handed out to visitors of the district.”*

– Male Youth Representative, Warsheikh

Literacy or innovative dissemination is crucial for this gain in effectiveness to be accompanied by transparency and accountability. The study found that whilst those who knew of the written *xeer* consulted and cited it, most respondents were unaware of its existence.



*“When the xeer was drafted in 2016, there were certain xeer laws the community rejected and requested the elders to change. For instance, the community could not accept the xeer for rape cases, because ... the community could not accept that the dignity of women should be valued with money.”*

– Female Youth Representative, Warsheikh

*“I don’t think there should be documentation of xeer in my community.”*

– Majority Clan Elder, Jowhar

*“A good thing about this process was that people used to deal with issues however they wanted, but now the documentation has provided boundaries that everyone should follow.”*

– Male *Dubaab+* Member, Jowhar

*“The most important objective is that we want [the Guurti+] to be able to address conflicts while it is in the early stages or at the onset of conflicts.”*

– DDG staff, Warsheikh

*“When a conflict arises, the community has the phone numbers of Guurti+ members, so it is reported to them and the Guurti+ members immediately call each other and start to resolve the conflict before it turns violent.”*

– Women’s Group Representative, Dolo

### Once more, Context Matters

The documentation of *xeer* and strengthening of customary institutions’ capacity for de-escalation and mediation are not apolitical activities. Where elders are involved in politics and their authority is reinforced by their exclusive knowledge of the *xeer*, making the *xeer* available for wider consultation can threaten this authority.

It is thus consistent with prior observations on politics in Jowhar that an elder of the local majority clan was the only key informant of the entire study who expressed opposition to a documented *xeer*. Other informants, in the same vein, observed that such documentation curtails local authorities’ ability to act arbitrarily.

### Coordination

Somalia’s legal framework is pluralist.<sup>xi</sup> This means that customary justice institutions coexist with a fledging statutory system based on codified law inspired by the Italian civil code and British common law, while *shari’ah* enjoys widespread legitimacy but is not formally institutionalised.<sup>xii</sup> It is important to differentiate between these institutions, but also to acknowledge that they do not operate as separate systems.

The three traditions are closely entangled and exhibit an informal division of labour. The *shari’ah* forms both the constitutional basis for Somali law and an essential component of the *xeer*, especially for family disputes. In turn, the *shari’ah* provides scope for customary norms to inform many of its more particular applications. Statutory judges are rarely trained in Somali law, and often solicit advice and support from both elders and religious scholars (*ulama*).

**Shari’ah and statutory law are individual rights-based frameworks, whilst customary *xeer* builds upon collective responsibility to prevent group violence, not punish individual transgressions.**

In the absence of a functional state infrastructure, customary authorities have taken on many of the duties and tasks of administrative authorities, including the adjudication of criminal matters. In many cases this is crucial, as without a legitimate

monopoly of power, such matters could lead to unimpeded spirals of revenge killing. As state-building has generated entities based on clan territories, it risks the outbreak of not merely communal but state-level conflict in places like Galkayo.

### Prevention & Enforcement

This imperative puts elders in a difficult position. They may be the most legitimate and effective institution, but for the most part lack the ability to enforce their decisions.

The clan-based civil war has undermined elders’ authority over armed groups within their clan, and many have become involved in clan-based politics under faction leaders. Today, these groups constitute Somalia’s armed forces, which guarantees a clan-dimension where enforcement is concerned, and thereby cements impunity for members of major clans in many instances.<sup>xiii</sup>

This perceived partiality extends to courts and often police forces, deterring many community members from reaching out to these institutions. A key component of DDG’s work under the *Somalia Security & Justice Programme* involves training police officers in rights-based community policing and the formation of community-police dialogue and cooperation committees for mutual acceptance and to foster accountability.

The participatory approach to working with the *Guurti+* includes statutory justice practitioners and police. Respondents to this study indicated that these three actors form a *prevention-enforcement nexus*, which has a number of implications:

*“This [newly elected] administration has stopped opening land dispute cases temporarily, and the courts were ordered to await further instructions for the handling of land disputes.”*

- Male youth representative, Baidoa

*“If the guurti decides on a compensation payment but the perpetrators do not pay it, it will start a fear in the community that the clans will fight. In the case of rape, the victim has family to defend her, such as a brother, husband, or father, and no one will allow their sister, wife, or daughter to be treated badly or raped. The only solution is for the criminal to face justice and be punished.”*

- Female Duubab+ member, Jowhar

*“Rape can create tensions between clans if they are not handled with caution.”*

- Women’s group representative, Baidoa

*“Rape cases are not addressed properly or with fair justice, because they are kept at a low profile, and the dignity of the victim is only valued at a small amount of compensation. You will never see rapists jailed and brought to justice. This has never changed at all.”*

- Female Focus Group Participant, Warsheikh

### Prevention-Enforcement Nexus

The division of roles between customary and statutory institutions can be mutually beneficial. Ideally, the *guurti* lightens courts’ caseload by preventing disputes from escalating into conflicts that involve the violation of laws or criminal incidents. In turn, courts take on criminal matters once they are assured that these will not result in violent conflict. Police or security forces ensure that verdicts are enforced.

Coordination is constrained by a number of issues, from low levels of trust and legitimacy to poor coordination and the involvement (clan-)political interests.

The first steps towards building such coordination were visible in DDG’s project locations, and even in Balcad. Police officers arrest those accused of a crime whilst elders investigate to facilitate due process and enforcement. This is crucial should elders agree upon an appropriate level of compensation to be paid the aggrieved group, as clan violence is often triggered and perpetuated by unpaid compensation. With the perpetrator in custody and the inclusive *Guurti+* involved, communities’ leverage over the perpetrator is greater and the outbreak of violence less likely.

In cases in which the perpetrator’s clan group is unable to afford the agreed-upon compensation, civil society members of the *Guurti+* have reportedly mobilised community members to raise the money or camels collectively. Such linkages also play a role in referral and coordination, which remain largely *ad hoc* and dependent on personal relations.

These, many respondents noted, are strengthened by the participatory training and documentation processes, which is reflected in the absence of such coordination in Balcad. Improvements to the enforceability of *Guurti+* verdicts in close coordination with courts tackles a major access point for Al Shabaab.

*“Whatever decisions Al Shabaab makes, no party can oppose them.”*

- Women’s group representative, Baidoa



### Coordination occurs largely *ad hoc* and depends on interpersonal relationships

#### SGBV & Land Disputes

Peacebuilding and rights-based justice provision differ.<sup>xiv</sup> This was most evident in matters of sexual and gender-based violence (SGBV) and land disputes. Land disputes are a traditional province of elders and *xeer*. Bilateral agreements among mostly nomadic pastoralist groups regulated access to pasture as well as duties and rights for both host and guest.

**Land-based resources constitute the primary source of revenue in Somalia, and as such are highly politicised.** The collapse of successive administrations has resulted in multiple land titles without a functioning registration system. The highly incendiary nature of land disputes frequently pits members of the diaspora who hold titles against local occupants who also possess documentation. Much of the responsibility rests with administrations, and is beyond the reach of elders or the *Guurti+*.

**Elders consider themselves ill-suited to handle SGBV cases,** but continue to do so due to the potential for revenge violence and armed conflict. In Baidoa and Warsheikh, religious leaders often assume oversight. Although elders continue to handle such cases according to a set catalogue (respondents put the average compensation for sexual assault at 400USD and a cow or roughly 15 goats), religious leaders can affirm or overturn judgements. Punishment of perpetrators remains absent as cases are settled via compensation. Elders’ role in SGBV cases illustrates the sequence of peacebuilding and rights-based justice reform.

---

<sup>i</sup> Data for this study was collected by Forcier/Consilient Research. The author designed the study as Senior Research Analyst with Forcier/Consilient and authored the report as a consultant for Forcier/Consilient.

<sup>ii</sup> For further background on DRC/DDG's past engagement with Somali Customary Justice Institutions, see: DDG (forthcoming). *The Time is Now: Strengthening Police Accountability and Justice in Somalia- An Implementation Strategy Review*. Danish Demining Group. Available via: <https://somhub.org>

<sup>iii</sup> Joakim Gundel, & Ahmed A. Dharbaxo (2006). *The predicament of the 'Oday': The role of traditional structures in security, rights, law and development in Somalia*. Danish Refugee Council, Novib/Oxfam.

<sup>iv</sup> Customary justice norms, agreements and practices agreed on bilaterally and locally by clan elders, largely during peacetime assemblies. *Xeer* translates to 'agreement.'

<sup>v</sup> Cf. Robin Mydlak, 2017, *End-line Evaluation of the Danwadaag Project*, Forcier & Danish Demining Group, available at: [https://b718eab7-6439-48c8-8e6e-46fd5a13eaf2.filesusr.com/ugd/67feb2\\_e2fd9012b55d47269fdd4406ceb18e51.pdf](https://b718eab7-6439-48c8-8e6e-46fd5a13eaf2.filesusr.com/ugd/67feb2_e2fd9012b55d47269fdd4406ceb18e51.pdf)

<sup>vi</sup> For the box below, elders' involvement in graft and patronage, see: Lidwien Kapteijns (2012). *Clan Cleansing in Somalia: The Ruinous Legacy of 1991*. Philadelphia: University of Pennsylvania Press, p. 89.; Aoife McCullough & Muhyadin Saed (2017). *Gatekeepers, elders and accountability in Somalia*. Mott MacDonald, Overseas Development Institute, IAAAP Programme, p. 13. Available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11938.pdf>; Nicole Stremlau (2018). Governance without Government in the Somali Territories. *Journal of International Affairs*, 71(2), p. 85; Ken Menkhau (2003). State collapse in Somalia: second thoughts. *Review of African Political Economy*, 30(97), p. 415.

<sup>vii</sup> Utz Johann Pape; R. Wendy Karamba (2019). *Somali Poverty and Vulnerability Assessment : Findings from Wave 2 of the Somali High Frequency Survey (English)*. Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/464241565765065128/Findings-from-Wave-2-of-the-Somali-High-Frequency-Survey>

<sup>viii</sup> Efficient adjudication and guaranteed settlement due to the capacity to enforce presents one of the main avenues for Al Shabaab to engender support, not merely among the rural communities under the group's control, but also large numbers of urban residence who leave their cities to seek out the group's courts. See: Joanne Crouch (2018). *Counter-terror and the logic of violence in Somalia's civil war - Time for a new approach*. Saferworld; Sahan Research (2016). *Al-Shabaab as a Transnational Security Threat*. Commissioned by IGAD. Available at: <https://igadssp.org/index.php/documentation/4-igad-report-al-shabaab-as-a-transnational-security-threat/file>

<sup>ix</sup> Ken Menkhaus (2017). *Dadaab Returnee Conflict Assessment*. Danish Demining Group.

<sup>x</sup> Gundel, & Dharbaxo (2006). *The predicament of the 'Oday'*.

<sup>xi</sup> Natasha Leite, 2017, October 12, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*. Retrieved from African Centre for the Constructive Resolution of Disputes (ACCORD): <https://www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/>

<sup>xii</sup> Abdirizak Ahmed, Sagal Ali, Erica Harper, Tanja Chopra & Robin Mydlak (2020), *The Shari'ah in Somalia*. Expanding Access to Justice Program, American Bar Association & Pact Kenya.

<sup>xiii</sup> Ken Menkhaus (2016). *Non-State Security Providers and Political Formation in Somalia*. CSG Paper No. 5, Gerda Henkel Stiftung. Available at: <https://issat.dcaf.ch/Learn/Resource-Library/Policy-and-Research-Papers/Non-State-Security-Providers-and-Political-Formation-in-Somalia>

<sup>xiv</sup> cf. Tanja Chopra (2009). When Peacebuilding Contradicts Statebuilding: Notes from the Arid Lands of Kenya. *International Peacekeeping*, 16(4), 531-545.