

FIELD RESEARCH PROJECT ON MINORITIES IN
SOMALIA

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" . . . divided we fall "

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Abstract

The aim of the first paper of the research was to find out the positions of the minority groups in Somalia, Somaliland, and Puntland, in order to assist the legal practitioners and institutions working with Somali refugees in the United Kingdom

This paper reviews the objective evidence available in Somalia. We have also conducted questionnaires to obtain feedbacks, which were completed by NGO's who were operating inside Somalia.

Acknowledgement

We would like to express our gratitude to all the people and organisation that have been assisting us and enabling us to carry out this report. Special thanks to OCHA, UNCHCR and all the other NGOs operating in Somalia from Nairobi for their valuable advice and guidance, we would also like to thank all of the Somali minorities that we encountered during our field research, who were most cooperative. Lastly we would like to thank all those who had useful comments on or read drafts of the report.

Context

About the Researchers

Abdi Abby is the legal director at Oxford House, who specialises in immigration and Nationality. He is also a university practice tutor and a member of the management committee of Evelyn Oldfield Unit, secretary of Tower Hamlets Law Centre and a governor of Oak Farm school.

Dheeman Mahamud has done a BA in International Relations and a MA in Development and International law at the London School of Economics and Political Sciences. She has worked for several international organisations including Amnesty International and Relief International.

About the Organisation: OXFORD HOUSE

Given the fact that Oxford House is funding and publishing this report on the circumstances of minorities in Somalia it would be apt to give the readers a general perspective on the background of the community centre and explain its main missions.

Oxford House was the first settlement of its kind to be established in 1884 with the purpose of providing social and community work in what till this day remains a relatively socially and economically deprived area of greater London. Oxford house has grown and progressed tremendously. It is now a vibrant combination of many diverse projects, and the community centre is moving into the international arena of human rights law and international development. At the moment there are five

dynamic and relatively interlinked departments within Oxford House that aims to cover the needs in educational training, health promotion and legal advice as well as providing social atmosphere and room for artistic expression.

In addition, the multi-purpose organisation has established international links with and supports two grassroots projects namely Candlelight and the Edna Aden Maternity Hospital in Somaliland with small grants.

The aim with this report is to make the British government as well as the International Community aware of the continuous instability and fragile state of Somalia. Moreover, we want to confirm the real danger, serious flaws and gaps that exist in human rights, which are shown by the volatile treatment of the weakest in the society such the minorities, internal displaced people (IDPs) and mentally ill people.

Lastly, we hope that it will influence the British policy-making in regards to immigration as well as the dealings of international organisations with the so-called authorities of Somalia and the encouragement of human rights in this part of the world.

Methodology

The report reviews some of the current literature about the area and identifies key variables that contribute to minorities' vulnerability to violence and lack of access to humanitarian assistance. In addition to the review of

literature, and in order to access the experiences of minority IDPs - and more specifically, those who have experienced violence and abuse - we conducted: (a) an environmental scan consisting of telephone interviews with 17 organisations working for Somalia-both in Nairobi Kenya and Hargeisa in northern Somalia ("Somaliland"); and (b) individual interviews with six key informants and service providers working with IDPs. In addition, we conducted: (c) focus groups with minority adolescents, women and men, and (d) individual interviews with minority women/men from diverse communities. The following sections detail the findings of the interviews and focus groups. Ethics approval was obtained from local community elders prior to engaging in the collection of data.

The environmental scan consisted of responses obtained from organisations and key informants. Organisations that participated in the environmental scan were identified through referral by other organisations and through random selection from a directory of the Somali Aid Coordinating Body (SACB) and the directory UN agencies working in Somalia for making the initial contacts. Organisations consulted both for the environmental scan and interviews include, UNHCR, UNDP, UNICEF, WHO, OCHA, UNHCHR, and NGOs--CARE International, Oxfam, Danish Refugee Council, Candlelight, Save the Children, the Swiss Group, Concern and Gedo Consortium. Local human rights organisations were also contacted.

In the final part, the paper identifies a number of avenues whereby minority IDPs can better be served by the international agencies. More importantly, the study

suggests ways to implement structural changes which can work to reduce the risk of minority groups both immediately and in the long term.

Chapter One:

1.1 Introduction

The Somali people are largely homogenous in nature, given their shared linguistic, cultural and religious background; strengths that would have helped build a cohesive and sustainable society. However, during the long period of absolute rule by President General Mohamed Siad Barre from 1969 to 1991, the stage was progressively being set for the present conflict, a situation into which Somalia has been plunged. Gen. Barre continued with the Marxist-Leninist ideology which he had inherited and which was characterized by a segregationist policy of land appropriation among sections of the population. The minority groups were forced to abandon their lands without compensation for their trees and crops. This was also evident in the case of the Bantu who were the minority group who suffered under the Gen. Barre regime. These actions were carried out in order to compensate the president's supporters.

Without appreciable religious, linguistic and cultural unity within Somalia, clan and sub-clan loyalties have emerged as the most important political factors in Somali politics. The reliance on clan identity and competition between clans and sub-clans, while long a part of Somali culture, was exacerbated by the divide-and-rule tactics of

Gen. Barre. The warfare that has racked Somalia since his ousting has also been due to the manipulation of clan and sub-clan allegiances.

Gen. Barre's policies had the effect of setting up some minority groups against others and this alienated the disadvantaged from the ruling regime; this became a clear recipe for social discontent. This, and other factors, led to the anarchy that has bedevilled the country since 1991.

In the absence of a legitimate state authority or an accepted rule of law, a society, a nation, a country will find itself in a state of turmoil and anarchy where only the strongest survive. Pillage, robbery, rape and enslavement of the unarmed and unprotected is a means of control and domination and ultimately survival.

Those who have no means of defence or can seek retribution are easy targets and find themselves at the mercy of the armed majority. In most cases it is the minority and marginalized groups of society that are persecuted.

Somalia has been ravaged by war, genocide and persecution of vulnerable groups since the fall of Gen. Barre. Without a central government, peace and stability has continually eluded Somalia and the situation remains volatile.

The fact that there is no central authority has meant that the country is divided between warlords from the majority clan, who lead and control armed factions.

The west and "westerners" are perceived as wealthy individuals and those returning to a country like Somalia after spending long periods of time in the West will be regarded as having accumulated large amounts of wealth. They will be perceived as a means of obtaining money. Many will return to find themselves in a situation where they are likely to be robbed or held hostage until ransom is paid by friends or relatives living abroad.

1.2 Political Situation

The State of Somalia collapsed with the ousting of President Gen. Barre in 1991. Without a central government, peace and stability have continually eluded the country and the situation remains uncertain and volatile.

The rise of several armed factions with powerful leaders operating through clans has left the country greatly divided. These factional leaders operate as de facto authorities in their respective enclaves each with their separate political and economic agendas which they pursue at all costs. While this situation has had to be contended with by Somalis as a whole, the North West zone of Somaliland seceded from what was left of the Republic of Somalia in 1991, thus metamorphosing into the independent state of Somaliland which is yet to be recognized by the international community. This secessionist state has consistently refused to participate in any peace process to restore unity to Somalia.

1.3 Strangers in their own land

When returnees are sent back to Somaliland from industrialized countries, because of its assumed relative peace, they are generally not accepted and are considered as strangers because they originally originate from southern Somalia. In southern Somalia, returnees are perceived as affluent and thus become targeted by the militia for abduction.

Somaliland and Puntland are relatively stable areas with functional authorities, but the Central and Southern zones are infested with inter and intra tribal conflict, with human rights abuses being endemic, discrimination against minorities prevalent and with poor socio-economic conditions. It is pertinent to note that about 43.2% of the population live on less than US \$1.00 a day, adult literacy stands at 19.2%, primary school enrolment is 16.9% (20.8% for boys, 12.7% for girls), access to water 20.5% and access to sanitation 49.8%. Gender discrimination continues to be prevalent, with Female Genital Mutilation (FGM) as high as 95 -98%, whilst women are deprived of access to, and use of, justice mechanisms. Where women lack male protection they are open to abuse by the militia¹.

1.4 Vulnerability of Minority Groups

¹ Fact Finding Mission, (01/ 2004) P 54 and UNHCR Memorandum 2004

It is estimated that the population of minority groups living in Somalia constitute one third of the total population of the country. There is the age-old perception that Somalia is a homogenous country with a people sharing the same language, religion and culture. Politically, though, they remain deeply divided. This matter of unity has eluded the country leaving conflicts to arise nationally, the country to fall apart and the centre unable to hold.

The regime of Gen. Barre gave some minority issues prominence and positioned some minorities, especially those from Gaboye (Midgan), Tumaal and Yibir in high military and government positions. Notwithstanding this, as a whole, the Government did not address the problems relating to minority groups, nor did it empower them. Rather, the Government violated the basic human rights and right to development of these minority groups.

In view of the events surrounding the Reer Hamar/Benadiri, they can best be described as an oppressed and marginalized element of the Somali context and have often been referred to as an endangered species by local commentators. They have, indeed, constituted one of the most vulnerable groups throughout the lifespan of the Somali Republic and more so, after the Republic descended into chaos. The Reer Hamar/Benadir face security problems all over Somalia, but the regions in which they mainly inhabit, particularly Mogadishu, are notoriously more insecure.

Although there is widespread perception about the homogeneity of the Somali people, they have some clear historical dissimilarities.

These are seen, for example, in the movement of Bantu communities from East and Central Africa, particularly from Tanzania and Malawi. Some other minorities hailed from the Arab peninsula (Yemen) and the Far Eastern regions. With time, these and other smaller minorities metamorphosed into more dominant indigenous groups in Somalia. It is relevant to note that these minority groups who migrated into the country came with or adopted their own means of livelihood such as seafaring, blacksmithing, shoemaking, hunting etc. The distribution of these people has, over time, stretched from North, Central to South and their major distinguishing features are found in their economic activities.

1.5 Exploitation and Exclusion

Exploitation and exclusion of minorities in the mainstream of Somali life have been excessive in all three facets of the social, economic and political life. Gen. Barre manipulated clan loyalties and rivalries, favoured members of his own clan, the Marehan, who were recruited in large numbers into the army and favoured within the civil service. He undermined all independent sources of authority in what was to be a recurring pattern that later engulfed the country and basically destroyed the infrastructure of the country.

Exploitation of the minorities has been an ever present phenomenon, but in 1975, President Gen. Barre appropriated

agricultural lands belonging to the Bantu in the Jilib and Jamame regions under the pretext of development through the Resources Sharing Policy of Hawl iyo Hantiwadaag. This was a Marxist-Leninist ideology adopted by the regime through which farmers of the Bantu group were forced to abandon their lands of economic trees and crops without compensation. This caused a lot of suffering to the Bantu people in the Lower and Middle Juba riverside areas as they had been deprived of their sources of livelihood.

In the Kismayo and Bajuni Islands, traditional fishermen were forced into joining government co-operatives established as far back as 1974. Under this agreement, all fishing gear and fishing boats were taken away from the fishermen. This policy failed and its failure had serious negative effects on the lives of the Bajuni community.

The minority groups in the north particularly Midgans, Tumaal and Yibir, were not allowed to own land or livestock. They therefore became confined to jobs normally done by outcasts, which were the traditional skills of blacksmith and shoe making.

Since independence, minority groups have always suffered at the hands of the major clans, who have dominated the socio-political affairs of Somalia. In Kismayo, with economic activities relating to control of the seaport, airport and other significant commercial concerns all in the hands of the Habregedir and Marehan, the Bantu and Bajuni were relegated to underpaid activities which are not sufficient to allow them to take care of their families. In fact, they were reduced to mere servants.

Jobs in high profile sectors such as telephone companies, money transfer companies, light industries, transportation and construction are offered according to ethnic belonging, to the extent that minorities are excluded.

1.6 Armed Conflict

As to be expected, when armed conflict broke out in Somaliland and south Somalia, the minority groups were left vulnerable. They were caught unawares and the larger clan members accused some of them of having worked with the regime of Siad Barre. This was evident in the case of Midgans and Benadiris.

For this, they underwent severe human rights violations such as extra judicial killings, appropriation of lands and properties and compulsory displacement from their lands to IDP or refugee camps based along the border with Ethiopia and Somalia.

It is pertinent to mention that in all aspects of unfair treatment to minority groups, the Bantus are never spared. These people had for a long time suffered persecution. Although they did not take part in inter-clan conflicts, they were not spared reprisals from more powerful groups. They were subject to attacks and violations of their rights. During the research, people working on the ground, i.e. NGOs, have confirmed that in southern Somalia the minorities such as the Bantu and the Benadiri have been subjected to well-organized attacks. This was evident in places such as Jowhar and Kismayo. In these attacks, many

Bantus were killed, Bantu women were raped, their houses burnt down and their livelihood was looted and destroyed. There have, to date, been no reparations paid for these losses.

The dismal reports about the mistreatment of minority groups in their own country are unending and continually unfolding. Apart from the Bantus, other minority groups such as the Midgans and Bajuni from Somalia were attacked by militiamen during the initial periods of the armed conflict. Incidents such as land confiscation and raping of women are common throughout Somalia. These incidents, which were quite frequent, forced minority groups to abandon their homes and seek refuge in camps in neighbouring Kenya and Ethiopia.

The situation regarding minority groups in Somalia can best be described as chaotic, vulnerable, dangerous and life threatening. The minority groups continue to be plagued with all sorts of acrimony ranging from the rampant raping of women to monthly taxes collected from every household by the militias.

1.7 Security Conditions

Somaliland is relatively more secure than other parts of the country. There is an administration that functions, but has not been internationally recognized as a state. However minority groups such as the Midgans, Tumaal and Yibir who

predominantly reside in Somaliland are subjected to serious discrimination.

These groups do not benefit from any social facilities and other activities that major clans have access to. They remain barred from employment.

For fear of unprovoked attacks and persecution, or of having nothing with which to start life afresh, many minority returnees are unwilling to return to their original lands. Having lost all their possessions and means of livelihood in the past, there is now little incentive for them to return.

Generally in southern Somalia, living in any area or moving from place to place requires protection. This can only be obtained by making substantial cash payments to warlords.

1.8 The General Situation

About half of asylum seekers belong to one Somali minority group or another. To underscore the plight of minorities i.e. abuses of their rights especially in the southern and eastern parts of the country, it is not possible for independent foreign agencies to monitor and report on the human rights situation. Firstly, there are only very few such agencies on the ground. Secondly, there are no authorities in place to provide protection for representatives of foreign agencies. The minority groups in southern Somalia are prone to theft of their land, rape, forced labour and a whole range of discriminatory behaviour against them.

Minority and low status groups are provided with little protection under customary clan law and have virtually no recourse to any system of justice when victimized. Those who dare bring complaints to clan, religious authorities or use legal means place themselves at great risk of intimidation and assault.

In Mogadishu, many women dare not go to the market or other public places, especially those belonging to minority groups or minor clans. It must be emphasized that the security of anyone in Mogadishu, and in Somalia as a whole, is directly related to the strength of one's clan or perception of wealth. The lack of any civil administration and the absence of a police force leaves civilians, more so minorities, at the mercy of clan-based militias.

There is no justice system in Mogadishu, nor in Somalia as a whole. The only law that operates in the city is jungle law. There are no courts in the city and members of minority groups would have no chance of fair trial even if courts existed. It is the view of international NGOs consortium forum operating from Nairobi that minor clans and minority groups in Mogadishu have not experienced any change in their security and human rights position. They are still to be considered vulnerable as they generally have no legal rights vis-a-vis major clans. These minorities are not even part of the Diya (compensation) system.

Somali militias forcibly recruit members of minority clans. However, they are not used as fighters, rather they are

forced to work for the militias and often will have to perform domestic and menial roles. Minority groups are not allowed to defend themselves as they cannot carry guns because they do not have the wherewithal to obtain them.

UNHCR and NGOs operating in Somalia but based in Kenya confirmed that the security and human rights situation of minorities in southern and central Somalia had not changed for the better. However there is hope that things might change in the future. Both the NGOs and the UNHCR made it explicit that many NGOs and UNHCR staff are not operating in southern Somalia due to insecurity. Many of their staff and returnees faced ransom demands from militias. This is the main source of revenue for the warlords, and is a major factor accounting for continued instability in southern Somalia.

The three most vulnerable groups in Somalia are the Internally Displaced Persons {IDPs}, returnees and minorities. These groups include women and children and they qualify as the "most vulnerable of the vulnerable", mainly because they have suffered from:

- i. loss of assets through exposure to a major shock, whether it be economic, climatic or conflict related;
- ii. having little to no access to protection through clan affiliations, and
- iii. being exposed to multiple vulnerabilities or risks.

According to the United Nations security system, Somalia is now in phase 5 of the system. This largely means that the country has descended into a state of anarchy and the

security of international staff cannot be guaranteed. This being so, it is evident that the minorities who are the subject of this discourse are at very grave risk. This situation is made much worse with the continual absence of a central administrative system and a police force. This, obviously, leaves minorities open to the excesses of the larger, more dominant groups and this scenario will continue for as long as Somalia continues to exist as a lawless and pariah state. The resolve of the international system is thus required to bring this nation to civility.

Chapter Two:

2.1 Human Rights

Human rights are defined in the Oxford dictionary as rights that are believed to belong justifiably to every person. Human rights are exceptionally denied abroad, but the main place where they are violated is at home, in the state of which the victim is a national or resident. The same is also true of violations of the rights of peoples.²

The Somali experience has not been any different. It is evident that in any situation of anarchy, human rights violations are always prevalent.

In Somalia, human rights violations range from murder, looting and destruction of property; use of child soldiers, kidnappings, discrimination against ethnic minorities, torture, unlawful arrest and detention and denial of the

² Alston, 2001; p.22

due process by local authorities, rape of women and girls and prevailing gender discrimination with female genital mutilation close to 98%. Women are deprived access to, and use of, whatever is left of the judicial system. All these atrocities are against Article 55 of the United Nations Charter on the Universal Declaration on Human Rights that provides for:

“Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.” [Article 55, United Nations Charter]

According to a local Human Rights organisation named The Isma'il Jimale Human Rights Centre, 530 civilian deaths were recorded as a result of armed conflicts between July 2002 and June 2003. Other accounts such as those of the pastoralist conflict in south Mudug in July 2003 claimed 43 dead and 90 injured; mostly civilians as a result of a dispute over rangeland. July 2003 was a critical period for young girls who were targeted for rape and killing as a result of clan disputes in Baidoa. In Mogadishu, kidnappings became so rife that members of the public staged street protests³.

Sexual abuse has reached alarming proportions, giving credence to the more stated claim that in conflict situations women carry the brunt of it all. Women and children are taken as sex slaves and are, at all times, at the mercy of the protagonists. In Somalia, many sexual abuses are not reported by the victims for fear of loss of

³ UNHCR 20/01/2004, P23

honour or infamy. Evidently, therefore, abusers have no fear of consequences because victims in many cases do not tell anyone.

It is clear that the absence of a central government poses a difficulty at efforts to address the human rights violations discussed above. The existence of several de facto authorities with no checks and balances in society leaves them to choose to observe or not observe international conventions on human rights. Consequently, such an environment that thrives on impunity, poses a major challenge for international agencies including NGOs, to put in place measures to ensure the protection of civilians.

2.2 Humanitarian Situation

Somalia is an extremely poor and underdeveloped country with a high infant mortality rate reflecting about 225 deaths out of every 1,000 infants born; whilst the average life expectancy stands at 47 years. The 2001 UNDP Human Development Report ranked Somalia among the five least developed countries in the world. Economic and social development in the past few years have not been significant. Only 19% of the adult population aged 15 years and above can read and write; and primary school enrolment ratio is only 16.4%⁴.

It is estimated that nearly half the population live without access to sanitation, and nearly 80% without access to safe drinking water. Nearly 3 million or 43.2% of the

⁴ Fact Finding Mission 01/2004, P54

population live in extreme poverty or on less than US \$1.00 a day⁵. This is the situation of the inhabitants of Somalia and given the present state of the country, unless drastic steps are put in place to reverse the economic and socio-political trend in the country, it will drop to levels which will signal a far more dire humanitarian situation.

In view of the conflicting situation in the country, limited data is available on variations in development levels across Somalia's regions. It is a fact that development remains vulnerable to fighting and instability which continue to cause localized crises of food security and health, as well as population displacement.

By far the greatest problems of all nature and magnitude have been in the southern and central regions. These areas have witnessed high symptoms of complex emergencies, very little authoritative government, high level criminality, frequent armed conflict, absence of economic recovery, acute humanitarian needs and population displacement. In addition to the foregoing, there is an almost total absence of health care and education. This situation is rendered more difficult by the traditional belief among Somalis that the scourge of HIV/AIDS is a "non-Muslim people's disease". A disease which demands focused attention on public education now leaves the Somali population without the required health care and education facilities.

Of particular concern is the acute level of unemployment in urban areas where 60% of the people aged 15-64 are

⁵ UNHCR 20/01/2004, P23

unemployed. Unemployment among youths up to 30 years of age is a grave problem at a time when the state is experiencing total collapse. They have little or no formal education, few marketable skills, while many have been attracted to militia activities or acts of criminality⁶. With this group of people whose activities and movements are uncoordinated and highly uncontrolled, peace and security as well as the economic and social development of Somalia is being seriously compromised.

2.3 Situation of Minority Groups

Minority groups are estimated to constitute one third of the total population of Somalia. These include Bantu, Bravenese, Bajuni, Rerhamar, Eyle, Galgala, Tumul, Yibir and Gaboye. These groups continue to live in conditions of abject poverty and are made to endure numerous forms of discrimination and social exclusion. It is evident that all minority groups live below the threshold of acceptable living standards.

These situations arose as a result of cultural values that segregate and exclude minority groups from dominant clan societies. These minority groups are considered inferior and are without full civil and legal rights. Therefore, they find themselves in poor social, economic and political conditions.

These and other issues such as systematic exclusion from mainstream government positions resulted in animosity

⁶ UNHCR 20/01/2004, P24

between some minority groups and dominant clans. Upon the demise of the state, the minority groups were hardest hit through brutal reprisals.

In areas such as Kismayo, Jilib and Luuq, insecurity affects the delivery of services. It is estimated that close to 70% of the minorities who live in IDP camps or returnee settlements have difficulties in accessing adequate food, proper shelter and education facilities.

2.4 Forgotten Minorities

It is assumed that the largest minority group in Somalia is the Midgans. Its sub-clans include the Tumaal and Yibir. They are traditional workers who were confined to such things as herding, farming, metal and leather work and crafts. These minority groups tend to live in the north, central and southern regions of Somalia. Although the Midgans have a similar ethnic origin as the major clans they are not accorded equal rights.

The term "Midgan" itself is conceptually degrading, therefore in order to forestall the stigma that goes with the name Midgan they now refer to themselves as Gaboye. To be a Midgan means to suffer life long indignities. They are deemed to be impure, sinful and polluting. People tend to avoid them, abuse them and look upon them with disdain. Members of the major clans are not allowed to socialize with them and it is forbidden for a member of a major clan to marry a member of the Midgan clan. If intermarriage does occur between a Midgan and a member from a major clan, it

results in serious persecution at the hands of the majority clans. This was substantiated by the mission findings.

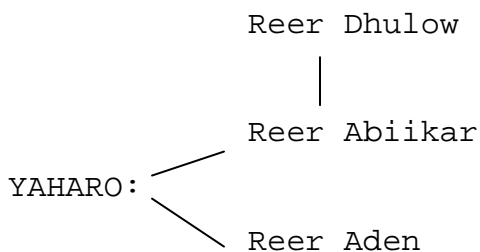
There is no justice system even in Somaliland that protects the rights of this minority (Midgan, Tumaal and Yibir). The level of isolation meted out to these people is so grave that the NGOs and international agencies operating in Somalia do not have direct contact with them. Over time these people have become reclusive as a result of systemically discriminative attitudes towards them.

Below is a diagram that shows how the Midgans, Tumaal and Yibir are divided. This source of information was obtained from elders interviewed from these tribes.

This is believed to be the genealogy of Tumaal

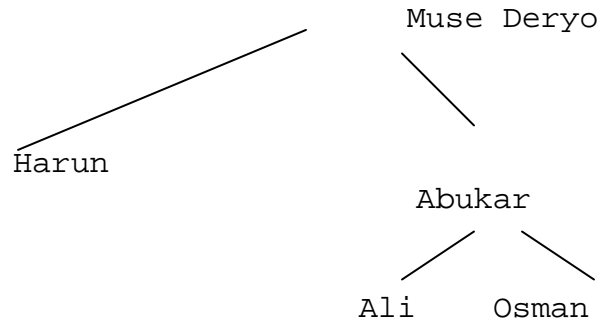
1. Cusman (Reer Cusman)
2. Oisse Adde
3. Cumar
4. Warabeeye
5. Galgalo
6. Reer Cumbuure
7. Reer iidle

This is believed to be the genealogy of Yahar clan



Reer Mohamed

The genealogy of Muse - Deryo



The following genealogy might explain clan organization of Madhiban

Mohamed (Madhiban)

- Mahad Mohamed
- Hufane Mohamed
- Arsade Mohamed
- Hildid Mohamed
- Kheyr Mohamed
- Adan Mohamed
- Kulber Mohamed
- Hussein Mohamed

Liban Mohamed
Daud Mohamed
Horogle Mohamed
Farah Mohamed

This is believed to be the genealogy of Yibir Clan

Rer Beli
(are found in Ogaden)

Rer Malekhal
(Central Somalia)

Yibir Gudud
(North Somalia)

Galab
(North & Djibouti)

Rer Gedidery
(Majirtinia & North)

Mohamed Hanif Yibir

- Musa
- Ayub
- Gedi
- Anjid
- Jama

Source: Oral History told by Somali elders.

2.5 Somaliland and Puntland vis-a-vis Returnee Refugees

Somaliland and Puntland were originally entities within the Republic of Somalia but, notwithstanding the ravages of armed conflict in the country, they have remained relatively stable. However, integrating Somali refugees back home posed a critical humanitarian, recovery and development problem. In view of limited or non-existent preparedness for returnees from exile, tens of thousands of returnees continue to live in slum areas in the outskirts

of towns; areas totally devoid of basic facilities for human habitation. The returnees were very often indistinguishable from other vulnerable groups who face problems of accessing basic provisions and/or becoming less dependent on others. Should assistance not be forthcoming to the already strained economies of Somaliland and Puntland to enable the returnees to successfully integrate into these local economies, they could potentially pose a threat to the hard-won peace and stability of these two areas.

2.6 Return of Minority Groups

With an uncertain future in Somalia, most displaced minorities were unwilling to return to their original lands. Their disincentive to return was caused by the fact that they had lost all their possessions and means of livelihood, coupled with the fear of renewed persecution. However, amidst all this, during the past two years, a considerable number of minorities have returned from refugee camps. Among the skeptics are the Bajuni from Kismayo and the Bajuni Islands, and Midgan, Tumaal and Yibir in Somaliland.

The overall impact of more than half a million voluntary returnees - some being organized and some spontaneous - is heavy on the already overstretched services of Somaliland and Puntland. Therefore, in a large number of cases, the returnee populations are marginalized, if not totally ostracized and forced to live in squalid conditions bordering on abject poverty. Thus, in order to survive, returnees heavily relied on doing small-scale trading,

casual employment, market activities and sales of livestock. However, there is heavy dependence on regular or occasional remittances from relatives in the diaspora. It is to be noted that incomes from the small-scale activities mentioned above are generally not sufficient to meet the basic needs of the families, according to a 2003 UNHCR Survey of returnees. People who find themselves in this situation are in the region of 95% of the returnee population, while only about 5% of returnees can afford three meals a day and about 64% live on one meal per day or less. Begging for survival and dependence on food aid is now rampant. The negative impact of this is greater on women and girls who are more vulnerable to abuse and unable to take advantage of any available facility in education because their time is spent fending for the family.

For the returnee population, access to basic services is very limited. This leaves cause for major concern as 46% of them have to share their water sources with animals, while 75% see the water as dirty and unfit for human use⁷.

Water availability is also a problem as the distance between water sources and the settlements of the returnees render them unable to access it easily. 82% of returnees interviewed by the UNHCR have access to toilets that, in most cases are shared by large numbers of people. However it was evidenced during the fact finding mission of this report that over 250 people were sharing one toilet which is appalling and unhygienic situation for any human being standards.

⁷ UNHCR 20/01/2004, P26

2.7 Repatriation of Somali Refugees and their Re-Integration

In view of the current situation in southern and central Somalia, the United Nations High Commission for Refugees [UNHCR] has confirmed its unequivocal position that to return Somalis involuntarily to the south and central areas or to areas from which they do not originate, is to place these individuals and groups at considerable risk. This dismal socio-economic situation, combined with proliferation of conflict over limited resources and the manoeuvring for political power, the heightened threat of terrorism and the increase in indiscriminate kidnapping leave southern Somalia particularly unsafe in 2004.

Involuntary returnees from Europe, especially to this still volatile territory of Somalia, will be put at great risk since they are viewed as possessing material wealth and hence become targets for kidnapping and other forms of unacceptable occurrences.

2.8 Support from Somalis Living Abroad

As the country continued to be progressively unstable, Somalis who could manage to leave the country either at their own expense or with assistance from compatriots who had already been living out of the country, did so. These number more than one million and they account for remittances to Somalia (including Somaliland) amounting to between US \$750 million to US \$1 billion annually; far in excess of official development assistance e.g. US \$115 million in year 2000. This amount is crucial in servicing

the commercial service sectors with about US \$360 million contributing directly to household purchasing power. The positive aspect of this support is that it ensures income for the most vulnerable populations while, for those who lack access to remittances, a gap is created, thus creating a divide between the privileged and the others⁸.

In the absence of a central government responsible for economic, social and political development in Somalia, the people of that country will, in large measure, continue to remain vulnerable to the dictates of clan leaders and militias. In order to restore sanity to the country, a system must be put in place that will ensure the rights and privileges of all Somalis regardless of their ethnic background. This will ensure the voluntary return of millions of nationals living abroad.

2.9 Internally Displaced Persons (IDPs)

The following discourse will focus on Internally Displaced Persons (IDPs) in Somalia. Although the suffering of minority groups is not too far different from that of IDPs given the fact that IDPs are displaced for most of the time, they suffered more gravely and their plight is detailed in the ensuing account.

At best, Somalia is chaotic and unstable. The problems that beset the peoples of Somalia are multifarious. During the period of its woes, Somalia has been characterized by repression, civil wars, fragmentation, invasion, famine and

⁸ UNHCR 20/01/04, P24

drought. Inter-clan fighting has, since late 2003 accounted for the displacement of over 7,000 people. Most of the fighting has been carried out over control of grazing lands and water in the Galgadud region⁹.

IDPs suffered from the fighting through the destruction of their homes and water stores, while their livestock were killed, leaving them with little or nothing to survive on. When people in the Dir sub clan were displaced in the Galgadud region in late 2003, they fled to their clan area in search of protection, but the host communities did not have sufficient food and water to share with destitute newcomers as they too had been suffering from prolonged drought, thus adding to the suffering of the new IDPs¹⁰.

For over ten years, IDPs in Somalia have endured greater suffering than many others globally. This is so because international protection standards set forth by the United Nations prove difficult to carry out which left IDPs open to abuse and without access to due process of law in the absence of a functioning legal system.

In a highly volatile environment such as Somalia, IDPs are relegated to the lowest rungs of society. Hence they endure insecurity, serious human rights abuses, discrimination, land dispossession and forced displacement, physical violence, human trafficking and several other human rights violations.

⁹ OCHA 23/04/04

¹⁰ OCHA 06/04/04

In the secessionist state of Somaliland, Somalis were branded "illegal immigrants" since, for those who fled the conflict in southern and central Somalia, they were stigmatized for coming from a Somalia discredited with dictatorship. Thus, IDPs entering a region that had always legitimately been an integral part of their country, suddenly found themselves discriminated against as "foreigners" and thus referred to as illegal immigrants. They were thus not treated as citizens with equal rights nor have their socio-economic and political integration been facilitated or enhanced. Those who managed to endure the ill treatment and remained in Somaliland were relegated to living in squalid (slum) conditions, their human rights were violated and they suffered harassment. They were denied access to basic services, subjected to forced relocations, forced labour and survive mainly through begging in the streets. Even in their attempts to make a living, they were elbowed out when competing with local beggars¹¹ .

The vulnerability of these most vulnerable IDPs became more evident when women and children, who constitute three-quarters of the displaced population, were open to high level and frequent assault because they were not adequately protected. Displaced women suffer both gender and ethnic discrimination.

In the southern and central parts of Somalia, IDPs were denied access to most basic services. Frequent clashes and drought created ever more crowded conditions in IDP

¹¹ UN/OCHA, 23 April 2004; 18 November, 2003, p13

settlements and high levels of disease. With about 80% of the Somali population having no access to safe drinking water and sanitation, dehydration from diarrhoea became the main cause of death¹². As if to worsen the situation for IDPs who are already cash-strapped, they have to pay for use of latrines in addition to paying rent¹³. When water is available, it sells at unaffordable prices to IDPs who have no choice but to drink water from contaminated streams. Cholera thus became a seasonal problem in main towns, especially Mogadishu. In view of the very limited availability of health care services and related infrastructure, all having been destroyed during the war, only about one-fifth of the population have access to health care facilities.

Whilst fewer than 15 qualified doctors per million persons are available¹⁴, about one quarter of Somali children die before they reach the age of five¹⁵. Somalia therefore became infamous with maternal mortality rate being one of the highest recorded globally, whilst the situation among IDPs is even worse because they lack access to services or cannot pay for them.

Taking Bosaso as a case in point, it has only one mother and child health centre for a population of 120,000 people, including 28,000 IDPs¹⁶. Notwithstanding the fact that IDPs have to pay for use of essentials such as water, latrines, rent etc, those in the north of Somalia have only a few informal work opportunities. In some cases, up to 93% of

¹² UN, 18 November 2003

¹³ UN/OCHA, 31 October 2003, p8

¹⁴ MSF, 9 December 2002

¹⁵ UN, 18 November 2003, p12

¹⁶ UN, 18 November 2003, p153

IDPs depend on begging for survival - barely enough to provide one meal per day¹⁷.

IDPs are at the receiving end of everything negative. Whereas returnees and local residents benefit from remittances from relations living abroad, only a few IDPs do receive such financial support. Added to this the Gulf States have, since 2000, imposed a ban on livestock imports from Somalia. Income levels, and by extension purchasing power, are seriously reduced. As if to worsen the condition of the already destitute IDPs, the Al-Barakaat Money Exchange, the main channel for remittances was closed, following accusations of abetting terrorism. This resulted in a cut off of incomes for a few IDPs who depended on remittances.

Somalia has, until recently, been perceived as a country with 7 million people who have one culture, one language and one religion. No doubt, previous regimes gave this impression so as to sustain the illusion of homogeneity. Indeed, it was made hidden the fact that there are existing minority groups who include Bantu, Bravenese, Rerhamar, Bajuni, Eyle, Galgala, Tumul, Yibir and Gaboye. These minority groups continue to live in abject poverty while, at the same time, suffer all known forms of discrimination and exclusion in their own country.

2.10 Security of IDPs and Freedom of Movement

¹⁷ UNCU, 30 July 2002, pp 15, 27

Any attempt at listing the atrocities committed against IDPs in Somalia will be an unending exercise because throughout the country, human rights violations became the rule rather than the exception. It was and still remains endemic. These include murder, looting and destruction of property, child soldiering, kidnapping, discrimination against IDPs and minorities, torture, unlawful arrest and detention, rape and denial of the due process of law by the local authorities.

Somalia is a country that has been divided into fiefdoms, each being ruled by armed clan militias that do not adhere to or respect the rule of law. Hence vulnerable groups are at the mercy of those who wield power generally through the barrel of the gun or belonging to powerful clans. This allows for women and children from weak minority groups to be at the mercy of camp managers who often restrict their movements and also divert humanitarian aid intended for IDPs, away from them. These people are also vulnerable to rape, human trafficking and forced recruitment by militia leaders¹⁸.

Effective protection strategies were not in place. If they were, then support for such strategies should have come from the two relatively more peaceful entities of Somaliland and Puntland. While the latter demonstrated some interest in addressing this issue, in Somaliland the authorities displayed clear hostility by their law to "deport" all IDPs and minorities who are not of Somaliland

¹⁸ UN, 18 November 2003, pp 11,13,14

origin and are, therefore, regarded as "foreigners". This alone makes demonstrable the vulnerability of IDPs and minorities to all sorts of harassment because in Somalia, a state in collapse and with no central government, protection of its citizens along the lines of international instruments and principles cannot be guaranteed.

It is apparent that the main humanitarian actors, the UN Agencies and NGOs, have limited influence on the situation in Somalia as the warlords are taking advantage of the chaos. Most of the IDPs in the camps are displaced from southern Somalia because of poor security in that area.

2.11 IDPs and their Protection

It is a common occurrence that when the destitute find themselves in vulnerable situations they gravitate to people and places they feel more secure with. The situation of IDPs in Somalia has been a glaring example. In order to guarantee protection against the common human rights abuses suffered, they move to areas where their clan is dominant. In such areas, given the ungovernable situation in Somalia, there exist 'de facto' authorities who assume responsibility for human rights protection. However, many of these authorities are either unaware of international conventions, choose to ignore them or lack the capacity to enforce them. Consequently, IDPs suffer in an environment of impunity that reigns in many areas. This normally presents a major challenge for UN agencies and NGOs trying to strengthen measures geared towards the protection of civilians.

Human rights must proceed in a way that encourages the development of genuine organizations of civil society. Somali non-combatants, especially women and children, who constitute the majority of IDPs, have struggled against overwhelming odds to maintain and nurture the affections they are experiencing.

It is not uncommon for these people, who are generally viewed as undesirables by the local community, to be subjected to various human rights abuses such as beatings, robberies and other forms of harassment. When they go begging in the streets or compete with local labour, the molestations from locals are intolerable.

Somalis, who do not have clan affiliations and, therefore, protection, are most vulnerable to violations from criminal gangs and militias including economic, political, cultural and social discrimination. Even a member of a major clan who lives in an area where his clan is not dominant, is more vulnerable to human rights violations than when he is among his own relations. Socio-economic status and gender are also factors that account for one's level of risk¹⁹.

In practice, rule of law guarantees of personal security and protection of human rights in Somalia vary from place to place, based on the social standing of the individual. Most Somalis are, because of personal security reasons, compelled to reside in the "home areas" of their clan so that they are assured full status and protection by their clan group. Interestingly, a situation has developed in

¹⁹ UN, 18 November 2003, pp11-14

which they live in areas far from their actual homes in the capital city. This situation proves very complex as such an arrangement requires time and money to ensure protection when they want to visit or live in cities outside the clan's traditional domain.

2.12 Minorities and IDPs

Minority groups such as the Bantu, Bravenese, Rerhamar, Bajuni, Eyle, Galgala, Tumul, Yibir, Gaboye, Ogadenis, and Rehanweyn represent one third of the Somali population and have been forcibly displaced from rich valuable agricultural land either through militia attacks or land appropriation policy of the Siad Barre regime. These minority groups are subject to human rights abuses, attacks, discrimination, and exploitation and, as earlier indicated, displacement and land dispossession by militias and other free moving bandits.

Over a considerable period of time, minority groups have gone through greater levels of discrimination and exclusion, branded as inferior and thus forced to become the poorest set of people in Somali society. They do not enjoy equal rights in society nor are they accorded any social, economic and political status.

As regards IDPs, they too have their tale to tell. They have endured and continue to endure the scorching of their camps and witnessing the deaths of several inmates during the process. In the relatively safe Puntland, IDPs have cited insecurity of land tenure as one of their major problems. It should be noted that IDPs find themselves in

this situation because of the war. They are not essentially minority groups, but in some instances, some are.

Generally, IDPs continue to suffer discrimination, with their basic rights denied by militias' local authorities and some of the local communities. Women IDPs are most vulnerable because of gender and ethnic discrimination. They have limited access to resources, while continually suffering from rape, abduction and forced marriages. In the north IDPs who are originally from the south, from clans such as Rahaween, Bantu, Ajuran, Jarso, Midgan and Ashraf, lack political power and protection from the dominant sub clans of the north. They are also vulnerable to personal insecurity, without access to income-generating opportunities and political representation. This is much more prevalent with the Midgans, Tumaal and Yibir in the north. **Annex 1 (See photos for the camps)**

It is very difficult to draw a strict dichotomy between IDPs and minority groups. Indeed when the problems of both sets of people are considered, it becomes vivid that there is a direct correlation between the two in Somalia. Most of the displaced and dispossessed, either from the north or the south are from minority groups, who usually end up being IDPs.

This social structure greatly influences effective and targeted delivery of humanitarian assistance to IDPs and minorities²⁰.

²⁰ UNCU, 30 July 2002, pp 1, 6

Safety and security of any person in Somalia depend on the person's position or clan in the country's social structure. For those who have no clan lineage, particularly the minority groups, they are the most at risk. Being minorities, IDPs from the Bantu and Galgala suffer a wide range of human rights violations that include discrimination and economic exploitation by the Habergedir and Marehan militia who control the city. Based on assumption that they affiliated with the Majarten, the Galgala suffered more than even the Bantu IDPs because they are considered as part of the enemy. Consequently, many Galgala were summarily executed during conflicts between the Majerten and Habargedir, and between Majerten and Marehan in Kismayo. Therefore, because of fear of prosecution, many Galgala IDPs fled Kismayo in Kenya, while others stayed on as IDPs and without protection.

Overall what has been happening in Somalia is that women, especially young girls, have faced a consistent violation of their persons and overall human rights. Rape accounts for the greatest threat to every female's security and dignity. This situation makes them most vulnerable of all. Any attempt by a female to go out of her village to fetch firewood opens her to high risk. There are cases of women and girls being gang raped in the bush while collecting firewood. A consequence of this scenario is that such violations of women, apart from the physical injuries and personal trauma, leaves them with social stigma within their communities. Rape, in Somali tradition is a shame and results in the raped victim, obviously through no fault of hers, being branded as unclean, suffer abuses and social

exclusion from own communities²¹. In the majority of cases, raped victims are too ashamed and afraid to report such violations that leave the aggressors free and uncensored.

Reasons advanced for some of the rape occurrences, especially in IDP communities, are low resources. In the Rahaweyn community, social and economic problems leave men with no resources and income to pay dowry for marriage. In previous times, for example before the outbreak of war, this was not a problem because the extended family system helped young men in raising the dowry. In this situation of displacement, the method of mobilizing help has been dissipated by the bad times.

Therefore, in order to satisfy their human instincts some men resort to rape and eloping with and abduction of women. Alternatively, violence against women in the community results in forced marriages. At other times, unmarried women are derided and even forced to enter into nuptial relationships with their relatives²².

While the foregoing indicate the scenarios among inmates in IDP camps there is another scourge, that of gunmen roaming around and committing atrocities with impunity. The Galgala who are IDPs have reported that the gunmen raped most of their women and girls. This was confirmed as also reported by one of the Galgala elders in Nuh Mohamed camp in Kismayo, where gunmen raped about 20 Galgala women in two months in the year 2000. They also reported that an 18 year old girl was abducted while she was in the bush to collect

²¹ UNCU, 30 July 2002, p34

²² UNCU, 30 July 2002, p55

firewood; she was only released after having been used as a sex slave for three months²³.

Women IDPs continue to suffer from discrimination which is a deep-rooted phenomenon in traditional Somali society. Their rights to participation in decision making and access to resources are seriously undermined throughout Somalia and Somaliland.

In addition to all this inhuman and degrading violations, the almost universal outdated practice of female genital mutilation and sexual violence against the displaced, particularly against members of rival clans and minority groups are still rampant²⁴.

Chapter Three

3.1 Health and Education

For survival and access to self-determination through health and education, Somalia has been competing for very low positions among other nations, but this took a very great downward trend when the nation succumbed to civil war at the start of the 1990s resulting in the crashing of the system and all administrative and development infrastructures. The political situation remains tense, and the education and medical situations in Somalia will worsen with the passage of time. Severe malnutrition amongst the civilian population is becoming more widespread. There is a need to ensure health care throughout the country, to

²³ UNCU, 30 July 2002, p26

²⁴ UNICEF, 2000, paras. 7 & 8

provide drugs and training of personnel, to ensure access to safe water, and to prevent communicable diseases.

3.2 Nutritional Status, Water and Sanitation

Health and nutrition are primary forerunners to a good life, with water and sanitation being major components therein. All of these were absent in Somalia during the period of the civil war and the situation continues to fester. The overall situation in Somaliland (Hargeisa) and Puntland (Bosaso and Garowe) was, reportedly very impoverished and lacking in basic services, including shelters, access to water, health and education. UNHCR has confirmed that the situation in the south is even worse.

Before the start of hostilities, Somalia was one of the world's poorest countries, with GDP per capita at only US \$170, the fifth lowest on earth according to the UNDP 2001 Human Development Report for the country. As of now, about three million Somalis or 43.2% live in extreme poverty on less than US \$1.00 a day, mainly in rural areas. It is estimated that nearly half the population live without access to sanitation and nearly 80% without access to safe water. Out of every 1,000 infants born, 225 die before they reach the age of five²⁵.

Up to 300,000 people are estimated to be IDPs and living in conditions that are far worse than those of the surrounding population. This directly results from the civil insecurity in the country that has lasted over ten years. Surveys

²⁵ UN, 18 November 2003, p12

carried out on displaced populations show a persistently poor nutritional status. Later surveys have revealed no improvement, especially among IDPs in Hargeisa and Bosaso, among children, notwithstanding a couple of humanitarian interventions.

Accounting for this dismal situation is the limited accessibility to food, qualitatively, quantitatively and variety. These factors are also caused by low or no income, poor child care and feeding practices, inadequate sanitary facilities and morbidity (mainly diarrhoea and ARI)²⁶.

Several agencies have carried out surveys on health and nutrition in Somalia, focusing largely on the IDP population and minorities who live on only one meal per day, with only a few being able to afford two meals a day as an extreme exception. This situation has led to high vulnerability of IDPs, minorities and returnees. These people are, therefore, three times more at risk of malnutrition than the resident population.

Some of the children in the camps suffer from mild to chronic malnutrition, a situation that can have serious implications on their health and social performance²⁷. Micro-nutrient deficiencies, notably vitamin A, iron and iodine remain very prevalent in Somalia, leading to higher mortality and morbidity among women and children²⁸.

²⁶ FASU, 17 December 2003

²⁷ UNCU, 30 July 2002, p27

²⁸ UNDP Somalia, 2001, p73

Research carried out by the UN Food and Agriculture Organization in 2000 rated Somalia as the world's hungriest country, confirming that the people lacked one-third of the daily food intake normally required. UNICEF has also carried out a general survey that resulted in the discovery that about 40% of Somalis were malnourished in rural areas and in areas where there are concentrations of internally displaced populations. UNICEF's surveys in central and southern Somalia have indicated high malnutrition status, also as high as 40% in areas with high concentration of displaced families²⁹.

3.3 Health

Close to 75% of Somalia have no access to health facilities and therefore their health status is at an alarmingly low state. All during the period of intense conflict and in recent years, this has been the condition of the Somali people in general and the IDPs and minorities in particular. Diarrhoea-related diseases, respiratory infections and malaria accounted for more than half of all infant deaths in the country, while neo-natal tetanus and other birth related problems contributed significantly to infant mortality. Measles, polio and tuberculosis accounted for many deaths among the IDPs. Somalia is still one of the countries with the highest incidence of tuberculosis in the world, while meningitis is endemic in most areas³⁰.

There is complete breakdown of the healthcare system in Somalia. A consequence of the conflict is a dearth of

²⁹ UN, November 2000, Strategy Paper, p9

³⁰ UN, November 2002, p4

health care professionals and facilities. While staff fled the country, physical infrastructure was pulled down by gunmen, completely oblivious of the harm they were doing with long term effects on the nation. MSF estimates that there are less than 15 doctors per million people.

Trained healthcare professionals fled the country to safety due to killings of other healthcare professionals in Mogadishu.

Since the outbreak of hostilities, with the exception of the Edna Aden Hospital in Hargeisa, specialized in training nurses, no doctors or nurses have been trained in Somaliland or the rest of former Somalia. The healthcare systems, together with all state services, have collapsed. Free healthcare is only available from the few NGOs working in the country.

The crisis in health delivery services is reflected in the average life expectancy which is 47 years, one of the lowest in the world, while the maternal and infant mortality rates are considered to be the highest in the world, with an infant under five mortality rates of 225 per 1000³¹.

The civil war and the absence of a central government have "facilitated" the virtual obliteration of the government health service. Here, mention needs be made that the healthcare system in Somalia was never comprehensive. All the healthcare professionals were concentrated in the

³¹ UNHCR 20/01/04, P23

capital, Mogadishu. Healthcare is largely provided by NGOs and through market channels at a cost. IDPs cannot access the health coverage system because they (the IDPs) are constantly moving from place to place in response to security threats. Therefore they cannot access health cards or undergo any long-term treatments. With only very few clinics in place, the settled population are at a more advantageous position to benefit and since IDPs move from place to place they cannot be targeted. The downward trend in the health care situation has been further worsened by the dismal water and sanitation system.

At this point, it is to be noted that less than 25% of Somalis have access to drinking water and 48.5% to sanitation. In addition to paying rent, IDPs have to pay for use of latrines on the lands they have settled. This situation leaves them unable to make use of latrine facilities and they are therefore compelled to use unconventional and unsanitary ways to respond to the call of nature. These situations therefore open the IDPs to great risk of acquiring water-borne disease such as dysentery, cholera, diarrhoea and typhoid fever³².

The United Nations sent Dr. G. Alnajjar to Somalia as an independent expert on Human Rights. As part of his recommendations, he called for urgent action from the international community, local authorities and civil society groups to address the plight of IDPs in Somalia. He indicated that the camps have absolutely no basic services such as water, health facilities or schools and

³² MSF, 09/12/2002

IDPs have to pay for the use of basics such as toilets on land on which they have settled. He added that they have to pay rent for such lands and any other use thereof.

There are no provisions for mental health and the only mental health hospital that operates in Somaliland has no medication or primary healthcare to deal with mental health patients. Many of the patients are suicidal and are bound by chains. They are usually left lying in corridors of hospitals. In other areas of Somalia mental health treatment is non-existent due to insecurity.

3.4 Access to Education

Education as a vehicle to enable people, especially children, to achieve self-determination has suffered serious setbacks in Somalia as a result of the conflict. This has created a situation in which a whole generation of youth will grow up without the required foundation that will help them shape their future and contribute to national development objectives.

Important to the eventual survival, rehabilitation and development of the Somali state is education, but that theory seems far from reality as only one in six Somali children currently receive formal primary education. The adult literacy rate for the urban population is 35%, whilst that for the rural and nomadic population is only 10%. Female adult literacy is estimated at 52% of the male rate and primary school ratio is only 53%. On average, only about one in ten children of primary school age is enrolled, with two-third of them being boys. Of youths aged

14-18 years, almost all are out of school and without access to education³³.

All secondary education is confined to highly urbanized areas but, generally, the quality of education is very poor. 40% of all teachers are unqualified, with many not having completed their own primary school education. Without a central government in place, there is no authority to resuscitate and re-organize the fallen education system. This situation led to lack of consistency in educational standards. There are no acceptable curricular and text books, while 90% of the pre-war infrastructure remains destroyed. Being a Muslim state, Koranic school's operated during the war but they do not provide secular education³⁴.

The formal education system collapsed with the state in 1990 leaving many of the teachers and pupils displaced and forced to seek security in their clan areas or flee to refugee camps in neighbouring countries. Those structures of schools which escaped destruction are occupied by IDPs. Almost all educational materials and equipment were looted³⁵.

Without any free education, Internally Displaced Persons [IDPs] cannot afford to send their children to school as Koranic schools cost up to SShs 10,000 and non-religious schools cost up to SShs 40,000³⁶. In view of the need for the girl child to remain at home to perform domestic

³³ UN, 27/9/2002 PP 9-10

³⁴ UN, 11/1999 P32

³⁵ UNDP, History of Education in Somalia, 1999, Chapter 3

³⁶ Norwegian Refugee Council, IDP 05/04 P87

chores, they became particularly disadvantaged and were not targeted as a group for affording them education.

In the camps we visited in Somalia, many of the children belonging to the Midgan, Tumaal and Yibir had no access to education or health. The only provisions available to them were Koranic classes operated by these communities themselves.

Many of these camps are situated in remote places and parents cannot afford the cost of schooling for their children nor do they receive any support to do so.

In Kismayo access to schools is determined by the ability to pay because there are no free schools in this area. Thus because of the hardship conditions under which IDP and minority group children live, their parents cannot afford the cost of schooling for them. Therefore their right to education is not exercised because of hardship conditions.

Another factor that limits IDP children to access schooling is the fact that they are always sick because they cannot access health facilities. As a result they are unable to attend school even if they manage to secure a place.

Only one school receives assistance from UNICEF and World Vision. In this school, there is a shortage of classrooms and not enough educational facilities. Therefore, IDP children do not have access to that school as first priority is given to children from resident local communities. Basically, economic constraints are having a toll on health and education in Somalia; a situation that requires attention from far beyond the borders of Somalia.

3.5 Conclusion

The conditions in southern Somalia are still unsafe whereas in Somaliland, there is a state operating; unfortunately it does so without international recognition. For a lasting peace in Somalia a legitimate government, accountable to its citizenry and sensitive to their needs, must be helped to emerge. It is hard to envision such a government arising from any combination of the presently warring factions. Along with indiscriminate attacks on the civilian population, the warring factions also targeted elements of civil society that they perceived as potential rivals. These attacks on civil society decimated local authority that was independent of the armed factions.

Only the minimum provisions are available for minority groups. While in south Somalia it is still dangerous for minorities and returnees who do not have large clan lineages, it is worse for women and children. Returnees and staff of international organizations face the risk of abduction and ransom demands. This situation has continued unabated because the warlords and militias benefit directly from the ransom money.

Internationally, the plight of minority groups in Somalia has been recognized but due to restricted accessibility the same recognition has not been extended to the Midgan, Tumaal and Yibir who continue to suffer neglect, persecution and social exclusion. This is evident as revealed in conditions existing in the remote camps

occupied by these three clans plagued with environmental degradation.

The clan system that is embedded in Somali culture is not in itself responsible for the destruction of Somalia but it is the deliberate policy of exacerbating clan rivalries. Siad Barre initiated the policy but the warlords bent on replacing him replicated his tactics.

Most Somalis took refuge in their clans, as the only protection against the rigours of this unusually dirty, cruel war. There are clan leaders and structures of collective moral leadership that are not only innocent of atrocities but have in fact played a courageous role in protecting people and correcting wrongs. They must be given an opportunity to emerge as an alternative leadership for Somalia, in keeping with the best traditions of the culture, with the hope that they can rid it of the current divisiveness and intolerance.

To summarize, we submit that human rights problems in Africa pose a challenge for the international community because many states and leaders do not understand how to address the problems concerning the Protection of human rights in Africa. These factors influence the structure around all those affected and make people's rights in Africa exposed to more violations.

African countries must absorb the lessons of the Somali conflict in order to avoid a repetition of the ultimate crime on the continent. Weak institutions in many African countries have given rise to a culture of impunity,

especially under dictatorships that will do anything to cling on to power.

Below is an example of the conditions the minority are faced within their every day lives.

Photos annex 1-... shows the plight of the Midgans, Tumaal and Yibir in Northern Somalia who lack effective protection.

It is not appropriate to disclose the exact location of IDP's in Northern Somalia as referred to in the above photos for their safety reasons. Furthermore It was not possible to obtain photos from southern Somalia and other camps because of the lack of security.

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Treaties

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Geneva Convention relative to the Treatment of Prisoners of War, 75 U.N.T.S. 135, entered into force Oct. 21, 1950.

Geneva Convention relative to the Protection of Civilian Persons in Time of War, 75 U.N.T.S. 287, entered into force Oct. 21, 1950.

European Convention for the Protection of Human Rights and Fundamental Freedoms, (ETS No. 5), 213 U.N.T.S. 222, entered into force Sept. 3, 1953, as amended by Protocols Nos 3, 5, and 8, which entered into force on 21 September 1970, 20 December 1971 and 1 January 1990 respectively.

International Convention on the Elimination of All Forms of Racial Discrimination, 660U.N.T.S. 195, entered into force Jan. 4, 1969.

International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976.

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Research Photos:

These Photos were taken at remote camps in northern Somalia and at a hospital in Hargeisa, Somaliland.











