



NEGOTIATING (IN)JUSTICE: MAPPING THE DYNAMICS OF HYBRID ORDER IN LOWER SHABELLE

KEY POINTS

- The scale of current displacement from Lower Shabelle impacts how communities perceive the role of the state & efforts to achieve peace & justice.
- Violence & extortion of civilians by security forces & allied militia are perceived as efforts to remove certain communities from access to farms & resources.
- Al Shabaab is the main & preferred justice provider.
- Civil society, NGOs or aid agencies are not automatically viewed as independent & neutral actors in Lower Shabelle.
- Potential beneficiary communities may be fearful to share information or report violations by members of the security forces or allied militia.
- Communities may be uneasy with entities able to operate in Al Shabaab-controlled areas.

MAIN REPORT**

This Brief is based on a literature review, examination of confidential security assessments and remotely conducted interviews with regional experts, current and former government officials, members of the security forces, political actors, officials of international organizations and members of local communities in Lower Shabelle.

The main report as well as other EAJ Knowledge Products are available at:

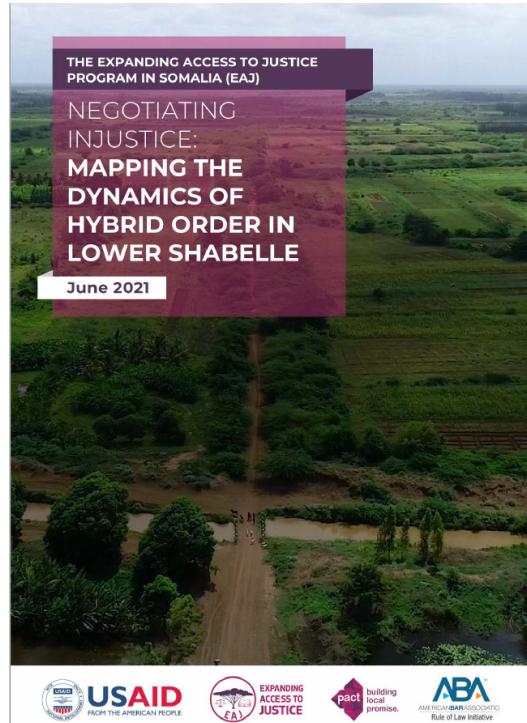
<https://eajprogram.org/index.php/resources>

Lower Shabelle is a crucible for the many trends that have perpetuated state failure and violence in Somalia. Many of the most vulnerable and marginalized communities live in the lush and fertile farmlands along the Shabelle river and towards the Indian Ocean coast, prevented from reaping the benefits of these considerable resources by decades of fighting, domination by armed and powerful groups from without and international engagement that has been drawn into a political economy that renders insecurity, poverty and displacement profitable for some, disastrous for others.

Al Shabaab continues to exercise *de facto* control over much of Lower Shabelle. Areas under government control rest on fragile ceasefires, underneath which much mistrust towards armed forces and international actors remains. Efforts to enhance access to justice must contend with long-standing grievances and often have only rudimentary local arrangements to build on.

RECOMMENDATIONS*

1. Create local partnerships for justice, including justice committees grounded in community leadership & familiar norms (e.g. *xeer* & *shari'ah*)
2. Understand particular needs & context
3. Address different components of the justice system: payment, training, communication of decisions & precedent, judicial police, community paralegals, mobile court linkages
4. Need for an independent institution to support reconciliation & creative solutions to land conflicts
5. Police & security force composition should be sensitive to local demographics & history; include human rights vetting – especially on sexual and gender-based violence
6. International actors should actively support improved accountability, including for their own staff
7. Embed accountability in Lower Shabelle into state institutions



The recommendations are unpacked further in the second part of this brief. It is important to note here that even though government institutions are absent in many areas and communities often deeply suspicious of government security forces after years of abuse, evidence that these forces are held accountable and cooperation with local community leaders could go a long way towards improved access to justice.

INTRODUCTION

The *Expanding Access to Justice Program* (EAJ) is a five-year associate award (2018-2023), funded by the United States Agency for International Development (USAID) via the Freedom House-led Human Rights Support Mechanism (HRSM) and implemented in partnership between Pact and the American Bar Association Rule of Law Initiative (ABA-ROLI). The Program aims to improve access to justice and mechanisms to address grievances in Somalia and Somaliland.

The three main project objectives are: 1) Support and improve inclusive community engagement in justice solutions; 2) Strengthen justice services; 3) Improve navigation of justice pathways by aggrieved parties.

*see page 5 for further elaboration and detail

** the left side bar quotes excerpts from the main report

"The majority of the population in Lower Shabelle are Digil and Bantu farmers and agro-pastoralists, communities which have been particularly vulnerable to displacement since the onset of the Somali civil war. Subject to multiple waves of changes in territorial control and land seizure, the dynamics of cash cropping has rendered them at risk of fluctuating harvest yields, exploitation and, ultimately, displacement. They have few connections to business and diaspora networks which act as safety nets in times of food and livelihood insecurity."

"Sexual violence is widespread in Somalia and used as a weapon of war. It is, however, difficult to find Lower Shabelle-specific data. (...) A recent study found that: 'physical and sexual violence affect 36% of women and 22% of men' in Somalia. (...)"

Identifying and clarifying facts in SGBV cases is extremely difficult, both because of the stigmatization of survivors or some communities' lack of power and fear of bringing a case to justice institutions."

MAPPING INJUSTICE

Over the last decade, the people of Lower Shabelle have passed through conflict, drought, famine, flood – and, most recently, pandemic. Communities have been caught on the front lines of the conflict between Al Shabaab and the Federal Government of Somalia (FGS) and its allies. Efforts by the emerging Somali state and its international partners to challenge Al Shabaab's territorial authority in Lower Shabelle since 2012 have seen **increased violence against civilians by all armed actors.ⁱ** This has been a consequence not just of the fighting, but also of the re-escalation of clan conflict as the removal of Al Shabaab was not followed by the installation of a locally legitimate and effective administration able to mediate or police these conflicts.

As a result, Lower Shabelle's population—particularly its numerous socially and economically marginalized communities—has endured widespread human rights violations committed by state, non-state and international, armed and political actors.ⁱⁱ The most pervasive violation is **forced displacement**, now at its highest since the 2011 famine. **Most of the population in Lower Shabelle, estimated at 1.2 million, are Digil and Bantu farmers and agro-pastoralists**, particularly vulnerable to forced displacement. Lower Shabelle is currently home to an estimated half a million internally displaced person (IDPs).ⁱⁱⁱ

Al Shabaab's use of improvised explosive devices (IEDs) make it the most violent conflict actor in Lower Shabelle. **Federal forces and their allied militia are also responsible for attacks on civilians, killing, torture, unlawful detention, sexual and gender-based violence (SGBV), looting of property and land, and extortion.** SGBV has been used at different times as a weapon of war to humiliate and displace. **Powerful perpetrators of violence enjoy complete impunity.^{iv}**

THE WIDER CONTEXT

The exclusion of so many in Lower Shabelle from political, security and economic power not only renders them vulnerable to violent

conflict but hinders the assertion of their right to—and capacity to pay for—access to justice. This exclusion is rooted in the tension between issues of **identity and belonging** and the quest to control Lower Shabelle's rich **land and resources**.

IDENTITY AND BELONGING

Lower Shabelle was traditionally a place of welcome and integration for new arrivals from clans not already residing in the region, both prior to and after the collapse of the state. Since then, communities in Lower Shabelle lament that the traditional customary rights to land ownership by residence or by birth in the area have been consistently violated, whether by the bureaucratic pen of state administrators or at the barrel of the gun by militia or other armed forces.

Injustice in Lower Shabelle has been meted out and experienced by individuals as part of collectives: clan, business, religious, political or gender. The cycle of collective hostility and retaliation fuels conflict between communities and has internationalized the conflict by involving multiple states as supporters of one party or another, which includes federal and state forces, as well as AMISOM and Al Shabaab.

Although Al Shabaab's rule since 2008 provided temporarily mediated or suppressed open inter-communal conflict, clan conflicts have re-emerged since the FGS has dislodged the group from an increasing number of districts. **The underlying causes of the conflicts have remained unaddressed.**

The involvement of assets and actors from government and international community within these clan conflicts has further eroded the legitimacy of state structures—including that of any emerging justice mechanisms. **The long-running conflict between Habergedir and Bimaal militia**, which reignited in 2013, illustrates these dynamics.^v

"The majority of Lower Shabelle's population consists of small farmers and agro-pastoralists who have few external financial safety nets. Such communities are particularly vulnerable to natural disaster, conflict and displacement."

"Lower Shabelle is one of the two hubs for Somalia's rain- and irrigation-fed agriculture industry. Before the civil war, Lower Shabelle's commercial fruit plantations underpinned Somalia's status as one of the largest banana exporters globally."

"Since the colonial era, Lower Shabelle has been the locus of various phases of administrative and armed efforts to control and exploit its rich farmland. Independence brought a new round of dispossession, including legislation to nationalize customarily-held land and institute large mechanized agricultural schemes; enclosure practices to privatize resources, including access to water points; and, eventually, widespread corruption that sanctioned the granting of land to government officials."

BIMAAL & HABERGEDIR

Between 2013 and 2017, Bimaal, supported by some Digil communities, and Habergedir, fought to secure access to economic and political power in Lower Shabelle. In contrast to other Lower Shabelle communities, the Bimaal had the resources to mount a defense against Habergedir forces who had seized control of the territory during the civil war. Not only did Somali National Army (SNA) personnel participate in the conflict and engage in attacks on civilians, particularly on Bimaal and Digil/Bantu communities, but in some contexts they did so jointly with Al Shabaab fighters. The resulting cycle of grievance, greed, violence and impunity has undermined prospects for both peace and state-building.

LAND AND RESOURCES

The people of Lower Shabelle have been most vulnerable to famine and displacement while also living in one of the most fertile regions of Somalia. Years of fighting over the control of these fertile farm- and grazing lands have led to widespread insecurity, which in turn prevents the buildup of equipment, infrastructure, and governance needed for local communities to profit from the region's potential. As a result, Lower Shabelle's population is among the most severely impacted by Somalia's last two famines, and again during periods of severe food insecurity in 2017 and 2019.^{vi}

Since state collapse in 1991, businesses and related militia have determined the kind of justice and protection available to citizens. Powerful business actors also dominated the aid sector, including as transporters and port operators as Al Shabaab rose to power. The absence of the state, of regulation, of official revenue collection, control of the use of force, and government with local people participating has been essential to the operation of business in Lower Shabelle—including the diversion of aid and co-optation of national and international organizations—and to prevent communities

from mobilizing against exploitation. These dynamics continue today.

NEGOTIATING A HYBRID POLITICAL AND SECURITY ORDER

Mapping the actors, institutions and structures (clan, business, ideological, social livelihood political, and security) at work in Lower Shabelle and their network of relationships^{vii} is critical to understanding both the violations to which civilians are subjected and the opportunities for some form of remedy within the hybrid political order (i.e. a combination of multiple kinds of institutions). As Ken Menkhaus has noted:

"[o]nly by distinguishing between local interests in armed conflict, criminality and state collapse can observers make sense of the otherwise puzzling behavior of Somali political, civic, and economic actors who promote peace and local policing systems while quietly undermining efforts to revive the state."^{viii}

Although areas in Lower Shabelle have come under the control of the FGS since 2013, the inability of the state to extend fair and effective governance and justice structures has allowed armed actors and related political and business networks to fill the gap.

Local communities therefore tend to view the State and its apparatus less as a source of order and protection than a venue for asset capture. This includes the emerging state system of justice as well as customary institutions overseen by elders. Both are perceived as skewed towards the politically or economically powerful, in part directly via appointment of judges and domination of security forces, in part due to elders' reliance on clan power, which also favors the better armed and more politically and economically influential clans. The presence of armed actors in the region impacts the perception of justice institutions and political legitimacy via the clan composition of security forces, their relationship with both state and clan militia, and their perpetration of abuse or involvement in exploitative or predatory economic activity.^{ix}

"The civil war brought new waves of violence and dispossession as powerful militias and remnants of the army vied for control in Lower Shabelle, focused on critical centers of agricultural production. Deliberate destruction of water points, looting of livestock and proliferation of landmines further impoverished those who attempted to remain and work the land. (...) The focus of commercial farming today in Lower Shabelle is on other crops that are less expertise and labor-intensive. The export trade in Somali dried lemons in particular has been steadily growing, and sesame production also appears to have skyrocketed across Lower Shabelle since 2018."

"NGOs in Lower Shabelle—including international NGOs—and UN agencies to some extent, tend to be perceived by local communities as businesses 'owned' by a particular network, usually allied with a particular sub-clan or business alliance and protected by particular militia or elements within the security forces."

In this context, Al Shabaab is the most powerful governance actor and most trusted justice provider in Lower Shabelle. The group maintains a tight grip on both its territory and across nominally FGS-controlled areas of Lower Shabelle. Even in towns that have been under FGS control for some time there are no-go areas for state-allied security forces, at least without prior agreement. In addition to its wide-ranging and efficient revenue generation powers, Al Shabaab's profile as a justice actor is a critical element of its resilience and expansion of its jurisdiction and control.^x

Through summoning witnesses, gathering evidence and adjudicating disputes, the group offers a court service that provides consistent and enforceable decision making seen as generally fair. At the same time, Al Shabaab increasingly works with and sometimes stokes inter-clan tensions to serve its regional interest, replicating the very clan dynamics which it had originally attempted – or at least purported – to overcome.

CONSIDERATIONS FOR JUSTICE PROGRAMMING

The history and experiences of communities in FGS-controlled areas of Lower Shabelle yield several challenges for justice programs:

1) The scale of current displacement from Lower Shabelle impacts how communities perceive the role of the state and efforts to achieve peace and justice. Especially elders and community leaders from Digil, Bantu and Bimaal communities repeatedly stressed that the sustained and repeated displacement of their communities, currently at a ten-year peak, is the result of a deliberate strategy by power holders. Whatever the immediate cause—drought, floods, loss of livelihood, conflict, Al Shabaab or state and clan violence—it is important to acknowledge that local communities understand displacement as *intentional* dispossession.^{xi} This implies that some communities still in Al-Shabaab areas may perceive FGS troops 'liberating' the area as merely another powerful armed actor continuing their repression.^{xii}

2) Those perceived as responsible for injustice and dispossession—whether linked to state, business interests or Al Shabaab—are associated primarily with Hawiye and Darood clans from outside the region. This clan-focused narrative builds on the long history of land-grabbing in Lower Shabelle, both before and after the civil war, framed in terms of the two major, most powerful clan families competing for dominance over the region for decades.^{xiii} Programs, actors and partners engaged in justice efforts are likely to be viewed through this prism.

3) Violence and extortion of civilians by security forces and allied militia are perceived as efforts to permanently remove certain communities from access to farms and resources through attacks, intimidation to trigger flight or forced sale of land under economic duress. The fact that there has been little or no effort by the FGS to prosecute related crimes and that key commanders widely considered to be responsible for multiple acts of violence during Somalia's civil war are allowed to continue to operate unchecked strengthens the narrative and suspicion.

4) Al Shabaab is the primary and preferred justice provider, delivering what are perceived as fair, or at least, enforceable, decisions, across both FGS-held and Al Shabaab territory.

5) Civil society, NGOs or aid agencies are not automatically viewed as independent and neutral actors in Lower Shabelle. The history of aid operations embroiled in the politics, security and economy of Lower Shabelle still informs how communities perceive this sector. An NGO or international humanitarian entity may be viewed as a community asset, expected to both generate profits and further the interest of a clan or other network. This can complicate any NGO's effort to provide support or protection to certain communities or resist rent seeking.

6) Potential beneficiary communities may be fearful to share information or report violations by members of the security forces or allied militia because they view an

"Hormuud Telecom and other companies involved in the mobile money/hawala/money transfer business, such as Dahabshiil, are reportedly buying up agricultural land and engage in cash crop and milk production in Lower Shabelle, including in Al Shabaab controlled areas."

"Some commentators have argued that some business networks could benefit from maintaining the displaced status quo of communities in Lower Shabelle. (...) It can be argued that Al Shabaab's current economic and political strategy also benefits from the displacement and dispossession of particular communities.

(...) Displaced populations are often 'fought over' to attract resources, which generates incentives to increase the number of local IDPs."

"As Al Shabaab increased its power across Lower Shabelle, the charcoal trade took off. Barawe became the main export point from Lower Shabelle until 2014. During this period up until 2018, an average of 4 million bags a year were exported from Somalia. Marijuana has been a consistent crop in the region. Although the trade is illegal, it appears to be growing. Khat imports are also a core business."

NGO or service provider as allied with particular local government officials, militia or SNA units. They may also be unable, whether individually or through elders, to challenge or hold an NGO accountable for denial of access to inputs/services, such as legal aid.

7) Communities may be uneasy towards entities that appear to be able to operate in Al Shabaab territory. Even though Al Shabaab is one of the main perpetrators of attacks on humanitarian workers, some NGOs do share resources and enter into agreements with the group. Any appearance of an arrangement with Al Shabaab can dissuade communities from engaging with the NGO or questioning how an input or service is provided. These apprehensions can pose a significant—often unspoken—impediment to programming.

THE BROADER ECONOMIC, HUMANITARIAN AND POLITICAL CONTEXT IN 2021

Food security for Lower Shabelle, particularly for communities in the riverine areas, is forecast to worsen in 2021 amidst an overall economic stagnation due to below-average rainfall and pandemic, as well as a drop in remittances from diaspora. Despite military gains during Operation Badbadho, Al Shabaab has continued to attack civilians, security forces and AMISOM in the Afgooye corridor. Although progress has been made among parties, election-related violence or simply diverted attention that leaves space for local conflicts to escalate remain risks. The partisan deployment of armed forces in April 2021 underscored some of the emphasis here on composition and conduct of security forces.

SUGGESTIONS FOR FUTURE JUSTICE RELATED PROGRAMMING IN LOWER SHABELLE

1) Create local partnerships for justice. Any approach to advancing justice in Lower Shabelle should include a broad range of political and social leaders, involving local communities, traditional, religious and political actors and the security sector. The establishment of justice committees in Afgooye, Sabiid, Anole, Marka, Awdhegle and

Janale offers an opportunity to put such a model into practice, if these committees are sensitive to local power dynamics and community demographics, including clan.

2) Understand needs & context. In their 2016 political economy analysis, Berg, Gundel and Ibrahim recommend a "needs-based" approach to problem-focused dispute resolution in Somalia, meaning a combination of deep-dive political economy analysis at the most local level and the identification of the "most salient justice needs"—including and especially those most likely to involve powerful actors or trigger armed conflict.^{xiv}

3) Address different components of the justice system: payment, training, dissemination of decisions & precedent, judicial police, community paralegals, mobile court linkages. A constant theme in both responses from interviewed stakeholders and reviewed literature and confidential reports was the capture of justice mechanisms by the powerful, from the police to the judiciary to customary institutions. Possible pathways to remedy this vulnerability include adequate compensation for actors involved and the establishment of a judicial police to change negative associations of justice institutions with problematic dynamics of the security forces, with possible vetting and appointment roles for local justice committees. Comprehensive training is needed for new justice providers in areas in which state institutions have long been absent and customary processes subordinated under those by Al Shabaab. These could include *shari'ah* guidelines to align judiciary, law, and xeer, and should be documented and disseminated in ways accessible to often partly illiterate communities. Finally, a cadre of community paralegals linked to mobile courts, if composed with attention to community and conflict dynamics, could support local communities in achieving basic levels of local access to justice.

4) Need for an independent institution to support reconciliation & creative solutions to land conflicts. Even though—or because—land disputes constitute the majority of court cases and underpin most political conflicts, state building has thus far

"The ascendancy of the ICU and later Al Shabaab—initially supported by business elites seeking more predictable, just and cost-effective security—challenged these local political and security entities, but also, later, the emerging State government."

"Citizens of Lower Shabelle seeking redress for harm to their person or possessions have a choice of three principal justice providers: Al Shabaab, state courts and traditional elders. In some places, such as Barawe, shari'ah courts also operate, but primarily address issues such as inheritance and family law."

"Although the Salafist Al Shabaab deeply and violently opposes Sufism, killing religious leaders and destroying the graves of important sheikhs in Lower Shabelle, it is possible that the history of the *jama'a* (religious settlements) in Lower Shabelle as places of sanctuary and equality for both oppressed runaway slaves and the displaced from the 19th century up to the 1970s might have played a part in the receptivity of the community to this new movement."

failed to constitute independent bodies to support reconciliation and provide creative solutions to land disputes and administration of ownership at the local level. 'Hybrid' entities that consider both customary norms of right to land and host-guest dynamics, as well as administrative registration of land titles and regulations, might be more appropriate to address the intense contestation of land in Lower Shabelle. These could include third party representatives to counterbalance to vested interests—a practice that is common in Somalia's customary dispute resolution processes.

5) Police & security force composition should be sensitive to local demographics & history; include human rights vetting—with particular to sexual and gender-based violence. Clan composition of the security forces and their relationship with clan militia, whether perceived or actual, has been a critical factor in both the nature of the civil and criminal injustices committed against civilians in Lower Shabelle and prospects for accountability or resolution. Due to the particular history of Lower Shabelle, a deliberate effort is required to ensure that the clan composition of security actors in terms of Lower Shabelle's, not just national, demographics is taken into consideration in both recruitment and deployment. Human rights vetting of the security forces should be undertaken as a matter of urgency, including as has been recommended by successive recent UN Security Council resolutions on Somalia.^{xv}

Sexual and gender-based violence has been widespread, including its targeted usage against communities by armed actors as a weapon of war. Work to mitigate this, provide access to justice for survivors and hold perpetrators accountable should be based on engagement with women and women-led implementing partners, taking into account the need to create women-only safe spaces, and with attention to clan power structures that may affect or even be perpetuated by organizations working in the sector.

6) International actors should actively support improved accountability, including for their own staff. The association of the international community with the military,

political and economic expansion of the state in Lower Shabelle necessarily ascribes an internationalized dimension to the state justice sector. As AMISOM itself has recognized: "responding to all claims of civilian harm attributable to AMISOM with specific, transparent and standardized actions is a strategic imperative for AMISOM's mission to win the hearts and minds of the Somalis."^{xvi} States are required to investigate war crimes allegedly committed by their nationals or armed forces in non-international armed conflicts and prosecute if appropriate.^{xvii} Not only do victims of such violations have a right to access to justice and reparations.^{xviii} Lack of investigation costs popular support. As one relative of a drone attack victim told a researcher: "*I can accept that my brother was killed in the war. What is really the thing that hurts is that they called him a terrorist.*"^{xix} Accountability within the international humanitarian aid sector must be addressed, not just as a challenge of donor-focused fraud and compliance, but as a matter of accountability to local communities.

7) Embed accountability in Lower Shabelle into state institutions. Although the focus on programming will necessarily be on local needs in Lower Shabelle, it would be important also to promote accountability and inclusion more broadly. It is the wider political economy that drives the displacement of Lower Shabelle's citizens and undermines the potential for (access to) justice. Institutions and systems of military and civilian justice require review to ensure that individual security force members are held accountable for violations—whether in terms of direct violations or command to commit such violations—and that appropriate schemes of compensation for victims are put in place. The financial cost of committing or facilitating the commission of violations must be high. Taxation and revenue collection must be transparent in terms of who is authorized to do it and where it goes. This is critical to build state legitimacy and reduce extortion, including transparency about the role of the security servicers in this process.

ⁱ This report is primarily concerned with the experience of communities in areas of Lower Shabelle that are currently outside territory primarily controlled by Al Shabaab, proximate to it, or who have fled from Lower Shabelle to Benadir.

ⁱⁱ Abdurahman M. Abdullahi 'Baadiyow' has identified six phases of violations against civilians since state collapse in 1991. During each phase, Lower Shabelle has either been at or near the epicenter of violence: "[T]he first period (1991-1992) followed the collapse of the state and the outbreak of the civil war and resulted in more than 300,000 deaths, hundreds of thousands of injuries, and loss of countless properties. The second period (1992-1995) witnessed the international intervention of UNOSOM and was followed by a third period (1995-2001) characterized by low intensity conflicts among various warlords. The fourth period from 2001-2006 saw the launch of a Global War on Terrorism and the emergence in Somalia of the Union of Islamic Courts. Fear of Islamist radicalism prompted the Ethiopian military intervention (2006-08) and the subsequent rise of local resistance movements, including the appearance of al-Shabaab. Finally, the sixth period (2009-present) has seen the continuation and occasional intensification of the conflict between AMISOM and Somali forces on one side and Al-Shabaab insurgents on the other." Abdurahman M. Abdullahi 'Baadiyow' (research conducted 2012; publication date unknown) *Conceptions of Transitional Justice in Somalia: Findings of Field Research in Mogadishu*, on file with author.

ⁱⁱⁱ The most recent 2014 UNFPA population survey estimated Lower Shabelle's population at 1,202,219 (215,752 urban; 723,682 rural; 159,815 nomads). UNFPA (2014). *Population estimation survey*. Statistics for displaced communities generally do not include clan.

^{iv} On abuse perpetrated by security forces, see: HRW (2019). *World Report Somalia 2019*. Human Rights Watch. Report covers 2018.; Laetitia Bader & Muscati, Samer (2014). *The Power These Men Have Over Us: Sexual Exploitation and Abuse by African Union Forces in Somalia*. Human Rights Watch.; OCVP (2016). *District Conflict and Security Assessment Report*. Observatory of Conflict and Violence Prevention.; AMISOM (2016). *AMISOM's response to the Qooryooley and Marka incidents*. PR/042/2016, December 19, 2016.; various UNSC Monitoring Group Panel of Experts reports, available at:

<https://www.un.org/securitycouncil/sanctions/751/work-and-mandate/reports>; on armed forces' background in militias previously involved in land grabbing and violence against local communities, see: Vanda Felbab-Brown (2020). Case Study Somalia: The Problem with Militias in Somalia: almost everyone wants them despite their dangers, in Adam Day, Vanda Felbab-Brown & Fanar Haddad (eds.). *Hybrid Conflict Hybrid Peace, how militias and paramilitary groups shape post-conflict transitions*. UNU-CPR, 118; & Alex de Waal (2018). *The Prairie Fire that Burned Mogadishu: The Logic of Clan Formation in Somalia*. World Peace Foundation and the Conflict Research Programme, London School of Economics and Political Science, London, UK.; Paul D. Williams (2020). Building the Somali National Army: Anatomy of a failure, 2008–2018. *The Journal of Strategic Studies*, 43(3), 366-391.; analysis also based on confidential information received from UN and NGO security sources, February to December 2014, and from a local civil society organization submitted by communities around K50, received July 29, 2014, on file with the author.

^v Similar patterns of fighting and violence over control of farmland between dominant and marginalized clans, augmented by SNA, Al Shabaab and in some cases international forces also unfolded in Middle Shabelle and Hiraan, resulting in large scale attacks on civilians and displacement of tens of thousands. The violence in Lower Shabelle was more intense due to the greater symmetry of the armed groups and the way in which the war against Al Shabaab became entwined in the conflict dynamic.

^{vi} When famine was declared by the UN for the first time in 19 years in Somalia in July 2011, it was declared for in Bakool and Lower Shabelle. See: BBC (2011). *UN declares Somalia famine in Bakool and Lower Shabelle*. BBC News, July 20. The last two famines in Somalia in 1991/92 and 2011 impacted Bantu and Rahanweyn communities disproportionately, particularly those from Lower and Middle Shabelle and Bay and Bakool, killing over a half a million people. See *inter alia*: Nisar Majid & Stephen McDowell (2012). Hidden dimensions of the Somalia famine. *Global Food Security*, 1(1), 36-42.

^{vii} It is important to understand power relations "in terms of networks of dispersed relations rather than between those with power and those without." See *inter alia*: Aoife McCullough & Muhyadin Saed (2017). *Gatekeepers, elders and accountability in Somalia*. Mott Macdonald, commissioned by IAAAD & ODI.

^{viii} Ken Menkhaus (2006). Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping. *International Security*, 31(3), 74-106.

^{ix} That the new state between 2009 and 2017 was led by Sheikh Sharif Sheikh Ahmed and later Hassan Sheikh Mohamed, both from the Hawiye-Abgaal clan, created a perception that the key institutions of the state were dominated by the Hawiye. Sheikh Sharif Sheikh Ahmed was president of the Transitional Federal Government between 2009 and 2012, with the transitional phase coming to an end on August 20, 2011. Hassan Sheikh Mohamed took power in September 2012, which he handed over to Mohamed Abdullahi 'Farmajo' in February 2017.

^x See: See, *inter alia*: Vanda Felbab-Brown (2018). *Somalia Case Study*, in Vanda Felbab-Brown, Mark Freeman, Siobhan O'Neil, Mara Revkin, Cale Salih, Ronald Slye & Adam Day (eds.). *The Limits of Punishment Transitional Justice and Violent Extremism*. UNU-CPR & Institute for Integrated Transitions, 126-166.; 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.; Robin Mydlak (2020). *Access to Justice Assessment Tool – Baseline Study for Somalia*.

Expanding Access to Justice Program, American Bar Association & Pact Kenya.

^{xi} On a number of occasions, it was asserted that the impact of the May/June 2020 floods around Afgooye and Awdhegile had been exacerbated by Al Shabaab and business actors deliberately destroying riverbanks in order to induce further and more permanent displacement. Al Shabaab has certainly had a history of destroying irrigation canals to slow advances of attacking forces. Interviews with members of the local community in Afgooye, including in displacement in Mogadishu, September 2020.

^{xii} Interview with former senior government executive officer, September 18, 2020.

^{xiii} Where information is available, it does appear that the major businesses and NGOs operating in the region, individuals buying up or controlling access to land, SNA personnel, and the current higher echelons of Al Shabaab leadership in Lower Shabelle over the past five years are indeed connected with primarily Hawiye, albeit also increasingly with Darood and Mirifle clan families – historically those close to the center of economic and political power in Somalia. At the same time, as has been pointed out: “what is touted as a ‘clan interest’ is often driven by the personal, political, or economic interests of influential clan leaders who are not recognized as clan elders and who have also taken on roles as politicians, faction leaders, civil society activists, or businessmen.” Gundel, Berg & Ibrahim (2016). *Political economy of justice in Somalia*.

^{xiv} Gundel, Berg & Ibrahim (2016). *Political economy of justice in Somalia*,

^{xv} See, most recently, resolution 2551 (2020), paragraph 4.

^{xvi} Standing Operating Procedures for AMISOM civilian casualty response (CCR SOPs), paragraph 1.4. As the CCR SOPs further note: “such harm can breed resentment among the population and provide recruitment propaganda for the enemy if Somalis feel AMISOM does not appropriately recognize the harm caused and take actions to dignify any losses. CCR SOPs at paragraph 1.3.

^{xvii} See *inter alia*: ICRC (n.d.). Rule 158, *Prosecution of War Crimes*, Customary IHL database, http://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule158#Fn_65_1

^{xviii} UNGA (2005). *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, General Assembly resolution 60/147, December 16, 2005.

^{xix} Interview with researcher, September 3, 2020.