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Clans in Somalia

**Report on a Lecture by Joakim
Gundel, COI Workshop Vienna,
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This report is not, and does not purport to be fully exhaustive with regard to the issues covered, nor is it conclusive as to the merits of any particular claim to refugee status or asylum. The views and opinions stated in this report do not represent an opinion of ACCORD. ACCORD, however, holds responsibility for style and form of the report.

Note on the present revised edition:

The present revised edition of the report replaces the previous edition published 31 August 2009. For this revised version, parts of chapters 4 and 5 (specifically those concerning the Yibr, Rer Hamar, Sheikhal, and Asharaf groups) have been corrected and supplemented at Dr. Gundel's request, based on his written comments.

Please note that the use of the 31 August 2009 edition of the report is no longer authorised.

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Table of Contents

I.	General Information	5
1.	Overview of the Political Situation in Somalia.....	5
1.1.	Somaliland.....	5
1.2.	Puntland.....	5
1.3.	South-Central Somalia.....	5
2.	Somali traditional structures	7
2.1.	Segmentary lineage system / clan structure.....	7
2.1.1.	<i>Clan family</i>	8
2.1.2.	<i>Clan</i>	8
2.1.3.	<i>Mag-paying group</i>	8
2.1.4.	<i>Evolution of the Clan System</i>	9
2.2.	Customary laws (xeer)	9
2.3.	Traditional authorities / juridico-political structure	10
II.	Clans and Minorities.....	11
3.	Clans	12
3.1.	Nomadic groups:.....	12
3.2.	Agro-pastoralist groups	13
4.	Minorities	14
4.1.	<i>Sab</i>	15
4.2.	Ethnic minority groups	16
5.	Minority and other groups with affiliations to major clans	17
III.	Protection	21
6.	State Protection.....	21
7.	Clan Protection.....	21
7.1.	Background: Power structures and revenge killings	21
7.2.	Forms of clan protection	22
7.3.	Clan protection in the light of the current conflict	23
8.	Internal Flight / Relocation Alternative.....	23
IV.	Selected Documents	25
V.	Appendix	27

List of Abbreviations

ARS - Alliance for Re-liberation of Somalia

FPENS - Formal Private Education Network in Somalia

GNU - Government of National Unity

IDP – Internally Displaced Person

SCS – South-Central Somalia

TFG - Transitional Federal Government

UIC - Union of Islamic Courts (also: ICU, Islamic Courts Union)

UNHCR - United Nations High Commissioner for Refugees

USC - United Somali Congress

Map of Somalia



University of Texas – Perry-Castaneda Library Map Collection: Somalia (Political), 2002

http://www.lib.utexas.edu/maps/africa/somalia_pol02.jpg

I. General Information

1. Overview of the Political Situation in Somalia

Somalia remains in a condition of internal conflict, fragmentation, and complex political humanitarian emergency. The partial exemptions are Somaliland and Puntland in Northern Somalia.

1.1. Somaliland

The Republic of Somaliland is a region located in the north-western part of Somalia, bordering Ethiopia, Djibouti, and the Gulf of Aden. It declared its independence unilaterally in 1991 but has not been recognised by the international community as an independent state. From 1997, the last conflicts within and between the clans were solved. Since then, Somaliland has been characterised by relative stability and rudimentary but functioning governmental institutions, and a hybrid democratic political system. The legislative is composed of a House of Elders and a House of Representatives. Democratic elections have been held at presidential, parliamentary, and local district levels. At present, Somaliland has a 3-party political system. Somaliland does not regard itself as a clan-based state, and its borders reflect its former colonial boundaries (i.e. of what was British Somaliland), and not clan borders. Somaliland thus includes clans that may be relevant elsewhere if it were a clan-based state.

1.2. Puntland

Puntland is a region in the north-eastern part of Somalia and declared itself an autonomous state in 1998. Puntland is less stable than Somaliland, but has carried out a peaceful transition of government and President in 2005 and 2009, and is showing signs of trying to tackle its internal security issues which include the widespread piracy along its coastline. In contrast to Somaliland, Puntland is very much a clan-based administration, primarily based on the Majerteen clan, and is thus disputing some of the territory inside Somaliland inhabited by clans that belong to the same family as the Majerteen.

1.3. South-Central Somalia

In contrast to Somaliland and Puntland, South Central Somalia is caught up in a more complex conflict than ever as the clan-based political factional rivalry and warlordism is now compounded by fragmented Islamic-based factionalism.

When the Transitional Federal Government (TFG) was established in 2004 following the 14th attempt to create peace in Somalia, the expectation was that peace and normalcy would gradually return and governmental institutions would begin to develop. This did not materialise, as the TFG consistently failed to carry through the expected reconciliation necessary to create peace and begin the necessary constitutional processes and institutional rebuilding. Instead, the civil conflict flared up again in Mogadishu and South Central Somalia, particularly in early 2006 when an alliance of warlords clashed with the Union of Islamic Courts (UIC)². The TFG's weakness was clearly displayed, and the UIC militias, with the help of Al-Shabaab (Arabic for "Youth"), a well-trained militia fighting for ideological reasons, defeated the warlords in Mogadishu and easily took control of all of South Central Somalia, with the exception of Baidoa. Failed mediation between the TFG and UIC led to an Ethiopian military intervention in December 2006.³ The Ethiopian intervention lasted throughout 2007 and 2008 and caused massive displacements in Mogadishu.⁴ The UIC factions regrouped into counter-insurgency throughout South Central Somalia.⁵ This situation ended in December 2008 when the Ethiopian army withdrew following a new peace accord entered in Djibouti in June 2008 between the opposition umbrella Alliance for Re-liberation of Somalia (ARS) and the TFG.

Hence, a new 'Government of National Unity' (GNU) has been established under the Presidency of the former UIC leader, Sheikh Shariff Sheikh Ahmed. Today, the conflict has still not subsided as the most radical Islamic groups are continuing their Jihad, although the international community regards the new government as the best hope for establishing a stable regime in Somalia. The Islamic opposition to the GNU remains, despite the parliament decision to implement Sharia law. They too are fragmented, and the country is under control of various groups who seek to establish regional autonomy. Lately the situation has deteriorated radically, after another main UIC leader, Sheikh Aweys, has returned to Mogadishu from his exile in Eritrea. He is now attempting to re-unite the Islamic militant groups in a bloc named Hizbul Islam that seeks to include the Al-Shabaab⁶, the Ras Kamboni

² The UIC was created in 2006 out of the 16 Islamic courts in Mogadishu in response to these warlord attacks and the insecurity in Mogadishu on a district base and implemented Sharia law to ensure security in an area characterised by lack of state law and institutions. They formed an administration based on an Islamic ideology and composed of an executive committee and a *Shura (Council)*. With the exception of three, these courts were not radically Islamic.

³ Ethiopia was concerned with certain Somali groups (mainly Darood clan) with strong Islamic as well as pan-Somali agendas which pursued the aim of gaining control of the Somali-inhabited Ogaden region of Ethiopia to preserve cross-border transhumance patterns of Somali nomads.

⁴ Several hundred thousand people fled from Mogadishu to the environs, including the area northwest of Mogadishu up to Afgooye and the Galgaduud region, where many of the clans in Mogadishu had originated (see Map 1 in the appendix).

⁵ Islamic insurgent groups included regrouped Al-Shabaab militias, clan-based militias of the Hawiye, and the so-called al-Muqawama (Arabic for "resistance") against the perceived Ethiopian occupation.

⁶ Al-Shabaab itself is currently internally split: A radical faction that includes foreign fighters operates along the coast from Kismaayo in the South up to Afgooye (near Mogadishu). They oppose Sheikh Mukhtar Robow (Abu

group (active in the southern Jubbals under the leadership of Hasan Turki), and other UIC groups, aimed at toppling the GNU. In all of the above-mentioned conflicts, there are numerous sub-clan and inter-clan conflicts going on simultaneously, which makes it extremely difficult to fully understand the details and to make feasible generalisations when assessing the situation.

2. Somali traditional structures

The key to an understanding of the political constitution of the Somali society lies in kinship and its specific kind of social contract, for "[a]s long as the Somalis are dependent on their kinship lineage for security and protection, responsibilities, duties, rights and liabilities will continue to be perceived along collective rather than individual terms. Hence, the clan will remain collectively responsible for actions of its individual members, and rights of women and children will continuously be seen in the context of the interests of maintaining the strength of the male-based clans." (Gundel, November 2006, p. iii)

The Somali kinship structure is based on an agnatic (patrilineal)⁷ lineage type – known as clan. Genealogies define the belonging of kinsmen to certain clans, according to the ancestor from whom they stem. The social contract defines the terms of the collective unity within and between the agnatic clans. A general description of the Somali traditional structures can analytically be divided into three core elements: 1) Their traditional social structure: The segmentary lineage system or clan structure; 2) Their customary laws – the xeer; 3) Their traditional authorities or juridico-political structure (see Fig. 1 in the appendix).

However, it is important to realise that the traditional structures of the Rahanweyn, the minorities, and the people of Bantu and Arabic descent are often very different from the nomadic culture. Without any in-depth studies that describe the agro-pastoralist, sedentary and coastal cultures, there is a risk of reproducing the mistake of extrapolating the nomadic traditional structures upon these cultures. Unfortunately, it is primarily the segmentary clan system representing the nomadic-pastoralist people that are described in the main literature on Somalia.

2.1. Segmentary lineage system / clan structure

"The clan-system is the most important constituent social factor among the nomadic-pastoralist Somalis" and this "segmentary lineage system can be differentiated into categories of clan-

Mansur), an Al-Shabaab spokesman, whom they accuse of nepotism after he accepted entering into agreements with international aid organisations.

⁷ Hereby, descent is based on the father's lineage.

family, clan, sub-clan, primary lineage and mag-paying group as divisions of varying size (Lewis 1961: 4)" (Gundel, November 2006, pp. 4-5; Fig. 2 in the appendix)

2.1.1. *Clan family*

"The clan-family is generally the upper limit of clanship. The genealogical length of a clan family is not fixed and can count up to 30 generations to a common ancestor (Lewis 1961: 4)." (Gundel, November 2006, p. 5)⁸

2.1.2. *Clan*

"The clan (often 20 generations) can act as a corporate political unit, and do tend to have some territorial exclusiveness, following their regular seasonal movements for pasture and semi-permanent settlements. Clan-members derive their identity from their common agnatic descent rather than the sense of territorial belonging. The clan is in other words the upper limit of political action, has some territorial properties, and is often led by a clan-head, but remains without centralised administration or government. The most distinct descent group within the clan is the 'primary lineage', defined as the lineage to which a person describes himself as a member (most often between 6 and 10 generations). Marriage is usually outside the primary lineage, and links them together, which functions to reduce the otherwise endless feuds between primary lineages (Lewis 1961: 5)." (Gundel, November 2006, pp. 5-6)

2.1.3. *Mag-paying group*

"The most basic and functional lineage unit is the *mag*-paying group or *diya*-paying group as they are mostly known in English language." (Gundel, November 2006, p. 6)⁹ *Mag*-paying groups are "the most important level of social organisation for each individual. It is a small corporate group of a few lineages who reckon descent to a common ancestor some 4 to 8 generations, and is sufficiently large in numbers (few hundred to a few thousand men) to be able to pay the *mag* (according to Sharia: 100 camels for homicide) if need be. Hence, all men are defined by their belonging to a *mag*-paying group, and their social and political relations are defined by contracts called *xeer* – the Somali customary laws – that are entered within and between *mag*-paying groups." (Gundel, 2006, p. 6; see below for more details on customary laws/*xeer*)¹⁰

⁸ Many of the lineages are to large extents also social constructions. Even though Somalis may claim being able to track perhaps 20 or 25 levels back in their families, they are usually not exactly correct for more than 13 or 14 layers back.

⁹ "*Diya* is the Arabic word for blood-compensation. *Mag* is the Somali word" (Gundel, November 2006, p. 6)

¹⁰ Although actual payment in camels is infrequent now, as payments are often transferred into the value of cash, this is the main value which is still being adhered to. "It is only through membership of a *mag-paying* group that

As the “institutional viability of the *mag*-paying groups [...] is founded in their ability to collectively meet the blood-debts (*mag*) of their members, it “may today be challenged”, amongst other factors, “by the very scale of blood compensations, which due to the combined level of conflict and killings, and the loss of livestock due to droughts and environmental degradation cripples their ability to meet their obligations, with the fatal consequence that they no longer can contain revenge killing cycles and inter-clan fighting.” (Gundel, 2006, pp. 6-7)

2.1.4. Evolution of the clan system

“It should be noted that the described segmentary lineage system is not absolute, but rather in a constant process of relative change. [...] This is due to population growth whereby the number of primary lineages grows too.” (Gundel, 2006, p. 6)¹¹ The tendency to split starts when too many quarrels occur, while the moment a split actually takes place is when the group is capable of dividing into two groups who are each able to pay 100 camels. In this natural evolution of the clan system, genealogical reference points of clan groups (i.e. the names being used) change over time, as, following a political split, the old reference point disappears and the new groups subsequently each refer to a new one. However, in political terms these groups use the same system, i.e. in order to demonstrate that “we are together as a big family, we are strong, we are a bloc”, *mag*-paying groups refer to their main clan families (in spite of infightings between themselves on the clan or sub-clan level). It also occurs that groups unite, in which case they go back in the genealogy and re-instate the old reference point.

2.2. Customary laws (*xeer*)

The Somali traditional ‘political contract’ consists of customary laws – referred to in Somali as *xeer* – through which “members of a *mag*-paying group are obliged to support each other in political and jural responsibilities, especially in paying and receiving compensation for acts committed by members of one group against another - even over vast distances, since it is the kinship that bonds them. It is the responsibility of the elders (*oday*) of the *mag*-paying groups to oversee that the terms of the *xeer* are honoured (Lewis 1961: 6).” (Gundel, 2006, p. 6)

an individual has any political and jural status. An individual cannot himself act as a viable and independent political unit, i.e. he can’t alone pay 100 camels, without the assistance of others. In this way a man is forced to sub-ordinate himself to the collective rights and interests of the *mag*-paying group. Below the *mag* group there is a further sub-division called *jiffo* or *rafiso*-paying group (40 or 33 camels depending on the area) and below that again you find the *jilib* or *raas*-paying group (20 or 11 camels)” (Gundel 2006, p. 6, footnote 5).

¹¹ Therefore, information contained in clan maps and charts (e.g. Map 2 in the appendix) can only be approximative.

They are historically based on precedents, hence, unlike fixed law, they are constantly capable of evolving, with future decisions based on ones made in the past. Today the *xeer* are particularly important in rural areas where the presence of modern political institutions is weak. They are however also applied in urban areas with local administrations and even here the *xeer*, instituted through traditional elders, is usually the first recourse in dispute management, settlement and reconciliation among both ordinary citizens and between business people. The importance of the *xeer* is indisputable, especially in Northern Somalia as the *xeer* are applied in solving perhaps 80-90% of all disputes and criminal cases. In Southern Somalia with increasing pre-dominance of radical Islamic groups, strict versions of Sharia are increasingly applied as the ruling law rather than the traditional *xeer*. However, while the *xeer* is simultaneously a force for justice and social cohesion, it may also conflict with both international human rights standards and Islamic Sharia law. In general, the collective responsibility imposed on *mag*-groups by the *xeer* is seen as removing responsibility from individual perpetrators of crimes. (Gundel, 2006, iii)

2.3. Traditional authorities / juridico-political structure

In the juridico-political authority structure of the clan system there are different levels of elders. Highest-level elders are often referred to as *Suldaan*, *Ugaas* or similar (in Puntland they are referred to collectively as '*Issim*') and have a mainly judicial role and symbolically represent the clan members while lacking actual political power. The lower level of elders usually represents the blood compensation (*mag*-paying) group. Even today, these elders keep track of the whereabouts of their family members so that in case a group is obliged to pay blood compensation, they can find their members in order to have them pay their share. "Since the civil war in 1990 the traditional authorities have regained considerable importance, especially in creating peace, security and law and order after the state collapsed. Their primary role is still the regulation of access to shared resources such as grazing areas and water. The role of the clan elders in this can not be overstated, as they are simultaneously act as legislators, executors and judges. Decision-making is led by the male clan elders on the basis of consensus – factors which both subordinate the interests of individuals to the interests of the clans, and severely marginalise women in decision-making." (see Gundel, 2006, iv)

II. Clans and Minorities

Somalia is often misrepresented as a country with an ethnically homogeneous population, culture and language. Indeed, the perceived majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak Af-Maxaa-tiri (i.e. the “noble clans” of the Darood, Hawiye, Dir, and – depending on one’s perspective – the Isaaq), which became the official language of Somalia after independence. The other large group is composed of the mainly sedentary agro-pastoralist people, residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, known as Digil-Mirifle or Rahanweyn. They speak Af-Maay-tiri, which is quite distinct from Af-Maxaa-tiri.¹² Outside this homogeneity, one also finds the minorities (see below).

Identifying clan groups constitutes a complex task, and it is almost impossible to draw an entirely correct chart of all the clan families, because they form a living organism, and it is difficult to keep track of the constant developments.

On the level of political representation, the Transitional Federal Government (TFG) has established in 2000 the so-called “4.5 formula” which seeks ensure that each of the four main clans (identified as the Hawiye, the Darood, the Dir, and the Rahanweyn) be equally represented in government. The remaining “0.5” is intended to accommodate all groups that are not part of the main clans, i.e. minorities, women, civil society and other groups. However, this formula is highly disputed as a viable formula for conflict resolution in Somalia as reflected by the continued civil war in South Central Somalia.

As far as the actual size of clans is concerned, Somalis commonly claim that their groups are considerably more numerous in members than they are in reality, in order to demonstrate strength. It can be observed that the area between the Juba and Shabelle rivers in Southern Somalia is characterised by considerably greater population density than the areas inhabited by nomadic groups. Therefore, particularly the Rahanweyn groups may constitute at least 25 to 30 per cent of the full population, and hence be larger in size than they are commonly said to be. The Bantus who are often referred to as small groups of perhaps 6 per cent may in fact constitute 20 per cent of the population, and in South-Central there may even be local districts where they form even 50 per cent of the local population. However, these groups are politically suppressed and “hidden away” in Somali figures which favour the nomadic clans.

¹² It should be noted that one cannot understand the dynamics with reference to the larger clan groups alone, as there are always sub-clan, and sub-sub-clan rivalry and factionalism, which often brings sub-clans of the major clan groups together in political alliances across the major clan groups.

3. Clans

3.1. Nomadic groups

"The lineages of the pastoral Somalis are united by a common, mythological perception of direct lineal descent from the forefather Samaal and the household of the prophet Mohammed, notably the Qurayshi clan, and specifically his cousin, Aqil Bin Abi-Talib. Today, this segmentary clan system is represented by three to four main clan families descending from Darood, Hawiye, Dir and depending on who you ask, Isaaq" (Gundel, 2006, p. 5; see also Fig. 3 in appendix).¹³

Darood

The Darood are commonly divided into three major groups referred to as Ogaden, Marehan, and Harti. The Harti are composed of the Majerteen who now are found in Puntland mainly, and the Dulbahante and Warsangeli who mainly live within the borders of Somaliland. Puntland almost entirely overlaps with the Majerteen clan family.¹⁴ The Marehan inhabit South-Central Somalia, where they are dominant in Gedo region. The Ogaden can be found in Southern Somalia where, over the last years, they have gained increased control of Lower and Middle Juba, as well as in Ethiopia and Kenya. Since the Darood are present in the North, in South-Central Somalia as well as inside Ethiopia, and Kenya, they can be considered the strongest pan-Somali nationalists.

Hawiye

As to the Hawiye, the two most important and commonly used sub-divisions are the Habar Gedir and the Abgal. The Hawiye can be found in central and southern Somalia,¹⁵ and particularly its Abgal and Habr Gedir groups are dominant in Mogadishu. The Hawiye are not as present in the other areas, and would generally be content with control over South Central Somalia.

¹³ Somalis do not agree on the identity of Samaal and on the genealogical reference. Samaal is also presumably what gives the name to Somalia, indicating the dominance of the nomadic pastoralists over all other peoples in Somalia. The Somali Nomads indeed managed to get in full power and to make the assumption that the Somalis are an ethnically homogenous tribe.

¹⁴ This is the cause for Puntland's disputing of territory inhabited by the Dhulbahante and Warsangeli inside Somaliland, aiming to make these groups unite with the Harti group in Puntland.

¹⁵ Since the Hawiye clans from the Central regions played a leading role in ousting the former President Siad Barre from power, these clan groups conquered and dominated large parts of Southern Somalia.

Dir

The Dir include groups such as Issa, Gadabursi, and Biymaal. Dir groups live in Somaliland as well as in South-Central Somalia.

Isaaq

As mentioned above, in the case of the Isaaq, there is a controversy as to whether they constitute a clan family of their own. This is being affirmed by the Isaaq themselves, while southern Somalis and the Majerteen claim that Isaaq are part of the Dir. The Isaaq have cousin links to the Dir groups such as the Biymaal, Issa and Gadabursi. Isaaq are the primary inhabitants of Somaliland (although its current president is from the Gadabursi group).

3.2. Agro-pastoralist groups

The Somali agro-pastoralists refer to themselves as originating from Saab (see Fig. 4 in the appendix)¹⁶ and encompass the two groups of Mirifle and Digil, as well as the Rahanweyn who sometimes refer to be identical with Mirifle and Digil. The agro-pastoralist clan structure is considerably different from that of the nomadic groups. As far as the Rahanweyn are concerned, they do not trace their genealogy as far backwards as the nomads and "the segmentation at the larger units of the clan is one of the important features that make the Rahanweyn social organisation different. Their clans are composed of 4-7 jilib that pays diya together. Hence, the diya-paying group structure of the Rahanweyn is different as they pay diya collectively at a much higher level in their lineage structure than the pastoralists do." (Gundel, November 2006, p. 30) These differences are due to the fact that these groups do not practice transhumance migration in the same way as nomads, but agriculture. They also keep camels as a last resort strategy for severe droughts, in which case they may also migrate, however this needs to be distinguished from nomadic ways of migration. Hence their basis is location, and their home state is more important for their identity than the clan. Their structure of elders are considerably more hierarchical and tightly related to the villages and home states.¹⁷

Politically, since 1999, the Rahanweyn clans have increasingly gained control of their 'own' regions of Bay and Bakool in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia. While traditionally, the Rahanweyn were traditionally peaceful people and not involved in the original civil war, they have now established their own army and seek to

¹⁶ Interestingly, *Saab* is similar to the shorter word *Sab* which is used to refer to the minority groups who are identified in occupational terms (see below).

¹⁷ It is also for the same reason that the Digil and the Mirifle historically were the main people involved in establishing the first centralised polity in Somalia prior to the arrival of the Italians and colonisation.

control their own areas (where Al-Shabaab is predominant today).¹⁸ However, they generally do not appear to be concerned with controlling other areas.

4. Minorities

Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure. Among the minorities, one can find the 'outcaste' groups, or bondsmen known collectively as sab, as well as groups of ethnic Bantu descent and the coastal groups, including those of Arabic descent such as the Bajunis and Barawanis. Minorities are not counted and their languages and cultures are neither accepted nor respected.

It should be first noted that being a minority does not reveal whether or not one is at risk of becoming targeted. Secondly, in terms of their size, the notion of "minorities" is sometimes misleading. Many minorities, such as Bantus, are in many places in South Central Somalia in fact local majorities. However, they are being oppressed by the militarily stronger nomadic clans. Globally, in the Somali context, they are a minority, because they are not overall dominant. The sab are an exception to this, as they are in numbers a clear-cut minority due to the fact that, unlike the Bantus, who live in certain locations, they are scattered over many places.

Thirdly, one can observe the reverse situation in the case of clan groups (such as the Biymaal) who in some areas live in pockets of groups and thus can be referred to as "minorities" on the local level with some justification, but not on the global Somali level due to the fact that they belong to a strong clan-family. Hence generally they can leave the area where they constitute a "minority" and receive protection where their clan is a majority (even though the notion of being "dominant" nowhere means full control, as there are always several clans, and "minorities" present in South Central Somalia). However, this often means that these groups are obliged to leave their local areas where they probably have been living for generations.

This being said, it should be noted that such generalised knowledge and information on clans and minorities is of very limited use when it comes to assessing an individual's risk. This is particularly true in asylum procedures, where decisions made on basis of generalizations of the conditions of certain groups can lead to asylum decisions made on false premises. It must therefore be emphasised that all asylum cases should be treated as individual cases, where

¹⁸ This can be seen against the background that the Rahanweyn were severely affected by the big famine in 1991/92 in the course of which they were exposed to food pillaging by Hawiye (USC) and Darood armies without being able to defend themselves.

each asylum seekers case is treated uniquely in terms of the degree of individual persecution and risks according to the principles of international refugee law.

4.1. Sab

The *sab* are traditionally bondsmen of the pastoralist clan groups and they can only have relations with the Somali through an *abbaan* (Somali patron). Internally the *sab* may have segmented lineage systems along the Somali pattern. Intermarriage is not allowed nor accepted between these minorities/sub-minorities and the "noble" nomadic clans.¹⁹ The *sab* are traditionally denied the right to own land or livestock, to participate in the local businesses, market economy, or politics.

The *sab* practice various but despised professional skills. Hence *sab* often refer to groups identified in terms of their occupation. They protect themselves by keeping their own affairs secret, this being their only power to resist the dominance of the Somali nomads, as this creates a dependency of the latter on these groups when it comes to house construction and various kinds of handicraft. They speak a language of their own, although it is disappearing. *Sab* include the following groups:

Gabooye/Midgan

In the North, the Gabooye are composed of the Tumaal (blacksmiths), Midgan (shoemakers, hunters and gatherers, poison makers, and hairdressers), and Yibr (see below for details). Groups which belong to Gabooye/Midgan include the Madhibaan, Muuse Dhariyo, Howleh, Hawraar Same, and Habar Yaquup. These groups are also found scattered in Southern Somalia.

Yibr

The Yibr or Yibro (some find Yibro is a mispronunciation) live along the coast in Mogadishu and in Bosasso, Borama, and Burco. In the South, they are described as being distinct from Gabooye. The Yibr are often claimed to be descendants of early Hebrews who settled in the Horn of Africa. According to Virginia Luling, the 'Hebrew' idea is not an anti-Semitic invention by others, but was and is maintained by the Yibr themselves, who have found in this a way of dignifying their outcast status. However, while this Hebrew descendance is disputed, it is not entirely baseless. While it is true that the 1970's produced a myth about their descent, which

¹⁹ While from the *sab* side, there are no barriers to marriage with a member of a nomadic clan, from the point of view of the noble clans, a member from a nomadic clan would lose his protection by his own clan if he married a person belonging to a *sab* group.

was related to a political effort at discrediting them by playing on anti-Semitic sentiments, there is some historical merit to the notion that ancient Somali people prior to Islam and Christianity did have a connection to Jewish or similar religions, and the present group may derive from the 'losing' part in an ancient religious dispute at Aw-Barkhadle (a religious centre commemorating Sheikh Yusuf Al-Kownin) in present day Somaliland, which still is a location of pilgrimage located between Hargeysa and Berbera. This, however, needs more research outside our present scope.

Members of Yibr used to have mythological functions in society (and do not involve themselves in other tasks in traditional Somali society): They collected the *Samanyo* (a birth gift) from new-born babies and newly-married girls in exchange for giving them a good fortune. Historically, the Yibr enjoyed some protection before independence through this superstitious practice that prevailed about them, and which is now no longer widely practiced. After independence they suffered from the banning of the *Samanyo* custom and other related traditions by the government.

With the presence of radical Islamic groups like Al-Shabaab with strong anti-Jewish attitudes, the Yibr who claim historical descent from the Hebrews have been increasingly suspected by Somalis with a radical Islamic orientation. Therefore members of the Yibr may be targeted in South Central Somalia, despite the fact that they are Muslims today.

Further *sab* groups present in the South are the Yahhar, Galgalo (woodcarvers), Boon, and Eyle.

4.2. Ethnic minority groups

Bantus (Jareer)

The Bantus mainly live in the southern areas with a concentration of agriculture. Depending on the location, the Bantu people are called different names such as Gosha, Makane, Shiidle, Reer Shabelle, or Mushungli. They speak the Bantu language while some also speak Arabic and Swahili. In general, Somali nomadic clans seek to assimilate minority groups to control them. However, particularly in the case of the Bantus (whom the 'noble' nomadic clans aim to exploit for the cultivation of the fertile lands), there is a wide perception amongst many of the nomadic clans that they are too different to be assimilated and therefore must be marginalised, which led to a situation of impunity of attacks against Bantu groups. This situation has changed over time, partly due to the fact that Bantu groups have started to organise and arm themselves. Therefore, in certain locations, Bantu groups have gained strength and are able to fend for themselves.

Coastal groups

These groups include the Benadiri, the Barawani, the Bajuni, and the Jaaji (or Reer Maanyo) and live along the coast. The Barawani and Bajuni are of Arabic descent.

5. Minority and other groups with affiliations to major clans

Rer Hamar

As the Rer Hamar belong to Benadiri, they can be regarded as minorities in terms of language and culture. They live in the central parts of Mogadishu, in Hamarweyne and Shangani, where they own property. The Rer Hamar, who mainly are of Arabic descent, is not exactly a homogenous ethnic group, but a reference made to the early urban people of Hamar and Shangani Districts of Mogadishu, which are the old historical parts of Mogadishu. There are at least two main 'lineages', namely the 'Gibil Cad' and 'Gibil Madow' (the latter being mixed with Somali descent). In this context, for instance, I have been told that among the Benadiri, there is a small group known as 'Qalimoshube' (part of Gibil Madow) who are discriminated by the other Benadiri 'Rer Hamar' due to their darker skin and occupations.

Today the Rer Hamar are 'not without power', and manage to play a part in the political game with the major clans and are rarely targeted by other clans. The observation is based on the changed context in Mogadishu that has taken place over the past 8 years, within which the 'Rer Hamar' community no longer is subject to the kind of targeted violence committed with impunity by the major warring clans that was the case during the early civil war years where they were targeted partly due to their influence and positions in the past Somali government and because they lost any protection given to them with the collapse of the institutions of rule of law in 1990. This does not mean that the Rer Hamar community no longer is subject to discrimination. Rather, what it means is that there now are a number of mitigating factors to their benefit:

- 1) The Rer Hamar who succeeded in achieving asylum abroad were successful in raising their case internationally, which also contributed to an awareness about them as a community within Somalia itself, and among members of the transitional governments who were seeking international support.
- 2) An effect of the latter is that Rer Hamar in Mogadishu now have political positions within the transitional government, as well a number of key positions within the regional administration of Benadir and local government of Mogadishu.
- 3) The combination of increased advocacy, increased political influence and the 'Mukulal Madow' (black cat) phenomenon of protection which means that they are no longer targeted with impunity as for instance the 'Jareer' groups still are. The 'Mukulal Madow' phenomenon

refers to the cases where for instance 'Rer Hamar' households have established relations with strong 'noble' clans, especially Hawiye Abgal and Habr Gedir, through marriage. This means that Rer Hamar households whose daughter(s) are married to strong clans now enjoy a level of protection from these clans.²⁰

The above observations are partly made on the basis of conversations and interviews I have made with Somali UN, national and International NGO staff from Mogadishu that I have worked with, my own interviews with Benadiri community members in Merka in 2006 and 2007, observations made from my daily reading of the Somali political situation over the past two years, and members of Somali minority groups, in particular the Somali Minority Rights and Aid Forum (SOMRAF).

Furthermore, my encounters with the Benadiri 'cousins' of the Rer Hamar in Merka, in 2006, gave me a clear indication of how their communities have sought to use a variety of means to avoid the unjust assaults they were subject to with impunity. First, unlike many other minority groups who often are scattered throughout Somalia, the Benadiri are generally concentrated in the urban centres they have been living in for centuries, giving them some strength based on closeness. Second, they learned to seek compromise and negotiate with the stronger clans establishing bonds, and if not to assimilate, then to adapt to and adhere to the *xeer* (customary laws) of the clans dominating them, through which they reached a level of 'legal' protection. There is much more to learn about these processes of how weaker groups 'join' stronger groups in Somalia to achieve better protection and rights. To the extent that Rer Hamar in practice have adapted to the Somali *Xeer* is not clear to me, but I would not be surprised if it were the case. That means that they do negotiate *diya* payment in cases of killings between them and the Somali clans. The Rer Hamar do live in Hamarweyne and Shangani, where they do own property. But, they may not find it easy to move elsewhere in Somalia, buy property or achieve clan protection there. However, again that depends from place to place, and may also depend on what the given 'Rer Hamar' individual may contribute with. If he comes with a major business to the benefit of the community he may indeed be welcomed. The Rer Hamar are not armed collectively, as a number of the major clans are, but Rer Hamar business people in Mogadishu may be employing armed protection as all other Somali business people do.

Biymaal

The Biymaal are part of the Dir clan group. Due to this, the Biymaal cannot be considered to be a minority, despite having been suppressed by the Hawiye whom they have been fighting mainly in Lower Shabelle and Middle and Lower Juba areas, as well as by the Ogaden / Darood clans.

²⁰ The Rer Hamar and other Benadiri groups are learning to exploit the fact that the nomadic clans value marriage with girls from these groups due to their lighter skin. This gives the latter a bargaining ground.

Sheikhal (Sheikhash)

The Sheikhal²¹ (or Sheikhash) are the common name for lineages with an inherited religious status. According to Virginia Luling, "by one account they all trace descent in legendary terms from the same ancestor, Sheikh Faqi Omar, who travelled around Somalia and married wives in each location" (Luling, 15 December 2009). Because of their religious status they usually have privileged access to all parts of Somalia. For a more detailed elaboration of the various groups referred to as Sheikhal in Southern Somalia see Luling, Virginia: Report on the Shiikhaal, 15 December 2009 (Luling, 15 December 2009).

Most of the Sheikhal are currently associated with the Hirab section of the Hawiye which is an interesting example of how a 'weak' clan politically may change its clan affiliation to achieve influence, protection, and strength. Hence, after the civil war (1990-92) the Sheikhal from Mogadishu and southwards to Kismayo/Lower Juba pursued two main strategies of gaining influence:

One was through their emphasis on developing and dominating the educational sector in Mogadishu, mainly through the non-violent Islamic organization Al-Islah, and the establishment of the umbrella for private sector education known as Formal Private Education Network in Somalia (FPENS).

The other was to seek association with the Hawiye and General Aideed and the Hawiye political faction of the United Somali Congress (USC). The now late General Liigligato, who was a Sheikhal, described in his book how the Sheikhal became associated with the Hawiye known as 'Martileh Hirab' (literally meaning guests of Hirab). Today the Sheikhal maintains 3 of the 61 Hawiye seats in Parliament.

Asharaf

The Asharaf are frequently categorised as a minority.²² Concerning the Asharaf, my point and reference is mainly to the Digil-Mirifle Asharaf and not the Benadiri Asharaf.²³ There are also other Asharaf living with other Somali clans in various locations in Somalia. The Asharaf are

²¹ Sheikhal is the term used for this group in the south-central parts of Somalia, while Sheikhash is used in the northern parts of Somalia, Somaliland, the Ethiopian Ogaden region and Djibouti.

²² See for example the following reports in which the Asharaf are referred to as a minority: AI, 17 March 2005, p. 21; UN OCHA, 1 August 2002, p. 13; RDC / UNHCR, 9 August 2007, p. 10 (see chapter IV – "Selected Documents" for full references). One of the reasons for this categorisation is that at the time the TFG was established in 2004, the Asharaf placed themselves within the 0.5 minority group for political reasons, as they encountered difficulties in receiving full representation within the Rahanweyn group.

²³ For information on Benadiri, see pages 17 -18.

generally considered a religious people and teachers of religion of a particular descent from the daughter of the prophet Muhammad, Fatima. Most often they live integrated with the people they have settled with, i.e. Digil-Mirifle or Benadiri, and are usually protected by the people they live with as far as they are seen as being related to the Prophet, hence they maintain a special religious status. The point is that they are not targeted as a minority as such, but may suffer the same problems as their 'host' clans – thus Benadiri Asharaf have been targeted together with Benadiri people during the early civil war. Today, one of the top ministers and allies of Sheikh Shariff, Sharif Hassan, is an Asharaf. At present, the Digil-Mirifle/Asharaf may be targeted by the al-Shabaab Islamist group partly because the latter do not recognise the religious status of the Asharaf, and partly because they oppose the Shariff Hassan who was the driving force in the 2008 Djibouti agreement together with President Sheikh Shariff.

Garre

The Garre are often considered as part of the Digil / Rahanweyn group, but are sometimes also described as being distinct as a group of its own.

Bagadi / Iroole

The Bagadi / Iroole are part of Digil / Rahanweyn in Lower Shabelle, where the local clan composition further includes Biimaal and Benadiri groups. As a function of the civil war, the Digil groups, despite not being a minority, were suppressed by the Hawiye, along with the other groups. When Al-Shabaab recently moved in and took over this area, they did so on the basis of supporting the Digil and the Biimaal and other groups who until then had been suppressed by the Hawiye.

Ajuraan

The Ajuraan are often seen as part of the Hawiye.

Abgaal

The Abgaal, who also belong to Hawiye, constitute one of the most dominant and strongest clans.

Tunueg

The Tunueg are part of Digil.

Tunni

The Tunni are also part of Digil.

III. Protection

6. State Protection

Generally, at present there is no state protection provided for minorities in Somalia. This includes Somaliland and Puntland where state structures do exist, but they are not functioning to such a level as to ensure effective protection of minorities.

7. Clan Protection

7.1. Background: power structures and revenge killings

One aspect of the Somali tradition is that the rights of groups effectively are protected by force, or threat of force. Tenure of rights thus ultimately depends on the ability to defend them, by coercion if necessary. This is also the case for individual security, which rests upon the individual's *mag*-paying group's ability to fight, and the solidarity between the *mag*-groups of the wider clan and their fighting capability. They must therefore both be able to retaliate and pay compensation. Hence, the lack of impartial enforcement mechanisms becomes apparent in cases when a judgment is passed that favours a militarily weak clan, and a militarily strong clan then openly refuses to comply with it. As a result, Somali minority groups are heavily discriminated against through *xeer* application.

Revenge killings, resulting from perceived acts of humiliation, can cross clan borders, as clan elders would use their internal ways of communication to have some clan's members intercept the perpetrators during their flight. Even if revenge cannot be carried out right away, it will happen, even 40 years in the future. Revenge killings are usually directed against the perceived perpetrator. However, in cases where a clan refuses or fails to hand over the perpetrator, revenge may alternatively target other members of his clan, in which case the revenge-seeking clan would attempt to get hold of a person whose loss will harm the perpetrator's clan the most.²⁴

As to the question whether or not women, children and elders may become targets of revenge killings, it should be noted that in the Somali culture, these groups are spared from the spear (*Birimageydo*) and are therefore in principle not allowed to be touched. However, it is difficult

²⁴ In this context, Somalis who work for international humanitarian agencies are at particular risk of becoming alternative victims of revenge killings. As they receive high salaries and are usually the best-educated members of their clan, they are targeted as a means of inflicting the highest possible amount of damage to the perpetrator's clan. Therefore, these staff members are in a most vulnerable position.

to ascertain from what age a person would be considered an adult and thus become a possible target. But, since it is the males who protect their families, in situations where all the older males in the family have died and are hence not available, particularly in the South, one can observe 12 to 14-year-old boys who take over the household. In such a case, it can occur that such a male minor becomes a target.

7.2. Forms of clan protection

There is a Somali proverb which runs: *Ama buur ahaw ama buur ku tirso* ("Either be a mountain or attach yourself to one"), signifying that if you are not a big, strong clan, you attach yourself to a strong clan – although it should be noted in this context that even the notion that one can always get protection within his own clan can be true in some cases, but wrong in others.

In the Somali tradition, weak and scattered clans who are driven to seek protection from the stronger clans can enter a protection status with them. The protecting clans naturally expect something in return. Such alliances based on contractual agreements between weak and strong clans are known as *gaashaanbuur*, meaning "pile of shields". Hence, minorities can seek protection by attachment to stronger lineages by joining a *gaashaanbuur* coalition. There exist varying degrees of adoption and incorporation within stronger lineages. These range in degree of dependent status with associated inferiority from neighbour (*deris*), appendage (*saar* - parasitic creepers), followers (*soo raac*), to pretenders (*sheegad* - those who claim to be what they are not.) In the case of *sheegad*, the weak group may assume the lineage affiliation of its protectors and may claim a common agnatic origin.²⁵ The Somali family to which the *sab* are attached protects them vis à vis other Somali and are responsible for any damage inflicted on them. The extent to which the *sab* presently have managed to set up their own independent map-paying groups needs to be investigated further. The lesson is that adoption of weak clans does occur, and it is possible to move the stronger clans into compromise with their traditional position. When this happens, the stronger clans may even pay *mag* for the adoptives.

²⁵ This was the case when, at the beginning of the civil war in the early 1990s, the *Galgalo* from Middle Shabelle found protection against the Hawiye during their flight to the Dadaab refugee camps in Kenya by assuming lineage affiliation to the Majerteen of Kismaayo (Majerteen are a part of the Harti group which was powerful at that time around Kismaayo), as a means to make it through Kismaayo. Thereby they were able to deceive the Hawiye who were careful about attacking Majerteen members for fear of reprisals. In the Dadaab refugee camps they were registered by UNHCR as being Majerteen and kept that identity for several years (with the acceptance by the Majerteen groups in the camp who continued to regard them as adoptees). Later, however, these *Galgalo* felt safe enough to resume their own traditional woodcarving activities constitutive for their cultural identity. As a consequence, the Majerteen felt betrayed by the adopted group, whom they had expected to assimilate to Majerteen ways, and started to target them in the refugee camp on these grounds.

7.3. Clan protection in the light of the current conflict

It is a traditional code in Somali culture that when a person comes to your house and seeks protection, one is obliged to protect this person. Thus failing to protect a person is considered dishonourable, signifying that one did not live up to his obligations. However, in the light of the massive displacements of recent times, the numbers of people have become too large for the local host clans to service this traditional obligation – which has increased their vulnerability. In this context, it should be noted in particular that women and children are at the bottom in all the social hierarchies. Women from minority clans or other groups not part of the main nomadic local clans are in particularly bad positions, even the more if they belong to a minority in an IDP camp. Due to this destruction of the social fabric and state structures, there is a high level of lack of law and order. There are many young men who are often armed (or have access to arms) who abuse the situation of big IDP camps and feel free to harass IDPs, rape women, force people into certain kinds of labour, extort money etc. As these men usually originate from the host clans, they are in a position of impunity.

The only possible way of bringing change into such a situation can be found in entering a new *xeer* agreement between the elders of the host clans and those representing the IDPs and the other clan communities, in which the host clan promises to protect them against this kind of abuse.²⁶ However, members of the *sab*-minorities or the Rahanweyn will in this context stand weaker compared to those who belong to one of the bigger nomadic clans, one of the reasons for this being that the nomadic clans have a clear *xeer* between them.

Particularly in South Central Somalia, where these traditional structures are not sufficient due to prevailing lawlessness, Sharia, as it was practiced by the Islamic Courts, is being brought forward, as the common perception is that the only possible way to deal with high levels of crime and freelance gangs is by implementing a harsh rule and exerting severe punishments. Hence there are clans in the South which claim that it is not sufficient to pay the *diya* compensation (usually, in the Somali tradition, one is obliged to pay the 100 camels per person who has been killed), but the “wrongdoer” has to be killed as a punishment.

8. Internal Flight / Relocation Alternative

Members of minorities or majority clans from South Central Somalia can only expect a limited level of physical protection by relocating to Somaliland or Puntland, meaning that they can expect to be safe from indiscriminate shelling, becoming victims of fighting or being chased out

²⁶ “The *xeer* is efficient for the regulation of inter-clan affairs, but less so between individuals. Two persons may not have the same rights and protection, because *xeer* is linked to clans and their area. There is no individual citizenship as such, and newcomers to an area have to try to settle an agreed position with and in relation to the different dominating clans residing in the area, which often is the case with IDPs in Somalia today.” (Gundel, 2006, p. iii)

of areas because of their clan membership, or domination by gate keepers (see below) in an IDP camp, or from the radical Islamic groups. However, in Hargeysa (Somaliland), people who have fled the conflict in the south are restricted to stay in certain locations and southerners are generally looked upon with considerable suspicion, as threats to the peace.²⁷ Furthermore, people who have fled from the South are in a situation of limbo in Somaliland because the government of Somaliland regards itself as an independent state from the South and hence sees them as refugees while UNHCR insists on treating them as IDPs. Unless wealthy, people will lose their livelihood by relocating to another area and will not be able to gain a new one. There is no social protection provided for them. The kind of protection one can receive from the host community is dependent on the amount of money one can provide to the hosts (e.g. if a person brings sufficient resources to rent a good house, he would not be touched as he becomes a valuable source of income), or on whether or not they are able to deliver services needed by their hosts, be it work for free or - in the case of *sab* minorities - being able to provide certain professional skills in demand.

As to whether or not minority members can safely travel/relocate from Central or Southern Somalia to Puntland (or Somaliland), minority group members who do so face the same difficulties during their journey as anybody, namely the difficulties related to crossing other clan territories.²⁸ While journeys are usually preceded by arrangements with the local clans and thus can be considered generally safe and feasible for minorities (provided that they have the necessary resources), there can be situations where clans have established checkpoints on the way, which can prove dangerous. If a group has set up a checkpoint and is resentful of members of a certain sub-clan or another clan, the latter might specifically be targeted. Apart from this, due to the conflict, there may be many armed gangs who set up their own checkpoints for the purpose of looting, in which case it is irrelevant whether or not a person belongs to minority, as these activities affect everybody.

²⁷ These attitudes have particularly been propelled by twin suicide bomb attacks which occurred in Hargeysa, Somaliland, in late October 2008.

²⁸ For example, coming from Mogadishu one passes through Beledweyne, Dusa Mareb, Galkayo, Garoowe before reaching Bossaso in Puntland, meaning that the person would first go through the Abgal clan area, then through Hawadle areas, travel through areas controlled by Hawiye/Habar Gedir/Ayr groups and then through Hawiye/Habar Gedir/Saleeban areas, Hawiye/Habar Gedir/Saab areas and finally enter the Majerteen area in Puntland.

IV. Selected Documents

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V. Appendix

Figures:

Fig. 1

3 tiers of the Somali traditional structure

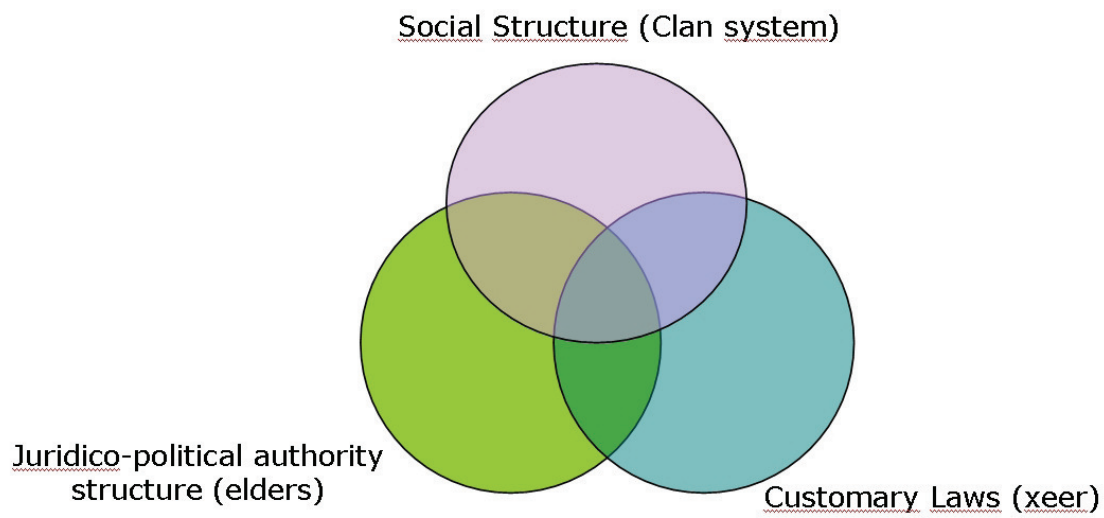
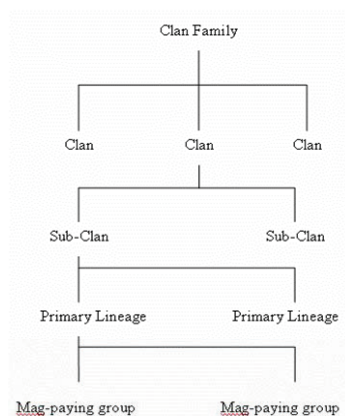


Fig. 2

Social - clan structure



- Patrilineal
- Nomadic Pastoralist
- Not static
- Basis for social and physical security

Source: Gundel, 2006, p. 5

Fig. 3

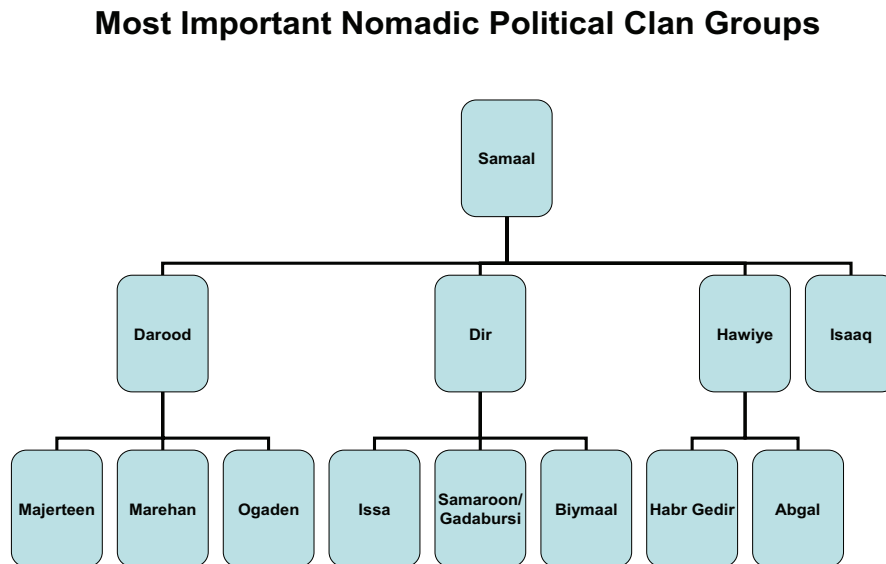
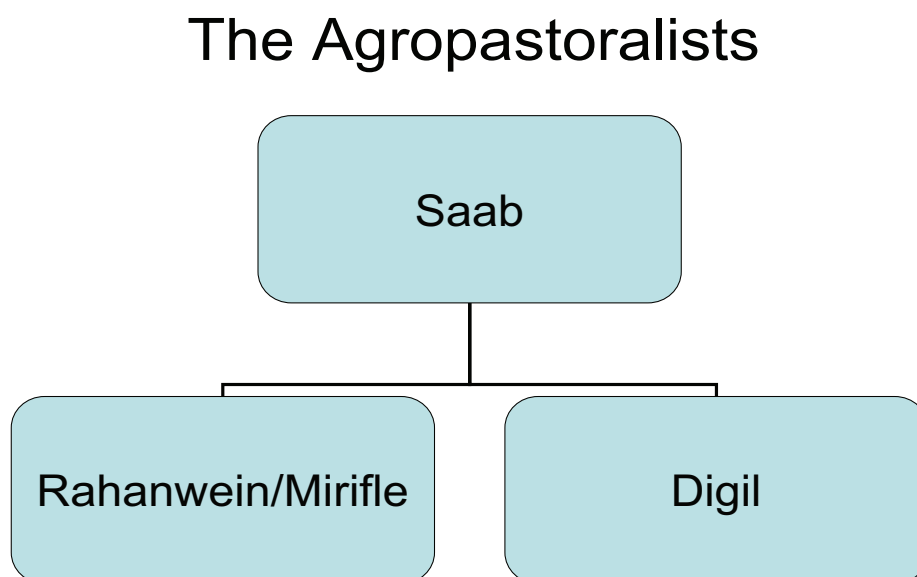
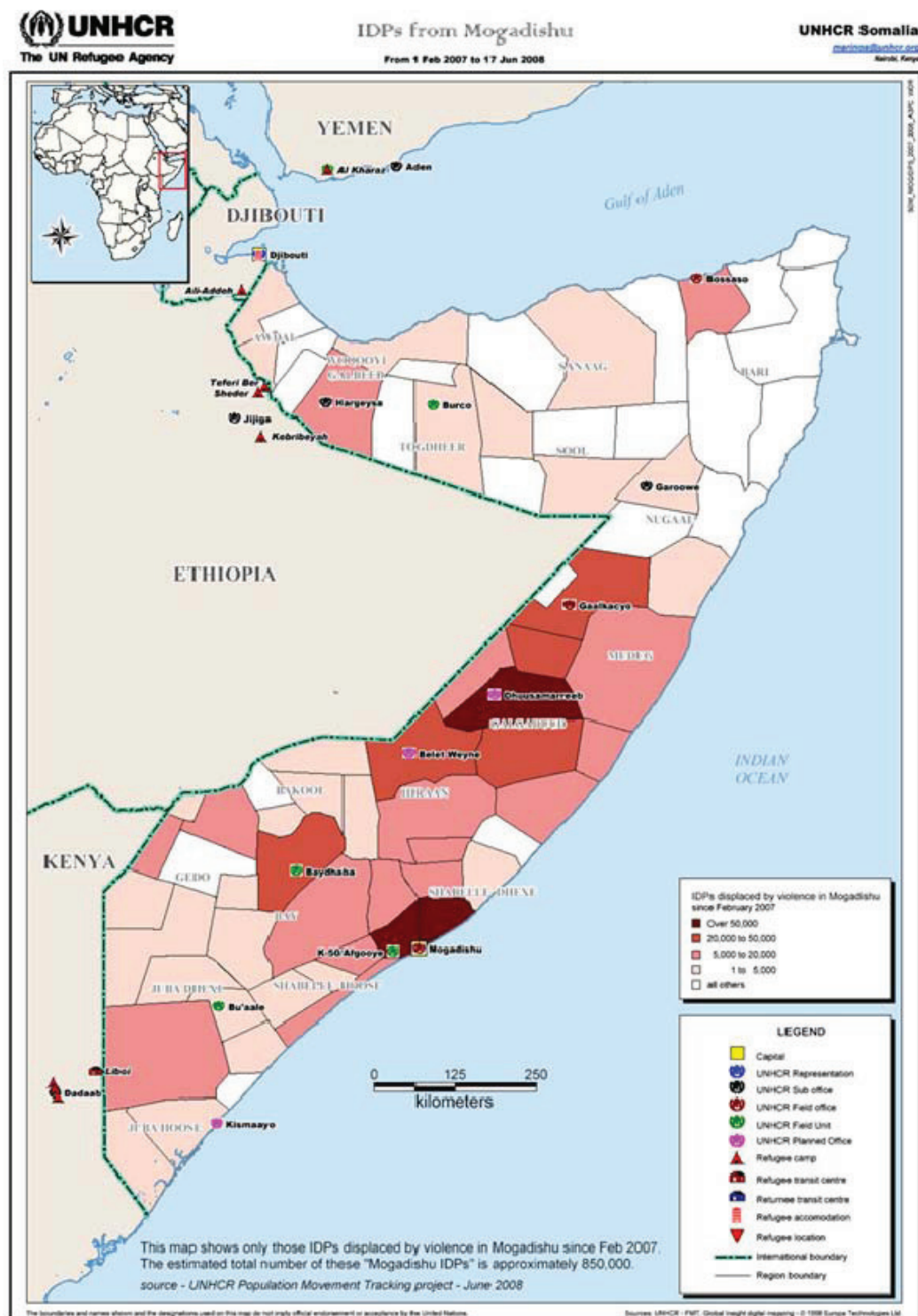


Fig. 4



Maps:

Map 1



UNHCR – UN High Commissioner for Refugees: IDPs from Mogadishu (From 1 Feb 2007 to 17 Jun 2008), June 2008 (published on Refworld)

<http://www.unhcr.org/refworld/docid/487626e20.html>

Map 2

