Evaluation of ROLS III Programme

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Summary

The UNDP Country Office in Somalia procured an independent evaluation team to undertake a broad evaluation of the third phase of the Rule of Law and Security (ROLS) Programme (2009 – 2011) and to make recommendations for the further development of the programme.

<u>Context</u>

The ROLS Programme in Somalia is operating in a complex political and security environment. Somalia is beset by poverty, famine and violent conflict, and in the past 20 years has been governed by a variety of political, security and administrative entities.

At present, for programming purposes, Somalia comprises three administrative areas: South-Central (SC) Somalia, the semi-autonomous Somali State of Puntland (PL), and Somaliland (SL), which in 1991 unilaterally declared itself an independent republic. These three regions are linked ethnically and economically, but they have evolved differently and have different levels of development, governance and stability. Each therefore presents different challenges and opportunities for engagement and support by the UNDP ROLS Programme. In many ways, the ROLS programme has to operate three programmes in one.

Somaliland, in the north-west, is the most stable and peaceful of Somalia's regions, enabling UNDP to focus on more traditional development programming. Elections in 2010 were deemed free and fair by the international community and the President ceded power peacefully to the victorious opposition. PL, in the north-east, is a semi-autonomous region which supports a federated Somalia. The government administration, established in 1998, is gradually asserting its control over clan-based factions and criminal networks, although the political and security situation remains fragile and piracy is a major destabilising factor. South-Central Somalia, including the capital Mogadishu, was in a state of open conflict for much of the Programme period between the Transitional Federal Government (TFG) (recognised by the international community as the legitimate government of Somalia) and various Islamic militia groups, most recently in the form of Al Shabaab. In recent months TFG troops, supported by the African Union peace support mission AMISOM, have gained ground in Mogadishu and Al Shabaab announced that it was withdrawing troops from the capital in August. Popular discontent with lack of services in response to the worsening drought conditions has undermined Al Shabaab's ability to exert control. However, the bombings in Mogadishu in early October 2011 highlight Al Shabaab's continuing intent and capacity to undermine the TFG's efforts to stabilise Mogadishu.

In all three regions, the security and justice sectors are characterised by weak formal institutions operating in a context of legal pluralism (formal, customary [Xeer] and Sharia law). Access to the formal justice system (police and judiciary) remains largely limited to the main urban centres, and most of the population rely on customary law and their elders to provide justice. The delivery of security and justice provision is largely linked to the levels of insecurity and political stability. In SL, the relative stability is providing a platform for the development of the formal justice sector, although the police and judiciary are under-resourced and under-qualified. In PL, the security and justice sectors are characterised by fragile formal institutions and a limited number of legal professionals – few of whom have any formal legal qualifications. Indeed, until three years ago, there were no law faculties in the region. Moreover, piracy has put this weak system under extreme

pressure. In SC and Mogadishu, progress towards strengthening of the security and justice institutions has been severely curtailed by the on-going conflict, and has been largely focused on efforts - supported by the international community - to develop a TFG Police Force that can bring about a degree of stability in those areas of Mogadishu controlled by the government.

The complex political and security situation in Somalia has presented UNDP with significant strategic and operational challenges during the ROLS III Programme period. The on-going conflict in SC Somalia, the international community's decision to support the TFG, and the categorisation of Al Shabaab as a terrorist organisation have made it extremely difficult for UNDP and other agencies to operate and access communities in this part of the country (approximately one-third of Somalia). Indeed, in a context in which the UN has effectively taken sides in the conflict, UNDP find itself in the very difficult position of trying to maintain a degree of neutrality in its development programmes. At the same time, by addressing issues of justice, security and citizen-state relations, ROLS is dealing with issues that go to the heart of the Somali conflict.   In addition, the bombings of UN offices in both SL and PL in October 2008, and the subsequent withdrawal of nearly all international UNDP staff, severely disrupted UNDP's capacity to implement an ambitious ROLS Programme across Somalia. International staff have now returned to PL and SL but access to Mogadishu is limited, and even when possible is restricted to the 'green zone' around the airport.

The geo-political imperatives of the international community are building the capacity of the TFG to defeat Al Shabaab, preventing piracy off the Somali coast and responding to the current humanitarian crisis in SC. This presents a difficult context for development programming.

Impact of the ROLS III Programme

Overall, the ROLS III Programme has made a positive impact on security and justice provision in Somalia. The Programme, and its three component projects, are extremely relevant to the Somali context, with the programme adapting project strategies and approaches to the three different regional settings. Significantly, the majority of outputs have been, or are on track to be, met. Furthermore, the Programme has demonstrated an ability to adapt well to the changing political and security environment (in three different contexts) and to adjust project activities accordingly.

At the overall outcome (impact) level, there are some important achievements in "improving security and protection under the rule of law"[1] for Somali citizens. There are significant improvements in the delivery of justice in some areas, for example in Hargeisa there has been a doubling of cases through the Hargeisa District Court and a four-fold increase in legal aid cases. Police support has emphasised strengthening the police as an institution – building police stations, training and equipping officers, and establishing communications infrastructure. Impact at the community level in improving the delivery of policing services to citizens has not yet been achieved. Armed violence reduction and community security efforts were initiated more recently and have significant potential but are not yet at a stage where impact is being felt on the ground.

The lack of a cohesive focus and integrated approach across the three projects, especially at the community level, makes it difficult to evidence the "improved security and protection under the rule of law" that is the intended outcome of the programme. Considering that the ROLS programme has

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[1] The stated overall goal or intended outcome of the ROLS III Programme is "improved security and protection under the rule of law for all Somalis."

been in existence for eight years, the evaluation team believes that more progress could have been made to achieving and evidencing this outcome.

In essence, the Programme could have achieved more, and is failing to add up to more than the sum of its parts. The reasons for this include:

- The (necessary) withdrawal of almost all international UNDP staff from Somalia in 2008 and the remote programme and project management (from Nairobi) for much of the programme period, has made it difficult to implement and effectively monitor the ROLS programme as originally envisaged in the Project Document.
- The Programme has been unable to systematically apply the strategy (outlined in the programme document) of working in a coordinated and integrated manner across the criminal justice chain.
- Within each region, the Projects are working in different places, and are failing to pursue an integrated area-based approach. In doing so, the potential benefit of working across the criminal justice chain in priority geographic locations, and for synergies to be made across the different projects and programmes (including the Governance (GOV) and Recovering Sustainable Livelihoods (RSL) Programmes), are being missed.
- The Projects are stove-piped, with planning and implementation taking place in separate pillars. This failing is exacerbated by UNDP's implementing modality that focuses on Projects for financial and accountability purposes. This structural problem can undermine the ability of the Programme Manager to develop a more co-ordinated and coherent approach.
- Funding gaps, delays in receipt of funds and the shift by donors to yearly, more ear-marked, funding has disrupted programme and project implementation.
- The Programme has too strong a focus on the formal system of justice when most Somalis rely on Sharia or customary law to provide justice, and even the functioning of the formal system relies on elders working with the police and courts.
- The geographic reach of the programme is still relatively limited. It would be reasonable to expect the Programme to have reached more rural areas and to have a much greater concentration of activities at the community level.
- Parts of the Programme (e.g. police stipends and the Special Protection Units) are motivated by the need to ensure security/stabilisation and are being driven by the international donor community. While important, these efforts are reducing the available resources (human and financial) for more developmental policing efforts.
- The Programme's knowledge management and assessment capacities are weak.

In addition to the ROLS Programme level impact, significant achievements have been made by the three projects – access to justice, armed violence reduction and civilian police.

Access to justice project

The access to justice project has shown impressive results across a range of partners and institutions while operating in a complex, difficult, and ever-changing environment. The project has been managed well and engaged in deliberate and reflective programming. Project activities have been carefully monitored for impact and reviewed through the use of objective, outside advisors. Project strategy was crafted to meet the unique operating and socio-political circumstances of each region,

engaging with institutions where there was political will and civil society where there was capacity. There are a number of project strengths relative to each intervention and regional strategy. Overall project achievements include the following:

- A diverse array of project partners has been developed - ranging from civil society organizations to universities to justice sector institutions. In each case support has been linked to results and performance.
- The project has developed a strong group of legal aid service providers that provide access to the formal legal system, a service previously unavailable for the poor and vulnerable, particularly those being detained in prisons and police stations.
- Institutional infrastructure and process improvements – such as the introduction of professional case management techniques and mobile courts – has improved the efficiency, reach and professionalism of the formal justice sector in SL.
- The legal profession in Somalia has been bolstered significantly by UNDP's support to university law faculties in the form of scholarships, professional placements, facilities improvements, and legal clinic development.
- The project has employed a constructive mix of international expertise and local knowledge, ownership and empowerment and has learned from past failures and success and designed subsequent activities appropriately.

Overall the project is strong, however there are a few weaknesses that need fine-tuning and better conceptualisation:

- The translation of outputs to outcomes can be improved. The range of results and quantitative indicators, such as number of legal aid cases, does not clearly add up to the greater objective to improve access to justice.
- There could be a stronger consideration of customary, sharia and other informal justice systems, on account of the limited reach of the formal sector and that most Somalis use and trust elders and religious leaders for dispute resolution processes, especially in rural areas.
- The project did not engage sufficiently at the community level. Development of a community strategy through civil society and community paralegal networks can further improve performance, empower local populations and foster sustainable impact.
- The project should also be careful to consolidate gains in institutional capacity by expanding reach outside of the capital cities, while establishing and working through sustainable institutional processes.

Armed violence reduction project

The AVR project is much newer than the police and justice projects, having emerged out of the DDR, small arms control and mine action component of the ROLS programme. As it has only been going for two years, a lot of attention has gone into developing methodology, establishing structures and research. This has been worthwhile but it means that the project's impact is not yet being felt by citizens. However, there are a number of achievements which mean that the project has significant potential:

- Baseline assessments have been completed in Burao, Bosasso, Galkayo, Los Anod and Mogadishu and contain valuable information.

- District Safety Committees and District Safety Plans have been developed in Burao, Bosasso, Galkayo and Los Anod.
- The District Safety Committees engage community representatives in discussions with the state on safety issues, and are playing a role in conflict resolution.
- The Somalia Community Safety Framework has been developed as a common strategy, coordinating mechanism, and monitoring and evaluation framework for stakeholders.
- The governments of PL and SL have established peace-building units and are committed to developing peace-building strategies.
- The youth-at-risk project is well-designed with significant potential (and risks).

A number of initiatives that have been developed by the Armed Violence Reduction (AVR) project have the potential to be of benefit to the whole ROLS-GOV programme. It is vital therefore that the project is better coordinated with other UNDP projects – this has been a weakness so far. Other weaknesses include:

- The baseline assessments took too long and did not help shape the District Safety Plans[2].
- No funds were budgeted for the implementation of District Safety Plans which has led to frustration amongst local partners.
- The district level work has not been sufficiently coordinated with the Joint Programme on Local Governance.
- The Observatory on Crime and Violence Prevention is weak and lacks research capacity.
- The large number of partners has made the project difficult to administer and there has been an insufficient focus on developing sustainable partnerships with a smaller number of INGOs.

The AVR project provides an opportunity to strengthen UNDP's peace-building work. There is an opportunity now to scale up and move into other districts, but this will require considering what the most appropriate role is for UNDP, and developing strategic partnerships with INGOs to deliver aspects of the project. It will also require the integration of more detailed conflict analysis in the baseline assessments and a careful consideration of conflict risks in project choices.

Civilian police project

Designed to improve access to inclusive, equitable and accountable forms of security and protection for all Somalis, the Civilian Police project (CPP) has some significant achievements to its credit:

- The institutional and technical capacity of Somalia's three police forces has been strengthened.
- Approximately 14,000-officers have been trained in rights-based policing (5,000 in SL, 1,500 in PL and 5,500 in SC).
- The project has promoted human rights training and introduced a sharper focus on gender equality in Somali police forces.
- The need for uniforms and ranks to symbolise the civilian and disciplined nature of policing is now recognised by the police.

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[2] This was due in part to delays in receipt of donor funding and UNDP's procurement procedures.

- Partnerships with government counterparts and a broad range of civil society organizations have been strengthened.
- The need for the police to have better relations with local communities is now widely accepted.

In essence, the foundations for civilian police services have now been laid. Even so, weaknesses have unbalanced the project:

- Institutional strengthening and training in human rights have been handled well, but the project has yet to be implemented at the community level, and this affects the police's ability to work in partnership with local authorities and civil society, and to respond to public expectations.
- Civilian oversight procedures have yet to be developed and applied systematically in all three police forces.
- Stipend payments to the SPF in Mogadishu have unbalanced and skewed the project.
- Synergies with the Access to Justice and AVR projects remain under-developed while staffing challenges and inter-agency politics have proved problematic.
- The police's reliance on donor funding has introduced an element of unpredictability at a time when predictability and consistency are needed.

<u>Future directions</u>

The Evaluation Team recommends that a ROLS IV Programme be designed over the coming months, drawing upon the lessons learned and recommendations outlined in this report. The new Programme should purposefully address the following issues:

- Develop a clear 'theory of change' which outlines UNDP Somalia's conceptual approach to enhancing security and justice provision for Somali citizens, building on elements outlined in the UNDP Somalia Country Programme Document.
- Ensure the programme is informed by an analysis of the political economy, conflict and drivers of change, as well as baseline assessments.
- Continue to pursue a regionally-differentiated approach. Develop three regional ROL and Governance programme strategies that clearly articulate how the ROLS and Governance Programme and Projects will address the three differing contexts, and how synergies between ROL, Governance and RSL will be maximised in each region.
- Continue to focus on three thematic pillars (civilian police, access to justice and peace-building), but strengthen the focus on peace-building (both as a distinct pillar and as a cross-cutting issue).
- Focus on three key outputs, namely: building responsive and accountable security and justice institutions; enhancing provision of security and justice services and peace-building at the District and Community levels; and fostering a demand for change amongst Somali citizens, particularly women.
- In each region, pursue an area-based approach, focusing on those Districts that are the focus of the Joint Project on Local Governance (JPLG).

- Increase the number of professional staff in each sub-office (including Mogadishu once established) and restructure management and staffing arrangements to facilitate the delivery of regionally-differentiated programme.

1. Introduction

The UNDP Country Office in Somalia procured an independent evaluation team to undertake a broad evaluation of the third phase of the Rule of Law and Security (ROLS) Programme and its associated projects. The terms of reference for the evaluation summarise its purpose as:

"….providing an independent expert assessment of the implementation of the ROLS III Programme and will provide UNDP, its partners in Somalia, the UN and donors with a valuable assessment and recommendations for the further development of rule of law and security (Access to Justice, Police, AVR), programming in the changing context of the country, its regions and of international political engagement. More specifically, the evaluation will:

i. Determine the extent to which the programme has been able to deliver against the main documented indicators contained in the ROLS III Programme Document and against the evolving situation and needs of each of the three Somali regions.
ii. Conduct an assessment of each of the ROLS projects to determine how far they have, individually and collective, contributed to the outcomes and indicators to date and the obstacles encountered.
iii. Assess in depth how the projects have worked in a mutually complementary manner within a Rule of Law framework and with other Programmes in the UNDP Country Office as well as with other UN agencies.
iv. Identify lessons and good practice, including programme and project management, risk management, approaches and processes for designing, preparing and implementing activities in the context of statelessness, weak government and on-going violent conflict.
v. Assess the extent to which the projects have systematically assessed and develop the capacity of their partners.
vi. Assess the value of relationships with governmental and non-governmental counterparts at federal, regional and local levels.
vii. Assess the identified and unforeseen risks faced by the programme, the UN and the IC against the capacity of ROLS to adapt and manage those risks politically, programmatically, effectively and responsibly.
viii. The review should be forward looking and make recommendations for future approaches to supporting rule of law and security programming in the Somali context so as to best contribute to the outcomes in a context-specific manner as laid out in UNDP's new Country Programme Document for 2011 - 2015."

The evaluation team comprised of a Team Leader (Paul Eavis), a civilian police expert (Prof Alice Hills), a justice expert (Tiernan Mennen) and an armed violence reduction expert (Andy McLean).

2. Background

2.1. Situational analysis

The ROLS Programme in Somalia is operating in a complex political and security environment. Somalia is beset by poverty, famine and violent conflict, and the country has been without a central government since 1991. One third of the estimated nine million people who inhabit Somalia live in

extreme poverty and the average life expectancy is only 47 years. One fifth of the population are internally displaced and 2.4 million people are in need of emergency support. Women and children suffer the effects of poverty and conflict disproportionately – a Somali woman has a 1 in 10 risk of dying during her reproductive years, and 1 in 10 children die before their fifth birthday. To make matters worse, consecutive droughts have severely affected parts of the country in the last few years while the on-going conflict in South-Central (SC) Somalia has made it extremely difficult for agencies to operate and access communities in this part of the country.

Across Somalia a variety of political, security and administrative entities seek to govern the territory. At present, Somalia comprises three administrative areas: SC Somalia, the semi-autonomous Somali State of Puntland (PL), and Somaliland (SL), which in 1991 unilaterally declared itself an independent republic. While interlinked ethnically and economically, each of these three regions have evolved differently and face different levels of stability, development and governance. Large areas of all three regions are ungoverned by formal structures, however, and changes in allegiances and fortunes continue to shift the borders of each entity.

Somaliland, in the north-west, is the most stable and peaceful of Somalia's regions, enabling UNDP to focus on more traditional development programming. In June 2010, SL held a presidential election which was hailed by observers as peaceful and a legitimate expression of the will of the people. The subsequent transfer of power between the former opposition leader and former President occurred peacefully. International engagement with the new administration has increased over the past year, and since 2009 UNDP has significantly increased its presence in SL, with 58 staff (including 8 internationals) now based in the region.

Puntland (PL), in the north-east, is a semi-autonomous region which supports a federated Somalia. The government administration, established in 1998, is gradually asserting its control over clan-based factions and criminal networks. President Farole was elected President of PL by the Parliament in January 2009. During 2010 and 2011, the political and security situation has remained fragile, with insecurity and clan disputes in Bari and Mudug regions. In Galkayo, clan disputes have also developed into larger political conflicts with the neighbouring Galmudug administration in SC. Piracy is a major destabilising factor in PL. During 2010, there were 219 piracy attacks, with pirates taking hostage a total of 1,181 people. It is estimated that some $238mn was paid in ransoms – an average of $5.4mn per ship. International engagement with the PL administration has been uneven, with some governments refusing to work with a President who many view as corrupt with close contacts with pirates.[3] Between 2009 and 2011 UNDP increased its presence in PL to 47 staff (including 4 internationals).

Both SL and PL have developed extensive governance structures, including a parliament, a judicial system, and executive offices with line ministries. However, bombings of UN offices in both SL and PL in October 2008 underscored the fragility of these nascent government structures and capacities. In addition, both regions claim territorial rights over two provinces (Sool and Sanaag) on their joint border. This area remains volatile and is considered out-of-bounds for the UN.

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[3] See UN Monitoring Group Reports on Somalia. S/2008/769 (10 Dec 2008), S/2010/91 (10 March 2010) and S/2011/433 (18 July 2011).

South-Central (SC) Somalia, including the capital Mogadishu, was in a state of open conflict for much of the Programme period between the Transitional Federal Government (TFG) forces (backed by AMISOM) and various Islamic militia groups. The two largest militias (Harakat al-Shabaab al-Mujahidin and Hisbul Islaam) joined forces in December 2010 under the name Al-Shabab. In recent months, TFG allies have gained ground and popular discontent with lack of services in response to the worsening drought conditions has undermined Al Shabaab's ability to exert control. However, the bombings in Mogadishu in early October 2100 highlight Al Shabaab's continuing intent and capacity to undermine the TFG's efforts to stabilise Mogadishu.

The international community recognizes TFG as the legitimate government of Somalia. With the support of AMISOM deployments, which are scheduled to reach 12,000 troops by the end of 2011, the TFG has extended its presence and control to 14 out of 16 districts in Mogadishu. The TFG has also made some progress in drafting a constitution and has taken the first steps in an UN-sponsored Road Map that aims to end the national government's transitory status in one year. The TFG and the United Nations Political Office for Somalia (UNPOS) convened a high level meeting in August 2011 to get support for the Road Map from PL, and the self-declared autonomous regions of Galmudug and Ahlu Sunna Wal Jama'a. The government of SL did not participate.

The complex political and security situation in Somalia has presented UNDP with significant strategic and operational challenges during the ROLS III Programme period. The on-going conflict in SC Somalia, the international community's decision to support the TFG, and the categorisation of Al Shabaab as a terrorist organisation have made it extremely difficult for UNDP and other agencies to operate in this part of the country (approximately one-third of Somalia). Indeed, in a context in which the UN has effectively taken sides in the conflict, UNDP finds itself in the very difficult position of trying to maintain a degree of neutrality in its development programmes. At the same time, by addressing issues of justice, security and citizen-state relations, ROLS is dealing with issues that go to the heart of the Somali conflict. In addition, the bombings of UN offices in both SL and PL in October 2008, and the subsequent withdrawal of nearly all international UNDP staff, severely disrupted UNDP's capacity to implement an ambitious ROLS Programme across Somalia. International staff have now returned to PL and SL but access to Mogadishu is limited, and even when possible is restricted to the 'green zone' around the airport. At the time of this evaluation, UNDP had started regular visits to Mogadishu, with the intention of establishing a small team there over the coming months.

The geo-political imperatives of the international community are building the capacity of the TFG to defeat Al Shabaab, preventing piracy off the Somali coast and responding to the current humanitarian crisis in SC. This presents a difficult context for development programming.

2.2. Nature of security and justice in Somaliland, Puntland and South-Central

The security and justice sectors across Somalia are characterized by weak formal institutions operating in a context of legal pluralism (formal, customary [Xeer] and Sharia law). The delivery of security and justice provision is varied across Somali's three regions – largely linked to levels of insecurity and political stability. Access to the formal justice system (police and judiciary) remains

limited to the main urban centres, and most of the population rely on customary law and their elders to provide justice.[4]

Over the years, most progress on peace and security has been made through Somali-led political processes. At the regional level, for example, SL's stability and democratic development was achieved through such processes. These have tapped into deeply embedded social processes at the community level, based on consensus decision-making, reconciliation and the restoration of justice and security. They have also tended to be 'bottom-up', with local peace agreements leading to wider political agreements, and from there, potentially into stable political entities, as in the case of SL. Despite their political marginalization, Somali women have played an important role in local peace processes.

In SL, the relative stability is providing a platform for the development of the formal justice sector. For example, court statistics demonstrate a doubling of cases through the Hargeisa District Court in just two years;[5] and Legal Aid has increased from 1,633 cases in 2009 to 6,290 cases in 2010. Despite this, the Judiciary is still under-resourced and under-qualified. Out of a total of 136 Judges, only 29 have received any legal training. As in PL, there are no female Judges, although encouragingly, there are 25 women lawyers currently employed in the public and private sector. The SL Police Force has, since its establishment in 1991, struggled to shed its identity as a remnant of a former colonial police. Indeed, although widely considered as having taken important steps towards civilian policing over the past decade, many citizens still dis-trust the police.[6] Furthermore, the SL Police Forcelacks effective management and its officers are poorly equipped and trained.

In PL, the justice sector is characterised by fragile formal institutions and a limited number of legal professionals – few of whom have any formal legal qualifications. Indeed, until three years ago, there were no law faculties in the region. There are no women working in the Judiciary or prosecution service. Outside of the four main towns there is limited access to the formal justice system. Piracy has put this weak system under extreme pressure, particularly as international efforts to stem the piracy problem have increasingly been returning suspected pirates to PL for trial, prosecution and detention. In Bosasso Prison, for example, over 70% of the prison population consists of suspected pirates.[7] As with the Judiciary, the PL Police Force is also a weak institution, with limited presence outside of the three main urban centres in PL, and almost no presence off the main tarmac road which links Bosasso, Garowe and Galkayo. The Police are also severely under-resourced with low levels of literacy amongst the officers, limited command and control over the forces and accompanied by low levels of trust and confidence in the police by the public.

In SC and Mogadishu, progress towards strengthening of the security and justice institutions has been severely curtailed by the on-going conflict. Nonetheless, the Supreme Court, Appeal Court and Benadir Regional Court have all been re-established, as well as 10 District Courts that all hear cases in TFG-controlled areas. A UNDP assessment conducted in January 2011 found that there are currently 43 Judges, 20 of whom are legally qualified, 11 Prosecutors and 38 lawyers. The majority

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[4] For example, in the Burao baseline assessment, 50% of people surveyed had 'very high' or 'relatively high' trust in religious leaders and 71% had 'very high' or 'relatively high' trust in clan elders. By comparison only 18% had 'very high' or 'relatively high' trust in the statutory courts.
[5] See Somaliland Ministry of Justice Reports 2010.
[6] For example, in the Burao baseline assessment, roughly half of respondents declared 'relatively high' to 'very high' trust in the police. In the Las Anod assessment, roughly one third of respondents declared 'very high' or 'relatively high' trust in the police.
7 See Puntland Custodial Corps April 2011.

of these Judges and Prosecutors previously served before the collapse of Somalia 20 years ago. In 2010, the Chief Justice re-established the High Judicial Council, comprising Supreme Court members. By contrast, the SC Police Force is now relatively well staffed, with some 5,500 officers having received training (3 months) and an (irregular) monthly stipend of $100, principally through the UNDP ROLS Programme and funded by the international community. The majority of these officers are based in Mogadishu. However, they remain severely under-equipped and under-resourced.

As outlined above, most of the population rely on customary and sharia law to provide justice. Customary law has some clear advantages for the population given it is easily accessible, resolutions are usually quick, it is understood by most persons and decisions are enforced as the Elders have a great deal of influence. However, studies carried out by the Danish Refugee Council and others have highlighted the fact that resolutions often prejudice women, IDPs and other minority clans. Decisions particularly those involving sexual offences are often contrary to human rights norms. With this in mind, in PL and SL, through a consensual process, a National Elders Declaration was agreed (in December 2006 in SL and February 2009 in PL). This includes commitments to refer certain cases, including sexual offences and homicides, to the formal courts, and to work towards eliminating certain practices contravening human rights. An evaluation conducted by IDLO in 2010 pointed to the lack of accountability mechanisms for elders, and that whilst the declarations included women's rights, in reality elders were not willing to protect these rights against the will of the community. Furthermore, the implementation of women's rights and security in SL are often caught up in the tension between securing individual rights and community and family reconciliation. The desire for community reconciliation, restorative justice and peace-building following conflict or sexual violence is usually stronger than for formal punishment of the individual perpetrator.[8]

2.3. <u>UNDP in Somalia</u>

In January 2011, UNDP Somalia initiated the implementation of a five-year Country Programme Document (2011-2015). The new Country Programme Document (CPD) contains significant commitment to support better conflict management and peace-building (Outcome 1), people-centred governance, access to justice and rule of law (Outcome 2) and the protection and empowerment of women (Outcome 4). The five-year Country Programme Document commits UNDP to making programmes more contextually sensitive, considerably more integrated and reinforces peace-building and gender-equality within all development programming.

The CPD builds on the United Nations Somali Assistance Strategy (UNSAS), which provides a five-year framework for the UN's development work as well as the humanitarian, transitional and recovery assistance. The vision for 2015 is that "*Somali people make progress towards peace and the Millennium Development Goals through equitable economic development and are supported to achieve their human rights by inclusive, accountable and self-sufficient government".* The vision is achieved through the focus on three outcomes: social services, poverty reduction and livelihoods, and good governance and human security. UNDP has responsibility for co-ordination among UN agencies on outcome three.

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[8] Chopra, T, Improving Women's Access to Justice and Security in Somaliland, Operational Paper, UNDP Somalia, 22nd August, 2011.

The CPD also responds to the Integrated Strategic Framework (ISF) for Somalia which runs April 2011 – May 2012. The ISF defines the UN's priority strategic objectives that focus on peace-building across the whole of Somalia, thereby aiming to achieve an integrated approach among the UN Country Team, UNPOS and the UN Support Office for AMISOM (UNSOA). Among four strategic objectives, UNDP and UNPOS jointly lead on two. Firstly, as also specified in UNSAS outcome 3, the UN will help ensure that governance structures and processes function more effectively to incentivise peace with social justice. Secondly, the UN will seek to enable the improvement of community safety and security in areas of TFG control, SL, PL and emerging administrations.

UNDP works with a variety of UN agencies and the UN Political Office in Somalia (UNPOS) to deliver its ROLS programme (see below). Undoubtedly, the most complicated of these relationships is with UNPOS, which was established in April 1995 and mandated by Security Council Resolutions to facilitate national reconciliation and support the establishment of lasting peace and stability in Somalia. UNPOS is also mandated to support good governance and rule of law and the re-establishment of inclusive Somali security forces, and to support the TFG in combating illicit arms trafficking, disarmament, demobilization and reintegration (DDR), justice and corrections capacities. There are several overlaps with the work of UNDP, and both agencies acknowledge that years of poor co-operation must now give way to effective collaboration. UNPOS has stated that it has limited funding and implementation capacity and must therefore establish strong partnerships with other agencies, including UNDP.

2.4. Evolution of ROLS programme

UNDP's Rule of Law and Security (ROLS) Programme was established in 2002 to support the delivery of security and protection under the rule of law for all Somalis. The Programme, currently in its third iteration (2008-2011), is delivered against a strategy and activities contained in the ROLS III programme document covering 1 January 2009 to 31 December 2011 and which builds on ROLS phases I and II which ran from 2002 to 2008.

In its third phase ROLS implemented its strategy through the following projects:

- Civilian Police
- Access to justice
- Custodial Services
- Disarmament, Demobilisation and Reintegration (DDR), Armed Violence Reduction (AVR) and Small Arms Control (SAC)
- Mine Action

Gender and human rights were to be integrated into all the project plans, with specific indicators and close monitoring.

In the course of the programme's implementation, two of its projects, namely Mine Action and the Custodial Services, were handed over to the respective authorities in conjunction with the arrival of the relevant specialized UN Agencies - the UN Mine Action Services (UNMAS) and the UN Office on Drugs and Crime (UNODC). Furthermore, in 2008, DDR activities were phased out in the North, and so the DDR project developed into an Armed Violence Reduction/Community Security project.

The ROLS III projects are being implemented in all three regions in Somalia, with a differentiated approach responding to the particular political and conflict characteristics of each region. In SL and PL, ROLS has maintained a consistent presence with a combination of national and international staff implementing a wide range of project activities with governmental and non-governmental counterparts in a DEX modality. In SC Somalia, the prevailing security conditions over the past three years, alongside UNDP's support for the Transitional Federal Government (TFG), have meant that activities have largely been limited to 6 districts in Mogadishu.

In August 2011, the decision was taken by UNDP's senior management to merge the management structure of the ROLS and Governance. A Governance and ROLS Programme Manager is currently being recruited. It is envisaged that new Governance and ROLS programmes will be developed over the coming months for the period 2012-2015.

2.5. Findings of previous evaluations

There have been previous assessments of the ROLS programmes - or components of it - the most recent of which was conducted in June 2009, by the Adam Smith International, and which sought to evaluate "the strategic partnership between UNDP and donors in respect of governance and rule of law and security programmes in Somalia." The evaluation included an assessment "of both the performance of the UNDP Somalia programme in delivering key outcomes related to the Rule of Law (ROLS) and Governance programmes, and the performance of donors as outlined in the partnership documents and in line with standard Monitoring and Evaluation (M&E) requirements."[9]

In relation to the ROLS Programme, the evaluation highlighted:

- "*The inauspicious context for programme operations*: For the ROLS programme to stand any chance of delivery it needed some form of effective government in South/Central and to be able to operate in a relatively stable environment. It had neither. ROLS is designed for a post conflict environment and yet has been required to deliver during a time of continuing conflict, particularly in SC where there has been a marked decline in the influence of traditional leaders.

- *Absence of synergy*: ROLS is not a coherent programme with obvious synergy, but rather a grouping of discrete, but worthwhile activities.....There is some emerging evidence that individual project managers are beginning to share ideas, but at the programme level there is no such synergy. Some good work has clearly been done. But it is less certain that these results represent overall value for money and that the programme as a whole is coherent.

- *A silo approach*: During ROLS Phase I there was a lack of coordination between the programme components. This was still the case in Phase II. A lack of regular and effective monitoring and evaluation and results-based management, other than the promulgation of discrete annual reports, does not allow for consolidation of individual project gains and achievements, and programme synergies. The programme appears to be component-driven with too much of a silo approach.

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[9] Adam Smith Evaluation, 2009

- *Need for coherence in support to the police*: If one is to avoid damage limitation exercises and the inherent and wasteful dangers of turning on and off the financial tap, the payment of stipends to the police alone is not sufficient and is liable to be counterproductive unless it is supported by simultaneous and complementary activity. Such a coherent package should include support in the recruiting and training of police, the training of the senior command team and the development of civilian oversight and accountability mechanisms."

These findings helped to inform the development of the new CPD (2011-15), and hence UNDP's efforts to develop more outcome-orientated programming, as well as UNDP's attempts to break-down the programme silos by bringing together the different programmes and projects under a clear conceptual framework and by developing outcomes in the CPD that were relevant to more than one programme. The evaluation also catalysed the Country Office into strengthening its M&E systems (across all Programmes and Projects).

3. Evaluation methodology

3.1. Methodological approach

The evaluation team commenced its work on 24th August with a two day preparatory meeting in London attended by the ROLS Programme Specialist and two Somali academic specialists, Mark Bradbury (The Horn Institute) and Sally Healy (Chatham House). This meeting provided an important opportunity for the team to be briefed on: the Somali political and social context, the evolution of the ROLS Programme, the scope of the evaluation and key milestones for delivery. The evaluation team proposed a list of people they would like to meet during the field-work.

The team deployed to the field on 5th September and spent 16 days in SL, PL and Nairobi. Unfortunately, due to the priority being given by UN agencies to responding to the humanitarian disaster in Mogadishu, it was not possible for the team to travel to Mogadishu. Instead, the team met with representatives from the TFG government, the Somali Police Force and Mogadishu-based civil society in Nairobi (see Annex A).

The evaluation methodology included the following activities:

- A broad literature review covering the Somali context, programme documentation and analytical reports (see Annex B);
- Interviews with UNDP senior management, programme and project staff, Somali Counterparts (government, local authorities, police, elders, NGOs and Somalia experts) and donor partner representatives (see Annex A);
- Analysis of information and data provided by UNDP, Somali counterparts and donor partners.

The team sought to interview as broad a range of people as possible who could provide important insights into the programme. The modus operandi adopted by the team was to seek to triangulate information provided by interviewees, in order to determine actual programme achievements, weaknesses and lessons.

At the beginning of the evaluation in Nairobi, the team met with senior management to clarify the TOR and identify key areas of focus. The team interviewed a large number of UNDP staff working on the ROLS and GOV Programmes in Nairobi, SL and PL. The team also undertook a brief review of the Programmes finances and reporting mechanisms.

In conducting the evaluation the team sought to adhere to results-based management principles and the OECD-DAC evaluation quality standards[10]. With this in mind, the evaluation examined:

- Effectiveness – the extent to which the Programme achieves its planned results (outputs) and contributes to outcomes.
- Efficiency – the extent to which the inputs (financial, human and material resources) of the programme result in productive or cost-effective outputs.
- Relevance - the degree to which the objectives of the programme remain valid and pertinent as originally planned, or as subsequently modified owing to changing circumstances within the immediate context and external environment of the programme.
- Sustainability – the durability of the positive programme results after completion of the Programme
- Impact – the extent to which the programme has achieved sustained effects (outcomes) arising from people making use of outputs delivered by the programme.

Although there is limited quantitative data available to easily identify the 'impact' of the programme on justice and security provision in Somalia, there is significant qualitative information as to perceptions of 'impact'.

The evaluation team presented their initial findings to the UNDP senior management and key donor partners at the end of their field mission on 20th September. Feedback and questions provided at these sessions were incorporated into the development of the draft report which was submitted to UNDP Somalia on 30th September.

3.2. Constraints faced by the Evaluation

The evaluation faced a number of difficulties and constraints, namely:

- *Travel restrictions on Mogadishu*: The inability of the team to travel to Mogadishu significantly hindered the team's ability to assess the impact of the Programme in Mogadishu. UNDP sought to address this by organizing meetings in Nairobi with the DG of the Ministry of Interior, the Commissioner of Police, and representatives from Somali NGOs, as well a telephone conference with representatives from the Police Advisory Committee.

- *Weakness of outcome-level indicators and absence of baselines*: At the inception of the ROLS III programme, the Results and Resources Framework contained inadequate outcome- and output-level indicators, which has made it extremely difficult for the team to evaluate progress against a set of appropriate indicators. Furthermore, few baseline assessments were undertaken prior to the start of Phase III to inform the selection of appropriate baseline indicators.

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[10] http://www.oecd.org/dataoecd/30/62/36596604.pdf

- *Changing outcomes, outputs and indicators:* The evaluation was further complicated by the fact that the outcomes, outputs and key results were changed during the course of the programme, as a result of the development of a new CPD in 2010. This said, the development of the CPD has vastly improved the articulation of programme outcomes and project outputs and of the links between the two. It has also significantly improved the quality and relevance of indicators against which progress can be measured.

- *Insufficient financial information*: It proved difficult for the team to find a breakdown of funds spent in SL, PL and SC respectively for 2009 and the first half of 2011. Furthermore, the way the financial expenditure is recorded in UNDP makes it very difficult and time-consuming to work out what funds have been spent on specific areas of work (for example, on legal aid clinics, training of police and lawyers, baseline assessments, etc.) during the course of the Programme. Expenditure is recorded generically by the type of activity (e.g. workshops, hiring consultants, grants) with no record as to what the purpose of these activities was. This complicates the task of assessing the Programme's 'value for money'.

4. General findings

The ROLS III Programme has undoubtedly made a positive impact on security and justice provision in Somalia. The Programme, and its three component projects, are extremely relevant to the Somali context, with the Programme adapting project strategies and approaches to the three different regional settings. Significantly, the majority of project outputs have been, or are on track to be, met (see section 5). Furthermore, the Programme has demonstrated an ability to adapt well to the changing political and security environment (in three different contexts) and to adjust project activities accordingly.

At the overall outcome (impact) level, there are some important achievements in "improving security and protection under the rule of law"[11] for Somali citizens. There are significant improvements in the delivery of justice in some areas, for example in Hargeisa there has been a doubling of cases through the Hargeisa District Court and a four-fold increase in legal aid cases. However, the police project has tended to place more emphasis on strengthening the police as an institution – building police stations, training and equipping officers, establishing communications infrastructure – than on looking at how this increased capacity will lead to improving the delivery of policing to citizens. The armed violence reduction project has significant potential but is not yet at a stage where its impact is being felt on the ground. The lack of a common community focus for the three projects makes it difficult to evidence the "improved security and protection under the rule of law" that is the intended outcome of the programme. Considering that the ROLS programme has been in existence for eight years, more progress should have been made to achieving and evidencing this outcome.

One reason for this under-achievement is the challenging political and security context within which the Programme has operated over the past three years. During the Programme period, engagement in Mogadishu/South-Central has been seriously curtailed by the on-going conflict there and the

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[11] The stated overall goal or intended outcome of the ROLS III Programme is "improved security and protection under the rule of law for all Somalis."

primary focus on short-term stabilisation, whilst work in PL has been constrained by the low levels of political will displayed by the President, and the corruptive powers of piracy. Work in all three regions has also been seriously affected by UNDP having to pull-back all international staff from the three regions to Nairobi in late-2008, resulting in 'remote control' supervision of partners and national staff during much of 2009, and posing significant challenges for accountability and monitoring and evaluation processes.

Even with this challenging environment, however, the Programme could have achieved more, and is failing to add up to more than the sum of its parts. The reasons for this include:

- *The Programme is failing to systematically apply the strategy (outlined in the programme document) of working in a coordinated and integrated manner across the criminal justice chain:* Although senior programme staff articulated the importance of working across the whole criminal justice chain to deliver development results, and of ensuring that the development of justice and security institutions produce improved justice and security service provision at community-level, there was little evidence of approach being applied systematically by the ROLS team (Nairobi and Sub-Offices).

- *Within each region, the Projects are working in different places, and are failing to pursue an integrated area-based approach*: In doing so, the potential benefit of working across the criminal justice chain in priority geographic locations, and for synergies to be made across the different projects and programmes (including the Governance (GOV) and Recovering Sustainable Livelihoods (RSL) Programmes), are being missed. Both the 2010 Assessment of Development Results[12] and the CPD review exercise highlight the importance of an integrated area-based approach, but the Programme to date has failed to act on these findings.

- *The Projects are stove-piped, with planning and implementation taking place in separate pillars*: Despite this being identified as a weakness in the Adam Smith International evaluation of 2009, and the ROLS programme document emphasising "joint initiatives and planning"[13], the Programme has been unable to break-out of the project silos. This is a failing of the Programme's senior management and the Head of Sub-Offices, but is exacerbated by UNDP's implementing modality that focuses on Projects for financial and accountability purposes. This structural problem can undermine the ability of the Programme Manager to develop a more co-ordinated and coherent approach.

- *The Programme has too strong a focus on the formal system of justice*: Most Somalis rely on Sharia or customary law to provide justice, and even the functioning of the formal system relies on elders working with the police and courts. The Programme has taken some important steps to work with all three legal systems to improve access to justice (see section 5.1.1 below), yet more needs to be done.

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[12] 'Assessment of Development Results', Evaluation Unit, UNDP, July 2010

[13] ROLS III Programme Document, section 3.2 "Synergy between civilian police, access to justice, custodial services and DDR/armed violence reduction projects".

- *The geographic reach of programme is still relatively limited*: The Programme's reach is limited to the main urban centres in SL, the urban centres along the tarmac road in PL, and 6 Districts of Mogadishu. After eight years of work on the rule of law and security in Somalia, it would be reasonable to expect the Programme to have reached more rural areas and to have a much greater concentration of activities at the community level. Indeed, the ROLS III Programme Document states that "community involvement will be a common denominator"[14] of the programme.

- *Parts of the Programme (e.g. police stipends and the Special Protection Units) are motivated by the need to ensure security/stabilisation and are being driven by the international donor community*: While important, these efforts are reducing the available resources (human and financial) for more developmental policing efforts.

- *Funding constraints:* Funding gaps, delays in receipt of funds and the shift by donors to yearly, more ear-marked, funding has disrupted programme and project implementation. Indeed, a funding crisis in late 2010 and early 2011, alongside a reduction in levels of predictable funding, made it difficult to deliver all envisaged project activities, and has arguably frustrated Programme efforts to build sustainable partnerships with government counter-parts and partner civil society organisations.

- *The Programme's knowledge management and assessment capacities are weak*: In the absence of a dedicated knowledge management capacity, the Programme has struggled to produce knowledge management products such as lessons learned reports. While baseline assessments have been carried out by the AVR project, to date, these have not informed ROLS and Governance programme design and have only marginally helped to target specific interventions (although they have the potential to inform the 2012 workplan).

5. Project findings

5.1. Access to Justice Project findings

Overview

The UNDP Somalia Access to Justice project has demonstrated significant impact at the output level while working with a range of community and institutional partners. The current project has operated since 2009 according to the UNDP 2009-2011 Programme Document Outcome of: *Improved security and protection under the law for all Somalis*. The Access to Justice project had the stated outcome that *more people, especially women and the vulnerable, have access to justice and understand the law and their rights*. The project had five strategies:

- Development of national justice strategy and action plan
- Institutional capacity development for key justice institutions
- Initiation of legal reform and harmonization of xeer, sharia, and statutory laws and institutions, in accordance with international human rights norms and standards

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[14] Ibid.

- Increased number of legal professionals
- Access to justice [*legal services*]

UNDP revised its Country Programme Document and framework in 2011 with the Access to Justice project reporting according to two primary outcomes:

- Somali women and men and authorities are better able to build peace and manage conflict.
- Somali women and men, girls and boys benefit from more inclusive, equitable and accountable governance, improved services, human security, access to justice and human rights.

The project has employed a broad array of approaches, effectively targeting various justice sector actors from government institutions to faculties of law to civil society organizations. The project has been strategic in its approach by identifying targeted interventions, such as case management systems, that address bottlenecks and areas of greatest need in the justice chain.

The project has been managed well and incorporated a healthy balance of international expertise and best practices with local knowledge and context-specific solutions. Retention of key staff has allowed for relative stability and consistency in approach through the past three years, contributing substantially to project achievements. The project has learned from past failures and success and designed activities appropriately, including regularly employing outside consultants to evaluate impact and advise on future programming. The result has been flexible, responsive programming with activities designed according to needs, local context, and evolving political opportunities.

The particular legal pluralist context of Somalia has shaped justice sector programming to some degree. The three systems of statutory law, Xeer and sharia operate largely in parallel and often in conflict. There is no clear jurisdiction between the three and no explicit system for resolving conflicts of law. The project is cognizant of this context and has designed activities to address conflicts between the systems, but much more can be done.

The project did well to craft three separate access to justice strategies for each region – SL, PL and Mogadishu/SCl – based on the respective capacity and political will of partners and operating context. The project has a humanitarian/emergency profile in Mogadishu that focuses more on service delivery, but adopts a more development and long-term sustainability approach in SL.

Up until 2009, UNDP was supporting the construction, rehabilitation and capacity building of prisons and prison staff. These activities were transferred to and, for the most part, completed by UNODC. At the Hargeisa prison, for example, UNODC completed the remaining 25% of the work. Currently there is a gap in general assistance to prisons in Somalia. UNDP is no longer supporting prisons (except finishing construction in Gardo) and UNODC only supports prisons that hold pirates.

5.1.1. Somaliland

The UNDP Access to Justice Project is most developed in SL. The project has taken advantage of greater civil society and institutional capacity to achieve significant reforms and outputs. Activities have ranged from infrastructure improvements to the provision of legal aid and cover a wide range of partners. The project approach is largely organised according to institutions and partners. The main areas are as follows:

<u>Support to the Judiciary</u>

UNDP has engaged in a deliberate analysis of the needs of the judiciary, including a baseline assessment and public perception survey in 2009. Based on this analysis the project crafted a judiciary reform approach that focused on an appropriate combination of infrastructure improvement, process analysis and reform, training and capacity-building, and special initiatives to target vulnerable and isolated populations. Five courts (both regional and district) were constructed/rehabilitated in Boroma, Burao, El Afweyn and Hargeisa. Court officials have complained about the quality of the buildings and contractors. Five regional mobile courts – Hargeisa, Burao Berbera, Boroma, and Erigayo -were established across SL in 2009 to focus on more severe cases, such as murder and rape that are brought to district courts in rural areas.[15] These regional courts do not operate on a regular circuit, but instead respond to requests from district courts and elders as cases arise. The mobile courts consist of a judge, court clerk, prosecutor and defence attorney, and a UNDP-supplied pickup truck. All fuel and operational costs are provided by UNDP. Mobile courts have been operated by the Ministry of Justice but have (correctly) been transferred to the administration of the judiciary/Supreme Court in 2011..

Case management systems were introduced by UNDP to the Hargeisa district court to pilot their effectiveness. The paper file-based system follows international best practices for recording information, color-coding, docketing, and archiving. UNDP constructed a building in the court to house the system and archives. This building was not finished or in use at the time of the evaluation. Nonetheless, the case management system is operational and has demonstrated impressive results, indicating its contribution to greater efficiency of receiving, assigning and processing cases, thus reducing backlogs and improving access to justice and the public perception of the judiciary. The number of registered cases has almost doubled since the case management system was introduced in Hargeisa district court in 2009:

- 2008: 1,351 cases
- 2009: 2,153 cases
- 2010: 2,545 cases

In 2010, 2,193 or 86% of all cases were resolved. The system has not yet been introduced into other courts, although there are plans to do so in the coming year.

The capacity of the justice system is very low. Only 5% of judges are law graduates and until recently, the Chief Justice and Minister of Justice were, themselves not lawyers. UNDP has worked within this context to build the professionalism and technical competency of justice sector institutions. The Ministry of Justice was reorganized to better fulfil its primary mandate of monitoring and evaluation. A judicial training course was set up at the University of Hargeisa to provide essential supplementary legal education to judges on new laws, evolving jurisprudence such as piracy, and court and case management best practices. The university has also trained prosecutors and court clerks and support staff. There is currently no judicial training institute.

The project has worked to establish a fledgling Higher Judicial Council to increase the professionalism and independence of the judiciary. The Council has 10 members from the judiciary,

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[15] Mobile courts were only established at the regional, not district, level

AG, MOJ, civil service, and Parliament. UNDP has signed a TOR with the Council to construct an office as the Council increases its role as the primary institution for the nomination, evaluation and discipline of judges. The Council has not yet established a code of conduct for judges.

Justice Sector Institution Support

In addition to support to the judiciary, UNDP has identified gaps and built up institutional capacity in areas that affect access to justice writ large. The Attorney General's office was particularly weak at prosecuting crimes against women and children. UNDP helped establish a Child and Women's Department within the AG and provided all the salary for 10 lawyers and support staff. The department works actively at the regional and district courts in Hargeisa to identify and prosecute crimes, but reach is limited outside of the capital and capacity remains very low. The AG stated his worry that defence lawyers (funded by UNDP legal aid activities) are more experienced than his young prosecutors, particularly in the Child and Women's Department and thus are limiting the successful prosecution of criminals.

The Ministry of Justice and UNDP have collaborated on the mobile courts and case management systems to date, largely due to a lack of political will in the Supreme Court. This project will now be transferred to the Court and the MOJ will focus on coordination and monitoring and evaluation of justice sector as a whole. UNDP supports the salary for a technical advisor at the MOJ to assist with national policy-making such as, development and implementation of the SL Justice Sector Strategy (completed and approved at the National Justice Conference in June 2011); drafting the juvenile justice law and creation of women and children's desks at police stations; and harmonization of law efforts, including drafting of new penal and civil procedures codes. The SL Law Reform Commission was recently established through UNDP support to the MOJ to lead law redrafting work. The MOJ also supports court administration functions as there is no dedicated Court Administrator position in SL.[16] The MOJ highlighted UNDP as its most important donor/partner.

Legal education

UNDP has helped strengthen the Hargeisa and Amoud University Faculties of Law in SL through scholarship support to disadvantaged students, facility improvements and establishment of legal clinics. The Hargeisa Faculty has increased its enrolment significantly since its establishment in 2002. It currently has 385 students, while having graduated 277 since 2002. UNDP has provided material assistance for the rehabilitation of facilities, in particular the legal clinic, and has helped procure textbooks, computers and legal materials. In 2010 UNDP provided scholarships to 155 students. Legal jobs have proved hard to find for many graduates. As a result, UNDP has begun focusing on internships and placement of graduates and students in legal institutions. This also potentially serves to introduce new, young talent and expertise into justice sector institutions. Both universities are also operating legal aid clinics with two objectives: to train students and provide access to justice for vulnerable populations. These clinics have had considerable success in the provision of services (see below) but have also taught valuable practical skills to young lawyers and instilled a commitment to public service.

Legal Aid

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[16] Court administration responsibilities will transfer to the judiciary in 2012.

UNDP has made the most notable impact at the output level in the provision of free legal advice and representation for the poor through a network of legal aid clinics. UNDP supports legal aid clinics at Hargeisa and Amoud Universities and through the SL Lawyers Association (SOLLA) and SL Women Lawyers Association (SWLA). In 2010 legal clinics provided legal assistance to 6,290 people (compared to 1,633 in 2009). The number of cases has steadily increased each year since 2008 as legal aid organisations have improved both their capacity (including more lawyers) and ability to access vulnerable groups. Cases are split between criminal and civil cases with criminal defence cases the vast majority. Many cases result from weekly or monthly visits to the prisons and police stations. UNDP support has been linked, in the case of SOLLA to a specified quantity of cases per month per lawyer (15). SOLLA handled 3,467 cases in 2010. SOLLA complained that starting cases was easier than finishing them due to the inefficiency and backlog at the courts.

SWLA, established in 2008, has a particular focus on helping women defendants and victims. In 2010, they provided legal services to 474 women, 127 men, and 67 children. UNDP has also helped strengthen SWLA as a professional association for women lawyers. When SWLA was started the five members were the only lawyers in SL. There are now 45 members, including five prosecutors. SWLA has a small office at the regional court in Hargeisa staffed by paralegals and a lawyer. In all, they handle approximately 30 cases per month. They also monitor and review gender-based violence cases with the elders.

The legal aid clinics also employ paralegals that visit communities, prisons, and police stations to identify cases to refer to the lawyers. The paralegals also conduct community legal awareness campaigns. Paralegals are often the first contact with the legal system that poor and marginalized people have. However there are only 10 paralegals at SOLLA and 4 paralegals at SWLA.

Customary and Sharia Justice Systems

The three parallel systems of xeer, sharia and statutory law operate with varying degrees of connectivity and overlap across SL. Customary and sharia systems are largely preferred and trusted by the population, especially in rural areas. District Security Baseline Reports for Las Anod and Burao indicated a 50-60% greater degree of trust in elders and religious leaders than the courts and police, including by women. Most UNDP partners cited this parallel existence and preference as a major factor that needs greater attention in order to improve the justice system in SL. UNDP has encouraged some partners such as Hargeisa University to look at ways to harmonize the systems. UNDP also organized the National Elders Conference to build upon the National Elders Declaration of 2006. The project has encouraged elders to transfer serious cases (murder, rape, assaults against women) to the courts and register decisions for enforcement. The project conducted assessments of the role of customary and sharia systems in denying women's access to justice, but programming to reinforce these objectives has been limited to date. Elders' houses were constructed in various locations by the Danish Refugee Council and can potentially serve as a venue from which to monitor and record customary decisions and train elders. The houses are, however, a closed space and not as open to the public as traditional meeting areas. UNDP should be careful to study the impacts before proposing to establish more.

Gender and Juvenile Justice

The project has made initial inroads into access to justice for women and children. Support to strengthen SWLA has given women a means to utilise the legal system to protect their rights and seek redress for harms. UNDP helped create the Women and Children Department at the AG and linked it to women and children desks at police station to help ensure effective prosecution of gender-based violence and other crimes. The Sexual Assault and Referral Centre (SARC) was established at Hargeisa Central Hospital to link treatment, evidence-gathering and legal protection for sexual and gender-based violence (SGBV) crimes in one single location. The vast majority of cases, however, do not result in prosecution or legal reparation to the victims. Instead, after treatment, they are mostly transferred to customary and sharia courts.

UNDP has worked with UNICEF and Save the Children to train prosecutors and form a dedicated office at the AG to strengthen prosecution of rape cases. UNDP was also instrumental to the drafting and passing of the Juvenile Justice Law. As a result of this and other activities the number of juveniles in adult prisons has reduced by 85% over the past two years. There are hopes that the September 2011 juvenile justice symposium will help further accelerate activities in this area.

5.1.2. Puntland

The Access to Justice Project has had more limited success in PL, in part due to the notably lower capacity of partners in the government and legal profession in general. There are reportedly only 20 lawyers in PL. The influence of elders and the customary justice system is particularly strong in PL, necessitating a greater emphasis on engagement with elders and through non-traditional approaches such as community paralegals. Unfortunately instability and lack of access have impeded work beyond the three major towns of Garowe, Gardo and Bossasso. Most project success has been in legal aid, working through the PL Legal Aid Centre.

The piracy phenomenon has also influenced and destabilised justice sector work in PL. Judges and prosecutors are regularly targeted for assassination for their role in trying pirates. The international community is interested in bolstering support to the justice and correctional systems to receive pirates apprehended at sea for trial and incarceration. This threatens to overburden an already weak and outmatched judiciary and Attorney General.

Justice Sector Institutional Support

UNDP has provided limited support to justice sector institutions, in part because of a lack of requisite independence and professionalism. Courts and prosecutors are regularly dismissed and reassigned by the President[17] and have not demonstrated transparent financial management practices. Most courtrooms at the Supreme Court appeared unused. As a result, UNDP has focused support on judicial inspection, a Technical Advisor for the Ministry of Justice and Religious Affairs and Rehabilitation, and training for judges, prosecutors and court staff at PL State University. The UNDP ROLS project has also taken on responsibility for completing the construction and upgrading of prison facilities in Gardo and Bosasso, despite it now being outside the scope of the programme and its general mandate. The few prisons and police stations that exist are severely overcrowded.

The PL judiciary consists of 14 district and 5 appeals court (77 judges), with on average, one judge per court. Approximately 20% of judges have law degrees. The Attorney General's Office is

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[17] 21 judges were dismissed in May 2011

understaffed and low in capacity. Cases are regularly dismissed (if they even make it to court) for lack of evidence. UNDP has largely halted support to the Attorney General, leaving UNODC to take the lead. UNODC is, however, only focused on training the AG on prosecution of piracy with little to no general capacity-building support. UNDP has supported the creation of a Judicial Inspector position at the High Judicial Council. The Inspector visits all courts to monitor the use of funds, the number of cases processed, quality of work, and to provide training on court management. The Inspector submits regular reports and recommendations to the HJC and MOJ and has identified a number of areas that need improvement, including areas of needed coordination across the rule of law and security sector, including staff attendance, the use of registrars for cases, and the weak enforcement of decisions by the police. The latter issue is an example of how the ROLS project can better coordinate across projects.

UNDP is also supporting a Technical Advisor at the Ministry of Justice and paying half of the rent for the MOJ's temporary offices (a new headquarters is being constructed). The Technical Advisor's exact role and contribution to the sparse Ministry was not readily apparent. The MOJ's main role seems to be to lobby the President for greater support to the courts, including more security for judges and greater salaries. The MOJ collaborates with the courts to run mobile courts in four locations around PL. The MOJ also plans to establish a legislative department to help with the redrafting of various laws, including the antiquated penal and civil procedure codes, and harmonization across the three legal systems.

UNDP has established four mobile courts in PL similar to the model used in SL. The number of cases handled in rural districts each month has steadily risen since the project was established in 2009. In 2010 the courts registered 321 cases (116 penal and 205 civil/family cases).

Customary Justice and Sharia Systems

The customary justice and sharia systems handle the vast majority of disputes in the country and are generally trusted more than the formal system. Societal relationships, access to resources, and the rights of the vulnerable are controlled almost exclusively by the elders. Elders make decisions on major crimes and sensitive issues surrounding women and child violence. Even formal judges, up to 90% by some estimates, apply sharia or customary law in their decisions instead of statutory law. Elders and justice institution leaders often work together to resolve cases, but normally in an opaque fashion that relies on and strengthens power dynamics at the expense of marginalized groups, such as women and IDPs. There is, however, not enough documentation and understanding of how the customary system in PL affects UNDP's broader rule of law objectives. Few inroads have been made in effectively engaging customary system actors. UNDP has attempted to bridge this gap by establishing Traditional Elders Forums and a regional network to strengthen links between the formal and customary systems and build the capacity of elders in conflict prevention and application of international human rights standards.

UNDP has supported a local NGO called Hornpeace to create the Forums in Bossaso and Garowe. The Forums help standardise the keeping of records of decisions and procedures for referring cases to the courts. An Elders conference was held in July 2010 with over 100 attendees from across PL. The conference served to affirm the elder's commitment to principles of human rights and best practices in GBV cases, according to a Traditional Leaders of PL Declaration of 2009. The Forums

have helped increase the number of cases referred to the courts, particularly for serious crimes such as rape and murder.

Legal Profession Development

In response to the obvious lack of capacity in the justice sector UNDP has focused on strengthening legal education and professional training. PL State University (PSU) in Garowe has been the primary recipient of UNDP support, including rehabilitation of the Faculty of Law, scholarships for students, and trainings for justice sector staff. The Faculty of Law was established in 2008 with a first class of 24, including nine women. UNDP has provided scholarships for 88 of the 120 law students (32 female students). The Faculty teaches both sharia and statutory law. UNDP has also contributed to the creation of Faculty offices, a computer lab and law library.

UNDP scholarships have supported the training of sitting judges, government officials and custodial corps. Judges received training for six months, four hours per day. Performance in post-training tests have been linked to job promotion. Two judge trainees are now Supreme Court justices. There is, however, still a need to better link training of judges (both at PSU and new judge training at East Africa University in Bossaso) with a merit-based judicial career ladder.

There is a fledgling, unorganised PL Bar Association that has requested but not received UNDP support to date.

Legal Aid

UNDP has had success establishing and supporting the PL Legal Aid Centre to provide mediation, legal information and representation to marginalised populations across PL. The Centre was founded in 2007 and is entirely UNDP funded. It employs eight lawyers and 24 paralegals in four offices in Garowe, Bossaso, Galkayo and Gardo. Paralegals visit prisons and IDP camps but are not allowed access to police stations, as the Police Commissioner fears they will help release criminals that the AG is unable to prosecute effectively. All paralegals have a secondary education and are studying to be lawyers.

In 2010, PLAC lawyers handled 850 cases and paralegals handled 830 (focused on mediation and legal information).[18] 90% of cases handled by lawyers are criminal defendants, the vast majority of whom are IDPs. From discussions with PLAC lawyers it appears that most cases originate from visits to IDP camps. The police often target IDPs, while most non-IDP community members do not use the formal legal system and thus have less need for legal aid. As in SL, PLAC lawyers must handle 15 cases per month to receive UNDP funding.

Gender and Juvenile Justice

UNDP efforts to improve access to justice for women have been limited in PL. Unlike SL, civil society is weak in PL and UNDP has not identified a good partner that engages in women's legal advocacy or assistance. The PL Legal Aid Centre (PLAC) assisted 472 women, out of 850 clients in 2010, mostly focusing on IDPs. PLAC does not engage specifically on advocacy for women and does not employ any women lawyers. The number of women lawyers is very low in PL. UNDP has attempted to

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[18] This differed from the figures PLAC lawyers relayed in our meeting – 282 lawyer cases, 295 paralegal cases.

address this with scholarships to PSU for 37 female students. Most PL citizens, including women, access justice through the customary or sharia systems. The project's lack of engagement with elders and sheikhs and at the community level, particularly on a case-by-case basis, has limited its ability to respond to women's justice issues and address more systematic abuses that occur across all three systems.

5.1.3. Mogadishu

UNDP Access to Justice work in Mogadishu and SC Somalia has been extremely limited over the past three years due to security issues and a general disintegration of justice sector institutions. UNDP has adapted to this context by taking a more humanitarian or emergency response to programming to focus on service provision and legal protection of the most vulnerable populations. UNDP's support to local NGOs has helped protect close to 600 women, children, IDPs and minority groups in and around Mogadishu.

Legal Aid and Justice for Women

UNDP has supported three NGOs in Mogadishu, the Association of Somalia Women Lawyers (ASWL), Coalition of Grassroots Women Organisations (COGWO), and the Somalia Women Development Centre (SWDC). COGWO and ASWL have worked primarily to provide legal aid services to people in prison or police custody, including 387 detained in Mogadishu Central Prison in 2010. Women and children at the Centre for Health Dialogue and Development were provided legal counselling on issues of SGBV.

UNDP support to SWDC has allowed them to develop a network of women paralegals in all 16 districts of Mogadishu. The paralegals help collect information on security issues around the city, including IDP camps, by talking with local contacts, conducting interviews, receiving phone calls, etc. They then refer serious cases to the police or legal service NGOs. They have generally managed to operate below the radar of al-Shabaab and militant groups.

Judicial Training

Courts, prosecutors and other justice sector institutions are not operating much outside of the TFG controlled areas and thus have little impact on rule of law and stability. UNDP has taken advantage of recent events that could open up sections of Mogadishu by providing training for judges and court staff at the University of Mogadishu. Twenty-eight judges and prosecutors and 42 court staff were trained in 2011 over two semesters. Baseline exams of the participants, designed by University faculty, revealed extremely low knowledge and a lack of relevant skills. Only six judges passed the initial exam. Case file reviews also demonstrated inconsistent judgments. Twenty judges are still participating, currently in the second semester of training. The training course is not, however, linked to a promotion or appointment processes at the courts. With the pull-out of al-Shabaab it appears the judges now have the opportunity to take their training and help re-establish courts in the various districts of Mogadishu. UNDP is planning to support mobile courts throughout the city while permanent courts are rehabilitated.

UNDP has also provided limited support to the University of Mogadishu's Faculty of Law to increase its capacity. There has also been discussion but no activity to date to establish a legal clinic at the university and provide scholarships to students.

5.1.4. Partnerships

The Access to Justice Project has cultivated a wide range of partners and has used them effectively in designing and implementing activities. The project has signed a number of LOAs and developed Terms of Reference for collaboration that clearly detail project objectives and the expectations and obligations of both sides. The LOA/TOR process has helped emphasize the importance of strategic planning within government and civil society partners. Partners include the Ministry of Justice, Supreme Court, and Attorney Generals in both SL and PL; the University of Hargeisa, University of Mogadishu, Ahmoud University, and PL State University. Civil society partners include, SL Lawyers Association, SL Women Lawyers Association, PL Legal Aid Centre, and the Association of Somalia Women Lawyers, Coalition of Grassroots Women Organizations, and the Somalia Women Development Centre in Mogadishu.

UNDP has, to a limited degree, helped to support the development of new civil society organizations to serve as partners. Because the civil society sector is weak in most of Somalia, the project has worked with good leaders to develop new organizations that can deliver legal aid services and advocate for reform. The PL Legal Aid Centre and SL Women's Lawyers Associations are good examples of NGOs UNDP has cultivated. Support to law faculties across Somalia in the form of scholarships and facilities improvements has also bolstered their capacity to be agents in wider justice sector reform efforts. The project might want to consider more partnerships with international and regional NGOs and universities to engage in network building and collaboration with national counterparts, particularly if efforts are made to widen the work of community paralegals. Many good legal empowerment practices from throughout Africa can be shared with Somali civil society.

The project needs to strengthen its partnership with institutions and perhaps restructure LOA/TORs to ensure that the government is contributing equally to proposed activities. At present there is a sense of dependency on UNDP to meet the infrastructure and capacity-building needs of justice sector institutions. Most see UNDP as the driver, rather than a partner and contributor to government efforts. The project also needs to develop partnerships with informal actors such as elders and sheikhs in a way that creates incentives for these actors to improve/reform practices.

UNDP has developed a constructive partnership with UNODC to collaborate on various aspects of the criminal justice system. UNODC took over construction of prisons and has been providing targeted technical support to the Attorney General's Office in PL, with a focus on anti-piracy. UNDP and UNODC have developed joint anti-piracy training that would support the judiciary, prosecution and corrections across Somalia.

5.1.5. Lessons and Recommendations

The Access to Justice Project has made impressive strides over the past three years. It has cultivated a range of partners across all sectors of Somalia society and empowered them to achieve results. The project has engaged in deliberate and contemplative programming that has allowed it to analyse changing political and social landscapes and adapt project activities as necessary. That said, there are a number of lessons to be learned and improvements to be made to the project in its next iteration:

i.   *The project at times seems too diffuse and to suffer from an approach that is not linked to a specific strategy. The impressive range of activities and outputs does not seem to translate to a cohesive and sustainable approach toward meeting the programme's core objective to increase access to justice in Somalia.*

- The next phase of the project should try to develop a strategy that focuses on the most critical gaps in access to justice and limit the diverse range of activities in favour of more targeted, deeper reforms that address structural issues and have a lasting impact.
- Part of developing this strategy is making greater use of broad-based legal needs assessments and institutional analysis, including taking advantage of AVR and other community surveys, to determine projects priorities and design interventions. Ideally through this process the project will be able to streamline activities to focus on the most critical issues and partners where success and impact is most probable. Institutional analysis is needed in both SL and PL to consolidate recent gains in the former, and identify champions of reform in the latter.

- Baseline assessments should coincide with monitoring and evaluation efforts at a dedicated UNDP Knowledge and Management Unit. Impact should be monitored through regular follow-up assessments. It is worth exploring the establishment of control groups, perhaps in communities where UNDP will not engage in the area-based approach recommended by this evaluation.
- The project has a great resource at its disposal in the cases handled by the legal aid clinics and courts. These cases, if properly, analysed can provide key insights into the broader challenges that Somalia faces in establishing stability and the rule of law and linking it to recovery and economic development. The project should take the lead on this and encourage partners to conduct structural analyses and engage in policy and legal reform efforts that go beyond the current emphasis on service provision.

ii.   *The provision of legal aid has been one of the most successful project interventions, particularly when it comes to outputs. However, the provision of legal aid in and of itself is not a magic bullet for access to justice. In particular, the project needs to be careful in its engagement on the defence/legal aid side of the criminal justice chain that it is not upsetting the balance between prosecution and defence.*

- The project should conduct a thorough qualitative analysis of its legal aid support, looking at individual cases to determine where funding is being spent and with what end outcome. There appears to be far too much emphasis on criminal defence with many partners serving as *de* facto public defender offices. The project should review partner procedures for determining the need and ensure that only indigent defendants are represented. It is worth considering a reduction in the quantity of cases required per month from partners and greater emphasis on qualitative indicators, such as user surveys, and taking cases based on degree of need.
- The project needs to broaden its focus on legal aid to more of a legal empowerment model where legal awareness, mediation and community engagement play as large, if not a larger role, than legal representation of criminal defendants. The project should expand into areas of civil law, such as alimony, women's inheritance, natural resource disputes, and access to public services.

- Increasing the number of paralegals, expanding their profile, and developing a network of community-based paralegals is perhaps the best way to transition to a legal empowerment model. There should be a ratio of paralegals to lawyers of closer to 20:1, with senior paralegals serving as coordinators across the networks. Paralegals do not need to be university graduates or have studied law, but should be community members in rural areas. Paralegals should operate with greater independence in their communities to raise awareness on laws and mechanisms for protecting rights, identify rights violations, monitor traditional courts and elders for abuses, mediate disputes, and refer more egregious cases to lawyers. All paralegals should be connected to each other and supervisors through mobile networks.
- The project should also engage more in legal and structural analysis of cases to develop strategies for needed policy and legal reform and encourage partners to pursue strategic advocacy and litigation.

iii. *The Somalia justice sector is predominantly composed of the traditional and sharia systems. The formal system is a small part of the overall picture of law and justice and the vast majority of Somali citizens (80% by some estimates) seek justice or resolve disputes elsewhere.*

- The project needs to rethink and greatly expand its engagement with the customary and sharia systems, including conducting more community case-by-case (court observation) analyses of the use of each system, how they interrelate and what are, if any, the *de facto* jurisdictions between the three.
- The results of this analysis should inform the Somalia Constitutional process supported by UNDP Governance as it relates to developing an adequate constitutional pluralism.
- The project would also benefit from contributions from a sharia expert that has experience in working with sharia in pluralist environments to strengthen the rights of women.
- Interventions need to be designed that both strengthen and reform the customary system. This is a delicate balance that encourages good practices and strengthens positive attributes such as access, while reforming or creating incentives for reform through education, review, and community-based advocacy.
- Elders should be educated on human rights and incentive structures created for them to incorporate human rights principles into their decisions, particularly with regards to women. Potential activities include recording and regular review of elder decisions for rights violations with support linked to performance. Assigning a clerk to record customary court cases can assist in documenting/exposing practices and judgments that often happen behind closed doors. Formal review processes, such as collateral review by the judiciary or Human Rights Commission, can professionalize linkages that already exist between the elders and formal institutions, but in a transparent fashion that reinforces legal and human rights principles and obligations. Civil society and paralegal customary court monitoring, litigation challenges for individual cases, and advocacy, particularly on women's rights should be supported as grassroots mechanisms for empowering the disadvantaged and creating community pressure on elders to reform.

iv. *Women's access to justice remains extremely weak and while UNDP has had good success increasing the number of women lawyers and supporting women's associations, more can still be done.*

- The project should expand its support to SWLA in SL and ASWL and SWDC in Mogadishu and look to develop other female-led community justice providers. Support to these groups should follow the observations of SWDC's work in Mogadishu and the recommendations on expanding paralegal work. Partners should look to create community networks of women leaders (paralegals) that can serve as a collective local resource for legal awareness raising, dispute resolution, and challenging the abuse of women in elder and sharia proceedings.
- SWLA and other women's justice organizations can play a larger role in advocacy and legal reform and should be linked in to efforts to 'harmonize' xeer, sharia and statutory law around women's rights. Organizations should be supported to review and challenge the decisions of elders, sheikhs and judges that violate women's rights, while forming alliances with the universities, legal clinics, and women and children desks at the AG to systematically contest abuses and improve systems to provide greater legal protection of women.
- The SARC in Hargeisa has not been effective in seeking legal redress for women victims of violence, largely because the elders or sheikhs (often at the insistence of family and even the women herself) interfere and remove the case from the formal system. Women's advocacy groups like SWLA have a stronger role to play in representing women and children that go the SARC for treatment.

v.   Political will is weak in many parts of Somalia and thus hampers institutional reform and sustainability efforts. But political opportunities can be encouraged and incentivized and when they do occur should be taken advantage of to facilitate greater impact.

- The project has done a good job of creating healthy competition for resources and attention from partners across the public, private and civil society sectors. This can be strengthened, particularly at government institutions, to provide incentives for reform and increased efficiency. Detailed MOUs/TORs should be signed with each institution – Attorney General, Supreme Court, High Judicial Council, Ministry of Justice, etc. – that clearly lays out a structured, phased approach to UNDP support where additional resources, such as the improvement of facilities, will only occur if certain goals and indicators are reached.
- Justice sector strategies, such as done in SL in 2011, should be replicated in PL.
- The Ministry of Justice, Supreme Court and Attorney General of SL have seemingly progressed in the past year and potentially represent a new window of opportunity for greater structural reform in the region. The above approach should be adopted and programming should increasingly run through these institutions as they demonstrate more capacity. For example, mobile courts should increasingly be coordinated and administered through the Supreme Court; and the Ministry of Justice should play a larger role in coordinating and developing sustainable core support for legal aid activities.
- The High Judicial Council of both SL and PL should receive greater attention and capacity-building support in the next project, as it is a key institution for increasing the independence, professionalism and technical ability of the judiciary. Technical support should be provided to establish clear appointment and discipline procedures, as well as a merit-based career ladder that links judges training, judicial inspection reviews, and case performance to promotion and pay grade increases. The Judicial Inspector position at the HJC should be given more support in

PL and introduced in SL. The HJC can also play a major role in community outreach and education campaigns that increase public trust and understanding in the judiciary.

- The project has had good results with the pilot case management system in the Hargeisa regional court. The pilot is not yet complete and needs to consolidate management practices and complete infrastructure improvements. Once this is complete the pilot should be expanded to all district and regional courts throughout SL, while developing and employing a corps of trainers from the current pilot. The system should be linked into efforts to improve case management and the police, prison and Attorney General's office and is an example of where greater coordination is needed between community policing and access to justice projects. Bottlenecks at any one point in the criminal justice chain will impede access to justice across the whole sector.

- Infrastructure improvements have helped rebuild neglected facilities of the justice sector in SL and PL. However, there seems to be a growing dependency on UNDP alone to provide improvements, interfering perhaps with necessary government budgetary and internal negotiation processes. UNDP should look to support future infrastructure projects through budgetary support rather than direct implementation.

- The project should take advantage of resources at the SIDP UNDP Governance project that can increase management capacity of justice sector institutions.

vi.   *Most access to justice occurs outside of the formal system and in rural areas outside the reach of courts and institutions in the main cities. The Access to Justice project has been too focused on institutional support in the capital cities.*

- Mobile courts have been effective. Currently only five regional mobile courts exist in SL and four in PL. They respond to requests from elders and district courts in outlying areas to deal with major crimes. The project should consider increasing their responsibilities and revising the methodology (dependent on sufficient government contribution) to cover more areas outside of the cities by instituting a more proactive, regular circuit for district courts to villages where there are no courts. Combining these regular circuits with community awareness campaigns and peace caravans will heighten their reach and impact across the programme.   The project should first conduct a community needs analysis to explore whether a regular circuit would meet dispute resolution, peace building and legal awareness objectives.

- The project should expand support to focus on district courts rather than regional and appeals courts. Institutional gains have been achieved at the higher-level courts and Attorney General's office. The project should leverage these gains by having senior court and AG personnel expand technical and management assistance to the district level in removed parts of SL and PL, particularly in strategic, pirate-vulnerable towns along the coast.

vii.   *The legal profession needs further strengthening, particularly to help foster the creation of jobs, as the demand for lawyers has been outstripped by the supply.*

- UNDP has had success supporting the law schools of SL and PL to increase enrolment by providing scholarships for women and others who could otherwise not afford the education. Many law graduates, however, are now unable to find jobs as lawyers as the profession is still weak and underdeveloped. UNDP should phase out scholarship support over the next few years

and increase fellowship placements of graduates at key institutions across the justice sector. Fitting into recommendations above, new personnel with advanced degrees are needed in all institutions in both SL and PL.

- The project should also strengthen the role of Bar Associations as advocates for the profession. They should be supported to play a more constructive role in advancing, regulating and increasing the professionalism of lawyers. Codes of conduct should be developed and in place in all regions and review committees established for potential violations.

- University training of judges, prosecutors and court staff should continue but should be incorporated into justice sector strategic plans, such that future trainings are eventually covered by individual institutional budgets.

viii. *Lack of security for judges is debilitating and has the potential to destabilise parts of Somalia further.*

- UNDP needs to consider how it can support the protection of judges in PL and Mogadishu. Recent systematic targeting of and assassinations of judges has the potential to undermine all efforts to build up the formal justice system and further destabilise the regions. UNDP work with the police and SPUs should also include support to court police.

ix. *Anti-piracy funding and related programming could strengthen UNDP's rule of law programme in Somalia but could also have a potentially destabilising effect if it coincides with the transfer of pirates being held at sea or in offshore prisons back into Somalia to be tried and imprisoned.*

- In the spirit of "do no harm" UNDP, in collaboration with UNODC or others, should proceed cautiously in considering receipt of international anti-piracy funding for justice system reform that is linked to the transfer of pirates to Somalia (i.e., at the end of a four year anti-piracy funded project there is an assertion by UNDP that the justice system is now ready to try pirates apprehended in international waters). Establishing effective, fair pirate courts in Somalia with the capacity to handle the transfer of hundreds of pirates currently held outside of Somalia according to international anti-piracy laws and standards will require a large influx of money and the mobilization of an extensive project to build up professional capacity, hire outside judges, prosecutors and defence lawyers, conduct training, rehabilitate infrastructure and gather evidence obtained in international waters, with potentially little benefit to the Somalia justice system as a whole; particularly if, as UNODC plans, a separate pirate court is set up with limited jurisdiction. UNODC has already received substantial international anti-piracy funding and has developed programs in Somalia that focus exclusively on piracy rather than broad-based capacity building and development, such as construction of a future prison in Garowe exclusively to hold transferred pirates and prosecutor training on how to bring an international piracy case.

- International pirate courts currently conducted in Seychelles and Kenya rely heavily on the existing capacity of those domestic justice systems. Somalia, particularly PL, is unable to meet internal criminal justice demands and fairly prosecute the hundreds apprehended for piracy within the country, let alone take on the additional burden of receiving international pirate suspects. Funding should only be accepted with the understanding that it will go to meet existing needs for the fair prosecution of pirates within Somalia and general strengthening of the justice

system and not be linked to any future political agreement to transfer pirates from international tribunals to Somalia. It is a tall task, but UNDP should endeavour to educate and direct donor funding priorities to the root causes of piracy in Somalia rather than retributive quick fixes.

5.2. Armed violence reduction project findings

Overview

The AVR project is much newer than the police and justice projects, having emerged out of the DDR, small arms control and mine action component of the ROLS programme. As it has only been going for two years, a lot of attention has gone into developing methodology, establishing structures and research. This has been worthwhile but it means that the project's impact is not yet being felt by citizens. However, the analysis it has produced, the structures it has created, the increased involvement of communities in dialogue on security issues, and the increased will of the SL and PL governments to engage in peace-building mean that the project has significant potential.

A number of initiatives that have been developed by the AVR project have the potential to be of benefit to the whole ROLS-GOV programme. It is vital therefore that the project is better coordinated with other UNDP projects – this has been a weakness so far that requires senior level management attention. The AVR project provides an opportunity to strengthen UNDP's peace-building work. There is an opportunity now to scale up and move into other districts, but this will require considering what the most appropriate role is for UNDP to play, and developing strategic partnerships with INGOs to deliver aspects of the project.

In the ROLS Programme Document, the DDR and AVR project had the stated outcome that "Conflict management mechanisms are within easy access of all people especially women and the vulnerable, Victims Referral Mechanism in place and an Early Warning and Response Network has been established."[19] Five strategies were identified in the project document:

- Contingency planning for DDR in central/south Somalia as part of the peace process.
- Support for establishment of regional frameworks for arms control.
- Development and support for community-based and initiated local security and safety plans in target areas.
- Establishment of a Victims Referral Mechanism, - an inter-ministerial framework to improve efficiency and cooperation to support rehabilitation of victims of violence, especially women and youth.
- Establishment of an early warning and response network and an Observatory on violence.

The project has demonstrated an understanding of the need for a differentiated regional approach. The basic methodology up until now has been similar in all three regions with the core element of this having been detailed baseline assessments of the local contexts. The findings of this research - if used well by the ROLS-GOV programme in its next phase - should enable UNDP to better target a broad range of interventions in response to local needs.

Relevance to context

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[19] P4, 'Rule of Law and Security Programme, Phase III 2009-2011, Project Document, UNDP Somalia, June 2009.

The armed violence reduction project has demonstrated impressive flexibility in responding to the changing political context and security situation. The focus of the project has been adapted significantly on the basis of this and lessons learned. The shift from DDR towards a focus on AVR/Community Safety has undoubtedly been appropriate and beneficial in the context of the last three years. The winding down of the DDR project appears to have been handled well. Focus areas such as small arms control and the establishment of victim referral mechanisms that are highlighted in the Pro Doc have also been de-prioritised in the face of emerging opportunities. This adaptive approach makes sense in a fluctuating environment such as Somalia.

The project's bottom-up approach provides an important engagement with civil society for the ROLS programme and is in line with the developing approach of the international aid community. The 2011 World Development Report highlights the value of projects that support bottom-up state-society relations in fragile states[20]. DFID Somalia's new 'Governance and Peace building Theory of Change' states that, "local level peace building and community-driven development increase confidence in collective action and reduce conflict. Visible and rapid results at this level will provide the foundation to broaden engagement and develop local areas of peace. The institutions (formal and informal) that underpin that peace will draw their legitimacy from working with communities to deliver security, justice and basic services."[21]

The AVR project is well designed, intending to combine action on a number of levels to improve community safety. There is a clear logical sequence of activities – from assessments of the local context, to the establishment of local coordinating structures, to the development of local safety plans and their implementation. However, project implementation has not always followed this logical sequence and the ultimate test – the implementation of the plans to improve community safety – has not yet been met.

One notable omission from the AVR project, and indeed from the ROLS programme as a whole, is any focus on the ongoing border conflict between PL and SL. This territorial dispute is one of the biggest sources of violence in the two regions. The project should consider how it might encourage and support initiatives to address this long-running and de-stabilising conflict.

5.2.1. Review of project components

Somalia Community Safety Framework

An important early step in the AVR project was to bring together international and local partners in 2009 to develop the Somalia Community Safety Framework. A number of different actors were beginning to work on community safety and this initiative sought to develop a harmonised approach. The framework had three main objectives:
- Establish a community of practice on community safety in Somalia to act as a knowledge network, including through a web-based discussion forum and information exchange platform.
- Develop indigenous Somali capacity to improve community safety, by helping set up an Observatory of Violence and a Victim Referral Mechanism.

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[20] 'World Development Report 2011: Conflict, Security and Development', World Bank, 2011.
[21] 'Governance and Peacebuilding Theory of Change', DFID Somalia, 2011.

- Advance evidence-based programming through a common monitoring and evaluation mechanism and tools.

The initiative started well and it appears that participants were very enthusiastic about this new coordinated approach. A useful strategy document was produced, a website was developed and a lot of effort went into developing the monitoring and evaluation framework. However, after a promising start it appears that UNDP dropped the ball. The planned quarterly meetings of the Community Safety Working Group are no longer held and the online community of practice is not functional.

Observatory on Crime and Violence Prevention

The project has supported the establishment of an Observatory on Crime and Violence Prevention (OCVP) at the University in Hargeisa. Whilst based in SL, the Observatory is intended to serve the whole of Somalia. The Observatory's mandate is:

- Institutional development – developing partnerships with academic and research institutions to increase training and research capacity.
- Knowledge management – reviewing and standardising lessons learned and knowledge management products and disseminating the findings.
- Training and peace education – building the capacity of government and civil society structures at the district and national level.

The rationale for establishing the Observatory was that there was a lack of data on crime and violence in Somalia, a lack of information sharing, and a lack of lessons learning which meant that policies and programmes were being developed based on the wrong assumptions and repeating mistakes. The Observatory follows an approach that has been successful in a number of Latin American countries of encouraging a more evidence-based approach to policy and programme development.

The first thing the project did was to establish a training team at the Observatory. It was then decided that there was a need to construct a building to house the OCVP at Hargeisa University. This is an impressive facility with a large training room and a number of offices and meeting space. It came at a cost though – the construction was estimated at $125,000 but overruns increased the final cost to $250,000[22]. It is not clear yet that this investment has been good value. The project has provided a considerable resource to the university yet there is little sign of the OCVP being able to draw on academic support and expertise from the university. There is an Institute for Peace and Conflict Analysis at the university as well as the legal clinic that the Access to Justice project supports, but no clear linkages have yet to be established. This is a weakness that should be addressed.

The OCVP lacks its own research capacity. A decision was taken by the AVR project to focus on building the Observatory's training capacity in year one and delay focusing on research. But 18 months in, it should be expected that a lessons learned institution has a research unit. A number of valuable studies and materials have been published in the Observatory's name, including the

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[22] This was not solely UNDP's responsibility as UNOPS managed the building work.

baseline assessments and training manuals on conflict analysis, conflict sensitivity, conflict resolution and mediation, community-based policing and small arms control. However, these have all been developed by international NGOs Saferworld, Danish Demining Group (DDG) and the Japanese Centre for Conflict Prevention (JCCP). It is encouraging that the OCVP has been able to partner with these INGOs but there does not seem to have been much skill transfer or capacity-building of the OCVP itself.

The Observatory has a thorough website which contains its reports and training materials. It also has a database containing the raw data from the public surveys which is available to institutions that sign a partnership agreement with the OCVP. So far these agreements have been signed with the Ministry of Interior, Ministry of Justice, Ministry of Health and the High Courts in SL. This is an encouraging sign of governments valuing its resources. The OCVP has also provided training to the District Safety Committees in the target districts.

The Observatory's location in Hargeisa provides a challenge, given its mandate to provide a service to the whole of Somalia. To address this, the OCVP has recruited staff from Mogadishu and PL and has established partnerships with the East Africa and Mogadishu universities in PL. The priority now is to make these partnerships real and to build the capacity of all these institutions to provide a service of crime and violence analysis to the governments and citizens of their regions. This may involve putting OCVP staff into these universities and developing a capacity-building strategy, probably through an INGO, for them.

Baseline assessments

The AVR project has made a major investment in baseline assessments in each target district to help provide an evidence base for programming and a benchmark against which to measure progress. The assessments have followed a four part methodology. These assessments have been completed in Burao and Los Anod in SL, Bosasso and Galkayo in PL, and six districts in Mogadishu. First, a mapping of the context and the available (formal and informal) resources already present in the community to tackle or cope with insecurity was done. Second, a crime and victimisation survey (CVS) of citizens was done to provide the quantitative information necessary to establish an accurate picture of crime and victimisation in target districts, and hence measure the impact of interventions. Third, focus group discussions were held to capture perceptions of the nature of insecurity in the districts, its causes and risk factors, victims and perpetrators, and capacities for peace. Six focus groups in each district were convened separately with women, youth, internally displaced persons (IDPs), elders and religious leaders, local authorities (district authorities, police and justice officials), and residents from rural areas. Fourth, during the analysis process, key informant interviews with leading government and civil society stakeholders were conducted to gain a deeper understanding of the local context and contextualize results.

This is an excellent and thorough methodology on paper, but in practice it proved far too cumbersome. UNDP was reliant on international NGOs (DDG, JCCP, Saferworld) to provide much of the technical expertise but exact roles and responsibilities appear confused at times and delays (including in contracting) meant that the process was much too lengthy. The following table shows the timeline of the research process in each district.

Table 1: Timeline of the development of District Safety Plans

	Burao	Las Anod	Bosasso	Galkayo	Mogadishu
Mapping	Dec 09 & Feb 11	Dec 09	Dec 09 & Apr 11	Oct 09 & Mar 11	?
Survey	Dec 09-Jan 10	Feb-Mar10	?	Nov-Dec 09	July 10
Survey analysis shared with community	Apr 11	Nov 10	Nov 10	April 11	July 11
Focus groups	June 10	June 10	June 10	Dec 09 & Apr 10	Oct 10
FG analysis shared with community	Nov 10	Nov 10	July 10	July & Nov 10	July 11
Interviews	Sep 10	?	?	May-June 10 & Aug 10	?
Baseline assessment report finalised	June 11	Aug 11	Aug 11	Aug 11	Aug 11
DSP developed	June 10	June 10	June 10	June 10	Not complete

The delays meant that the District Safety Plans in each target area were developed solely on the basis of the focus group discussions and before the detailed analysis of these discussions was completed. Analysis of the public surveys was only ready at best eight, and at worst 16, months after they were completed. This was due in part to delays in receipt of donor funding and associated delays within the UNDP office in authorising the procurement of INGOs to conduct the analysis. The baseline assessment reports were only completed 12-14 months after the DSPs were finalised. This is a serious failing.

That being said, the baseline assessments themselves give a detailed and interesting picture of the security situation in each of the target districts. They contain information on the history, geography, governance and basic services of the district (drawn from the mapping and interviews). There is extensive data on perceptions of security and the types of crime and violence that affect citizens (drawn from the survey). There is a section on social, political and economic drivers and risk factors of insecurity which would benefit from further detailed analysis that clearly identifies conflict risks. This additional analysis is important to ensure that the DSPs and ROLS interventions are conflict sensitive. The reports also include detailed data on the performance of security and justice actors and the level of popular trust and confidence in them (drawn from the survey). There are no other comparable sources of information available in Somalia.

It does not appear though that this extensive information has been as widely used as it should have been by the ROLS programme and partners. For example, there is no evidence that the findings have informed the focus of the police and justice projects.

District Safety Committees

The project has supported the establishment of District Safety Committees in two target communities in PL and two in SL. These bring together state representatives from the District Council and the police with civil society representatives including business leaders, elders, IDPs,

religious leaders, women and youth to discuss safety issues and responses. The governments of PL and SL both have notional security apparatus based on the idea of District and Village Security Committees passing information on incidents and unknown visitors up to the government. The District Safety Committees builds on these traditional structures but help to democratise them by opening them up to civil society participation. They are co-ordinating the local implementation of the YAR project and have considerable potential as a model for wider development across Somalia to help increase the voice of citizens on safety issues and the accountability of government institutions. One interesting example is that in Bosasso, the DSC has negotiated access to the prison and police lock-ups to examine detainees and advocate for those being held without charge.

Conflicts in Somalia are traditionally mediated by elders. It was interesting therefore to hear from a group of elders in Burao about the added value they perceive that the DSCs can play in conflict resolution. They explained how when elders negotiate then they are perceived as representing their clans, often with the associated role of agreeing payments of blood money, or the threat of revenge killings. The DSCs by contrast are seen to represent the community at large, and as more inclusive bodies. This neutrality is important for peace-building and the role of the DSCs in this regard should be expanded.

UNDP contracted the Danish Demining Group (DDG) to provide capacity-building support to the four DSCs over a six month period. Training was provided on a range of practical issues including management, book-keeping, partnership development and project proposal writing. The OCVP provided training for the DSCs on technical issues of conflict and security using the training materials developed by Saferworld (see above). The DSCs clearly found these trainings valuable and are keen to further develop their knowledge and expertise.

If the DSCs are to be sustainable structures, beyond the life of the ROLS programme, then further work is needed to institutionalise them with the District Councils. Provision is made within the PL and SL local government acts for local security committees. For example, in PL the law states that the Mayor should chair meetings of the District *Security* Committee.[23] And the SL law states that "The Peace and Conciliation Sub-Committee is responsible for: (1) Peace, mediation and resolution of disputes arising within the district. (2) Follow up, auditing and reporting from the security agencies at the district level." This provides the necessary mandate for the DSCs but the way they operate at the moment seems to be more in parallel with the District Council, rather than as a function of their work. This is a priority for the AVR project to address in its next phase.

District Safety Plans

The DSPs were developed by the DSCs with technical support from Saferworld and DDG. The original intention was that these would be developed based on the analysis in the baseline assessments. However, unfortunately due to delays in the research and analysis process, pressure of project deadlines meant that the DSPs were developed before the baseline assessments had been completed.

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[23] Article 26, 'Law no.6 of 23/8/2006 on the laws (regulations) of the local councils of Puntland state of Somalia'.

The plans for the four target communities in PL and SL are in a matrix format with columns highlighting the vision behind the proposed activity (e.g. a district with adequately lit streets), details of the proposed intervention, the contribution proposed from the District Council and community, external support required, role players and timeframe.

Community safety planning processes face two particular dilemmas. Firstly, how tightly focused should the proposed activities be on increasing the physical security of citizens (e.g. improving policing) or should they also address broader developmental issues which are root causes of crime and violence (e.g. water resource management and lack of employment opportunities). Secondly, should plans be limited to the allocation of existing (or likely) resources for absolute priorities, or should they be menus of desirable interventions that address all aspects of the safety issues in a district. The AVR DSPs tend towards the latter in both cases.   This would be fine if there were significant resources available for their implementation. But in a context where the AVR project has no budget available to support implementation, and no partnerships have been established with other actors to fill this gap, then it risks raising expectations and frustrating local partners.

Some plans, for example Burao, are more tightly focused than others. This contains a number of well-thought-through detailed responses to issues identified in the research, for example addressing rape and domestic violence. It is also the only plan in which the timeframe column has been filled in. However, even this plan is 10 pages long and all the deadlines so far have been missed. The Las Anod plan runs to 15 pages and contains ambitious proposals to rehabilitate a hospital as well as building police stations, courts, prisons and schools. With no resources available this reads more like a wish-list.

The DSPs identify a lot of policing and justice priorities but the lack of collaboration within the ROLS programme has meant that these have not been acted upon. The DSPs are also not linked to the District Development Frameworks which are developed by the District Councils with support from the Joint Programme on Local Government (JPLG – see below). The District Development Frameworks are mandatory planning instruments in the PL and SL local government acts, whereas no formal provision is made in legislation for DSPs. Discussions have taken place between AVR and JPLG about linking these initiatives but they have not been followed up and acted upon[24].

One concern with area-based approaches of this nature is that they risk locating security and justice 'solutions' (and by implication the 'problems') at the local level and thereby absolve external, regional and international drivers of conflict. Not all the security and justice issues in a district can be resolved at that level. That is where the proposed development of a peace-building architecture (see below) is important, to provide channels for issues that require action at the regional or national level to be fed up to the appropriate level for response. By working on parallel tracks at the district, regional and national levels, the ROLS programme should increase its potential to strengthen security and justice delivery.

Peace Caravan

The Peace Caravan is an innovative initiative that UNDP is funding the media foundation KMC to implement. It is a large bus equipped with a stage, sound system and radio antenna that is used for

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[24] The high turn-over of project managers on the JPLG has contributed to this.

community mobilisation. The Peace Caravan uses singers, actors and musicians to engage citizens and spread social messages, building on the Somali tradition of travelling poets. They have trained 40 peace-makers in SL and 25 in PL to help mobilise communities. They have been used by the AVR project to sensitise communities to the work of District Safety Committees. They estimate that since November 2009 they have held 128 community events reaching approximately 15,000 people. In one example of coordination on the ROLS programme, they were commissioned in 2010 to develop drama scripts and songs on issues of policing, access to justice and armed violence reduction. There seems significant potential for the Peace Caravan to be used strategically by the whole ROLS programme in this way to engage citizens in security and justice issues.

As an organisation from SL, the Peace Caravan was apparently initially not so effective in PL. On at least one occasion they faced some hostility from a local community to their songs, and had their instruments taken away by local militia who felt that these were not suitable for the more conservative PL society. But they have adapted their approach to suit the local context (using drama, poems and citings from the Quaran rather than songs) recruited local staff and opened an office in Garowe. The Ministry of Security in PL spoke positively about the role they now play.

The Peace Caravan is currently being used by the AVR project to help identify the caseload for the Youth-At-Risk project. They are working with communities to identify the youth and pre-register them before the final decision on who participates is made by the selection board.

The Peace Caravan seems to have established a good reputation with other donors. Having been established through UNDP's support they are now being contracted by other international organisations. The institution therefore appears sustainable which is encouraging. An independent evaluation commissioned by the UK Foreign and Commonwealth Office of a series of community shows they performed in 2010 on 'Preventing terrorism and radicalisation through the use of dialogue and theatre in SL was positive. The evaluation reported that 52 per cent of the audience surveyed found the shows useful for promoting peaceful conflict resolution, 29 per cent slightly useful and only six per cent not useful.[25]

Peace Centres

The AVR project has established two peace centres in target communities in PL – in Galkayo an old centre built by CARE has been refurbished, and in Bosasso a new centre has been built on land provided by the Mayor. In SL, new centres have been built in Burao and Los Anod. Two have also been built in Mogadishu. The evaluation team was only able to visit the one in Burao but it was clear that this is under-utilised at present. It is used by the DSC for their regular meetings but these are at most once a week and no other community groups or service providers use it. Meanwhile, UNDP's ATJ project is covering the costs of rent for a legal aid clinic elsewhere in Burao. This is clearly not an efficient use of resources. It is also not clear what the sustainability plan is for the centres. The DSC in Bosasso has requested that UNDP cover the costs of adding an internet café to the centre as a means of sustaining the running costs. The Galkayo DSC reported that it pays for the cost of a cleaner and security itself. The Burao DSC is looking to UNDP to provide a budget for support services including fencing, security, water, electricity and a dining area. A consistent approach

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[25] Altai Consulting, 'Preventing terrorism and radicalisation through the use of dialogue and theatre in Somaliland – Audience Survey Results', 2010.

should be taken on this issue and UNDP should work with the DSCs to develop sustainable plans for the widespread continued use and up-keep of the centres.

Supporting indigenous peace-building capacity

The project is increasingly working with the Governments of SL and PL to increase the capacity of the Ministry of Interior and Security respectively for peace-building. Peace-building units have been established in both ministries and both governments are committed to developing peace-building strategies. The move towards working at the state level now is the right move for the project. The development of the strategies will provide a vital opportunity to institutionalise the approaches and structures that the project has developed and roll them out across a wider area.

It is anticipated that the strategies will include:

- Strengthening an early warning system based on an architecture with structures for peace-building and conflict resolution from the village to the district to the regional and the national level.
- Enabling issues that are identified as regional and national drivers of conflict in the district baseline assessments and safety plans to be passed up to the government to address.
- Strengthening the capacity of peace-building institutions and practitioners.
- Developing national and inter-group understanding about the values of reconciliation, tolerance, trust and confidence building, mediation and dialogue as responses to conflict.
- Organising prominent community elders to facilitate an early response.
- Mobilising communities and building local capacities for peace.

Ensuring effective linkages in the 'peace-building architecture' between the national, regional and district levels of government, and ensuring community engagement at each level, will be critical. The strategies also provide an opportunity to develop systematic linkages between the work of the peace-building units and the departments of elders in the MoI and MoS.

Youth-at-risk project

In an excellent example of partnership, the AVR project has worked with ILO and UNICEF to develop a joint project on 'Promoting community security through engaging with youth-at-risk in Somali regions'. The project will target 700 adolescents under 18 and 1300 youth who are either members of armed groups, or at risk of becoming members because they exhibit specific risk factors. The youth will receive six months rehabilitation, training and employment geared towards reintegration. Areas include civic and peace education, sports, Quran education, literacy and vocational skills training. They will also be employed for $60/month on labour-intensive projects in the community through ILO that implement priorities identified in the DSPs. They will receive mentorship in order to encourage them to stick with the project, and to attempt to prevent drop-outs or misbehaviour they have to sign a social contract and code of conduct with the regional Governor which will be monitored by a disciplinary committee of the Governor's office, religious leaders and elders. The identification of the potential caseload is being done by the Peace Caravan (see above) and the final selection is made by a committee including the Ministry of Interior (SL)/Ministry of Security (PL), Governor, Mayor, DSC and UNDP. The project is funded by the Government of Japan and UNDP has

managed to use this grant to also leverage parallel funding for associated youth-at-risk work from USAID.

All of the stakeholders, government and civil society, interviewed in PL and SL were positive about the YAR project. The Ministry of Security in PL estimates that 70% of the population are under 30, a significant proportion of whom are illiterate and have no livelihood. It is these youth, say the Ministry, who are drawn into inter-clan fighting and terrorist groups. The project therefore addresses a vital issue for the safety and security of Somalia. Yet it has a number of risks. The project is in many ways similar to a DDR project but it is being developed in Galkayo and Mogadishu in the absence of a peace agreement. It is important therefore that the project is reinforced by a strong simultaneous focus on peace-building and the negotiation of security arrangements. Without parallel progress on conflict resolution then the youth graduating from the project will return back into a conflict environment and there is a risk that they will re-join militia. There is also a risk of bringing together a large number of at-risk youth and ex-militia fighters (who may from different clans) in one location for the training. The project has designed a disciplinary structure to guard against violent behaviour, but the DSCs will need to ensure that no weapons are taken into the training sessions and that elders and authoritative figures are present at all times to address incidents that may occur. Another important risk mitigation measure, which is the responsibility of ILO, will be to ensure that the economic opportunity mapping and analysis of the private sector identifies employment opportunities for the youth at the end of the six months. If there are no jobs for the youth who graduate from the project then frustration will mount and there is a risk of them gravitating back towards the militia.

Gender

The project has done quite a lot to integrate a gender-sensitive approach. The baseline assessments are gender-disaggregated and highlight the different victimisation of men and women as well as their different perceptions of security and the performance of security and justice providers. The DSCs include representatives of women's groups in a conscious effort to give them a voice on community safety issues in a forum which traditionally would be all male. The DSPs address gender issues with a focus in some on employment opportunities for male youth as the main perpetrators of crime, and in others on action to address rape and domestic violence. The youth-at-risk project is predominantly focused on young men as the main actors engaged, or at risk of joining, armed groups. In Mogadishu, there is the innovative initiative to use women in a civilian protection service for their communities and also to provide them with short-term work to ensure that the employment opportunities do not all go to men.

As the project develops its work on peace-building then it will be important that gender considerations are factored into this, particularly around resolving possible tensions between justice for women and peace-building. As a report commissioned by UNDP recently puts it, "At the local level, the desire for community reconciliation and peace building after conflict is usually stronger than for formal punishment of the individual perpetrator. The two can also contradict each other: formal detention of the perpetrator can interfere with compensation negotiations between the involved clans or families, while informal reconciliation may require the formal authorities to stay out of the case. The communal need for re-establishment of peace is what often makes family elders

pressure women to not address the formal courts, influence judges and court decisions, or request cases to be handed back from the judiciary into their hands."[26]

Partnerships

Access to Justice and Civilian Policing

A lot of opportunities for effective partnerships between AVR and other UNDP projects are currently being missed. The most obvious area for collaboration is with the other ROLS projects. Detailed analysis and proposals for this are made elsewhere in this report. The table in Annex D highlights where the DSPs in PL and SL identify justice and policing activities.

JPLG

Another obvious area for partnership is between the AVR project and the Joint Programme on Local Governance which is a five year inter-agency UN programme (with a much larger budget than the AVR project) that aims to ensure that local governance contributes to peace and equitable service delivery in selected locations. There would be considerable benefits in harmonising the work of these two projects in terms of coherence and sustainability. Both the AVR and JPLG projects are aware of the possibilities and have discussed linkages but the lack of practical partnership so far has led to some duplication and overlap of efforts and significant missed opportunities for synergies. This failure is compounded by the fact that donors such as DANIDA, DFID and the EU fund both the ROLS programme and the JPLG.

The programme brings together:

- UN-Habitat – land management, municipal finance, tax revenue.
- ILO - procurement, tendering, engineering support.
- UNCDF – service delivery projects.
- UNDP – development planning and budgeting.
- UNICEF – community mobilisation and civic education.

The current programme will end in 2012 and a new five-year phase will begin in 2013. Whereas the AVR project is supporting the development of DSCs and DSPs, the JPLG is supporting District Councils to develop District Development Frameworks (DDFs). The JPLG is working in three of the four AVR districts in PL and SL - Bosasso, Burao and Galkayo – but is not active in Los Anod. In addition though it is also working in Berbera, Boroma, Hargeisa, Odweine and Sheikh in SL and Garowe and Gardo in PL. The programme plans to expand in 2011 to the coastal districts of Eyal and Bandarbeyla in PL. Critically, the JPLG has a budget of $100,000 (increasing to $150-200,000 in 2012) to support priority projects identified in the DDFs. In SC, the JPLG has been working in the last 18 months in all 16 districts of Mogadishu, supporting local 'leadership consortia' to identify small-scale construction projects ($25-50,000).

RSL

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[26] P9, Chopra, 'Improving Women's Access to Justice and Security in Somaliland', UNDP Somalia Operational Paper, August 2011.

Another potential partnership which has yet to be fully developed is between the AVR project and UNDP's Recovery and Sustainable Livelihoods (RSL) Programme. This currently has three projects on:

- Employment generation for early recovery.
- Area-based early recovery.
- Integrated watershed management.

UNDP globally makes a strong link between community safety and early recovery work[27], however this connection is not being made in Somalia. The RSL programme's new Pro Doc contains initiatives in the following areas:

- Employment generation (Construct vocational training institute and develop vocational training programmes – Los Anod).
- Rehabilitating basic social and productive infrastructure. (Build and rehabilitate police stations, court buildings and prison – Los Anod
- Private sector support.
- Micro finance.
- Natural resource management.

The RSL programme is not currently geographically concentrated. The table in Annex D highlights where the DSPs in PL and SL identify early recovery activities in the RSL programme areas.

NGOs

The AVR project has had a large number of NGO partnerships. At first, the project established partnerships with local NGOs in each target district to support their local DSCs. However, it soon became clear that they lacked capacity to perform this role effectively and were sometimes also controlled by elders and aligned to clans. The project then partnered with international NGOs – primarily Saferworld, DDG and JCCP - to bring in research and capacity-building skills. Whilst these organisations have all played valuable roles, it appears that there has been confusion at times as to the role that each organisation is playing. NGO partners often waited a long time for a promised contract to appear and then were rushed into delivering a large number of products in a short space of time[28]. As these products – DSPs and conflict analyses – were intended to be developed in partnership with local DSCs, this naturally must have reduced their level of local ownership.
One problem appears to have been a reluctance amongst the senior management in the UNDP office to sanction contracts above $150,000 in value. This meant that the project was reliant on using the modality of Micro Credit Grants which have a maximum duration of one year (in practice they were often six months or less) and can be approved by the Country Director without the requirement of tendering. Uncertainties over cash-flow due to unpredictable donor support, has sometimes been a factor that has influenced this approach. This led to the AVR project having a large number of contracts, out of sequence, with multiple actors. It also meant that NGO partners struggled to recruit or deploy experienced staff on short-term, short-notice assignments. NGOs highlighted to the evaluation team that there were often significant delays (sometimes of up to one

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[27] P30, 'Community Security and Social Cohesion: Towards a UNDP Approach', UNDP, 2009.

[28] This was partly due to delays in funding from a donor.

year) in getting paid by UNDP for services provided to the project. There was also a feeling that NGOs were being hired to conduct specific tasks, rather than being included as partners on the whole project. This does not provide the basis for sustainable strategic partnerships.

5.2.2. Somaliland

Ministry of Interior

The Ministry of Interior in SL demonstrates a good level of ownership over the AVR project. They are pleased with the progress of the District Safety Committees in Burao and Los Anod and are keen to expand the model to Berbera, Boroma, Hargeisa and Eregabo. The DSC in Los Anod has conducted a peace campaign to raise public awareness, and to encourage the public to work in partnership with the police.

UNDP has supported the establishment of a Peace-building Unit in the MoI to provide oversight and coordination of peace-building work. The MoI plans to develop a national peace-building strategy that seeks to build on traditional practices. A series of regional meetings are planned to get the input of a wide range of stakeholders.

District Safety Committees

The evaluation team met the members of the DSC in Burao who represented a broad range of state and civil society groups. They are a capable group who have benefited considerably from UNDP support. However, there is a risk that they may become frustrated. Having developed the DSP, they clearly expected that UNDP would provide resources to implement at least some aspects of it. Using the skills acquired in their training from DDG they developed and submitted funding proposals to UNDP to support a number of different priorities in the plans – an inter-clan sports competition for youth, street-lighting in crime hotspots, and clearing over-grown bushes in public spaces. No funding has been available for these. The DSC has also enthusiastically embraced the YAR project and identified 550 children and youth for consideration for the available places. However, the start of the project has been delayed by UNDP from its intended June start. The DSC and the Governor of Toghdeer region both raised concerns about this with the evaluation team, understandably worried about the negative impact this delay may have on the at-risk youth whose expectations have been raised and are waiting for the project to begin. Delays risk undermining the legitimacy of the local government and DSC in the eyes of the youth. The clear lesson for UNDP is to avoid raising expectations at the community level if the resources are not available to follow through, and to set realistic timeframes for project interventions.

5.2.3. Puntland

Ministry of Security

The Ministry of Security demonstrates a good level of ownership of the AVR project. It has established a peace-building unit in the ministry with UNDP support. The government has also encouragingly established an Inter-Ministerial Committee on Peace-building, coordinated by the Ministry of Security and including the Ministries of Interior, Justice, Women and Youth.

District Safety Committees

The evaluation team met members of the District Safety Committees from Bosasso and Galkayo who demonstrated impressive commitment and capacity. The DSCs are not just UNDP structures but are taking an active role in peace-building in the country. In a tragic demonstration of this, two members of the Galkayo DSC have recently been killed as a result of their work. The Chairman of the DSC in Bosasso has travelled to Galkayo to work with the local DSC, elders and the Government to try and mediate in the local conflict. The Ministry of Security is keen to expand DSCs to other areas of PL. One limitation with the Galkayo DSC is that it just covers North Galkayo. The DSC strongly recommended that a similar structure should be established in South Galkayo in the neighbouring region of Galmadug. Indeed, given the nature of the recurring conflict between North and South Galkayo it would be conflict-sensitive to support DSCs on both sides, or preferably develop a joint one for North and South if possible.

Karkar peace process

The AVR project has just signed an agreement with the Ministry of Security in PL to support a conflict mediation process between three sub-clans (the Hunbeys, Rako and Dhuudo) in the region of Karkar. This is an interesting initiative that was proposed by the government to UNDP following an April 2011 assessment mission. To its credit, the AVR project has responded rapidly recognising that this provides a good opportunity to explore the potential role of the ROLS programme in peace-building. UNDP's support includes funding a neutral mediator, logistical costs of a series of peace conferences in each sub-clan district, and making a video to document the process. This support is valuable but whilst it may hopefully lead to a peace agreement, it does not address the root causes of the conflict. The assessment mission report states that "It was agreed by all that lack of water points held by Hunbeys, while other sites have water points (Rako & Dhuudo), was major root causes of the sub clans' conflicts and disputes at largely" [sic]. The mission report recommends urgent action to improve natural resource management, create alternative livelihoods for youth, improve basic service delivery to rural communities, and reduce domestic violence. Building on the initial work of the AVR project, a coordinated ROLS-GOV-RSL response to these local needs could make a sustainable contribution to peace-building.

5.2.4. Mogadishu

In Mogadishu there is an uneasy peace at present following the withdrawal of Al Shabaab from the city. The TFG, supported by AMISOM, is trying to extend its control over all 16 districts of the city. Each district is ruled by a District Commissioner that has his own militia. These armed groups are often euphemistically known as neighbourhood watch but are a security threat in their own right. The Ministry of Internal Security is keen to disband these militia and appoint new District Commissioners.

This presents an excellent opportunity for the YAR project to demonstrate its relevance. Where it is possible to demobilise these militia, the intention is to put them through a TFG screening process to identify which are candidates to join the police or military, which are traumatised and require medical attention, and which are suitable to join the YAR project. If successful with the first caseload, there is the intention to expand the project to address 5000 youth in Mogadishu with additional potential funding from USAID.

In an attempt to fill the subsequent security vacuum, the AVR project is planning to support the TFG to recruit 2000 women into a Civilian Protection Service. They will spend half of their time patrolling the communities, acting as the eyes and ears of the police, and the other half working on labour-intensive projects identified through the DSPs. This is an innovative but potentially high risk initiative. It should be prefaced by a thorough risk assessment and mitigating strategies developed to prevent the women being viewed as informers and targeted.

5.2.5. Lessons and recommendations

i. *Baseline assessments provide an important evidence base but took too long and have been insufficiently used.*

- Simplify the methodology, increase the survey's relevance to programming, and use the results to inform policing, justice and governance projects. The ROLS programme document states that, "A common baseline assessment shall help set benchmarks and set objectives at the community level"[29] but this has not happened across the programme as intended. The surveys have the potential to be of value to the whole of the new merged ROLS-GOV programme, and so in future the programme as a whole should decide what their main objectives are and how to develop the surveys in this light.

  If the objective is to move towards more coherent and conflict-sensitive area-based programming then a more detailed conflict analysis is needed. If the objective of the survey is to provide a baseline against which progress in the police and justice projects can be measured then the questions asked must be good indicators of the progress of the projects. For example, a question could be asked as to whether citizens are aware of where they can go to in order to receive legal aid or advice on how to resolve a dispute. The survey could also provide baseline data against which the impact of the JPLG could be measured, for example by asking questions about the level of citizens' trust in local government, their access to different social services, and their satisfaction with the quality of these services. This would move the survey away from a pure criminological approach which focuses on patterns of crime and violence, to one which is of broader value to the ROLS-GOV programme. Even when addressing crime, the survey could better balance its current focus on identifying problems with questions that seek to highlight solutions. For example, 'what interventions do citizens think would have the biggest impact on reducing crime and violence in their community?' This information would be very valuable in the design of the DSPs.

ii. *Building Somali capacity for assessment and analysis takes time and requires mentoring and strong research capacity.*

- Recruit research analysts and develop a capacity-building strategy for the Observatory. The OCVP is a good idea and has received significant investment so should not be allowed to fail. The AVR project should commission an INGO to provide mentoring support to the OCVP over a three-year period. The partnership agreements signed with other universities in Somalia should be implemented to make the OCVP more of a legitimate national resource. An agreement

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[29] 'Rule of Law and Security Programme, Phase III. Project Document', p 12, UNDP Somalia, 2009.

should be reached with Hargeisa University to provide greater academic support to the OCVP given the investment and attention that it is bringing to the institution.

iii.   *District Safety Plans have a significant justice and police focus and need wider ROLS ownership.*

- Use DSPs as a framework for facilitating a coherent ROLS response to community needs. The ROLS programme document says that "the community safety and security plan will provide a strategic plan for coordinating activities in reducing violence and supporting victims."[30] However, in practice this has not happened. The DSPs include a number of priorities for justice and police support, but the lack of involvement of the ATJ and CP projects in the development of the plans means that these priorities have not been implemented, and sometimes would benefit from a more strategic analysis. The DSPs have the potential to act as frameworks for a more comprehensive ROLS response to community needs. For example, they present an entry point for engaging in community-based policing.

iv.   *There is a natural link between the district planning work of the AVR and JPLG projects.*

- Develop a joint implementation strategy that integrates safety issues into development frameworks and institutionalises DSCs. Each DDF that is developed by the District Councils with JPLG support has a security component but these are not currently informed by a sophisticated analysis of the local security situation. They typically propose the establishment of new police posts. On two occasions, in Burao and Hargeisa, the CP project has supported the construction of police posts following a request from JPLG. This is an encouraging sign of inter-project cooperation but the necessity of the Burao post was questioned by one stakeholder to the evaluation team. This illustrates the value of combining the analysis and expertise of the different ROLS-GOV projects in the district planning process to help frame issues and priorities for the DDF. This would help to provide confidence that the emerging plans represent genuine community needs.

  To ensure their sustainability and a clear link into the formal governance system, the DSCs need to be institutionalised. At the District level this should be with the District Council. In all the locations the DSCs appear to operate in close conjunction with the Mayor so there is a link to the council. And at least one member of the local District Council also sits on each DSC. But this relationship would benefit from being formalised, for example by the DSCs being incorporated as a sub-committee of the councils. Vertical institutional linkages are also needed with the Ministry of Interior and Ministry of Security to formalise the DSCs as part of the developing national peace-building architecture.

  To help ensure this effective integration, it is recommended that a partnership agreement be established between the AVR project and JPLG that commits to:
  - AVR and JPLG synchronising their work in the same districts with AVR expanding into districts where JPLG is currently active. The prioritisation of districts (and AVR areas

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[30] P12, op.cit.

> of focus within districts) should be informed by criteria, such as levels of violence, significant risks of conflict, and existing clan disputes.
>
> o A joint review of the AVR baseline assessment methodology to decide how it can be adapted to serve the needs of the JPLG and be integrated into their district profiling assessments. The forthcoming series of new JPLG assessments in SL in 2012 provides the first opportunity to pilot this integrated approach.
>
> o AVR working with local partners (and informed by findings of baseline assessments that include a conflict analysis) to identify community safety priorities as part of the DDF process. In future, where DDFs exist then there is no need for a separate DSP.
>
> o AVR and JPLG jointly examining how best to capacitate villages to monitor the delivery of services (including security and justice). A partnership in this area should be established with DDG's community safety project in Toghdeer and Galkayo and with the World Bank/Danish Refugee Council Community-Driven Development project.

v.   The AVR project is helping deliver the CPD Outcome 1 on peace-building but developing an integrated UNDP approach is vital to sustainable impact.

- Project activities should be purposefully developed with a peace-building objective. The development of national peace-building architecture in PL and SL, the role of DSCs in conflict resolution, and the youth-at-risk project all have significant peace-building potential. This should be strategically developed in the next phase of the programme. The experience of supporting the Karkar peace process should be evaluated to learn lessons for developing this work. Criteria should be developed in consultation with Somali experts and NGOs such as Interpeace to guide which initiatives to support, and to ensure that UNDP's role is focused on supporting indigenous efforts[31]. Clear criteria and risk analysis will be necessary to ensure that such initiatives are locally-driven, whilst guarding against potential manipulation by political and clan leaders. The AVR project is helping to develop peace-building structures and can support mediation efforts. But the resources of the JPLG and RLS are vital to address root causes which in Somalia are often related to natural resource management, compounded by the lack of alternative livelihoods and poor service delivery[32]. The ATJ and CP projects clearly have vital roles to play too. Harnessing these projects collectively is the key to a sustainable impact.

vi.   Conflict sensitivity needs to be considered more in project choices

- The AVR project is working both on conflict issues and in conflict areas. It is important therefore that project decisions are informed by rigorous conflict analysis. For example, the selection of geographic locations pilot sites for the project could, if not done carefully, be seen to favour some groups over others. Two of the current locations raise potential issues in this regard. In Galkayo, the project is working in the north of the district and not the south which could risk

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[31] The project will need to be acutely aware that the UN does not have a successful track record in peace-building in Somalia. Staff should therefore be prepared for scepticism from some Somali partners and efforts should be focused on supporting locally-driven initiatives.

[32] It is recognised that there are also many external and international conflict drivers in Somalia which also need to be addressed. However, UNDP's projects have the potential to make a far greater contribution to addressing local root causes than they do at present.

exacerbating existing tensions between clans. In SL, the project is working in Los Anod which is in the disputed border area with PL. Any investment by UNDP there could potentially be seen from PL, and from the perspectives of Dhulbahante opposed to SL, to be deepening SL's control over Las Anod. It is not clear that the risks of this, and how the project could mitigate them, have been properly assessed. The baseline assessments are vital in this regard. They do currently have a conflict section but the analysis is fairly rudimentary and should be developed further. This should be a task for the new Peace-building Advisor. It is also proposed that he/she be tasked to bring together the PL and SL sub-offices to analyse what the response of the ROLS-GOV programme should be to the border conflict – both in terms of proactively working to address root causes and avoiding exacerbating the situation.

vii.   *The lack of follow through on the Somalia Community Safety Framework has left a gap.*

- UNDP has an added value in facilitating this coordination and it should be revived. As community safety work continues to increase in Somalia, the lack of a functioning coordinating framework is being felt by partners. One of UNDP's organisational strengths is its convening role and the AVR project should take on this challenge. Consideration is currently being given to contracting this out to an INGO. INGOs can provide important technical support but it is recommended that the project keeps a hands-on role as the convenor of this network.

viii.   *There is potential to scale up the AVR work at the community level but this requires re-thinking UNDP's role.*

- The project should develop strategic partnerships with INGOs to deliver project outputs and manage local partners. There is an emerging consensus amongst the international community about the need for a bottom-up approach to programme delivery, based on increasing the voice of citizens to express their safety concerns, and enhancing the responsiveness of local authorities for service delivery. There is a significant opportunity therefore to scale up the AVR project and expand to new districts. This will require though re-thinking UNDP's role to avoid overload. UNDP's added value lies primarily working 'upstream' at the institutional and policy level (e.g. support to the development of peace-building architecture, national policy, ensuring coordination through convening the Somalia Community Safety Framework). Strategic partnerships over the life-span of the project should be developed with INGOs to support the OCVP and work at the district level.

ix.   *The success of the youth-at-risk project requires parallel progress on peace-building.*

- The AVR project should consider how it can support UNPOS to facilitate the negotiation of security arrangements. The success of the project in Mogadishu, and indeed to an extent the viability of the TFG, appears to rest on whether the TFG is able to replace the District Commissioners or persuade them to disband their militia. It is not clear though what the incentive is for the District Commissioners to do this voluntarily and peacefully. This negotiation of security arrangements is a vital area of attention. One possibility would be through the development of the DSC model in Mogadishu, using elders, religious leaders and civil society as advocates for a peaceful transfer of security control from the District Commissioners to the TFG.

The 'local leadership consortia' supported by the JPLG could provide a nucleus for the DSCs. This could be done in a phased approach through the city, in conjunction with the roll out of the 5000+ policeman who have been trained and are being paid under the CP project.

x.   Implementation should support good governance

- The project should ensure that it always follows due process. Amidst the pressure of circumstances, and eagerness to push on, it is important that the project considers whether there sometimes might be un-intentioned negative consequences of activities. For example, the YAR project envisages identifying some of its caseload from petty young offenders in prison. This is a laudable idea and could be used as an opportunity to encourage the authorities in PL, SL and SC to systematically consider the issue of child diversion (an ideal opportunity for collaboration with the ATJ project). However, UNICEF is concerned that the current method of identifying the caseload may undermine the formal judicial process. Apparently the project is relying on local governors to sign a waiver to release the young offenders, rather than the cases being brought before the court for a judge to decide. Implementation should not risk undermining the good governance approach that ROLS as a whole is seeking to support.

xi.   There are possible tensions between justice for women and peace-building

- ROLS's peace-building and justice sector work need to be well aligned to address this issue. At the national level, legal aid providers and women's NGOs should be included as key stakeholders in the development of national peace-building strategies. Workshops should be organised as part of the strategy development process to discuss dilemmas between justice and peace-building and develop solutions. At the local level, legal aid providers and community paralegals should be involved in the DSCs and should be present in inter-clan conflict negotiations. Building the legal knowledge and capacity of these actors can help to bring a new paradigm into local peace mediation processes and develop an alternative power source in the community[33].

5.3. Civilian police project findings

<u>Overview</u>

The civilian policing project (CPP) plays a critical role in the ROLS programme. Designed to improve access to inclusive, equitable and accountable forms of security and protection for all Somalis, the project has sought to strengthen the institutional and technical capacity of Somalia's three police forces while promoting human rights and gender equality. It has sought to influence Somali police practice and culture.

Somalia's security environment has made this a challenging task. Although memories of the Barre-era's police encourage many Somalis to favour less repressive forms of policing, democratic-style reform is to a large extent donor driven. In practice, the legacy of 20 years of conflict and political fragmentation has resulted in Somalia's police forces lacking the resources, funding and technical

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[33] See Chopra, ibid, for a detailed exposition of these proposals.

skills and (in many cases) the desire required to fulfil ROLS' expectations. Not only is there a significant proportion of unsuitable personnel in the regional forces, but also cultural realities ensure that recruitment and promotion owe more to clan affiliation than to equitable or meritocratic procedures. Discipline is potentially undermined by, for example, the lack of civilian oversight procedures, and the acceptability within the police forces of officers using qat. Further, as the US State Department's *Report on Human Rights Practices in Somalia* for 2010 noted, abuse by police is rarely investigated and a culture of impunity remains.

Some progress on police reform has been possible in SL and PL partly because their police forces were established after political settlements were agreed; they are perceived as 'national' forces. This is not the case in Mogadishu or SC more generally. Consequently, the three forces cover a policing spectrum that ranges from SL's relatively developed force to an inadequately resourced Somali Police Force (SPF) that is expected to provide civilian policing while fighting an insurgency, with PL's emergent force positioned between the two.

This situation may be disappointing but it is neither surprising nor a sign of failure. Somali police culture may have proved resistant to change in the eight years that the CPP has been operating, but it is unrealistic to expect otherwise. The experience of comparable programmes in fragile environments suggests that while embedding procedural reform may take 10 years, cultural change (as in changing occupational attitudes to the use of physical force or gender equality) can take several generations. It cannot be otherwise in conservative patriarchal societies.

Despite this, the CPP has some significant achievements to its credit. It has used institutional, professional and technical support to develop the region's police at the institutional, strategic, operational and logistical levels; it has laid some of the foundations for potentially professional forces capable of operating to international standards. Its activities have ranged from supporting a reform unit at SL's Ministry of the Interior to implementing a communications project in PL and developing civilian oversight procedures in Mogadishu. Police stations have been refurbished or rebuilt, vehicles and equipment supplied, command courses for senior officers supported, and stationery and reading material provided to personnel attending basic training courses in the region's training academies.

The CPP has paid special attention to training, with approximately 14,000-officers trained during ROLS III (5,000 in SL, 1,500 in PL, and 5,500 in SC). Indeed, UNDP has ensured that many of Somalia's rank and file officers have for the first time learned of rights-based partnership policing and the Cairo Declaration on Islam and human rights; Mandera Academy provided 2,100 officers with basic training in these topics between November 2010 and February 2011. Additionally, ROLS has promoted policing as a service, and the need for gender equality; two women and children's desks have been established in the SL capital, Hargeisa. While the impact of such measures is difficult to quantify, it seems reasonable to assume that by promoting policing in this way, the CPP has enabled some Somalis (albeit an urban minority) to benefit from more inclusive, equitable and accountable forms of governance and justice.

 The project has in this way has addressed significant aspects of three of the five strategies identified in the project document:

- Capacity development for key institutions responsible for civilian police

- Public accountability and parliamentary oversight mechanisms
- In-service training in civilian and community-based practices
- Community-based policing pilot projects
- Recruit training in community-based policing practices.

But progress has been uneven, with public accountability and parliamentary oversight seemingly neglected and pilot projects in community-based policing undeveloped even though international good practice requires further progress in all three.

ROLS' approach is aligned to the good practice promoted by, for example, the OECD DAC's *Handbook on Security System Reform*, but it falls short in that good practice requires further progress on issues such as governance, oversight and a community-based police service. Thus the project promotes the rights-based model of policing, but has to date failed to ensure that the components required to deliver it are in place.

The CPP is not entirely responsible for this situation. In particular, funding gaps and delays caused by donors have introduced unpredictability when predictability and consistency are required. The financial crisis of 2008 undermined the project too, while staffing challenges resulted in unfilled posts. UN politics have had similar adverse effects, leading to inadequate communications between the regions and Nairobi, and poor co-ordination with UNPOS. Somali and donor politics have played a part too. In particular, the CPP has been distracted from development-oriented policing by controversies concerning ROLS' responsibility for managing the Special Protection Units (SPU) operating in SL and PL, and for paying stipends to the Somali Police Force (SPF) in Mogadishu. (See also sections 5.3.1 and 5.3.2.)

ROLS' involvement in the payment of stipends to the SPF in Mogadishu is particularly controversial and time consuming because it results from the political nature of donor engagement with Somalia's Transitional Federal Government (TFG). Although some internationals remain concerned about instances of police brutality and impunity, most of the current concerns are political in nature. Unlike the situation in 2008 when the New York-based advocacy group Human Rights Watch reported widespread abuse by SPF officers funded by British and European Union money, today's debates have more to do with the minimal control exercised by the TFG, and the limited co-operation that exists between the various international agencies seeking to influence policing.

Even without factoring in the cost of stipends, the CPP appears relatively expensive — excluding stipends, the CPP budget ranges between $4.3 million (2010) and $5.5 million (2011) – see Table 2 in section 7. But developing accountable and disciplined police is always expensive, and the outlay in Somalia is relatively small in comparison with comparable projects in, for example, Afghanistan. In 2003, the US provided $24.6 million for a new police training centre in Kabul, and a further $160 million for building seven regional centres to train 50,000 rank and file officers over a three-year period.[34]

Taken as whole, the CPP's uneven record is understandable; it is skewed by Somali politics, by fire-fighting on behalf of, for example, the SPU and by responding to donor politics in Mogadishu. But

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[34] Tonita Murray, 'Police-Building in Afghanistan: A case study of civil security reform', *International Peacekeeping*, 14: 1 (2007), 108-126.

more fundamentally, imbalance reflects the tensions that exist between technical support and normatively-driven reform in police projects such as the CPP's. Institutional development has been handled well, but it is not synonymous with reform, and the procedures and processes necessary for ensuring that human rights, accountability and discipline influence everyday policing have yet to be developed. More generally, the project has yet to be implemented at the community level, and this affects the police's ability to work in partnership with local authorities and civil society, and to respond to public expectations, and hence the ROLS programme's ability to meet its stated outputs. It ensures that CPP has yet to achieve the community-based projects and practices identified in 2009's project document, let alone successful gender mainstreaming.

5.3.1. Special Protection Units

One of the more controversial elements distracting the CPP from its developmental role in SL and PL concerns ROLS' involvement in the management and development of the SPU.

The first SPU was established in 2003, in Somaliland, at a time when international confidence in security had been severely undermined. A similar unit was later created in Puntland in 2005. Part of the regular police, it has its own command and control structure operating under the direct command of police commissioner. In April 2011 it consisted of 340 officers in SL and 260 in PL. It provides armed escort teams to international missions in country, static security to UN and international humanitarian and development staff, mobile security patrols to UN and international residences and offices, and a rapid response capacity in SL (though not in PL where a separate police mobile force exists). It does not work in Mogadishu or SC.

The CPP is involved partly because the SPU is part of the police, but also because — and this is at the heart of the predicament the SPU presents it with — it manages aspects of the financial resources required to run the SPU. There are arguments for and against involvement. The SPU is to some extent an enabler in that its protective duties facilitate the work of development agencies and NGOs. On the other hand, its activities detract from ROLS' own development work. For example, SPU personnel receive regular daily subsistence allowances (currently US$ 4 per day and $7 for overnight stays) from international organisations, and this encourages regular officers to join its ranks. But this has the effect of taking trained officers and turning them into escorts or security guards, thus undermining ROLS' reform work. The UNDP has proposed that SPU officers rotate so that the police forces in SL and PL benefit from their training while constraining the potential for corruption and/or impunity, but this is opposed by the SPU. As a result, managing the SPU's activities requires ROLS to spend excessive time administering operational funds, the payment of allowances, and negotiating with host governments and international agencies. In other words, the SPU distracts ROLS from its development remit; ROLS spends time fire fighting when it should be developing Somalia's police as coherent, professional and accountable forces.

These problems are exacerbated by a lack of co-ordination and communication on the part of the UN agencies and IGOs best placed to resolve the challenges of managing the SPU. This has led to confusion about the management of the SPU (as well as about the financial resources required to deliver security via the SPU) on the part of agencies, NGOs, governments of SL and PL and the SPU itself. Uncertainty about issues such as pay and remit then affects the SPU's morale and discipline. The 2009 project document speaks of building the capacity of the regular police in conjunction with managing the SPUs in preparation for government authorities to take full control of them (p. 15), but

transfer is not as yet a realistic option. This makes it difficult and inadvisable for the UNDP to walk away from the SPU's management.

5.3.2. Stipends

The debate about stipends is, if anything, even more controversial, for it emphasises the political nature of donor engagement in police reform, and the extent to which the CPP must accommodate a donor agenda predicated on developing and supporting state-based institutions.

Stipends have been paid to the SPF through the UNDP on behalf of international donors and administered by ROLS since 2005. Funding for stipends has been provided by the European Union, Norway and the Government of Japan (via the UNPOS trust fund), but payment has always been problematic, operationally and politically. Despite this, the UNDP has had little choice but to administer payments; the TFG and its predecessors cannot or will not pay their police, while other IGOs are reluctant or lack the capacity to become involved. A long-term solution has yet to be agreed.

For now, a system has been developed by UNDP and approved by the donor partners, which ensures that only officers trained and certified by UNDP, and in active service within the SPF receive payment. A Stipends Monitoring Committee was developed and trained for this purpose. Following a successful pilot payment in January 2009 for the period from January 2008, the new procedure was implemented and stipends payments have since been made in batches of up to five months at a time. At the time of the evaluation, stipends payments were 15 months in arrears, with the most recent payments being made in August 2011 to 3,074 officers.

The stipends process has suffered severe delays because of Mogadishu's complex operating environment, and because UNDP needed to ensure a maximum degree of accountability even though the ROLS team had no access. Also, the police commissioner has been replaced three times, and each new appointment resulted in payments being put on hold until the officer concerned was able to demonstrate his control of the SPF. Payments were delayed further by the belated receipt of donor funds.

The UNDP's involvement in stipend payment may or may not be aligned with international good practice (the OECD DAC's *Handbook on Security Sector Reform* does not provide clear guidance), but it is not unusual — and neither is the controversy. In Afghanistan, for example, where international donors finance the Afghan budget, the UNDP established and administered the international community's Law and Order Trust Fund for Afghanistan (LOFTA), 2002-2010. LOFTA paid not only police salaries, but also trust fund contributions for institutional development, recruitment, training and non-lethal resources.[35]

Even so, UNDP's involvement impacts adversely on ROLS' work in a number of ways.   First, stipends will continue to be a controversial and time-consuming issue, for it is clear that they will need to be paid for the foreseeable future.   They are a temporary payment to support the provision of essential services and are based on 50% of the salary scales officially approved by the TFG (junior officers receive US$100 per month, and senior officers $600). But there is no sign that the TFG has the

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[35] UNDP Afghanistan, 'Law and Order Trust Fund for Afghanistan (LOTFA) Phase V '. < http://www.undp.org.af/whoweare/undpinafghanistan/Projects/sbgs/prj_lotfa.htm>

resources or capacity to pay its 50% share, let alone take on the commitment of paying all salaries. The cost of stipends for Mogadishu's approximately 5,500-6,000-officers is currently US$780,000 per month, so the international community's commitment is looking increasingly open-ended and expensive.

Second, stipends are of major concern to the SPF, and ROLS' discussions with senior police commanders in Mogadishu are dominated by stipends to the detriment of more substantive issues of police development and reform.

Third, there are technical and procedural issues about the robustness of the payment process. Mogadishu's insecurity and social realities have made it difficult for payments to be verified satisfactorily, and the suspicion that they are being claimed by unqualified individuals, or used for political or business purposes has exacerbated controversy. Nonetheless, the round of payments made in August 2011 was monitored by the AU Police Contingent, an EU representative and an independent contractor; in other words, for the first time, independent international monitors were able to monitor payments. The system appears to be robust if cumbersome.

5.3.3. Somaliland

The self-declared (but internationally unrecognised) republic of SL is relatively free from the violence and instability affecting PL and SC, and its government is committed to developing a civilian police force aligned to international standards. That the government spends approximately US$11.5 million (primarily from its state coffers) on police salaries, running costs and the maintenance of equipment each year is evidence of this.[36]

In practice, SL's police force faces major challenges in achieving the government's goals. Its budget does not, for example, cover the costs of construction or rehabilitation, uniforms or, importantly, training. Also the police must deal with high levels of public distrust, and the technical consequences of inadequate infrastructure, equipment and training; it has yet to engage effectively with local communities outside the main towns, human rights are not always respected, and a significant proportion of its officers are elderly, illiterate or ex-militia.

Even so, much has been achieved, and ROLS, which has invested heavily in SL's development, has played a key role in enabling the police to reach this stage; it has supported the police as it has sought to build on the more positive aspects of SL's institutional legacies, capacity, cohesiveness, pride and desire for independence.   A new structure has been agreed, and the need for reform — as symbolised by the introduction of ranks and uniforms — is widely accepted. The CPP has not though delivered the community-based projects and oversight mechanisms identified in the project document.   Also, the CPP has been affected by SL's political dynamics and social realities and is unable to influence appointments at the highest level. It has also been affected by contingencies such as the bombing of the UN's Hargeisa compound in 2008, and by internal UNDP issues such as funding delays and staffing problems. But this is in the nature of support and development projects, and should be acknowledged as such. In essence, progress has been mixed, but SL's police appears to be at a critical moment in its transition towards a more professional and accountable force.

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[36] 'Somaliland Police: Strategic Needs Assessment 2011-2015' (2011), p. 1.

After eight years, the CPP in SL offers significant insights into police support projects as a reform and functionally-appropriate development undertaking. The project's components include the following:

Infrastructure

Most support and development projects in fragile states start with restoring or rebuilding a police's infrastructure so as to ensure the police has a physical and symbolic presence in communities, and the CPP is no exception. Police stations have been refurbished with UNDP support, training facilities have been refurbished or built, and the quality of police-related infrastructure is now relatively good.

ROLS' provision of training facilities is particularly noteworthy given the number of officers requiring basic training. The support, funding and advice given to the academy at Mandera are substantial. It ranges from the building of a new complex for specialist and command courses (this includes classrooms, a laundry and a dining hall), to stationery packs for students receiving a basic introduction to human rights, and curriculum development by international consultants. The barracks might need attention, and there is no perimeter fence, but the classrooms used for basic training are equipped with good quality desks and chairs, and are light, airy and clean even when occupied by over 60 students. Trainers have flip charts and blackboards.

The new buildings to the rear of Mandera's main academy are equally impressive and are of an international standard. They are also empty. They are used by British trainers for short specialist courses several times a year, but are otherwise a grossly under-used resource.

Training

Although the practical effects of classroom-based training are short-lived, training is a key component in police support and development projects, and ROLS has effectively made it the centre piece of the CPP project. Since 2008, CPP has provided a comprehensive package of activities that ranges from basic recruit training to specialist training in, for example, criminal investigation, critical incident management, and headquarters' functions such as financial management and logistics. Train-the-trainers courses are held. Most recently, UNDP support ensured that between October 2010 and 2011, 2,400 officers (543, or 22%, of which were women) were trained at Mandera in rights-based partnership policing, the Cairo Declaration on Islam and Human Rights, and the SL police charter and constitution. All the training that takes place at Mandera is delivered by local trainers.

Four factors detract from ROLS' otherwise successful record in this aspect of support and development. First, ROLS' ability to ensure that officers provide or receive the training in community-based policing practices identified by the 2009 project document is limited. This is partly because of Mandera's capacity, partly because of the inability of many students to understand basic policing principles and practices, and partly because the preferred priorities and training strategies of the police focus on basic police skills.

Second, train-the-trainer (t-t-t) courses that could extend ROLS or Mandera's reach are delivered, but not, it seems, with much enthusiasm. When asked about such courses, and whether or not those trained at Mandera should be sent to train officers at regional or district levels, Mandera's six

trainers, students and senior officers said that their priority and needs concerned more training in specialist skills (and in investigative skills in particular), and that t-t-t courses should address this need, rather than right-based policing. When asked what would most improve the ROLS project, the unanimous answer was a month's extension of specialist training in investigative skills.

Third, a percentage of students in the classes seen by the team were elderly or illiterate (three of the 16 female officers in one class were unable to read their UNDP-provided booklets on human rights). The presence of such students is symptomatic of the difficulty Somalia's forces face in retiring unsuitable officers; there are no pension or welfare arrangements that might encourage them to leave.

Fourth, there is minimal monitoring or on-the job training. Several officers who had completed the human rights training package told the team that they had learnt new lessons with direct application in their work. But whether they will remember those lessons once back in their stations, and change the way they treat the public is open to question. Also, when asked what sort of training courses they valued most, students unanimously spoke of specialist investigative courses.

International experience of police training projects shows that "skills may be learned but then rarely used"[37] unless they are supported by practical on-the-job support to ensure that the skills concerned are immediately incorporated into work routines and practiced. The OECD-DAC SSR handbook highlights that often "an overhaul of management practices and procedures may be needed to allow training to become effective."[38] The CPP training is not delivered as part of such a broader package.

 Gender

The gender components of police work in SL relate to recruitment, specialist facilities such as women and children desks, training in gender-based violence issues, and career planning, with 543 (or 22%) of the officers passing through Mandera in 2010-2011 being women. But in practice, recognition of the importance of gender is arguably confined to (and is most visible in) the establishment of separate women and children desks in Hargeisa central police station and New Hargeisa. Such desks allow female or child victims of rape or violence to speak to women officers when seeking help or redress, rather than to male officers (though the gatekeepers to stations remain male).

Many of the officers concerned have received some form of specialist training in gender-based violence. But recruiting women and placing them in dedicated units does not in itself ensure gender mainstreaming in a patriarchal society in which men make the decisions even if women occupy some prominent public positions; it does not achieve the shift in social attitudes required to ensure that women — and minorities — are treated equally and with dignity. Not only is Somalia not a signatory to the UN convention on the elimination of all forms of discrimination against women (CEDAW), but also, as the Freedom House report, *Freedom in the World 2010*, notes, impunity for perpetrators ensures that sexual violence is relatively common. In a similar vein, providing new buildings to house women and children's desks in otherwise under-resourced stations can be counter-productive, leading to resentment amongst male officers. For example, the smart new women and

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[37] P171, 'The OECD DAC Handbook on Security System Reform, Supporting Security and Justice', OECD 2007.
[38] Ibid.

children's unit in Hargeisa's central police station is situated beyond the cells, and anyone visiting it must first walk through an untidy entrance crowded with male officers, and past detainees calling through the door grills of a dilapidated block. In contrast, the unit is brightly painted and furnished with good quality furniture.

When the team asked women officers in specialist units in Hargeisa's central station and police headquarters whether they had volunteered for their positions, they replied in the negative, and when asked what training they wanted, the unanimous reply was investigative training. The women wanted to work in the mainstream of policing, rather than be side-lined into a separate unit or career path. This situation is unlikely to change for the foreseeable future.

Community-based policing

Most police support and development programmes promote some form of community-based policing. The desire for this amongst Somali citizens is highlighted by evidence from the AVR baseline surveys of security in Burao and Los Anod, which suggests that there is now increased public awareness that the country needs a people-friendly and fully resourced police service. This need was reinforced by SL government, university and NGO representatives that the evaluation team met. Certainly, the team was repeatedly told that the Barre era's repressive policing must never again be tolerated. However, this trend appears to owe little to the CPP, for the project has not taken forward the community-based policing work referred to in the 2009 project document, and no pilot projects have been undertaken. This may be the result of decisions taken by former project managers and/or advisers, but it means that ROLS cannot achieve its stated objectives.

More positively, there is evidence of dialogue and community engagement as when in 2010 the police reform unit based in the Ministry of the Interior (and supported by ROLS) used road shows to find out what people in Burao, Berbera, Borama, Gebiley and Togwajaale thought of the relationship between the public and the police. The background of those attending is not known, but it was agreed that there are not enough police in SL's towns, that women are under-represented, and that the police should have uniforms and an adequate salary. (The payment of salaries is not part of the UNDP's role.)[39]

More importantly, those attending the workshops recommended that police reform should continue. Further, they effectively endorsed ROLS' outcomes by recommending specialist training in the protection of vulnerable groups such as children, and an increase in the number of female officers. Even so, most of their recommendations concern training, equipment and infrastructure, rather than rights-based partnership policing specifically. And they concern policing in towns, rather than in the wider community alluded to in the project's outcomes. For the SL police has, like police in PL and Mogadishu, minimal presence in remote and coastal regions; 60 per cent of the 7,000 officers on SL's payroll are based in Hargeisa region.

Similarly, although the ministry's reform unit prepared a discussion paper on a police partnership scheme with the help of ROLS, it did not address explicitly the development of community-based policing projects and practices. Neither did the national charter for the police that was developed with UNDP support. The charter built on two national police reform conventions in Hargeisa during

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[39] 'Police Reform in Somaliland: Note by the Ministry of Interior Police Reform Unit', Somaliland Second National Convention on Police Reform, Hargeisa (2011), p. 12.

the ROLS III period, which articulated a vision, mission and mandate for the police. Both emphasised the need for a professional police that respects democracy and the rights of 'all the people', but failed to develop proposals for community-based practices. A new police act is in the process of being drawn up, and a five-year strategic plan developed, and while the act makes it obligatory for the government to establish a police-public consultative community, neither address how an accountable form of police presence might be established at the local level.

5.3.4. Puntland

Like their peers in SL and SC, police officers in the autonomous state of PL are inadequately trained, resourced and funded, and have little presence away from towns and off the tarmac road running from Galkayo to Bosasso via Garowe and Gardo. They are also politicised and confronted by challenges that include fighting three separate conflicts in Galkayo, Sool and Sanaag (against SL) and Galgala. Like their peers in SL they have inherited the remnants of an internationally trained and formerly effective security system. In addition to the police, PL has a clan-based militia known as Darawish, an intelligence service supported by the US (this is the main intelligence and counter-terrorism agency), and the army, none of which are committed to rights-based community engagement.

However, PLs 2,500-officers (400 of which are women) differ from those of the other regional forces in two significant ways. First, while they are technically and institutionally at least five years behind SL's police, they were until recently led by a professionally adept and politically skilled commissioner who is close to the president. Second, despite PL's volatile and insecure environment, UNDP, like many IGOs and donors, tends to focus on the more advanced and positive case of SL, or, for political reasons, on the SPF in Mogadishu.

Over the last eight years, ROLS' civilian police project in PL has focused on infrastructural and technical policing matters, rather than on what might be called the soft-ware associated with community-based engagement. This is partly because of the police's limited absorptive capacity, partly because of its senior officers' preference for technical development, and partly because infrastructural development is seen as both essential and relatively neutral. Consequently, ROLS has supported the institution in a manner that is meaningful to officers, but at the expense of community-based outcomes, and has consequently failed to achieve its desired community-based policing outputs. Even so, the project has a number of activities to its credit. For example, it has addressed the infrastructural and training needs on which appropriate policing depends, and has supported the development of an effective new communications infrastructure.

CPP has supported the following activities, which represent the project's components:

Infrastructure

During the period covered by ROLS III, essential or symbolic buildings such as police stations and posts, and offices belonging to the Ministry of Security and DDR were built or refurbished. A new police headquarters was begun in Garowe in January 2010, and is currently close to completion. PL's police training academy is at Armo, 100 kilometres south of Bossaso. Built with UNDP support, and opened in 2005, Armo's construction appears to have been welcomed by the local community; local people provided land and water pipes, support staff were recruited locally and it was said that the

academy's dispensary would serve the locality too. It is not clear whether this degree of community support and/or engagement was achieved, or, if so, whether it continues, but it represents good practice.

Training

Armo has trained police from not only PL, but also from SC. In September 2009, a group of almost 600 recruits (50 of whom were women) graduated, and by 2010, the academy's courses were well-established, with 100 new recruits trained alongside 500 officers from SC (the inclusion of SPF students was discontinued in 2010 for political reasons). Armo's three-month basic-training course was similar to that given at Mandera, with both covering topics such as human rights, community policing, gender, HIV/AIDS and basic police training. Its curriculum was developed by UNDP in conjunction with UNPOS and the AU police, and was agreed by the international community as representing the minimum standards required to certify a police officer. Armo also provided training for the PL SPU and a train-the-trainer course. The impact of such training on everyday policing remains to be seen, but ROLS' advisers have tried (albeit on a small, temporary scale) to provide on-the-job training designed to reinforce the lessons given at Armo.

The need to increase the breadth of training has been recognised, and between August and December 2010, the CPP ensured that 100 officers/trainers were trained in workshops addressing human rights, personnel management and police business processes and procedures. Building on the lessons learned in SL, the project also developed a new curriculum for CID investigators, 30 of which were trained in November 2010.

The academy had by then been damaged in a severe storm and suffered from vandalism, so 2010 saw the beginning of a UNDP- supported rehabilitation project; part of the main roof was repaired, walls were completed, an armoury and gate house added, and a new sewerage system installed for the dormitories. Gardo Police Training School was constructed at the same time, though it was excess to PL's requirements and as such has never been operational. This raises a serious question as to why the construction of a second and unnecessary training facility was ever supported by CPP.

Command and control system

Effective command and control is critical in police support and development projects. Although CPP's direct contribution to the police's development of a command and control system is unclear, it appears that advice and support from the CPP's advisers has been an important factor. Anecdotal evidence suggests that the current commissioner has sought explicitly to develop a functionally appropriate system, placing able officers in strategic positions such as the deputy commissioner for operations. And the system works. At 0630 situational reports (including court results and presidential directives) are sent from stations in the main towns and along the tarmac road to the police HQ in Garowe; they are typed up on an Olivetti manual typewriter and their contents forwarded to relevant offices by telephone or letter. Daily reports are delivered to the director general of the Ministry of Security and DDR at 0830.

Radio corridor

The police communications project on which the command and control system partly depends is similarly successful, providing a simple and cost-effective solution to a major operational challenge.

The UNDP ensured that base stations etc. (with solar power systems) were provided and installed along the strategic corridor stretching from Galkayo to Bossaso, and suitable teams established and trained. Radios, tools and a laptop computer have been provided to police, and Garowe's HQ now has a functioning radio room.

Leadership

Although not strictly part of ROLS' project, PL's record confirms the importance of police leadership in driving police development (technical and normative), and the significance of professionally credible international advisers in supporting it. The commissioner in post in September illustrates this. For example, he not only took a personal interest in a CID training course run by an international adviser and supported by ROLS, but also he promoted and posted the course's students on the basis of their results. Moreover, he did so in person three hours after the students had been assessed by the adviser. He has introduced civilian uniforms and ranks, and is reported to have banned qat chewing while on duty.

Community-based policing

As might be expected, the police's engagement with local people is poor, and community perceptions of PL's police are generally negative, especially in relation to trust, accessibility and response. Over half of those responding to the AVR's 2011 baseline survey of security and safety in Galkayo, for example, had low trust in the police, found them to be inaccessible in terms of distance and easiness to find, and slow to respond. CPP has recognised this, but has yet to establish initiatives to address the problem and build community engagement.

Citizens are keen for community-based policing to be introduced - the 2010 district safety plans for Bossaso and Galkayo both include a number of recommendations on this issue which have yet to be implemented. The Ministry of Security and DDR has identified developing effective community policing that links police to local people as a priority for 2012. This provides an important entry point for the CPP to engage systematically on this issue .

Community engagement by the police is in some instances weakened by local people looking to the traditional authorities for justice, rather than to state institutions such as the police (the influence of elders, the customary justice system and Sharia is strong in PL). On the other hand, anecdotal evidence suggests that this has sometimes required police to engage with elders and also with local mayors and deputy mayors in such a way as to strengthen engagement. In Gardo, for example, the current commander and his predecessor appear to have a good working relationship with both the deputy mayor and the mayor who chairs the district security committee.

The Ministry of Security and DDR has recently constructed three outpost police stations in Marera, Bendar siyaad and Ceelaayo in Bossaso (though none had equipment or furniture), and its plans for 2012 include rehabilitating all police stations in urban and remote areas. Nonetheless, the police's presence remains minimal in much of PL, and there is as yet no evidence of ROLS initiating community-based policing pilot projects that might mitigate this. This situation reflects ROLS' own priorities. Significantly, ROLS' *Annual Report 2010* contained no reference to developing community-based projects and practices in PL. The report states that 'the overarching objective for police reform... was to achieve a more secure environment and equitable service delivery'. But the support

required to ensure equitable service delivery at the community level has not been provided. Only then could civilian policing be delivered in line with international human rights standards and international good practice. The focus so far has been on institutional development. Developing potential synergies between the policing project, Access to Justice and AVR might be one way for ROLS to rebalance this picture, but opportunities have not been taken and the possibilities have yet to be explored.

5.3.5. Mogadishu

The team was unable to visit Mogadishu, making accurate assessment of the contribution ROLS makes to the police and policing (and that the police and policing make to achieving ROLS's objectives difficult. However, interviews were held with the national police commissioner and the TFG's director general of the Ministry of the Interior, as well as with past and current members of the Police Advisory Council (PAC). This enabled the team to gain an impression of the project's effectiveness and impact.

Mogadishu's chronic insecurity means that ROLS' ability to operate in the city (let alone achieve the project's stated outcomes) is severely constrained. However, while the control exercised by the Republic's Transitional Federal Government (TFG) over Mogadishu is limited, and its ability to improve policing standards severely constrained, the police has been operational throughout the war, managing to keep between four and six stations open. The SPF's technical capacity may have been eroded, its 5,500-officers may be in desperate need of support and equipment, and standard operating procedures, formal reporting and conventional forms of accountability and discipline may be limited, but it is a functional force. Remarkably, it continues to perform activities ranging from counter-insurgency to traffic management and criminal investigations under extremely difficult circumstances. It has a headquarters and a training academy, and new officers are given (with ROLS' support) three-months training before being sent out to Mogadishu's (now) 15 operational police stations. Unsurprisingly, the SPF's senior officers focus on the security threats challenging them today, rather than the future. In the circumstances the SPF's achievements and continued institutional presence are significant. A similarly nuanced assessment applies to ROLS.

ROLS supports the training and logistical needs of the SPF and it administers the payment of stipends to trained officers (see section 5.1). In late 2010, the UNDP renewed its letter of agreement with the SPF to support the running costs of key police facilities, thus enabling trained officers to carry out their responsibilities.

ROLS' police project, however, must be seen in a wider perspective, for it is merely one of a number operating in Mogadishu. Thus a police training team from the African Union's AMISOM, which arrived in Mogadishu in 2009, has a remit to train, mentor and advise the SPF. Other international activities include mid-level training courses offered by the Uganda Police Force and UNDP to some 60 officers in Kampala in 2010, and officer cadet courses for young officers in Uganda and Ethiopia. At the same time, Djibouti hosted courses for 500 officers. In November 2010, UNPOS, funded by Japan and in partnership with the AMISOM civilian police unit, began a three-month basic training course in Djibouti for another 501 new officers (25% of which were women) using a curriculum developed by UNDP and approved by UNPOS, AMISOM and the international donors. The training was co-ordinated, employing a common curriculum, joint assessments of training facilities (including those in Djibouti, Ethiopia, Kenya and Uganda), and common assessment criteria.

International support to the TFG and its police force is controversial, not least because the TFG's control of Mogadishu is limited, and co-operation between the various agencies seeking to influence policing has often proved difficult. Nonetheless, the situation improved considerably once procedures to improve co-ordination were established in early 2011. Thus the Joint Security Committee (JSC) now provides overall co-ordination of the security sector; indeed, it is the only body developed in Djibouti that has met regularly and operated to some effect. As part of the JSC, the Police Technical Working Group (PTWG) meets on a monthly basis to co-ordinate between the SPF, UNPOS, AMISOM, UNDP and the principle donors. Additionally, UNDP ROLS hired a technical advisor to act as a liaison officer between UNPOS, UNDP, AMISOM and the JSC until the PTWG was working effectively. A related challenge confronting the CPP — and SPF — is that while police development is driven by international support to the TFG , the international community does not provide the predictable funding and sustained support needed to deliver the type of policing required by Mogadishu's complex security context. The police is trying to provide civilian policing in the middle of a humanitarian emergency while expanding its presence into areas littered by the explosive remnants of war. For mobility across the city it must rely on seven old pick-up trucks. Constantly challenged by militias trying to re-establish their control, the SPF must repeatedly negotiate between the potentially contradictory demands of counter-insurgency operations and civilian policing activities. It must also negotiate with a range of alternative policing providers. While the SPF's officers represent the TFG's internationally-recognised state-based police, policing is also provided by militia and clan groups loyal to factional leaders, as well as by business men and Shari'a courts.

In other words, Mogadishu's fragmented policing is subject to shifting loyalties, and is affected by the political economy underpinning the conflict. Indeed, the SPF is a faction in the fighting in that its lightly armed personnel are targeted by insurgents armed with heavy machine guns and light anti-aircraft artillery. Hence its officers argue that they need heavy weapons, specialist units for rapid response, counter-terrorism and VIP protection, and the vehicles, fuel, spare parts and communications equipment required for mobility across the city's 16 districts. However, while the population as a whole is armed, the supplying and training of such weapons is outside ROLS' remit and is subject to UN embargoes on arms to Somalia. In the circumstances the SPF's achievements deserve credit.

Police Advisory Committee

The ROLS-supported PAC, which is located within the Ministry of Interior, is one of the city's and project's success stories. The PAC was established with UNDP support in 2007 to provide some oversight of the police and prisons in Mogadishu. Its focus was initially narrow in that it was intended to ensure that prisoners and detainees in police custody are treated in accordance with international human rights standards). But in September 2010 it went through a major capacity building and strategic re-visioning process with the assistance of the South Africa-based African Policing Civilian Oversight Forum (APCOF). This revised the PAC's mandate to focus exclusively on policing, with more street-level policing oversight, as well as on people in police custody.

Based in Mogadishu's Shibis District, PAC's 12 members (who include retired judges and ex-police officers) are chosen on the basis of 'trust' and in the interests of clan balance. Some remain members for years while others leave after a few months. They operate on PAC's behalf in 16

stations, the central investigation department (CID) and the central prison, making regular weekly visits that last on average 30 minutes. They monitor, pursue follow-up visits, collect observations and submit reports to the Ministry of Interior, the police commissioner and UNDP/ROLS on a monthly basis. Though members may make recommendations or issue warnings, their role is to monitor and advise, rather than sanction. Even so, anecdotal evidence suggests that PAC's monitoring and oversight activities have helped to raise dialogue and problem solving between police and some sections of the community.

The PAC thus facilitates a degree of oversight. Also, it plays a significant role in that it is seen as a means to potentially offset risks identified in the UNDP ROLS strategy such as the inability of the police to respond to local needs, their use of excessive force and corruption, their vulnerability to clan manipulation, and the populace's continued lack of trust in them. The PAC facilitates regular meetings between elders, community and police to help identify safety concerns and in so doing promotes a degree of engagement between community and police that might not otherwise exist. Indeed, its business plan of 2010 specifically included educating the community about police work, and facilitating and promoting dialogue and co-operation between the police and community. Recent developments in Mogadishu have enabled it to shift its focus from people in police custody to reporting on policing in communities.

5.3.6. Partnerships

The CPP's most significant partners and collaborators are Somalia's police and their parent ministries, and over the last eight years CPP advisers have tried — usually successfully — to develop pragmatic working relationships with commissioners, ministers and senior officers and officials.

Judging from the CPP's record, the critical relationship affecting the project in SL, as in PL and Mogadishu, is that between CPP advisers and the commissioner. This may not be a partnership in the sense of stakeholders sharing a common understanding or agenda, but it appears to be more important than establishing a partnership with the police institution, or, indeed, with civil society organisations. However, developing such relationships is arguably one of the biggest challenges confronting the CPP, for commissioners are changed frequently — and the CPP is unable to influence this. Commissioners are also targets for assassination, as are ministers, station commanders and senior officers occupying positions at police headquarters. It is best for the CPP to focus on the post, rather than the personality.

As this implies, the partnerships affecting the CPP operate at different levels and with different degrees of formality, accessibility and influence. For example, in Mogadishu, CPP supports the SPF's formal governmental (TFG) partners, which include the Ministry of the Interior and the PAC. Support to the SPF is co-ordinated through the Police Technical Working Group, a sub-committee of the Joint Security Committee (JSC). The JSC co-ordinates activities between the SPF, TFG, UNDP, UNPOS, AMISOM and the principal donors. It also provides liaison for the Office of the Prime Minister. In the circumstances, ROLS' inability to manage the resultant relationships in the way that its objectives require is unsurprising.

More generally, the CPPs' formal partnerships with, for example, other UN agencies have often proved difficult to operationalise satisfactorily. That with UNPOS is a case in point. On the other

hand, the CPP's relationship with the UNODC has been far more productive, particularly on the counter-piracy front.

The CPP's partnerships are also affected by the formal and informal arrangements existing between police and local actors such as district security committees and, more importantly, alternative policing providers. In SL, for example, the CPP supports and partners the police reform unit attached to the Ministry of the Interior, which has sought to engage with local communities by developing a police partnership scheme involving: neighbourhood-based private guarding arrangements; traditional arrangements involving, e.g. elders; registered private security companies and informal but paid associations; volunteers; and neighbourhood watch and similar arrangements.

The extent to which these relationships actually exist at the local level is, however, difficult to determine. For the fact remains that most Somali citizens distrust the police, and when confronted by crime or a dispute, most — in SL as in PL and Mogadishu — turn first to community leaders and elders. The 2011 'Safety and Security District Baseline' reports for Burao, Bossaso and Mogadishu suggest that this is the case across Somalia. Despite this, some police commanders appear to have a good working relationship with the mayors and deputy mayors in their locality (Gardo is a case in point), and there are no doubt occasions when police handle situations to the approval of local people. Overall, the CPP has played a supportive but limited role in encouraging partnerships between police and local communities. Moreover, the CPP's relationships with NGOs representing community interests have tended to be temporary and informal even though a more formal, funded form of partnership might facilitate community-based policing activities.

One further point deserves note. While police work closely with traditional authorities such as elders, many cases are settled informally without recourse to either elders or courts. For example, officers in the women and children's unit at Hargeisa central police station deal with an average of 10-15 cases each month (and this is notably so with cases involving children), nine or 10 of which are settled informally at the station. In many cases, the officers enlist the support of traditional authorities, but they also use their discretion to settle cases informally when relatively minor incidents are involved (e.g. theft from a market stall by girls).

5.3.7. Lessons learned and recommendations

The CPP has achieved much over the last eight years, but a number of weaknesses or vulnerabilities are identifiable, as are potential opportunities for change. These include general issues that are not amenable to technical solutions, as well as specific issues that are:

i. *The CPP over-estimates its ability to achieve its formal objectives in the time available.*

- The CPP should moderate its more ambitious objectives on the basis that its vision of long-term development is likely to be undermined, manipulated or subverted by Somali politicians, police and businessmen sharing an inherently political understanding of the role and purpose of the police. As far as is politically possible, the CPP should choose realistic, rather than aspirational objectives and schedules. Realistic objectives include developing the managerial and command capacity of potential female senior officers, rather than achieving gender equality. Specific (functional) objectives such as improving performance through the effective use of intelligence/information, or ensuring better co-ordination between HQ, regional and local levels

are achievable whereas reforming Somalia's forces into modern public services based on democratically-endorsed laws, mutual respect and assistance is not.

- The CPP's ability to influence senior appointments, officials and political alliances is limited. Mentoring by professionally credible international officers of appropriate rank can help the CPP to influence technical developments in the short term, but it is unlikely to address the frequency with which appointments are made or officers moved. This must be factored into project decision-making.
- Police culture is remarkably resilient, so attempts should be made to shift the way younger mid- or senior ranking officers think about policing; they will provide tomorrow's leadership. This means that specialised and management training should be provided as a matter of urgency. Specifically, SL's police are now at a point where specialised training in command, records management and logistics may make a difference, and its Mandera Police Academy has the facilities required to run such courses.

ii.   Training classes are a useful tool for introducing rights-based policing or technical and management skills to large numbers of officers, but their lessons rarely influence day-to-day policing.

- A programme of on-the-job training in police stations and headquarters should be implemented as soon as possible; officers need reminding if they are not to forget, neglect or downplay what they have been taught in academy classrooms. Credible international advisers should provide consistent support over a period of weeks, returning at regular intervals. This will enable ROLS to implement the in-service training in civilian and community-based policing practices referred to in section 4.1.3 of the UNDP's 2009 project document.
- The CPP should exploit the fact that officers (male and female) want - and respond best to - training in investigative skills, rather than to courses in equitable service delivery. Officers want information or skills that make their lives easier, and will be more interested in community-based policing if it is sold as supporting investigation.

iii.   Unsuitable officers should be retired.

- Regional forces include too many officers who are ex-militia, elderly, and illiterate or set in their ways. Their number is unsustainable, and their quality prevents police commanders (and ROLS) improving policing standards. Somalia needs better equipped, better educated and better paid officers. The CPP should support the development of a separation package, as recommended in the 'Somaliland Police: Strategic Needs Assessment 2011-2015', and the policies needed to implement it.

iv.   Reform and/or development require a balance between the provision of hard-and software; logistical support is as necessary as training.

- There is no easy way to address the tensions that result from the police's short-term focus/requirements and ROLS' goal of long-term cultural change, but the needs of the programme require that the flexible approach currently employed be maintained. The CPP should continue to apply a calibrated approach to support, with the balance, emphasis and

timing between hard- and software best judged by professional advisers with appropriate experience.

v.   *CPP's proposals for gender mainstreaming lack nuance and have yet to result in fundamental social or cultural change.*

- The CPP should refocus its objectives and acknowledge, as far as is politically possible, that there are limits to the development (i.e. social engineering) that policing can be expected to facilitate. This is not to suggest that gender mainstreaming is undesirable, rather it is to argue that able officers, male and female, should be provided with the mentoring and investigative and management training that will enable them to operate within the existing police organisation.
- Plans should be developed that (a) address the needs of female victims of violence, and (b) ensure that women are taken seriously by the police. Cases involving sexual and gender-based violence or children will always be dealt with by women because the victims will not take their cases to men, so more women should be trained to deal with these issues. One simple but telling way to address the needs of women seeking redress would be to have a separate entrance to women and children's desks. Also, women and children units should not be placed out of sight at the back of police stations (as in Hargeisa's central police station). This emphasises their secondary role.
- The development of a separate career path for women should be considered, as should the more radical solution of creating a separate women's force. But radical solutions are not appropriate for conservative Islamic societies, and while a separate women's directorate works in some countries (e.g. Bahrain), it is seen as unnecessary in others (e.g. Nigeria's Islamic guards have a separate women's section but its federal police do not). A hybrid model should be developed whereby some units are segregated — for functional reasons — and others are integrated. This approach is sustainable. Regardless of the approach chosen, serious consideration should be given to appointing a commandant or commissioner of women police (Brunei's experience is relevant here).

vi.   *Police have a minimal presence away from the main towns and tarmac roads. This prevents ROLS' achieving its stated objective of facilitating community-based policing practices and projects.*

- The CPP should support the establishment of pilot projects to build community-based policing away from the main towns and the tarmac roads. Somalia's volatile security situation will dictate where and when this might be appropriate, but developing such projects would implement the strategy laid out in section 4.1.4 of the UNDP's 2009 project document, and help to rebalance the project's current focus on institutional development and on urban areas.
- The CPP should encourage the police and local communities to conduct joint workshops focusing on the implementation of community-based policing at the local level.
- The creation or refurbishment of police posts in Somalia's more remote and coastal locations requires caution. For the establishment of police stations/posts is not in and of itself a sustainable answer to Somalis' needs for a community-based presence in remote areas. For example, PL's authorities are currently unable to protect police in urban areas so creating remote posts or stations runs the risk of leaving officers vulnerable to attack, and the authorities

to negative publicity. It is more sensible to cautiously roll out a phased approach in coastal areas, starting with two or three of PL's less volatile towns (such as Bandarbeyla and Eyal). As section 4.1.4 of the 2009 project document suggests, these posts and stations should be selected in consultation with local people and NGOs, as well as with donors and partner UN agencies. The programme's components should then be brought together to reinforce a genuinely community-based form of policing. Police stations should be supported by mentoring and on-the-job training arrangements.

- The CPP should support police-community consultations on crime prevention and policing priorities. The Peace Caravan (or a police alternative) could be used to increase communities' awareness of police and policing.

vii.   *Civilian oversight and police accountability remains problematic.*

- Mogadishu's PAC should be developed into a civilian oversight body (or even an inspectorate) providing support to the TFG Ministry of the Interior. A strategic planning process should be initiated with the Ministry in order to examine all aspects of the PAC, including its capacity vis-à-vis training, monitoring, dispute resolution and communications. The ways in which its capacity can be consolidated and supported institutionally should be addressed.
- The PAC's activities are limited, but its members draw on existing and/or traditional relationships to promote consensus on the purpose of policing. Their capacity to do this — and to develop good working relations with key stakeholders such as community elders, ministry officials and community members such as women and youths — should be analysed and exploited.
- SL and PL are now at the stage where more formal and constitutionally legitimate police oversight bodies should be developed by government ministries with expert assistance from ROLS/governance advisers. Kenya has a police oversight board that offers relevant lessons and warnings about the politicisation to which such boards are subject, while Nigeria's Police Service Commission (which not only has a say in senior appointments, but also has to date avoided overt politicisation) offers more positive lessons.[40] In the meantime, the PAC model of UNDP-supported inspectors that frequently and regularly visit police stations and prisons has potential across Somalia. Its approach could be used to provide the tangible results that local people expect.

viii.   *ROLS has allowed the stipend debate to skew the programme.*

- Stipends buy an element of security but are donor driven, expensive, create dependency and introduce unpredictability. However, their payment is currently part of donors' approach to developing the SPF, and cannot be discontinued immediately. Further, the TFG has yet to pay its contribution to police salaries, and it is probable that without stipends police would not be paid, leading to low morale, disloyalty and defections. Despite this, stipends should not become a permanent feature of the international community's support to the SPF and remain limited to two donors.

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[40] See Police Service Commission, http://www.psc.gov.ng/node/47.

- It is essential that a structural solution and an exit strategy are developed. The TFG's financial capacity should be built in the coming months, and responsibility for stipends should be transferred to it according to an agreed timetable. A policy should also be agreed regarding payment to the dependents of officers who die in service. In other words, UNDP's approach needs to shift from stabilisation to development.
- Just as the TFG needs to take responsibility for stipends so regional governments - and SL in particular - should be encouraged/made to take budgetary responsibility for their police, supported by technical assistance from the UNDP and donors.

ix.   *The delivery of routine policing impacts on ROLS' development work, most notably in SL and PL where managing the SPU distracts attention from mainstream policing issues and operations.*

- The CPP should continue to work closely with the SPU. The SPU are the police internationals interact with, they are an integral part of the police that ROLS and donors are committed to developing, and they provide (albeit in a flawed fashion) the physical security that development projects require.
- UNDP should continue to use the SPU to deliver security in SL and PL (though not Mogadishu), but support should be conditional on the SPU's acceptance of the need for improved discipline and (more controversially) for rotation in and out of the regular police. Managing the SPU requires: (a) UNDP to develop the dedicated project management team that will enable it to manage the financial resources needed for the SPU's protective activities while disengaging from its operational management. The UNDP's management of the SPU's common fund requires the recruitment of a Nairobi-based manager with proven managerial skills, and the appointment of assistant managers capable of managing and mentoring SPU in Hargeisa and Garowe; and (b) UNDSS to take a more prominent and active role in overseeing the SPU's operational management.

x.   *Successful reform projects need consistency and predictability.*

- Donors and the UNDP must address the programme's need for consistency and coherence, and the UN's co-ordination and planning processes need to be strengthened. UNDP and UNPOS's failure to share the same vision means that stronger programmatic co-ordination is required, and clear divisions of remit and activities accepted.
- It is appropriate that donor and UN support to the regions should be calibrated, but it is more important that they stay engaged with SL, PL and Mogadishu, and do not focus on one (financially or politically) to the exclusion of the others.

6. **Programme management and staffing arrangements**

The management of the ROLS Programme is complicated by the geographic distribution of staff between Nairobi and Sub-Offices in SL and PL, the existence of three regionally differentiated UNDP programmes (each coordinated by a Head of Sub-Office) and the fact that the ROLS Project Managers are based in Nairobi, whilst the bulk of project staff are based in the sub-offices (and line managed by the Head of Sub-Office). Matrix management arrangements (between the Head of Sub-

Office (primary report) and Project Managers (secondary report) have been established for Project Coordinators in the sub-offices. To work effectively, these arrangements require regular communication between the Programme Manager, Heads of Sub-Office, Project Managers and Project Co-ordinators, and engagement of the Heads of Sub-Office in the development of programme and project plans. Whilst important progress has been made in trying to embed this structure within the team, there is still some way to go in ensuring the necessary level of communications, and the early and consistent engagement of Heads of Sub-Office in programme development.

The overall management of the ROLS III Programme has been uneven. Positive aspects include the reflective style of management, and the willingness to adjust plans and to develop responsive programming. The use of outside consultants to review progress and advice on future programming is also a good use of resources that the Programme Manager has encouraged. But there are also significant weaknesses. Perhaps the most significant is the inability of the Programme Manager (and Heads of Sub-Offices) to get the ROLS team to break out of their individual project silos and to encourage greater synergies between projects and programmes.

The management of individual projects has also been mixed. The A2J project appears to have been generally well-managed, with the retention of key staff allowing for relative stability and consistency in approach through the past three years. This contrasts markedly with the CP project, which would appear to have been managed (at least until recently) without a clear strategy, and with an extremely narrow focus. The AVR project has been managed with a clear strategy and has been innovative in its approach, but it has suffered from poor communication at times with key partners.

In terms of the overall staffing of the ROLS programme, there would appear to be a good balance between international and national expertise and experience. However, in light of the critical role sub-office staff are playing in leading the implementation of projects, and the need to ensure the adoption of a more integrated area-based approach, there is a strong argument for recruiting additional professional staff in each sub-office (including Mogadishu), as well as restructuring the management and staffing arrangements. For further details, see section 10 – recommendations for the future ROLS IV Programme.

7. Financial issues

Programme budget and expenditure: The ROLS III Programme budget and expenditure for the period January 2009 – June 2011 is summarised in Table 2. Unfortunately, due to the way expenditure has been reported by UNDP, it has not been possible to provide a break-down against specific project outputs and activities. This makes it difficult to undertake a detailed assessment of the programme's (and individual projects') value for money.

However, at a general level when compared with other similar-sized UNDP ROLS programmes, and bearing in mind the additional administrative and operational costs incurred in having to run a large part of the programme from Nairobi, the programme would appear to represent value for money (in terms of achieving the identified outputs within a realistic budget). This is particularly the case for the Access to Justice Project which has identified targeted interventions, such as case management systems, that address bottlenecks and areas of greatest need in the justice chain.

The Programme has done less well, however, with infrastructure projects. There are numerous examples of building projects exceeding initial budgets, in some cases (for example, the Observatory on Conflict and Armed Violence) over-running by 100%. The unfinished prison in Gardo has been a white elephant for a number of years but at least now is finally being completed. Indeed, nearly all building projects appear to have been delivered late. There are also examples of new buildings, such as the Peace Centres, not being used to their full potential. Infrastructure is clearly needed in a country that has suffered from so many years of war and lack of investment, but the evaluation team saw some evidence that partners were looking automatically to UNDP to meet all their infrastructure needs. It is advised that the programme should approach physical projects with caution in the future, and ensure that any new ones are developed with a clear strategy for their use as part of a programme of institutional reform and improved service delivery.

Table 2: ROLS III Programme Budgets (2009 – 2011

Project	2009		2010		2011	
	Budget	Exp	Budget	Exp	Budget	Exp (6 mths)
Co-ord	5,773,925	5,688,323	1,703,056	425,754	1,536,568	543,690
Somaliland						
CPP	275,943	319,718	1,119,774	581,112	2,338,783	1,565,271
SPU			171,600	162,238	528,777	118,558
AVR	400,852	321,729	486,677	873,947	2,391,339	1,007,699
A2J	842,753	1,112,488	1,808,799	1,202,498	2,907,087	1,404,451
Sub-total	1,519,548	1,753,935	3,586,850	2,819,795	8,165,986	4,095,979
Puntland						
CPP	1,031,735	911,980	1,000,976	488,357	1,194,278	255,826
SPU			220,245	200,506	319,788	247,882
AVR	317,082	347,357	197,842	548,917	2,391,339	1,007,699
A2J	183,485	223,565	395,037	344,270	1,405,735	805,318
Sub-total	1,532,302	1,482,902	1,814,100	1,582,050	5,311,140	2,316,725
South Central						
CPP	4,124,296	5,332,095	2,079,530	1,609,370	1,623,663	739,017
Stipends			2,768,381	525,722	2,122,745	1,214,434
AVR	329,769	183,869	931,621	1,473,834	2,391,339	1,007,699
A2J	756,307	687,439	1,790,218	1,474,420	372,869	242,344
Sub-total	5,210,372	6,203,403	7,569,750	5,083,346	6,510,616	3,203,494
Total	14,036,147	15,128,563	14,673,756	9,910,945	21,524,310	10,159,888

Financial reporting: Based on feedback from donors, financial reports have been of a generally low quality and are often late. Requests for no-cost extensions to individual projects have tended to be dealt with retrospectively and have greatly frustrated a number of donors. Much work needs to be done to rectify the situation. This requires urgent attention if donors are to continue supporting UNDP's work.

Resource mobilization: The programme has been successful in mobilizing resources from a relatively large number of external donors (including Belgium, Denmark, the EC, Italy, Japan, Norway, UN Peace-building Fund, UNDP, Sweden and US). Whilst some of these donors have indicated a

willingness to continue to support UNDP (assuming it can improve on its quality of reporting) beyond 2011, others have not renewed funding or have indicated that they are beginning to look at other potential partners, citing UNDP's poor record of reporting, its (perceived) reluctance to work with UNPOS, and its inability to work across the siloed projects, as reasons for possible future disengagement.

Funding constraints: Decisions by some donors to terminate or not re-new funding, alongside long delays experienced between the commitment of funds to the actual receipt of funds (in one case by up to eight months) precipitated a funding crisis between late 2010 and mid-2011, and the subsequent interruption of project activities. Indeed, in two cases, the renewal of contracts for international project staff was delayed because of lack of funds. There is also some evidence to suggest that the shift towards short-term (one year) and ear-marked funding has constrained some of the wider developmental components of the ROLS III Programme. Not only is it difficult to negotiate, develop and implement a large-scale ROLS Programme when funding is unpredictable, but it can frustrate efforts to build sustainable partnerships with government counter-parts, implementing NGOs and other partners. This certainly appears to have been the experience with INGOs working on the AVR project. The lack of predictable funding has also increased the risk of the Programme not being able to meet partner expectations.

8.   Monitoring and Evaluation

The M&E framework for the ROLS III Programme was initially problematic in that there were no outcome-level indicators in the original ROLS III Programme Document, and the output-level indicators were poor and difficult to measure. In addition, aside from the A2J project, no baseline assessments had been undertaken against which progress could be measured.

Over the course of the programme, however, the situation has changed dramatically, with the office making a concerted effort to develop a promising M&E framework. This includes the development of much improved outcome- and output-level indicators (linked with the new CPD), and a requirement for Project Managers and Heads of Sub-Offices to prepare a quarterly report documenting progress towards outputs. This then serves as a basis for quarterly meetings between the Programme Manager and individual Project Managers to review progress.

This said, the new approach to M&E is still in its infancy and will require a concerted effort on the part of programme and project managers to really embed a culture of M&E. In addition, it is clear that some project staff continue to be confused about the link between activities and outputs, and hence require additional in-house training and mentoring. Furthermore, whilst important progress has been made over the past year in tracking activities and outputs, there is a need to strengthen the qualitative aspect of monitoring efforts. For example, rather than just counting the number of women accessing the Women and Children's Desk at the Police HQ or the SARC, it would be useful to know what women then did with the advice and support they were given. Finally, better use should be made of the assessments undertaken by the OCVP to establish improved baselines for the programme and projects, and to monitor changes in citizen's perceptions of safety, security and justice.

9.   Sustainability of the programme

The Access to Justice project has worked with a number of local partners, from government institutions to civil society to universities. In so doing they have built up the capacity of partners to carry forward the project once completed. Many activities, such as legal aid and mobile courts, were designed building on already-existing activities. That said, there is still a lack of general technical and management skills, particularly at the institutional level, and a dearth of public and private funding (including from a diverse group of international donors) that threaten the complete sustainability of activities should the programme not continue. The project also needs to focus more on indigenous justice structures such as elders, sheikhs, and informal community mechanisms that have a much longer history of operating in the country, with or without donor funding. Many more years of development and stability are needed before the project will be able to build towards true sustainability.

For the AVR project, if the project was to end now then its achievements would not be sustainable. However, recent developments such as the commitment of the governments of PL and SL to develop peace-building strategies provide an opportunity to ensure sustainability. The AVR project considers the Observatory to be a key tool for sustainability and providing an exit strategy for UNDP. As it currently stands, the OCVP is too weak to play this role. However, with a more purposeful approach to building its capacity then it could help to sustain a focus on community safety in Somalia. The other key factor in ensuring the project's sustainability will be developing an integrated approach with the JPLG. If community safety analysis and the DSCs are integrated into the local governance system then that will be a considerable advance for sustainability.

For the Civilian Police project, police reform is expensive and requires a long-term commitment from the UN and international donors. Even so, it requires the continued co-operation and support of the relevant police and their parent ministries. For this reason, more should be made of the advantages the project offers to the police. That is, it offers the training in professional, modern policing skills that able officers want while, potentially, facilitating the police-community relations that will make their job easier. That SL is relatively stable and secure, is determined to be recognised internationally, and is well-placed to co-operate, bodes well for the CPPs' sustainability. PL's police are some years behind SL's, but the relevant ministry and commissioner appear to be equally committed to the CPP and the development it offers, although their commitment to cultural change is weaker. Similarly, PLs governing elite lack the coherent vision and relative stability of SL's government, and are unlikely to promote reform in the absence of ROLS' support. In Mogadishu, ROLS is likely to support the SPF for as long as the UN, IGOs and donors support the TFG. Ultimately, the sustainability of the CPP depends on its political significance and utility to the individuals and organisations involved, and on the delivery of what was agreed or expected. This suggests that if CPP support finished at the end of 2011, police reform would falter, though not uniformly across all regions.

10. Recommendations for a future ROLS IV Programme

As outlined above, UNDP's ROLS Programme is making an important contribution to security and justice provision and peace-building in Somalia. The Evaluation Team recommends that a ROLS IV Programme be designed over the coming months, drawing upon the lessons learned and recommendations outlined above. The new Programme should purposefully address the following issues:

i.   *Develop a clear 'theory of change'*: The new Programme should be based on a clearly articulated 'theory of change' which outlines UNDP Somalia's conceptual approach to enhancing security and justice provision for Somali citizens. Building on elements outlined in the UNDP Somalia CPD, it is suggested that this should include:

- Working in a coherent and coordinated manner across the criminal justice chain – police, judiciary and correctional services (in partnership with UNODC, UNPOS and others).
- Building capable and responsive security and justice institutions through identifying and supporting change agents within these institutions.
- Strengthening the voice and engagement of communities in identifying security and justice priorities and enabling them to work with government institutions to ensure improved security and justice provision at the community level.
- Working with both the formal and informal justice systems (in light of the current use by citizens of the latter) and empowering citizens (in particular, women and youth) to access improved systems of justice.
- Seeking to build-on Somalia traditional practices (for example, local level peace-building initiatives and the role of elders).
- Working with marginalised and at-risk groups – including youth, women and minorities;
- Empowering Somali citizens, in particularly women and youth, to demand change and to build a vision for reform.
- Strengthening systems of accountability and oversight (to minimise opportunities for corruption).

ii. *Ensure the programme is informed by an analysis of the political economy, conflict and drivers of change, as well as baseline assessments:* In light of the differing and changing political contexts in the three regions, the questionable political will of the TFG and the government of PL to engage in serious reform, the potential for the UN to be seen as a belligerent in the Somali conflict, and the possibilities for pirates, militia leaders or the business community to take control of government institutions and financial flows, the new programme needs to be informed by an analysis of the political economy, conflict risks, power structures, and drivers of change. Such an analysis should be updated on a regular (quarterly) basis, and used to inform programme interventions and the programmes risk log.

By the same token, the new programme should ensure that programmatic and project interventions in specific geographic regions and districts are informed by comprehensive security and justice baseline assessments (including a conflict analysis). In addition to identifying potential entry points for engagement, such assessments can also help ensure that area-based interventions are conflict-sensitive, and hence do not inadvertently increase the risk of conflict between neighbouring clans.

To strengthen the analytical and assessment capacities of the ROLS-GOV Programme, and to help ensure analytical reports and baseline assessments support each project pillar, it is recommended that a small analytical team be attached to the office of the ROLS-GOV Programme Manager (or the Deputy Country Director). Such a team could also be responsible for knowledge management within the ROLS-GOV programmes.

iii. *Continue to pursue a regionally-differentiated approach:* The new programme needs to continue to cover SL (post-conflict), PL (fragile) and Mogadishu/SC (conflict) and purposefully address the differing political contexts and opportunities for change in each region. The new Programme needs to respond to the opportunities to stabilise Mogadishu and to expand the reach of the TFG, whilst at the same time cautiously exploring opportunities to engage with other viable (i.e. including more than one sub-clan) regional authorities in South-Central, and only once viewed as legitimate to do so by UNPOS. It is also recommended that the new Programme seeks to scale-up its level of engagement in both SL and PL.
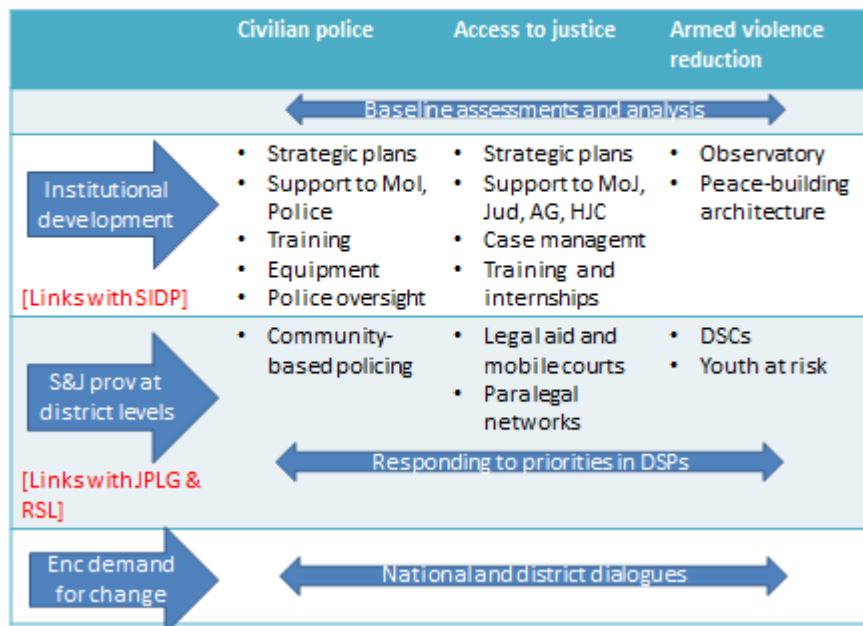
To help ensure that the ROLS-GOV team and sub-office staff are working to advance shared outputs and a common approach in the three regions, it is recommended that three regional ROLS-GOV programme strategies are developed that clearly articulate how the ROLS-GOV Programmes and Projects will address the three differing contexts, and how synergies between ROLS, GOV and RSL will be maximised in each region.

iv. *Key elements of the ROLS IV Programme:* It is recommended that the new Programme should continue to consist of three thematic pillars (civilian police, access to justice and peace-building), but that a stronger focus be placed on peace-building (both as a distinct pillar and as a cross-cutting issue). As such, the Programme would align itself with Outcomes 1 & 2 of UNDP Somalia's Country Programme Document.

Working across these pillars, and seeking to promote and adhere to the Programme's 'theory of change', the Programme would focus on three key outputs, namely: building responsive and accountable security and justice institutions; enhancing provision of security and justice services and peace-building at the District and Community levels; and fostering a demand for change amongst Somali citizens (especially women and youth). Programme outputs would be informed by integrated ROLS-GOV baseline assessments (including a conflict analysis).

Whilst ensuring a continued focus on work at the state/administrative entity level in each region, it is recommended that the ROLS Programme pursue an integrated area-based approach in priority geographic locations, building on the recommendations of the ADR and the CPD. With this in mind, it is suggested that the ROLS Programme initially expands into those Districts that are the focus of the JPLG, namely: Hargeisa, Berbera, Boroma and Erigavo in SL; Gardo, Garowe and Banderbeyla in PL, plus the eight remaining districts in Mogadishu. It is also recommended that the Programme should consider how it might encourage and support initiatives to address the long-running and de-stabilising border conflict between SL and PL. See Box 1 for a schematic overview of the Programme, and Annex C for a more detailed breakdown of the suggested programme pillars.

Box 1: Rule of Law and Security IV Programme

	Civilian police	Access to justice	Armed violence reduction
	← Baseline assessments and analysis →		
Institutional development [Links with SIDP]	• Strategic plans • Support to MoI, Police • Training • Equipment • Police oversight	• Strategic plans • Support to MoJ, Jud, AG, HJC • Case managemt • Training and internships	• Observatory • Peace-building architecture
S&J prov at district levels [Links with JPLG & RSL]	• Community-based policing	• Legal aid and mobile courts • Paralegal networks	• DSCs • Youth at risk
	← Responding to priorities in DSPs →		
Enc demand for change	← National and district dialogues →		

v. *Maximising synergies with Governance and Recovering Sustainable Livelihoods:* The new programme should maximise opportunities for greater collaboration with the Governance Programme (including SIDP and JPLG) and RSL:

- ROLS and JPLG should synchronise their work in the same districts and work together to strengthen the planning capacities of the District Council so as to ensure that District Development Frameworks include community safety priorities (or reflect the priorities contained in the District Safety Plans if these continue to exist).
- ROLS and SIDP should work together to help develop the planning and budgeting capacities of Ministry of Interior, Ministry of Justice and the Police (for example, by including officers from these institutions in the training courses of the Civil Service Institute).
- ROLS and RSL should work together to identify opportunities for RSL to support livelihood projects identified in the District Development Frameworks (or District Safety Plans if these continue to exist).

vi. *Strengthening planning:* The new programme needs to put in place improved systems for planning to ensure that: the three project pillars contribute to the achievement of Programme Outcomes; the Programme follows the agreed 'theory of change'; and that linkages are made with the GOV and RSL programmes. This could be achieved by:

- Working in a participatory manner to develop a ROLS Programme Annual Work Plan (AWP) i.e. starting from programme outcomes to determine the combination of project outputs, rather than the programme being a constellation of the individual project AWPs.
- Ensuring that the weekly Programme Managers meetings allocate time to discuss forthcoming activities and opportunities for collaboration.

- Holding monthly ROLS-GOV team meetings (involving sub-office staff) to exchange plans and explore opportunities for collaboration.
- Involving ROLS-GOV sub-office staff at the outset in project design and preparation of project documents.
- Identifying joint activities to promote programme coherence (such as joint assessments, a national dialogue on security, justice and peace-building, and the use of the Peace Caravan to disseminate a clear vision for security and justice provision).

vii. *Staffing and management:* The management and staffing structure should enable the Programme to deliver a differentiated regional approach, and facilitate the development of an integrated area-based approach in priority districts.

- The Programme Manager for ROLS-GOV needs to have a proven track record in managing multiple teams to work in an integrated manner. He/she should work with the Head of Sub-Offices and Area Managers to develop and implement integrated ROLS-GOV programmes in the three regions.
- The Heads of Sub-Offices should be re-named Head of Sub-Office and Area Manager with specific responsibilities for ensuring the implementation of the ROLS-GOV area-based approach in priority districts.
- Different staffing options should be considered by UNDP senior management to break-down the project silos and advance an area-based approach. One option would be to appoint three area-based coordinators (P3) – one each for civilian police, access to justice and peace-building - in Hargeisa, Garowe, and (security permitting) Mogadishu (nine in total) to increase the technical skills and international experience in Sub-Offices.   These should be matrix-managed by the Head of Sub-Office and Area Manager and the relevant Nairobi-based Project Manager. Another, more decentralized option, would be to appoint three ROLS-GOV Regional Project Managers (P4), based in Hargeisa, Garowe and Mogadishu, who would manage teams of civilian police, access to justice and peace-building project officers (P3 and national officers). These Regional Project Managers would be matrix-managed by the Head of Sub-Office and Area Manager, and the Nairobi-based ROLS-GOV Programme Manager. The existing Nairobi-based Project Managers would then become advisers to the regionally-based project teams. This latter option would necessitate the move to three regional projects (instead of the three current thematic projects), and would result in a significant shift in the programme leadership and management away from Nairobi to the three regions.
- As outlined above, a small (1-2 person) analytical team should be established in the office of the ROLS-GOV Programme Manager (or the Deputy Country Director) to strengthen the analytical and assessment capacities of the ROLS-GOV Programmes, as well as the knowledge management capacities of the team. A communications expert should also be recruited in UNDP Somalia to help ensure the effective dissemination of lessons learned and promising practices.

viii. *Enhancing co-ordination:* The new ROLS programme, as with the present programme, will demand a high degree of co-ordination amongst a variety of stake-holders if it is to deliver development outcomes. Co-ordination can be strengthened:

- Amongst security, justice and peace-building actors in Somalia by strengthening the capacities of the Peace-building Units and the Mayor's office (via JPLG) to help ensure support for District Development Frameworks (and District Safety Plans if these continue to exist).
- Amongst UN partners – especially UNPOS and UNODC – through joint planning and regular exchange of information at working level in bodies such as the technical working groups on police and access to justice.
- Amongst donors in Nairobi to align international community support for justice, security and peace-building work by continuing with the practice of weekly donor coffee mornings, as well as organising regular briefing sessions for donors with Project Managers.

Annex A: List of individuals consulted

Nairobi

<u>UNDP</u>

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Marie Diamond, Deputy Country Director (Programmes)

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Abdullah Al-laham, Recovery and Sustainable Livelihoods

Catriona Byrne, Gender Focal Point

Joanne Morrison, Senior Programme Manager, JPLGSD

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Klaus Ljoerring Pedersen, Danish Demining Group

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Somaliland Lawyers Association

Observatory of Conflict and Armed Violence, University of Hargeisa

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Director General, Ministry of Interior

Coordinator, Peace-building Unit, Ministry of Interior

Commissioner, Policy HQ

Minister of Justice

Minister of Interior

Attorney General, Women and Children and Law Reform Departments

SPU Commander

High Judicial Council

Chief Justice

Police Commissioner

Peace Caravan, KMC

SPU trainer

Regional Appeals Court, Hargeisa

District Court, Hargeisa

Court management staff, Hargeisa

House of Elders, Burao

Deputy Chair, District Safety Committee, Burao,

Police Representative, District Safety Committee, Burao

Youth NGO Representative, District Safety Committee, Burao

Legal Aid Clinic Representative, District Safety Committee, Burao

Regional Health Board Representative, District Safety Committee, Burao

District Council Representative, District Safety Committee, Burao

District Safety Committee, Burao

Chief of Minority Group Representative,

Elder Representative, District Safety Committee, Burao

Legal Aid Clinic, Burao

Governor, Burao

Mandherra Training Centre

Amoud Legal Clinic

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Amoud University Legal Clinic, Boroma

House of Elders, Boroma

Attorney General, Boroma

Regional Mobile Court Justice, Boroma

District Court, Boroma

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Abdulaziz, National Officer

Ali, National Officer

Hawo, National Officer, AtoJ

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Police Commander, Gardo Police Station

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Director-General, Ministry of Security

Adviser, Peace-building Unit

Ahmed Yasin Mohamed, Community Safety/Peace Building Co-ordinator, Ministry of Security and DDR

Minister, Ministry of Justice and Religious Affairs

Technical Advisor, Ministry of Justice and Religious Affairs

Chief Justice

Deputy-Chair, District Safety Committee, Bossaso

Deputy-Chair, District Safety Committee, Galkayo

Youth representative, District Safety Committee, Bossaso

Elder, District Safety Committee, Galkayo

Deputy Commander, Police HQ, Galkayo

Head of Logistics and Training, Police HQ, Galkayo

Armoury Commander, Police HQ, Galkayo

Head of Human Resources, Police HQ, Galkayo

SPU Commander, Police HQ, Galkayo

Puntland Development and Research Centre

Puntland Legal Aid Centre

Puntland State University

SONSAF

Mogadishu

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Police Commander, Mogadishu

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Mohamed Muhidin Sheikh Mursal, Minister, Ministry of Labour, HR, Social Affairs, Youth & Sports

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