SSJP

SOMALIA SECURITY AND JUSTICE PROGRAMME

SSJP Learning and Evidence Literature Review

Evidence from FCAS Security and Justice Interventions in Somalia

April 2021

1. Introduction

This section of the literature review aims to assess the available evidence from security and justice (S&J) programming in Somalia. It seeks to identify which types of intervention have been effective and which have not, and to assess if there is evidence to show how S&J programming can support longer-term peace and stability. After a short introduction and methodology, the document comprises three sections: first, it provides a brief overview of the current status of S&J provision in Somalia, in order to outline the key challenges and issues related to policing, rule of law, and access to justice. Second, it examines what the evidence looks like for S&J interventions in Somalia, before a final section identifies gaps in the literature and the possible implications for future S&J programming and research in Somalia.

In total, the literature review identified 17 programme evaluations or reviews (including mid-term and final evaluations and three SSJP annual reviews); five academic articles from peer-reviewed journals; 'lessons-learned' documents from international organisations including Saferworld and from USAID programmes; and a number of internal learning documents from the first phase of SSJP, including perception studies based on primary research.

2. Methodology and limitations

This review relied on a combination of academic and publicly-available online search engines. It also reviewed documents provided by UNOPS and FCDO on the first phase of SSJP and other Somalia S&J programmes. Because of the limited amount of material retrieved, theoretical and conceptual papers have been included, as well as studies that fail to provide a clear explanation of their methodology. Studies identified were then graded according to the 2014 DFID guidelines for assessing the strength of evidence.[1]

Key findings

1. <u>Overall, there is very limited evidence available for what works in S&J programming in Somalia.</u> Much of the literature provides only anecdotal evidence to support its findings, and studies often provide only incomplete information about their methodological approach. Programme reviews and evaluations were often limited in scope, or the interventions they were assessing were small-scale in nature or had operated for only a limited period of time. As a result, it is difficult to draw conclusive lessons from the literature's findings about programme impact or apply them to Somalia as a whole.

2. <u>There is some evidence, generally of medium- or low-quality, of interventions that have been effective at an output level</u> (i.e., of tangible, short to medium-term effects that result from programming). These include capacity building of S&J institutions, community-driven approaches (including the use of community-police dialogue bodies), interventions to make customary law more inclusive and compliant with human rights standards, and interventions to increase women's participation and gender equality in the S&J sector.

3. <u>These interventions and approaches can be considered promising, but the literature also highlights limitations.</u> Interventions have generally been small-scale or focused on a particular geographical area. They have also demonstrated only limited sustainability

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[1] DFID, *How to Note: Assessing the Strength of Evidence* (2014).

in the absence of continued donor support and have encountered significant resistance (e.g., concepts such as gender equality and women's participation in the S&J sectors). The effectiveness of interventions appears to be highly contingent on exogenous factors such as clan dynamics, political alliances, and underlying levels peace and stability. Finally, it should be noted that a significant number of studies assessing the effectiveness of interventions have been produced, or commissioned by, the implementing organisations themselves. There appear to be few truly independent studies of the effect of donor interventions in Somalia, and this may raise questions about the strength of evidence provided in a particular study, even if it appears to conform to adhere to principles of research quality outlined by DFID.[2]

Table 1- Summary of the overall strength of evidence for S&J interventions in Somalia

Intervention/approach	Strength of evidence	Assessment of evidence strength	Examples from
Capacity-building of S&J providers	Limited	Five programme evaluations found of mixed quality (e.g., studies cite anecdotal evidence, provide limited information about methodology); two peer-reviewed articles using anecdotal observations; one conceptual PEA study; one perception study and two internal SSJP learning documents.	Somaliland & South-Central Somalia
Community policing	Limited	One mid-term and one final evaluation of mixed quality, together with a related lessons-learned document.	Somaliland & South-Central Somalia
Reform and codification of customary law	Limited	Four programme evaluations of mixed quality together with an SSJP annual review and two conceptual studies.	Somaliland & South-Central Somalia
Interventions to improve women's access to justice and perceptions and trust in the police	Limited	Three programme evaluations of mixed quality and a related lessons-learned study, together with an SSJP annual review.	Somaliland & South-Central Somalia
Community-led/bottom-up approaches	Limited	Two programme evaluations of mixed quality and a related lessons-learned study; two conceptual studies; one academic journal article and an internal SSJP learning document.	Somaliland & South-Central Somalia
Impact of pre-existing peace and stability	Limited	One peer-reviewed academic article, and two other studies. All three are conceptual studies and do not provide empirical data.	Somaliland

4. <u>There is a similarly limited body of evidence of interventions that have proven less effective.</u> These include approaches that have been overly top-down, state-centric or ambitious. There is also a body of literature, albeit largely theoretical and conceptual in nature, that identifies major obstacles to security sector reform (SSR) work in Somalia. These include the resistance of elite interests which are opposed to traditional concepts of SSR, and the risk of inadvertently exacerbating conflict both at a local level

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[2] *Ibid.*

(e.g., by weakening the authority of traditional elders and customary law) and between the FGS and FMS.

5. <u>There is almost no evidence at an impact level of S&J interventions in Somalia</u>; it is therefore difficult to understand how the promising interventions noted above can contribute to either longer-term SSR or building broader peace and stability in Somalia. In addition to the well-documented difficulties of establishing an evidence base for S&J programming in general, programming in Somalia appears not to have focused sufficiently on robust monitoring, evaluation and learning.

3. The current provision of S&J in Somalia

This section provides a short overview of the current provision of S&J in Somalia. It is based primarily on a small number of theoretical and conceptual studies, including peer-reviewed articles and political economy analyses of the S&J sector.

Key findings:

1) <u>The S&J sector in Somalia continues to exhibit a high degree of 'hybridity'</u>. This includes the overlapping authority and remit of the FGS versus the FMS, the presence of competing S&J actors (e.g. clan militias versus formal security forces), and the co-existence of statutory and customary practices.

2) <u>This hybrid order represents both a reality that donors must work with as well as a potential obstacle to traditional SSR approaches.</u> Elite interests, conservative social norms and the presence of Al-Shabaab militate against a state monopoly of violence and the primacy of a statutory legal system that prioritises individual rights.

3) <u>Customary practices may be effective in managing conflict at a community level – and therefore of supporting broader peace and stability – but often at the expense of individuals' rights</u>. Somali customary practices (*xeer*) prioritise the prevention of inter-clan conflict over the ability of individual victims to obtain justice.

4) <u>Women and minority groups are especially disadvantaged by customary practices.</u> *Xeer* not only prioritises collective security over individual rights, but also favours male members of majority clans over women, minority clans and IDPs.

5) <u>The literature suggests a complex and, at times, contradictory picture of how Somali citizens perceive S&J providers, practices and priorities.</u> Studies from SSJP interventions, for example, suggest high levels of public trust in the police,[3] and even that the police are the favoured justice provider,[4] challenging earlier suggestions that the police in south-west Somalia are viewed as simply an unaccountable militia.[5]

<u>The hybrid order of S&J provision in Somalia.</u> There is consensus across the literature that the S&J landscape in Somalia continues to be characterised by a high-degree of hybridity. This manifests itself in competition between the FGS and FMS over their respective mandates, the presence of multiple and competing security actors (including formal state actors, clan militias, and AS), and the coexistence of both formal/statutory and informal/customary

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[3] First Call Partners, *UNOPS Internal Learning Note: Enhancing trust and accountability,* (2020).

[4] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (2020).

[5] Alice Hills, 'Remembrance of Things Past: Somali Roads to Police Development'. *Stability: International Journal of Security and Development*, 3.1 (2014).

practices and institutions.[6] As an illustration of the first point, tensions remain between the FGS and the FMS over the implementation of a federated policing system – the New Policing Model (NPS) agreed in 2017 – and the Somali Justice Model.[7]

Clans have historically been the main providers of security in Somalia[8], and their influence continues to the present despite efforts to rebuild the Somalia Police Force (SPF) following the collapse of the state in the 1990s and more recent work to establish FMS-level police forces.[9] A 2014 observational study found that the formal police sector was "characterised by a high degree of flexibility", with officers navigating between competing "loyalties, clan calculations and opaque decision-making"[10]. More recent research suggests only limited progress towards establishing the state's monopoly of violence; much of the security sector comprises clan militias who continue to answer to clan leaders and sometimes seek to sidestep and block formal decisions.[11]

Similarly, the formal justice sector remains weak, politicised, and strongly influenced by clan dynamics, particularly at the level of the FMS.[12] An evaluation for UNDP's Joint Rule of Law Programme (JRLP) concluded that factors such as clan dynamics and political allegiances permeate all aspects of rule of law development in Somalia.[13] The formal justice sector operates alongside customary institutions, including both religious *sharia* courts and traditional dispute resolution (TDR) mechanisms that rely on Somali customary law or *xeer.* The weakness of the formal sector is reflected in the fact that police often refer cases back to clan elders to be resolved using *xeer*, while it has been suggested that some statutory courts only issue decisions that have received the prior approval of elders.[14]

Customary practices can be an effective conflict-management tool at the community level, but are often at the expense of individual rights. *Xeer* has traditionally played a crucial role in dispute management and reconciliation in Somalia.[15] Arbitered by clan elders, *xeer* agreements prioritise the prevention of conflict at a community or inter-clan level over individual rights.[16] As a result, customary practices can be seen as a potentially effective means of supporting longer-term peace and stability, but one which may be in tension with international standards of individual-based rights. In contemporary Somalia, the role of clan

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[6] Abdeta Dribssa Beyene, *The security sector reform paradox in Somalia*. Conflict Research Programme, London School of Economics and Political Science (London: 2018).

[7] HMG, *Somalia Security and Justice Programme Annual Review* (2020).

[8] Maria Vargas Simojoki, *Evaluating the Effectiveness of Legal Empowerment Approaches to Customary Law Reform in Somaliland and Puntland,* International Development Law Organization, (Rome: IDLO, 2010)

[9] Sunil Suri, *"Barbed wire on our heads": Lessons from counter-terror, stabilisation and statebuilding in Somalia,* Saferworld (2016); Zahbia Yousuf, *Clans, contention and consensus: Federalism and Inclusion in Galmudug,* Saferworld, (2020).

[10] Alice Hills, 'Remembrance of Things Past: Somali Roads to Police Development. *Stability: International Journal of Security and Development*, 3.1 (2014).

[11] Ken Menkhaus, *Elite Bargains and Political Deals Project: Somalia Case Study* (London: Stabilisation Unit, 2018);

[12] Francesca Del Mese, *Joint Rule of Law Programme Evaluation,* (UNDP Somalia, 2017); Joint Justice Program, *Mid-Term Evaluation of the Somalia Joint Justice Programme: Final Report.* (UNDP, 2020).

[13] Francesca Del Mese, *Joint Rule of Law Programme Evaluation,* (UNDP Somalia, 2017)

[14] Zahbia Yousuf, *Clans, contention and consensus: Federalism and Inclusion in Galmudug,* Saferworld, (2020).

[15] Joakim Gundel, Louis-Alexandre Berg, Yahya Ibrahim, *Political Economy of Justice in Somalia,* Working Paper, (Washington D.C.: The World Bank, 2015).

[16] Coffey, *Understanding Potential Development of the Justice System in Somalia,* (Coffey: 2017); Maria Vargas Simojoki, *Evaluating the Effectiveness of Legal Empowerment Approaches to Customary Law Reform in Somaliland and Puntland,* International Development Law Organization, (Rome: IDLO, 2010).

elders has extended beyond TDR mechanisms into aspects of criminal law to which they are less well suited.[17] For example, in instances of sexual and gender-based violence (SGBV), the right of individuals to obtain justice are likely to be secondary to the importance of preventing an escalation of inter-clan violence[18].

The rights of women and marginalised groups are particularly disadvantaged by the use of *xeer* mechanisms. Justice is heavily biased in favour of the male members of majority clans; women, minority clans and IDPs all suffer from *xeer's* roots in clan power.[19] Lessons from SSJP suggest that marginalised groups are also disadvantaged because of their relative lack of knowledge and agency to hold security and justice providers to account.[20]

Complex and contradictory picture of the perceptions and preferences of S&J users. Much of the existing literature suggests that a majority of Somalis have a preference for, and greater trust in, customary practices over formal and statutory institutions, particularly in the justice sector. For example, *sharia* law and the wider body of *xeer* are both believed to have a high degree of popular legitimacy,[21] while statutory courts are widely perceived as being corrupt and costly, delivering arbitrary decisions and serving the interests of elites.[22] Meanwhile, Hills suggests that the re-established Somalia Police Force (SPF) in Mogadishu were seen as illegitimate and "little more than militiamen in uniform".[23]

These findings are challenged by research from SSJP, suggesting that either the performance of formal S&J actors has improved over time, or the limitations of research, monitoring and evaluation. Across Jubaland, Hirshabelle and South West State, Sahan found that less than 15 per cent of respondents favoured customary courts, with formal courts the preferred options in Jubaland and the city of Jowhar, where respondents cited factors such as enforcement of decisions and fair process as reasons for their response.[24] A review of DDG's Strengthening Police Accountability and Access to Justice programme found that police are "overwhelmingly considered the legitimate security providers in Somalia",[25] a finding supported by Sahan's perception studies, which nevertheless noted difference between Jubaland, Hirshabelle and

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[17] Robin Mydlak, *Access to Justice Assessment Tool: Baseline Study 2020,* Expanding Access to Justice Program in Somalia (EAJ, 2020).

[18] *Ibid.*

[19] Joint Justice Program, *Mid-Term Evaluation of the Somalia Joint Justice Programme: Final Report.* (UNDP, 2020); EAJ, *Alternative Dispute Resolution Initiatives in Somalia.* Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (2020); EAJ, *Access to Justice Assessment Tool: Baseline Study 2020,* Expanding Access to Justice Program in Somalia (Nairobi: Pact and the American Bar Association Rule of Law Initiative, 2020).

[20] First Call Partners, *UNOPS Internal Learning Note: Enhancing Trust and Accountability* (2020).

[21] EAJ, *Alternative Dispute Resolution Initiatives in Somalia.* Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (2020); Daniel Harris, Marta Foresti, *Somaliland's progress on governance: A case of blending the old and the new,* (London: ODI, 2011).

[22] EAJ, *Alternative Dispute Resolution Initiatives in Somalia.* Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (2020); EAJ, *Access to Justice Assessment Tool: Somaliland Baseline Study.* Research Report, Expanding Access to Justice Program (2020); Joint Justice Program, *Mid-Term Evaluation of the Somalia Joint Justice Programme: Final Report.* (UNDP, 2020); Coffey, *Understanding Potential Development of the Justice System in Somalia,* (Coffey: 2017); Joakim Gundel, Louis-Alexandre Berg, Yahya Ibrahim, *Political Economy of Justice in Somalia,* Working Paper, (Washington D.C.: The World Bank, 2015).

[23] Alice Hills, 'Remembrance of Things Past: Somali Roads to Police Development. *Stability: International Journal of Security and Development*, 3.1 (2014).

[24] Sahan Foundation (2020). *Perception Study: Regional Policing in Southern Somalia.* March-April 2020.

[25] Altai Consulting, *Peace and Community Safety Programme Review: Somaliland, Puntland, Galgadug, Benadir, Gedo.* Report written for Danish Demining Group (DDG, 2016).

South West State.[26] However, SSJP implementing partners have acknowledged that the evidence of high levels of public trust in the police indicated by perception surveys are at variance with their own qualitative findings on the ground.[27]

The significant variation in these findings may reflect the fact that people's perceptions of and preference for security and justice actors are liable to change over time in response to contextual developments, and vary according to location. For example, Sahan suggest that changes in people's perceptions of different security threats are linked to regional variations in the activities of AS, tensions between the FGS and FMS, and human rights abuses committed by security actors around election time.[28] However, the high levels of reported trust in both the police and in statutory courts may also be the result of social desirability bias among survey respondents.

Elite interests work against the establishment of a monopoly of power and rule of law. The demobilisation of militias and their full integration into state security forces, and the full implementation of the rule of law would challenge the power and economic interests of elites at both the national and FMS level. Menkhaus argues that genuine progress towards peace and good governance is hampered because elites share "a common desire to perpetuate chronic state weakness and insecurity rather than work towards consolidated peace and good governance".[29] Beyene suggests that DDR, establishing rule of law, and an effective security system is not currently achievable in Somalia because of the existence of multiple administrations (e.g. the FGS and FMS), informal institutions that shape the behaviour of S&J providers, and third-party actors sharing the state's monopoly of coercion (including AMISOM and AS).[30] USAID (2020c) uses the example of land disputes to demonstrate that elite interests often run counter to the rule of law.[31] While many land disputes in Mogadishu could be solved by establishing a functioning land registry, allowing 'political disorder' is preferable as it enables illegal land grabbing.

4. Evidence from S&J interventions in Somalia

1. Overall, there is very limited evidence available for what works in S&J programming in Somalia. Much of the literature provides only anecdotal evidence to support its findings. Only a limited number of programme evaluations were identified during the literature search, and studies often provided incomplete information about their methodological approach. Programme reviews and evaluations were often limited in scope, or the interventions they were assessing were small-scale in nature or had operated for only a limited period of time.

2. There is some evidence, generally of medium- or low-quality, of interventions that have been effective at an output level (i.e. of tangible, short to medium-term effects that result from programming). These include capacity building of S&J institutions,

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[26] Sahan Foundation (2020). *Perception Study: Regional Policing in Southern Somalia.* March-April 2020.

[27] First Call Partners, *UNOPS Internal Learning Note: Enhancing Trust and Accountability* (2020).

[28] Sahan Foundation, *Perception Study: Regional Policing in Southern Somalia.* (2020)

[29] Ken Menkhaus, *Elite Bargains and Political Deals Project: Somalia Case Study* (London: Stabilisation Unit, 2018);

[30] Abdeta Dribssa Beyene, *The security sector reform paradox in Somalia.* Conflict Research Programme, London School of Economics and Political Science (London: 2018).

[31] EAJ, *Pathways and Institutions for Resolving Land Disputes in Mogadishu.* Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (EAJ, 2020).

   community policing approaches (including the use of community-police dialogue bodies), interventions to make customary law more inclusive and compliant with human rights standards), interventions to increase women's participation and gender equality in the S&J sectors.

3. <u>These interventions and approaches can be considered promising, but the literature also highlights limitations.</u> They have generally been small-scale or focused on a particular geographical area; have demonstrated limited sustainability in the absence of continued donor support; have encountered significant resistance (e.g. concepts such as gender equality and women's participation in the S&J sectors); and are contingent on exogenous factors such as clan dynamics and political alliances.

4. <u>There is a similar body of evidence of interventions that have proven less effective.</u> These include approaches that have been overly top-down, state-centric and ambitious. There is also a body of literature, albeit largely theoretical and conceptual in nature, that identifies major obstacles to SSR work in Somalia. These include the resistance of elite interests which are opposed to traditional concepts of SSR, and the risk of inadvertently exacerbating conflict both at a local level (e.g., by weakening the authority of traditional elders and customary law) and between the FGS and FMS.

Overall, there is some evidence of interventions that have shown promise in building the capacity of the police and justice sectors, and in improving citizen perceptions of S&J actors. However, there is no evidence of interventions that have either had a long-term impact or helped to create large-scale stability. These interventions are discussed in more detail below. There is some evidence, generally of medium- or low-quality, of interventions that have been effective at an output level (i.e., of tangible, short to medium-term effects that result from programming). Interventions and approaches that have shown promising results include:

<u>Capacity building of S&J providers</u>. Five programme evaluations and a number of other studies provide a body of moderate quality evidence of success for interventions working with S&J providers to increase their capacity and presence on the ground. This evidence is generally of low- to medium-quality: some studies are anecdotal in nature, while others fail to adequately explain how they measure success. Where they do, they generally measure beneficiary perceptions as a proxy for improved S&J provision, although this can be an unreliable measure and does not necessarily demonstrate causation. The same studies also highlight that capacity-building interventions are likely to have limited sustainability over the longer-term in the absence of continued donor support.

A final evaluation for the DDG 'Strengthening Police Accountability and Access to Justice Programme' (The Time is Now) used a quantitative public survey and a representative sample of respondents from 10 districts in Jubaland, South West State and Hirshabelle to measure perceptions of the police following training on human rights. The survey found that, following the training, most respondents felt men and women were treated the same by the police.[32]

An SSJP public perception survey, again using a representative sample, found improved community perceptions of the police in Beledweyne between 2019 and 2020, and concluded that this was "largely the result of the increased presence of police officers in the region".[33] However, causation could not be fully established because conditions on the ground forced the study to curtail data collection; moreover, in other locations, the survey found that changing community perceptions were linked to exogenous factors (e.g. the frequency of AS attacks).[34] Using anecdotal observations of UN-led police trainings, Hills concluded that police officers

[32] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020).

[33] Sahan Foundation, *Perception Study: Regional Policing in Southern Somalia.* (2020)

[34] *Ibid.*

have a genuine interest in training and in becoming better at their jobs.[35] An evaluation of UNDP's policing work between 2012 and 2015 found that it had "contributed to improved capacities at individual and institutional levels", citing for example the successful training of around 12,000 officers since 2008, and the establishment of model police stations.[36]

In the justice sector, a final evaluation of the UN's JRLP (2015-18) concluded that "significant progress has been made in capacity building of key institutions and future leaders of the RoL sector",[37] but did not provide details on what specifically had been achieved and how. A UNDP evaluation found that its access to justice programme between 2012 and 2015 had been effective in strengthening the capacity of the ministry of justice, and "increased the confidence of the population in the formal justice sector", citing the "increase in the number of cases received by legal aid providers and by mobile courts".[38] However, the evaluation did not provide additional information about the methodology it had used to make this conclusion. An evaluation of an intervention by the International Development Law Organization (IDLO) to build the capacity of the Somali Bar Association (SBA) found that its support had been "critical in transforming the SBA into a functioning organization and in setting the foundations for its continued growth and development".[39] However, the same evaluation noted that the gains from the intervention were on a limited scale and would require sustained future engagement.[40] IDLO separately provided capacity building to a dedicated TDR unit within the Somali ministry of justice; a final evaluation concluded that its training of TDR unit staff and clan elders had increased awareness about human rights, especially women's rights and the needs of vulnerable groups, but noted that the issue of gender equality met some resistance.[41]

The literature also provides some limited – and largely anecdotal – evidence of the limits of capacity-building support to the S&J sector in Somalia. An SSJP quarterly review argued that, in order to achieve meaningful change, the Joint Justice Programme's (JJP) focus on capacity building and training should be expanded to include interventions to encourage changes in perceptions and in social transformation.[42] A similar conclusion is reached in a conceptual study by Gundel, who suggests that donors should look beyond capacity building to define the parameters of the S&J system by "engaging at the national level with constitutional processes and at the subnational level with the process of state formation".[43] Participants in a 2019 SSJP learning event cited anecdotal evidence of increased instability in Mogadishu caused by disputes between the FGS and FMS to suggest that increased training and deployment of the police did not necessarily lead to improved stability. [44]

Similarly, Hills cites anecdotal observations of UNDP's policing work in Somalia to suggest that training and capacity building work have had a limited effect. Hills suggests that

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[35] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).

[36] UNDP, *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).

[37] Francesca Del Mese, *Joint Rule of Law Programme Evaluation,* (UNDP Somalia, 2017).

[38] UNDP, *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).

[39] IDLO, *Evaluation Report: Evaluation of the United States Department of State Bureau for International Narcotics and Law Enforcement-Financed IDLO Project "Enhancing the Capacity of the Legal Professional in Somalia for the Delivery of Justice",* Volume 1 – Main Report (2016).

[40] *Ibid.*

[41] IDLO, *IDLO Evaluation Brief: Final Evaluation of the IDLO-Implemented Project "Strengthening Linkages Between Formal Justice System and Traditional Dispute Resolution System to Improve Access to Justice in Somalia (Phase II),* (2018).

[42] UNOPS, *Somalia Security and Justice Programme Quarterly Report: April 1-June 30,* (2020).

[43] Joakim Gundel, Louis-Alexandre Berg, Yahya Ibrahim, *Political Economy of Justice in Somalia,* Working Paper, (Washington D.C.: The World Bank, 2015).

[44] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

participants appeared not to take trainings on human rights and community policing principles seriously, and concludes that trainings "rarely affect the way officers conduct their everyday business".[45] Hills argues that police forces learned to "mimic UNDP's policing model", and that donors respond to this mimic by providing things such as infrastructure and technical trainings,[46] a finding that was echoed by participants in an SSJP learning event.[47]

There is limited and mixed evidence on the link between providing stipends to the police and the attrition rate of police officers. Participants in an SSJP 'learning week' cited anecdotal evidence of a high attrition rate among officers in Baidoa (South West State) once donor payments to the police force stopped, suggesting that the payment of stipends is an important factor in maintaining the operational capacity of the police. However, the police force in Kismayo (Jubaland) did not witness high attrition rates faced with a similar cut in donor support, suggesting that other factors (e.g., personal pride and status) may play a role.[48] A UNDP evaluation concluded that support to civilian policing appeared to have limited prospects for sustainability, in particular with regard to the payment of stipends (UNDP 2016).[49]

Community-policing and community-driven approaches. A mid-term evaluation of DDG's 'The Time is Now' programme used a qualitative and quantitative survey approach to identify the success of its community policing work. It found evidence of improved public perceptions of personal safety, trust in the police, and community-police relations, which some respondents attributed to programme activities and their impact on the police (e.g., increased engagement of the community in community policing activities).[50] However, it is difficult to establish causation between the intervention and the improved perceptions; the evaluation did not explain what percentage of respondents made this claim, and also noted a number of limitations to the survey sampling.

One particular approach used by the DDG programme that showed promising results was the use of community-police dialogue and cooperation (CPDC) mechanisms. The 2019 mid-term evaluation and a final evaluation found a "tangible improvement in police-community relations", and a reduction in fear and distrust of the police, which many respondents attributed to the work of CPDCs,[51] while according to a 2016 evaluation "the CPDC process demonstrated high levels of effectiveness at re-establishing a link and fostering collaboration between the police and the community".[52] A separate lessons-learned report suggested that the CPDC approach had become institutionalised in local governance structures, for example by forging links with district safety committees (DSCs).[53] CPDCs helped reduce the burden on police stations (for example, by addressing land dispute issues), reduced fears among women about making formal complaints to the police by including women in the CPDC membership,

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[45] Alice Hills, 'Remembrance of Things Past: Somali Roads to Police Development. *Stability: International Journal of Security and Development*, 3.1 (2014);

[46] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).

[47] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week, 16-17 July 2019.* (2019).

[48] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review & Learning Week, 25th-28th March 2019* (2019).

[49] UNDP. *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).

[50] PCEF, *Perceptions assessment/Mid-term evaluation for "The Time is Now-Strengthening Police Accountability and Access to Justice in Somalia".* (2019).

[51] *Ibid*; Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020).

[52] *Ibid.*

[53] Sean Tait, Thomas Probert, Abdirahman Maalim Gossar, *Community-Police Dialogue and Cooperation: Lessons Learnt,* (Copenhagen: Danish Demining Group, 2019).

and encouraged the police to treat people with greater respect.[54] However, the same report highlighted the risk of clan dynamics translating to CPDCs with committees potentially then becoming lobbies for particular groups in the community. Similar conflict-sensitivity risks existed in terms of the perceived affiliations of CPDC members (for example, if communities felt that members represented the FGS). Finally, the report stressed that the CPDC mechanism should not become an alternative to the police, and noted that police capacity would need to increase in parallel to growing community expectations.[55]

SSJP perception studies provide a body of medium quality evidence that community trust in the police is linked to the extent to which the police force is perceived to be representative of local clans. For example, a 2020 study in Kismayo, Baidoa, Beledweyne and Jowhar found that "clan representation had a positive and statistically significant relationship with public trust in the police".[56] Although it was unable to establish a causal link, the study found that respondents who felt local clans were represented within the police force were less likely to not trust the police – and more likely to express very high trust – than those who did not believe the police were representative.[57] However, participants in an SSJP learning week session cited anecdotal evidence to challenge the idea of a causal relationship between clan representation and trust, suggesting that people place greater value on the provision of good police services, and on having positive relationships with police officers.[58] Public perceptions are also an unreliable proxy for measuring actual performance, particularly regarding the issue of clan representation. As noted in section one of this document, clan dynamics and affiliation have historically been a crucial factor in the security and justice landscape in Somalia, and it is possible that respondents might indicate their preference for a force that is representative of their clan over one that provides high-quality security services and adheres to international human rights standards.[59]

<u>Reform and codification of customary law</u>. Three interventions provide mixed evidence, of medium- to low-quality, of the value of interventions seeking to make customary law practices more effective, inclusive of women, and compliant with human rights standards. An evaluation of the UN's Peacebuilding Fund suggested that capacity building provided by the UN's Rule of Law Programme helped to reduce the backlog of clan-based grievances that had created a backlog in the informal courts system, by re-establishing mechanisms for issues to be addressed. However, the report says nothing about the quality of service provided by the informal courts.[60] An evaluation of an IDLO initiative that worked with clan elders who had made a series of 'national declarations' to modify *xeer* found the intervention was linked to a number of positive changes in customary justice. These included the abolition of harmful practices (such as women being forced to marry the male relatives of their deceased husbands), some improvements in women's inheritance rights, and a shift in attitudes towards individual responsibility for serious crimes.[61] Indicators of success included a reported 90 per cent reduction in murder cases, and anecdotal evidence both of women being allowed to choose who they remarry, and of murder suspects being referred to the formal justice sector. However, the evaluation noted that vulnerable groups continued to face difficulties in accessing justice, and that victims of SGBV faced significant social pressure to have cases

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[54] *Ibid.*

[55] *Ibid.*

[56] Sahan Foundation (2020). *Impact of Clan Representation on Public Trust in the Police.*

[57] *Ibid.*

[58] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

[59] A similar point was made by a draft learning note produced for SSJP by Kulan Consulting (2020).

[60] UNPBF, *Evaluation Report: Evaluation of the Peacebuilding Fund (PBF) Project Portfolio In Somalia,* (UNPBF-The Konterra Group, 2019).

[61] Maria Vargas Simojoki, *Evaluating the Effectiveness of Legal Empowerment Approaches to Customary Law Reform in Somaliland and Puntland,* International Development Law Organization, (Rome: IDLO, 2010)

settled by customary courts. It concluded that it was "unlikely that the goodwill of elders alone will facilitate any further progress under the current conditions".[62]

The 2019 mid-term evaluation of DDG's work to make existing customary institutions more inclusive of women, to improve access to justice for women, and to document *xeer* – the so-called Guurti Plus initiative – found the intervention was "widely reported to have had a positive effect on reducing inter-clan conflict and encouraging elders to work in concert across clans". It also reported that "many [respondents] pointed out that the introduction of the Guurti Plus had helped to reduce bias against women and to increase their voice in decision-making",[63] with similar findings provided by a final evaluation.[64] However, an SSJP annual review concluded that while women enjoyed improved access to justice as a result of the intervention, they continued to face a number of structural challenges that limited their ability to play a decision-making role within the Guurti Plus mechanism.[65]

Two conceptual studies also provide some additional evidence of the limitations of engaging with customary law. A 2017 assessment of the Somali justice sector concluded that limited public demand for formal courts and the high level of authority enjoyed by clan elders made it "unlikely that that top-down reforms such as codification, eliminating harmful practices, and enforcing state jurisdiction will result in substantive change in *xeer* practice".[66] This finding was echoed by a USAID study, which argued that "it is unlikely that government legislation or procedures are going to be successful in aligning customary norms such as the *xeer* with human rights standards" and found little evidence for progress having been made to date.[67]

Gender-focused interventions. There is mixed evidence, again of medium to low quality, of the effect of S&J interventions targeted at women and youth beneficiaries. DDG's 'The Time is Now' programme provides some evidence that a community policing approach can lead to increased trust in the police among women. The 2020 SSJP annual review notes that the majority of women respondents in perception surveys "welcomed the presence of female police officers in the police force citing it has contributed to a change in women's perception because it has improved their access to police services and ability to report cases of criminality".[68] As noted above, a final evaluation of DDG's work found that a majority of respondents felt that the police treated men and women equally after receiving training on human rights standards, although men continued to be more likely to voice their trust in the police than women.[69] Similarly, a lessons-learned report of the same intervention concluded that the involvement of women and youths in CPDC mechanisms had contributed to a decrease in fear among women about making complaints although it provided no information about the methodology used to make this conclusion.[70]

There is limited evidence that gender-focused interventions have been effective in changing attitudes at an institutional or societal level. However, one survey conducted in Somaliland by the Horizon Institute in 2016 found that 70% of respondents supported the appointment of

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[62] *Ibid.*

[63] PCEF, *Perceptions assessment/Mid-term evaluation for "The Time is Now-Strengthening Police Accountability and Access to Justice in Somalia".* (2019).

[64] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020).

[65] HMG, *Somalia Security and Justice Programme Annual Review,* (2020).

[66] Coffey, *Understanding Potential Development of the Justice System in Somalia,* (Coffey: 2017).

[67] EAJ, *Alternative Dispute Resolution Initiatives in Somalia*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (2020).

[68] HMG, *Somalia Security and Justice Programme Annual Review,* (2020).

[69] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020).

[70] Sean Tait, Thomas Probert, Abdirahman Maalim Gossar, *Community-Police Dialogue and Cooperation: Lessons Learnt,* (Copenhagen: Danish Demining Group, 2019).

female judges, describing them as more hardworking and less susceptible to corruption than their male colleagues.[71]

In addition to its impact on levels of trust in the police, the DDG intervention also provides mixed evidence of its contribution to improved access to justice for women. As noted above, the 2020 SSJP annual review reported that women respondents indicated that the Guurti Plus mechanism had facilitated improved access to justice for women and better handling of SGBV cases, although structural challenges continued to restrict their ability to play a decision-making role within the councils.[72] Similarly, an IDLO initiative to reform and codify customary law reported a reduction in harmful practices against women, but noted less success in enhancing access to justice for victims of gender crimes. Although elders were reportedly willing to refer such cases to statutory courts, victims continued to face significant social pressure to have them resolved through *xeer*.[73]

An evaluation of UNDP's work in Somalia between 2012 and 2015 concluded that an intervention to steer at-risk youth away from criminal activities (including armed violence) represented "an alternative to the usual disarmament, demobilization and reintegration approach […] in countries facing high levels of violence". Specifically, it found that the programme had "made a significant contribution to some of the primary desired outcomes, including social rehabilitation and improving literacy skills", and cited anecdotal evidence from instructors that "they had seen a vast difference in many of the beneficiaries' behaviour post-project induction". However, it offered no evidence beyond an output level, and highlighted the possibility that the programme had not successfully targeted beneficiaries who were sufficiently 'at risk'.[74]

In addition to the above limitations of specific gender S&J interventions, one study provided evidence of the potential unintended negative effect of interventions on women beneficiaries. An evaluation of UNDP's work found that the introduction of gender desks in police stations in Somaliland resulted in women beneficiaries becoming more marginalised, as the desks had not been properly incorporated into the overall structure of police stations, and officers trained to staff the desks had been deployed elsewhere.[75] Moreover, initiatives such as the Guurti Plus may encounter significant resistance from conservative communities,[76] which raises questions about the challenges of working against the grain of local incentives and the risks of inadvertently increasing local conflict (see below). Participants at an SSJP quarterly review and learning week argued that donor work on gender should be both needs-driven and realistic, and that the use of quotas or international standards would be unlikely to work.[77]

Pre-existing peace and stability. The literature provides some evidence that long-term progress in S&J development is contingent on pre-existing peace, stability and political settlements, although the relevant studies are purely conceptual in nature. Hills cites the relative success of S&J development in Somaliland to argue that effective police forces emerge *after* political settlements have been negotiated, and are therefore contingent on –

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[71] Kulan Consulting, *UNOPS Internal Learning Note on Improving Access to Justice*, (2020).

[72] HMG, *Somalia Security and Justice Programme Annual Review,* (2020).

[73] Maria Vargas Simojoki, *Evaluating the Effectiveness of Legal Empowerment Approaches to Customary Law Reform in Somaliland and Puntland,* International Development Law Organization, (Rome: IDLO, 2010).

[74] UNDP. *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).

[75] *Ibid.*

[76] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020).

[77] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

rather than catalysts of – peace and stability.[78] Basic provision of S&J in the absence of formal institutional structures remains possible, however, as demonstrated by the experience of South-Central Somalia in the period since the early 1990s.[79] Similarly, the ODI suggests that Somaliland's ability to provide a basic level of security is the result of a series of intra-elite agreements that provided a peace building and dispute settlement mechanism. It argues that Somaliland's relative success is therefore the result of "bottom-up approaches to building societies from local communities upwards", and of an evolution along a "largely self-reliant path" rather than the result of external support.[80] A recent comparison of ADR interventions by USAID argues that the successes of DRC's work on *xeer* were only possible because of the relatively levels of security in place in Somaliland.[81]

Top-down vs bottom-up approaches. Several studies argue that top-down or elite-driven S&J interventions are less likely to be successful in Somalia than bottom-up or community-driven approaches. However, these studies are either purely conceptual in nature[82]; or are based on anecdotal findings from workshop participants,[83] and therefore offer only limited evidence. For example, Bryden and Brickman suggest that earlier donor policing work adopted an overly state-centric approach, leading to the creation of a Somali Police Force that was perceived by many as an externally imposed and clan-based Mogadishu militia.[84] By contrast, results from DDG's community policing work provide some promising examples of a bottom-up approach, as does IDLO's work to reform and codify customary law through engagement with clan elders.[85]

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[78] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).
[79] *Ibid.*
[80] Daniel Harris, Marta Foresti, *Somaliland's progress on governance: A case of blending the old and the new,* (London: ODI, 2011).
[81] EAJ, *Alternative Dispute Resolution Initiatives in Somalia*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.
[82] Coffey, *Understanding Potential Development of the Justice System in Somalia,* (Coffey: 2017); EAJ, *Alternative Dispute Resolution Initiatives in Somalia*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative (2020); Matt Bryden, Jeremy Brickhill, 'Disarming Somalia: lessons in stabilisation from a collapsed state', *Conflict, Security & Development*, 10.2, 239-262 (2010).
[83] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).
[84] Matt Bryden, Jeremy Brickhill, 'Disarming Somalia: lessons in stabilisation from a collapsed state', *Conflict, Security & Development*, 10.2, 239-262 (2010).
[85] Researchcare Africa, *Final Evaluation for Time is Now: Strengthening Police Accountability and Access to Justice in Somalia Project* (Mogadishu: Researchcare Africa, 2020); PCEF, *Perceptions assessment/Mid-term evaluation for "The Time is Now-Strengthening Police Accountability and Access to Justice in Somalia"* (2019); Sean Tait, Thomas Probert, Abdirahman Maalim Gossar, *Community-Police Dialogue and Cooperation: Lessons Learnt,* (Copenhagen: Danish Demining Group, 2019).

5. Gaps in the evidence, cross-cutting challenges, and implications for future S&J programming and research

Key findings:

1) <u>There is almost no evidence at an impact level of S&J interventions in Somalia</u>. It is therefore difficult to understand how the promising interventions noted above can contribute to either longer-term security sector reform (SSR) or building broader peace and stability in Somalia. In addition to the well-documented difficulties of establishing an evidence base for S&J programming in general, programming in Somalia appears not to have focused sufficiently on robust monitoring, evaluation and learning.

2) <u>Public perceptions of S&J are a useful but sometimes unreliable indicator</u>. Perception surveys may provide inaccurate data (e.g., because of social desirability bias), but even accurate measurement of perceptions may be an unreliable indicator of programme success or progress in the S&J sector. For example, respondents from majority clans/sub-clans may be supportive of a police force whose composition matches the demographic composition of the community. In this instance, however, clan dynamics and conflicts may become engrained in formal S&J structures, negatively impacting minority and marginalised groups.

3) <u>There is a risk of creating unsustainable project structures</u>. The literature suggests that a number of approaches have demonstrated limited prospects for long-term sustainability, particularly in the event of an end to donor funding. In particular, interventions providing stipends to S&J providers and community-driven approaches that establish new mechanisms appear to have limited sustainability.

4) <u>Interventions that work against the grain of local incentives are likely to be less effective</u>. The literature suggests that S&J actors are likely to engage with aspects of donor programming that fit with their own objectives, but less likely to support interventions that work against their interests.

5) <u>There are significant conflict sensitivity risks associated with S&J interventions</u>. Particular challenges highlighted by the literature include the risk of exacerbating conflict between the FGS and FMS, and of providing an external rent that can be exploited by conflict actors.

6) <u>There is often a disparity between the scale of donor ambition and the capacity of programming to deliver, particularly given the scale of the challenges facing S&J in Somalia</u>. The literature provides examples of both interventions that have adopted an overly ambitious approach, and interventions that have been moderately effective but had little impact in tackling deep-rooted problems in Somalia.

<u>Lack of higher-level evidence.</u> There is almost no evidence at either an outcome or impact level for the success or otherwise of S&J interventions in Somalia. As noted above, the literature that does exist is generally limited to medium and low-quality evidence, and is overwhelmingly focused on activity and output level indicators, often relying on community perceptions as a proxy for improved delivery of and access to S&J. The evidence base generally looks at small-scale interventions that have either operated over a short period of time or in a limited geographical area, making it hard to generalise about their findings.

For example, a 2020 evaluation of UNDP's work concluded that "the Joint Rule of Law Programme delivered tangible improvements at the activity and output levels in access to justice, and judicial and police capacity. However, the absence of data means that it is not possible to rigorously assess the impact of rule of law programmes, despite the large sums

spent on them". More broadly, it states that "despite many years' work on rule of law in Somalia, and considerable research that has been undertaken on policing, justice and security, UNDP and its Somali and international partners remain unable to produce detailed evidence on the impact of rule of law interventions in building public trust and confidence in the police and justice system".[86] Similarly, a mid-term evaluation of the Joint Justice Programme (JJP) concludes that, despite encouraging results, "it is too early, and in the absence of related data collection tools and mechanisms also technically not possible, for the time being, to gauge any potential change at the level of perceptions and attitudinal change(s) at a large-scale, societal level".[87]

The limited evidence that does exist suggests disappointing higher-level results. For example, an evaluation of UNDP's police work between 2012 and 2015 found that "police forces have not been really impacted systematically but they were at least impacted in terms of group awareness. Even if the organisations did not change they were able to know there could be a different model".[88] Similarly, the promising results from an IDLO initiative to codify *xeer* and make it more compatible with human rights standards appeared to have a limited impact on a wider societal level. While elders were more willing to refer cases to the customary court system, women in particular faced considerable social pressure to have cases resolved by *xeer,* leading an evaluation to conclude that the goodwill of elders was insufficient to achieve further progress.[89]

Future S&J programmes should, therefore, consider creating a strong research, monitoring, evaluation and learning component within their overall structure as an important priority. This would help ensure more evidence-based interventions, greater strategic cohesion, and a clearer sense of the extent to which programming activities contribute to higher impact level objectives.

Limitations of perception data. Many of the programme documents reviewed in this paper draw heavily on perception data to measure people's opinions of S&J actors and overall levels of security in their communities, people's S&J priorities and concerns, and the impact of interventions. While perception data can, of course, be highly valuable, it also has a number of significant limitations. The different conclusions reached by studies looking to understand citizen preferences for either statutory or customary S&J actors may well reflect that people's opinions vary widely over time and by location – and future research should look to verify this. But limitations to research design, and the difficulty of conduct accurate research in Somalia, also means that there is a risk of obtaining inaccurate or misleading data. This includes the risk of social desirability bias, where respondents provide answers they believe researchers want to hear.[90]

Even where perception data is accurate, it may still provide an unreliable or at times misleading indicator for 'what works' in terms of effective S&J reform. As noted in the next paper in this literature review *(Paper Three: Evidence from S&J interventions in FCAS)*, perceptions do not always match reality; people may believe that overall levels of security are

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[86] UNDP, *Independent Country Programme Evaluation: Somalia 2019,* UNDP Independent Evaluation Office (2020).

[87] JJP, *Mid-Term Evaluation of the Somalia Joint Justice Programme: Final Report.* Submitted to UNDP Somalia, (2020).

[88] Dominique Lapprand, Monica Rispo, *Evaluation of UNDP Somalia Projects 2012-2015: Access to Justice- UNDP A2JP, Civilian Policing- UNDP CPP* (2016).

[89] Maria Vargas Simojoki, *Evaluating the Effectiveness of Legal Empowerment Approaches to Customary Law Reform in Somaliland and Puntland,* International Development Law Organization, (Rome: IDLO, 2010).

[90] The risk of social desirability bias was noted by members of the SSJP Reference Group during an FCP-UNOPS workshop discussion to review a draft of this literature review in February 2021.

improving when, in fact, they are not. Furthermore, people's preferences may not always conform to what international actors consider to be important in supporting effective, inclusive and participatory S&J institutions. For example, research conducted by SSJP suggests that people are more likely to have a favourable view of the police if they believe they are representative of local clan dynamics.[91] But a police force whose composition reflects the local demographic make-up may act primarily in the interests of majority clans, at the expense of minority and marginalised groups, even if respondents who are members of majority clans may believe this is a good thing.

Limited sustainability of interventions. A number of studies provide evidence of the limited sustainability of S&J interventions in Somalia, which suggests that the promising results highlighted above are contingent on continued donor support. Two UNDP evaluations found that support to civilian policing had "limited prospects for sustainability, especially with respect to stipends",[92] and that future donor support would become an endless "keep afloat" exercise.[93] A 2017 evaluation of the JROLP also concluded that the payment of police stipends "without a phased-out approach is not sustainable".[94] However, because of their limited resources and capacity, the FGS and FMS have been unable to pay their share of police stipends,[95] although SSJP quarterly reviews demonstrate that some recent progress has been made in this regard.[96] By comparison, in Somaliland, the comparative levels of peace and stability achieved by the demobilisation of former militias into official security forces has required allocating more than fifty per cent of the annual budget to a bloated security sector.[97] SSJP implementing partners have previously reflected on the issue of sustainability; a 2020 learning note highlighted the risk of community policing initiatives creating unsustainable project structures once funding ends, citing lessons by Coffey in Somaliland.[98]

Even those small-scale interventions that have shown promising results remain contingent on continued donor funding, which reduces the prospect of their being taken to scale. A 2016 IDLO evaluation of a U.S.-funded initiative to strengthen the Somali Bar Association found that it had built the capacity of legal professionals on only a limited scale, given the relatively small number of participants and the need for follow-up trainings to ensure long-term impact.[99] Similarly, an evaluation of an intervention to establish a TDR unit in the FGS MoJ, as a means of making *xeer* more compliant with international human rights standards, found the long-term sustainability of the TDR unit was at risk "due to full dependency on foreign donors as the FGS lacks financial resources".[100] While the limited sustainability of interventions is a problem in itself, there are also potential conflict-sensitivity risks in the event that donor support is removed. An SSJP quarterly review and learning note highlighted the fact that there is limited

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[91] Sahan Foundation (2020). *Impact of Clan Representation on Public Trust in the Police*

[92] UNDP, *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).

[93] Dominique Lapprand, Monica Rispo, *Evaluation of UNDP Somalia Projects 2012-2015: Access to Justice- UNDP A2JP, Civilian Policing- UNDP CPP* (2016).

[94] Francesca Del Mese, *Joint Rule of Law Programme Evaluation,* (UNDP Somalia, 2017).

[95] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).

[96] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week, 11-12 February 2020,* (2020).

[97] Matt Bryden, Jeremy Brickhill, 'Disarming Somalia: lessons in stabilisation from a collapsed state', *Conflict, Security & Development*, 10.2, 239-262 (2010).

[98] First Call Partners, *UNOPS Internal Learning Note: Enhancing trust and accountability,* (2020).

[99] IDLO, *Evaluation Report: Evaluation of the United States Department of State Bureau for International Narcotics and Law Enforcement-Financed IDLO Project "Enhancing the Capacity of the Legal Professional in Somalia for the Delivery of Justice",* Volume 1 – Main Report. (2016).

[100] IDLO, *IDLO Evaluation Brief: Final Evaluation of the IDLO-Implemented Project "Strengthening Linkages Between Formal Justice System and Traditional Dispute Resolution System to Improve Access to Justice in Somalia (Phase II),* (2018).

data on the costs of maintaining community police dynamics and limited evidence of the risks involved in removing donor support.[101]

As noted above, future programming should seek to develop an improved understanding of the longer-term impact of interventions. Equally important, programmes should prioritise understanding the potentially negative impact of interventions that have limited sustainability, to support greater conflict sensitivity.

Working against the grain of local incentives. There is a body of literature that is largely conceptual in nature that provides some evidence of the challenge faced by donor interventions that work against the grain of local incentives, particularly those of local elites. Reflecting on earlier security and justice interventions Hills suggests that international donors and organisations have often failed to distinguish between what they are able to influence and what is resistant to change.[102] As a result, the solutions provided by donors were subverted by local police forces for their own purposes. An example is the creation of gender desks in police stations and the recruitment of women police officers, which Hills argues did little to support gender equality given the broad opposition to it in a conservative Somali society: "Nevertheless, donors continue to promote gender projects and Somalis continue to accommodate rather than reject them, because they provide opportunities for patronage and assets such as buildings and uniforms". Thus, while donors see security and justice programmes "as a tool for state building and social engineering […] police take what they value, manipulate what they can use, and subvert approaches that offend the sensibilities of their conservative society".[103] A related criticism has been voiced by SSJP implementing partners, who stressed the need to adopt a needs-driven approach to future interventions, and to move away from the current situation where Somali institutions ask donors what is fundable.[104]

Future programming will need to determine how best to strike a balance between working with the grain of incentives to ensure the buy-in of key local stakeholders, and pushing for the reform of S&J institutions, and social norms and practices that limit access to justice for Somali men and women. The literature reviewed in this paper suggests this challenge will not be easy. Nevertheless, the findings in the previous paper in this literature review (*Paper One: Conceptual Overview),* suggest that while traditional institutions and norms such as *xeer* and clan dynamics continue to dominate the provision of S&J in Somalia, they are not fixed but rather liable to change over time.

Conflict sensitivity risks. SSR, like other forms of international assistance, is a rent that elites including politicians and S&J officials will look to control,[105] and therefore has significant potential to exacerbate conflict, particularly when applied in a top-down approach. Bryden and Brickhill note the possible tension at the heart of security and justice reform work in Somalia, namely that "restoring the state lies at the heart of the Somali conflict – it is both an apparent solution, and one of the most obvious underlying causes of the conflict".[106] As a result, they argue that "ill-conceived, externally driven stabilisation efforts may in fact play [a role] in the prolongation and exacerbation of the conflict". While the 2016 New Policing Model provides a roadmap for the division of labour between the FGS and FMS, this tension remains.

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[101] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

[102] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).

[103] *Ibid.*

[104] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

[105] Alice Hills, 'Somalia works: Police development as state building', *African Affairs*, 113.450 (2014).

[106] Matt Bryden, Jeremy Brickhill, 'Disarming Somalia: lessons in stabilisation from a collapsed state', *Conflict, Security & Development*, 10.2, 239-262 (2010).

Participants at a 2019 SSJP quarterly review event noted that the creation of FMS police in Hirshabelle and Jubaland had increased tensions with the FGS, and that the "patrimonial nature of security deployments creates risks of elite capture of SSJP".[107]

Bottom-up approaches also involve significant conflict sensitivity risks. For example, there is a challenge in knowing how to engage customary law practices to make them more inclusive and applicable with international human rights, without undermining their legitimacy with the local population.[108] A USAID study argues that efforts to codify *xeer* that give clan elders official government roles risks undermining their reputation in the community, while direct FGS involvement and donor funding could increase tensions at both a community and national level.[109]

Programme ambition and the scale of the challenge. The literature suggests that donor programmes are likely to face a trade-off between retaining a relatively narrow focus to maximise effectiveness and taking a broader focus given the scale of the challenge but risk spreading resources too thinly to have an impact. An evaluation of UNDP's JRLP found it was "too broad and over-ambitious", noting that it may have been more successful had it focused "on fewer activities that have a greater impact, so that limited resources can be more keenly felt by beneficiaries".[110] A 2015 evaluation found that the UNDP had "contributed to building the foundation for greater gender equality and women's empowerment in Somalia but the limited size and scope of these initiatives limit their perceived relevance as being severely inadequate given the enormity of the issue.[111]

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[107] First Call Partners, *DFID Somalia Security and Justice Programme: Quarterly Review and Learning Week 25th-28th March 2019* (2019).

[108] Coffey, *Understanding Potential Development of the Justice System in Somalia,* (Coffey: 2017).

[109] EAJ, *Alternative Dispute Resolution Initiatives in Somalia*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

[110] Francesca Del Mese, *Joint Rule of Law Programme Evaluation,* (UNDP Somalia, 2017).

[111] UNDP, *Assessment of Development Results: Somalia,* UNDP Independent Evaluation Office (2016).