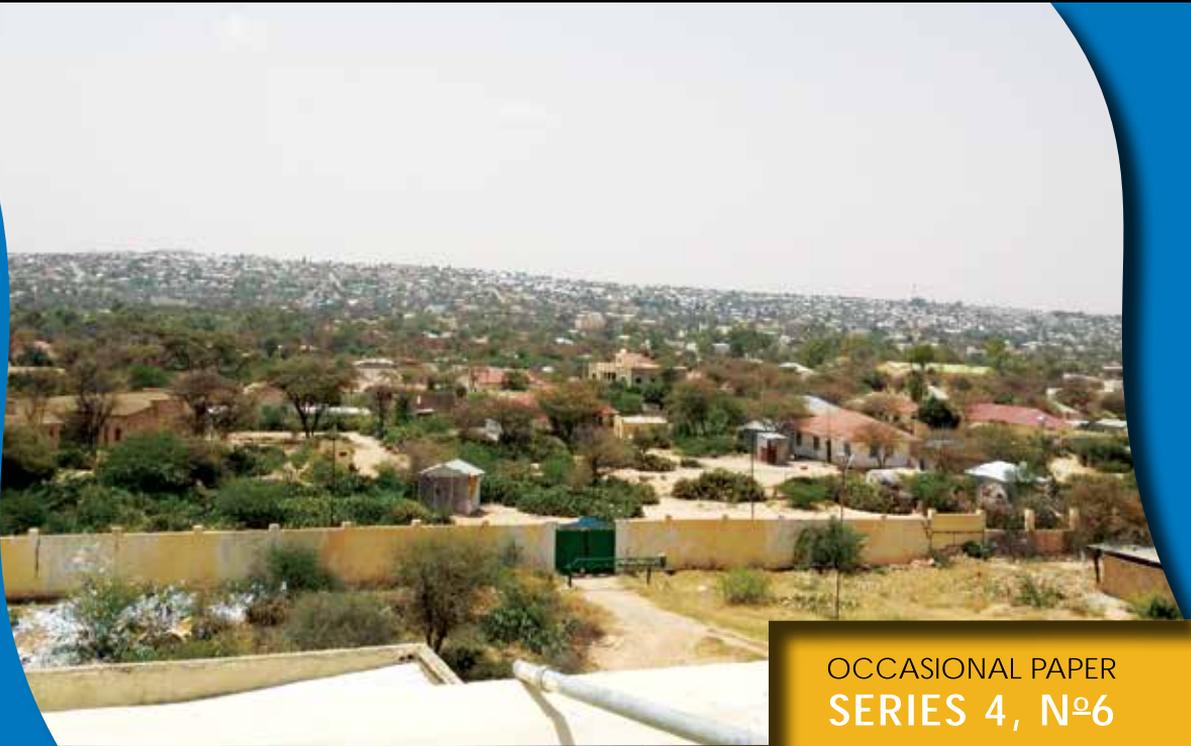




The International Peace Support Training Centre
Nairobi, Kenya

Protection of Civilians in Protracted Conflicts: **A Case of IDPs in Somalia**



OCCASIONAL PAPER
SERIES 4, N^o6

MURIITHI LAURA

Protection of Civilians in Protracted Conflicts: A Case of IDPs in Somalia

OCCASIONAL PAPER
SERIES 4, N°6

2013

Compiled by
IPSTC Peace and Security Research Department

@ 2013 International Peace Support Training Centre
Nairobi, Kenya.

All Rights Reserved.

No part of this publication may be produced, stored in a retrieval system, or transmitted in any form, by any means; mechanical, via photocopying, recording or otherwise- without prior permission from the International Peace Support Training Centre (IPSTC).

Statements and views expressed herein are those of the author and are not necessarily the views of IPSTC, Nairobi, Kenya.

Published by
International Peace Support Training Centre (IPSTC)

P.O Box 24232-00502

Karen, Kenya

Tel: 254 20 388 3157/58

Fax: 254 20 388 3159

Email: info@ipstc.org

Website: www.ipstc.org

ISBN: 798-9966-025-14-2

Edited by: **Prof. Peter Kagwanja**

Design, layout and printing: **Noel Creative Media Ltd**

Cover Photos: **IPSTC**

Foreword

The International Peace Support Training Center (IPSTC) has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa. The centre is a training and research institution focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture and has developed to be the regional center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention, management, and post conflict reconstruction.

The Peace and Security Research Department (PSRD) of the IPSTC presents Occasional Paper Series 4 of (2013) on various themes on peace and conflict situation in Eastern Africa. IPSTC produced seven Occasional Papers in 2013. Five of them focused on Somalia while the others dealt with drivers of conflict and integration of child soldiers in eastern DRC. This publication titled: *Protection of Civilians in Protracted Conflicts: A Case of IDPs in Somalia*, reviews the protection mechanism in place for the protection of civilians and IDPs in Somalia.

These papers provide insight into pertinent peace and security issues in the region that are useful to policy makers. These publications also provide significant contribution to the security debate and praxis in the region. The research products from IPSTC have been developed by researchers from Kenya, Burundi and Uganda and will inform the design of training modules at IPSTC.

This Occasional Paper is an important contribution to the vision and mission of IPSTC. The research and publication of this Occasional Paper has been made possible by the support of the Government of Japan through UNDP and the European Union.

Brig. Robert Kabage
Director, IPSTC

International Peace Support Training Center (IPSTC)

The International Peace Support Training Centre (IPSTC) is an international center of excellence in peace support operations training and research focusing on capacity building at the strategic, operational and tactical levels within the African Peace and Security Architecture. IPSTC is the regional training center for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations through exposing actors to the multi-dimensional nature of these operations.

The Research Department of the IPSTC undertakes research for two main purposes: a) the design of training curricula to support peace operations, and b) to contribute to the debate towards the enhancement of regional peace and security.

The Peace and Security Research Department (PSRD) develops annual occasional papers and issue briefs covering diverse themes from the Great Lakes region and the Horn of Africa. The 2013 Occasional Papers cover diverse topics in regional peace and security including the eastern Democratic Republic of Congo (DRC) and Somalia. PSRD's Research Agenda is traditionally comprehensive and addresses issues related to a variety of regional issues. The research conducted covers a broad spectrum of peace and security concerns ranging from conflict prevention, management, and post conflict reconstruction. IPSTC has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa.

The Target audiences for our publications are the decision makers in key peace and security institutions in the Great Lakes region and the Horn of Africa. These include policy makers in national security sector such as internal security, defence, judiciary and parliament and regional institutions dealing with conflict prevention and management such as East African Community (EAC), Inter Governmental Authority on Development (IGAD), International Conference of the Great Lakes region (ICGLR), Regional Center for the Control of Small Arms and Light Weapons (RECSEA), African Union, Embassies of key development partners with special interests in regional peace and security issues and the United Nations agencies in the Great Lakes region and the Horn of Africa.

Occasional Papers are an important contribution to the vision and mission of IPSTC. The research and publication of this Occasional Paper has been made possible by the support of the Government of Japan through UNDP and the European Union.

Table of Contents

List of Acronyms and Abbreviations	vii
Concepts and Definitions	ix
Abstract	x
1.0 Introduction	1
1.1 Background of the study	1
1.2 Statement of the Problem	3
1.3 Objectives of the Study	3
1.4 Hypothesis	3
1.5 Scope of the Study	3
1.6 Research Methodology	4
1.7 Limitations of the Study	4
2.0 Theoretical Framework	6
2.1 Armed Conflict	6
2.2 Protection of Civilians (POC)	8
2.3 International Humanitarian Law (IHL)	9
3.0 Research Findings and Discussions	12
3.1 Protection of Civilians	12
3.2 Internally Displaced Persons (IDPs)	12
3.3 State of Protection of IDPs in Somalia	13
3.3.1 IDP Women	19
3.3.2 IDP Children	20
4.0 Role of State and PSO Actors in Protection of IDPs	23
4.1 AU	24
4.2 IGAD	24
4.3 UNHCR	25
4.4 UNSOM	26

4.5	Human Rights Abuses	26
4.6	NGOs	27
4.7	UN	28
4.8	State Actors	30
5.0	Conclusion	31
5.1	Recommendations	32
5.2	Obligations for the International Community	33
	References	34
	Interviews	34
	Books	34
	Chapters in books	35
	Journals	36
	Resolutions	37
	Internet	38

Acronyms and Abbreviations

AMISOM	African Union Mission in Somalia
ASF	African Standby Force
AU	African Union
CCCM	Camp Coordination and Camp Management Cluster
CEWS	Continental Early Warning System
CONOPS	Concept of Operations
CRIN	Child Rights International Network
DDR	Disarmament, Demobilization and Reintegration
ERW	Explosives Remnants of War
FGM	Female Genital Mutilation
FGS:	Federal Government of Somalia
HCT-S	Humanitarian Country Team for Somalia
IASC	Inter-Agency Standing Committee
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
INGOs	International NGOs
LNGOs	Local NGOs
LNT	Literacy Numeracy Training

MRE	Mine Risk Education
NGOs	Non-governmental Organization
NRC	Norwegian Refugee Council
OAU	Organization of African Union
OCHA	Office for the Coordination of the Humanitarian Affairs
ORH	Operation Restore Hope
P5	Permanent 5
PSC	Peace and Security Council
R2P	Responsibility to Protect
SGBV	Sexual and Gender Based Violence
TFG	Transitional Federal Government
UIC	Islamic Courts Union
UN	United Nations
UNDP	United Nations Development Programme
UNHABITAT	United Nations human Settlement Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children’s Fund
UNITAF	United Task Force
UNMAS	United Nations Mine Action Services
UNOSOM	United Nations Operation in Somalia
UNSC	United Nations Security Council
UNSOM	UN Assistance Mission in Somalia
WFP	World Food Programme

Concepts and Definitions

Internally Displaced Persons (IDPs) - “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”

Internal displacement - the “involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state borders.”

Traditional Disarmament, Demobilization and Reintegration (DDR) - focuses on combatants that are present within military structures and involves a range of activities falling under the categories of disarmament, demobilization and reintegration.

Second Generation programmes - This includes a number of different types of activities that can be implemented when the preconditions for traditional DDR are not in place in order to support the peace process, build trust, contribute to a secure environment and help build the foundation for longer term peace building. Instead of implementing relevant provisions of a peace agreement, Second Generation activities are programmed locally using an evidence-based approach.

Abstract

Armed conflict is a universal problem that affects most of the African continent. This is especially so due to the prolonged conflict, magnitude of the war and the negative effects on the civilians. The number of persons who have died or displaced is beyond expectations. There are laws enacted to protect civilians and in particular the Internally Displaced Persons (IDPs). However, there is a problem when it comes to the implementation of these laws. States do not honor their word and thus, the UN and the international community should assist in the implementation. Moreover, the UN bodies, its specialized agencies and international civil society should begin to pursue quiet diplomacy with government and non-state actors' and their international supporters to encourage the immediate promulgation, ratification and implementation of International Humanitarian Law (IHL).

1.0 Introduction

Somalia is a country that has been in civil war since the fall of the dictator Said Barre in 1991. General Siad Barre took over leadership in Somalia after ousting the civilian government in 1969. Whenever there is war, the casualties/victims, who sometimes end up being the perpetrators; are civilians. The civilians will comprise higher numbers of women and children since they are the ones who are left behind as the men have died, left their homes for the battlefield; or have fled their homes in search of rescue or protection(Fierke, 2007; Mooney, 2007).

Many of the civilians will either find themselves as refugees or as Internally Displaced Persons (IDPs). Protection of civilians is important in any conflict since they are the most affected. This paper seeks to understand the mechanisms that have been put in place to protect civilians and in particular IDPs by the State and PSO actors in Somalia. The PSO actors in Somalia include AMISOM, UNSOM, IGAD, UN agencies and the local NGOs.

The paper is divided into four sections. Section one presents the introduction where the scope, objective, methodology and theoretical framework of the study are presented. Section two provides an analysis of protection of civilians and looks in depth at IDPs in Somalia. Section three outlines the role of state and PSO actors in protection of IDPs in Somalia. Section 4 provides recommendations and the conclusion.

1.1 Background of the study

The Transitional Federal Government (TFG) which was restored in 2006 was a product of the Djibouti Peace Process. In February 2007, the United Nations Security Council (UNSC) authorized through resolution 1744 (2007), for the creation of the African Union peacekeeping mission in Somalia. The African Union Mission in Somalia (AMISOM) was created the same year and it launched attacks against the Al-Shabaab in Somalia. In October 2012, the Kenya Defence Forces (which later joined AMISOM) was able to take over Kismayo, one of the strongholds for the Al-Shabaab. However the country's security status, especially in South and Central Somalia, is still a huge concern for the citizens and

the international community at large. AMISOM's presence in Somalia is important for the success of the Somali Peace Process. AMISOM is also assisting the Government in the running of the country by providing support in the form of reconstruction of state institutions. The mandate of the TFG ended on 20 August 2012 and the Federal Government of Somalia (FGS) was inaugurated (Muriithi, 2013).

The humanitarian crisis in Somalia is said to be the worst ever (Mohammed, 1999). The international legal framework for protection of civilians is derived from three interrelated and mutually reinforcing areas of law: international human rights, humanitarian law and refugee law. While internally displaced persons do not have as many protection mechanisms as refugees under international law, a number of provisions do apply to them as well. Regional and national legal systems may complement international legal standards. They can play an important role and should always be analyzed from a gender perspective to identify protection gaps.

Protection is a broad concept that covers all activities aimed at securing full respect for the rights of individuals; women, girls, boys and men. This is in accordance with the letter and the spirit of the relevant bodies of human rights and humanitarian law (IASC, 1999). Protection activities aim to create an environment in which human dignity is respected, specific patterns of abuse are prevented or their immediate effects alleviated. The activities should ensure that dignified conditions of life are restored through reparations, restitution and rehabilitation. The delivery of aid and assistance is the foundation of protection work and should respect the same aims.

Protection is first and foremost a responsibility of the government (ICRC, March 2004). When the national government fails to act, other governments, multilateral organizations, human rights and humanitarian actors have a secondary responsibility to respond. This includes promoting and delivering protection to the affected populations. The policies, programmes and operations should further the realization of human rights and of the equal rights of women and girls in accordance with the relevant bodies of law.

In principle, when the government is attempting to meet its obligations, protection agencies should strive to reinforce government efforts, either by actively strengthening their structures (capacity building) or by offering

advice (advocacy). Protection activities vary according to who is affected, the actors involved and the institutional mandates and capabilities of the agencies present on the ground. Good coordination among all actors is key to achieving effective results.

1.2 Statement of the Problem

Many atrocities have been committed during wars by the warring groups. This is the reason why the laws of war were enacted and there was a division of laws that deal with armed conflict and those that deal with international conflict. The implementation of the International Humanitarian Law (IHL) should not be difficult since the region is well defined. However, the perpetrators can be seen seeking asylum in other countries or being in government. The laws dealing with IDPs should be implemented with full force so as to protect the future generation. The next issue that arises is whether the laws dealing with IDPs are effective to protect civilians from being the casualties of war. What is the way forward in case the laws are not effective?

1.3 Objectives of the Study

The objectives of the study were to:

- I. Provide an update on the state of protection of IDPs and returnees in Somalia.
- II. Assess the roles played by different actors and their impact on protection of IDPs in Somalia.
- III. Identify obstacles and assess opportunities to effective protection of Returnees and IDPs by PSO actors in Somalia.

1.4 Hypothesis

The hypothesis of this paper is that the laws that govern civilians are not effective to protect IDPs in times of war.

1.5 Scope of the Study

This research assesses the system for protection of IDPs in Somalia. How do people find protection in a world that is increasingly attempting

to govern their movements? The paper explores this larger question in order to compare measures and application of protection for Internally Displaced Persons (IDPs) and Returnees from violent conflict in Somalia. People's interests are as important as state interest. Thus in times of war, civilians should be afforded the protection they need. This paper will assess the protection mechanisms available for IDPs and their effectiveness.

1.6 Research Methodology

The primary sources were interviews of key personnel in the security sector, civil society, international and non-governmental organizations, and local authorities' leaders. Interview guides were used to elicit desired information. Observation of the security situation on the ground and discussions with key persons was undertaken. Secondary data was sourced from official policy documents from government of Somalia, Somaliland, United Nations, as well as studies commissioned by specialized organizations. Desk top research was conducted through the internet to access other publications relevant to this study.

Field visits provided access to raw data and observation of the security situation on the ground. It also enabled the researcher to interact with the residents of the region and share their feelings about the security situation. The people interviewed were selected based on the relevance of the institution to the issue under investigation.

1.7 Limitations of the Study

As was experienced in Somaliland, the lines delineating definitions of who qualifies to be an IDP, a refugee or a returnee were blurred. This was especially noted in Galkayo, one of the most heterogeneous towns in Somalia, where even those who form some of the host communities were originally from Mogadishu, Kismayo and other troubled areas in the south. Having left everything they owned when the conflict escalated, they would be considered as refugees or IDPs but for the fact that they had fully integrated into the communities in Puntland over time and had established themselves.

Most of the respondents interviewed did not quite understand what was meant by the issue of security and protection and so their responses were

shallow and limited to human security. With this limited knowledge about security issues among the IDPs and Returnees, very limited information was gathered on the other aspects of security issues among the IDPs and Returnees.

2.0 Theoretical Framework

There has been a significant and growing body of literature concerning the impact of armed conflict on civilians and in particular the internally displaced persons in Africa. There are many theories that can be used to explain the situation of IDPs in armed conflict. However, the theories applied in this paper put a solid foundation for the theoretical framework. The aim of this review is threefold. Firstly, to highlight the negative effects of war on civilians and its magnitude on women and children who are internally displaced. Secondly, the paper seeks to show the recommendations that the international community has come up with to try and solve the IDP predicament; and thirdly, to show the effectiveness of international humanitarian law.

2.1 Armed Conflict

Since World War II, Africa has been marked by wars and in particular, civil wars. The spilling over of wars into the neighboring states is a characteristic of armed conflict in Africa (Duyvesteyn, 2005: 7). Civil wars leave deeper scars than interstate wars. Interstate wars are now rare in Africa. Civil wars are more indiscriminate and ruthless and thus the question of whether war is a curse or a blessing arises (Mazrui, 2003:28). Steadman (1996) evaluates the way Africa is regarded as a continent of war.

The very bad news about Africa overshadows any good news from Africa. He states that almost all African countries have been involved in conflict. The roots of African conflict can be traced back to the colonial powers by them establishing borders that did not respond to the African political, cultural and economic life. An example of this is the borders of Ethiopia, Kenya and Somalia which cuts across ethnic and clan groups thus promoting periodic conflicts. There are ways to end these African conflicts which include military intervention, peace enforcement, humanitarian intervention, mediation, preventive diplomacy, among others. The problem with these kinds of solutions

to the African conflicts is that they are short term solutions trying to solve long term problems. For instance, sending peacekeeping forces only solves the internal wrangles for the period that the forces are able to maintain peace and order. The moment peacekeeping forces leave, the internal wrangles begin. This has been evident in Somalia during the Operation Restore Hope (ORH)/UNITAF and UNOSOM I and II. The moment the troops left in March 1995, Somalia turned into turmoil. Apart from just sending peacekeeping troops, it is important to also assist the government in capacity building and solving the root of the conflict to avoid recurrence of conflict when the peacekeeping troops pull out (Square, 2007; Mohammed, 1999).

Mazrui (2003:22-23) states that one of the roots of these wars lies in the white legacy comparison of anti-colonial and postcolonial wars. Seeds of postcolonial wars lie in the sociological and the political mess created by colonialists in Africa. They destroyed old methods of conflict resolution and traditional African political institutions; but they did not create effective substitutes. In Somalia, Siad Barre replaced the council of elders with his handpicked chiefs who were only answerable to him. Any conflicts within the community ended up in the police post or the chief's camp. This made clans to resort to the use of force since they were deprived off their avenues of dispute resolution because they did not trust justice from the State (Mohammed, 1999).

In the 'Enlightenment', Carl von Clausewitz states that politics is a deliberate and rational process, and that it is the product of national policy (Pumphrey, 2003:8-11). In Africa, political problems came about due to lack of experience by politicians to employ democratic systems. Due to their wisdom, or lack of it, they formed one-party states which led to coup d'états. In Somalia, through a coup in 1969, General Siad Barre overthrew the civilian government (Lowe, 1997:457). Another source of conflict in postcolonial Africa is the lack of knowledge and experience in governance for postcolonial African governments. This was well evidenced in Somalia during the period of pre-Siad Barre, during and after the collapse of the Siad Barre government in 1991. During these periods, the leaders did not

have governance skills which led to coup d'états and later the collapse of the government.

After independence, the African governments inherited two dysfunctional entities of advanced weapons and unruly armies. The postcolonial African governments were involved in interstate wars and as a result they armed their civilian population. However, the weapons used in the interstate wars were the very same weapons used to oust the governments from power. Now coup d'états have increased in numbers. Soldiers have become the most powerful force in African politics since independence (Mazrui, 2003:28; Rienner, 2001: 7-8). During the Siad Barre regime, Somalia had an influx of arms which the General used to equip the young men and civilians to fight the Ethiopians during the Ogaden war. When the government collapsed in 1991, the weapons that were given to the civilians were the same that were used in killing each other (Mohammed, 1999).

2.2 Protection of Civilians (POC)

Different scholars and authors have different views regarding war or armed conflict. Clausewitz says that war is a political instrument which is at the disposal of governments. He further argues that politics is a factor influencing war. According to him, the State is no longer an actor in war thus war divorces from politics. Therefore, other factors emerge as reasons for war, for example, economics (Duyvesteyn, 2005: 1-2). However, it is impossible to divorce armed conflict/war from politics. In case of Somalia, one of the causes of the war was the political structure. The Somalis could not cope with the corrupt government of Siad Barre and this led to him being ousted and thus the conflict in Somalia (Mohammed, 1999).

Martin van Creveld states that the first duty of any social entity is to protect the lives of its members (Duyvesteyn, 2005:2). Mary Kaldor argues that new wars are a mixture of war, wide-scale human rights abuses and organized crimes. In 1990, six governments in Africa were in conflict, one of which was Somalia. Military conflicts could lead to a massive restructuring of the continent's international system, strengthening some states while others

are obliterated. Armed conflict is marked by death of civilians and human rights abuses. There is also lack of medical attention and diseases that are preventable kill people, a good example is in the DRC and Somalia (Rienner, 2001:2-6). War disrupts people's ways of life, for example, school, and social facilities (Francis, 2007: 212).

In Somalia, war has displaced hundreds of thousands of civilians leaving them either as refugees or Internally Displaced Persons (IDPs). For those who are IDPs, this means that they have sought refuge in Somalia urban centers where they perceive they will get protection either by the government or other PSO actors. Due to the conflict situation in Somalia, it's sometimes difficult for the persons to get the protection they seek. In fact in some instances, they will get abused while in the refuge centers, whether it is in camps or their relative home where they have sought refuge.

Refugees and IDPs are a problem created by armed conflict. As conflict spreads across Africa, many countries are plagued by gangs of armed criminals, who can be disruptive as political rebels. In Africa, peacekeeping is an expensive business that even the international community is unable to keep up with (Rienner, 2001: 7-8). Somalia is among the top 3 countries in the world that has the highest number of IDPs. The question which comes into place is whether the IDPs are protected from the very danger they ran away from or they end up in worse off position than before (UNHCR, 2013).

2.3 International Humanitarian Law (IHL)

Chesterman (2001:1-2) traces the origin of International Humanitarian Law (IHL), stating that despite the laws that were implemented in the Hague Peace Conference of 1899 and 1907, these laws are not been followed to the letter. He gives an example of the two tribunals of Yugoslavia and Rwanda. The two war crime tribunals are a product of the UN and so are the laws and rules. Thus, the lack of implementation of the rules puts many questions as to the effectiveness and reasons for the implementation of the tribunal. According to Nabulsi (2001: 10-11), there is a need for effective

laws of war which in particular protect civilians. He gives an example of the Fourth Geneva Convention of 1949, the Civilians Convention. He states that the civilian's convention reflected the experience of the Second World War. Furthermore, the scholar states that the laws cannot be used in the new types of wars and in particular the armed conflict.

N'zatioula (1996) expounds on international law and its implementation. According to him, international law is law that is to be observed by all the countries in the world. However, there are two factors that undermine the universality of international law. First is the dependence of international law norms on the western culture. Thus, when there are new kinds of situations that arise in Africa that have not arisen in the western continent, there is no law since the situation has not yet arisen in the western context and by the time they deliberate on it, the atrocities that have been committed are so large than the enacted law or than they anticipated in their enactment of the laws.

A good example is the Rwandan genocide of 1994. It took the UN some time trying to determine whether the killings happening in Rwanda amounted to genocide or not. Yet as the UN was deliberating, innocent people died since no intervention was sent as the discussions continued. Secondly, the dependence of the rules and processes of the law, as well as the structure of the discourses of international politics, on various phases of western imperialism has a negative effect on the implementation of IHL.

Best (1994) starts by giving a history of evolution of the war laws and ends by evaluating the application, implementation and enforcement of these laws in times of war. Most of these laws have covered the crimes that are committed during internal conflicts and the most common of these crimes is the war crimes and crimes against humanity. Since the end of World War II, there have been changes into the world especially, in relation to laws of war and thus such kind of crimes can and are now punishable in a court of law. However, this has not been very successful especially when it comes to implementing or applying the law. Best states that the reasons for this are rather obvious since states/nations find it

difficult to charge their own military personnel with war crimes and it becomes even more difficult to hand them over to another unfriendly state to be charged there.

There is a common skepticism regarding international law which stems from the realist view of the world. There are concerns regarding enforcement of the law which tend to be over-emphasized leading to the non-compliance due to the lack of formal law enforcement officers and judicial agents in international law.

There are various reasons why states obey international law. Firstly, due to stigmatization: states avoid policies likely to lead them to being branded as lawbreakers because of the detrimental effects. Secondly, substantive value: states are inclined to obey a legal rule if the mode of behavior enshrined within it is deemed to be of value and the political rationale underpinning the rule is clear. Thirdly, functional value; states obey the law because its overall contribution to maintaining international order is considered to be of value. Lastly, inertia; states become habituated into formulating and adopting policies which accord with legal rules. Even in the most extreme of circumstances such as those involving contemplation of the use of force, legal factors continue to influence the decisions that officials make. War is a social phenomenon and hence the notion of legal regulation of warfare remains pertinent (Morris, 2002).

3.0 Research Findings and Discussions

3.1 Protection of Civilians

The most pronounced types of threats are sometimes called “the four crimes”: genocide, war crimes, crimes against humanity and ethnic cleansing. The UN has adopted several resolutions on the protection of civilians in armed conflict, and on the protection of children and women. Former UN Secretary-General Kofi Annan introduced the notion of the ‘Right to Protection’, and the Security Council debated on the scope of the international community’s obligation to protect civilians in the face of human rights violations. The ICRC, the only humanitarian organization formally mandated by the Geneva Conventions to intervene on behalf of civilians or soldiers in armed conflict, engages in a variety of protective actions (Mclean, 2003).

3.2 Internally Displaced Persons (IDPs)

Displacement in Somalia was first experienced in the mid 1970s and 1980s, both as a result of drought and attacks launched on civilians by Siad Barre. Displacement escalated massively when civil war broke out in the early 1990s. In terms of the proportion of the population displaced, the Somalia displacement crisis is worse than that of Darfur or Iraq. Since 1991, there has been no national entity responsible for IDP response. The gradual attempt of the Federal Government of Somalia (FGS) to re-install itself in Mogadishu has unleashed considerable effort on several sides to take ownership of the IDP issue. The duty to provide protection and assistance to the Somali population thus remains with the international community and Somali NGOs (Noor, 2007).

Protection problems are endemic to the plight of IDPs. They arise not only as a cause of flight but also during displacement and in the search of durable solutions. In the past, the international response to situations of internal displacement has tended to focus on providing assistance, with less attention given to protection concerns. In recent years, however,

there has been growing awareness within the international community of the connections between protection and assistance. In December 1999, the Inter-Agency Standing Committee (IASC) adopted its Policy on the Protection of IDPs in which it recognized that the protection of IDPs must be of concern to all humanitarian and development agencies. That is to say that all agencies have a responsibility: to address more proactively the needs of IDPs; to assess and analyze those needs; and to act when the rights of IDPs are being violated (IASC, 1999).

The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law. This definition was adopted at the 1999 International Committee of the Red Cross (ICRC) Workshop on Protection. Unlike refugees, IDPs have not crossed an international border. As such, no single international legal instrument is exclusively devoted to their specific protection needs. IDPs are covered by the laws of their own country, and the State holds the primary responsibility for assisting and protecting them (IASC, 1999).

3.3 State of Protection of IDPs in Somalia

In Somalia, the internally displaced have either settled in public buildings, live with relatives within the host community, or congregate into self-established settlements located either on public or private land. The increasing trend towards urbanization of the IDP population means that many people who had been displaced from rural areas do not automatically return to their rural areas. This phenomenon places undue stress on the already overstretched and limited urban services, and hampers effective urban planning (Somalia Protection Cluster, 2012).

According to the United Nations, the situation of IDPs in Somalia is very difficult. Many live in camps and others occupy abandoned public buildings. Many of them have lived that way since the beginning of the 1990s. Security in their camps and residential areas is very poor, and the people are vulnerable to rape, robbery and assault. Their attackers are often members of militia groups. The majority of the IDPs originally came from Bay and the Bakool region, and most belong to the Rahanweyn clan (Landinfo, 2007).

Although most human rights treaties allow states to suspend the application of some human rights guarantees in emergency situations, including war, it recognizes that people have certain fundamental and “non-derogable” rights that must be protected at all times, even in conditions of war and emergency. They include: the right to life; the right to judicial personality and due process of law; the prohibition of torture, slavery and degrading or inhuman treatment or punishment; and the right to freedom of religion, thought and conscience (IASC, 1999).

Whenever IDPs find themselves in a situation of armed conflict, in addition to those provisions of human rights law from which a state cannot derogate, IDPs are also protected by international humanitarian law (IHL). International armed conflicts includes in particular the Fourth Geneva Convention and Additional Protocol I to the Geneva Conventions, and in non-international armed conflicts Article 3 common to the Geneva Conventions and Additional Protocol II. IHL provides important protection for those who have already been uprooted, and most importantly, against arbitrary displacement (IASC, 1999).

The Guiding Principles on Internal Displacement (1998) were the first comprehensive attempt to articulate what protection should mean for the internally displaced. The Guiding Principles identify the rights and guarantees relevant to the protection of IDPs in all phases of displacement. They outline standards for protection against arbitrary displacement, protection and assistance during displacement, and for safe return or resettlement and reintegration. Protection as elaborated in the Principles covers not only needs for physical security and safety but also the broad range of rights provided for in international law. Although not a legally binding document as such, the Principles reflect and are consistent with international human rights and humanitarian law, and refugee law by analogy, which are binding (Resolution 1997/39).

The Convention for the Protection and Assistance of Internally Displaced Persons (2009) also known as the “Kampala Convention” is a convention which Somalia has ratified but not acceded to. The Kampala convention came into force on 6 December 2012. The convention states the following in regard to IDPs:

- IDPs should be assisted where they reside, and efforts should be made to support IDPs to improve and build on established protective environments that IDPs have created for themselves.
- If consolidation or creation of new camps is deemed to be the only viable solution, basic human rights principles and protection standards such as participation in the decision making process, freedom of informed choice of residence and non-discrimination must be strictly adhered to.
- In addition to establishing structures to ensure that the basic needs of the IDPs are met in a camp, national authorities and the humanitarian community if supporting, must put in place special measures to ensure, at the very minimum:
 - a. Effective protection against all violence, including harassment, gender based violence, threats, or armed attack - complaint mechanisms should be in place;
 - b. Preservation of the freedom of movement of IDPs without financial or other penalties (entering and exiting the camp and within the camp itself);
 - c. Gender, age, and disability-sensitive protection for vulnerable people (e.g. separate sanitary facilities for women and children); in other words, proper site planning in the urban context; and
 - d. Access to education and health facilities.
- To prevent the possibility of intra-communal strife due to the establishment of camps, it is necessary that a camp is welcomed by the host population. All key stakeholders, including the IDPs themselves, must be fully involved from the outset in meaningful consultations and decision-making processes (Kampala Convention).

According to UNHCR, Somalia is the country generating the second highest number of refugees in the world. UNHCR leads protection and emergency relief interventions targeting 700,000 IDPs out of a total IDP population estimated at 1.1 million. In the month of August 2013, 9,200 movements were reported in different areas in Somalia due to cross-border movements, IDP eviction, forced return, insecurity, and lack of livelihood and clan conflict (UNHCR, 2013).

In August 2013, over 6, 970 people were internally displaced, mainly due to floods (2,600), evictions (2,400), lack of livelihood opportunities (590), insecurity (490), forced return (380), reported drought (310) and clan conflict (200). They moved mainly to Shabelle Dhexe, Banadir, Shabelle Hoose, Juba Hoose and Bay regions. More than 57,800 people have been displaced since January 2013. In August, 2013, about 330 IDPs spontaneously returned to their place of habitual residence mainly within Mogadishu. Almost 6,000 IDPs have spontaneously returned to their place of habitual residence since January 2013. As of September 2013, 1,734 IDP families had been assisted to return to their villages of origin, mainly in the Bay and Shabelle regions. Another 1,745 families were also similarly assisted in 2012, totaling 3,479 IDP families assisted to date. UNHCR and Return Consortium partners are currently undertaking preparations for the assisted return of over 5,000 IDPs (UNHCR, 2013).

In line with providing durable solutions for returning IDPs, UNHCR together with the Somali National Federal Government has established the Somalia Solutions Platform. This Platform is aimed at defining a strategic solution-oriented strategy in support to the safe and sustainable return and reintegration of the IDPs and Refugees. The Platform will also define its approach in the contribution to peace building and conflict prevention through local integration initiatives and projects. The Somalia Solutions Platform is part of an umbrella strategy for refugee returns in the Horn of Africa Region (UNHCR, 2013).

In Baladweyne, the respondents stated that there is no formal protection for IDPs except Allah but when problems occur they get help from the host community, and the local security agencies. The situation in regards to lack of formal protection is evident in Somalia. While in Mogadishu, it's the responsibility of the State and community to provide protection. The IDPs have organized their own security. At times they ask assistance from the security agencies and police stations, which are very rare. In Mogadishu, they recommended provision of an effective protection mechanism for IDPs. They also stated that the central government should provide job creation, education, and all basic needs of the IDPS. The IDPs mentioned the return of internal displaced people to their original residence in cooperation with international and local NGOs.

While IDPs, Returnees and Somali refugees in Somaliland are not exposed to conditions of violent conflict more adverse than those affecting their host communities, they are disadvantaged in almost every other aspect. They are economically marginalized across the board and the vast majority of them depend solely on aid and hand-outs. The most industrious of them only manage to venture into activities such as small scale trade in charcoal and firewood or vegetable farming. Consequently, livelihood standards are paltry. Most of them lack suitable housing, sufficient water and sanitation, access to proper healthcare and basic education. Added to this, there are levels of social stigmatization appurtenant to these communities. A majority of the host communities consider them backward and uncivilized. This social stratification manifests itself in prevalently negative ways occupying the wide spectrum from simple exploitation such as being denied wages for menial labour contracted by members of the host communities to outright prejudice.

In Garowe area of Puntland, there are 16 IDP camps, each accommodating approximately 1400 households. Bosaso has around 32 smaller settlements with an IDP population ranging between 6000 and 7000. In the latter context, most of the IDPs are from minority marginalised clans such as the Rahanweyne and Somali Bantus from South Somalia. Galkayo has also a large community of people displaced from the conflict in south Somalia, perhaps because it is Puntland's southernmost district. IDPs in Puntland face relatively similar security conditions as the host communities. Where there are established IDP camps, they are served with utilities such as water and electricity. Though this is far from adequate, it is indicative of a reasonable effort to attain protection for the marginalized communities despite the perennial weakness and capacity of the host government. With regards to insecurity, the most common issue reported was gender-based violence, particular incidents of rape, revenge killings and miscarriage of justice.

In Puntland, the government coordinates the activities relating to the protection of IDPs and refugees. IDP Committees have been established in each settlement and they oversee the day to day protection. Despite the weak capacity of the government and the scarcity of resources, a system has been put in place to ensure that IDPs and refugees in Puntland are

treated with respect and dignity; are protected from violence and conflict to the same degrees as their host communities and are given opportunities to establish themselves and determine their future.

The governments, the IDP Committees on the ground and all stakeholders involved have been reported to work together to complement each other's strengths and experiences in an effort to provide protection for IDPs and refugees. For instance in Galkayo, IDP Committees work closely with security agents as well as traditional leaders and do not allow the oppression of the marginalized communities. This is evidenced by the fact when there are cases coming up for traditional mediation under customary law; the IDP Committees ensure that the elders from the IDP camp in question enter into negotiations with the elders of the host community. In Garowe, each member of the IDP Committee has phone numbers of the nearest police station and they consistently report cases occurring within the camps and these reports are always acted upon by the police.

South Central Somalia has been a hot spot for armed conflict. As a result, the population has been displaced. Most of Somalia's internally displaced persons and refugees have originated from South Central Somalia, into the other relatively more stable regions of the country as well as neighboring countries. Because the southern region has not been traditionally the recipient of IDPs and refugees, the protection systems that may have been observed elsewhere are not available there. There are returnees, though not in substantial numbers. A regime has been formed for their protection. Since the current spate of stability is young in the face of the many preceding years of conflict, the task ahead is still challenging.

As far as the perception of the current situation of the IDPs is concerned, there was a general view that there is improved general security among the IDPs. The security is taken care of by the local communities and the local security agencies in different districts in Somalia. There is a general sense of human security among the IDPs provided by the police, local communities and AMISOM but there was emphasis that there is need to do more for the socio-economic welfare of the IDPs. On the other hand some religious leaders expressed the view that the current state for the protection of returnees and IDPs in the region is not good because the IDPS camps

are outside the city. This means that there is no protection of the internally displaced people and sometimes rape occurs.

Taking into consideration the security situation of the IDPs and Returnees, the respondents stated that the actors in the protection of the IDPs, refugees and returnees were the Non-governmental organizations (Local and International), regional forces and the local communities. The businessmen in particular said that there were no effective actors in the field protecting the IDPS.

3.3.1 IDP Women

In Somalia, women are instrumental in keeping shattered Somali families together. Women hold substantial power within households and within their communities. Displacement cause women to become head of households since their husbands are either dead or somewhere in Somalia or Kenya seeking refuge in IDP or Refugee camps. The role of women is not new; traditionally, Somali women cared for sheep, goats and cattle while men were responsible for camels. Women also made houses since Somalis were pastoralists and they kept moving (McGown, 2004).

According to Child Rights International Network (CRIN), gender-based violence in Somalia mainly occurs in internal-refugee residences and camps. This is because protection mechanisms work very poorly for internal refugees and offenders are able to enter the camps and commit sexual assaults against young girls and women. Rape cases do not get reported because of the shame associated with such cases, and there are few support services for victims.

UNICEF confirmed that female internal refugees seem to be more vulnerable to rape than women belonging to the dominant clan of an area, and that the attackers face no risk of punishment. It is hard to quantify how many rapes occur, UNICEF stated, because few women are willing to talk about rape for fear of stigmatization. According to UNICEF, most rape cases occur arbitrarily, but noted that minority women are more likely to suffer systematic abuse at roadblocks in places such as Lower Shebelle (Landinfo, 2007).

According to Somali Family and Child Care NGO, the laws that deal with IDPs, is the constitution and the presidential decree in regards to perpetrators of the Sexual and Gender Based Violence (SGBV). However the laws in existence are not effective, the legal system is corrupt, and there is intimidation of the victims. Since the security is not effective, the victims often give up on their rights. Most perpetrators are unknown, but government troops and porters have also been reported to constitute this group. In the months of May and June 2013, there were increased rape incidents especially between Baidoa and Mogadishu where there are no AMISOM forces.

The women in Garowe surmised that limited resources on the part of the government are perhaps the biggest challenge to the effective protection of IDPs in Puntland. In their explanation, they said that the security officers in charge of the protection of IDPs are insufficiently remunerated as are all security agents in the country.

In Somalia, women played traditional role in peace and reconciliation; those are the women past the age of fertility (ICRC, 2001). Local action requires investing in local capacity and including women in all peace negotiation from the community level up or bottom-up approach. The government can boost the status of IDP protection by giving priority to incorporation of the UN Guiding Principles on Internal Displacement (Oxfam, 2008).

3.3.2 IDP Children

UNICEF made it clear that the situation of children in Mogadishu is troubling. They have been caught in the crossfire between hostile parties. They may also come in contact with explosives or be subjected to sexual abuse. According to UNICEF, there are child soldiers across Somalia who are recruited not only by the militia groups but also by the TFG's own military forces. The Islamic Courts Union (UIC) also used children in its militias, but it has since apologized, admitting that it was wrong to recruit soldiers by quota in schools and other places of learning. UNICEF also stated that those children with former ties to the UIC now fear reprisals from the community. According to UNICEF, the recruitment of minors for service in militias is no longer a major problem, although minors can still be found in the army and a variety of militias (Landinfo, 2007).

In Baladweyne, South Central Somalia and Mogadishu, recruitment of child soldiers is carried out by Al-Shabaab only through precaution and not by force. Since the children parents cannot afford to take care of them because of the parent's poor economic conditions that prevail in the IDPs camps, their children join the group. The Somalis generally are prone to Islamic ideological teachings; therefore, they are susceptible to Al-Shabaab ideological and religious persuasion or influence. The IDPs would wish to be given opportunities to live freely without interference in order to take care of their children.

The respondents in Mogadishu stated that there are special programmes in place to disarm, demobilize and reintegrate IDP children and those from Al-Shabaab militias. They are expecting the children will be given technical skills.

In conclusion, there exists no streamlined structure that may bring all the actors involved in their various capacities in the protection of IDPs and Returnees together. As a result, the protection of these vulnerable communities is impaired in numerous ways. The support that IDPs and Returnees receive in the form of aid is not regular. There is no sustained program of delivery and this leads to situations where, they may be left for long periods without assistance. The government lacks the ability and capacity to initiate these programs and the most proactive actors in the absence of a government program, i.e. – International NGOs and Local NGOs, are limited by operating per project and per availability of funds. Because there has been no leadership with regard to bringing together the efforts of the numerous entities involved in the protection of IDPs and Returnees, the nature of support thus far has been somewhat fractured and uncoordinated. There is no sharing of information on the status of IDPs and Returnees, which results in duplication of efforts and the uneven distribution of aid.

For too long, all the actors involved in the protection of IDPs and returnees in Somaliland have focused on delivering food supplies and attempting to ameliorate the housing conditions. Those efforts are commendable in their own right and an argument can be raised that those needs present

themselves as so pressing as to require immediate action. This approach is however not advisable in the long term and it was repeatedly pointed out by the respondents that the support that has been forthcoming so far would have been better utilized in the provision of training and economic empowerment so as to enable these recipients of aid to take control of their own affairs.

Most respondents interviewed in Somaliland were of the opinion that IDPs do not face conditions of insecurity more adverse than those faced by the indigenous communities. They invariably went ahead to point out that there are higher levels of opportunistic crimes. A direct causal nexus can be drawn between insecurity in the neighbourhoods and the very limited or non-existent presence of the police. The respondents reported that not only the youth in marginalized communities are often involved in petty crimes such as mobile snatching; they are also increasingly becoming the perpetrators of gender based violence.

If the government were to take a policy standpoint indicating a more forthright willingness to appreciate the peculiar vulnerability of IDPs, great strides would be made towards their protection. The provision of equal access to utilities such as water, electricity and sanitation as well as equal employment opportunities and the elimination of discriminatory practices would ensure the protection of their rights. In the same vein, access to education, healthcare and improved delivery of security services were recommended by respondents in both districts as opportune avenue to be considered in the protection of IDPs, refugees and returnees.

4.0 Role of State and PSO Actors in Protection of IDPs

Limited traditional peacekeeping operations have given way in the post-Cold war era to larger, more complex, and more ambitious wider peacekeeping operations. If a peace operation uses too much force, it risks losing its' impartiality and crossing the consent divide into open conflict. At the same time, peacekeepers must be prepared to use sufficient force to counter peace spoilers and induce consent for the operation to succeed. The debate between who warn against crossing the consent divide and those who call for use of force to induce consent is essentially a debate between intervention pessimists and intervention optimists. The tension between intervention pessimists and intervention optimists was played out in the UN's two great interventions: Somalia and Rwanda. The UN failed in Somalia by trying to do too much; it failed in Rwanda by not doing nearly enough. Former UN Secretary Boutros-Ghali and US President Clinton started out as intervention optimists but turned into intervention pessimists following a failure in Somalia (Farrel, 2000).

Humanitarian intervention is shaped by international politics at the domestic level and the UN Security Council which defines crisis and international responses.

The assumption that casualties can lead to a collapse in public support for intervention, underestimates the public stomach for casualties. Returning body bags, however, can induce political élites to withdraw their support for a peace operation. UN Security Council co-operation on humanitarian intervention can be hindered by one or more of the veto members of the Security Council Permanent 5 (P5) seeking to advance their own national interests either through log-rolling or even vetting behavior. Even when the P5 agree to act, effective intervention may be hampered by UNSC posturing and lack of co-ordination. In practice, peace operations often breach four of the main principles of war:-objective, unity, mass and surprise (Farrel, 2000).

4.1 AU

Humanitarian intervention occurs when there are gross violations of human rights. The Constitutive Act of the AU allows for humanitarian intervention in African states in the event of gross human rights violations. Humanitarian intervention need not be limited to the Security Council authorization (Mohammed, 2004). In 2002, the AU succeeded OAU and the AU incorporated Responsibility to Protect (R2P); created by Peace and Security Council (PSC) through institutional means to recommend and implement interventions in cases of severe crisis. R2P was strengthened through creation of firstly, the Panel of the Wise and the Continental Early Warning System (CEWS) and secondly the African Standby Force (ASF) which translates from observation to intervention (Besad, Goetz and Werner, 2010).

AU was inaugurated in Durban in 2002 and comprises of the constitutive act principles of human rights, democracy, good governance and therefore the Human Security is found in the Protocol on the AU's Peace and Security Council (PSC), Article 3(g). The Protocol entered into force on December 2003. PSC is the collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa (Cilliers, 2010). The AU is faced with a difficult mission in Somalia of conflict prevention and management through AMISOM. The AU must not again be deprived of the resources it needs to achieve its objectives. There is also a need for clarity regarding its mission (Noor, 2007).

4.2 IGAD

IGAD's 1996 Djibouti founding agreement cites the principle of non-interference and respect for the preservation of the state sovereignty. Despite the fact that IGAD has no provision for R2P, it is participating in an emerging African R2P oriented security culture. International Commission on Intervention and State Sovereignty (ICISS) Report states that there is a shift from state sovereignty to state responsibility; and that it's the obligation of the international community to intervene in the four violations of international law. On the regional front,

the AU and other regional organizations should take charge and the international community needs to make use of the Responsibility to Protect (R2P) concept. R2P prevents human suffering through the use of force to intervene when the government is unwilling or unable to protect the civilians (Shaw, 2010).

4.3 UNHCR

UNHCR has been given the mandate to protect and assist IDPs in coordination with other agencies by the UNSC. UNHCR takes lead in this global cluster. The three global clusters are first, the Protection cluster, secondly, Camp coordination and camp management cluster (CCCM); and thirdly Emergency shelter cluster. UNHCR aims to provide effective support to national and international responses to situations of forced displacement (UNHCR, 2006).

UNHCR has provided services to IDPs throughout much of the world since the early 1970s, and is currently active in most of the countries where international support is provided to IDP populations which includes Somalia. UNHCR's involvement in situations of internal displacement entails the establishment of partnerships and working relationships with a range of national actors, including the central government structures and local authorities, human rights institutions, parliamentarians, the judiciary, NGOs, religious bodies and other members of civil society, as well as displaced persons and communities themselves (UNHCR, 2006).

Promotion of understanding towards the respect of law is a key tool in resolving conflicts, protecting civilians and realizing good governance. According to UNHCR, Somalia urgently needs the kinds of rule of law programmes which have been developed in Darfur. Justice and Confidence Centers run by local communities could help the transition to peace. The premature and abrupt termination of the UN mission in Somalia in 1995 continues to have a negative impact on the quality and quantity of humanitarian assistance to Somali IDPs. Since the withdrawal, the international aid community responsible for Somalia has been based in Nairobi (Noor, 2007).

The United Nations High Commission for Refugees (UNHCR) was cited by most people as the main entity involved in the affairs of IDPs and returnees, despite the fact that its actions are largely limited to ameliorating the living conditions of its beneficiaries. Other UN Agencies were also mentioned in a general sense.

4.4 UNSOM

The Security Council established UNSOM on 3 June 2013 through Security Council Resolution 2102 (2013) with the purpose of offering capacity building for the Somali government and its institutions (Resolution 2102(2013)). According to UNSOM interviews, the mission has provision for a gender office which is to ensure gender mainstreaming in the mission; connection to the protection cluster; assist in women participation in the planning process; organize consultation meeting with women groups; and liaise with other organizations that deal with women in IDPs to understand the status of those women.

4.5 Human Rights Abuses

According to UNSOM, they have established various mechanisms to deal with human rights. UNSOM is in dialogue with the government and in particular the Ministry of Justice, Ministry of Defense, Prime Minister's Office and Commissioner of Police in regard to human rights issues. Until August 2013, UNSOM has held 3 meetings with the National Union of Journalists in Somalia; 4 meetings with the civil society and intends to hold monthly meetings with the civil society. They also liaise with AMISOM and work with various agencies and Human Rights NGOs. UNSOM also jointly trains IHL and human rights to the Somali police. UNSOM trained Somali government security officers in Uganda, in 2013.

As regards IDPs, UNSOM stated that relocation should not cause more harm to the IDPs. UNSOM will work with UNHCR and other agencies concerned; and also work with the committee on Parliament working on draft laws on IDPs. The human rights situation is difficult in Somalia since the focus is on security and not the welfare of the citizens and provision of basic needs for Somalis, is not prioritized. On 27 August 2013, the Somali

government adopted a 2 year road map for adoption of Human Rights which came out of the Council of Ministers session. The government is trying to set up offices that deal with human rights around the country. There have been allegations of rape in IDP camps and rape is not a culture of the Somali people but a product of the war. The Somali government military, and AMISOM have been accused of rape and investigations are underway. UNSOM advised the government to create a Ministry of Human Rights in charge of the implementation of the roadmap.

4.6 NGOs

International Non-Governmental Organizations (INGOs) were alluded to in a general sense. The International Red Crescent Society, Norwegian Refugee Council (NRC), Turkish and Arab/Islamic agencies were pointed out as being some of the major actors involved in the protection of IDPs and Returnees. Local NGOS too were included as actors along with some major business organizations such as Dahabshiil and Dero in Burao.

UNICEF has been working in Somalia through local NGOs. Somali Family and Child Care NGO deal with IDPs and in particular, the protection of women and children in the regions of Bagawe and Mogadishu. They have learnt of incidents of rape, physical and sexual assault and the fact that the victims often deny that they have been assaulted. For SGBV victims they assist them with material, medical and legal aid.

The organization recommends training of the judiciary and police; ratifications of international conventions that deal with the protection of women and children; and awareness training on FGM which is common in Somalia. The organization usually holds forums on women rights with the civil society, NGOs and the Government. They have programs that target domestic violence and also have family mediators. They have 6 month training on Literacy Numeracy Training (LNT) for SGBV victims and another 6 months training for vocational skills e.g. tailoring.

Elman Peace and Human Rights Center, is another implementing partner for UNICEF that deals with children who were former child soldiers and it trains and places the children back to the community.

Their areas of operation are Mogadishu, Lower Shabelle, Baidoa and Galgodaydu. The beneficiaries of their programs are the host community, the IDPs, and victims of SGBV. They have a 24 hour hotline number used by the SGBV survivors. There is also medical treatment and psychological counseling offered for the SGBV victims. They provide legal education and provide business grants and opportunities to the former child soldiers.

Elman Peace and Human Rights Center stated that IDPs are relocated to their original home and clans provide a protection mechanism which caters for the protection needs of the women and children. They also highlighted the forceful eviction of IDPs from Mogadishu by the government since the government wants to develop Mogadishu. The areas where the IDPs are relocated are sometimes not safe. The IDPs are usually issued with a three days notice and in some cases there are deaths that are reported during the forceful eviction.

4.7 UN

DDR

In Somalia, there is the Concept of Operations (CONOPS) which is not formalized. There is a national program which is incorporated into other programs. In DDR, there is the traditional DDR and the 2nd generation DDR. For Somalia, one can't follow DDR as it is practiced in other regions of the world. One needs to allow flexibility due to extra-ordinary circumstances that allow the use of extra-ordinary programs. In Somalia, there is no comprehensive DDR program.

According to UNSOM, the children who have been captured or surrendered by AMISOM are handed over to UNICEF who in turn hand them over to Local NGOs, who later take them home. For DDR, they wish that the child soldiers should not be considered as children but put under special care during reintegration. The local NGOs place the child in a family after some teaching. They stated that the children with formal education are a high target group since they are better in leadership. In Al-Shabaab, children as young as 15 years are in charge since they have

high school education and understand or have technological knowhow. These children should not be considered as normal kids during DDR.

In Baladwenyne, there are DDR programs put in place for demobilizing the child soldiers. In Mogadishu, there are special programmes in place to disarm, demobilize and reintegrate IDP children and those from al-Shabaab militias and they are expecting better future from the DDR programme. Those children who are from militia groups such as Al-Shabaab should be trained on technical skills to enable them earn a living.

Mines

According to the United Nations Mines Actions Service (UNMAS), their work is to clear an area designated for IDPs to be relocated. They are mandated by the Somali government and UNHCR and coordinate with OCHA and UNHABITAT. Currently, they are clearing the area at the Kenya/Somalia border in anticipation for the return of the refugees from Dadaab refugee camp. They are also clearing Daynille area where IDPs in Mogadishu will be relocated to. The area will cater for 50,000 IDPs. According to a UNICEF 2012 Report on Child Friendly Places, UNMAS is supposed to give training on Risk Education and train on Mine Risk Education (MRE). So far UNMAS has cleared 17 districts within Mogadishu while IDPS are located in 1 district.

Apart from mine clearance, UNMAS also delivered mine risk education to children. In particular, they are taught on the risks brought about by Explosives Remnants of War (ERW) and advised on the actions to take in case they spot an ERW. Mine Risk Education (MRE) is accompanied with mine clearance which includes verification and clearance of IDPs. They engage with the IDP community in order for them to be aware of what the UNMAS teams are doing. As of August 2013, they had discovered 400 unexploded explosives and as regards MRE, 290 beneficiaries of all age groups and genders had benefited. They focus more on boys in the MRE since they are the most curious and are bound to find or discover the ERW.

4.8 State Actors

The Ministry of Resettlement and Rehabilitation was cited as the governmental entity taking the lead with regards to the protection of IDPs, refugees and returnees in Somaliland. The ministry's organizational structure or particular programs were however not very well known. IDP Committees whose composition loosely comprises of elements of regional administration, judiciary, traditional leaders and security providers were cited with a markedly greater familiarity by the respondents.

5.0 Conclusion

This paper has assessed the protection mechanism available to IDPs and Returnees in Somalia. With an increasing number of IDPs residing in urban centers, the Somali government and protection agencies must seek new, and appropriate means of providing them with adequate protection and assistance; as their requirements are different from those of people in camp settings or in rural areas. A comprehensive and participatory consultation process with IDP populations, as contemplated in the Kampala Convention should be undertaken as soon as practicable.

This study observed that there are no effective protection mechanisms in Somalia and in particular, Mogadishu, which has the highest number of IDPs. In Puntland and Somaliland, the security situation is much better than South and Central Somalia and this has a positive effect on the IDPs. As for Puntland, they have developed IDP Committees and this indicates that unless peace and stability is achieved, then protection of IDPs and Returnees will be difficult.

Addressing an influx of IDPs by setting-up camps should be seen as one of several options to accommodate IDPs in an urban environment. It should be considered as a measure of last resort, unless the IDPs themselves consider a camp to be the most advantageous setting for them to live in. Additionally, camps tend to isolate IDPs from the local community and can result in marginalization or social disharmony. IDP camps do not, per se, translate into improved security for IDPs. For example, the Somalia National Police in Mogadishu suffer from institutional, material, and numerical limitation that makes it exceedingly difficult for them to dedicate resources to camp protection. In many parts of the country, there is a total absence of a professional police force. In Puntland and Somaliland, the police force is simply under-resourced. As a result, guarantees of civilian police deployment, training and civilian oversight will have to be sought and constantly monitored.

5.1 Recommendations

The National Government of Somalia should:

- Address the root causes of internal displacement, reconciliation and peace-building, poverty alleviation, governance and natural disaster mitigation. Early warning systems should also be developed.
- Develop national laws and policies on internal displacement based on the Guiding Principles on Internal Displacement and the Kampala Convention. They should be developed through a process of broad consultation and reflect a consensus at the national level on how best to address the particular protection and assistance needs of internally displaced persons.
- Build the capacity of national institutions and civil society organizations to address internal displacement: Capacity-building should go beyond basic training to address issues of institutional development including strategic planning, auditing, resource mobilization, public-private partnerships, and the effective use of communications tools.
- Enhance protection and empowerment of IDP women. While displaced, many IDP women develop valuable professional and livelihood skills, particularly as heads of households. Greater efforts are required to ensure that IDP women can preserve and continue to develop these skills following return, resettlement and family reunification. Domestic violence against IDP women and the health and psychosocial needs of the survivors of sexual abuse also require increased attention from national authorities and NGOs.
- Ensure clear and effective coordination among stakeholders. Organizations at the governmental, non-governmental, regional and international levels should coordinate their activities to ensure a comprehensive approach to internal displacement that avoids duplication of efforts and the inefficient use of resources.

5.2 Obligations for the International Community

The international community should:

- Integrate protection issues into the design of peace operations and strengthen the capacity of peacekeepers to respond to internal displacement. The protection and assistance needs of the internally displaced should form part of any peacekeeping strategy.
- Ensure that international interventions on behalf of IDPs do not promote dependence but foster self-reliance and community sustainability. Local activities should include the establishment of community-based early warning mechanisms.

References

Interviews

Abdi Halim Bashir, Somali Family and Child Care, conducted on 28 August 2013.

Dr. Farah and Patrick, DDR, UNSOM, conducted on 27 August 2013.

Ghirmay Kiros Gebretinsae, OPS/QA Officer UNMAS Explosive Management Somalia 27 August 2013.

Ihwad m. Ali, Elman Peace and Human Rights Center, conducted on 30 AUGUST 2013.

Marcel Kabundi, Corrections Advisor, Joint Justice and Corrections Section, Rule Of Law and Security Institutions Group, United Nations Assistance Mission in Somalia (UNSOM), conducted on 27 August 2013.

Sara Negrao, Senior Gender Adviser to the SRSG UNSOM, conducted on 27 August 2013.

Books

Byers, M, (2005), War Law: Understanding International Law and Armed Conflict, Britain, Grove Press.

Duyvesteyn,I, (2005), Clausewitz and African War.

Evans, G, (2008), The Responsibility To Protect, Washington DC, Brookings Institution Press.

Fierke, K.M, (2007), Critical Approaches to International Security, Polity Press, 2007.

Lowe, N., (1997), Mastering Modern World History, London, MacMillian Press.

Mohammed, A, (1999), *Anatomy of a Failure: Causes and Consequences of the Somalia Tragedy*, Community Concern Somalia (CSS).

Newman, E., (2007), *A Crisis of Global Institution*, USA, Routledge.

Chapters in books

Besad, H; Goetz, A and Werner, K, (2010), “African Solutions for African Problems and Shared R2P” In Shaw, T, et al. (eds.), “Crafting an African Security Architecture,” England, Ashgate Publishing Ltd.

Brons, M, (1997), “The UN Intervention in Somalia” In Adam, H and Ford, R, (eds.), “Mending Rips In the Sky”, Asmara, The Red Sea Press Inc.

Cilliers, J, (2010), “Hopes and Challenges for the Peace and Security Architecture of the African Union”, In Timothy M. Shaw Et Al (Eds.), *Crafting an African Security Architecture*, England, Ashgate Publishing Ltd.

Etchart, L, and Baksh, R, (2005), “Applying a Gender Lens to Armed Conflict, Violence and Conflict Transformation”, In Baksh, R, Et Al, (eds.), “Gender Mainstreaming In Conflict Transformation: Building Sustainable Peace”, London, The Commonwealth Secretariat

Kackson, S, (1999), “Village Rehabilitation: Supporting Local Rebuilding in Somalia”, in Anderson, M, (Ed.), “Do No Harm”, Boston, USA, Rienner Publishers, Inc.

Mazrui, A, (2003), “Conflict in Africa: An Overview”, in Pumphrey, C and Schwartz-Barcott, R, (eds.), *Armed Conflict in Africa*, Baltimore, Maryland, Scarecrow Press.

MCGOWN, R (2004), “Transformative Islam and Shifting Gender Roles in The Somali Diaspora”, in Kusow, A. (eds.), “Putting The Cart Before The Horse”, Asmara, The Red Sea Press, Inc.

Mooney, E., (2007), “Protecting and Reintegrating Displaced Women and Children in Post Conflict.”, in Ndulo M, (Ed.), “Security, Reconstruction and Reconciliation,” UK, University College London Press.

Osman, A (2007), “The Somali Internal War and The Role of Inequality, Economic Decline and Access to Weapons”, in Osman, A, and Square, I, (eds.), “Somalia at the Crossroads: Challenges and Perspectives”, In Reconstituting A Failed State”, London, Adonis And Abbey Publisher.

Pumphrey, C, (2003), “General Introduction”, in Pumphrey, C, and Schwartz-Barcott, R., (eds.), Armed Conflict in Africa, Maryland, Scarecrow Press.

Square, I, (2007), “The UN Interventions in Somalia: A Retrospective Look and Lessons for Future Africa-UN Partnership in Conflict Resolution”, in Osman, A, and Square, I, (eds.), “Somalia at the Crossroads: Challenges and Perspectives in Reconstituting a Failed State”, London, Adonis And Abbey Publisher.

Journals

Francis, J. D, (2007), “Paper Protection’ Mechanisms: Child Soldiers and the International Protection of Children in Africa’s Conflict Zones,” in The Journal of Modern African Studies, Volume 45, Number 2, June, pp: 207-231.

ICRC, (MARCH 2004) “Addressing the Needs of Women Affected By Armed Conflict,” in an ICRC Guidance Document.

LINDSEY, C, (OCTBER 2001) “Women Facing War”, in ICRC, pp: 27-28, 30-31.

Mohammed, A, (2012) “Humanitarian Intervention in Africa: A Retrospective Study of Somalia, 1978-2004,” In Contemporary Security In Africa Vol. 1, No.1, April 2012, Pp: 44-62.

Muriithi, L, (2013) “Maritime Security in the Horn of Africa Sea Board: The role of Peace Support Operations (PSOs),” International Peace Support Training Centre (IPSTC), 2013.

Narbeth, S, and Mclean, C, (December 2003) Humanitarian Practice Network, December 2003, Number 44.

Noor, H. (2007), ‘Emergency within an Emergency: Somali IDPs’ Forced....Migration Review, No. 28 (July).

Oxfam International, (2008) “For a Safer Tomorrow: Protecting Civilians in a Multipolar World,” In Oxfam International, pp: 23-30, 39-66, 95-130.

Resolutions

African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”), 22 October 2009, available at: <http://www.refworld.org/docid/4ae572d82.html> [accessed 7 November 2013]

UN Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement, 11 February 1998, E/CN.4/1998/53/Add.2, available at: <http://www.refworld.org/docid/3d4f95e11.html> [accessed 7 November 2013].

UN Security Council, Resolution 1744 (2007) The Situation in Somalia, 21 February 2007, S/RES/1744 (2007), available at: <http://www.refworld.org/docid/4600f97e2.html> [accessed 7 November 2013]

UN Security Council, Security Council resolution 2102 (2013) [on establishment of the UN Assistance Mission in Somalia (UNSOM)], 2 May 2013, S/RES/2102 (2013), available at: <http://www.refworld.org/docid/519e02b04.html> [accessed 7 November 2013].

UNHCR Briefing Sheet Sept 2013.

Internet

[http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/E813C2651B388BDCC1257B0A00516B0A/\\$file/201207+Protection+Cluster+IDP+Relocation+Position+Paper+July+2012.pdf](http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/E813C2651B388BDCC1257B0A00516B0A/$file/201207+Protection+Cluster+IDP+Relocation+Position+Paper+July+2012.pdf)Landinfo - Country of Origin Information Centre, Security and human rights conditions in southern Somalia, November 2007, available at: <http://www.refworld.org/docid/498085895.html> [accessed 7 November 2013].

UN High Commissioner for Refugees (UNHCR), UNHCR's Expanded Role in Support of the Inter-Agency Response to Internal Displacement Situations, 8 June 2006, EC/57/SC/CRP.18, available at: <http://www.refworld.org/docid/49997afcd.html> [accessed 18 September 2013].

Protection of Civilians in Protracted Conflicts: *Case of IDPS in Somalia*

This paper seeks to understand the mechanisms that have been put in place to protect civilians especially IDPs in Somalia by the State and non-state actors in Somalia. This research will assess the system for protection of IDPs in Somalia. How do people find protection in a world that is increasingly attempting to govern their movements? The paper will explore this larger question in order to compare measures and application of protection for Internally Displaced Persons and Returnees from violent conflict in Somalia.

AMISOM, which was authorized by the UN in 2007, launched attacks against the Al-Shabaab in Somalia and in September 2012, the mission was able to take over Kismayo one of the stronghold for the Al-Shabaab. However the country's security status, especially in South and Central Somalia, is still a huge concern for the nationals and the international community at large. AMISOM's presence in Somalia is important for the success of the Somali Peace Process and protection of civilians including IDP.

About the Author



Ms. LAURA MURITHI

Ms. Muriithi Laura is a Curriculum Developer with IPSTC. She has work experience in the field of peace and security in the legal perspective. She has worked with UNHCR and dealt with refugees from South Sudan, Sudan, DRC Congo, Ethiopia and Somalia. She has written a paper on Child Soldiers in Uganda and DRC Congo. Laura holds a LLB Degree from University of South Africa (UNISA), Post-Graduate Diploma in Law from the Kenya School of Law and Masters in International Relations from United States International University (USIU-Africa). She is an advocate of the High Court of Kenya. Her areas of academic interest are International Humanitarian Law and in particular Conflict, Refugee and Migration law.



International Peace Support Training Centre (IPSTC)

P.O. Box 24232 – 00502, Karen, Kenya

Tel: +254 20 388 3157/58, Fax: +254 20 388 3159

Email: info@ipstc.org

www.ipstc.org



Publication supported by The Government of Japan through UNDP

