

## Informal Settlement Managers: Perception and reality in informal IDP camps in Mogadishu

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In the vacuum generated by the Somali conflict over the last 20 years, informal power structures have emerged to address security and service delivery where the government or the international community has failed. At the same time Somalia is experiencing around 1.1 million Internally Displace Persons (IDPs), which have sought security, shelter and livelihoods in new places. In Mogadishu, Informal Settlement Managers (ISM) have created a business around accommodating the numerous IDPs coming into the city in what by outsiders has been labelled the gatekeeper system.

This gatekeeper system has led to a situation where the ISMs now largely control access to the IDP camps as they have managed to position themselves as unavoidable intermediaries between the IDPs and external actors, including the local government and the humanitarian community. The system is described as 'arbitrary' and 'unregulated', and the ISMs are perceived to treat the IDPs in

an erratic and unaccountable way, and some, even going to the extent of abusing the human rights of the IDPs. However, as this paper will show, the fact that the system is not formalised or regulated by official, bureaucratic norms, does not mean that the ISMs operate completely arbitrarily. In-depth studies from eight settlements<sup>1</sup> show that the system is deeply permeated by routines and work procedures, which build on broadly shared values and norms.

While replication of state practices informs the daily management of the camps, processes of decision-making and dispute settlement borrow from procedures and norms of traditional structures in Somalia. These processes should be seen as a way of adapting to difficult conditions of disorder and lack of resources while ensuring service delivery. This paper therefore seeks to nuance the representation of the ISMs by offering a deeper insight into how some camps are run and by showing that ISMs, to some degree, resemble all bureaucrats working with service provision who – especially when it comes to public administration in weak democratic contexts – are forced to make choices and come up with inventive solutions that are adapted to realities on the ground.

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<sup>1</sup> The informants reside in the following settlements in Danyile, Hodan and Khada districts: Samawade, Samafole, Rajo wanag, Barwaaqo, Dheyman, Bismillahi, Samadeeque and Safari.

## How this paper was developed

This paper builds on the previous extensive political-economy analysis across ten different settlements in Mogadishu already published by Tana Copenhagen. Based on this background information, in-depth interviews were undertaken with three informal settlements managers and nine internally displaced people conducted in November 2016 and January 2017.

It should be noted that the ISMs included in the study have a reputation of being 'good' ISMs, meaning that they treat the IDPs better than other, more exploitative ISMs. This study can therefore not be generalised to explain how all IDP settlements in Mogadishu are run. Neither does it seek to deny that abuses and restriction on movement takes place in some settlements. However, by offering insight into the management of these eight settlements, it falsifies the dominant image of all ISMs being violent, exploitative and lacking legitimacy in the eyes of the IDPs, and offers a more nuanced representation of the ISMs. Moreover, the study provides detailed, in-depth knowledge of the functioning of the settlements, both of which might prove useful in demonstrating the potentiality of engaging with ISMs positively.

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## Introduction

Decades of civil war and unrest in Somalia have altered the space for political competition over resource management and exercise of public authority. The absence of a coherent capable state left a vacuum to be filled by various non-state actors competing over, claiming and exercising *de facto* public authority. This led to a situation where services, which had long been considered core functions of the state, such as security and justice, were being provided by non-state actors.

In Mogadishu, IDPs are now estimated to be 1.1 million. Most of these<sup>2</sup>, reside in informal settlements managed by Informal Settlement Managers (ISMs) referred to by the Somali government and the humanitarian community as 'gatekeepers'. The gatekeeping system has been in place since the beginning of the '90s and in the absence of a functioning state apparatus, the ISMs provide much-needed protection, shelter and other services to the IDPs. However, they generally do so in a non-transparent way and with lack of accountability both upwards, in relation to government structures, and downwards towards the IDPs.

The poor security situation and targeting of Westerners and humanitarian actors by militia groups such as Al-Shabaab during the civil war, led to the withdrawal of many humanitarian agencies during the '90s and the implementation of remote management. This created a vacuum, which allowed the gatekeeping system to emerge. Despite the fact that the system has developed into a more consolidated and resilient structure through the years, the local government has paid little attention to them until now. Moreover, while the humanitarian community are forced to work with the ISMs, few considerations have been placed on how to deal with them in a systematic and constructive way.

The ISMs provide a range of services to the IDPs in the settlements in Mogadishu including, most importantly, shelter and security. However, ISMs also undertake dispute settlement, fundraising for and assisting in arranging different events such as funerals, weddings, and transport in case of emergencies. Moreover, ISMs establish religious venues such as mosques, prayer rooms and madrassas<sup>3</sup>. In exchange for these services the ISMs 'tax' a portion of the development aid whenever it is delivered to the IDPs in their camp. After a period of varying tax levels, with some ISMs charging up to 30%, this tax has

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<sup>2</sup> 80,657 households and 464486 according to a survey from 2016. Internal Displacement Profiling Mogadishu, April 2016. UNHCR, FGS

<sup>3</sup> Islamic religious schools.

stabilised across camps at a rate of 10-15 %. As such, the system has become sort of a business model, with the income generated from this being the main income for the ISMs. In some cases, this has led the ISMs restricting the movement of IDPs in order to gain from the taxation of their aid.

The gatekeeping system is largely described as being arbitrary and unregulated, and the ISMs are perceived to treat the IDPs in an erratic and unaccountable way. However, as this paper will show, the fact that the system is not formalised or regulated by official, bureaucratic norms, does not mean that the ISMs operate completely arbitrarily. Studies from eight settlements show that the system is deeply permeated by routines and work procedures, which build on broadly shared values and norms.

## Daily management of the camps

These sections will show how the ISMs are inspired by state practices in the daily management of the camps. Furthermore, it will be illustrated that processes of decision-making and dispute settlement borrow from procedures and norms of traditional structures in Somalia. Finally, the paper argues that these practises should be seen as inventive solutions employed to respond to a situation characterised by disorder and lack of resources.

### Mirroring state practises

Firstly, settlement in the camps follows a fairly established process: When IDPs arrive; the ISM registers the household heads in a paper notebook. The majority of the IDPs are welcomed in the camps and permitted to settle. However before being granted the permission, the newcomers are usually questioned about their place of origin, family ties and about prominent clan figures from their clan. This

work is undertaken by the ISM and camp committee who then communicate with a member of the clan to confirm that the newcomer does not pose a security threat<sup>4</sup>.

Furthermore, IDPs state that the ISM evaluates their physical appearance, accent and body language in order to avoid having *'religious extremists'*, *'spoilors'* and *'suspicious elements'* residing in the camp. These are described as people who are *'against the security'*, such as members of or spies for Al-Shabaab. Young men without a family are often considered suspicious, as they could be Al-Shabaab members. Moreover, it is common for all camps to have an office from where the ISM and sometimes also the camp committee work, when they are not solving problems around the camp or meeting people outside such as the non-governmental organisations (NGOs). One ISM described that residents come meet him in the office and *'if I'm in a meeting, people can wait for me under the trees'*. This shows that the ISMs are visible and present amongst the IDPs in the camp.

#### The camp committee:

Most settlements have a camp committee, which is engaged in the daily management of the camp. It usually consists of between 5 and 12 members, who are often elders, religious authorities or other individuals respected among the IDPs. These are appointed, selected or endorsed by the ISM and they are

The IDP registration process, operating from a designated 'office' space are actions that mirror practices and procedures commonly conducted by the state. However, traditional structures also impact on camp management procedures.

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<sup>4</sup> Kinship ties and clan affiliations are the key to understand Somali society, as they constitute the main component of Somali's identities. Somalis are members of a clan first and foremost and clan elders play a major role in relation to security a justice of which they were the main providers throughout the civil war.

## 'Traditional' blueprint for dispute settlement and decision-making structures

Due to the low level of trust in the official justice system, as well as the lack of resources with which this system can effectively fulfil its service delivery tasks, the IDPs prefer to solve disputes internally. Depending on the severity of the case, either clan leaders or the camp committee are called to resolve disputes.

Dispute settlement follows a certain pattern:

- The camp committee is called to solve the dispute where they try to convince the parties to make peace
- If this is not successful or in cases of a theft or crime, the camp committee investigates the case to gain background information before summoning the implicated parties to argue their case.

The customary law, *Xeer*, is used in all dispute settlements and depending on the case, the ISM, elders, religious preachers might be called in to participate in the hearing and mediation, as explained by an ISM: *'However, when camp residents report any dispute or violence between married couples, committee members approach them and try to convince them to stop the conflict. If they refuse, the committee holds special meeting and invite witnesses'*.

Based on these 'trials' a verdict is reached and communicated to the IDPs. These verdicts are generally perceived as legitimate by the IDPs and are rarely opposed. As explained by an IDP: *'I have never seen anyone opposing it because there are witnesses who tells the truth in front of both parties of any dispute. Thus, I think nobody can deny the truth and if you cannot deny the truth, you have to accept the consequences'*.

However, the ISM and the camp committee is not involved in cases involving 'blood compensation' such as murder. These cases are referred to the clan

leaders or in some cases the district commissioners. As one ISM explained: *'There are disputes that we do not deal with such as those which are beyond what we can manage. For example, if someone fights with a pregnant woman and abortion results from that fight, we leave the matter to the clan elders of both parties to solve the issues because blood compensation will result from such case and we do not deal with anything of that kind'*. In this regard, there is a clear division of tasks between the ISM and the clan elders in the camp depending on the issue at hand.

Furthermore, there are established procedures for decision-making across the researched camps: the ISMs consult the committee members on all decisions, whereas IDPs are called for consultative meetings in relation to major ones such as an upcoming aid distribution or rules of the camp (see more below). One ISM described how she had 'lengthy discussions' with the camp committee regarding whether or not to accommodate IDPs who were displaced by drought and had just come into Mogadishu: *'I do not take any decisions alone, I always consult with the camp committee when I have an issue that requires decision in mind.'*

The IDPs are called for weekly public meetings, in which the ISMs share information on their work, and issues of common interest such as sanitation and security is discussed. They also participate in consultation meetings, where, 'major decisions' such as aid distributions are discussed, and IDPs provide inputs on how to make the distributions 'smooth'. This indicates that the ISMs seek to build support for their decisions and operations among the IDPs in order to avoid negative reactions. In the researched camps the IDPs mentioned that they are also asked to provide inputs on how to mitigate situations when NGOs stop supporting different initiatives such as schools, or as mentioned by an IDP, it is discussed *'how we can help broke IDPs to get access to water'*. Furthermore, IDPs account that rules are discussed in these meetings. One IDP explained: *'We*



*had a discussion about noise of the children playing in the camp after 8 pm in the evening. We decided to inform all parents to keep their children at home after 8 pm. in order to avoid such noise and to harm camp residents.'* Thus, the IDPs are regularly called to contribute to decision-making in matters of greater or lesser importance to their daily life. This functions as a way of ensuring compliance of the IDPs and of preventing negative reactions to the decisions made by the ISMs.

The procedures for solving disputes as well as decision-making processes share characteristics with traditional Somali institutions and their procedures. In most clans, elders act as the main judicial authorities and they undertake all functions of a legal system such as legislation, judgement and execution of decisions. Moreover, within some clans specialization between those acting as policemen, lawyers and detectives is part of the system. In the settlements in Mogadishu, the camp committees consist of respected elders from the different clans represented in the camp. As such, they resemble traditional judicial procedures. Furthermore, disputes, traditionally, as well as in the camp practices, are based on the *Xeer* customary laws, which govern the relations between clans. However, the camp committee structures and procedures share characteristics with the traditional structures of the Southern clans in Somalia in particular. This is not surprising, as Mogadishu is located in the Southern part of Somalia and the majority of the IDPs originate from South of Mogadishu<sup>5</sup>, but the camp structures resemble structures of the Rahanwiin clan to which the perceived majority of IDPs belong<sup>6</sup>.

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<sup>5</sup>According to a survey from 2016, 42 % of the IDPs originate from Lower Shabelle, 27% from Bay, 10 % from Middle Shabelle, 4 % from Bakool and 17 % from other regions. Internal Displacement Profiling Mogadishu, April 2016. UNHCR, FGS

<sup>6</sup> Gundel, Joakim. 2006. *The predicament of 'Oday. The role of traditional structures in security, rights, law and development in Somalia.*

Somalia features five main clan families the Dir, Isaaq, Hawiye, and Darrod, and Rahanwiin (minority clan). Due to their different livelihoods the Northern clans of Isaaq, Darrod and Dir have developed more inclusive social and political structures without any central and supreme authority, whereas the Southern clans are comparatively more hierarchical and with greater respect for authorities. Whereas in the Northern clans decisions have traditionally been made by elders, practically meaning all men of a certain age, one of the most important institutions in the Southern clan family of Rahanwiin is the council of elders, the *Akhyaar*.<sup>7</sup>

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<sup>7</sup> Having a council of elders is not unique to the Southern or the Rahanwiin clan, however members of the *Akhyaar* tend to be in a more exclusive and powerful position in Southern than in Northern clans.

For the Rahanwiin clan, it is the council of elders, which handles the affairs of the clan. It also used to serve as the link between the *Suldaan*, the leader of the clan and the *Malaakh*, a certain type of leader in war, which was functioning up until the Italian colonisation began in the late 19<sup>th</sup> century. In present times, no strong Suldaan function exist, however the *Malaakh* position is still functioning with every major Rahanwiin clan group having a *Malaakh* and with many members of Rahanwiin clans describing the *Malaakh* as the head of the entire clan. As such, this figure at top of the hierarchy is still in place. Similarly, the IDPs describe the ISMs as the leader of the camp and its highest authority. Furthermore, the camp committee participates in much of the daily handling of camp affairs and both ISMs and IDPs perceive the camp committee as referees for cases of disputes. As explained, ISMs consults with the camp committee but they remain the highest authority and are not obliged to follow its directives. Rather consulting with the committee is a means of avoiding negative reactions from the IDPs. In these aspects the ISM resemble the position of the Malaakh and the camp committee the akhyaar. This is so due to the fact that the latter function as a link between the ISM and IDPs and as the camp committee constitutes a forum for consultation but not the highest authority.

In traditional Rahanwiin societies, the lineages under the same Malaakh and akhyaar choose who of their elders will be members of the akhyaar. There are no established, formal procedures for this process but an 'elder' is characterised by a certain level of respectability among lineage members and other members of the akhyaar.

Different accounts of how camp committee members are selected exist in the camps. However, the ISMs usually select, nominate or approve of those selected. It was often mentioned by the ISMs among the informants that camp committee members had to be *'elders'* who are *'respected by the IDPs'*. Besides this, characteristics such as being impartial, *'with good manners'* and a good character were foregrounded, all of which is characteristics usually describing an elder from Southern Somali clans. Thus, the composition and processes of establishing camp committees share traits with those of selecting the *Akhyaar*.

The processes of settling disputes among the Rahanwiin also follows a certain pattern where cases are solved at different levels in the hierarchy depending on their nature. Theft, domestic disputes and other minor problems are referred to the *'Gob'*, who is the head of the sub clans or a sort of deputy head of the clan - the vice-*Malaakh* (*Malaakh* being the head of the entire clan). Murder, conflicts and other bigger issues are handled by the *Malaakh*. The settlement of disputes related to resources follows a similar logic. Many southern communities have established resource committees. In these the *Gobs* and the chairman will try to solve the dispute before referring it to the *Malaakh*. In disputes regarding resources, the sanctions usually involve a fine or ultimately a ban from usage. Similarly, sanctions reported in the camps contain fines or ultimately eviction from the camp completely. Furthermore the tendency is that disputes are firstly referred to the camp committee, if they are not able to solve it or it involves a bigger *'crime'* the ISM will step in or other authorities will be called in depending on the case. As one ISM explained: *'..if they (the camp committee) do not succeed to solve it, then they involve me in the case, sometimes elders and religious preachers are also invited to partake in hearing and mediating these disputes'*; similarly he explains that: *'..minor disputes such as those arise from queues at water points. I leave these issues to be solved by the camp committee'*. Thus, the camp set-up, to a wide degree, resembles those of

traditional structures of the Somali clans and particularly the Rahanwiin clan with the ISM installing himself as a kind of quasi-Malaakh. However, as the ISMs and the camp committee do not deal with cases of murder, there are still important areas where the ISM has left authority to traditional leaders. As such the ISMs are taken on a more administrative leadership position.

The processes of decision-making and dispute settlement are largely perceived as legitimate among the IDPs. This legitimacy is vested in the actual process and the fact that decisions have been taken collectively. As explained by an IDP: *'There are no individuals who take decisions single-handedly and no previous decision I have been dissatisfied with by the camp committee.'* As such, decisions made collectively are perceived as more valid. Furthermore, there is a great trust in the camp committee and the fact that decisions made collectively by the ISM and the camp committee cannot result in 'wrong doings' as one IDP stated: *'For that reason, the ISM discusses with the committee before taking any decision and you know all of them cannot agree on wrong doing, for that reason we respect whatever they communicates to us but if it is not acceptable we have a right to refuse their decision.'* As this quote shows, the IDPs largely perceive the decisions as legitimate and therefore follow them. However, in cases that they would think otherwise, they do believe they have the option of opposing the decision of the ISM.

### Practical inventiveness

As described earlier the ISMs deliver services, which can be considered public including security, justice and shelter and sometimes sanitation, educational and religious facilities. As the ISMs are providers of public services and at the same time work rather directly with the IDPs, they can be compared to the lowest

level of bureaucrats, often labelled 'the street level bureaucrats'<sup>8</sup>. These are individuals such as teachers, policemen and judges who interact directly with citizens and have wide control over the distribution of benefits of public goods.

Resource constraint is a fundamental condition that all street level bureaucrats share and the ISMs report that lack of resources is the main challenge they face in managing the camps and delivering services to the IDPs. One of the main resources lacking in the camps are latrines. An ISM explained how the long queues to the latrines are often a source of conflict and mentioned one example in which a mentally ill boy waited for the latrine for so long that he ended up running away from the camp. This episode led to a conflict between the mother of the mentally ill boy and the mother of the boy using the latrine for a long time. The ISM explained how this led the camp committee to meet and discuss the issue: *'There are very few latrines to use. So what we did was like... So the committee met, and they decided to dig a small pit for him, personally, so to... construct, you know, construct... sheets, you know, iron sheets. They cannot find full ones but only half... Around one meter, you know, around the pit, one meter of iron sheets around the pit, to complete the latrine with clothes, and to be used exclusively by that guy.'* The case shows how in daily life the ISM and the camp committee apply inventive thinking to solve problems and meet the needs of camp residents. This inventive solution should be seen as one among many creative responses to a situation of limited resources evident everywhere in the camps. Also within the field of security inventive thinking is applied. As explained by an ISM: *'We use trees as a fence to mark spaces allocated for each family in the camp since we cannot afford to have concrete columns to mark these boundaries'*. In academic literature, such practices are labelled 'practical inventiveness' referring to the specific practices, different from the officially, state-sanctioned policies, which enables the service

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<sup>8</sup> The concept is developed by Michael Lipsky, who introduces it in his book 'Street Level Bureaucracy' (1980).

provision to function on a daily basis (Hamani 2014:146). These are frequently overlooked in studies of African bureaucracies and thus the fact that African bureaucrats do often in fact manage to deliver services despite the difficult circumstances is not acknowledged. In a similar way, the ISMs face major constraints, but by employing inventive thinking they do manage to solve problems and provide services even under challenging circumstances.

### Responding to disorder

Besides the limited resources giving rise to inventive practices and solutions in the daily dealing with day-to-day cases, the larger structures and procedures for dispute settlement and decision-making are also contributing to establishing order and predictability in the lives of the IDPs. Many IDPs describe that because they do not have relatives in Mogadishu, they would probably have ended up in the streets if they had not had the opportunity to settle in a camp. As one IDP explained: *'.. there is no brother of mine living in this city who can accommodate me and my family. If it was not for this camp, I could have ended up in the street with my children and we could have suffered.'* As this quote shows, for the IDPs it is not only their physical world, which changes but also their social world as they are removed from the social structures they were integrated into before they fled. This effect is especially critical in the Somali society, which is strongly based on kinship. The establishment of camp committees consisting of members from different clans as well as the mirroring of processes for dispute settlement and decision-making are key elements in re-establishing a sense of order and predictability as it resembles structures known to the IDPs. However, they should not be understood as complete copies of traditional institutions. Thus, the camps in Mogadishu do not show a situation of complete arbitrariness and anarchy, but rather, a 'reconfiguration' of institutions inspired by routines practices of traditional structures but also differentiating themselves from those as the camp committee for instance is made up of

people from different clans. By establishing institutions and norms through routines inspired by traditional practices and state institutions, the ISMs effectively mitigate a situation of heightened levels of uncertainty among the IDPs.

## Conclusion

The gatekeeping system has become an unavoidable power structure in a Somalia recovering from civil war. Through the control of access to the IDP camps, the ISMs effectively manage the relations and communication between the IDPs and external actors including the local government and the NGOs. While, on the positive side, the ISMs provide essential services to the IDPs in a situation where the government has been unable to do so, they do so in a non-transparent way. Moreover, there are examples of abuses of IDPs and restrictions of the IDPs' freedom of movement by exploitative ISMs. This has contributed to the bad reputation of the ISMs. However, this image is too simplistic.

By drawing on evidence from eight camps, this paper has illustrated that despite the popular perception of the gatekeeping system being unregulated and the ISMs dealing with the IDPs in an arbitrary way, the daily management of these camps evolves around routinized structures and processes. These processes related to dispute settlement and decision-making among others builds on norms and values broadly shared among Somalis and thus the IDPs and they should be seen as a way of adapting to difficult conditions of disorder and lack of resources while ensuring service delivery. As such the work procedures of the ISMs to some degree resembles the ones of all informal bureaucrats who are forced to make choices and come up with inventive solutions in order to deliver services and adapt to realities on the ground.

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