Analysis and Recommendations on Data Collection:

Marginalized and Minority Groups

Protection Cluster

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Overview

A review of a number of the tools collecting data on marginalized groups, minority groups and clans was conducted between September-December 2020. This report outlines the key issues related to data collection, with particular focus on data collection on minority groups. An overview of the challenges, limitations, opportunities, and recommendations for the following tools: SPMS, PRM, PRMN, DSA, JMCNA, and Anticipatory Action. Also detailed are expected and potential additional data sources. This is followed by some considerations on the use of proxy indicators and their reliability and limitations.

There is need for a more robust evidence base on occurrence of exclusion from assistance and reliable data is fundamental for understanding dynamics that contribute to exclusion, identifying risks and occurrences, and developing mitigation measures. In 2020 there were steps taken toward incorporation of marginalized and minority into country wide data collection, this is a positive development with more partners recognizing the need better understand the issue. As noted above there are a number of terms used to gather data on minority and marginalized groups.

A number of tools collect data on marginalization; however, this data is often collected simultaneously with data on vulnerability related to age, gender, disability, and displacement status, resulting in a degree of confusion about who is being considered among the marginalized. However, the rate at which partners are looking at other populations at high risk of marginalization is low and of concern for the Somalia operation—HRP 2021 partners responding to a questionnaire indicated that in considering marginalized groups 34 percent consider ethnicity and 27 percent consider clan affiliation, cumulatively 40 percent considered either ethnicity or clan. There were high rates of inclusion of gender, age and increasingly disability, this is indicative that the concerted effort for inclusion and disaggregation of these variables is having a positive result in raising awareness.

It will also be critical to apply the common terminology to improve the potential for triangulation and collective analysis. Triangulation is of particular importance for data collection on marginalized and minority groups because of the reliance on self-identification by populations and a number of contextual factors that impact on willingness to self-identify, which has significant implications on the reliability of data. Problems with the reliability of data and use of umbrella terminology, unless recognized, can serve to further obscure occurrences of exclusion particularly for marginalized minorities and clans, who may not be considered.

Methodology

There are differences in the methodology that may affect the interpretation and or response to questions. Differences of methodology are warranted particularly based on the level of assessment for example area or site-based versus household as well as pragmatic approaches during COVID to continue data collection remotely. But, it is important to also to be cognizant of how some methodologies may impact on the reliability of data. Feedback from partners was mixed and often conflicting on how methodology impacts on the reliability of data. This is an issue that should be further looked into. However, key problems in methodology that are consistent in having a negative impact on the reliability of data, particularly on minority groups, is:

- Over reliance on key informants who are often selected from community or site leadership and are not representative of the community diversity. Although data collected from community leaders as key informants may provide some data on minority communities, there is a risk that reliance on their responses may further exclude or hide the interests and perspectives of minorities. OHCHR has found that among IDP populations they often feel that they have a lack of voice and opportunity to affect decisions even at the site level of governance. Gatekeepers were often noted to be unreliable as their bias tends toward the interests of the host community and not persons within sites.
- Although most tools use multiple KI per locality, as an expedience, snowball sampling is often used. Snowball sampling has a high risk of perpetuating the biases of the initial KI. Snowball sampling is the one of the least representative sampling techniques to get information on populations.

Other methodological concerns are less decisive as to the extent to which they impact on reliability:

- Difference in the data collection modality are also important with potential differences between in-person and remote data collection. While remote methodologies were a pragmatic solution for the safe continuation of data collection during the COVID-19 pandemic and difficult to access area, their efficiency should be weighed against what seems to be significantly lower rates of self-identification as marginalized or minority (for example, respondents identifying disability as a factor affecting access to services for the JMCNA was one percent, whereas other tools indicate much higher levels of concern for access). Under-reporting may be due to both a reluctance to disclose information over the phone and/or misunderstanding of the questions.
- Additional considerations for remote data collection are the physical barriers that may be higher among marginalized and minority groups, including access to cell phones and network coverage as well as credit and charging stations. Areas with limited access due to network coverage maybe mappable through carriers. Further research is necessary to better understand implications of remote data collection on inclusiveness and representativeness, taking into account differences in level of access based on age, gender, and diversity, particularly for large scale assessments that are used to inform the humanitarian response.
- How questions are phrased may also impact on willingness to disclose information on marginalized or minority groups. Some tools ask questions directly, while others ask in relation to impediments to access, differences in treatment, or experiences of discrimination. Feedback on placement of questions on clan affiliation or related to minorities within a tool also varied. Anticipatory action included clan affiliation with demographics and did not report having challenges in asking the questions. Whereas other partners, including OHCHR, suggested that placing questions toward the end of the tool allow time to establish a rapport and may improve respondents 'willingness to answer questions.
- Some partners suggested asking questions directly, whereas other suggested that data collection should not be "broadcast" but should be done through proxies—for a review of the reliability of proxies please see below. Partners advocating for the later noted the potential that asking questions directly may be interpreted by communities as identify specific target groups for assistance and increase the likelihood of over-reporting. Additional concerns are that perception of targeting of marginalized communities, particularly minority clans, could lead to increased extortion and forms of abuse.

Contextual Limitations and Risks

In addition to methodological variables, context has a significant impact on the ability to collect data and its reliability. Collection of data on some marginalized groups, particularly those related to clan affiliation, has potential risks that must be weighed against the need for and value of the information in identifying and addressing exclusion related to service delivery and linked to protection outcomes. These risks vary

and are affected by location, context, time, and relationship with the affected population. Risks and challenges include:

- Discrimination and social stigmatization that prevent individuals from identifying marginalized or minority status; fears of retaliation for disclosing information and expressing concerns, particularly with the lack of available protection for marginalized and minority communities; and contextual circumstances that can reduce willingness to identify clan affiliation, particularly following attacks and insecurity in the area.
- Partners noted that because of the lack of discernable characteristics reporting is dependent on self-identification. This can result in both over- and under-reporting: over-reporting results from expectations of assistance associating with a particular group, and under-reporting can be impacted by social stigmatization in addition to geographic area, time, and context, with the three impacting on each other and inconsistent in their impact.
- Real or perceived problems of compromising an organization's relationship with a community. Additionally, dynamics between the interviewer and interviewee can also impact on willingness to disclose sensitive information, as can organizational reputation and rapport with the community also effect the level to which respondents are willing to disclose information about their ethnic or clan affiliation. Partner experiences in collecting data have varied though many report no problems. The dynamics that affect partner ability to collect data on marginalization needs to be further assessed; though, many highlight the importance of consultation with affected community on data collection tools. It must also be noted that partner reports indicate that failure to identify and address issues of exclusion can lead to erosion of trust in the humanitarian system.

Communication with communities: Clan elders and local leaders are important figures in mediating community disputes and addressing grievances; however, IDPs, particularly those from minority communities and women, indicate that they rarely raise concerns on issues of significant importance. Concerns over the lack of representation and connection is particularly acute for recently displaced persons from marginalized communities, who lack of information on available assistance and knowledge of how to connect with humanitarian actors. Marginalized groups are likely to have more limited access to mainstream information channels or reliable access to mobile phone networks, credit, and charging facilities. Literacy and language barriers also negatively impact on access to information. There is need to consult with marginalized groups to identify appropriate forms of communication and support increased representation of marginalized groups in site leadership.

Recommendations

- There is need for a continued commitment to collect disaggregated information on diverse marginalized groups and take measures for representative data collection, to ensure that they are not left behind. High rates of exclusion of reported by marginalized communities necessitate a more inclusive, representative approach that allows marginalized communities to have a voice in identifying specific barriers to access and mitigation measures as well as enable their participate in the decisions that affect them.
- Prior to and throughout any data collection and analysis activities partners must take necessary action to do no harm. A risk assessment is necessary and steps must be taken, if necessary, to mitigate identified risks. The risk assessment must look at negative consequences that may result from data collection and subsequent actions or service delivery. This risk of collecting data and any later activities must be weighed against the risk of not collecting data. The activities should not have a negative impact on any societal tensions or exploit any segment of the population visited or interviewed. Partners should be supported in developing robust do no harm analysis and in the identification of mitigation measures.

- Not all forms of exclusion may be readily identifiable, and steps need to be take prior to collecting data to ensure that exclusion is not impacting on assessments.
- Agree on standardized terminology and train staff and enumerators to improve the quality of data, ability for triangulation and potential for collective analysis.
- The Protection Cluster should consider convening a meeting of partners involved in data collection to discuss best practices and limitations to data collection for minority groups and marginalized clans and identify mitigation measures.
- Explore whether widespread integration of questions on ethnic and clan affiliation as part of basic demographic data may serve to normalize data collection, decrease stigmatization, and spread concerns of reputational risk across multiple partners.
- 52 % of HRP 2021 partners across clusters indicated that they consider potential specific concerns of marginalized groups in the design, implementation, and analysis of assessments. Further commitment by partners to consider marginalized groups is necessary. Additionally, partners should be remined that inclusive methodology is critical, ensuring that marginalized groups are consulted, including on the development of tools.

Tool Specific Observations and Recommendations

SPMS: The tool should be revised to collect more specific data on affected persons. The most critical limitation is the use of "marginalized groups." Currently SPMS defines marginalized groups as:

social groups that in a specific area/time/context do not enjoy equal political and social representation and cannot participate in community life, decision- making and accountability processes on equal terms with the dominant groups because of their gender, age, health status, disability, or clan affiliation. Therefore, they are at a higher risk of discrimination, exclusion, and abuse.

While the term likely is capturing data on the impact of clan affiliation and minority groups as a variable among affected persons, "marginalized group" is an umbrella term. This creates a potential for overlap when occurrences of exclusion and disaggregation of affected persons for other violations as the concept is broad and inclusive of gender and age, which are often reported on as affected groups. It is therefore unclear who is considered a marginalized group in reporting when, for example incidents of extortion are simultaneously reported for marginalized groups, elderly women, and PWD. As a protection tool with SPMS should be revised to capture data on clan affiliation or at a minimum minority groups to enable the identification of their specific issues of exclusion and protection risks. This could also improve the level of understanding of capacities and coping mechanisms for persons affected by marginalization due to clan affiliation.

There is an intersection of vulnerability with individuals and communities being affected by marginalization on the basis of age, gender, and diversity. Through more disaggregation of marginalization, SPMS could contribute to a better understanding of how intersectionality contributes to vulnerability.

SPMS KI uses purposeful sampling and allows for disaggregation of inputs by KY type: gatekeepers, leaders in dominant groups, minorities, youth, women group leaders, traditional elders, health workers, and others. The tool also indicates whether a KI speaks of behalf of marginalized groups. Given the definitional problem noted above, the value of this is minimal in understanding to what degree a respondent may be speaking on behalf of minorities compared to other groups defined as marginalized. By clarifying marginalization and incorporating minorities specifically into the tool, this problem could be addressed.

There remain a number of unknowns on how best to gather data on minorities and clans. Since the Protection Cluster has more control over the SPMS and there are established relations with KI in the field, SPMS may be the best vehicle to test wording of questions on minority groups or clan affiliation, find ideal placement of such questions in tools, as well as best methodological practices.

PRMN: The PRMN uses the same tool to track incident reporting at the individual level and displacement at the community level; however, different portions of the tool are used based on the event type. While the tool has a question on clan affiliation, this data is only collected for incident reporting. Approximately one-third of incident reports include clan affiliation. It is not clear whether this is from a lack of willingness to disclose information or because the question is not always being asked. I received the data in late December and did not have sufficient time to analysis into the dynamics and trends in reporting on clan affiliations. Further analysis of the PRMN incident reporting complemented with partner feedback could help to better understand when and how different variables impact on the willingness by either the partner or subject to report on clan affiliation.

Currently the PRMN only collects clan information for incident reporting. It should be explored whether the community level displacement tracking can include information on clan affiliation to allow for analysis of who is most affected by displacement. Additionally, the potential to use the PRMN data to track trends and strengthen the predictive capacity should be explored. As per the discussion on IPC, this could then be a tool to integrate protection data into the analysis for the IPC.

Anticipatory Action: The tools for anticipatory action had the most comprehensive capacity for analysis of the issue of exclusion because they were designed with an open question on clan affiliation. The result was significant reporting of clan identity below the clan family level. The findings indicate that issues of exclusion from assistance exist at an intra-clan family level. While issues of exclusion reported by the Bimaal are likely related to their geographic isolation, AA also indicated potential intra-clan exclusion. This may be attributable to the high level of relevance and allegiance of the mag or diya-paying groups to individuals, whereby exclusion is caused by control over resources and prioritization of the local mag-paying group over populations from the same clan-family but not of the same mag-paying group displaced into an area. While the AA was limited in geographic scope, this raises concern for the need to further assess the frequency of intra-clan exclusion. In regard to the implementation of the HCT COP strategy priority A1, intra-clan exclusion significant complicates identification and analysis of the risk and occurrence of exclusion as well as the responsible actors.

REACH DSA: DSA is similar to the IOM DTM (Multi-sector location assessment). The tool collects data on group-based impediments to accessing services, including women, children, older persons, PWD, and minorities. Access questions include NFI market, water points, latrines, bathing facilities, health services, nutrition services, schools and educational services, food, service provision, feedback mechanisms. A key problem is that it is unclear how minority is being defined. The tool also includes a question on language(s) spoken in the site.

The 2020 round of the DSA indicated high rates of exclusion from humanitarian assistance as well as significant limitation in the provision of service to sites. Of 2344 assessed site 1364 reported no to the following question: "In the past three months have any of the following activities taken place in this site": Provisions of shelter kits, NFI kits, food distribution, construction or rehabilitation of water source, construction or repair of latrines, distribution of hygiene kits, cash distribution, nutrition counselling, MUAC screening, distribution of therapeutic foods or nutritional supplements, awareness campaign advocating proper WASH practices, vaccination campaigns or any other health related campaigns, protection awareness raising, referrals for people with heightened protection needs, or other (note the tool does not obviously differentiate between provider of service i.e. humanitarian, private, govt…). Of the 980 sites reporting to have received at least one form of the above assistance, there were high level of group-based impediments to accessing support: with the following number of sites reporting issues 357 persons with difficulties seeing hearing or moving around, 426 elderly, 292 children, 232 women, and 48 minorities. *Note that there was an option to indicate "none of the above," but this is a limited negative answer and does not allow for other responses such as "do not know" or "declined to answer."*

The critical limitation with the reliability of the DSA, especially in representing minority groups, is the reliance on limited KI. This limitation is noted clearly in the data set:

> As data on IDP settlements was collected by proxy from key informant interviews and not a statistically representative sample of the population of the IDP settlements, there may be potential for bias or inaccurate reporting on IDP settlements by their proxies as key informants are mainly responding based on their own perceptions.

From discussions with REACH, initial KI are identified as the site leader or gatekeeper with additional KI identified through snowball sampling based on recommendations from the initial KI. Although there are multiple KI per site, the snowball sampling technique results in bias towards the perspective of the initial KI. This is particularly problematic for gathering data on minorities or marginalized groups whose perspective may not be represented by the KI. Gatekeepers in particular are problematic sources as they frequently are not members of the site. Through our discussion with REACH, it was agreed to look into ways to increase the representativeness of the KI.

While it is likely that there will continue to be problems of under reporting, particularly on minority access, due to the methodology, it is important that the cluster participate in the analysis. Comparative analysis of the locations where REACH used Maay speaking enumerators will be helpful to better understand the role of language in data collection methodology. Although the majority of Maay speakers are Rahaweyn, there is a substantial Bantu population who also speak Maay. Language data should capture regional dynamics of displacement. More importantly will be any insights on whether the use of a Maay speaking enumerator impacts on the reliability of data collection on language.

REACH JMCNA: The question related to minority groups was whether "Heritage: A member of a minority or marginalized community" was a factor affecting individual or household members ability to access services or products or affecting the "way that people have treated you or your household members in the past year." For affirmative answers respondents were asked to select up to three of the products or services most affected: security, health, education, water, food, cash, work, access to remedies, other (specify). The same question disaggregated responses by heritage, disability, and age with separate answer options for under 30 and over 60. There were very low affirmative response rates with: 83% non-IDP settlement and 78% IDP indicating no, prefer not to answer 5% non-IDP settlement 4% IDP, Heritage (minority or marginalized) 3% NIDP 4%IDP, Disability 1% NIDP 1% IDP, under 30 4% NIDP 6% IDP, and over 60 8% 11%. Respondents were permitted to select multiple variables affecting access.

The question included in the 2020 JMCNA was not what had been initially discussed with MRG, which was specific to minorities, defining them based on the 4.5 formula. Further, the wording of the question "heritage: member of a marginalized or minority community" conflated marginalized and minority. It is not clear how this was interpreted, particularly with understanding marginalized to include a broad set of population groups, i.e. PWD, women, etc. Minority when not clearly defined can also be susceptible to multiple conflicting interpretations by a respondent at the national or local level.

The Protection Cluster should work with REACH on the wording of questions for the 2021 JMCNA to address the above concerns. Although REACH shared feedback from their team in Hargeisa that highlighted the challenges with populations not wanting to self-identify as minority or marginalized due to concerns that this would negatively impact on assistance. It is not necessarily the situation in other geographic areas and may not be the situation at different periods of time. The cluster should also discuss a data sharing agreement with REACH prior to the JCMNA to ensure that the cluster has timely access to the appropriate level of data necessary to inform the HNO and for additional analysis. This may require that the time frame for the JMCNA should be reviewed so that information is available to inform the HNO.

Additional Data Sources:

- IDMC will be collecting data in Beledweyne for a comparative analysis of displaced and host communities, using language as a proxy. This data may be useful; however, note below the limitations of language as a proxy. Data to be available in first quarter of 2021.
- IOM LORI: the Protection Cluster provided inputs into the tool which includes questions on access to services and whether specific population groups face any impediments. Data to be available in first quarter of 2021.
- The Protection Cluster met with UNFPA in which UNFPA raised their intentions to carry out a census. The cluster should consider the value of including minority, ethnic, or clan data in the demographic data.
- The cluster should also discuss with the World Bank incorporation of indicators on access barriers for minority populations in their data collection tools, such as the high frequency surveys.
- REACH Hard to Reach Assessments: based on discussions it may be possible for the cluster to get settlement-based data, this could be useful for triangulation with SPMS.

Proxy Indicators Use and Reliability:

Given real and perceived protection concerns and sensitivities around collection of ethnic group or clan affiliation, some studies rely on the use of proxy indicators to identify minority groups; however, proxies for have significant limitations. Proxies include language, area of origin (not pre-displacement are of origin), and to a lesser extent occupational group. From a review of community and household level data sets, proxies seem to be more reliable at the community level than at the household or individual level.

Significant limitations unique to each of the proxy indicators are detailed below:

Language spoken:

- At the Site Level: From the DSA data 16 sties of 48 (one third) with minority access issues (the most concrete indicator on minority presence) reported that "Standard/Northern Somali" was the only language used in the site. Of all sites identifying minorities in any of the multiple indicators, 60% of sites reported that languages other than "Standard/Northern Somali" were spoken at the site at the site level. It is important to note that not all non-standard Somali languages are minority languages. Maay which is widely spoken by persons from southern Somali is Rahaweyn.
- At the household level: from the PRM data 9% of respondents answering that coastal Somali (Benadiri) was the primary language spoken in their family also identified as Benadiri; however, only 42% of respondents identifying as Benadiri also identified Benadiri as their language. Levels of accuracy in predicting the clan of the respondent were higher for Mushunguli at 100% and Kibanjuni at 80% overlap with respective clan identities of respondents. However, the number of respondents was very limited and only 30% of respondents identifying as Banjuni also responded that they spoke Kibanjuni, the overlap between Mushunguli and respondents identifying as Bantu was predictably lower (with Bantu broader range of spoken languages) at 6%. Of the 58 respondents identifying as Bantu the breakdown is as follows of responses primary language: Benadiri 10, Maay 18, Maxatiri 24, Mushunguli 4, and Northern Somali 2.
- Language as a proxy had the highest accuracy with Rahaweyn and Darood.
- One partner suggested that they had higher level of reliability for language as a proxy when using staff or interpreters who spoke minority languages. As part of the updated methodology for the DSA Maay speaking enumerators will be used in selected sites. Once the data is available it should be reviewed to determine whether for Maay this improved the reliability of the data.

<u>Area of Origin:</u>

- Multiple and protracted displacement complicates the accuracy of area of origin as a proxy indicator. There is also no agreement on ancestral areas with multiple scholars producing maps of rough geographic areas (See Annex I). If used as a proxy, area of origin needs to be clearly defined to be area of ancestral origin rather than pre-displacement residence. However, while this may improve on its reliability, it is not fail safe as PRM data shows for example: 13% Bantu identified Mogadishu "ancestral" whereas no Bantu identified Gosha as an area of origin.

<u>Occupational Group or Livelihood:</u>

- Economic decline and limited livelihood opportunities resulted in members of majority clan engaging in some of traditional occupations of minorities, such as iron working. This limits the extent to which minorities traditionally defined by their occupational groups can be identified through questions on livelihoods. However, livelihood remains to a larger degree an important distinction between pastoralist and agriculture groups.
- It needs to be further researched to determine whether a composite indicator of language, area of origin, and livelihood may increase their reliability.

The lack of reliability of proxy indicators creates serious concerns as to whether reliance on proxies contributes to misinformation about the presence of minorities or specific clan or ethnic groups. For identifying risks and occurrences of exclusion, proxies are likely insufficiently reliable.

<u>What Data is Necessary:</u>

Data indicates that exclusion from assistance is a significant problem. While minorities have a risk for exclusion, data indicates that intra-clan occurrences are also occurring. Data on clan affiliation, in particular, is limited but indicates the importance in considering the level in data collection to identify those most at risk of exclusion. The limited data that is available with clan and sub-clan family affiliation is informative. As noted above AA has documented intra-clan occurrences of exclusion. Additionally, grouping minorities may be problematic to identify differences among groups, for example:

- Of refugee returnees in IDP sites identifying as members of clans grouped under .5 of the 4.5 formula, 32% had a person with specific needs in their household, compared to 17% of those identifying as members of the 4 majority clans. When data is further filtered to isolate those identifying Somali Bantu from the .5, then the percentage of households with a PSN increases to 47% (PRM 2020).

While this data is based on small sample size and is not representative, the example highlights the potential for a broad range of situational differences within the subsets of population groups that impact on their vulnerability and coping mechanisms. Such differences suggest that unless data is collected at the appropriate level, then data may serve to hide or obscure the severity of the situation of the most vulnerable sub-sets and hinder the development of effective, targeted remedies and solutions. Moving forward there needs to be discussion on what data collection to prioritize. To identify the risks and occurrences of exclusion to support the HCT COP Strategy, consideration should be made to assess marginalization as a result of clan affiliation generally, including analysis of the risk and occurrence of exclusion within clan families. Although analysis at the sub-clan family level may be most relevant for identifying concerns, there are few partners who are collecting such data.

Key Outstanding Issues and Recommendations

- Concerns over the exclusion of minorities from accessing humanitarian aid in Somalia have been raised for nearly 20 years. Partners in the round table discussion on the inclusion of minority groups noted that for over 10 years there have been meetings on the issue, but little demonstration of a sustained commitment to addressing the problem. It is commendable that the HCT has prioritized the issue for the Centrality of Protection strategy but given the complexity and gravity of the issue it is important that the implementation of the strategy is not a check box activity and that there is concerted effort over time to address complex issues. Effectively addressing the issue would benefit from having a dedicated longer-term focal point, similarly to OCHA's PWD focal point. Through a concerted effort it is clear that progress can be made - data from the inclusion questionnaire demonstrates the extent to which PWD are considered in programming. To effectively identify and address issues of the exclusion of minorities a similar level of dedication and commitment is necessary. Clannism is a root cause of the conflict and increases the vulnerability of affected populations. Taking steps to mitigate any potential that the humanitarian response is exacerbating the issue is necessary for conflict sensitive programming.

- Partners highlighted that the issue of exclusion of minorities is not just a protection issue but needs to be addressed by all clusters. This is fundamental to the Centrality of Protection Strategy. A focal point could strengthen cross-cluster awareness of cluster specific occurrences of exclusion, support the development of mitigation measures, and develop and initiate monitoring mechanisms. A focal point could also contribute to better understanding of the intersectionalities between marginalized groups in Somalia. The occurrence of exclusion and unequitable access to services is not just a humanitarian issue but impacts on durable solutions and development programming. Inclusion should be addressed as a cross-cutting issue that needs broader coordination and partnership across the humanitarian development nexus.

- While there is interest among partners to know what the issues are, further work is needed to get commitments to collect data to establish the necessary evidence base for monitoring. Based on consultations and inputs into tools during my deployment, I am optimistic that 2021 will have better data on exclusion among minority groups. A coordinated approach to data collection should be pursued to improve system wide data collection and information sharing and collective analysis should be strengthened, supporting the HCT COP way of working. It is critical that protection is involved in analysis.

- Further effort is needed to advocate with the Government and bring them in as a key partner. There was not sufficient time for me to move forward on engagement with the Government. This engagement is critical as some partners have highlighted concerns regarding getting approval from the Government to gather information on marginalized communities and clan affiliation. Additionally, at the field level local authorities have reportedly urged partners to implement in specific areas based on clan affiliation. This is a particularly serious concern for individual organizations or agencies with limited leverage.

- The Protection Cluster should explore the potential for the new National Officer to take a leading role in engaging with partners, with a particular focus on local NGOs and minority led organizations. This could include identifying the capacity building needs of minority led organizations—this should not be limited to the Protection Cluster partners but look at partners across clusters, to ensure collective progress towards the implementation of the HCT COP.

- In consultations with partners, a few suggested establishing a working group on inclusion. Local ownership of the way forward is important, and there are Somali partners interested in discussing these issues and finding ways to address them.

- Generally training and capacity building is necessary for partners to strengthen their knowledge and skills to identify and analyze the needs of marginalized groups taking into account the variability and intersectionality of marginalization.

- The ISG should consider establishing a repository to provide institutional memory through the documentation and archiving steps of that have been taken to address exclusion of marginalized

communities. This should include a historical review to identify previous responses since OCHA first raised the issue in 2002.

Annex II

Annotated Bibliography of Selected Texts on Minorities and Clans

Report of the Special Rapporteur on Minority Issues, 15 July 2019, available at:

https://ap.ohchr.org/documents/E/GA/report/A_74_160.pdf

Raises the issue that there is no internationally recognized definition of minority and recognizes that "[t[he absence of consistency in understanding who is a minority is a recurring stumbling block to the full and effective realization of the rights of minorities." The Special Rapporteur on Minority Issues issued the report in 2019 with the intent to clarify the concept of minority according to international law. Human Right Committee Jurisprudence on ICCPR art. 27 produced by 1994 the following criteria in its general comment of who it considered to be a member of a linguistic, religious or ethnic minority:

> (a) The criteria are objective, factually based and not dependent on State recognition;
> (b) There is no subjective restriction, either in terms of desire to maintain one's identity or of being non-dominant in any particular area;
> (c) All persons belonging to an ethnic, religious or linguistic minority in a given State are included, regardless of their legal status or length of association with a State. Citizenship or temporal association with the state need not be demonstrated;
> (d) Individuals are the holders of rights under article 27, even if the interests that are involved may be collective;
> (e) The existence of an ethnic, religious or linguistic minority is not determined by a State or dependent on some form of recognition. It is established by objective criteria.
> (f) The "territory" to consider in determining whether or not a group is a linguistic, religious or ethnic minority is the entire State, and not one of its subunits;
> (g) One of the objective criteria, if not the main one, for determining whether a group is a minority in a State is a numerical one. A minority in the territory of a State means it is not the majority.

In recognition of the ICCPR and jurisprudence the Special Rapporteur promotes the following concept of a minority:

> An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.

This definition is intentionally expansive, and the criteria are objective and not dependent on State recognition. The Special Rapporteur noted that previous uncertainty over the concept frequently resulted in restrictive ad hoc approaches. The 2019 concept of "minority" diverges from previous concepts that contained a criterion that minorities be in a position of non-dominance and have a level of self-identification. The intent of the Special Rapporteur's definition and the need for an expansive conceptualization of minority internationally, aligned with ICCPR Art. 27 and Human Rights Committee jurisprudence.

"A study on minorities in Somalia," OCHA, Aug 2002: Available at:
https://reliefweb.int/report/somalia/study-minorities-somalia

2002 OCHA report on minority access to services, with brief overview of demographics. Estimates minority groups collectively to constitute approximately 30 percent of the population. Notes economic disparities due to remittances and the disproportion of refugees from major clans resettled to western countries in

the 90s. Notes lack of government sharing of information on minority groups, particularly related to health. Includes description of key minority groups and has a useful table of the key minorities, locations, occupations, and affiliations with majority clans in the annex. The following recommendations were detailed:

> 1. Strengthen relationships between aid agencies and minorities: Decrease communication gap between aid agencies and minorities, consider the situation and needs of minority groups during aid operation planning, increase the capacity of minority organisations to effectively represent minority concerns in both national and international forums.
> 2. Combat discrimination against minority groups: Conduct minority rights advocacy programme through civil society including elders and media.

Abbink, Jan, "The Total Somali Clan Genealogy," ASC Working Paper 84, 2009 (Second Edition), available at: https://scholarlypublications.universiteitleiden.nl/access/item%3A2916958/view

The document has genealogical charts of major clans detailing sub-clan family levels. These levels of descent are clan-families, clan moieties or territorial divisions, clans, subclans, lineages, and sublineages. The charts also include groups "outside" of traditional clan lineage, including the Bantu. Though it should be noted that clan structure is an evolving process. On page 41 clan links to different political actors are noted. In describing the evolution of clan, Abbink writes:

> [T]he actual lines of the genealogy have thus been determined in the course of history by alliances formed in the process of harsh socio-economic life in conditions of nomadic pastoralism and other politico-economic considerations. However, in the context of the post-Siyad Barre civil war and warlord group violence in Somalia, a select number of these 'clan-identities' have tended to become fairly rigid. The Siyad Barre regime was also notorious - under the facade of a non-clan ideology - for systematically politicizing and playing out the presumed clan identities and differences (especially after 1978, the year of the lost war against Ethiopia, and intensifying after 1988 when the North revolted.

Gundel, Joakim, "Clans in Somalia," ACCORD, December 2009, available at: https://www.refworld.org/docid/4b29f5e82.html

Explains the clan structure, customary law (xeer), and provides a brief overview of the clans and minority groups. Describes the structure clan family, clan, mag-paying as well as notes that these can be further divided and reconstructed pointing to the social construction particularly at the mag-paying level, though also noting that lineage claims over 20 are often inaccurate/fabricated. Argues that the stress on the mag-paying group is due to the high level of mortality due to conflict and depletion of resources as a result of conflict and natural disaster. Discuss the role of elders in decision making and overseeing xeer. Argues that the xeer, as a collective form of justice seeking, absolves individuals of their accountability. Explains the dynamic evolution of clans that results from population growth as follows:

> The tendency to split starts when too many quarrels occur, while the moment a split actually takes place is when the group is capable of dividing into two groups who are each able to pay 100 camels. In this natural evolution of the clan system, genealogical reference points of clan groups (i.e. the names being used) change over time, as, following a political split, the old reference point disappears and the new groups subsequently each refer to a new one. However, in political terms these groups use the same system, i.e. in order to demonstrate that "we are together as a big family, we are strong, we are a bloc"

Discusses dynamics of minority—may be majority in area though without larger access to state protection or resources. The Sab always are in small pockets. Majority clan members too when in area of non-dominance. Notes the patron clan system whereby in general nomadic clans have sought to assimilate minority clans; however, Bantu seen as too different for patronage.

"Neither Inevitable nor Accidental: The impact of marginalization in Somalia (The United Nations Impact Project on Somalia)," War and Peace in Somalia: National Grievances, Local Conflict and Al-Shabaab, Oxford UP, 2019, available at:
https://www.google.com/books/edition/War_and_Peace_in_Somalia/UxmEDwAAQBAJ?hl=en&gbpv=1&dq=%22Neither+Inevitable+nor+Accidental%22&pg=PT46&printsec=frontcover

Argues that while humanitarian, recovery and reconciliation assistance alleviates immediate suffering, in failing to take into account the political economy it has reinforced (reified) patterns of marginalization. Population demographic of persons affected by famine suggest that marginalized communities are most often the most affected, more susceptible to diversion or looting of assistance through review of droughts/famine: 1990-91, 2011-12, and 2016-17. Gatekeepers essentially function to control populations and aid provided through gatekeepers reduces marginalized communities to "owned objects of other citizens" often political elite. Assessments do not look at the structural causes of vulnerability, issues of inequality, discrimination, exclusion. Marginalized group must have full rights to accountability

Recommendations:

- Require that humanitarian assessments require protection risk and political economy analysis: "Include analysis of political power, access and control of resources, and minority or majority status issues, but also an analysis of marginalisation, exclusion, horizontal inequalities and group-based abuse… for instance, include looking at how issues such as land access and control have caused many groups to migrate away from their homes to become IDPs"

- Create a systematic source of in-depth analysis. Strengthen disaggregated data collection and analysis to understand who are the people behind the statistics and what issues of protection, land and power are at play. This should be used to inform the assistance and protection response, understand root causes and provide political oversight.

- "Desist from the established practice in which humanitarian or recovery action goes ahead without adequate attention to the political economy and protection issues outlined here. To contribute to long-term reconciliation, rights and prosperity, the UN needs to identify positive ways to act on issues of marginalisation and exclusion and translate this into the UN's core activities. This requires different parts of the UN system to work together to bring about coherence in intervention. In this regard, the Global Protection Cluster offers guidance that should be followed."

"Voices Unheard: Participation of Internally Displaced Persons in Peace and State Building Processes in Somalia," OHCHR/ UNSOM HRPG, Sept 2019, available at:
https://www.ohchr.org/Documents/Countries/SO/UNSOM_voices_unheard_2019.pdf

Analysis of the findings from an assessment of across Somalia, of the 832 interviews 657 were IDPs and the balance were government officials, civil society members, women groups, youth activists and politicians. Approximately half of the respondents elected not to disclose their clan affiliation, of these over half were in Somaliland. Though there were differences in responses correlated to sex, location, displacement status and other variables, findings indicate a lack of participation of IDPs in state building, lack of representation, limited or no opportunities to participated in decision making, and fear to exercise rights to peaceful assembly or to form associations. Suggests a disconnect between IDPs and authorities from the camp level and higher. Argues that "Their exclusion and marginalization also led to a fear to speak up, let alone to express criticism, with individual IDPs more reliant on traditional, clan-based channels of communications." Highlights the specific concerns of women and representation with significant limitations to participation due to household obligations.

Nisar Majid, Khalif Abdirahman and Shamsa Hassan, "Remittances and Vulnerability in Somalia," Rift Valley Institute Briefing Paper, September 2018, available at:
http://riftvalley.net/publication/remittances-and-vulnerability-somalia

Details the discrepancies in the average levels of remittances between regions, with northern regions receiving significantly more than the south—"where there is a larger rural population, and where structurally marginalized and ethnic- minority populations are more numerous." Posits that the reason behind the different rates of remittances are correlated to the temporal dimensions of migration and early refugee flows from the north and associated resettlement. Notes the impact of regional inequality in the dynamics of pervious famine. But recognizes the limited available data on remittances. Also, discusses access to credit, noting different factors but highlighting the role of clan relationship.

"No Redress: Somalia's Forgotten Minorities," Minority Rights Group, 2010, available at:
http://www.minorityrights.org/?lid=10370

Details the impact of clan structure on minority rights, including exclusion economic and social opportunities, inequality for political representation under the 4.5 formula (allocation of political seats to the Darod, Hawiye, Dir and Rahaweyn equally and a half seat collectively to other groups), and limited access to justice. Minorities are identified as the Bantu, Benadiri, and occupational groups and religious minorities (Ashraf, Shelkal, Christians). Notes the change of occupation with the conflict impacting on the economy and majority clans taking over some of the tradition occupation based work of minority clans. Discusses the prevention of intermarriage between some minorities and majority clans. Notes the multiple forms of discrimination that minority women face. Provides background of abuses across regions. Highlights the problems with gatekeepers predominantly coming from majority clans.

From page 27 there is a review of relevant international and regional instruments: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the African Charter on Human and Peoples'Rights, all of which are legally binding on Somalia.

McCoulough, Aoife and Muhyadin Saed, "Gatekeepers, Elders and Accountability in Somalia," ODI, December 2017, available at: https://www.odi.org/sites/odi.org.uk/files/resource-documents/11938.pdf

Outlines the role of elders in the colonial and post-colonial eras, from British and Italian more formalized relations with elders, to the Barre era of non-clan based but de facto clan favoritism, to the civil war importance with elders as the main form of governance, to the 1990s-2000 NGOs predominantly working through elders—progressive increase to their legitimacy. Variance in the selection criteria and process across the country, but women are excluded both from being identified as elders and in the selection process. The increased role and dominance of elders excludes women and youth. Women can only access elders through a male, reliance on husband and sons. Exclusive selection limits downward accountability and there are limited mechanisms to sanction/remove poorly performing elders. Suggests "working with elders from minority clans could mitigate some exclusion at the clan level but if those elders are self-inaugurated projects risk supporting increasing exclusion at the community level."

In older camps gatekeepers may be elected, but in newer, less formalized sites gatekeepers are often landowners or speculators. Limited accountability downward, but there is often accountability to the host community. IDPs from the same clan as the host community can complain to elders regarding gatekeepers. Gatekeepers "as an institution" are less based in tradition allowing potential for more inclusive representation of women and youth, estimated 30-40%of gatekeepers in Mogadishu are women. Details Tana Project to improve accountability of gatekeepers.

Besteman, Catherine, Unravelling Somalia: Race, Violence and the Legacy of Slavery, University of Pennsylvania Press, 1999.

Detailed ethnography of the Bantu community in the Gosha region. Provides historic background of the Bantu and their relationship with geographic area and pastoral populations, in the construction and reconstruction of complex identities. Argues that actual patters of the violence that disproportionality affect largely Bantu populations in the rural, southern areas of the civil war do not support the narrative of clan conflict as the primary cause of the dissolution of the state.

Osman, Abdulahi, "Cultural Diversity and the Somali Conflict: Myth or Reality?" ACCORD, 2007, available at: https://www.accord.org.za/ajcr-issues/cultural-diversity-and-the-somali-conflict/

Provides a historical analysis of the rise to prominence of majority clans through colonial and post-colonial policy. Argues that the conflict in Somalia is not a result of diversity, but rather largely attributable to social inequality due to economic decline and corruption as well as the widespread availability of weapons. Notes the significant military aid resulted in a dominant military and proliferation of small arms, during the Cold War and then subsequently from Arab States. Under Bare there was increased politicization of the military. Large scale sale of arms by military forces increased private small arms. Argues that poorly administered foreign aid allowed for misappropriation of funds and corruption.

Stremlau, Nicole, "Governance Without Government in the Somali Territories," Journal of International Affairs, 9 Jan 2019, available at: https://jia.sipa.columbia.edu/governance-without-government-somali-territories

Highlights the regime of Barre on the fragmentation of clans, favoritism for agropastoral, and use of divide an concur tactics that gave rise to intensification of clan inter-fighting. Provides an overview of different structures of varying degrees of governance and security in Somalia. Suggests that no centralized government is not a failed state but rather may be a viable option for Somalia.

Ali, Mohamed Fuad, "The Somali Clan System: A road map to political stability in Somalia," THE SOMALI CLAN SYSTEM: A ROAD MAP TO POLITICAL STABILITY IN SOMALIA," Graduate Council of Texas State University, May 2016.

Attributes state failure to federal system's incompatibility with clannism. Argues that the clan should be afforded more power through decentralized confederate and clan based governance. Does not address the lack of representation and marginalization of women in the clan structure, recognize the presence of minorities in Somalia or address their challenges in lack of representation, discrimination by traditional forms of governance. Largely reliant on Lewis to establish primordial clan structure, notes kinship and social ties. Highlights the importance of inter-marriage to establish "uterine ties" to kinship lineages.

Brief overview of the colonial and Barre eras contribution to the current state of affairs. Notably the lack of education opportunities and limited capacity development during the colonial era resulted in the incapacity of post-colonial Somalia—political fragmentation. Highlights the difference between the British and Italian colonial governance strategies. Notes that post-independence challenges in reconciling the disparities between north and south. Highlights problems with zero-sum political structures compounded by corruption and geographical location of the capital in Mogadishu problematic for clan representation, participation and buy-in to central government.