

Position Paper

Defining a Common Definition of Vulnerability: Marginalized and Minority Groups

Protection Cluster

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Context

The HCT Centrality of Protection (COP) Strategy retained for the 2020-2021 strategy priority A1:

“Enhancing ways to identify and address differential forms of exclusion, including those based on societal discrimination, power structures, vulnerability, age, and gender...”

There is need for an evidence base on the occurrence of exclusion and data is fundamental for understanding, identifying and addressing risks and occurrences of exclusion. To capture data on exclusion due to societal discrimination and power structures, in 2020, tools used a variety of terms, including marginalized communities, heritage: a member of a minority or marginalized community, marginalized groups, minority/ies, minority clan, clan affiliation, ethnicity. Additionally, the 2021 HRP required partners to assess the risk of exclusion for marginalized groups. These are positive developments in recognizing the need to strengthen the understanding of the impact of societal discrimination on equitable need-based access to humanitarian assistance.

This position paper intends to discuss some of the key challenges in the implementation of the HCT Centrality of Protection strategy related to poorly defined vulnerability or targeting criteria and address the need for a common definition of vulnerability in the Somalia context, which contextualizes the different needs of marginalized communities, with an age, gender and diversity lens. This position paper clarifies the definition of minority groups and other key terminology for the Somalia response and make recommendations on usage of terms aligned with international norms. Common terminology is necessary for improved data collection to inform analysis of their vulnerabilities, capacities, and risk of exclusion from humanitarian assistance.

Challenges

Without common definitions the interpretation of terminology is decided by the organization, or when poorly defined by the respondent. As a result, a common term can have a multiplicity of interpretations. “Minority” in particular, in Somalia is conceptualized by partners as both numerical and/or related to subjugation at the national and/or local level. Consequently, while the same term is used, the meaning differs significantly leading to inconsistencies and contradictions (sometimes within the same data set) and compromises the potential for a common understanding, making triangulation or collective analysis not possible or at worst faulty, with analysis based on inconsistent definitions.

Due to real and perceived sensitivities around collecting data and reporting on minorities, the term “marginalized groups” is used as an umbrella term. However, minorities and marginalized groups are not interchangeable. Further, from a recent questionnaire administered by the Protection Cluster to HRP partners it is clear that “marginalized groups,” as an umbrella term, is not sufficiently taking into consideration groups marginalized as a result of ethnicity or clan affiliation. Of 105 HRP 2021 partners who provided inputs only 40 percent considered ethnicity or clan affiliation when assessing marginalization. Ambiguous data does more harm than good, by occluding issues of exclusion as a result of ethnicity or clan affiliation. Given the significant role that social structures have in access to community resources, community-based protection as well as humanitarian services, to meet the strategic priority humanitarians need to systematically include the analysis of social dynamics that create marginalized groups. Common

terminology is also necessary for the development of a system to monitor compliance with the HCT COP Strategy Priority A1.

International Standards

There is no internationally recognized definition of minority. However, recognizing 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 a report in 2019 with the intent to clarify the concept of minority according to international law. 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.

From the Special Rapporteur’s conceptualization, it is clear that minority is defined by the population at the State level and not sub-localities. The challenge for the relevance of this definition in Somalia is the absence of demographic data. However, the operational needs of the humanitarian response in Somalia require terminology that can inform on specific forms of exclusion faced by groups experiencing societal discrimination. It is important to note that assessments also indicate that members of the dominant clans can find themselves in minority-like situations when displaced.

There is no international definition for marginalized groups.

Recommendations on Common Definitions

Although the Somali context is complicated, it is important that use of terminology is consistent and aligned with international norms. This will further enable advocacy at an international level. The definition should also allow for common operational interpretation and be based on objective criteria to the greatest extent possible.

Minority Groups:

Minority groups should be defined by the best population estimates at the national level. Due to the lack of demographic data for Somali ethnic groups and clans, the 4.5 system, which allocates full political representation to the Darood, Hawiye, Dir, and Rahaweyn and a half seat collectively to other groups, can be used as a criteria in the determination of minority groups in Somalia. This does not constitute an endorsement of the system, but rather is a pragmatic way to address the immediate need to clearly define minority groups, address the lack of demographic data and recognize the impact of the formula in limiting the equal political representation of groups considered among the .5. The use of the 4.5 formula in determining minority groups should be reviewed with any changes to the governance structure or in the event that reliable demographic data becomes available.

Ethnic minorities in Somalia include the Bantu, Benadiri, Asharaf and Bravanese. The Ashraf and Shekal are religious minorities, as well as first- and second-generation converts to Christianity. These groups fall under the .5 in addition to occupational caste groups: Gaboye, Tumul, and Yibir.

It is important to note that minorities are not homogenous and there is evidence of significant disparity in the vulnerability and capacity among minority groups.

Minority-like Groups:

Groups of people who are not minorities but due to displacement are in a situation where at the sub-national level they experience a minority-like situation whereby numerically their population constitutes less than half of the local population. While the effect may be similar on the ability to access humanitarian assistance as well as community-based assistance and protection, the experience of these groups differs from minorities because they do not have the same level of historic and systematic exclusion experienced by minorities. Risk and occurrence of exclusion from humanitarian assistance can include occurrences within clan families at the diya and mag-paying level.

Marginalized Groups:

Marginalized groups are groups of individuals that experience inequality or barriers to accessing rights, opportunities, protection, and services fundamental to participation in social, economic, and political life on an equal level with other members of society. Marginalization may be due to location, identity, or based on needs. Marginalization may develop as a result of current conditions, such as internal displacement, age, or ability, or be the result of historic processes, such as the 4.5 formula for political representation. Marginalized groups have limited access to social and community-based services and protection and have a greater risk of being left behind across all sectors.

Marginalized groups offer a more expansive way to analyze the social dynamics and power structures at the local level that impact on equitable access to humanitarian assistance. Marginalized groups are not homogenous in vulnerability or need and face different levels of protection risks and occurrence of exclusion. At the individual and household level there may also exist an intersectionality of group-based marginalization, for example minority women. It is important that data is able to take into account these differences and variabilities. Marginalized groups serve as an umbrella term and the use of marginalized groups needs to take into consideration all affected population groups. There should be a commitment by partners using “marginalized groups” to ensure that all affected populations are considered. To identify and address issues of exclusion “marginalized groups” may be too broad to be operationally useful because of its inclusivity. A proposed solution would be to specify affected groups in reporting of occurrences of exclusion, such as women, minorities.

While common definitions of key terminology will help address some of the challenges related to developing an evidence base on risk and occurrence of exclusion, the reliability of data is also impacted by controllable and uncontrollable variables. Variances in methodology will lead to different levels of reliability. Some of these can be mitigated through recommendations detailed in the Protection Cluster Guidance Note on Data Collection for Minority and Marginalized Groups. Other variables that impact on a subject’s willingness to disclose information on minority or marginalized groups include fears of retaliation, security in the area, as well as geographic and temporal variance. While these may be to some extent be mitigated, it is important for transparency in reporting that how these variables may have impacted on the reliability of the data is noted.