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### SOM103891.E

Somalia: Puntland, including government structure, security, and access for internally displaced persons (IDPs) from Somalia

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Puntland, located in the northeast of Somalia, declared itself an autonomous regional territory in 1998, but officially remains a part of Somalia (MRG 2010, 17; SFS 2011, 1).

#### Government and administration

The Puntland government is led by a president who is elected by a 66-member parliament (International Crisis Group 12 Aug. 2009, 8; BBC 11 July 2011). Members of Parliament are in turn selected by traditional clan elders (International Crisis Group 12 Aug. 2009, 8; US 8 Apr. 2011, Sec. 3), who are intended to act on behalf of the people (*ibid.*). The political system does not allow political parties (MRG 2010, 19; International Crisis Group 12 Aug. 2009, 8), although the government is reportedly preparing to transition to a multi-party system (*Garowe Online* 21 July 2011; UN 29 Aug. 2011, para. 62).

A report based on a lecture given by Joakim Gundel, a political analyst specializing in Somali studies, states that Puntland is "very much a clan-based administration, primarily based on the Majerteen clan" (ACCORD Dec. 2009, 5). The International Crisis Group noted in 2009, however, that the "intra-clan cohesion and pan-Darood [also spelled as Darod] solidarity" that facilitated the creation of Puntland in 1998 and allowed for relative stability in the region, had dissolved, leading to an increase in political tension and insecurity (12 Aug. 2009, Sec.1). Nevertheless, the Somali Family Services (SFS), an organization supporting civil society, youth, women and other marginalized groups (n.d.), reports that Puntland's relative peace and stability has allowed for the development of basic political and administrative institutions as well as basic social and educational services (2011, 1).

In January 2011, the Government of Puntland reportedly broke from the Transitional Federal Government (TFG) of Somalia, stating that it would no longer cooperate with the TFG until a legitimate and representative federal authority was established in the country (AFP 16 Jan. 2011; Al Jazeera 18 Jan. 2011).

#### Security situation and human rights

According to a stakeholder submission to the United Nations (UN) Human Rights Council, although the constitution of Puntland provides for the protection of human rights regardless of sex, religion, or clan, Puntland does not yet have the capacity to establish punitive and protective laws and policies (SFS 2011, Sec.1). A second stakeholder submission stated, in October 2010, that freedom of expression and press freedom had been declining, particularly since the enactment of an anti-terrorism law in July 2010 (Somali-Speaking Centre of P.E.N. International Oct. 2010, 3). Several sources have reported that journalists and senior staff within media organizations are being harassed through detention without charge (ibid.; Human Rights Watch 2011), arbitrary arrest (UN 29 Aug. 2011, para. 60; US 8 Apr. 2011, Sec. 1d), killings (RSF 23 Sept. 2011; US 8 Apr. 2011, Sec. 2.a), kidnappings, and other assaults (ibid.).

The UN independent expert on the situation of human rights in Somalia reports that although Puntland remains relatively secure, there have been "waves of violence and assassinations" targeting businessmen, elders, religious leaders, judicial officials, and law enforcement officials (UN 29 Aug. 2011, para. 53). Some of this violence is attributed to clan-related conflict or to the Atam militia, which is alleged to have close ties to Al-Shabaab (ibid.). The United States (US) Department of State has also documented political killings in Puntland committed by Al-Shabaab and other extremist militant groups in 2010 (US 8 Apr. 2011, Sec. 1.a).

Sources report that pirates continue to hijack ships and capture hostages for ransom off the coast of Puntland (*Somalia Report* 1 June 2011; US 8 Apr. 2011, Sec. 1.g; UN 23 Mar. 2010, 16). Piracy is considered by the Puntland government to be a security threat to Somalia and the surrounding regions (ibid., 15). A Puntland cabinet minister has also allegedly accused members of the Puntland business community of investing in and financing piracy operations (*Somalia Report* 1 June 2011). The UN independent expert on Somalia adds that piracy and the huge influx of income generated by ransom payments is contributing to the disintegration of traditional social structures (UN 23 Mar. 2010, 16).

Female genital mutilation is illegal in Puntland, but the laws prohibiting it are reportedly not enforced (UK July 2010, 29; US 8 Apr. 2011, Sec. 3). The UN High Commissioner for Refugees (UNHCR) states that the practice is "almost universally prevalent" (UN 5 May 2010), while the Somali Family Services reports that 95 percent of young girls and women are subjected to the practice (2011, 3). Laws prohibiting rape are reportedly not enforced, although the US State Department reports some prosecutions of rape cases as taking place in Puntland in 2010 (US 8 Apr. 2011, Sec. 3). Sources state that sexual and gender-based violence is particularly common in camps for internally displaced persons (IDPs) (UN 5 May 2010, 24; UN 23 Sept. 2009), and that law enforcement and the judiciary are unable to adequately address the problem (ibid.).

The regions of Sool and Sanaag, located between Somaliland and Puntland, are contested by the two governments, which has increased insecurity in the region (Human Rights Watch 2011; US 8 Apr. 2011, Sec. 3; UN 5 May 2010, 8). In 2010, a separatist clan militia known as Sool, Sanaag and Cayn emerged, reportedly seeking independence for the region from both Somaliland and Puntland (US 8 Apr. 2011, Sec. 3) and opposing the Somaliland government's presence in the Sool region (*Garowe Online* 15 Sept. 2010). Human Rights Watch reports that clan-based fighting over resources in the region displaced thousands of civilians in June 2010 (2011). According to a Mogadishu-based news service, fighting between Somaliland and Puntland forces broke out in Sool in August

2011 and caused at least three deaths and seven injuries (Shabelle Media Network 10 Aug. 2011).

### **Access to Puntland; treatment of foreigners, including internally displaced persons**

The United Kingdom Border Agency noted in 2010 that the main form of transportation between Somaliland and south-central Somalia is by truck; there are also taxis and 4x4 vehicles travelling between major towns in Somaliland and Puntland (July 2010, 7).

The UNHCR reports that 104,000 IDPs were residing in Puntland at the end of 2009, with large numbers reportedly concentrated in the slum areas of the main towns of Bossaso, Galkacyo and Garoowe (also spelled as Garowe) (UN 5 May 2010, 2, 35). Sources note that the right to enter, return to, or reside in Puntland is limited to those who have ties to the territory through clan membership (UK July 2010, 7; UN 5 May 2010, 9), typically to the Majerteen clan (UK July 2010, 7). Additionally, citizenship is conferred through parentage and clan membership, rather than by birth within the territory (US 8 Apr. 2011, Sec. 3). The UNHCR reports that Puntland authorities have repeatedly deported significant numbers of people not considered to be originally from Puntland (5 May 2010, 35). Sources attribute the suspicion with which IDPs in Puntland are regarded to a general belief that, coming from southern and central Somalia, they are either economic migrants (UN 21 Jan. 2010, para. 46), or Al-Shabaab supporters responsible for insecurity and crime (US 8 Apr. 2011, Sec. 2.d; UN 16 Sept. 2010, para. 45). The US State Department also reports that Puntland officials deported Somalis from south and central Somalia in 2010, allegedly for contributing to insecurity in various cities (8 Apr. 2011, Sec. 2.d). The UN independent expert on Somalia notes that some 900 young IDP men were forcibly deported from Bossaso to the south; the President of Puntland has reportedly stated that the deported IDPs had been trained by Al-Shabaab to infiltrate Puntland to carry out specific activities (16 Sept. 2010, para. 45).

The UNHCR reports that many IDPs in Puntland belong to the Darod clan and have access to some measure of protection under the *xeer* system of customary law (UN 5 May 2010, 35). While *xeer* is also used by clan elders to resolve conflicts, those without access to clan protection or representation are reportedly required to use Puntland's "more formalized judicial system" (US 8 Apr. 2011, Sec. 1.e). However, an Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) publication on Somali clans states that approximately 80 to 90 percent of disputes and criminal cases in Northern Somalia rely on *xeer* for resolution (Dec. 2009, 10). Further, the UNHCR affirms that members of minority clans in Puntland are "essentially without recourse to justice through either formal or informal legal mechanisms" (UN 5 May 2010, 35).

Additionally, sources find that the judicial system lacks independence (ibid.; UN 21 Feb. 2011, para. 34). According to the UNHCR, in the absence of clan protection and support, IDPs belonging to non-majority groups are vulnerable to human rights violations, including "limited access to education and health services, vulnerability to sexual exploitation or rape, forced labour, perpetual threat of eviction, and destruction or confiscation of assets" (ibid. 5 May 2010, 35). The Representative of the UN Secretary-General on the human rights of IDPs finds that, as in Somaliland, IDPs in Puntland may lack adequate or secure shelter and property rights, access to basic services (including health

care, potable water and sanitation), opportunities for education and basic physical security (21 Jan. 2010, para. 49). Additionally, the UN Integrated Regional Information Network (IRIN) reported in 2009 that sexual violence in Galkayo IDP camps had reached "epidemic proportions" and that displaced women faced a constant threat of rape (23 Sept. 2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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