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Insurgent order-making: Militant Islamist rule and kinship-based communities in Somalia's Lower Jubba Province, 2006–2012

Når opprørere etablerer orden: Militant islamiststyre og slektskapsbaserte samfunn i Somalias Lower Jubba-provins, 2006–2012

Michael Weddegjerde Skjelderup

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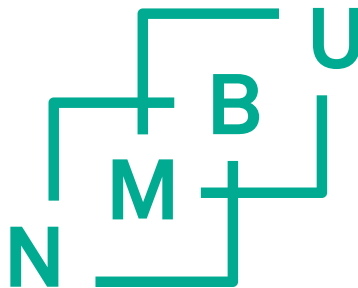
Philosophiae Doctor (PhD) Thesis

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In memory of Shaafi Raabi Kaahin

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Summary

This PhD project is about order-making outside the purview of the central state. It aims to increase our understanding of the complex political and social processes of order-making by Islamist insurgents who serve as *de facto* state authorities and set out to rule territories hosted by kinship-based communities. The main emphasis of this project is to understand how governing institutions are co-produced through the interaction of Islamist rulers and local kinship-based authorities and institutions. The empirical findings related to the political situation in Somalia's Lower Jubba province between 2006 and 2012 acquired through fieldwork and semi-structured interviews in southern Somalia, a largely understudied area, represent without doubt the project's most valuable scientific contribution. This particularly applies to the investigation into how the micro-level processes and mechanisms play out in the local contest, negotiations and cooperation between the new Islamist rulers and the pre-existing clan institutions, spearheaded by the various levels of clan elders. From the moment they conquered the major cities and population centers, the Islamist rulers clearly showed that they were the new masters, and that anyone, including the most powerful clan elders, were subordinate to the new ruling elite of relatively young Islamists. Yet the Islamists soon recognized the important function of the traditional institutions and, rather than fighting them, sought to co-opt and exploit the clan elders to their own benefit, most notably to increase local control and gain access to resources and some level of legitimacy. Although the clan elders' powers were considerably reduced, not least their primary role as sole mediator in legal disputes, they retained some level of authority within their own clan constituencies.

Despite the Islamist rulers' dominant role in everyday affairs and administration, for example their management of legal issues and dispute mediation through the new *qadi* courts, the elders were often heavily involved in the court cases. Sometimes they were even given responsibility to mediate solutions outside of the courts. The clan elders would also be the ones most civilians went to complain about everyday concerns, including acts perpetrated by the Islamist administration. The clan elders were in some cases able to meet and jointly raise community concerns with their Islamist masters, resulting in moderations

or adjustments to the Islamist administration's behavior vis-à-vis the civilian communities. However, the clan elders were treading carefully so as not to be perceived as too oppositional and thereby risk their own lives and those of the members of their own clans. The clan institutions were far too divided along clan and sub-clan groups, without the trust or cohesion between them to mobilize sufficient resistance, non-violent or violent, to substantively transform the nature of insurgent rule. Yet the clan elders remained important for moderating and improving the daily life of the civilian communities under Islamist rule.

The empirical richness of this project's inductive, micro-level case study of Islamist insurgents ruling kinship-based populations makes valuable contributions to area studies of Somalia. It also provides a broader understanding of why and how several Islamist insurgents have succeeded in establishing and maintaining relatively stable and predictable state-like orders in territories dominated by communities largely divided by kinship group loyalties, where state actors and other militant groups have failed. Through exploring and explaining the interaction between and the synthesis of the organization of the ideological, yet pragmatic, Islamist rulers and pre-existing institutions and authority structures, this thesis informs debates within fields such as civil war studies, peace and conflict studies, rebel governance studies and peace-building. Following the micro-level turn in civil war studies and related fields, the project highlights the need for policy makers to have an intimate and deep understanding of local dynamics before acting, if acting at all.

Sammendrag

Dette PhD-prosjektet handler om å etablere orden utenfor rekkevidden av sentralstaten. Prosjektet har som mål å øke forståelsen for de komplekse politiske og sosiale prosessene som finner sted der islamistiske opprørere med de facto statsautoritet søker å etablere orden og styre områder og befolkningsgrupper preget av klantilhørighet. Prosjektets hovedfokus er å forstå hvordan lokale klanbaserte autoriteter og institusjoner interagerer med et islamistisk opprørsstyre. De empiriske funnene knyttet til den politiske situasjonen i Somalias Lower Jubba-provins mellom 2006 og 2012, et svært understudert område, ervervet gjennom feltarbeid og semistrukturerte intervjuer utgjør uten tvil prosjektets viktigste akademiske bidrag. Særlig undersøkelsen av de lokale prosessene og mekanismene som spiller seg ut i de pågående motsetningene, forhandlingene og samarbeidet mellom det nye islamiststyret og de pre-eksisterende klaninstitusjonene, ledet av ulike nivåer av klaneldre. Allerede fra øyeblikket de okkuperte de større byene og befolkningssentrene, viste islamiststyret tydelig hvem som var de nye herskerne, og at alle, inkludert de mest innflytelsesrike klaneldre var underlegne den nye, styrende eliten av relativt unge islamister. Samtidig anerkjente islamistene tidlig de tradisjonelle institusjonenes viktige funksjon og rolle i lokalsamfunnet, og, istedenfor å forsøke å bekjempe dem, søkte de å kooptere og utnytte de klaneldre til sin egen fordel. Spesielt gjennom å øke lokal kontroll, skaffe tilgang til lokale ressurser og etablere en viss grad av legitimitet. Selv om de lokale klaneldres makt ble kraftig redusert, blant annet gjennom å miste mye av sin rolle som primær mekler i juridiske disputter, opprettholdt de en viss grad av autoritet overfor sine klanmedlemmer.

Til tross for islamiststyrets dominerende rolle i hverdagsaffærer og administrative spørsmål, blant annet gjennom egne *qadi*-domstoler, lokale klaneldre var ofte involvert i rettssaker og disputthåndtering. Noen ganger ble de også gitt myndighet av *qadi*en til å fremforhandle lokale løsninger utenfor domstolene. De klaneldre var også de personen de fleste i lokalbefolkningen gikk til for å fremme ulike hverdagsproblemer og bekymringer, inkludert overgrep utført av personer involvert i den islamistiske administrasjonen. De klaneldre lyktes ved enkelte anledninger å møtes, enes om og fremme felles bekymringer til islamiststyret på vegne av lokalbefolkningen, hvorpå administrasjonen modererte eller justerte sin atferd overfor befolkningen. Når det er sagt, de klaneldre balanserte på en hårfin line. Hvis de ble oppfattet av islamistene å være for opposisjonelle, risikere de fort både

eget og øvrige klanmedlemmers liv. De lokale klaninstitusjonene var altfor fragmenterte langs klan- og underklanskillelinjer, med begrenset tillit og samhold på tvers, til å kunne motstå og mobilisere tilstrekkelig motstand, voldelig eller ikke-voldelig, for mer dyptgående å evne å transformere islamistenes styre. Allikevel, de klaneldre forble sentrale i å moderere og forbedre hverdagslivet til mange i sivilbefolkningen under islamistenes styre.

Denne empirisk rike, induktive, lokale studien av islamistiske opprørere som styrer en klan-dominert befolkning gir verdifulle akademiske bidrag til områdestudier av Somalia, samt en bredere forståelse for hvorfor og hvordan islamistiske opprørere har lykkes i å etablere og opprettholde en relativt stabil og forutsigbar statsliknende orden i områder med en befolkning som i stor grad er fragmentert langs klanskillelinjer. Og hvor statsaktører så vel som andre militante grupper har mislykkes i å skape orden. Gjennom å utforske og forklare interaksjonen mellom og syntesen av de ideologiske, men langt på vei pragmatiske, islamistiske opprørsgruppene og pre-eksisterende institusjoner og autoriteter, bidrar prosjektet til å informere debatter innenfor ulike akademiske disipliner som borgerkrigsstudier, fred- og konfliktstudier, 'rebel governance'-studier og studier av fredsbygging. I tråd med øvrig forskning på lokal dynamikk innenfor borgerkrigsstudier og andre beslektede disipliner, understreker prosjektet viktighetene av at beslutningstakere har et nært forhold til og dyptgående kunnskap om lokale forhold før de beslutter og handler. Eller å ikke handle i det hele tatt.

Acknowledgements

1. Introduction

1.1 Aims and justification

This PhD project is about order-making outside the purview of the central state. It aims to increase our understanding of the complex political and social processes of order-making by Islamist insurgents who serve as *de facto* state authorities and set out to rule territories hosted by kinship-based communities. The project focuses on "alternative orders" to formal state institutions by exploring the interactions between Somali militant Islamist groups and the largely kinship-based communities, spearheaded by their traditional clan elders. Through a broad "rebel governance" (Arjona, Nelson, & Mampilly, 2015; Mampilly, 2011) approach, the project investigates the relationships and micro dynamics playing out in the processes of local order-making under the rule of militant Islamists in southern Somalia. The project examines these orders from several perspectives, with emphasis on the influence of micro-level politics, establishment and synthesis of local governance institutions, the role of traditional authorities, and civilian agency and resistance under Islamist insurgent rule.

Existing literature shows that the quality, scope and trajectory of the relationships between militant Islamist insurgents striving to control and rule kinship-based communities vary widely across different theatres (Al Dassouky, 2017; Anderson & McKnight, 2015; Benjaminsen & Ba, 2019; Biddle, Friedman, & Shapiro, 2012; Boukhars, 2013; Collombier, 2017; Dukhan & Hawat, 2015; Giustozzi, 2009; Kilcullen, 2009; Koehler-Derrick, 2011; Ruttig, 2010; Van Bijlert, 2009). Studies of what became known as the "Sunni Awakening" in Iraq in 2006–2007 are illustrative of this, emphasizing how certain Sunni tribes which had by and large cooperated with the local al-Qaeda group later turned and played a vital role in pushing the militant Islamists out of the area (Biddle, Friedman, & Shapiro, 2014; Cigar, 2011; Long, 2008). Nonetheless, several Islamist insurgents have succeeded in establishing surprisingly lasting and relatively stable orders in areas where kinship group structures still play prominent political and social roles, such as in Afghanistan, Syria, Iraq, Yemen, the Sahel and Somalia. However, far from sharing the features of liberal state democracies, several of these political entities display high levels of bureaucratization and provision of law, order and social benefits where contending state and non-state actors have failed (Bergen & Tiedemann, 2013; Brandt, 2017; Hansen, 2013, 2019; Kilcullen, 2015; Lia, 2015; Lorenzo, 2020). A puzzle,

then, is how militant Islamist groups, often described as revolutionary and anti-systemic sociopolitical forces (Lia, 2017, 4), have been able to navigate pre-existing and often divisive forces of kinship group structures. The case of Somalia is well suited to explore this puzzle.

Since the end of the 1980s and the subsequent fall of the dictator Siyad Barre in 1991, south-central Somalia has suffered from lack of effective formal state institutions. Most of the 1990s and 2000s saw continuous struggles between a wide range of political actors largely organized along clan lines (A. B. Abdullahi, 2018; Kapteijns, 2013; Menkhaus, 2004). It was not until the rapid expansion of the Islamic Court Union (ICU) in 2006 that south-central Somalia experienced some level of overarching authority. While the ICU project quickly fell apart when Ethiopian forces intervened in December 2006, a new militant Islamist alliance, increasingly dominated by Harakat al-Shabaab al-Mujahideen, usually only referred to as al-Shabaab ("the youth"), reemerged. And throughout 2008 and 2009 it managed to establish *de facto* state authority in most of the southern and central areas of the country (Hansen, 2013). Why and how has al-Shabaab, in contrast to many of the clan-based militia groups of the 1990s and early 2000s, been able to provide relative social and political order in large parts of its conquered territories? And how does it continue to dominate substantial territories and populations in southern Somalia?

This thesis argues that the Islamist insurgents' success in ruling kinship-based communities and providing relative stability and predictability in south-central Somalia is based on a combination of several related and simultaneous processes. First, through applying a radical interpretation of *shari'a* law and the establishment of legal institutions, the Islamists installed fear, increased control and established initial order. On the other hand, the emerging institutions also fostered increased provision of social benefits and a certain level of predictability for the civilian population. Second, by emphasizing an inclusive approach to clan, they transcended a major sociopolitical divide in Somalia and fostered broad-based recruitment while simultaneously demonstrating a profound sensitivity to when to exploit local clan dynamics to their own benefit. Third, through pragmatism in their engagement with pre-existing local kinship authorities and institutions, the Islamists facilitated cooperation and co-optation instead of extensive resistance. The combination of a revolutionary political vision with portions of violence and fear and a large dose of local pragmatism has turned out to be a successful recipe for the Islamist insurgents and produced a state-like entity never previously achieved in the Somali civil war.

Al-Shabaab is one of the few militant Islamist groups in the world that has managed to rule substantial territories and populations for more than a decade, and continues to do so. Yet systematic, in-depth explorations of al-Shabaab governance and its relationship with its civilian population in south and central Somalia is rather limited (Hansen, 2012, 2013, 2017, 2019; Marchal, 2011). Despite Somalia's long-lasting civil war and substantial interventions by the UN, AU, Western militaries and various government and non-government organizations, it has largely been left in the shadows of theatres such as Afghanistan, Iraq and Syria, which have hosted large-scale Western military interventions and attracted profound international attention from policy makers and academics. South-central Somalia's challenging environment and lack of security have further limited possibilities to conduct on-the ground research. However, with the AU forces' drive to push al-Shabaab out of several major cities in 2012 and 2013, small pockets of relatively stable areas have increased opportunities to conduct qualitative research in areas where al-Shabaab until recently ruled populations. Through interviews with a wide range of people living for years under al-Shabaab rule in Somalia's southernmost province of Lower Jubba, this PhD project brings to the fore unique insights into and perspectives of the micro dynamics of militant Islamist rule and the relationship between the Islamists' "alternative" authority and their civilian population.

When this project was initiated, I aimed to explore, understand and explain a certain empirical case, i.e., dynamics between Islamist insurgents and local authorities in Lower Jubba, through the application of existing theoretical propositions and concepts, not the other way around. Thus, I had no grand plan or clear view of which theories or set of concepts to use, although I did have some initial knowledge about the relatively marginal field of rebel governance. In many respects, this PhD project has been an extensive academic journey where I have been able to explore and grapple with various fields and sub-fields in order to understand my accumulating level of data and information from the ground. While my approach to the empirical case is quite multifaceted, I firmly believe that, through application of concepts and propositions from several sub-fields, my discussions and analysis of the case at hand not only provide meaning and help to understand the empirical case, but also benefit several ongoing theoretical debates.

The empirical findings related to the political situation in Somalia's Lower Jubba province between 2006 and 2012 acquired through fieldwork and semi-structured interviews in southern Somalia represent without doubt the project's most valuable scientific contribution. This particularly applies to the investigation into how the micro-level processes and

mechanisms play out in the local contest, negotiations and cooperation between the new Islamist rulers and the pre-existing clan institutions, spearheaded by the various levels of clan elders. The empirical richness of this project's inductive, micro-level case study of Islamist insurgents ruling kinship-based populations makes valuable contributions to area studies of Somalia. It also provides a broader understanding of why and how several Islamist insurgents have succeeded in establishing and maintaining relatively stable and predictable state-like orders in territories dominated by communities largely divided by kinship group loyalties, where state actors and other militant groups have failed. Through exploring and explaining the interaction between and the synthesis of the organization of the ideological, yet pragmatic, Islamist rulers and pre-existing institutions and authority structures, this thesis informs debates within fields such as civil war studies, peace and conflict studies, rebel governance studies and peace-building.

1.2 Research questions

I pursue the PhD project's objectives by exploring three main research questions:

1. How is order established and maintained by Islamist insurgents in kinship-based communities?
2. What kind of governance system and institutions are co-produced through the interactions of Islamist insurgent rulers and local kinship-based authorities?
3. To what extent can kinship-based communities ruled by Islamist insurgents resist and influence their sovereigns?

The first three articles that make up this thesis explore research question one and two, while the fourth article primarily seeks to throw light on question three.

The first part of the introductory essay presents a brief political history of southern Somalia, followed by a summary of the status of knowledge concerning governance by non-state armed groups, often referred to as "rebel governance" (Arjona, Nelson, et al., 2015), and definitions of key terms and concepts. The second part of the essay constitutes the main theoretical underpinning of the thesis, elaborating on the various discussions about insurgent rulers and militant Islamists introduced in part one. The third part elaborates on the chosen

methods, including challenges and limitations, while the fourth and final part discusses the results of this project's research.

1.3 Historical background

1.3.1 Southern Somalia: state, identities, and social structures

The major processes that have shaped southern Somali society and defined its power dynamic are complex (Bestman, 1999; Menkhaus, 1989). Any analysis and description of southern Somalia's history, like most historical accounts, is reductionist, a matter of perspective, and will be contested. This brief background obviously is not intended to present a comprehensive analysis of Somalia or southern Somali history. Rather, it strives to highlight some historical processes and perspectives that may serve to inform the subsequent discussions. The brief background section will focus on state-building in southern Somalia, the political role of kinship-based institutions and on the emergence of Islamism as a vital political force. However, the analysis will be situated in a wider discussion of the construction of the modern Somali state and the wider political order of the Horn of Africa.

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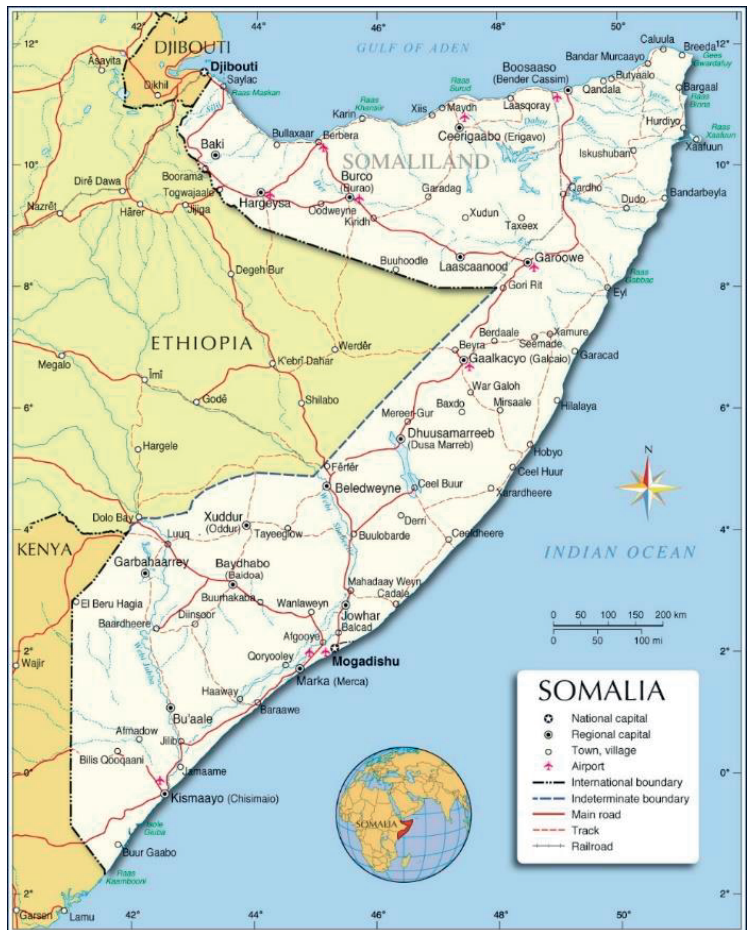
The modern state of Somalia, like most other African countries, is a recent construction, formalized through a union of British Somaliland and the Italian Trust Administration of Somalia in July 1960. The new republic of Somalia hosted only a part of the widespread Somali-speaking population in the Horn of Africa, the rest being dominant in northeastern Kenya, eastern Ethiopia, often referred to as Ogaden, and Djibouti, which at the time of the Republic of Somalia's independence still was under French colonial administration (Lewis, 2002). The current province of Lower Jubba, bordering with Kenya in the south and west, the province of Middle Jubba in the north and with the Indian ocean in the east, is of even more recent origin, being the result of a reorganization of administrative districts in Somalia in 1984 (Law, 1999, 334).

Somalis, occupying both Somalia and Somaliland as well as its neighboring countries, are often viewed as distinctively homogeneous, with a common ethnic identity, language and religion and a largely pastoralist cultural identity (M. D. Abdullahi, 2001, 8-9; Casanelli, 1982, 3). This notion is closely connected to the construct of "Samale", which constitutes the four major clans or clan families, Dir, Isaq, Hawiye and Darod, imagined to have a common ancestor and traditionally associated with pastoralism (Lewis, 1999, 11-12; 2002, 6). However, the heterogeneity of the population of Lower Jubba is well suited to challenge such simplistic views of the "Somali" construct. Already elaborated by Ioan M. Lewis (Lewis, 1994, 135; 2002, 6-7), the anthropologist and founding father of Somali studies, certain minority clans or clan families, e.g., Digil and Rahanweyn, imagined to emanate from the common ancestor "Sab" and to be largely involved in agricultural activities, also constitute an important part of

the Somali community. Additionally, there is a wide range of minority groups which are more or less acknowledged as Somali communities, though many of them are not perceived as ethnically Somali as they lack affiliation with the "Somali" clan families. Some groups, predominantly living in the commercial cities along the coast, such as the Bajuni, the Barawan and Reer Benadiri, are often seen as descendants of previous Arab and Persian traders, while other groups, such as the Jareer or Bantu, are affiliated with the descendants of non-Somali Africans who worked as slaves on Somali plantations in the 19th century. While many of the minority communities speak a variant of Somali and largely follow Somali customs, and only a few of the so-called Bantu communities actually speak Bantu, they are largely perceived as non-Somalis and have occupied the lower end of the social and political hierarchy (Bestman, 1999; Menkhaus, 2010).

Any serious analysis of Somali society and politics cannot escape the concept of "clan" and the segmentary lineage model proposed by Lewis in his pioneering ethnographic work in the 1950s in British Somaliland (1999) and the heated academic debate that followed in the wake of the civil war (Bestman, 1996, 1998; Helander, 1998; Kapteijns, 2011; Laitin, 2014; Lewis, 1998a). A war that was largely portrayed as a "clan war" in mainstream discourse (Bestman, 1996, 120-121). According to Lewis (Lewis, 1999), the basic principles on which the Somali society is founded are, first, patrilineality (*tol*), i.e., common descent through the male line, which structures the whole society in an established system of agnatic kinship relations. An individual's position and social standing thus largely reflects his agnatic kinship connection. The second, and complementary principle is *xeer*, i.e., customary law or, more precisely, contracts between certain subgroups of the clans, termed *diya* or *mag* paying groups. On one side of the debate are Lewis and Helander, who maintain that these principles, especially that of lineage or clan, still largely shape and direct Somali social and political actions, and tend to uphold that the lineage system is inherently oppositional and confrontational and therefore in itself a cause of violence (Helander, 1998; Lewis, 1998a). On the other side, a new generation of scholars criticize this position as "essentialist" and "primordial", pointing out that Somali society transformed profoundly in the course of the Cold War and that "clan" and "clan identity" are social constructs that are dynamic and that change with the context. Admittedly still important, lineage constitutes only one of several defining features of the modern sociopolitical reality in Somalia, complimented and shaped by, for example, the forces of class, urbanization and the establishment of a strong state bureaucracy (Bestman, 1996, 1998, 1999; Kapteijns, 1995, 2011, 2013). According to Kapteijns (2013), the

civil war was not caused by the divisive powers of the clan structures; rather, the conflict shows how kinship loyalties have been widely manipulated, first by the authoritarian Somali regime, then by the urban elites exploiting clan loyalties as an instrument to mobilize the masses to overthrow the incumbent regime. Mohamed H. Gaas (2018) partly agrees with this view but points out that manipulation of clan identities is a bidirectional process. As much as elites manipulate identities, traditional clan elders likewise use their power as representatives of clan groups to influence and manipulate the political elite to champion local clan interests.

While few contemporary scholars support a primordial and essentialist view of clan and lineage as a structuring principle in Somali social and political life, the constructivist and instrumentalist critique of Lewis are again criticized for underplaying the continued importance of clan loyalty and its institutions, both in everyday of Somali life (Laitin, 2014) and in Somali politics (Hoehne & Luling, 2010, 7; Menkhaus, 2010, 88-89). As Menkhaus acknowledges, constructivists are correct to claim that clan identities in Somalia are constructed, imagined and fluid, yet:

> years of political manipulation, warfare, atrocities, ethnic cleansing, and new political configurations (including the consocation system of representation known as the 4.5 formula) have unquestionably mobilized and hardened clan identity to an extent that one cannot conduct a serious analysis of Somali politics at either the national or local level without treating clannism as one of the main drivers of behavior. (Menkhaus, 2010, 89)

1.3.2 Emerging statehood in Somalia: colonialism, independence and dictatorship

Before the presence of European colonial powers were felt in Somalia and the wider Horn of Africa in the late 19th century, Somali-speaking communities were largely decentralized and organized around local institutions based on kinship relations and customary agreements (*xeer*) and, to a lesser extent, on religious institutions. Although the major Somali clan families were primarily pastoralists, they frequently interacted with pockets of agricultural activity found mostly in the south, along the Jubba and Shabelle rivers, which rise in the Ethiopian highlands and provided the peninsula with its only source of year-round surface water. The pastoralist Somalis also developed relations and alliances with Arabic, Persian and other traders who settled in small trading posts along the Somali coast. While most of pre-colonial Somali history is dominated by clan-based political units, larger cross-clan alliances, emerged at certain points in time, like the Ajuran sultanate in the 16th century and the Geledi sultanate in the 19th century (Casanelli, 1982; Lewis, 1998b, 2002; Luling, 2002).

The colonial competition in the Somali-speaking territories among Britain, France, Italy and Ethiopia, which finally led to their division into the five separate entities as previously described, was a slow and long-lasting process, due not least to fierce resistance from the Somali-speaking clans in both the north and the south. The twenty-one-year-long resistance campaign against the British, Italians and the Ethiopians in northern Somaliland, led by the famous Mohamed Abdullahi Hassan, known as the "Mad Mullah", has received most attention. However, there was drawn-out violent resistance in several other localities, including the rebellions by the dominant Ogadeen clans in the far south, starting when the British East Africa Company began claiming political authority on the Somali coastline in the mid 1880s and lasting more than twenty years (Casanelli, 1982; Oba, 2017).

Primarily motivated by the exploitation of local resources and with limited military assets, the European colonial powers largely based their authority on indirect rule through co-optation of the traditional leaders of certain favored clans. Despite the colonial powers' priority of the export economy and control and pacification of the local opposition, prompting limited influence in rural areas, European administration and the connection to the world economy influenced and changed the sociopolitical landscape among the Somali clans. Playing on division and contest among local clans, the colonial rulers forged ties with those perceived as loyal, favoring members of those clan groups with administrative posts in the urban centers, like the Hartis in Kismayo. Combined with the new economic possibilities that arose with increased demands for products such as livestock, a new urban middle class gradually emerged in the urban centers (Casanelli, 1982; Lewis, 2002).

When nationalist sentiments arose in the Somali and other European colonies after the Second World War, the relatively limited, educated and young Somali urban middle class took an active role, establishing new organizations, like the Somali Youth League, to promote what they saw as political and social progress according to modernist values. At the time of independence in July 1960, it was largely the urban middle class and organizations like SYL that rose to power and gained positions in the new Somali republic (Lewis, 2002). The optimism of the nationalists and belief in the modernization of the Somali society did not, however, reflect the political and social realities inherited from the colonial powers. While the new institutions of the national centers in Mogadishu and Hargeisa were inspired by the notion of a modern state, the local institutions at the countryside remained extensively dominated by local politics along clan lines. For the urban elite to mobilize support, they quickly ended up exploiting their clan constituencies much in the same way as their colonial predecessors had

done, thus further politicizing clan identities. In the eyes of the extensively rural population, the new class of politicians and urban businessmen represented opportunities and access to government jobs, scholarships and other benefits, cementing a kind of neopatrimonial system. The profound clan dimension of the political sphere was clearly reflected in the new political parties. Despite names such as the Great Somali League, the Liberal Somali Youth Party and the Somali United Front, their major constituencies were basically connected to specific clan groups and even subgroups of certain clans (A. B. Abdullahi, 2017, 132-142; Kapteijns, 2013, 75-77).

When general Mohamed Siyad Barre conducted a *coup d'etat* in October 1969, he installed a radical modernization program termed "scientific socialism", backed by the Soviet Union. The new autocracy initiated massive education programs and large-scale, state-sponsored economic ventures to speed up modernization of the still traditionally inclined structures and virtues of Somali society, clamping down on what was deemed traditionalistic. Even the term "clan" was forbidden and replaced by the Somali word *Jaalle*, meaning friend or comrade. the neopatrimonial system continued under the surface, however, only this time more closely associated to the personal rule of Barre and his close circle of trustees (Kapteijns, 2013, 77-78; Lewis, 2002, 205-211).

Barre's economic reforms did not generate the expected results and steadily drove the increasingly rentier state into the hands of its Soviet patron. After the devastating loss in the Somali–Ethiopian Ogaden War of 1977–1978 whereupon the Soviet Union abandoned Barre and threw its support behind the recent communist regime in Addis Abeba, the pillars of Barre's foundation began to crumble. By intensifying divide and rule, cracking down mercilessly on opponents and strengthening vital security organizations like the presidential guard and the security service, Barre managed to stay in power until defeated by a broad alliance of insurgent groups, mobilized among clan groups that suffered heavily under Barre's collective punishment campaigns. However, while initially not favoring specific clan groups, Barre gradually favored patrimonial networks dominated by a small number of clan groups. The brutality of his regime, the uneven distribution of benefits and collective punishment, combined with active mobilization along clan lines by a disgruntled group of Barre's former elite members who spearheaded the rising insurgency against their former protégé, led to an extensive radicalization and politicization of clan identity. By January 1991, the short-lived Somali state was literally in ruins (A. B. Abdullahi, 2017; Kapteijns, 2013; Lewis, 2002).

1.3.3 Civil war

When the largely clan-based insurgency groups, loosely allied against a common enemy, crushed the remnants of Barre's regime, they soon turned on each other in their quest for power. The manipulation and radicalization of clan identities occurring in the late Barre period escalated during mobilization for the insurgency. Mobilization efforts were partly based on what Kapteijns (2013) terms "hate narratives", constructed to win popular support by demonizing the clan groups affiliated with Barre's despised regime. With the consequence of massive atrocities against the civilian populations and fragmentation of authority in most of south-central Somalia. In Lower Jubba, as in the rest of South-Central, alliances between the various factions rapidly shifted, in a zero-sum competition for the marginal remnants of the state. With the increasing international intervention by humanitarian organizations and the ambitious but short-lived UN intervention between 1992 and 1995, aid and international money were the new spoils to compete for (Gilkes, 1994; Hirsch & Oakley, 1995; Kapteijns, 2013).

With the collapse of the formal state institutions, the traditional clan institutions experienced a kind of renaissance. As most other networks failed to give sufficient security and provide for basic needs, even urban elites and ardent Islamists fled to the strongholds of their clan groups throughout Somalia (A. B. Abdullahi, 2018, 124-126, 153-154; Gundel, 2006; Le Sage, 2001). However, the sudden pressure on local clan institutions in Lower Jubba and the rest of south-central Somalia represented an enormous challenge to the largely localized dispute resolution mechanisms inherent in the traditional system. The level of atrocities that skyrocketed during the first years of the civil war, including mass killings, rape, looting and destruction of property, was unprecedented in Somali history. Hence, the elders were incapable of settling and solving these far-reaching offenses, often perpetrated by militias from opposing clan groups, through customary law, *xeer,* and traditional modes of consultation (Gundel, 2006). Extreme politicization of clan affiliation during of the civil war in the early 1990s, whereby clan affiliation became the primary denominator for political loyalty, had a negative impact on the clan elders' standing and authority as efficient providers of peace and reconciliation. In many instances, elders threw their support behind politico-military leaders with kinship ties to their own sub-clan, which facilitated the recruitment of militia fighters and therefore made them partly responsible for violence against other sub-clans (A. B. Abdullahi, 2018, 153-154; Gilkes, 1994; Gundel, 2006).

1.3.4 The introduction of Islam in Somalia

Islam and an "Islamic identity" have been widely recognized as the second-most important identity marker after "clan identity" within the Somali-speaking communities in the Horn. While the segmented lineage structure is often perceived as a dividing factor, Islam is viewed as a potentially unifying concept that transcends clan lines. General esteem for Islam is particularly visible in the common mythological pattern of clan-families, claiming direct lineal descent from the Qurayshitic line of the Prophet Muhammad (A. Abdullahi, 1992; Lewis, 1998b, 228-229).

Although it is not known when Islam reached the Somalis, the proximity to Arabia and the constant travel and trade between the peninsula and the Horn of Africa make it likely that Islam was introduced shortly after the *Hijra* in 622 AC. Islam soon became rooted in the Muslim commercial colonies that sprung up along the Somali coast. However, mass conversions among the majority of the Somalis do not seem to have taken place until the 11th to the 13th centuries. A particular form of Somali religiosity emerged in the course of these centuries. The most salient influences came from Sunni orthodox theology and legal philosophy, notably the school of Imam al-Shafi'i[1], which merged with elements of indigenous practices that predate Islam. In addition, Somalis came to be deeply influenced by Sufism, and Sufi brotherhoods gained a prominent role in everyday life, especially in the course of the 19th century (M. D. Abdullahi, 2001, 55-57; Adam, 1995-190; Lewis, 1998b).

Each Sufi brotherhood*, tariqa* ("path"), consisted of several congregations or communities of adherents, known as *jama'a* ("congregation"). The head of a *jama'a*, called a sheikh, was usually a man, whose personal genealogy could be traced to the Prophet's Qurayshitic lineage, thus giving him religious prestige and some of the Prophet's grace or *baraka* ("blessing"). The different Sufi congregations were spread throughout the country, cutting across clan-family lines, and either formed a loose organization or established a permanent autonomous settlement of cultivators. The latter was particularly the case among the agricultural communities along the Shabelle and Jubba rivers in the south. Either way, the congregations functioned as training centers for the local men of religion, the *wadaad*s, usually described as "bush teachers" or "bush preachers", who traveled around visiting camps and villages to preach and teach the Qu'ran and Islamic theology (Lewis, 1998b).

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[1] Abu Abdullah Muhammad ibn Idris al-Shafi'i (d. 820), often only referred to as Imam al-Shafi'i, is the perceived founder of the Shafi'i legal school.

*Wadaad*s also had an important social and legal function by acting as unofficial *qadi*s ("judges") and administering *shari'a* to the extent that their competence was recognized. This usually meant adjudicating in cases within the area of Islamic family law, for example in matrimonial affairs, divorce and inheritance, as well as in cases within contract law and mortgages. In addition, a *wadaad* could be asked to assess the proper compensation, *diya* ("blood money"), for injuries, and would serve as a mediator and give advice on questions of communal importance. However, although the *wadaad*s functioned as *qadi*s within the traditional Somali society, their jurisdiction was in many respects influenced and restricted by customary law, *xeer*, particularly in matters where collective responsibility took precedence over personal liability, such as in cases of homicide and bodily harm. In a traditional Somali context, homicide and bodily harm would generally result in the paying of compensation by the perpetrators in a *diya*-paying group rather than in retaliation against the perpetrator in person (M. D. Abdullahi, 2001; Gundel, 2006; Lewis, 1998b, 1999; Van Notten, 2005).

1.3.5 Islam and politics in Somalia

The politicization of Islam is not a new phenomenon among Somali-speaking populations in the Horn. The political potential inherent in a common identity construct, transcending clan divisions, has not gone unnoticed in Somali history. The already mentioned insurgent leader, "The Mad Mullah", who fought the colonial powers in the early 20th century, started his venture as a sheikh and poet based in the Salihiya order, one of the three main Sufi orders among the Somalis. While clan affiliation definitively played a role in mobilizing the resistance, he made extensive use of the common trans-clan Islamic identity and called for a jihad against the Christian intruders (Casanelli, 1982; Lewis, 2002). Before the advent of European colonial rule in the 14th to 16th centuries, Christian semi-feudal Abyssinian rulers partly supported by Portuguese forces and Somali sultanates partly supported by Arab and Ottoman forces waged several jihads against the Christian invaders (Adam, 1995, 193; Lewis, 2002, 25-27).

The resurgence of religion and politics in Somalia follows the emerging influence of Islamist thinking and trends in the Middle East. Close contact with universities and Islamic learning institutions in the wider region, particularly in Egypt and Saudi Arabia, brought back Islamist ideas affiliated with the Muslim Brotherhood and Wahabism (A. M. Abdullahi, 2015). In the early 1980s, several Somali Islamist groups were established and conducted partly underground activities in response to hostilities from the autocratic regime. With the fall of the

dictator Siyad Barre in 1991, Islamist ideas gained prominence and popularity among adherents in Somalia and offered a new framework within which one could negotiate one's identity. The most successful militant Somali Islamist group, al-Ittihad al-Islamiyya, attempted to establish a pan-Somali front based on jihadi-Salafi thoughts in the wake of Siyad Barre's fall. Although it attracted members from several clan groups across Somalia, it failed to challenge the largely clan-based faction leaders that waged havoc in the 1990s (Hansen, 2013; Marchal, 2004, 2011). However, the Islamist project again rose in popularity in 2006, with the success of the Islamic Courts Union, and gained even more momentum with the takeover of its successor Harakat al-Shabaab al-Mujahideen, who conquered most of central and southern Somalia in 2008–2009 (Ahmed, 2017; Menkhaus, 2007).

1.4 Terms and definitions

1.4.1 "Militant Islamists" and "insurgents"

Non-state armed groups actively displaying and propagating Islamic symbols and language have been extensively studied in recent decades, not least within the "war on terror" paradigm. Terms like "jihadi", "Islamist extremist", "radical Islamist", "militant Islamist", "jihadi-Salafi" and even "terrorist" are often used interchangeably to refer to these types of violent actors. While the terms "jihadi", "Salafi/jihadi-Salafi" and "takfiri" have come to mean non-state violent groups with Islamist preferences within academic and popular discourse, their derivation from the Islamic tradition, as argued by Thomas Hegghammer (2009, 245-256), may obscure the difference between their analytic and theological meaning . By contrast, "militant Islamist" connotes both the group's political preference, i.e., Islamist, and political behavior, i.e., militant or violent, without affiliating too closely with established theological concepts. The term may also indicate that the prevalent group bears a resemblance to other militant groups, such as communist militants, nationalist militants, etc. In addition, the term is well established within the academic discourse. Hence, "militant Islamist" is the chosen term for this essay.

Throughout the essay, the term "insurgent" is often used in addition to or as a substitute for "militant Islamist" because the non-state violent groups explored in this project are primarily approached through the lens of civil war, and as competitors to the incumbent state regime and other rival authorities. The term "insurgency" may hold various meanings, most

commonly referring either to a certain tactic, as a synonym of guerilla tactics, or as a certain way or strategy to execute war (Rich & Duyvesteyn, 2014, 11). In this essay, the term "insurgent" is loosely defined as an organized movement aimed at the overthrow of an established government, occupying power or other political authority through violent means and subversion (Army & Corps, 2007, 2), a definition that may capture both levels of meaning.

1.4.2 Clan and collective agency

The above discussion of the meaning and function of the concept of "clan" in Somalia demonstrates the challenges of applying a static and essentialist approach. While a certain clan group may undoubtedly exercise agency, play a central political role and have quite clear meaning in a specific locale and context in Somalia, the same clan affiliation may mean something else and play out differently depending on the place and situation. And it may change over time. Yet clan and other kinship group structures, despite being socially constructed, may still seem to endure in instances where they are allowed to reproduce their shared language, symbols and norms over time (Collins, 2009, 27-35; Escobar, 2008, 218). Therefore, this thesis acknowledges the importance of clan groups as central sociopolitical entities exerting collective agency in a specific locale. Nevertheless, one should be careful not to essentialize their meaning and role by treating such entities as independent of the specific context within which they are studies.

1.5 Theoretical approach: rebel governance and civil resistance

The idea that civil populations are of vital importance to the sustainment of insurgent groups and their ultimate success is not new. Famous insurgent theorists like Mao Tse-Tung (2017) and Ernesto "Che" Guevara (2007) emphasized that any successful insurgency would have to mobilize popular support from the local population in order to raise the necessary force needed to overthrow the incumbent regime. According to the French officer and scholar Roger Trinquier (2006, 6), who fought in French Indochina and Algeria, popular support is "the *sin qua non* of victory". Conventional wisdom inherited from these highly embedded fighter-scholars, however, is currently being brought under scrutiny by new generations of academics and disciplines striving to understand civil war dynamics, state order (or lack thereof) and the growth of non-state armed groups.

Micro-level studies of insurgent groups (Kalyvas, 2008) and other alternative forms of authorities are extensively challenging normative views of the modern state, or of what Charles Tilly (1992, 2) terms the "national state". Instead of approaching civil wars and insurgencies as anomalies and merely as a response to "failed states", micro-level studies suggest that statehood is a continuous project of negotiations between (often a plethora of) contending authorities, formal and informal, on various levels (Albrecht & Moe, 2014; Dunn & Bøås, 2017; Hagmann & Hoehne, 2009; Hagmann & Péclard, 2010; Lund, 2006, 2016). From this perspective, there is no such thing as "ungoverned spaces", rather, any space is governed by some form of authority, but not necessarily the state (Clunan & Trinkunas, 2010; Menkhaus, 2006/2007; Williams, 2010).

Academic studies of insurgent groups ruling territories and populations as alternative authorities to the modern state are central to the quite recent, but rapidly expanding, field of "rebel governance" (Arjona, Nelson, et al., 2015; Duyvesteyn, Frerks, Kistemaker, Stel, & Terpestra, 2015; Kasfir, Frerks, & Terpstra, 2017; Mampilly, 2011; Péclard & Mechoulan, 2015). By exploring the micro dynamics of rebel governance, studies of numerous non-state armed groups and communities living under or influenced by such groups have revealed complex processes and a variety of mechanisms shaping insurgent–civilian relations on the ground. While not always stable or beneficial in the eyes of the civilian communities (Kalyvas, 2009; Lidow, 2016; Metelits, 2010; Weinstein, 2009), the kind of order developing in insurgent controlled territories often brings a surprising level of stability and predictability, both for the insurgents and for the civilian population (Arjona, 2017a; Kasfir, 2002; Kilcullen, 2015; Mampilly, 2015).

Discussions concerning variations in insurgent behavior vis-à-vis civilians and the scope and form of governance applied are central in the field of rebel governance studies (Arjona, 2017a; Mampilly, 2011; Metelits, 2010; Staniland, 2012; Weinstein, 2009). In his influential book, *The Logic of Violence of Civil War*, Stathis N. Kalyvas (2009) contends that civilian collaboration with an insurgent ruler in a civil war context is primarily spawned by insurgent control, not the other way around . While not dismissing the potential influence of civilians' political or ideological preferences and sympathies, they tend to be trumped by fear of sanctions and concerns for survival for most of the population under insurgent rule. "Most people respond to power and authority" (Kalyvas, 2009, 114). For civilians striving to survive and make a living within an often fluid and uncertain civil war context, social order and predictability may, not surprisingly, take priority over who is ruling and what kind of ideology

they propagate. As James C. Scott argues, populations living on the margins, like subsistence-oriented peasants, have become experts in minimizing risk and maximizing predictability. Where small changes and external encroachment may have fatal consequences, predictability may be paramount (1976, 1990). The situation could be likened to "that of a man standing permanently up to the neck in water, so that even a ripple might drown him" (Tawney in Scott, 1976, vii). Often, it is the predictabilit*y* inherent in the existence of rules, not the content of the rules themselves, and even less so the popularity of a given government, that creates the sense of safety that allows a normative system to function (Kilcullen, 2015, 137). As Arjona points out (2017b, 757), insurgent rulers only need active support from a small segment of the population, but massive obedience by the majority.

Based on the case of the successful Zimbabwean insurgency, Norma J. Krieger (1992) argues along similar lines and shows that popular support by large groups of the population is not a necessity for a successful insurgency (1992). Yet a non-state armed group that is able to provide stability and social order within the territory it dominates may benefit extensively, not least in the long term. While use of violence and coercion may often be the primary means to establish initial dominance, it could prove costly in the long term for the armed group to fight and strive to eliminate pre-existing local institutions and networks of power. Instead, finding ways to extend its own system of governance and simultaneously manage pre-existing societal forces so as not to provoke strong resistance may give the armed group a variety of benefits, including access to resources such as income from taxation, new recruits, and enhanced legitimacy (Arjona, 2017a; Barter, 2015a, 228; Duyvesteyn, 2017; Kasfir, 2002, 7; Kilcullen, 2015, 138-144; Metelits, 2010; Olson, 2000, 6-9).

According to recent studies of local "wartime institutions" (Arjona, 2014) developing under rebel rule, still largely an understudied topic, the scope and form of insurgent governance are not only determined by the armed groups' power, but are also shaped by the quality and effectiveness of established local institutions in the community at hand (Arjona, 2017a; Kaplan, 2018). When a community possesses low-quality institutions, i.e., they are seen as either illegitimate or ineffective, the residents will face challenges mobilizing collective resistance, hence limiting their chances to resist or influence rebel behavior. In such situations, the rebel group would likely come to dominate vital institutions and be able to exert tight civilian control (Arjona, 2017a, 65-73). The local institutions could be of low quality as a result of several different mechanisms, such as internal divisions or lack of social cohesion (Arjona, 2017a, 77, 81; Kaplan, 2018, 34-37). According to Arjona, the quality of local dispute institutions is vital

in fostering the community's capacity for collective action. "Such institutions influence the extent to which community members rely on shared norms of behavior and conflict resolution schemes, as well as their capacity to coordinate, their interpersonal trust, reciprocity, and social cohesion" (2017a, 71).

On the other hand, these studies also suggest that communities which enjoy extensive social cohesion and effective local institutions are more likely to foster civilian autonomy and to influence armed group behavior vis-à-vis the local community (Arjona, 2015, 2017a; Kaplan, 2018). Communities that have what Arjona terms pre-existing high-quality institutions, i.e., local institutions that are seen as both legitimate and effective by the local community, are better placed to resist a rebel ruler than communities that possess low-quality institutions (2015, 182-183). By possessing legitimate and effective local institutions, the community may increase its ability to mobilize civilian collective action to oppose and resist the armed group or at least help the civilians to push for greater autonomy and to influence the rebel group's behavior (Arjona, 2017a; Kaplan, 2018).

There is a vast body of literature on civil resistance, understood as non-violent, extra-institutional, collective contentious action-seeking political change (Avant et al., 2019, 2-3), demonstrating why and how non-violent collective action strategies may be more effective than violent ones in fostering political change (see for example, Celestino & Gleditsch, 2013; Dahlum, Knutsen, & Wig, 2019; Stephan & Chenoweth, 2008; Thurber, 2019). However, more recent civil resistance literature takes a maximalist approach to the term, largely analyzing large-scale collective resistance campaigns against incumbent state regimes, and often overlooking civil war settings (Chenoweth & Stephan, 2013; Dahlum et al., 2019; Djuve, Knutsen, & Wig, 2019; Pinckney, 2018; Thurber, 2019). The field is dominated by quantitative methods which largely utilize aggregated data, making it difficult to reveal local micro processes of civil resistance that are often taking place in areas dominated by non-state armed groups (Masullo, 2015, 16-17).

By contrast, recent accounts within the body of rebel governance literature highlight the importance of civilian agency and non-violent strategies in influencing rebel behavior, such as reduction of local violence (Arjona, 2017a; Barter, 2014; Hallward, Masullo, & Mouly, 2017; Kaplan, 2018; Masullo, 2015; Svensson & Finnbogason, 2020; Zürcher, 2019). According to Arjona (2017b, 756), in territories controlled by rebels, the relationship between the non-state armed group and the civilian population can often be likened to that between a ruler and the ruled. Thus, for rebel rulers, as for any authority ruling a population, partial

resistance, ranging from symbolic expressions of discontent and other "forms of everyday resistance" (Scott, 1985) to more open opposition to rebels' commands and actions, would be expected. Partial resistance can occur even under the most repressive regimes because there will always be fissures through which individuals can voice their discontent. No authority can fully control its population (Arjona, 2015, 184-185). However, the extent to which a civilian community may voice and resist an insurgent ruler may often be strictly limited (Zürcher, 2019).

1.6 Order-making, the state and external forces

This thesis explores insurgent governance and local insurgent-civilian relations in territories where formal government influence is absent or extremely limited. Yet any study of insurgent-civilian relations cannot escape acknowledging the central role of the (central) state in shaping the opportunity space of both the insurgents and the civilian communities at hand. As Hansen (2019) clearly demonstrates, the behavior and development of African militant Islamist organizations, not least the extent to which they have been able to conquer territories, are largely dependent upon the coercive capabilities and the level of penetration of the existing state institutions . Based on the scholarly tradition of social movements studies (see, for example, Della Porta & Diani, 2006; McAdam, McCarty, & Zald, 2008; Tarrow, 2011), John Gledhill (2018, 501) separates the *opportunity structures*, i.e., external institutional and social arrangements that impose or lift external constraints on the insurgent, from the insurgent's *organizational resources*, i.e., its internal organizational capacity to mobilize and realize collective violence. While the insurgent's ability to mobilize local communities and attract material resources obviously is vital for its expansion, where the level of state capacity and population control is profound, as clearly illustrated by Kalyvas (2009), the latter often largely limits the former. However, where the reach of the state is limited, as in southern Somalia, even insurgent groups with weak organizational resources may stand a chance.

This thesis explores order-making, not state-making. Of course, insurgents may very well end up defeating the incumbent regime through a prolonged insurgency, as in China or Zimbabwe, or become part of or the dominant actor within the state's ruling elite, as in Ethiopia or South Sudan, through armed struggle and political deals. However, as Mampilly argues, one should be careful not to equate current civil wars and insurgencies with state-making in line with the "war-making as state-making" thesis of state formation in Europe (Tilly, 1992, 2002).

And to view insurgent authorities and governance structures as embryonic states on a trajectory to becoming national states in the current, globalized political system (Mampilly, 2011, 34-35). In today's world order, made up of sovereign states, the possibility for an insurgency group to attain juridical recognition is limited as long as it is opposing the representative of the state, even when the insurgent authority may possess more "state"-like features, or empirical sovereignty, than the formal state, which may comprise a small circle of elites with limited authority and capabilities. Moreover, the globalization of financial resources may diminish the need for state authorities to extract revenue from its population in order to make war, unlike the situation in pre-modern Europe (Mampilly, 2011, 37-39). That said, the quality, extent and scope of insurgent authority and governance may have wide-reaching political, social and economic effects on local and national orders, relationships with other states and, not least, the well-being of its citizens (Arjona, Kasfir, & Mampilly, 2015; Duyvesteyn et al., 2015; Huang, 2017).

While this thesis largely focuses on local micro processes of rebel governance and order-making through engagement with the case of southern Somalia, the often extensively local processes do not unfold untouched or uninfluenced by forces outside the more or less nominal authorities in Mogadishu. For example, the influence of Kenyan interests, the Somali diaspora in Nairobi and elsewhere, Islamist donors, international NGOs, transnational business networks, etc. all play into and shape the opportunity structure (Gledhill, 2018) of the militant Islamist rulers in southern Somalia and, hence, the local authorities and Islamist insurgents' strategies, behavior and institution-building processes. Although this project acknowledges the importance of external forces on local processes, allowing some of these forces to come explicitly to the fore, as in the emergence of the Islamic Courts Union, other external forces are left on the margins or treated implicitly in the articles at the expense of a local, micro-level approach.

2. Theoretical framework

The theory chapter will primarily discuss the scope and content of the rapidly increasing field of rebel governance studies, which frame vital parts of this thesis' analysis. Secondly, the chapter will elaborate on recent literature on civilian agency and resistance that strives to fill

the gaps between the comprehensive and largely quantitative based civil resistance research and the more qualitative and micro-level based civil war studies. The last section will briefly frame and argue for an approach where militant Islamists are treated on the same level as other non-state armed groups or insurgents.

2.1 "Ungoverned spaces", statehood and production of authority

Studies of rebel governance explore political, social and economic orders alternative to and in competition with the formal state. While civil war and the breakdown of formal state institutions tend to spur violence, failures of state institutions and loss of monopoly of violence do not necessarily result in "ungoverned spaces", where anarchy prevail and order and stability are absent (Clunan & Trinkunas, 2010; Duyvesteyn et al., 2015). In territories with weak or non-existing state institutions, there emerge various alternative forms of orders which often may create a surprising level of stability and predictability (Mampilly, 2011; Menkhaus, 2006/2007; Péclard & Mechoulan, 2015). The quite recent but rapidly growing field of rebel governance studies strives to systematically explore the kinds of alternative orders that arise in areas where non-state armed rulers, competing with the incumbent state authorities, rule territories and populations (Kasfir, 2015). This field emerges in the wake of extensive critique of a dominating normative view of the state. Instead of perceiving modern states, such as states in post-colonial Africa, as falling short of the ideal-typical Weberian view of the state, thus being either "weak" or "failed", the critical literature emphasizes that stateness or statehood is an empirical rather than a normative question. Within such a perspective, the academic quest is not to describe divergences from the normative idea of a modern state, but to empirically examine how statehood is negotiated among the myriad of authorities and institutions on the ground (Albrecht & Moe, 2014; Dunn & Bøås, 2017; Hagmann & Hoehne, 2009; Hagmann & Péclard, 2010; Hoffmann, 2013; Lund, 2006, 2016; Menkhaus, 2006/2007). Hence, what constitutes the state is not given. And as Christian Lund puts it, "treating the 'state' as a finished product gets in the way of understanding it" (Lund, 2016, 2).

In Western liberal democracies, the fluidity of statehood and public authority may not be easily observable. During civil wars, however, when state authority is challenged and state institutions may crumble, negotiation between competing authorities are displayed and "structures, interests and powers are mobilized and activated for the observer to see" (Lund,

2016, 4). In order to grasp these messy and constant processes of formation and execution of public authority and order which unfold in a "simultaneity of discourse and practice" (Albrecht & Moe, 2014, 2), Lund makes some useful theoretical propositions. According to his view, authority[2] is not only something that flows from institutions down to the subjects in that society but is also something that is relational. Authority is never constant and fixed; it emerges as a product of the relation between the institution and the social actors concerned. Mutual recognition is a central element in the (re)production of authority, implying that the prevailing institution recognizes a claim asserted by its subjects pertaining to rights to land or other resources or to belong to a specific ethnic group, etc. and, simultaneously, that the subjects grant the institution recognition as an authority in connection with the issue at hand. This mutual recognition constitutes what Lund terms a social contract, applying "contract" in a loose sense. Such contracts are not stable. They are often not even voluntary or consensual and are frequently contentious. They are always under renegotiation and may be challenged by other contracts with competing institutions, be they state or non-state institutions. An individual will be beholden to a wide range of institutions for different claims and rights, some of which will support each other, while some will undermine each other's existence and authority. New claims to rights will emerge while others will disappear, just as institutions' claims to authority evolve. If an institution is increasingly seen as less legitimate and relevant or unable to uphold certain claims to rights by its potential subjects, its authority will decrease and it may risk losing out to other, emerging institutions (Lund, 2006, 2016). Within such a perspective, the success and failure of the various non-state groups, as well as of state institutions on the ground, reflect changes in their patterns of authority (Bakonyi & Stuvøy, 2005; Nightingale & Ojha, 2013).

2.2 Rebel governance

The idea that the civilian population is vital to sustaining insurgent groups and their ultimate success is not new. Famous insurgent theorists such as Mao Tse-Tung (2017) and Ernesto "Che" Guevara (2007) emphasized that any successful insurgency would have to mobilize popular support from the local population in order to raise the necessary force needed to overthrow the incumbent regime. According to this view, popular support is "the *sin qua non*

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[2] "Authority", as elaborated by Max Weber, "implies a minimum of voluntary compliance, that is, an interest in obedience" (Weber, 1978, 212). Public authority in this classic sense does not rest only on brute violence and coercion, but requires some level of belief in the legitimacy of claims of authority (Weber, 1968, 324-325).

of victory" (Trinquier 2006, 6). Based on his studies of emerging left-wing insurgencies in Latin America in the mid to late 1900s, Timothy Wickham-Crowley (1987) likewise highlights civilian support as vital for insurgent success. He argues that a lack of provision of social order by the state institutions damaged the social contract between the state and its citizens and made citizens more willing to give their support to guerilla movements. Guerillas who were able to move in as "counter-states" and establish a sufficient level of order by providing security, law and basic material welfare would foster increasing civilian support.

Micro-level studies of insurgent groups are rapidly expanding in the wake of the new waves of insurgent groups in the 1990s and 2000s, multiple international large-scale interventions striving to counter them, and of growing acknowledgment of the ongoing processes of authority formation within states. Several studies on civil wars concerning, for example violence, recruitment and collaboration have provided important new insight and knowledge on vital areas relating insurgent-civilian relations (Balcells, 2017; Kalyvas, 2003, 2009, 2012; Weinstein, 2009; Wood, 2003). Yet many aspects of the relations between insurgents and civilian populations within civil wars are understudied, particularly, insurgents' behavior other than use of military force, for example governance of civilian affairs and civilian response to insurgence rule (Arjona, Kasfir, et al., 2015, 1-2; Masullo, 2015, 11). Academic literature dealing with what is currently referred to as "rebel governance" opts to fill these gaps by exploring non-state armed groups' interactions with civilian populations living in territories fully or partly controlled by such groups (Arjona, 2014, 2015, 2017a; Bakonyi, 2013; Bakonyi & Stuvøy, 2005; Kasfir, 2002, 2015; Kasfir et al., 2017; La Serna, 2012; Lia, 2015, 2017; Mampilly, 2011, 2015).

Central questions within the field of rebel governance studies are: "what rebels do when they decide to govern, why they do it, and how civilians respond" (Arjona, Kasfir, et al., 2015, 1). Rebel governance studies embrace an inclusive approach to the phenomenon studied and allow for a wide range of perspectives to be debated. However, a basic premise is the presence of a non-state armed group, within the context of civil war, securing a populated territory, a "liberated zone", even if its control remains contested, through use of or the threat to use violence. Moreover, the non-state armed group must choose to engage with at least a few civilian residents in that territory. (Arjona, 2017a; Arjona, Kasfir, et al., 2015, 5-6; Kasfir, 2015; Mampilly, 2011).

However, civil wars are complex and ambiguous phenomena that challenge any attempt to form simplistic categories along a single dimension. Hence, questions of rebel governance

do not lend themselves to monocausal explanations or simplistic binary formulations. As Mampilly points out, "a single master variable is thus impossible to identify, though it is possible […] to identify several key factors that affect the development of civil administrations by rebel leaders" (Mampilly, 2007, 17). Mampilly proposes a useful distinction by categorizing causal factors that shape rebel governance into three levels: from above, from below and from within the organization. From below, the rebel groups are facing pressure from the civilian population within the territories they control or dominate. From within, the rebel groups would have to cope with internal tension and oppositional voices from its members. And from above, the rebel groups are largely shaped by the external forces of the state(s), rival armed groups, diasporas, NGOs and other transnational organizations (Mampilly, 2007, 21; 2011).

2.2.1 Instrumentalist approaches

In cases where external forces, first and foremost the state or other intervening states, are unable to project authority throughout its territory, allowing the insurgent group space to occupy a certain territory (Staniland, 2012), and where the group is not constrained by other rival armed groups (Arjona, 2017a; Metelits, 2010), i.e., the pressure from above gives the insurgents a window of opportunity, rebel governance literature tends to adopt an *instrumentalist* approach to insurgent governance and order[3]: if the insurgent leadership sees it in its interest to establish order, it will choose to do so. One string of arguments highlights the potential for material benefits to the insurgents who establish order, such as taxes, recruits and access to local resources (Arjona, 2017a; Kasfir, 2015; Weinstein, 2009), reflecting Mancur Olson's (2000, 6-11) famous dichotomy of the "roving" vs "stationary bandit", where the stationary bandit benefits from long-term investment in order and taxation rather than from short-term plunder. Another string of arguments, often complementary to the emphasis on access to resources, point out governing structures as vital for any insurgent groups to foster tight control of the civilian population in order to obtain obedience, collect information and prevent collaboration with the enemy (Arjona, 2017a; Kalyvas, 2009).

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[3] Rebel political order is defined as "political communities (…) aimed at subordinating to orderly domination by the participants a 'territory' and the persons within it (Weber, 1978, 901 in Kasfir, 2015, 37-38). Insurgent order, thus stands at the other end of the governance continuum from insurgents primarily acting as predators, intimidating the population and living off civilians without organizing them (Arjona, Kasfir, et al., 2015, 16; Kasfir, 2015, 38).

Most rebel governance accounts may not side with Olson's simplistic description of his purely greed-driven "stationary bandits" who primarily opt for monetary gains (Olson, 2000, 6-11). Yet for any insurgent group to succeed in the fight against an incumbent state and/or rival groups, material benefits in the form of taxes, food, recruits, natural resources and other local goods may be vital (Kasfir, 2015, 41). Following Olson's logic, a society that benefits from a system of order and provision of goods will enjoy a higher level of production than those who are abused and plundered (ibid). Some form of contractual relationship with the local population that fosters some level of order and predictability may offer a win-win situation whereby the civilians receive certain public goods, at least security, and the insurgents can attract local resources (Metelits, 2010, 26-27). While insurgents would need money, recruits and other goods, some types of groups may be less dependent on local communities within the territory they occupy. Jeremy M. Weinstein (2009, 9-11) argues that insurgent groups who have access to wealth either from natural resources or from external sponsors are likely to recruit opportunistic and short-term-oriented members, which tends to decrease the level of organization within the group and result in an abusive approach to civilians. By contrast, the insurgent groups who depend on local communities for taxes and recruits would draw on local networks and norms, maintain internal discipline and hence develop a less abusive interaction with the civilian population.

Although materialist incentives may be vital motivations for governing civilians, the creation of governing institutions would often be an effective means to consolidate the insurgent group's control of the population. According to Kalyvas' theory of irregular war, information about enemy collaborators is crucial to the insurgents in order to carry out selective use of violence, a precondition to maintaining civilian control within their area of domination. Access to information and direct monitoring of the population would require extensive administration, and would therefore motivate the insurgents to establish governing structures. Furthermore, insurgents who already enjoy initial control may have incentive to further their control by enhancing the loyalty or the "hearts and minds" of the civilian population through various forms of benefits and provision, such as law, land reform etc. (Kalyvas, 2009, 128, 174, 204-205). Arjona supports Kalyvas' argument that insurgents have incentives to establish governing "wartime institutions" to facilitate territorial control, a core goal for the insurgent group. Construction of institutions administering justice and adjudicating disputes is especially important to give insurgents access to local information, strengthen its organizational capacity and gain social control of the population. When initial control is established, governing

institutions are further vital to maximize the byproducts of control, for example through material benefits and recruits, but also by shaping civilians' political behavior, increasing the insurgent's legitimacy and bolstering the group's image abroad (Arjona, 2017a, 7, 45, 56-60).

2.2.2 Ideology

A dominant view within rebel governance literature is that the above-mentioned mechanisms concerning control and access to material necessities and recruits trump the ideology of the armed group when it comes to *why* insurgent groups construct governing institutions. Yet several scholars acknowledge that ideology and the political preferences of the insurgent leaders may substantively affect *how* orders and institutions are constructed as well as some of their attributes (Arjona, 2017a, 80; Mampilly, 2007, 32; 2011, 77-78). For example, Paul Staniland (2014, 26-27, 39) elaborates the importance of common ideological and political preferences for an insurgent group's level of internal cohesion. Close horizontal ties within the insurgent organization, which could be based on common religious beliefs or other political tenets, are vital for its further trajectory and possibility for growth. In another example, Weinstein points out that Museveni's desire to reject the hierarchical system of chiefs in rural Uganda undoubtedly influenced the democratic system of governance by resistance councils established by the Ugandan National Resistance Army (NRA) within its area of dominance. However, ideology, he points out, cannot explain why NRA and Sendero Luminoso Nacional (The Shining Path) in Peru adopted power sharing with civilians, while RENAMO in Mozambique and Sendero Luminoso-Huallaga in the border areas of Peru rejected participatory approaches (2009, 196-197).

The rebel governance literature draws on insights from both instrumentalist as well as constructivist approaches to ideology. Instrumentalists claim that ideology and perceived ideological cleavages are largely used by political entrepreneurs as a means to mobilize their constituencies, while constructivists, although largely following the instrumentalist argument, suggest that there are limits to conflict entrepreneurs' ability to manipulate ideology to their own benefit. According to a constructivist approach, the meaning of and limits to what may be perceived as acceptable or unacceptable behavior by a certain community or constituency are shaped by the current discourse (Hansen, Mesøy, & Kardas, 2009, 10-11). Despite the potential for political leaders to exploit, for example, religiously inspired symbols and narratives to support their cause, there are certain limits to such attempts; for example, the political

entrepreneur has to follow certain norms and behavior that deem certain actions unacceptable to the group or the wider constituency. In addition, at a deeper level, ideology discourses could even influence the self-understanding of the individual insurgent leaders themselves and of the organization more broadly, thus slowly shaping the group's behavior (Ahmed, 2017; Hansen et al., 2009, 10-11; Schlee, 2010).

The constructivist point of view is widely acknowledged within the rebel governance literature. However, while it is largely assumed that ideology may shape rebel behavior, the form of rebel institution and relations to the civilian population, other logics and mechanisms are seen as dominant, making it hard to track ideology as a primary factor. Rather, leaving ideology and political preferences to be understood within the specific local context and the prevalent discourse within which the insurgent group operates. Aisha Ahmad underlines this point well by showing how militant Islamist groups, which largely adhere to a similar jihadi-Salafi line of thought, react very differently to rape and direct attacks on girls, acts which are deemed profoundly un-Islamic by the communities wherein they operate and even within most of the militant Islamist insurgent groups themselves. However, due to sudden changes or shocks in the context of the operating environment of Boko Haram in Nigeria and the Tehrik-i-Taliban Pakistan (TTP) in Pakistan, combined with the groups' strategic interests, they have been able to exploit a narrow political opportunity to transform normative and moral boundaries which would otherwise have been extremely challenging without losing touch with their local constituencies (Ahmed, 2019).

2.2.3 Pragmatism

Another and more central category of causes within rebel governance literature concerning *how* insurgent governance institutions and orders are formed relates to pressure from below, as the shape and direction of the processes of local institution making often largely respond to the civilian population under insurgent rule (Mampilly, 2007, 21-22). According to Mampilly (2011, 67), "Civilians are never passive or invisible actors and can manipulate the tenor of rebel governance efforts through the explicit demands they make on an insurgent command, usually in line with their own local preferences". While use of violence and coercion may often be the primary means to establish initial control, and could suffice to mobilize a successful insurgency (Krieger, 1992), it could be costly for the armed group in the longer term to fight and suppress local institutions and networks of power. Instead, finding other ways to extend its

own level of control and, simultaneously, managing pre-existing societal forces may be vital for the insurgent ruler (Barter, 2015a, 228; Kilcullen, 2015, 140-144; Mampilly, 2011, 72; Weinstein, 2009, 195).

A population's social and historical experiences preceding the civil war may be vital to understand variations in civilian expectations and demands concerning questions of insurgent governance. Mampilly (2011, 68) argues that "the pre-conflict relationship between the state government and the civilian population has a determinative impact on the effectiveness of rebel governance systems as insurgent leaders respond to demands made by civilians conditioned by their relationship to the pre-conflict political authority". For example, populations politically habituated by political and fiscal policies where the state has not been interacting closely with its inhabitants would likely be less accepting of heavy taxation by the insurgents, but would also hold fewer expectations regarding welfare provision. Civilian populations that are habituated by deeply penetrating bureaucratic structures would likely accept taxation yet expect a higher level of welfare provision and demand a higher level of political influence (Mampilly, 2011, 68-71).

Balancing the insurgents' need for control and access to resources while simultaneously managing pre-existing social and political forces may prove challenging, especially in an initial phase where the insurgent group may not have sufficient power to dominate through the use of violent means. In principle, this could be a challenge for both the insurgent and the state within the context of civil war. A strategy to cope with this challenge may thus be to co-opt pre-existing institutions and networks of power (Barter, 2015a, 228; Kitzen, 2016; Mampilly, 2011, 72-73). Based on his arguments about pre-existing state penetration into the civilian population, Mampilly (2011, 72-73) proposes that insurgents will be more likely to co-opt pre-existing institutions and networks into its civil administration, hence improving governance provision, in areas with previously high levels of state penetration compared with civilian populations with low levels of state penetration. In the former case, the insurgents will likely incorporate, fully or in part, the pre-existing governmental structures and practices, thereby continuing pre-existing governance patterns and institutions. In the latter case, however, where several alternative authorities may have emerged in the wake of a retracted state presence, the insurgents will likely be more challenged to construct its governing system as it has to negotiate with a multiplicity of different actors, for example religious institutions, charitable organizations, traditional authorities, etc.

In her studies of "local wartime institutions" in Colombia, Arjona (2014) explores governance systems and the kind of "wartime social order" emerging through the interactions of non-state armed groups and civilian populations within civil war. While Arjona agrees with Mampilly that insurgents who opt to build governance systems to control and rule, its civilian population are likely to be conditioned by pre-existing institutions and other societal forces among the civilian communities. She does not suggest a direct causational relationship between previous state penetration into society and the effect on insurgent governance, rather, she proposes that the kind of governance system likely to emerge between insurgents and civilians will primarily be determined by the effectivity and quality of pre-existing institutions, regardless of their previous relation to the state (Arjona, 2017a). The vital factor is whether the civilian institutions confronting the insurgent group are of sufficient quality to resist and challenge insurgent penetration into the community at hand. Quality is measured by the legitimacy a specific institution enjoys within the local population, i.e., that it is perceived by most members as fair and just, and effective, i.e., that most people in the local community obey its rules (Ibid, 66-68).

Local communities with high-quality, especially local dispute institutions, Arjona further argues, endow their populations with the necessary platform to foster collective action to oppose the insurgents. According to Arjona (2017a, 71), "Such institutions influence the extent to which community members rely on shared norms of behavior and conflict resolution schemes, as well as their capacity to coordinate, their interpersonal trust, reciprocity, and social cohesion". In cases where insurgents confront a community with high-quality dispute institutions, they are more likely to resist full penetration of the community by the insurgents, increasing the likelihood of a settlement with the insurgents and resulting in what Arjona (Ibid) terms an "aliocracy". An aliocracy is a social order wherein a non-state armed group does not intervene beyond a minimal level of governance, characterized by provision of security and taxation. In the opposite case, where a community lacks local high-quality dispute institutions, it will face extensive challenges to muster collective resistance and, consequently, the insurgents will be more likely to establish a more profound form of order wherein it heavily intervenes in civilian affairs, termed "rebelocracy".

2.2.4 Rebel rule and the question of legitimacy

A claim permeating a string of accounts within the rebel governance literature is that insurgents, like other political authorities, have difficulties securing the type of civilian cooperation they need to preserve territorial control over time through pure coercion alone (Arjona, 2017a, 2017b; Förster, 2015; Kasfir et al., 2017; Mampilly, 2011; Schlichte & Schneckener, 2015; Wickham-Crowley, 1987). As Arjona (2017a, 47) puts it, even "authoritarian rulers need at least some support – be it from allies or from a sector of the population that endorses the regime". While an insurgent group's authority may rest largely on its ability to apply violence, ruling through pure coercion is a very costly way to rule (Terpstra & Frerks, 2017, 279). Therefore, "naked (that is, coercive) power always seeks to clothe itself in the garments of legitimacy" (Dahl in Duyvesteyn, 2017, 673). Based on Max Weber's ideas, Schlichte and Schneckener (2015, 410) conceptualize "legitimacy" in this context as "the shared belief in the rightfulness of an armed group's agenda and activities".

According to such views on armed groups and legitimacy, insurgents are faced with the same challenges as any other political authority striving to rule populations. While insurgents in most cases differ from state authorities in that they lack recognition by the international community (Mampilly, 2011, 39), their stability and long-term success within their zones of control rest largely on legitimate claims to turn coercive power into political authority (Bakonyi & Stuvøy, 2005; Duyvesteyn, 2017; Schlichte & Schneckener, 2015). According to Schlichte and Schneckener (2015, 411), such an approach does not necessarily underestimate the importance of the vital function of violence or the importance of material incentives for any armed group. However, ruling insurgents arguably do much more than acquire and redistribute material resources. Their activities also hold a symbolic dimension that plays into the various sociopolitical and cultural realities on the ground (Bakonyi & Stuvøy, 2005, 363-364; Duyvesteyn, 2017, 674-675; Schlichte & Schneckener, 2015, 411).

To understand and explain the foundation of an insurgent group's political authority, and supposedly its likelihood of long-term stability and success as a ruler, recent accounts of insurgent legitimacy center on the processes of legitimacy formation and on an analysis of the sources of legitimacy underpinning the insurgent order. While the scholars do not share an agreed approach to how to uncover the processes of legitimation, they tend to treat these processes as complex, multi-dimensional and relational, analyzing the internal dynamics of the insurgent group, the interaction with the local community within which the group operates, and

the influence of forces of external actors (See for example Duyvesteyn, 2017; Gawthorpe, 2017; Minatti & Duyvesteyn, 2020; Podder, 2017; Schlichte & Schneckener, 2015).

2.3 Civilian agency and resistance to rebel rule

Aiming to explore the interactions between armed groups and the civilian populations living under their rule, civilian agency and the forms of civil resistance to insurgent order obviously fall within the scope of rebel governance studies. Yet civilian populations have tended to be viewed as either active participants in armed guerillas or passive victims of rebel actions, resulting in little attention being paid to the study of nonviolent resistance to armed groups (Hallward et al., 2017, 3; Kaplan, 2018, 18-20; Masullo, 2015, 10-11). Recent accounts throw valuable light on the topic (Arjona, 2015, 2017a, 2017b; Avant et al., 2019; Barter, 2014, 2015b; Hallward et al., 2017; Kaplan, 2018; Masullo, 2015; Svensson & Finnbogason, 2020; Zürcher, 2019), but in-depth, systematic approaches to the dynamic and scope of civilian agency and resistance to insurgent rule are still understudied.

In contrast to studies of civil resistance to rebel rule within the context of civil war, the body of civil resistance literature is vast, exploring collective, non-violent, action-seeking political change (Avant et al., 2019, 2-3). This literature demonstrates why and how non-violent collective action strategies may be more effective than violent ones in fostering political change (Celestino & Gleditsch, 2013; Dahlum et al., 2019; Stephan & Chenoweth, 2008; Thurber, 2019). However, the trend in this body of literature has been to take a maximalist approach to the term, largely analyzing large-scale collective resistance campaigns against incumbent state regimes while often overlooking the micro dynamic of civil war settings (Chenoweth & Stephan, 2013; Dahlum et al., 2019; Djuve et al., 2019; Pinckney, 2018; Thurber, 2019). The field is dominated by quantitative methods which largely utilize aggregated data, hence making it difficult to reveal local micro processes of civil resistance often taking place in areas dominated by non-state armed groups (Masullo, 2015, 16-17).

Consequently, the most promising accounts so far on the dynamics of civilian agency and resistance to insurgent order emerge from studies of micro processes of civil war contexts, including the field of rebel governance studies. According to these accounts civilian agency and non-violent strategies often influence and may shape rebel behavior (Arjona, 2017a; Avant et al., 2019; Barter, 2014; Hallward et al., 2017; Masullo, 2015; Svensson & Finnbogason, 2020) by, for example, moderating insurgent groups' use of violence (Cox, 2019; Kaplan,

2018; Zürcher, 2019). As a reasonable starting point to grasp this dynamic, Arjona (2017b, 756) proposes that the relationship between the insurgent group and the civilian population living within an insurgent-controlled zone can often be seen as parallel to that between a ruler and the ruled. Thus, for insurgent rulers as well as any other authorities ruling populations, partial resistance, ranging from symbolic expressions of discontent and other "forms of everyday resistance" (Scott, 1985) to more open opposition to insurgents' commands and actions, would be expected. As Arjona (2015, 184-185) points out, partial resistance can occur even under the most repressive regimes, because there will always be fissures through which individuals can voice their discontent. No authority can fully control its population. However, as Zürcher (2019) demonstrates, the extent to which a civilian community may voice and resist an insurgent ruler may often be strictly limited .

A central variable that may explain variation in the scope of civilian agency and the ability to resist, violently or nonviolently, is the existence of robust pre-existing civilian institutions. In their recent accounts of civilian resistance to insurgents within the context of civil war, both Kaplan (2018) and Arjona (2017a) point out that civilian communities possessing legitimate and effective institutions are more likely to influence and shape the behavior of armed groups. Legitimate and effective civilian institutions may offer a suitable platform to meet, coordinate, discuss and collectively confront the insurgents and thus enhance their ability for collective action. In the absence of such institutions, or where institutions are not embraced by the majority of the population due to, for example, social or political divisions, or marginalization of certain groups etc. within the community, the community will be less likely to champion their autonomy and will face greater challenges in influencing insurgent behavior.

Recent micro-level studies of civilians living under rebel rulers suggest that the collective term "civilians" is too aggregated. Civilians in a given locale often constitute different sociological groups within the same community who react differently to the same conditions under insurgent rule (Barter, 2014, 2015a, 2015b; Berry, 2019; Cox, 2019; Zürcher, 2019). In his study of civilians living under non-state armed rulers in Indonesia, Thailand and the Philippines, Shane J. Barter (2014) finds that, by disaggregating "civilians" into separate sociological categories, it becomes apparent that different types of civilians make distinct choices. Within the same village, religious figures, chiefs, women, ethnic minorities and shop owners, for example, responded in various ways due to sociocultural factors, thus indicating

that some groups of civilians may be more vital than others in confronting and negotiating with armed rulers (Cox, 2019).

Studies of highly localized violent dynamics additionally propose that civil action and uncivil action may interact and co-evolve, an element that is largely under-communicated in theories of civil society and violence reduction (Cox, 2019, 90; Meagher, 2006). According to Fletcher D. Cox (2019), civil society groups with strong intergroup relationships and capacity that facilitate effective civil action may also present useful tools for political entrepreneurs mobilizing for uncivil, i.e., violent, action. Likewise, Kate Meagher (2006) shows how civil society, established in order to prevent and contain violence, is instead "hijacked" by political and military elites and transformed into a vehicle for mobilizing violence. This illustrates the importance of studying civilian agency and resistance in interactions with non-state armed groups in order to enhance understanding of complex civil war environments.

2.4 Security provision, order and local power competition

It is reasonable to assume, based on the discussion above, that (local) pre-existing authorities and institutions would desire to preserve some level of authority and autonomy in the face of emerging insurgent groups and that they would not surrender without some level of resistance. Yet rebel governance studies also propose that most people and communities living within a civil war context would prefer a certain extent of order and predictability (Arjona, Nelson, et al., 2015; Kilcullen, 2015). It may be profoundly challenging for any community or local authority, for example a village council or kinship group, to balance these sometimes opposing objectives within the potentially fluid and uncertain context of civil war; and as Arjona (2015, 2017a) suggests, the capability of village councils or tribal elders to advance their local group interests would largely be dictated by the relative power relation between the insurgent group and pre-existing local authorities and institutions. According to this logic, a dominant insurgent group facing limited resistance from local authority structures, either because the insurgent group is sufficiently powerful to oppress local opposition or due to an absence of high quality and effective local institutions, will likely be able to exert a high level of control over the civilian population. Likewise, at the other end of the scale, insurgent groups that are relatively weak compared to local authorities and institutions will likely struggle to dominate civilian communities (Arjona, 2017a; Kalyvas, 2009). In between these two extremes, one may find the negotiated settlements of "aliocracy", where the insurgent group exerts some level of

control and superficial governance, while the local authority retains some autonomy (Arjona, 2015). Of course, these three modes of insurgent-civilian relations regarding control and governance are only ideal types, and on the ground the insurgent-civilian power relations may vary extensively between various locales and change over time.

While the relative strength of insurgent groups versus civilian authorities and institutions is certainly vital for their relationships and indeed imperative for the civilian population's ability to resist domination, other dimensions may also play into the equation, such as the extent to which local authorities may actually welcome insurgent cooperation or even deem insurgent rule as beneficial (Hansen, 2019). As Kilcullen (2015, 131-138) proposes in his theory of competitive control, militant Islamist groups do not necessarily gain dominance in a new area through use of force alone, but also through various local mechanisms and order making, such as security provision, establishment of law and order or other basic services desired by the local community. This point is well illustrated by Ryan Evans (2014) through his micro-level studies in 2008–2011 of Afghan communities in southwest Babaji in Helmand province. Evans explores how the local communities' alliance and support for the competing authorities shifted largely according to which actor could provide sufficient security and safeguard their local interests. Facing predation from local government-affiliated militia leaders and local police, the community elders threw their support behind local Taliban insurgents. However, after the British military established dominance in the area, thereby limiting Taliban influence and safeguarding civilians against exploitation by the Afghan police, and was able to apply selective coercion against civilian Taliban sympathizers and show active commitment to the community, the elders decided to retract Taliban support and to comply with British military dictates.

From the perspective of local personal or group interests, whether village leaders or kinship group elders, the appearance of insurgent groups may not only be welcomed for security and broader community interests but also as a force that may create viable opportunities to influence local (internal) power dynamics and settle scores with local competitors (Roy, 2017, 7-8). As famously emphasized by Kalyvas (2003) in his seminal article *The Ontology of "Political Violence": Action and Identity in Civil Wars*, civil wars are ambiguous and complex, played out on the local level according to their specific dynamic and power relations, where the major competitors of the macro cleavage often end up fighting and fueling local and pre-existing micro cleavages between local contenders. Martine von Bijlert's (2009) studies of Afghanistan's Uruzgan province exemplifies this point by showing how

affiliations to Taliban and the Afghan government before and after the US intervention in 2001 followed local power dynamics, largely divided by tribal loyalties. When the Taliban was ousted from Uruzgan in 2001, faction leaders and commanders from tribal groups marginalized by Taliban rose to prominence with US and government support while harassing and outcompeting their former superiors. Hence, they spurred support for the emerging Taliban insurgency from those leaders and groups that felt outmaneuvered by the now Afghan government and US affiliated local powerholders.

Local competition and dynamics, with emphasis on local personal and group interests, may lay the ground for an emerging insurgent group to gain control of civilian communities, often irrespective of the insurgent's political preferences. According to Kilcullen (2015, 116-125), this situation may be reminiscent of a fish trap, which may look innocent from the outside but which, once it taps into local networks and conflicts, soon encircles the target community, making it hard to escape. Through a combination of selective coercive means, provision of security and other services, as well as cooperation with and co-optation of local networks and institutions, may prove vital strategies to pass the threshold for domination and extensive civilian control (Hansen, 2019; Kilcullen, 2015; Kitzen, 2016; Roy, 2017). However, the power relation between the insurgent ruler and its local civilian authorities is not static, but rather the result of continuous (re)negotiations and will be prone to change along with shifts in (local) dynamics.

2.5 Religious extremists, terrorists or insurgents?

Permeating this research project is an acknowledgment that non-state armed groups cloaked in a language of Islam, usually referred to as "jihadis", "militant Islamists", " radical Islamists" etc., should be approached and analyzed on the same terms as other non-state armed groups. As Kalyvas (2018, 36-38) points out, "jihadis" or "radical Islamists" operating as insurgents within the framework of civil wars should be decoupled from terrorism and religion in order to understand their often complex nature and development. This, of course, does not mean that the group at hand is not inspired or influenced by religion and may apply what can be perceived as terrorist tactics[4], but an overemphasis on these often confusing concepts can get in the way

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[4] This thesis will not enter a long-lasting and continuous debate on the academic meaning and use of the concept of "terrorism". Its application here broadly refers to "terrorism" as applied violence against non-military targets

of understanding them. According to Thomas Hegghammer (2009, 265), "the study of a hybrid and non-Western phenomenon such as Islamism does not necessarily require a unique vocabulary. On the contrary, culturally specific terminology, when used carelessly and excessively, may even be detrimental to scientific analysis".

According to rebel governance literature, as previously discussed, an insurgent group's ideology and political preferences may definitively influence and shape its behavior, often in an early phase of a conflict. However, in order to survive a violent and largely challenging environment, the insurgent would have to respond to and be adaptive to a combination of external and internal pressures, thus shifting much of the insurgent leader's emphasis to "the logic of civil war", such as controlling populations and extracting resources to continue the violent struggle. Militant Islamist groups, therefore, although inspired by much of the same ideological currents, may develop quite differently depending on the context in which it operates. Consequently, ideology will often be an ill-suited variable to understand and predict militant Islamist group dynamic and development (Arjona, 2017a; Kalyvas, 2003, 2009, 2018; Mampilly, 2007; Staniland, 2014).

Yet to deny the force inherent in the current stream of radical Islamist discourse would be naïve. As Kalyvas (2018, 43) points out, "[w]ithout a focus on revolutionary beliefs it would be hard to make sense of the ability of jihadi rebel groups to mobilize thousands of motivated cadres". He makes a useful comparison between militant Islamist insurgencies and communist-inspired insurgencies of the 20th century, categorizing both as forms of revolutionary insurgents, motivating and directing the crucial core groups, or "vanguards" (Staniland, 2014, 28-29), willing to undertake high levels of risk in collective action processes and essential for spreading the insurgency despite countermeasures (Kalyvas, 2018). Brynjar Lia (2015, 31) suggests that militant Islamist insurgents occupying territories and ruling populations in what he terms "jihadi proto-states" can be found to share four distinct features: they are intensely ideological, internationalist, territorially expansive and irredentist. They are also "surprisingly bureaucratized and highly regulated, leaving little room for traditional power-holders in patriarchal societies: the elders, traditional religious clerics, clan leaders and heads of tribes. The power-holders are overwhelmingly young armed men whose authority rests on warfare skills and the mastery of extremist ideology" (Lia, 2017, 1).

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in order to achieve certain political goals. For an elaborate debate on the concept, see for example (Richards, 2014) and (Ramsay, 2015).

However, despite common revolutionary visions, the extent to which certain ideological tenets translate into the political realities of civil war is highly contextual. For example, a militant Islamist group's efforts to construct a shari'a state would likely be inspired by the leadership's political visions. Nevertheless, its insistence on applying law and order and on appearing as a "state" may as well be a rational strategy to outmaneuver rival insurgent groups and attract recruits in a challenging civil war context (Tønnesen, 2018). Likewise, adherence to a strict behavior along Salafi-jihadi lines may be inspired by ideology, but is likely also a mechanism to attract dedicated and high-quality fighters, a vital concern for the insurgent group in stiff competition with other, quite identical rival groups on the battlefield (Mironova, 2019). After all, within the limitation of the (localized) discourse and the normative and moral context wherein the militant Islamist insurgents operate, "[i]deology is a flexible political tool even for jihadi groups and it is common for them to tailor their ideological messages to the particular circumstances they find themselves in. They often rely on nationalist and particularistic messages tailored to win popular support" (Kalyvas, 2018, 39).

3. Methodology

3.1 Philosophy of science and critical realism

Coming from a background in cultural and religious studies, I am influenced by postmodernist and constructionist approaches to social science, which propose that we cannot obtain objective knowledge of social realities except through our interpretations and perceptions of it. In that sense, any knowledge is intersubjective, a social construction shaped through discourse (Barker & Jane, 2016, 21-24; Burr, 2003; Creswell, 2014, 7-9). However, by striving to understand and explain – independent of the immediate observers' perceptions – certain mechanisms and processes playing out in the Lower Jubba province of southern Somalia, I make several assumptions that are at odds with a purely social constructivist perspective. First, I assume the existence of a real world "out there", independent of our perceptions and knowledge of it, which corresponds with ontological realism (George & Benett, 2005, 129-131; Maxwell, 2013, 43). Second, believing that local dynamics, mechanisms and processes unfolding within a specific context may have more general validity and inform observably similar cases and situations other places, brings me closer to a positivist, or at least a critical rationalist approach, to social science (Buch-Hansen & Nielsen, 2020, 16-20). Yet I do not support the positivist

assumptions that there are social laws and frequent patterns to be found entirely detached from context. Further, by acknowledging the myriad of various forces and counterforces shaping local relations and processes, I am skeptical about attempts to reduce complex social processes to a few causes with clear effects ("if A and B, then C") and about the idea that a limited set of causes or variables will play out in the same way outside of the observed context. Hence, through my acceptance of ontological realism and (some level of) epistemological constructionism, I feel at home in the philosophical school of critical realism, which shares with (moderate) social constructionism an acknowledgement that knowledge of social reality is a social product, influenced by social interactions, meaning, interpretations, language, culture and discourse, though upholding the notion of an ontological reality consisting of objective structures, causalities and tendencies (Bhaskar, 2017; Buch-Hansen & Nielsen, 2020).

Critical realism emerged in the 1970s as one of several streams of critiques of positivism, which until then had been the dominant philosophical school of thought in the social sciences. Rather than approaching the social sciences in the same way as the natural sciences, i.e., by searching for regularities that follow general causal laws for events and phenomena, a critical realist perspective is cautious about reducing causality within the social realm to a few variables and to view them as valid outside of its context. This is not to say that causality, or more precisely, underlying structures and mechanisms, do not cause observable effects. Instead, in the so-called "open systems" comprising social reality, the complex set of various mechanisms and forces working at the same time, renders it problematic for any social scientist to search for general causal laws based on simple cause and effect claims isolated from its immediate context. This is due to the view that the effect of an identified (causal) mechanism or set of mechanisms within a specific context are contingent on various other mechanisms and structures that may not lead to the same outcome or effect if they operate within another context. Thus, the best a social scientist can hope for is to uncover and explain *tendencies* and *trends*, not general causal laws (Buch-Hansen & Nielsen, 2020, 31-35). One of the implications of such an approach is that predictions within the field of social sciences are highly problematic and will most likely fail. At least, one would be poorly equipped to understand beforehand how all the various mechanisms and structures would play out. According to this view, one should rather focus on explaining previous or contemporary phenomena (Ibid., 17, 32).

However, being of the opinion that knowledge on civil war and conflict generated through social scientific methods should influence construction of strategy and policy as well

as inform political decisions, researchers cannot entirely evade their common responsibility to point out its wider implications and relevance both within the academic discipline and more generally. Yet, being cautious about claiming general causal laws and on that basis propose future predictions, as suggested by a critical realist perspective, does not mean that one cannot propose hypotheses and theories, strive to explain how certain mechanisms and structures shapes certain effects, or suggest careful predictions based on identified trends and tendencies. However, with the inherent awareness that any identified trends and any predictions of complex phenomena and events based thereon are entailed with a high level of uncertainty. In many ways, I think the critical realist approach's inherent belief in the search for social trends and tendencies, combined with the approach's modesty and caution when it comes to general applicability, equips conflict researchers with a sound perspective.

3.2 Motivation and "biases"

My PhD project is funded by the Norwegian Armed Forces and has been a part-time endeavor over a period of five years, from 2016 until 2021. In the course of these five years, 40 percent of my office hours have been spent on the project, while the rest of the time has been spent on my ordinary job as a strategic defense analyst, responsible for following political and military developments in Somalia. However, this PhD project is first and foremost my project. My personal goals for the project relate to my experience of and interest in the Somali civil war, which is still very much ongoing after three decades of fighting and atrocities. In 2005–2006 I made my first trip to the region as a student of African studies at the Norwegian University of Science and Technology in Trondheim and of religious studies at the University of Oslo. In 2011, I completed my master's degree at the University of Oslo about the shari'a courts of al-Shabaab in Somalia. Since then, I have worked as a defense analyst, tasked to provide bureaucrats and decision-makers, primarily in the Norwegian Ministry of Foreign Affairs (MFA), with a contextual understanding of the political dynamics in Somalia. After more than 15 years of academic and professional interest in Somalia and the wider region, I have been privileged to meet many people, both Somalis and others, with a burning engagement and belief in a better future for the country and its people. Yet through these meetings, the grave reality of human suffering that comes with the civil war is all too apparent. Thus, hopefully, but most likely very naively, I started this project hoping to make a small contribution that may be used by those who actively strive to work for peace and stability in Somalia.

My personal and emotional motivations are hence intertwined with the practical and intellectual goals of my project. I hope this project will serve as a platform to gain increased insight and understanding of vital dynamics and processes and thereby provide more in-depth knowledge to those who shape Norwegian policy on Somali affairs. Of course, while I acknowledge the many challenges and problems related to Norwegian and, more broadly, Western interventions in "foreign" conflicts like Somalia, be they military, political or humanitarian, I do not believe that more contextual knowledge about a specific area or problem complex necessarily results in better ways to "fix the problems" in Somalia. Rather, I hope my increased professional academic training has developed my ability to raise critical questions and provoke a more profound level of reflection on the potential consequences of Norwegian policy in Somalia. More broadly, and indirectly, I hope my academic contributions may be deemed relevant by other liberal post-conflict actors, such as the UN, EU, NGOs, etc., which are active on the ground in Somalia. And, of course, I aim to make a small contribution to research on Somali affairs and to the larger body of literature on insurgency and civil war.

My background and emotional engagement with the topic, combined with a critical realist position, obviously colors my perceptions and approach to the research project. However, in contrast to the traditional notion that a researcher should identify his *biases* based on his background, identity, theoretical approach, etc. and strive to eliminate them, Joseph A. Maxwell (2013) points out that one's "biases" should be viewed as a valuable component of one's research. Yet it is vital to be aware of how one's "biases", former experience and assumptions regarding the topic of study may influence one and one's research so as not to threaten the credibility of one's work. When reflecting upon my own "biases", I notice that I am influenced by an action-oriented and idealist discourse which, in my perception, is prevalent within the Ministry of Foreign Affairs, and which tends to suggest that we have political and moral obligations to "do something" to improve the world (according to Norwegian/Western values). This discourse fits well with what David Chandler (2003) terms "ethical foreign policy", where (Western) intervention is seen as a moral obligation to protect the rights of (oppressed) individuals that takes precedence over the rights of state sovereignty. Within this discourse, Western intervention is judged in a positive light, despite its often grave consequences for the people on the ground and still reflects to some extent a (neo)colonial notion of "the White man's burden" (Kipling, 1899).

On the other hand, I notice that I am influenced by different academic discourses (Somali studies, civil war studies) and that I have special interest in how non-state actors and

institutions play roles within the framework of the state (or lack of a state) and conflict. Concepts, assumptions and narratives from my previous experience and the different discourses within which I engage have definitively influenced what I frame and understand as important, while I may overlook other aspects, even critical ones that may be relevant to my research. These have also directed and shaped my approach to and perceptions of the people, groups and dynamics I have engaged with during my fieldwork.

3.3 The data

The PhD thesis rests mainly on unique insight from 90 in-depth interviews with 131 interview subjects conducted during eight field trips to Somalia and Kenya between October 2017 and March 2020, in addition to sporadic fieldwork in Oslo. The field trips lasted from one and a half to two weeks. Nine interviews were conducted by the author in Oslo, 12 in Mogadishu, 24 in Nairobi and 45 in Kismayo. Eight interviews in Kismayo and three interviews in Nairobi were group interviews, varying in size between two and 15 interview subjects. The interview subjects constitute a mix of clan elders, senior Islamist leaders, former al-Shabaab and Mu'askar Ras Kamboni mid-level leaders and foot soldiers, Somali politicians, Somali academics, a local civil society group, a local women's group, as well as "ordinary" citizens who have lived under al-Shabaab rule. Most of the interview subjects are from or in other ways connected to Lower Jubba, especially the city of Kismayo. While most of the interview subjects were men, reflecting the dominant position of adult men in Somali politics and internal dynamics within the militant groups, I conducted a few interviews with Kismayo women, including an active local women's group[5] whose perspectives provided valuable insight into the local dynamics and everyday life under Islamist rule in the city.

This PhD project also draws on my previous research and fieldwork in Nairobi in 2010 and 2011 focusing on Somali refugees who had either been involved with or in other ways had close experience and knowledge of al-Shabaab's courts in south-central Somalia. The first part consisted of 18 in-depth, semi-structured interviews conducted in Nairobi's central business district and Eastleigh, often referred to as "Little Mogadishu", in October 2010. The second

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[5] A full list of all interview subjects, including current work or position and affiliation with Lower Jubba, is found in the appendix. Due to security concerns, all names are omitted from the list.

part of the fieldwork was conducted by two of my Somali research assistants through structured interviews in Eastleigh between November 2010 and November 2011.

3.3.1 Why Kismayo?

To grasp the processes and mechanisms that produce forms of order alternative to formal state institutions, Lower Jubba and its provincial capital of Kismayo is a well-suited place for research for several reasons. First, since October 2012, when Kismayo was reconquered from al-Shabaab by a Somali militia, backed by the Kenyan Defence Forces, the city has been relatively safe, even for Westerners like me. Second, the city served as the capital and headquarters for al-Shabaab from August 2008 to October 2012, and thus has a vast population with relatively recent memories of the dynamics and everyday life under Islamist rule. Third, Kismayo is the prime strategic and political hub in the far southern part of Somalia, attracting several key figures, Islamist leaders, defectors from al-Shabaab and local politicians and, not least, constitutes the main hub for the senior traditional leaders responsible for Lower Jubba and the wider southern Somali areas. Fourth, Kismayo is not Mogadishu; Mogadishu-centric approaches and views are vital in order to grasp and understand central processes and dynamics in south-central Somalia.

While it is the province capital of Lower Jubba and one of the largest cities in Somalia with a population of around 500,000, the city of Kismayo feels more like a town compared to the increasingly cosmopolitan city of Mogadishu, with its population of more than 2.5 million. Unlike Mogadishu, the presence of international organizations in Kismayo is very limited, and few non-Somalis are visible in the town, except soldiers from the African Union who man control posts at the airport, the main sea port and the road leading north towards the battle front. UN has a small camp at the airport but keeps a low profile in the town. The most prominent signs of international involvement (apart from military assistance) are western NGOs, though most of them are staffed by Somali employees.

The permanent presence of the largely Mogadishu-based political elite is limited. Except for the current Jubbaland President Ahmed Mohamed Islam "Madobe" and his inner circle, who spend considerable time in Kismayo, the city largely hosts politicians who focus on local and provincial affairs. In many respects, there are often closer connections between local politicians in Kismayo and politicians across the border in Kenya and Nairobi than between politicians in Kismayo and Mogadishu. In sum, to conduct fieldwork in Kismayo

offers a vital opportunity to explore views and perspectives which, if not from the margins of Somali society, are at least from outside of the center and are largely under-communicated or ignored by policymakers and researchers. To approach and grasp the narratives and processes unfolding in the provinces is central for anyone engaged in Somali affairs.

3.3.2 Selection of interview subjects

With the aim of exploring civilian experiences with militant Islamist rule and order in the Lower Jubba, including civilian agency and effects on local clan institutions, it was important to meet and speak to people who had lived under or in other ways have had direct experience of militant Islamist rule on the ground. In order to construct a comprehensive and "thick" description of vital incidents, processes and mechanisms, I sought to meet and interview a wide range of people from different sectors of the Lower Jubba community, including local elites, i.e., local clan elders, politicians, Islamist leaders and militia leaders as well as "ordinary" people like taxi drivers, seasonal workers, unemployed people, former Islamist/al-Shabaab foot soldiers and other members of civil society. I also wanted to include women's perspectives of everyday life under Islamist rule.

      The experiences from my fieldwork in 2010 and 2011 in Nairobi, a less demanding area to operate in than Mogadishu and Kismayo, gave me a reasonable starting point for conducting further research in Somalia for several reasons. First, my network of Somali contacts, academics and research assistants was vital for reaching out to and identifying relevant gatekeepers and interview subjects. As I soon realized during my fieldwork in 2010, and as elaborated by various (post-)conflict researchers (Bøås, 2020; McAuley, 2021; Sindre, 2021), I was heavily dependent on assistance from well-placed gatekeepers when it came to approaching new circles of people and certain sectors of the community and identifying suitable interview subjects. In the conflict and post-conflict contexts of Mogadishu and Kismayo, the trust required to open up for discussions and interviews dealing with highly sensitive topics with a stranger from Norway rested upon the relations between the interview subject and my intermediaries. This would not have been possible without long-term relations with a few Norwegian-Somali contacts in Oslo and close cooperation with Somali research assistants in Nairobi.

      Second, to dive deep into the subject matter and identify the most relevant interview subjects, I knew I had to meet people who had first-hand experience of the incidents and

processes of interest. While some of them – especially those from the economic and political elites – could be tracked down in Nairobi, Mogadishu, and in some cases even Norway, which hosts approximately 30,000 people of Somali origin, most persons of interest would probably be found in Kismayo or elsewhere in Lower Jubba. Based on previous experience, it is difficult to formulate a clear plan for who, where and when to meet in these kinds of environments. A combination of the "snowball" method, prior knowledge about individuals and networks and extensive cooperation with my already established network of contacts and gatekeepers gradually began to show results, especially after my first visit to Kismayo in February 2018, when I was introduced to the local political elite, most of the senior clan elders of the area, civil society groups, a women's group and several "ordinary" people living in the town. All these new meetings and the relationships that developed would not have been possible without the influence and string-pulling of gatekeepers I had previously met in Nairobi. To illustrate the uncertainty of this approach, when I landed in Kismayo a couple of days before, I had no concrete appointments for interviews except for a couple of local contacts.

Third, working closely with local research assistants with a first-hand understanding of the political and social contexts, as well as being well connected, is decisive to the success of the fieldwork. This was especially evident during the last field trips, when I had some highly specific information gaps left to fill that would best be answered by former al-Shabaab members who would be able to counter the views of the local population, politicians and elders from inside the organization. This was no easy task, but after several months of efforts by my local research assistants, I was able to interview several defectors from local clans, including foot soldiers, mid-level leaders and bureaucrats under very low-key circumstances. Likewise, to find and set up meetings in Mogadishu with some of the senior faction leaders from the 1990s also proved challenging, but was made possible through the extensive work of my research assistants.

The emphasis on adult men as interview subjects in the course of 2017–2020 partly reflects the project's focus on understanding the key incidents and political dynamics in Lower Jubba, especially those that unfolded between 2006 and 2012, the period when the province was experiencing two waves of militant Islamist rule. During this time period, as in traditional Somali politics, women had limited direct participation in clan mediation among elders or within decision-making circles among Islamist leaders. However, to get a broader sense of the political and social dynamics, it was vital to gain an understanding the role of women and to hear their perspectives of the processes and mechanisms. This became obvious after group

interviews with a civil society women's group in Kismayo in February 2018 and individual interviews with two women, all of whom lived in the city throughout the civil war. Although their views on the incidents largely harmonized those of the men, they contributed with additional aspects and notions that were not covered by the men, such as the widely appreciated Quran schools for women that was introduced by al-Shabaab. The same can also be said about the perspectives of a young man interviewed in Mogadishu who as a child had lived in Kismayo at a time when *khat* chewing was prevalent. His stories about the challenges of maneuvering and surviving in this context provided a valuable additional layer.

3.3.3 Practical limitations

I was fortunate to have successfully completed my planned field trips to Somalia and Kenya just before the sudden outbreak of the COVID-19 pandemic. My last trip to Kismayo ended on March 5, only a few days before the Norwegian government and several other European countries went into lockdown.

As mentioned, most of the interviews were conducted during eight field trips to Nairobi, Mogadishu and Kismayo. Each trip lasted between one and a half and two weeks. Visiting these cities for only brief periods at a time has several disadvantages. First, it made the project very vulnerable, as the relevant interview subjects had to be identified and available during a very limited time slot. If, for example, key interview subjects were out of town or otherwise unavailable, I had limited flexibility to make adjustments while in the field. Such situations arose several times, such as during political meetings in the run-up to the Jubbaland election, where local elders and politicians were occupied with political negotiations. Second, it allowed me little time to develop closer relations with the key interview subjects. There were few opportunities to conduct follow-up interviews or to interview other potential interview subjects. Third, limited time on the ground obviously meant that there were few opportunities to gain a deeper understanding of the current political context in Kismayo and the wider Lower Jubba or a wider variety of perspectives and narratives about the present and the past proposed by the different actors, networks and institutions, and to find complementary and even conflicting views.

A key element that offset the downsides of short field trips was the cooperation with locally embedded field assistants. As already mentioned, without research assistants with in-depth knowledge of and sensitivity to local dynamics and the evolving security situation as

well as being well connected to influential local actors, the fieldwork would not have provided its current results. While I was only present to conduct the interviews during a quite limited time slot, the research assistants made preparations for weeks prior to my visits, identifying relevant interview subjects and assessing the right time and place to meet. It was largely they who managed to provide sufficient leverage to even convince individuals in powerful positions to meet a foreign researcher. The importance of my local research assistants and interpreters in Kismayo, Mogadishu and Nairobi, as well as my Somali contacts and gatekeepers, cannot be overstated.

The decision to plan for several short field trips instead of one or two longer stays in the region was based on a combination of factors. First, as this PhD project is a part-time venture, my other work obligations would suffer from long-time fieldwork. Second, exposure to an uncertain security situation over time could potentially increase the risk of adverse incidents. While the local administration in Kismayo, backed by African Union troops, has been able to provide what by Somali standards is a surprisingly safe and stable environment since the end of 2012, al-Shabaab still dominates the rural areas close to the outer limits of the city. The group has been able to launch a few suicide missions against leading politicians within the city center, the last two against a popular hotel in the city center in July 2019 one week after I left, and one outside one of the most popular mosques in town. Although foreigners are likely not prime targets for al-Shabaab in Kismayo, few "whites" are seen in the city and long-term presence would certainly be noticed by the assumed extensive network of al-Shabaab informants in the town. This would potentially increase the risk for my own personal safety and that of my research assistants and interview subjects (the ethical considerations of this point are discussed below). While kidnapping of foreigners for ransom has not previously happened in Kismayo, the potential risk is illustrated by previous cases in Mogadishu and along the Kenyan coast just across the border. Long-time fieldwork would have made me generally more exposed.

Third, while it is costly to fly back and forth between Norway and Somalia, the costs of working for longer periods on the ground in Kismayo and, even more, in Mogadishu, would likely pose a challenge considering the budgetary limitations of the project, especially due to the need for protection and safety measures, for example, the costs of living in areas considered sufficiently safe, armored transport, local guards, personal protection etc. Forth, and not least, as a husband and father of three children, and with ambitions to stay married, I promised my wife not to plan for long-term fieldwork.

3.4 Ethical considerations: fieldwork in conflict and post-conflict situations

My background, approach and use of theoretical concepts have implications not only for my research project; they also have political and moral consequences. As Demmers (2017, 107) points out, "*Framing* also always involves *claiming*". The way I approach and frame certain issues not only reduces and condenses the "world out there" into certain categories and sequences; I also make political and moral claims through my selection of a specific interpretative frame, by, for example, pointing out the legitimacy or illegitimacy of violent conflict (Ibid, 2017, 107). Such reflections have been vital in this project. Exploration and interpretation of al-Shabaab's co-optation of local institutions, for example, have identified some actors, groups of people and specific sub-clans as central for cooperation with the militant Islamists. Such claims are far from being politically and morally neutral.

On the other hand, my interpretations and explanations of complex processes and mechanisms based on a fragmentary set of empirical data have undoubtedly been incapable of grasping the complexities of the dynamics of the events unfolding that unfolded. This has resulted in incidents, actors, groups, etc. being framed and understood in specific ways, where some may be framed as victims and others as perpetrators. While I have strived to obtain the richest possible data from different levels, groups and sub-clans, my interpretations will most likely be heavily influenced by certain narratives from a limited number of people. As already mentioned, a weakness in the project is its emphasis on adult male perspectives, with only a limited portion of information obtained from women and young people.

Fundamental principles of the Norwegian *Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology* include respect for the research subject, including the research subject's privacy, right to be informed about the research, confidentiality and protection from harm (NESH, 2016). Fieldwork in conflict or post-conflict contexts, such as in Kismayo and Mogadishu, pose several challenges regarding interview subjects' rights. A primary concern throughout the project has obviously been my responsibility to safeguard interview subjects, research assistants and anyone connected with them from harm. An additional aspect with potential ethical implications is my affiliation with the Norwegian Armed Forces. The most apparent and immediate question in this regard would be whether these ties would pose any challenges to the fundamental research principles stated above.

3.4.1 Security

The Norwegian guidelines state that "Researchers are responsible for ensuring that participants are not exposed to serious physical harm or other severe or unreasonable strains as a result of the research". "Strain" is applied in a broad sense and refers to "everyday discomfort, risk of retraumatization, and also more serious mental strain […] or stress." (NESH, 2016, 19). As Jonathan Goodhand (2000, 12) points out, research, especially in a conflict zone, may have unexpected negative consequences. In such a context, research is conducted within an intensely political environment, and the researcher is unlikely to be viewed by local actors as neutral or altruistic. The researcher needs to be aware of how his or her presence and engagement with the various actors may "affect the incentive systems and structures driving violent conflict or impact upon the coping strategies and safety of communities".

Reflections on and plans for how to conduct interviews and who to meet where and when are essential to safeguard the research subjects and their relatives, villages, etc. – and myself – from harm and strain. Likewise, questions regarding the implications of my presence, such as "What am I implicitly communicating by being here?" and "Who should accompany me when doing this interview?" would have to be taken into consideration when planning the research (Paluck, 2009). The most obvious security challenge in Kismayo and Mogadishu, as already briefly discussed, is the risk of al-Shabaab attacks, either against myself during fieldwork or against research assistants and interview subjects after my return to Norway. Furthermore, any risks related to a still volatile local political situation, including the local elections held in August 2019.

As reflected on by Goodhand (2000), profound knowledge and understanding of the patterns and dynamics of the conflict would be a good starting point for how to conduct research in the field. Based on her fieldwork in Rwanda and Congo, Elisabeth L. Paluck (2009), emphasizes the importance of establishing the "right" contacts and local networks, consisting of individuals with adequate language skills, and with sensitivity to and deep insight into local cultural and religious customs. Yet I had to keep in mind the potential challenges of power and communication. This is not only about how my presence as a white, male researcher with connections to the Norwegian government might influence the dynamic; it also pertains to how the "right" network of people with relevant local knowledge also could be a challenge and may subtly communicate a specific message not necessarily intended. In a Somali context, the

"right" network in one instance could be "wrong" in another due to, for example, a long history of feuds between the (sub-)clans. What does it mean and what do I/we communicate by working with these people in this context? According to the Norwegian *Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology*, the researcher needs to "have knowledge of local traditions, traditional knowledge and social matters." The regulations further point out the responsibility of the researcher to "enter into dialogue with the local inhabitants, representatives of the culture in question and the local authorities" in order to obtain this insight and sensitivity to local dynamics (NESH, 2016, 26).

Close cooperation with field assistants who possess extensive knowledge of and sensitivity to local dynamics that may affect the security situation has been key to mitigating security risks. During my research in Kismayo and Mogadishu, I cooperated with research assistants who lived and were familiar with the city, were well connected with government institutions, local NGOs and the traditional elders, though without working directly with or for any of those groups. The key research assistants had previous experience in planning and facilitating on-the-ground operations by GOs and NGOs, which in many respects have to take into account the same considerations that were relevant for this project. For example: what kind of car to use (soft-skinned or armored)?; what level of security guards to use in each case?; where to conduct interviews with certain interview subjects?; and where to drive at what time? The main strategy was to keep a very low profile when out in the cities, and to try to conduct as many interviews as possible at venues inside the guarded compounds where I lived. Apart from when we conducted fieldwork in downtown Mogadishu, where the threat from IEDs was still quite high and we decided to use armored vehicles, escort vehicles and a team of bodyguards, we chose to blend in with local traffic when moving around in Kismayo, only using soft-skinned vehicles and one or two local guards, if any. We avoided public places and popular hotels, and in the few instances when we conducted interviews in hotels, we chose a time and place where few people were around. When planning for each field visit and before the day's interviews, we discussed security and safety issues in order to minimize them, first and foremost for the interview subject, but also for the research assistants and myself.

The political situation in Kismayo was tense at times, especially in the run-up to the election in Jubbaland in August 2019 and immediately after, when some of the politicians and clan elders from some of the local sub-clans were opposed to the Jubbaland president Ahmed Mohamed Islam "Madobe". This situation could have made interviews with politicians, elders and others problematic, but this turned out not to be the case. As I soon discovered during my

first two trips, most people seemed to have no problems answering questions about the past, especially about the time prior to Madobe's militia and the Kenyan forces regaining control of Kismayo in the fall of 2012 Indeed, they were often surprisingly open when discussing the dynamics during the time when al-Shabaab ruled the town, especially when talking one-on-one. The only interview subjects who were more hesitant were former al-Shabaab members, who I found talked quite freely but did not like to discuss their past with al-Shabaab when other locals were present. We therefore conducted these interviews in low-profile venues.

3.5 Methodological challenges

This PhD project was the result of my general interest in and engagement with the civil war in Somalia and particularly of my growing interest in the underexplored interconnections between militant Islamist rulers, local institutions and the civilian population in southern Somalia. Accordingly, my approach was guided by a desire to understand certain processes and mechanisms that unfolded in a specific place at a specific time rather than by an aim to develop theory. Thus, the project largely corresponds to what George and Bennet call a *disciplined configurative* case, where the main focus is to explain a historically important case by using established theories. Yet while empirically focused, this kind of research may be used to test the theory and may suggest needs for new theoretical considerations (George & Benett, 2005, 75). Guided by such an approach, the project has slowly proceeded as an academic journey during which I have continuously grappled and engaged with what were to me new strands of theory and concepts in a quest to understand the growing body of accumulated qualitative data. The selection of such a case and approach obviously comes with certain methodological challenges.

A basic and philosophical challenge naturally relates to any (re)construction of the past and to find out, in a realist sense, "*what really happened*". And to explain *why* and *how* things happened. The level of conflict and atrocities conducted by different militias and other political fractions in the course of the past 25 years in Lower Jubba has most likely heavily influenced and politicized all actors' perceptions of the past,

A central methodological challenge for this project has been the extensive lack of written sources, both primary and secondary. As far as I am aware, there are no available archives of written primary sources relevant for this case study. Due to the limited presence of

formal state institutions in southern Somalia after 1991 and the withdrawal of the UN in 1995, only a limited number of written accounts has been found to be relevant for the case study. The available and relevant primary sources constitute a small number of news reports that describe specific incidents, such as the takeover by the Islamic Courts Union of Kismayo in 2006, citing interviews with locals. Another useful source has been a few leaked Wikileaks reports by American officials on the in-fighting between al-Shabaab and Mu'askar Ras Kamboni forces following the struggle of Kismayo in October and November 2009. In addition there are some valuable secondary sources, including a few academic books, articles, and GO and NGO reports concerning political struggles during the 1990s and early 2000s which provide useful background information on the various military and political factions, as well as on the rise of the Islamic Courts Union in Mogadishu. Nevertheless, to be able to explore the intimate mechanisms and processes of local politics, violence and civil resistance in Lower Jubba during militant Islamist rule between 2006 and 2012, I had to rely on oral accounts provided in interviews with people who had intimate knowledge of the case, and who preferably were directly involved.

3.5.1 Use of interpreter: lost in translation?

Language was a practical challenge when conducting fieldwork in Somalia, and partly in Kenya. As I do not speak Somali, and as the majority of the interview subjects only spoke some English, I had to rely on the use of interpreters for most of my interviews. Fortunately, I had extensive experience of using Somali interpreters from my fieldwork in Eastleigh, Nairobi, in October 2010, and prioritize finding qualified interpreters in the various locations early on. As Bujra emphasizes, it is important to spend sufficient time with the interpreters to make sure that they actually translate satisfactorily and really know and understand the objectives of the projects and the topic discussed with the interview subjects. This is to make sure not only that the question and the answers to them are as correct as possible, but also that you as a researcher and your project are explained in a satisfactory way, so that the research subject are properly informed of your true intentions. It is also important to understand how the interpreter's presence can influence the interview situation due to factors such as their age, gender or clan affiliation (Bujra, 2006).

Most of the time I decided to use my local research assistants as my interpreters. They were proficient in English, knew the project very well, had facilitated the interview in the first

place, and made sure as few people as possible would be present during the interview. Finding the most suitable interpreters was vital because early on in my first field trip to Nairobi in 2017 I decided not to record interviews. I made this decision for several reasons. First, previous experience from Nairobi in 2010 taught me that many interview subjects felt uneasy about recorders, probably out of fear of retaliation by al-Shabaab or intervention by the Kenyan authorities if the material was leaked. Second, I had had several inspiring conversations with experienced researchers during my PhD course at the Swedish University of Agricultural Sciences in Uppsala who, when conducting interviews with vulnerable groups and militants in areas such as Afghanistan, had stopped using recorders so as not to influence the interview situation negatively and avoid the risk of compromising the people interviewed if the recorder was lost or stolen. Third, I noticed how the attitude of several of my interview subjects changed during my initial interviews in Nairobi (in 2017) as soon as I turned on my recorder. They adopted to a more formal tone and seemed to think more about giving the politically "correct" version of their stories.

The decision to use interpreters and to not make recordings has without doubt resulted in a loss of valuable information and nuances in the questions and the answers. However, the time for questions and answers in Somali, before they were translated into English, gave me plenty of time to note down the answers, and reflect critically on them. If I felt that the answer was not in line with what I intended or expected, I typically asked the question again or cross-checked with similar questions later on in the interview to make sure there was no misunderstanding about what the interview subject actually meant. In any case, there were few practical alternatives to using interpreters.

3.5.2 Validity

I understand "validity" in a commonsense way in line with Maxwell's (2013, 122) use of the term, i.e., not in a positivist sense as "true" descriptions or presentations of an objective world, but rather as a straightforward reference to "the correctness or credibility of a description, conclusion, explanation, interpretation or other sort of account". As Kvale and Brinkman (2015, 248-249) emphasize, validity is not a separate stage in the research process; it permeates every stage of the whole process, from the initial thematizing and research design to the practical work (for example during the interview phase), analysis and writing of the final paper.

In the course of the project I met several challenges concerning the validity of the research at each stage of the process.

Maxwell (2013, 124-125) outlines two broad categories of threats to validity in qualitative research: *researcher bias* and *reactivity*, i.e., the effect of the researcher on the individuals studied. As already discussed, my previous experience, emotional engagement and preferences, use of theory, philosophical assumptions etc. have all influenced what I see and how I interpret the information I obtained. However, instead of trying to eliminate these "biases" for validity reasons, which in a constructivist/critical realist sense is impossible and meaningless, my main effort to reduce validity threats has been to identify and reflect on my own prejudices and positions and try to understand how they have influenced my conduct and the findings of my research. In terms of reactivity, meaning how I as a researcher influence the interview subject and the interview situation, there have been many challenges to reflect on. For example, the challenges mentioned above regarding ethical considerations would also pose methodological challenges: how do I, as a white Western male affiliated with the Norwegian government, influence the research subject? How do my research assistants, interpreters or local contacts influence the situation? Will I be associated with a specific sub-clan, the elders in the village, or with the local government? How do gender issues and power relations influence the interview? I generally attempted to counter these kind of challenges during my fieldwork and interviews by acquiring local political, social and cultural knowledge, being receptive to local advice and sensitive to local dynamics as suggested by my research assistants, and by not asking leading questions. However, as Maxwell (2013, 124-125) emphasizes, the best way to counter these challenges is to be aware of them and to try to understand how they influence the interview situation and what the subject says.

The fact that I am a Norwegian researcher, and on top of that one who is directly affiliated with the Norwegian government, obviously influenced power relations and expectations of the interview subjects, research assistants, contacts and others during fieldwork on the ground. On several occasions, I was asked to assess potential projects by local NGOs or otherwise to pass on project proposals to the Norwegian government on the assumption that I had close contact with the Norwegian Ministry of Foreign Affairs. My general approach to any expectations and requests beyond discussing the research topic was to emphasize my role as a PhD candidate and researcher, and to advise everyone to contact the Norwegian embassy in Nairobi. While a few may have been disappointed, I generally experienced few demands or unpleasant situations on account of my government affiliation. On the contrary, the interview

subjects showed a largely positive attitude, and expressed curiosity as to why a white man from faraway Norway was interested in doing research on local dynamics in Lower Jubba. Some of the former senior militia leaders seemed particularly skeptical about my intentions and hesitant to share. Nonetheless, during the interviews they gradually opened up and began sharing personal stories and details I was not expecting. It is of course likely that several of them withheld vital information out of fear of it being leaked or for other reasons.

As highlighted by Morten Bøas (2020), another vital aspect that may have influenced my relationship with local research assistants and interview subjects, and potentially the validity of the data, is money. In the (post-)conflict situation of both Kismayo and Mogadishu, where access to money and resources is unevenly distributed, there will obviously be expectations regarding money when interacting with a "rich" white researcher from Norway. The possibility cannot be rule out that some of the interview subjects, especially the poorer ones, may have showed up to receive a small amount of money or may have said what they thought I wanted to hear "in return". However, based on my previous fieldwork experience in Nairobi in 2010–2011, I applied some mechanisms to reduce this dynamic as much as possible. Whenever I initiated a new working relationship with local research assistants, we spent some time discussing our common expectations and demands, including the nature of the project, informed consent, selection of interview subjects, time frames, security and, not least, how to deal with money, both the level of payment to the research assistants and how to manage expectations and demands from gatekeepers, interview subjects. etc. I soon found that the most convenient way to deal with money was to agree on a fixed sum for the various research assistants in advance of every field trip. I often paid half of the agreed amount before my arrival (via Hawala, the money transfer system) and the rest after concluding the trip. The amount they received included payment for their work, transport, (sometimes) security, translation services, identifying potential interview subjects and arranging for them to attend interviews. The research assistants obviously had incentives to reduce expenditure on convincing and coordinating interview subjects to attend interviews. The research assistants knew that I would not accept the payment of large sums of money to bribe people to attend. Typically, the research assistants paid the interview subjects for any travel expenses, time off work, etc. During the interviews I did not make any direct payments to the interview subjects, though I paid for tea or coffee, and food if we dined together, and occasionally taxi expenses. We actually had very few disagreements regarding money. The only two cases involved Somali politicians in Nairobi, who refused to attend after they realized I would not pay USD 100 for the interviews.

One of them, however, eventually changed his mind and agreed to meet if I would pay for lunch in the hotel restaurant and a taxi, which I did.

In order to safeguard the validity of my research, I applied and strived for what Maxwell terms rich data (2013, 125-126) and what Geertz refers to as "thick descriptions", i.e., "not a single view of the experience – but a large enough number of testimonies so that great variety in detail is obtained" (Yow, 2005, 8). Since my objective has been to establish detailed descriptions and narratives of what happened in certain situations that took place a decade ago or more, I opted to interview a substantial number of people with direct involvement in or an otherwise deep understanding of the events that took place in order to gain good insight into the processes and mechanisms shaping the relations between the insurgent rulers and the civilian population.

Another, complementary strategy has been the application of triangulation, i.e., to use "different methods as a check on one another, seeing if methods with different strengths and limitations all support a single conclusion" (Maxwell, 2013, 102). While this could reduce the "biases" in one method, there is still a chance that different methods, for example written records vs oral accounts, have the same type of "biases" (ibid, 102). As far as possible, I used the limited extent of written material, especially Wikileaks reports and local news reports from the few incidents covered in Lower Jubba, to triangulate the accounts provided by the various interview subjects to verify certain incidents, for example the nature of civilian protests against the Islamic Court Union's rules in Kismayo. However, because the written material was limited, I aimed to find and interview different categories of people of both genders, assuming, for example, that clan elders, political leaders, militant Islamists and "ordinary" citizens like small-scale business owners, harbor workers and unemployed individuals, would have different perspectives and experiences of the same incidents. I also cross-checked whether people of the same category, for example clan elders, understood certain mechanisms or incidents in relatively similar ways. As narratives about the past may be largely shaped by political preferences and clan affiliation, I also interviewed people from a wide range of local clans and sub-clans in order to find interview subjects who had been on different sides of local struggles.

As problematized by Cleaver (2017), the chance of getting different and incompatible narratives when using triangulation is often high, not least in the highly politicized landscape of civil war. And, this turned out to be the case. I used various approaches to account for conflicting information. In some cases I only used the parts of the information obtained from

several interview subjects that corresponded, ignoring the rest. In other instances I made an overall assessment of the reliability of the interview subjects, based on the information they provided on other aspects which could be verified, deeming some narratives to be more valid than others. The proximity to and level of direct engagement with the incident or mechanisms discussed were sometimes considered to favor one account over another. For example, an interview subject who had been convicted in a court case or an elder who actively negotiated with other elders in a specific case would probably have more insight into the details of al-Shabaab's judicial practices than the eyewitnesses and relatives of the elder or the person convict, even though they lived in the same area. Despite such attempts to assure the validity of the information and of the research more generally, I have most likely emphasized and represented some views and voices more strongly than I should have. I can only hope that any flaws and errors will be clarified and corrected by further research on civil war dynamics in southern Somalia.

There is no interview guide in the appendix because I did not have one. Or, to be more precise, I wrote an initial interview guide, based on my proposed research questions at that time. In practical terms, however, neither my initial interview guide nor later drafts were extensively used during the fieldwork or interviews. Apart from overall interests and an idea of what to expect before an interview, it was really not until the interview took place that I knew what to pursue and emphasize during the session. This depended on several factors, such as the interview subject's proximity to certain events, their clan affiliation, position, interaction with Islamist rule, battles, age, sex, livelihood, etc. A guiding principle, as already mentioned, was to focus on events or incidents in which the person interviewed had been directly involved or of which he or she had extensive knowledge owing to family connections, clan affiliation, etc. Another factor was my slightly changed focus during interviews depending on which article I was writing at the time. For example, during some of the field trips I focused on the Islamists' behavior, institutions and application of everyday rule, while during other trips I focused on civil responses and resistance to Islamist rule. In practice, the kind of interview guides used in the field was an interactive draft on my computer or a half page in my notebook. As I accumulated more knowledge of the various key events and situations, my questions and discussions with interview subjects naturally became correspondingly more detailed and nuanced.

Considering the extent of personal and other sensitive information obtained from the interview subjects, such as clan affiliation, level of involvement with militant Islamist groups and other militia factions, combined with the fact that most of the interview subjects still live in or travel to conflict and post-conflict areas in Somalia where political position and clan affiliation may be imperative for their personal safety and life opportunities, or may do so in future, all the interview data are anonymized. While this reduces the possibility to check the reliability of the interview subjects and the validity of the data and the conclusions of the work of others, and limits other researchers from benefitting from the same data set, concerns for the well-being of the interview subjects and others related to them take precedence (NESH, 2016).

4. Summary of articles

Paper 1

"Hudūd Punishments in the Forefront: Application of Islamic Criminal Law by Harakat al-Shabaab al-Mujahideen", *Journal of Law and Religion* 29, 2 (2014)

Harakat al-Shabaab al-Mujahideen, usually referred to as al-Shabaab (*the youth*), is known primarily as a Somali terrorist group. Since the end of 2008, however, it has functioned as a state power in large parts of southern and central Somalia. In this article, I analyze the main legal body of the group: the *qadi* court. In order to establish law and order in its territories, al-Shabaab has applied its own version of *shari'a*. The article reveals that al-Shabaab's application of criminal law follows the inherent logic of classical Islamic legal doctrines on several points. However, the al-Shabaab courts tend to overlook many of the strict requirements regarding evidence and procedure that were outlined by the medieval Muslim scholars in order to humanize Islamic law. Therefore, the legal reality of al-Shabaab's regime is far more brutal than that of most other Islamic-inspired regimes in the contemporary Muslim world. Al-Shabaab's practice of Islamic criminal law may be seen not only as a means to exercise control through fear but also as an effective way of filling the vacuum of insecurity and instability that has followed twenty years of violence and the absence of state institutions in its territories. I

argue that, in order to understand al-Shabaab's current practice of criminal law, one has to take into consideration the group's jihadi-Salafi affiliation. According to Salafi notions, *shari'a* is not only a means to an end, but an end in itself. As such, *shari'a* (i.e., God's divine law) is the visual symbol of an Islamic state. Consequently, the application of Islamic criminal law, and especially of the *ḥuduud* punishments, provide al-Shabaab with political-religious legitimacy.

Paper 2

"Militant Islamism and local clan dynamics in Somalia: the expansion of the Islamic Courts Union in Lower Jubba province", *Journal of Eastern African Studies* 14, 3 (2020)

Over the course of only a few months in 2006, the Islamic Courts Union (ICU) defeated the clan-based faction leaders in Mogadishu and conquered most parts of south-central Somalia, an achievement unprecedented since the fall of the Somali state in 1991. The ICU's rapid expansion met with little resistance and the local populations generally received their forces with enthusiasm. Drawing on unique empirical material, the paper discusses why and how the ICU alliance expanded in Somalia's southernmost province Lower Jubba. While ICU's initial success in Mogadishu was due to a combination of several factors that are discussed in existing literature, this paper contends that its wider expansion in Lower Jubba was largely caused by ICU's ability to utilize local dynamics, structured along clan lines. While the ICU was initially welcomed by the local population in Lower Jubba, its Islamist-inspired politics was soon heavily challenged throughout the province.

Paper 3

"Jihadi governance and traditional authority structures: al-Shabaab and Clan Elders in Southern Somalia, 2008-2012", *Small Wars and Insurgencies* 31, 6 (2020)

Based on unique fieldwork in southern Somalia, this article explores how the interrelationship between jihadi insurgent rulers and traditional authority structures fostered local order in the southernmost part of Somalia in the period 2008 to 2012. While the jihadi insurgent group al-Shabaab's state project was strongly inspired by jihadi-Salafi ideology when it conquered large parts of south-central Somalia in 2008–2009, it developed a strategy to cooperate with and co-opt local authority structures. This was partly a pragmatic approach in order to gain control of

local institutions and populations. However, utilizing the local clan elders was a practical and cost-effective arrangement through which al-Shabaab could collect material resources, such as money, weapons, new recruits and other local resources. By sustaining the traditional authority structures, al-Shabaab also fostered a degree of trust and legitimacy among the local populations.

Paper 4

"'Like a Chicken in a Cage': civil Resistance, militant Islamist Rulers and traditional Authorities in Southern Somalia", *Civil Wars* 23, 1 (2021)

Based on unique fieldwork in southern Somalia, this article explores civilian agency and civil resistance under the rule of jihadi insurgents in the southernmost part of Somalia in the period 2006 to 2012. After almost two decades of civil war, local institutions were weakened and the communities could not resist tight jihadi control. Lack of cohesion and trust within the communities opened up for exploitation during internal jihadi insurgent rivalry. The traditional authorities, representing the various clan communities, either fled or chose to cooperate with the new rulers. However, while treading a fine line, traditional authorities were still able to raise community concerns and, in some cases, influence the jihadi rulers' behavior through limited forms of civil resistance. Although they did not change the overall political situation, the traditional authorities were instrumental in reducing tension and improving civilian life.

5. Results and discussion

This project applies a multifaceted approach to order-making by Islamist insurgents who rule kinship-based communities. The four published articles show that the militant Somali Islamist groups operating in Lower Jubba from 2006 until 2012 were heavily inspired by a global Islamist discourse, adopting several tenets, symbols and a language affiliated with a global Salafi-jihadi trend. These included promoting and applying a strict and radical interpretation of the Islamic legal tradition, establishing new institutions to safeguard the groups' moral and legal codes of behavior such as restricting women's freedom to appear in public and banning

the use of *khat*, introducing an Islamic curriculum in the schools, and "re-educating" clan elders. The speedy establishment of a systematized and relatively advanced legal system run by more or less educated Islamic clerics brought increased safety and predictability, as well as some degree of empowerment, to ordinary citizens, provided that they followed the Islamists' strict rules and regulations. This fostered both increased population control for the Islamists insurgents, but also some level of legitimacy for the new rulers. While the relative success of the revolutionary project of al-Shabaab and the other Islamist groups brought into power a new and relatively young elite, mobilized recruits from a wide range of clan groups and constructed a pan-clan identity, the groups also adopted a pragmatic approach to local dynamics and pre-existing institutions and authorities on the ground. In order to control the vast and rapidly expanding areas under their rule, the Islamist groups welcomed a level of cooperation with local clan elders within certain boundaries, and largely succeeded in co-opting pre-existing institutions as a vital part of their local administrations throughout Lower Jubba (and elsewhere). Co-optation of the clan elders provided the Islamist rulers with increased local control, access to resources and recruits, as well as some level of legitimacy. In return, those clan elders who stayed and cooperated retained some level of recognition and authority over internal clan affairs, though with clear limitations on their powers. Yet the clan elders, through their local legitimacy and intimate relationship with their clan constituencies, proved the most viable platform for local resistance and civil agency. Although not sufficiently strong to defeat or radically transform the Islamist administrations, they had enough leverage to moderately defend and promote civilian interests.

The articles that make up this thesis provide both empirical and theoretical contributions. However, the project's most obvious academic value undoubtedly relates to its empirical findings and its production of new knowledge about micro-level mechanisms and processes unfolding in southern Somalia during an important and transformative period in which militant Islamism emerged as a dominant political force. An area and a period that is understudied by social scientists. The limited research existing on Somali politics during this period, including the emergence of Islamism, is largely Mogadishu-centric. This project's emphasis, centering on Kismayo and the wider Lower Jubba province, hence adds valuable perspectives and highlights political dynamics and perspectives from another center of gravity in Somali politics. The project's results point out how some dynamics in Lower Jubba are largely autonomous from those playing out in Mogadishu, often being more interrelated with

the border areas of Kenya and the capital Nairobi, while in other respects Kismayo and the wider province is rapidly affected by political tidal waves emerging in Mogadishu.

While perhaps most empirically valuable to the area studies of Somalia and the Horn of Africa, the empirical contributions in the articles may also prove useful to several other disciplines and theoretical debates, including peace-building/peace research, peace and conflict studies, civil war studies, state-building, rebel governance, insurgency and counterinsurgency, civil resistance, just to mention some. Southern Somalia is in many respects unique, having experienced limited influence by any kind of formal state institutions for three decades.

This thesis does not aim to provide a new, grand theory on state formation or state-building. However, it proposes, inductively, some factors and mechanisms that foster order-making in a context where formal state institutions are almost non-existent, thereby adding value to state-building theory. It shows that militant Islamists, by many described as primarily "terrorists" and ideological extremists, can indeed construct stable and predictable orders for civilian communities divided by kinship-based loyalties within the context of civil war. The articles that make up this thesis argue that the Somali militant Islamists' success rests upon a combination of several factors. First, the Islamist insurgents' emphasis on an Islamist identity and an inclusive approach to the largely divisive forces of kinship-based identities, thereby attracting a broad base of potential recruits and supporters. Yet at the same time, the insurgents were highly sensitive to local politics and exploited these dynamics if necessary. Third, the insurgents' focus on local institutional control, application of strict rules of conduct and willingness to enforce them reduced inter-clan violence and installed order and predictability for the group's members and the civilian population alike. Fourth, despite their revolutionary and transformative visions, the insurgents were also profoundly pragmatic in their approach to local authorities and institutions, especially the long-lasting authority of the clan elders as representatives and mediators of the local clan groups. While the clan elders were largely subordinate to and co-opted into the new power structures, they were allowed to retain some of their traditional roles and authority, increasing the level of interaction between the new governing structures and the civilian population.

The project fully aligns with the micro-level turn in civil war studies as it strives to understand and explain in-depth a quite narrow set of mechanisms and processes unfolding in a limited area in the course of a limited time period. Through its emphasis on the interrelationship between militant Islamist rulers and the civilian population, with particular regard for how local order emerges from the negotiations between pre-existing authorities and

institutions on the one hand and the militants on the other, the project is relevant to and finds support in several expanding scholarly debates.

The project broadly contradicts views claiming that territories and populations outside the control of formal state institutions are deemed to live in chaos and anarchy, as proposed by the "failed state" paradigm. While political and social order has been far from granted in southern Somalia since the collapse of the formal state institutions, large areas and populations came to experience relative security and stability under militant Islamist rule for years and continue to do so. Consequently, the findings adhere to a flexible and non-state-centric view of governance, where the level of statehood or "stateness" is rather an empirical question, whereby governance is a product of constant (re)negotiation by various authorities and institutions. The formal state (institutions) is thus only one of several competing authorities.

The analysis and results of the project make a valuable contribution to the quite recent but rapidly expanding field of rebel governance studies. Until recently, however, most of the theory-building within this field has rested on fieldwork and cross-case comparisons of non-Islamist insurgency groups. Thus, this project adds valuable knowledge about one of the most resilient Islamist insurgents to have ruled substantial territories and populations, and that continues to do so. The findings, however, largely support the assumptions and theoretical concepts already framing the main discussion of rebel governance studies in several regards, suggesting that militant Islamists should be treated and analyzed on the same basis as other insurgent rulers.

The findings of this project largely follow the claims made by dominant voices within the rebel governance literature (Arjona, 2017a; Kalyvas, 2009; Mampilly, 2011) that an insurgent group's need to obtain control and, secondly, to acquire the resources necessary to sustain the organization, trump ideology and political visions. The militant Somali Islamists, as anticipated by rebel governance literature, put a lot of effort into exercising tight population control and did not hesitate to apply violence and coercion to achieve this goal. Any opposition or threats from opposing authorities were harshly crushed. Yet the groups soon realized that long-term control and access to local resources would be more sustainable through a pragmatic approach to pre-existing institutions and authority structures, such as the clan elders, who still enjoyed a certain level of local trust and legitimacy. Instead of battling these sociopolitical forces, the militant Islamist insurgents attempted – and largely succeeded – to achieve a substantial level of control, stability and predictability, as well as access to local resources and some level of legitimacy through co-optation of local clan elders.

However, as acknowledged by rebel governance literature (Mampilly, 2011, 2015; Mampilly & Stewart, 2021), the need for control and access to resources through the threat of violence, co-optation of local authorities and a certain level of pragmatism cannot fully explain the Islamist ruler's behavior or its dynamics with the local population. The Islamic Court Union and al-Shabaab's radical reformist approach to Islam, materialized through its insistence on, for example, the establishment of shari'a courts, the destruction of traditional Sufi shrines, the establishment of moral police units, etc., which should partly be accredited the group's adherence to Salafi-jihadi ideas, as explored in my first article. However, application of the strict *huduud* punishments undoubtedly also proved beneficial for several other pragmatic political reasons, such as population control through fear, establishment of order and predictability, and production of "Islamic" legitimacy.

None of the articles extensively discusses nor tests Kalyva's (2009) famous theory proposing that control fosters support for violent actors within a civil war context, not the other way around. Instead, most of this project explores how control is established in the first place, in this case through a combination of violence, an inclusive pan-clan approach, sensitivity to local politics, pragmatism, enforcement of strict rules and co-optation of local clan elders. Nonetheless, the empirical findings of this thesis largely support Kalyva's theory. While the Islamic Court Union was initially received with some level of enthusiasm among the population in Kismayo, broad-based support – or obedience - of the Lower Jubba province with respect to the Islamist alliances in 2006 and later in 2008–2009, not least among the local clan elders, first came after the insurgents had gained a dominant military position and had taken over the major towns in the province. As an elder from one of the smaller clans in Kismayo put it: "We are used to welcoming any new conqueror". Al-Shabaab's eventual tight control of most areas of south-central Somalia was not the result of massive popular mobilization against the incumbent regime nor its ability to mobilize in the name of nationalism, ethnicity, Islam or any other political idea. Its growing authority afforded greater control of local institutions and communities, which further facilitated new recruits and resources to expand its state-building project.

On the other hand, the findings also demonstrate that production of a sufficient military and political force necessary to enforce a substantive level of control, as proposed by Kalyvas (2009), results from complex (local) sociopolitical dynamics and may take many forms. Where some forms obviously produce profoundly more stable and long-lasting ruling systems than others. This point is well illustrated by the contrast between the militia faction rule of the Jubba

Valley Alliance discussed in article 2 versus the enduring *de facto* state of al-Shabaab, the latter which has established effective institutions firmly rooted in and intertwined with local authority structures. Where the Jubba Valley Alliance was largely founded upon military force by an opportunistic clan-based alliance, with weak institutional ties to the local communities, al-Shabaab contrastingly welcomed locals from all clan groups (as long as they were not perceived as opponents) and emphasized production of institutions through co-optation of local clan elders. Therefore, to understand the sociopolitical foundation, especially its local institutional embeddedness, of insurgent rulers operating within a civil war context is vital when assessing the regime's long-term survival beyond initial (military) control.

This project does not primarily treat or discuss the militant Islamists' organization and their application of violence. However, their ability to apply systematic violence and coercive means permeates the whole thesis as a basic premise. In the context of a profoundly brutal and violent civil war, no actor with political and military ambitions would have a chance of success without a considerable number of young men with guns. Key factors for the Islamist insurgents were, obviously, how to mobilize as many men with guns as possible and how to use and regulate their forces to suit the group's strategic goals. Through a combination of an inclusive pan-clan approach, sensitivity to local politics and alliance-building, local institutional control and co-optation of local authorities, the Islamist insurgents managed to mobilize considerably larger numbers of young men with guns than any other group at that time. Being the group that played this game most successfully drove recruitment far more effectively than the internationally supported Somali government managed to do at that time, and they would probably have conquered the center of Mogadishu in 2009–2010 had it not been for the fierce defense of the last strongholds by the more advanced forces of the African Union.

The findings of this project make valuable contributions to a very recent strand of rebel governance literature that seeks to bridge the gap between the quite expansive body of literature on civil resistance and civil war studies. In contrast to the aggregated, quantitative studies focusing on massive, collective and non-violent campaigns, this project examines micro processes of civil resistance to an Islamist insurgent authority and order outside the purview of the state. More specifically, it explains why and how pre-existing local authorities, i.e., the clan elders, are vital in expressing resistance to oppressive behavior from the ruler and are able to moderate the ruler's behavior and improve the well-being of their clan constituencies, albeit within certain limits. However, the findings from southern Somalia also demonstrate the vulnerability and limitations inherent in the pre-existing local institutions. On the one hand, the

clan institutions have proved resilient, having survived three decades of civil war. On the other, the horizontal ties between the numerous clan and sub-clan groups are quite weak. Consequently, the profoundly fractured political landscape of southern Somalia makes collective civilian mobilization across clans challenging, thus rendering the population vulnerable to insurgent dominance.

The role of the clan elders may at first sight seem paradoxical. The findings demonstrate that they still earn the trust of their civilian clan constituencies locally and largely express and support civilian complaints against the Islamist rulers. Yet through obedience and cooperation with the rulers, the elders have been co-opted into the political order of the militant Islamists, which profoundly benefits the ruling insurgents through increased local control, access to local resources and some level of legitimacy, and strengthens the insurgent order which many clan elders resist. However, it should come as no surprise that the clan elders may be safeguarding local peace and civilian well-being one moment, and mobilizing for war or collaborating with Islamist insurgents in the next, since the interest of his clan group and support of the established traditional order are paramount to any other considerations. This responsibility is the foundation on which he is elected or accepted and through which he retains his authority within the clan.

The relations between the insurgents and other local authority structures, including clan groups, are constantly (re)negotiated and largely shaped and structured based on their power and authority. The question of who is influencing and dominating who would therefore depend on changes in their power dynamics. The perspective of civil resistance may provide a useful lens through which to explore parts of the insurgent–clan group relations. However, through the emphasis on civilian groups' resistance to a dominant insurgent group, one may easily lose sight of the extent to which civilian authorities are capable of influencing and even dominating the insurgent group through, for example, shaping and determining its agenda and trajectory according to its own (local) interests. While my findings indicate that when the ICU conquered Kismayo in 2006, and in the course of the restructuring of the militant Islamist insurgency in southern Somalia between 2007 and 2009, the local clan elders sought to influence the militant Islamist groups and largely perceived the Islamists from their own clan as potential political allies, this dimension of the insurgent–clan group relations remains largely underexplored in this thesis. This dynamic, as well as civilian agency and the level of pre-existing civil institutions' and authorities' influence on non-state rulers of various kinds more broadly,

deserve more scholarly attention and research in the future to further illuminate civil war dynamics.

6. Conclusions

This project has applied a multifaceted approach to order-making by Islamist insurgents who rule kinship-based communities. Based on micro-level studies of insurgent rule by Somali Islamists and their relationship with local institutions and authorities in Lower Jubba from 2006 to 2012, the project illuminates how insurgent groups, inspired and influenced by global Islamist visions, can create relative stability and predictability as sovereign rulers for a civil war-ravaged population that is influenced by and divided along kinship-based identities. The overall analysis suggests that successful establishment and maintenance of order by Islamist insurgents ruling kinship-based communities rests on a combination of several vital factors.

First, an inclusive pan-clan policy. In contrast to most other armed factions of the Somali civil war, several of the militant Islamist groups, like the Union of Islamic Courts and al-Shabaab, strived to construct a common Islamic identity in order to evade the destructive divisions and fragmentation that had followed the extreme politicization of clan group loyalty during the 1990s. While none of the Islamist groups, obviously, were able to fully escape the political realities on the ground, the militant Islamists were often perceived as less clan biased, facilitating broad-based recruitment across clan divisions. For many young men, including those from marginalized clan groups that had suffered heavily throughout the civil war under the rule of militias dominated by the larger clan groups, the militant Islamist groups offered unprecedented possibilities for empowerment.

Second, an emphasis on strict and radical application of shari'a-inspired punishments and moral policing. Through heavy-handed application of whipping, stoning, severing of hands and legs and public executions for a variety of common crimes, as well as establishment of moral police units, the Islamist insurgent rulers quickly instilled fear and dramatically reduced the relative high level of crime that prevailed under clan-based militia rule. Speedy establishment of a systematized and relatively advanced legal system run by more or less educated Islamic clerics brought increased safety and predictability, as well as some degree of empowerment, to ordinary citizens, provided that they followed the Islamists' strict rules and

regulations. This fostered both increased population control for the Islamists insurgents, but also some level of legitimacy for the new rulers.

Third, sensitivity to local politics and alliance-building. Although the militant Islamists strived to transcend clan divisions, they also acknowledged the importance of "clan politics" at both national and local level. Illustratively, al-Shabaab allied with other, more clan-based Islamist groups like the Mu'askar Ras Kamboni on several occasions, playing on clan group affiliations with non-Islamists when these alliances were considered strategically beneficial. To survive and expand their powers they were largely dependent on the groups' ability to balance their cross-clan base and exploit local clan divisions.

Fourth, a pragmatic approach to local institutions and authorities. In order to control the vast and rapidly expanding areas under their rule, the Islamist groups soon recognized the importance of co-opting instead of fighting the pre-existing local institutions and authorities represented by the local clan elders. After the militant Islamist takeover of new towns, they were quick to propose a level of cooperation with local clan elders within certain limits, and largely succeeded to co-opt these authorities, making them a vital part of their local administrations. Co-optation of the clan elders provided the Islamist rulers with increased local control, access to resources and recruits as well as some level of legitimacy. In return, those clan elders who stayed and cooperated retained some level of recognition and authority over internal clan affairs.

This project has placed heavy emphasis on the question of how local kinship-based authorities and institutions interact with Islamist insurgent rulers. The empirical findings and subsequent discussion to illuminate this interaction provides, without doubt, the most valuable contribution made by the project. This particularly applies to the investigation of the micro-level processes and mechanisms playing out in the local context, and the negotiations and cooperation between the new Islamist rulers and the pre-existing clan institutions, spear-headed by the various levels of clan elders. Already from the moment they conquered the major cities and population centers, the Islamist rulers clearly showed that they were the new masters, and that anyone, including the most powerful clan elders, were subordinate to the new ruling elite of relatively young Islamists. Yet the Islamists soon recognized the important function of the traditional institutions and, rather than fighting them, sought to co-opt and exploit the clan elders to their own benefit, most notably to increase local control and gain access to resources and some level of legitimacy. Although the clan elders' powers were considerably reduced, not

least their primary role as sole mediator in legal disputes, they retained some level of authority within their own clan constituencies.

Despite the dominant role of the Islamist rulers in everyday affairs and administration, the clan elders largely maintained their role as the clan groups' representative and caretaker. While the new qadi courts served as the primary means to adjudicate legal disputes, the elders were often heavily involved in the court cases and were even given responsibility to mediate solutions outside of the courts. The clan elders would also be the ones most civilians went to in order to complain about everyday concerns, including acts perpetrated by the Islamist administration. The clan elders were in some cases able to meet and jointly raise community concerns with their Islamist masters, resulting in modifications or adjustments to the Islamist administration's behavior vis-à-vis the civilian communities. However, the clan elders were treading carefully so as not to be perceived as too oppositional and thereby risk their own lives and those of the members of their own clans. The clan institutions were far too divided along clan and sub-clan groups, without the trust or cohesion between them too be able to withstand and mobilize sufficient resistance, non-violent nor violent, to substantively transform the nature of insurgent rule. Yet the clan elders remained important for moderating and improving the daily life of the civilian communities under Islamist rule.

The empirical richness of this inductive case of micro-level studies of Islamist insurgents ruling kinship-based population makes valuable contributions to areas studies of Somalia. It also provides a broader understanding of why several Islamist insurgents have succeeded in establishing and maintaining relatively stable and predictable state-like orders in territories dominated by communities largely divided by kinship group-loyalties, where state actors and other militant groups have failed. Through exploring and explaining the interaction between and the synthesis of the organization of the ideologically, yet pragmatic, Islamist rulers and pre-existing institutions and authority structures, this thesis informs debates within fields such as civil war studies, peace and conflict studies, rebel governance studies and peace-building. Following the micro-level turn in civil war studies and related fields, the project highlights the need for policy makers to have an intimate and deep understanding of local dynamics before acting, if acting at all.

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Appendix 1 – List of interviews

No.	Occupation/role/ position	Relationship to Lower Jubba	Place	Date
1	GO advisor	Grew up in Mogadishu. Closely related to Kismayo based senior clan elder	Nairobi	10.10.2017
2	NGOs	Grew up in Garbaharey, Gedo. Extensive network in Gedo and the Jubbas	Nairobi	10.11.2017
3	Political advisor	Grew up in Kismayo. Local clan	Nairobi	10.11.2017
4	Researcher	Conducted research and fieldwork in Lower Jubba	Nairobi	10.11.2017
5	Senior clan elder	Travels frequently to Kismayo to support his clan members	Nairobi	10.12.2017
6	Businessman	Grew up in Kismayo. Local clan	Nairobi	10.12.2017
7	Researcher	Grew up in Mogadishu. Wide contact network in southern Somalia	Nairobi	10.12.2017
8	Clan elder	Grew up and lives in Afmadow, Lower Jubba	Nairobi	10.13.2017
9	GO advisor. Former TFG minister	Grew up in Kismayo. Clan affiliation with major clan in Lower Jubba	Nairobi	10.13.2017
	Clan elder	Main clan affiliation with Gedo, but extensive contact network in Lower Jubba	Nairobi	10.13.2017
	Clan elder	Main clan affiliation with Gedo, but extensive contact network in Lower Jubba	Nairobi	10.13.2017
	GO advisor	Main clan affiliation with Gedo, but extensive contact network in Lower Jubba	Nairobi	10.13.2017
10	Senior clan elder	Follow-up interview, no. 5	Nairobi	10.13.2017
11	Political advisor	Extensive contact network with Somali political elite	Nairobi	10.14.2017
12	Businessman	Grew up in a small island outside of Kismayo. Travels frequently to Kismayo for business	Nairobi	10.14.2017
13	Researcher	Recently finished a PhD on Somali civil war history	Digital interview	01.29.2018
14	Political advisor	Follow-up interview, no. 3	Nairobi	02.13.2018
15	Businessman	Extensive network in Gedo and Mogadishu	Nairobi	02.13.2018
	NGO	Follow-up interview, no. 2	Nairobi	02.13.2018

	Businesswoman	Main clan affiliation with Gedo. Extensive network in Gedo and Mogadishu	Nairobi	02.13.2018
16	NGO	Born and works in Kismayo.	Kismayo	02.14.2018
17	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
	Senior clan elder	For clans in Lower Jubba	Kismayo	02.15.2018
18	Local senior government official	Kismayo resident	Kismayo	02.15.2018
	Local government official	Kismayo resident, from local clan	Kismayo	02.15.2018
	Local government official	Kismayo resident, from local clan	Kismayo	02.15.2018
	Local government official	Kismayo resident, from local clan	Kismayo	02.15.2018
	Returnee from Dadaab	Kismayo resident, from local clan	Kismayo	02.15.2018
	Returnee from Dadaab	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local women group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local women group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local women group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local women group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local women group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Member of local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
19	Former farmer, currently unemployed	Kismayo resident, from local clan	Kismayo	02.15.2018
	Former teacher, currently unemployed	Kismayo resident, from local clan	Kismayo	02.15.2018

20	Local civil society group	Kismayo resident, from local clan	Kismayo	02.15.2018
	Clan elder	Kismayo resident, from local clan	Kismayo	02.15.2018
	Local government official	Kismayo resident, from local clan	Kismayo	02.15.2018
21	Jubbaland minister	Grew up in Middle Jubba, from local clan	Kismayo	02.15.2018
22	Jubbaland minister	Local clan	Kismayo	02.15.2018
	Local senior government official	Kismayo resident, local clan	Kismayo	02.15.2018
	Local government advisor	Local clan	Kismayo	02.15.2018
	Local government advisor	Local clan	Kismayo	02.15.2018
23	NGO	Local clan	Kismayo	02.15.2018
24	Local worker	Born in Middle Jubba, but lived in Kismayo since 1991. Local clan.	Kismayo	02.16.2018
	Local worker	Born in Middle Jubba, but lived in Kismayo for many years. Local clan	Kismayo	02.16.2018
	Local worker	Born in Mogadishu, but lived in Kismayo since 2000. Local clan	Kismayo	02.16.2018
25	Former TFG advisor	Extensive network in Mogadishu and the wider region	Oslo	02.28.2018
26	Former TFG advisor	Follow-up interview, no. 25	Oslo	04.17.2018
27	Researcher	Local clan and related to senior Lower Jubba clan elder	Oslo	06.11.2018
28	Politician and former Jubbaland MP	Local clan	Oslo	06.11.2018
29	Former senior Islamist leader	From Mogadishu and cooperated with Mu'askar Ras Kamboni under the UIC	Oslo	06.13.2018
30	Politician and former Jubbaland MP	Follow-up interview, no. 28	Oslo	06.18.2018
31	Businessman	Kismayo resident. Local clan	Nairobi	06.21.2018
	NGO	Grew up in Garbaharey, Gedo. Extensive network in Gedo and the Jubbas	Nairobi	06.21.2018
	NGO	Local clan	Nairobi	06.21.2018
32	Political advisor	Follow-up interview, nos. 3 and 14	Nairobi	06.21.2018
33	NGO	Follow-up interview, nos. 2 and 15	Nairobi	06.21.2018
34	NGO and researcher	Insight into southern Somalia conflict dynamics and a wide contact network	Nairobi	06.22.2018
35	Jubbaland minister	From Gedo. Local Gedo clan. Deep knowledge of dynamics in Gedo and the Jubbas	Nairobi	06.22.2018
36	MP (for Jubbaland) in the SFG	Born in Kismayo. Local clan	Nairobi	06.22.2018
37	Security assistant	Born and grew up in Kismayo.	Mogadishu	06.23.2018
38	OG	Born and grew up in Middle Jubba. Local Middle Jubba clan	Mogadishu	06.23.2018

39	Senior politician, former senior militia commander	Kismayo resident. Local clan	Mogadishu	06.24.2018
	Senior politician	Born and grew up in Kismayo. Local clan	Mogadishu	06.24.2018
40	Politician, former Islamist leader	Cooperated with Mu'askar Ras Kamboni under the UIC	Mogadishu	06.24.2018
41	Politician, former senior Islamist leader	From Lower Shabelle. Cooperated with Mu'askar Ras Kamboni under the UIC	Mogadishu	06.24.2018
42	Senior politician, former senior militia commander	Follow-up interview, no. 39	Mogadishu	06.25.2018
43	Senior politician	Born in Somali Regional State/Ogadeen, Ethiopia. Local clan in Middle Jubba	Mogadishu	06.25.2018
44	Senior politician, former militia commander	Kismayo resident. Local clan	Mogadishu	06.25.2018
45	Senior politician	Local Middle Jubba clan	Mogadishu	06.25.2018
46	OG	Follow-up interview, no. 38	Mogadishu	06.25.2018
47	Politician, former Islamist leader	Follow-up interview, no. 41	Mogadishu	06.25.2018
48	Former senior militia commander	From Gedo. Local Gedo clan. Heavily involved in Jubba, Gedo and Mogadishu politics	Mogadishu	06.25.2018
49	Politician, former senior militia commander	Heavily involved in Jubba, Gedo and Mogadishu politics. Local clan	Nairobi	06.26.2018
50	Senior politicians	Part of the ARS group and the TFG under Sheikh Sharif Sheikh Ahmed	Oslo	07.17.2018
51	Academic	Born and grew up in Middle Jubba. Local Middle Jubba clan	Oslo	09.05.2018
52	NGO	Born in Wajir, Kenya. Worked several years in Kismayo. Local clan	Nairobi	10.26.2018
	Taxi driver	Born and grew up in Kismayo. Local clan	Nairobi	10.26.2018
53	Businessman	Worked for several years in Kismayo. Local clan	Nairobi	10.26.2018
54	Senior clan elder	Born in Middle Jubba. Lived in Kismayo most of his life	Kismayo	10.27.2018
55	Senior clan elder	Born in Middle Jubba. Spend most of his time in Kismayo	Kismayo	10.27.2018
56	Senior clan elder	Born and lived all the time in Kismayo	Kismayo	10.27.2018
57	Senior clan elder	Born in Kismayo. Spend most of his time in Kismayo	Kismayo	10.28.2018
58	Senior clan elder	Born and lived all the time in Kismayo	Kismayo	10.28.2018
59	Senior clan elder	Born and lived all the time in Kismayo	Kismayo	10.28.2018
60	Senior clan elder	Born in Kismayo. Spend most of his time in Kismayo	Kismayo	10.28.2018

61	Senior clan elder	Born in Kismayo. Spend most of his time in Kismayo	Kismayo	10.28.2018
62	Senior clan elder	Born in Afmadow. Spend most of his time in Kismayo	Kismayo	10.28.2018
	Senior clan elder	From Gedo. Spend most of his time in Kismayo	Kismayo	10.28.2018
	Clan elder	From Gedo. Spend most of his time in Kismayo	Kismayo	10.28.2018
63	Senior clan elder	Born and lived all the time in Kismayo	Kismayo	10.29.2018
64	Senior clan elder	Born and lived all the time in Kismayo	Kismayo	10.29.2018
65	Former senior MRK leader	Active with AIAI and Mu'askar Ras Kamboni (MRK) for many years	Kismayo	10.29.2018
66	Former al-Shabaab Jabha commander	Born in Afmadov. Active with MRK and then al-Shabaab. Defected in late 2012	Kismayo	07.02.2019
67	Former al-Shabaab Da'wa commander	Active with MRK and then al-Shabaab. Local clan	Kismayo	07.03.2019
68	Former al-Shabaab transport officer	Born in Kismayo. Active with MRK and then al-Shabaab. Defected in 2012	Kismayo	07.03.2019
69	Former senior MRK military commander	Born in Afmadow. Local clan	Kismayo	07.03.2019
70	Former AIAI/UIC foot soldier	Born i Kismayo. Fought under the command of Aweys, alongside MRK, in Mogadishu.	Kismayo	07.04.2019
71	Former MRK foot soldier	Born in Dhobley. Fought for MRK in Mogadishu.	Kismayo	07.04.2019
72	NGO	Lived and worked in Kismayo for several years.	Kismayo	07.05.2019
73	Former MRK foot soldier	Born in Afmadow. Active within MRK for several years.	Kismayo	07.05.2019
74	Retired	Born and lived all his life in Kismayo. Local clan.	Kismayo	02.26.2020
75	Retired	Born and lived all his life in Kismayo. Local clan.	Kismayo	02.26.2020
76	Unemployed	Born and lived all his life in Kismayo. Local clan.	Kismayo	02.26.2020
77	Senior clan elder	Follow-up interview, no. 61	Kismayo	02.27.2020
78	Clan elder	Born in Kismayo. Spent most of his time in Kismayo	Kismayo	02.27.2020
79	Senior clan elder	Spent most of his time in Kismayo	Kismayo	02.27.2020
80	Senior clan elder	Lived in Kismayo all the time	Kismayo	02.27.2020
81	Clan elder	Born in Lower Jubba. Local clan	Kismayo	02.27.2020
82	NGO	Worked in Kismayo for many years. Local clan	Kismayo	02.27.2020
83	Local businessman	Lived in Kismayo all the time. Local clan	Kismayo	02.27.2020
84	Businesswoman	Lived in Kismayo all the time. Local clan	Kismayo	02.29.2020
85	Housewife	Lived most of her life in Kismayo	Kismayo	02.29.2020

86	Former al-Shabaab Jabha commander	Follow-up interview, no. 66	Kismayo	02.29.2020
87	Former al-Shabaab Da'wa commander	Follow-up interview, no. 67	Kismayo	02.29.2020
88	Senior clan elder	Follow-up interview, no. 63	Kismayo	03.01.2020
89	Senior clan elder	Born in Kismayo and lived there all the time	Kismayo	03.01.2020
90	Senior clan elder	Follow-up interview, no. 64	Kismayo	03.01.2020

PAPER 1
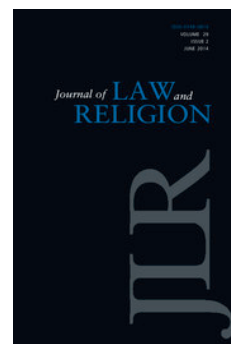
UDŪD PUNISHMENTS IN THE FOREFRONT: APPLICATION OF ISLAMIC CRIMINAL LAW BY HARAKAT AL-SHABAAB AL-MUJAHIDEEN

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ḤUDŪD PUNISHMENTS IN THE FOREFRONT: APPLICATION OF ISLAMIC CRIMINAL LAW BY HARAKAT AL-SHABAAB AL-MUJAHIDEEN

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ABSTRACT

Harakat al-Shabaab al-Mujahideen, usually referred to as al-Shabaab (the youth), is known primarily as a Somali terrorist group. But since the end of 2008, it has functioned as a state power in large parts of Southern and Central Somalia. In this article, I analyze the main legal body of the group: the *qāḍī* court. In order to establish law and order in their territories, al-Shabaab has applied their own version of *sharī'a*. The article reveals that al-Shabaab's application of criminal law follows the inherent logic of classical Islamic legal doctrines on several points. However, the al-Shabaab courts tend to overlook many of the strict requirements regarding evidence and procedure that were outlined by the medieval Muslim scholars in order to humanize Islamic law. Therefore, the legal reality of al-Shabaab's regime is far more brutal than that of most other Islamic-inspired regimes in the contemporary Muslim world. Al-Shabaab's practice of Islamic criminal law may be seen not only as a means to exercise control through fear but also as an effective way of filling the vacuum of insecurity and instability that has followed twenty years of violence and the absence of state institutions in its territories. I argue that, in order to understand al-Shabaab's current practice of criminal law, one has to take into consideration the group's jihadi-Salafi affiliation. According to Salafi notions, *sharī'a* is not only a means to an end, but an end in itself. As such, *sharī'a* (i.e., God's divine law) is the visual symbol of an Islamic state. Consequently, the application of Islamic criminal law, and especially of the *ḥudūd* punishments, provides al-Shabaab with political-religious legitimacy.

KEYWORDS: Al-Shabaab, *sharī'a*, Islamic criminal law, radical Islamism, Somali Islam

INTRODUCTION

"We want to implement *sharī'a* completely—every single element of it. That's what the movement stands for."[1]

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[1] MEMRI: Middle East Media Research Institute, In-Depth Report on Shabab Al-Mujahideen in Somalia—Activists Demolish Churches: "We Will Establish Islamic Rule from Alaska & Chile to South Africa, & from Japan to Russia—Beware, We Are Coming," Special Dispatch no. 2181, January 9, 2009, http://www.memri.org/report/en/0/0/0/0/0/0/3004.htm.

Sheikh Mukhtar Robow, Harakat al-Shabaab al-Mujahideen's spokesman at the time, made this statement in an interview broadcast by al-Jazeera in December 2008, thus summarizing one of his movement's main objectives. Harakat al-Shabaab al-Mujahideen (The Mujahideen Youth Movement), usually referred to as al-Shabaab (the youth), has been one of the most prominent political and military actors in war-torn South Central Somalia for the past several years. Until early 2012, when regional and Somali forces placed al-Shabaab under massive military pressure, the organization had dominated most parts of South Central Somalia. Within its areas of control, al-Shabaab developed a relatively centralized "state" administration, which brought a certain degree of law and order to this region by imposing *sharī'a*-inspired regulations on the populace. Though it is currently on the defensive militarily, al-Shabaab leaders continue to strive to enforce their interpretation of *sharī'a* within the areas they control.

Al-Shabaab's *sharī'a*-project has made headlines in international media because it frequently employs corporal punishments such as stoning, amputations, and beheadings. Al-Shabaab's project is not, however, unique. Since the emergence of Islamic revivalism in the 1970s, corporal punishments described in the Qu'rān and the *ḥadīth* have been carried out by several Muslim-dominated states including Saudi Arabia, Pakistan, Iran, and Nigeria. Nevertheless, the nature of *sharī'a* enforcement by al-Shabaab in Somalia stands out in several respects. First, criminal cases have been handled by a rudimentary administration set up by a militant Islamist group, not unlike the Taliban's structure in Afghanistan between 1996 and 2001. Second, large numbers of corporal punishments have been carried out in public in a relatively short period of time. Third, the cases we will examine, which are eyewitness reports from Somali refugees under al-Shabaab's rule,[2] indicate that corporal punishment is often enforced in cases involving very limited evidence of wrongdoing, or no evidence at all. In this article, I will discuss al-Shabaab's legal system, focusing particularly on criminal cases tried in al-Shabaab's *qāḍī*[3] courts. These courts, which are scattered throughout the territories dominated by the organization, seem to have functioned as the main legal structure for dealing with serious crimes.

The criminal cases examined here will demonstrate that al-Shabaab, like all other contemporary actors aiming to establish *sharī'a*-based governance, takes part in an ongoing discourse within Islam about what *sharī'a* really is and how *sharī'a* should be operationalized. This discourse continues to be greatly influenced by the voices of medieval Islamic scholars, whose methods, principles, and categories significantly structure the debate. In this article, I will employ provisions and regulations from classical *fiqh* literature[4] to review the functions of the *qāḍī* courts and their

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2 My analysis of these court cases is primarily based on fifty-eight in-depth interviews conducted with Somali informants in Eastleigh, Nairobi, from October 2010 to November 2011. The majority of the informants are refugees from South and Central Somalia with knowledge about, or experiences in, the areas under al-Shabaab control. Most of them were directly involved in criminal trials of the al-Shabaab courts. The informants describe criminal cases from the end of 2008 to the spring of 2011. Due to the ongoing conflict in South Central Somalia and al-Shabaab's hostility toward Westerners, I have not been able to conduct interviews with al-Shabaab *qāḍīs* or officials. Nor, to my knowledge, has any other official or credible source documented al-Shabaab's application of law in its territories. Given this, we must acknowledge that the description of the court cases in the article, and hence my analysis, may be colored by the personal perspectives of the witnesses, many of whom were convicted of crimes under al-Shabaab.

3 *Qāḍī* is the term used to denote a judge who is ruling in accordance with *sharī'a*.

4 "Classical legal doctrines" or "classical *fiqh*" are terms for the comprehensive legal literature compiled roughly from the eighth to the fourteenth/fifteenth century AD by Islamic legal scholars. The term *fiqh*, meaning "knowledge" or "reason," was already being used by early legal scholars in the eighth century as a term for Islamic jurisprudence. While *sharī'a* was perceived as the God-given law by these scholars, *fiqh* was seen as the human interpretation of this law. The hermeneutical tradition developed during this period is still being studied and taught

application of criminal law. Exploration of the medieval literature will show that in cases of bodily harm and homicide, described by informants who have escaped from al-Shabaab's jurisdiction, the al-Shabaab *qāḍī*s are to a great extent adhering to the principles outlined in *fiqh*-literature, but that in the *ḥudūd* cases, there is considerable divergence. This, I will argue, is due to the political significance of *ḥudūd* punishments for al-Shabaab's project: securing its control and image through the public application of these punishments is more important to al-Shabaab than providing justice.

CLASSICAL FIQH RULES OF EVIDENCE

In classical Islamic jurisprudence, as in Roman law, the burden of proof lies with the plaintiff. In trying to convince the *qāḍī* to vindicate his claims, the plaintiff can present three main types of evidence.

The first category of evidence is witness testimony. To meet the burden of proof through witness testimony, the plaintiff must present a minimum of two male witnesses, or one male witness and two female witnesses. Additionally, all witnesses must be perceived to be trustworthy and good Muslims.

The second category of evidence is the defendant's admission of guilt. An admission must be made voluntarily, in court, in the presence of the *qāḍī*, or it must be restated in court if it was uttered on an earlier occasion. In lieu of a court restatement, a witness may testify to an admission made by the defendant outside the court, as long as the witness is deemed reliable. Interestingly, police officers cannot testify to a defendant's admission, because police are representatives of the sultan, a relationship that may influence their reliability. However, if someone else—for example, a caretaker—is present at the moment of confession, that person may submit a witness statement.[5]

The third category of evidence is the oath.[6] If the plaintiff has brought valid and credible witnesses in support of his claims, or if a defendant has confessed his guilt, the *qāḍī* will ask the plaintiff to swear that he has told the truth. If he does this, judgment is issued in his favor. However, if the plaintiff fails to bring sufficient evidence of his claim, the defendant will be asked to take an oath that his testimony is true. If he complies, he is acquitted without any charge.[7]

SUBSTANTIVE LAW AND CLASSICAL FIQH

According to the stories of the informants, criminal law as applied by al-Shabaab seems to be based on classical Islamic legal doctrines. Its cornerstone appears to be the offenses and punishments explicitly described in the Qu'rān and the *ḥadīth*.

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both in the West and in the Muslim world and exerts great influence on contemporary *sharī'a* discourses. See Kari Vogt, *Islam: Tradisjon, fundamentalisme og reform* (Oslo: Cappelen Forlag, 2005), 80–81, 84–89; Sami Zubaida, *Law and Power in the Islamic World* (New York: I.B. Taurus, 2005), 16–32; Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), 250–60.

5   Knut S. Vikør, *Mellom Gud og stat: Ei historie om islamsk lov og rettsvesen* (Oslo: Spartacus Forlag, 2003), 166–67, 181–89; Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century* (Cambridge: Cambridge University Press, 2007), 12.

6   All legal schools, except the Ḥanafī school, approve of the use of one valid witness in combination with the oath as sufficient proof for the plaintiff. Surprisingly, if one of the litigants denies giving an oath, the other party will be asked to give one. If he then swears, he will win the case, even if the other party had sufficient evidence.

7   Vikør, *Mellom Gud og stat*, 168–70; Peters, *Crime and Punishment in Islamic Law*, 12–13.

In classical *fiqh*, criminal law is not a single, unified branch of law, but is laid down in three separate chapters. The first chapter includes offenses against a person such as murder and bodily harm. This category is further subdivided into provisions regarding retaliation (*qiṣāṣ*) and financial compensation (*diya*). The second chapter treats offenses with mandatory, fixed punishments outlined in the Qu'rān and/or the *ḥadīth* (i.e., the *ḥudūd* [sg. *ḥadd*] ["limit" or "restriction"] punishments). These offenses, namely theft (*sariqa*), banditry (*al-ḥirāba*), unlawful sexual intercourse (*zinā*), unfounded accusations of *zinā* (*qadhf*), consumption of alcohol (*khamr*), and apostasy (*ridda*), are perceived by the classical scholars to be violations of the claims of God rather than interpersonal offenses (*ḥuqūq Allāh*).[8] The third category of crimes, which will not be discussed in this article, includes discretionary punishment for sinful and forbidden behavior and for acts that endanger public order or state security (*ta'zīr* and *siyāsa*).[9]

CAMELS AND HOMICIDE — COMPENSATION AND RETALIATION IN AL-SHABAAB COURTS

The *qāḍī* courts of al-Shabaab hear many cases involving bodily harm and murder. According to the *fiqh* literature, in principle, these crimes should be punished by either *qiṣāṣ* (retaliation) or *diya* (compensation). If the plaintiff brings sufficient evidence in a case of this category, classical doctrine prescribes that it is his prerogative to demand retaliation or blood money (*diya*) or to pardon the perpetrator. Retaliation in cases of murder or bodily harm may, however, only be demanded if the offense proves to be intentional.[10] Both the Shāfi'ī and the Ḥanbalī school hold that "[h]omicide or bodily harm is intentional if both the act against the victim and its results (death or injury) were intended."[11] If the act is assessed by the *qāḍī* to have been accidental, the perpetrator must pay *diya*.[12]

Qiṣāṣ, retaliation for bodily harm, means that the perpetrator will suffer harm equivalent to that which he inflicted on the victim, according to the principle of "a life for a life, an eye for an eye and a tooth for a tooth."[13] In homicide cases, the murderer will be killed, ideally in the same way as the victim was killed. The legal schools differ on whether the victim or his family may carry out the punishment under supervision by the legal authority, or whether the execution must be done by an official executioner.[14]

In cases of *qiṣāṣ*, the general rules of evidence are stricter than the standard means of proof outlined above. Neither the testimony of one witness combined with the plaintiff's oath, nor the

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8   Opinions differ among the classical jurists with regard to what offenses to include in the *ḥadd* category. Some jurists exclude apostasy and drinking alcohol from the category, while others count revolt against a legitimate ruler and homicide as *ḥadd* crimes. Among other things, these opinions depend on whether the scholar deems it necessary for a *ḥadd* punishment to be described in both the Qur'an and the *ḥadīth*, or only in one of them. I will, however, conform to the treatment of *ḥadd* crimes as outlined in Peters, *Crime and Punishment in Islamic Law*, 7.

9   The majority of the criminal cases treated by al-Shabaab's *qāḍī* courts fall within this category; however, they will not be discussed in this article, as the *fiqh* literature offers few restrictions regarding procedure and evidence for cases of this category. Use of circumstantial evidence is allowed, and it is up to the *qāḍī* to decide the proper punishment. Nevertheless, the cases examined indicate that al-Shabaab *qāḍī*s to a large extent follow the few restrictions regarding *ta'zīr/siyāsa* outlined in the classical doctrine.

10   Peters, *Crime and Punishment in Islamic Law*, 38–39, 43, 44–46.

11   Ibid., 43.

12   Ibid.

13   Ibid., 30.

14   Ibid., 30, 36–37.

defendant's refusal to swear an oath, is valid.[15] Likewise, circumstantial evidence is not accepted.[16] These cases require the testimony of two witnesses who have actually seen the act, reliable witness testimony about the defendant's confession of guilt made outside the court, or a confession by the defendant made in court.[17] Moreover, a perpetrator cannot be sentenced unless he knew that the act was an offense, which means that minors up to the age of puberty[18] and the insane are exempt from liability.[19]

An insane person or a minor may, however, be required to pay *diya* for causing accidental physical harm because liability in *diya* cases does not require intent.[20] In the adjudication of *diya*, normal rules of evidence are followed, because such cases are considered to be financial, not punitive in nature. In court cases where the perpetrator kills or wounds by accident, the main concern is settling the amount of compensation, which depends on the status of the victim.[21] The standard sum against which everything is valued is one hundred camels, or an equivalent sum of money, which is the *diya* for killing a free Muslim man.[22] The value for a woman is fifty camels, half that of a man.[23] In cases of bodily harm, the amount of *diya* also depends on which limbs or organs are damaged. If there are several injuries, the sum is cumulative, and the amount of compensation may be greater than the full blood price of one hundred camels.[24] Despite these set standards, the amount of *diya* is negotiable between the litigants.[25]

Cases of bodily harm and murder in al-Shabaab courts, as reported to the author, indicate that the *qāḍī* courts more or less demand evidence as prescribed by classical doctrine. For example, in a case tried in the provincial court in Kismayo, an al-Shabaab militiaman was accused of having shot an innocent civilian in the thigh. The Ḥisbah (al-Shabaab's police force) brought four witnesses for the prosecution, namely the other militiamen who had been present at the time of the shooting. After the witness testimonies had been heard, the accused admitted to the crime. The aggrieved person was then given the opportunity to choose between *diya* and *qiṣāṣ*, which would have allowed him to inflict on the offender the same kind of wound as the offender had inflicted on him. The victim chose to receive *diya*, which in this case was five camels from the victim's family.[26]

In another court case, "Shankar"[27] was accused of homicide and brought before a court in Dinsoor, in the Bay province. Shankar was accused of having shot and killed another man. What is striking about this case is that Shankar had admitted to the crime in prison prior to the court hearings. However, when he arrived in court, he withdrew his confession, claiming that he had confessed only to escape the torture to which he was subjected. In court, Shankar pleaded not guilty and explained that he had shot the victim accidentally after a quarrel over an old debt. To support his claim, Shankar brought several eyewitnesses who confirmed his account of

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15   Ibid., 13.
16   Ibid., 15.
17   Ibid., 13–14.
18   According to the Ḥanbalītes, the earliest possible age for puberty to occur is ten for boys and nine for girls; according to the Shāfiʿītes, it is nine for both boys and girls. Ibid., 20–21.
19   Ibid.
20   Ibid., 21, 49.
21   Ibid., 49–52.
22   Ibid., 50–51.
23   Ibid., 51.
24   Ibid., 52.
25   Ibid., 39.
26   Interview with "Mohamed Ahmed" conducted in Nairobi, October 2010. Names of convicted persons or reporters have been changed to protect their identities.
27   Interviewed in Nairobi, July 2011.

what had taken place. Because the prosecutor did not have any evidence apart from the previous confession, the *qāḍī*s decided that the murder was unintentional, thus preventing the imposition of retaliation. After a discussion between the families of the two parties, the *qāḍī*s sentenced the perpetrator to pay USD 7,000 to the family of the deceased.[28]

ḤADD CRIMES—VIOLATION OF GOD'S RIGHTS?

While criminal punishments in the cases of *qiṣāṣ* and *diya* reported to the author generally conform to classical *fiqh* doctrine, the majority of the *ḥadd* cases examined clearly deviate from doctrine in several respects.

According to Wael B. Hallaq, premodern Islamic jurists were motivated by the maxim, generated from a *ḥadīth* text of the Prophet, that fixed *ḥudūd* punishments had to be "averted at the existence of the slightest doubt."[29] Beginning with this principle, the jurists outlined strict rules of evidence, in addition to a number of procedural requirements, which had to be fulfilled before a *ḥadd* punishment could be enforced. This complexity is especially evident in cases concerning adultery, robbery, and theft, as these cases receive the most severe punishments in the sacred texts. As a consequence of these procedural and evidentiary barriers, these harsh punishments were, in practice, almost impossible to apply. Rather, these punishments functioned primarily as a means to deter the public from committing these crimes.[30]

Although a court case may be initiated by any Muslim, including the *qāḍī*, the classical regulations related to the *ḥadd* crimes clearly make it difficult for the courts to obtain a conviction. First, the rules concerning evidence in these cases are even stricter than they are in cases of *qiṣāṣ*. For example, a confession has to be explicit and precise in describing the unlawful action, and only confessions made in court are valid.[31] This is to ensure that the confession is made voluntarily.[32] Second, the *qāḍī* must inform the accused of the right to retract a confession at any time during the trial, right up until the moment the punishment is imposed. A retraction will invalidate the conviction.[33] The situation is similar with regard to testimony; a retraction of a testimony by a witness will nullify a sentence in a *ḥadd* case.[34] Third, the *qāḍī* cannot apply the fixed *ḥadd* punishment in cases where there is uncertainty (*shubba*) regarding the facts.[35] For example, if a woman accused of adultery claims to have been impregnated while asleep, the *qāḍī* cannot impose the fixed *ḥadd* punishment.[36] Nor can the *qāḍī* do so if there is uncertainty regarding details of the law: for example, stealing something from a child in the belief that one is entitled to the property.[37]

As a consequence of these strict rules, the most severe punishments, like stoning and amputations, were rarely applied in the premodern *qāḍī* courts. Instead, *ḥadd* cases were often tried in non-*sharīʿa* courts.[38] These courts were not bound by the strict rules of *fiqh* doctrine and could therefore

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28   Interview with "Shankar" conducted in Nairobi, July 2011.
29   Wael B. Hallaq, *Sharīʿa: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 311.
30   Ibid., 311–12.
31   Peters, *Crime and Punishment in Islamic Law*, 13–14.
32   Ibid., 13–14.
33   Ibid., 14.
34   Ibid.
35   Ibid., 21–22.
36   Ibid., 22.
37   Ibid.
38   Zubaida, *Law and Power in the Islamic World*, 57–58; Vikør, *Mellom Gud og stat*, 182–86, 189–90.

take into consideration circumstantial evidence and issue other penalties, such as imprisonment or fines.[39] Another procedure for treating such cases, and one that was frequently applied in the Ottoman legal system, was for the *qāḍī* to issue punishments according to personal discretion or to pass sentence under provisions of the so-called *qānūn-name*. *Qānūn-name* were decrees issued by the sultan on matters of criminal law, and which to a great extent came to regulate the work of the *qāḍī*.[40] Under this system, a combination of lashing and fines became the predominant form of punishment in *ḥadd* cases.[41]

The court cases reported in the al-Shabaab-dominated areas indicate that jurisdiction over *ḥadd* crimes belongs largely to the *qāḍī* court, much as it did in the Ottoman legal system. But in contrast to Ottoman custom, the al-Shabaab *qāḍīs* quite frequently seem to apply fixed *sharī'a* punishments and apparently do not believe that they are restricted by secular regulations such as the *qānūn-name*.

In many respects, the al-Shabaab *qāḍīs* resemble the *qāḍīs* of the Saudi Arabian legal system, who enjoy wider jurisdiction in criminal cases, including *ḥadd* cases, than that prescribed by classical doctrine.[42] However, although Saudi Arabia has frequently been criticized by human rights organizations for the application of *ḥudūd* punishments,[43] the number of *ḥudūd* executions has been relatively low.[44] According to Frank E. Vogel's detailed study of the Saudi judicial system during the 1980s and early 1990s, the main reason for the low number of executions is that Saudi judges follow the strict procedures and requirements of *fiqh*. Vogel shows that, during the eleven years from May 1981 to April 1992, there were only four executions by stoning and forty-five amputations for theft, an average of one stoning every three years and four hand amputations each year.[45]

In comparison, although it is not possible to ascertain the exact number of convictions and punishments in *ḥadd* cases in al-Shabaab-dominated areas, it appears that from October 2008 to June 2011, al-Shabaab courts ordered at least eight executions by stoning, twenty-three amputations for theft, and fifteen amputations for banditry.[46] Due to difficulty in accessing data, it is quite possible that the numbers are higher. Yet based on these numbers, the averages come to three stoning executions, nearly nine amputations for theft, and nearly six amputations for banditry per year—more than eight times higher than the Saudi average for stoning, and more than double the Saudi average for amputations for theft.

While realizing that this sample may not reflect the actual number of cases, we also see a wide divergence in these two jurisdictions when total numbers are considered. In Saudi Arabia from October 1982 to October 1983, there were 4,925 convictions for theft, for which two hands were amputated. The remaining convictions were assigned *ta'zīr* punishments, such as lashing or imprisonment. Of 659 convictions for adultery, sodomy, and sexual assault in Saudi Arabia during this period, no stoning was inflicted.[47] By comparison, there is only one eyewitness report of

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39 Zubaida, *Law and Power in the Islamic World*, 57–58; Vikør, *Mellom Gud og stat*, 182–86, 189–90.

40 Zubaida, *Law and Power in the Islamic World*, 107–08, 112–13; Vikør, *Mellom Gud og stat*, 196–99; Peters, *Crime and Punishment in Islamic Law*, 92–93.

41 Zubaida, *Law and Power in the Islamic World*, 112–13; Peters, *Crime and Punishment in Islamic Law*, 92–102.

42 Frank E. Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia* (Leiden: Brill, 2000), 231–32, 249–50.

43 See, for example, Amnesty International, *Document—Medical Letter Writing Action: Saudi Arabia: Amputations* (Amnesty International, 1991), http://www.amnesty.org/en/library/asset/MDE23/006/1991/en/dae4a6e7-ee38-11dd-99b6-630c5239b672/mde230061991en.html.

44 Vogel, *Islamic Law and Legal System*, 245–46.

45 Ibid.

46 The number of punishments is based on the author's study of media and NGO reports, as well as on interviews with Somali refugees.

47 Vogel, *Islamic Law and Legal System*, 246–47.

adultery from al-Shabaab courts of the convicted receiving *ta'zīr* punishment rather than the prescribed *ḥadd* punishment (stoning for married persons and one hundred lashes for unmarried persons). In theft and banditry cases, there is no reported case of the convicted defendant receiving any punishment other than the prescribed *ḥadd* punishment (amputation). It must be noted that the absence of examples does not preclude the existence of such cases. A possible explanation for the absence of reported cases of *ta'zīr* punishments is that executions by stoning and amputations draw media attention and are thus more widely known. It may also be the case, as my sources suggest, that application of *ta'zīr* punishments in *ḥadd* cases has been limited.

The fact that the number of *ḥudūd* punishments in al-Shabaab territory is so high suggests that the al-Shabaab *qāḍī*s ignore some of the provisions and requirements outlined in classical doctrine that are prerequisite to imposing this punishment. In classical doctrine, *ḥadd* crimes are very narrowly defined, thus they are difficult to apply. For example, in the case of the *ḥadd* crime of theft (*sariqa*), the stealing must be done surreptitiously (e.g., during the night), and prior to the theft, the stolen goods must have been properly stored or guarded (e.g., in a locked house or shop).[48] Therefore, anyone who snatches goods from a market stall in broad daylight has not committed theft according to classical Islamic jurisprudence. Additionally, the stolen objects must exceed a minimum value (*niṣāb*), which is set at one quarter of a dinar.[49] According to the Mālikī, Shāfiʿī, and Ḥanbalī schools, this is equal to the current market price of 1.06 grams of gold at the time of the theft.[50] Further, the *ḥadd* penalty cannot be inflicted on people who steal out of hunger, a provision made by the second caliph, Umar Ibn al-Khattab (d. 644), who ordered the suspension of the prescribed *ḥadd* punishment during a famine.[51] Neither can *ḥadd* punishment be applied if a thief returns the stolen property before the final judgment.[52]

In several of the theft cases described by the informants, the al-Shabaab *qāḍī*s obviously adjudicate without taking these provisions into account. For example, in a case tried at the Bakara market in Mogadishu, a man was sentenced to amputation of his right hand after he was convicted of not paying back a business loan. The accused had received USD 7,000 from the complainant as a loan in order to start his own business. The accused had then spent all the money and denied having received any loans at all. The complainant went to court; when the trial started, she brought one witness who claimed to have been present and to have witnessed the money changing hands. The *qāḍī*s found this to be sufficient evidence and convicted the man of theft.[53]

In this case, in addition to ignoring classical doctrine regarding the number of witnesses required for a *ḥadd* punishment, the *qāḍī* court neglected to acknowledge that this crime falls entirely outside the classical definition of *sariqa*, as it does not represent an act of stealing conducted surreptitiously. A classical manual by the Shāfiʿī scholar Ahmad ibn Naqib al-Misri (d. 1368) explicitly states that there can be no amputation in cases where the offender is "appropriating something by disavowal, i.e. denying that the victim loaned or entrusted him with such and such a thing."[54]

Characteristic in the *ḥadd* cases described by my informants is the extensive use of circumstantial evidence. Except in *zina* cases, where the Mālikī school accepts the pregnancy of an unmarried

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48   Peters, *Crime and Punishment in Islamic Law*, 55–56.

49   Ibid., 56; Mohamed S. El-Awa, *Punishment in Islamic Law: A Comparative Study* (Plainfield, IL: American Trust Publications, 2000), 3–4.

50   Peters, *Crime and Punishment in Islamic Law*, 55–56.

51   Tahir Wasti, *The Application of Islamic Criminal Law in Pakistan: Sharia in Practice* (Leiden: Brill, 2009), 32.

52   Peters, *Crime and Punishment in Islamic Law*, 57.

53   Interview with "Abu Mahmod" conducted in Nairobi, October 2010.

54   Ahmed ibn Naqib Al-Misri, *Reliance of the Traveller*, ed. and trans. Nuh Ha Mim Keller, rev. ed. (Beltsville, MD: Amana Publications, 1997), 615.

woman as proof of fornication,[55] and in *khamr* cases, where the Mālikī and Hanbali schools accept the claims of two witnesses that an accused reeked of alcohol as sufficient proof for *shrub al-khamr*,[56] the classical doctrine does not approve of the use of circumstantial evidence in *ḥadd* cases.[57] However, the cases examined indicate that such evidence is widely employed in the *qāḍī* courts of al-Shabaab. For example, in a case tried in one of the Mogadishu courts, a man, "Fuad," and a woman were sentenced to one hundred lashes for fornication after being observed in the same car at the beach by al-Shabaab militiamen guarding the area. In court, the prosecutor brought as witnesses two men who had been nearby at the time of the arrest. Fuad claimed that neither the witnesses nor the militiamen had seen actual fornication taking place; they had seen only the two sitting in the same car. Both Fuad and the woman denied that sexual activities were taking place. Nevertheless, both were sentenced to receive one hundred lashes for fornication.[58]

Another striking feature in some of al-Shabaab's *ḥadd* cases is that the *qāḍī*s simply announce that the accused has confessed to the crime, thereby refusing him the opportunity to defend his case. This happened in the case of "Roble" and three other young men who were sentenced to cross-amputation for robbery on June 22, 2009, in Mogadishu. Instead of a proven confession, the chief *qāḍī* displayed some pistols and mobile phones to the large audience present as "evidence" to support the allegations. Three days later, cross-amputation of the four youngsters was carried out without any pain relief. Then, four nights later, a leading al-Shabaab official, Fu'ad Shangole, visited the house where the boys were held in custody and claimed that their legs were amputated too close to the feet. Using a plumber's saw, he cut three additional fingerbreadths off their legs without giving them any kind of pain relief.[59]

Roble said that he had never admitted any crime at all, not even while in prison prior to the "trial." He claims, in fact, that he only learned of the accusations against him a short time before the public trial took place. According to Roble, his case was not about robbery at all; rather, it served as a means to punish him for not joining the al-Shabaab militia as many of his friends had done.[60] Similar claims have been made by other convicted defendants. For example, the brothers Sayeed and Osman Ibrahim, who faced cross-amputation after being accused of banditry in Kismayo on October 15, 2009, claim they are innocent and are convinced that they were punished for political reasons.[61]

SHARĪ'A AS A MEANS OR AS AN END?

The fact that infringements of the *sharī'a* and extra-judicial killings are committed in Somalia is hardly surprising. Though it has established a kind of state administration, al-Shabaab is first and foremost a militaristic organization that does not hesitate to use violent means in order to gain control. Many of its members who enforce the law are young and poorly educated, and the

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55 Peters, *Crime and Punishment in Islamic Law*, 15.

56 Ibid.

57 Ibid.

58 Interview with "Fuad" conducted in Nairobi, November 2010.

59 Interview with "Roble" conducted in Norway, April 2011; interview with "Muhtab" conducted in Nairobi, October 2010; "Somalis Watch Double Amputations," BBC News, June 25, 2009, http://news.bbc.co.uk/2/hi/africa/8118306.stm.

60 Interview with "Roble" conducted in Nairobi, October 2010.

61 Australian Government, Refugee Review Tribunal, *Country Advice Somalia: Somalia—SOM37002—Amputations—Al-Shabaab—Clans—Recruitment*, 1–2, http://www.ecoi.net/file_upload/1930_1303056171_som37002.pdf.

level of legal-religious education and training among the al-Shabaab *qāḍī*s and officials appears to vary. Al-Shabaab uses corporal punishment as a strategy to gain control and security by inspiring fear in the public. However, these factors do not fully explain why the al-Shabaab *qāḍī*s seem to deviate from classical doctrines in the *ḥadd* cases described to the author, while they generally seem to apply classical doctrine in the cases of bodily harm and homicide described by the informants. In order to understand this discrepancy, one must understand the ideology of al-Shabaab, the symbolic importance of the *ḥudūd* punishment, and the importance of the clan in Somali politics.

Al-Shabaab is clearly inspired by Salafi thought. Essential to Salafism is the notion that that the world is in a state of decay because it has deviated from Islam's original purity as practiced by the first Muslim generations, *al-salaf al-ṣāliḥ* (the pious ancestors).[62] In order to respond to this decay, Salafis hold that Muslims must return to the Qu'rān and the *ḥadīth* (the Sunna, i.e., the path or example of the Prophet Muhammad) as the only models for the right behavior in a modern world.[63] Whatever is not based on these foundational religious texts should be purged from society.[64] When al-Shabaab destroys Sufi graves, kills Christian converts, imposes full-body covering on women, prohibits watching TV, separates the sexes on public transportation,[65] and so forth, it is obviously acting under the influence of Salafi thought and perceives itself to be an Islamic actor striving to establish a pure Islamic society. Al-Shabaab states in one of its propaganda pamphlets: "*Allāh* has opened us [al-Shabaab] a wide door to carry out this responsibility in order to protect this society from immorality and guide it towards loftiness."[66]

A central concept in Salafi thought is the belief in the oneness of God, *tawḥīd*.[67] One of the aspects of this concept is the notion that God is supreme and entirely unique, and that he does not share any characteristics or powers with humans or any other of his creations.[68] He is also the supreme legislator, which obliges all humans to follow his commands (i.e., the holy *sharī'a*) in their entirety.[69] The idea that humans can legislate contradicts the notion that legislation is a domain reserved for God alone. Ideologies or institutions that suggest the supremacy of human-made laws, such as secularism or state-governed religions, are therefore rejected and eliminated by the Salafis.[70] It is no surprise that al-Shabaab states: "We want to implement *sharī'a* completely—every single element of it. That's what the movement stands for."[71]

In an al-Shabaab pamphlet, the "[i]mplementation of the Hudood, through which Allah granted us the ability to keep roads secure and ensure peace in a way unseen in Somalia for decades,"[72] is listed as one of the group's goals. Thus, besides the practical effects of increasing security and creating law and order, Islamic criminal law, especially enforcement of the *ḥudūd* punishments, plays

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62 Bernard Haykel, "On the Nature of Salafi Thought and Action," in *Global Salafism: Islam's New Religious Movement*, ed. Roel Meijer (New York: Columbia University Press, 2009), 38–39; Quintan Wiktorowiz, "Anatomy of the Salafi Movement," *Studies in Conflict & Terrorism* 29 (2006): 207–09, 217–27.

63 Wiktorowiz, "Anatomy of the Salafi Movement," 207–09.

64 Ibid., 207–09, 217–27.

65 Interviews conducted in Nairobi, October 2010.

66 *The Forgotten Obligation: A Call to the Most Important Obligation after Iman* (Global Islamic Media Front), 4 (on file with author).

67 Wiktorowiz, "Anatomy of the Salafi Movement," 207–09; Roel Meijer, "Introduction," in *Global Salafism*, 3–4.

68 Wiktorowiz, "Anatomy of the Salafi Movement," 208–09.

69 Ibid.

70 Ibid.

71 MEMRI: Middle East Research Institute, *In-Depth Report on Shabab Al-Mujahideen in Somalia*.

72 Ibid., 5.

an important symbolic role. As Rudolph Peters argues, *ḥudūd* punishments serve, in a sense, as the litmus test for deciding whether or not Muslim governments can be considered truly Islamic.[73] The *ḥudūd* punishments, visible laws that find solid textual basis in the Qu'rān and the *ḥaḍīth*, and which clearly counter modern Western legal thought, are seen as evidence of a truly Islamic government. As such, public executions of alleged thieves, adulterers, and robbers are important to al-Shabaab not only to punish offenders and discourage future violations, but also to signal that al-Shabaab is a true guardian of *sharī'a* and, therefore, a legitimate Islamic government.

But this symbolic argument contains a paradox: when al-Shabaab, or more precisely, the al-Shabaab *qāḍī*s, try criminal cases, they face problems similar to those their predecessors have faced: namely, the strict *fiqh* requirements of evidence and procedure in *ḥadd* cases. Motivated, as previously mentioned, by a *ḥaḍīth* stating that the *ḥudūd* punishments should be averted in the presence of the slightest doubt, the classical legal scholars outlined provisions making it difficult to apply the *ḥudūd* punishments.[74] As previously noted, *ḥadd* punishment for adultery, theft, and robbery has seldom been applied throughout history. But as the analysis suggests, in order to gain the symbolic benefit of imposing frequent *ḥudūd* punishments, the *qāḍī*s overlook the strict traditional rules of evidence and procedural requirements, such as the number of male eyewitnesses who actually saw the criminal act. Or, they create new procedures. For example, the *qāḍī*s might announce that the accused has confessed to the crime, or they might display "evidence" (e.g., allegedly stolen objects) that "proves" the accusations. The fact that corporal punishments and executions are frequently enforced in public is in many respects more important for al-Shabaab than whether the legal proceedings are in accordance with the strict requirements outlined in classical *fiqh*.

However, al-Shabaab's enforcement of the *ḥudūd* punishments involves more than mere ideology. As already indicated, enforcement of corporal punishments in public naturally instills fear and thus prevents potential perpetrators from engaging in future criminal activities. Additionally, as the case of Roble shows, al-Shabaab's enforcement of these punishments sends a signal warning other young men not to resist recruitment attempts by the organization.

Similarly, al-Shabaab's dissemination of Salafi propaganda and emphasis on *sharī'a* is more strategic that it appears. Although al-Shabaab's rhetoric reflects the group's worldview and values, it also serves as a means to draw support from radical Islamists.[75]

While some of the group's statements may target Middle Eastern and global jihadi movements in order to gain financial assistance and fighters, other statements may, as Stig J. Hansen points out, be directed at a local audience.[76] For example, some al-Shabaab statements threatening criminal punishment, like the following statement from Abu Mukhtar Robow, appear to target clan loyalty or tribalism: "[F]rom now on it is prohibited to say that so-and-so clan cannot control over there, or so-and-so clan cannot govern so-and-so region. He made it clear that this land belongs to *Allāh* and anyone who imposes the Islamic law in it can govern it."[77] Likewise, the senior al-Shabaab official Abu Mansoor al-Amriki emphasizes al-Shabaab's pan-Islamism in opposition to the clan-backed politics of the former Islamic Court Union, stating that "the Courts [ICU] used to judge over each individual tribe," whereas "[a]l-Shabaab were made up of many different tribes."[78]

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73 Peters, *Crime and Punishment in Islamic Law*, 144–45.

74 Hallaq, *Sharī'a*, 311–12.

75 Abdirahman "Aynte" Ali, "The Anatomy of Somalia's Al-Shabaab Jihādists," *Horn of Africa* 27 (2009): 3–10.

76 Stig J. Hansen, *Report for the Norwegian Defence Research Establishment* (2011), 11.

77 Daveed Garstein-Ross, "The Strategic Challenge of Somalia's Al-Shabaab Dimensions of Jihad," *Middle East Quarterly* 4 (2009): 6.

78 Ibid., 5–6.

Such statements, which simultaneously emphasize al-Shabaab's Islamist nature and denounce the traditional clan system, can be understood as part of a strategy to depict al-Shabaab as an alternative to a clan-based regime that, historically, has led to division rather than unity.

Clans have played a decisive role in Somali politics, notably during the 1990s and early 2000s when they stemmed the tide of Islamic actors who tried to achieve political influence through the many locally based *sharī'a* courts.[79] In many respects, real power has always remained with the clans, sub-clans, and their warlords.[80] However, the unwritten rule that Islamic identity should complement rather than challenge "the primacy of clanism"[81] has been widely challenged by al-Shabaab. Besides the anti-clan rhetoric already mentioned, it has propagated Islamist and Salafi values and symbols in order to construct an alternative Somali identity. Al-Shabaab has also been quick to apply *sharī'a* rules as soon as it has gained control over a new territory. In Baidoa, for example, the interim al-Shabaab administration, according to Hansen, carried out its first death penalty sentence only four days after the takeover.[82] Further, many poor Somali girls were soon arrested because they could not afford the veils that al-Shabaab had ordered all females to wear.[83] By stressing the application of Islamic criminal law, al-Shabaab not only managed to create fear and improve law and order locally, it also opposed traditional *xeer* and the authority of the elders.[84] The Islamic-inspired punishments now being inflicted diverge radically from traditional collective clan conflict resolution, in which an offense is thoroughly discussed by elders from both parties and a decision is made in the case, most often for payment of *diya*.[85]

Although al-Shabaab has been relatively successful in overcoming clan boundaries, it has had difficulty in grappling with the politics of the Somali public. According to Abdirahman "Aynte" Ali, al-Shabaab has made extensive use of non-Somali, jihadi symbols and identities—using, for example, a black flag (a slight variation of al-Qa'ida's flag) with the *shahāda* (the declaration of faith) emblazoned on it instead of the Somali flag, and propaganda videos showing al-Shabaab militia singing Arabic songs that glorify suicide bombings. These displays have unnerved many Somalis and cast doubt on al-Shabaab's purported goal of liberating Somalia.[86]

Additionally, the public has contested al-Shabaab's application of *sharī'a*. Despite the fact that several of my informants appreciate the generally improved security situation in al-Shabaab-dominated areas and, further, that some of them are even sympathetic to al-Shabaab's aim of strengthening Islamic public morals, almost all interviewees explicitly criticized al-Shabaab's harsh and brutal corporal punishment. Several informants explained that this brutal enforcement was not "the right" *sharī'a*, even though they recognized that corporal punishment is explicitly described in the sacred texts and the Islamic scholarly tradition. These informants were well-acquainted with the requirements of traditional *fiqh*, pointing out the many conditions that must be fulfilled and the strict rules of evidence that should be considered before applying punishment. The fact that al-Shabaab punishes theft with amputation even though a high percentage of the population suffers from poverty, and that it punishes adulterers by stoning despite the lack of four witnesses to the actual penetration, demonstrates, in the informants' view, that al-Shabaab

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79 Ali, "The Anatomy of Somalia's al-Shabaab," 19.
80 Ibid.
81 Ibid.
82 Hansen, *Report for the Norwegian Defence Research Establishment*, 69.
83 Ibid.
84 According to "Farouk," a Somali informant from Mogadishu, al-Shabaab primarily controls the main urban centers, while traditional authority and *xeer* is still widely applied throughout the countryside.
85 Interviews conducted in Nairobi, October 2010 to September 2011.
86 Ali, "The Anatomy of Somalia's al-Shabaab," 22.

fails to apply the "proper" *sharī'a*. None of the interviewees seemed to believe that those who were convicted in these cases, and who were often described by al-Shabaab as having admitted to the accusations, were actually guilty.

As the governing body of large parts of Somalia, al-Shabaab faces a dilemma. Its leaders have used Salafi rhetoric and symbols such as *sharī'a* to arrive where they are, but to maintain political power is another matter. So far, it seems that al-Shabaab has tried to gain legitimacy by enforcing harsh corporal punishments and banning "un-Islamic" behavior. Their willingness to enforce the *ḥudūd* punishments may well conform to Salafi ideology. Yet it may, at the same time, undermine the legitimacy of the regime if its judicial practice diverges too much from traditional Somali norms and values.

PAPER 2

Militant Islamism and local clan dynamics in Somalia: the expansion of the Islamic Courts Union in Lower Jubba province

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Militant Islamism and local clan dynamics in Somalia: the expansion of the Islamic Courts Union in Lower Jubba province

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ABSTRACT

Over the course of only a few months in 2006, the Islamic Courts Union (ICU) defeated the clan-based faction leaders in Mogadishu and conquered most parts of South-Central Somalia, an achievement unprecedented since the fall of the Somali state in 1991. The ICU's rapid expansion met with little resistance and the local populations generally received their forces with enthusiasm. Drawing on unique empirical material, the paper discusses why and how the ICU alliance expanded in Somalia's southernmost province Lower Jubba. While ICU's initial success in Mogadishu was due to a combination of several factors, discussed in existing literature, this paper contents that its wider expansion in Lower Jubba was largely caused by ICU's ability to utilize local dynamics, structured along clan lines. While the ICU was initially welcomed by the local population in Lower Jubba, its Islamist inspired politics was soon heavily challenged throughout the province.

Over the course of only a few months in 2006, the Islamic Courts Union (ICU) defeated the clan-based faction leaders in Mogadishu, often referred to as "warlords." When the Islamist forces expanded outside the capital, they met with little resistance and were enthusiastically received by the local populations. By the autumn, the ICU had conquered large parts of South-Central Somalia and stood face to face with the forces of the internationally recognized Transitional Federal Government (TFG) in Baidoa. In less than a year, the Islamist alliance had managed to unite most of South-Central Somalia for the first time since the collapse of the government in 1991. Although TFG and Ethiopian forces, backed by the US, quickly vanquished the ICU in early 2007, the political trajectory in Somalia had changed. New militant Islamist groups were soon to re-emerge and dominate South-Central Somalia for years to come.

How did the Islamists manage to unite most of South-Central Somalia over the course of only a few months, an achievement never managed by any of its insurgent predecessors? While there are numerous scholarly works on the emergence and success of the ICU in

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Mogadishu,[1] in-depth analysis of its wider expansion in the provinces is lacking. Without doubt, the ICU's rise to dominance in Mogadishu was a vital first step in its rapid expansion in South-Central Somalia. However, holding power in Mogadishu far from guarantees political and military success outside the city, as the history of the Somali civil war attests. Any actors striving for power in the provincial capitals will play into, and be heavily influenced by, strong local power dynamics. In order to attain a broader understanding of why and how militant Islamism emerged as a major political force in Somalia, detailed study of the ICU's expansion in the provinces is central.

The analysis is framed by the existing body of scholarly work on the ICU in Mogadishu, discussing the impact of clan dynamic, local grievances and the role of Islam.[2] While there is support in this study for the literature that proposes a broad approach to the emergence of the ICU in Mogadishu,[3] it will argue that the dramatic change of power in Lower Jubba, going from the Jubba Valley Alliance to the ICU, was largely due to local dynamics, structured along clan lines. Grievances were felt by the local populations in Lower Jubba and many hoped that the Islamists could offer a better alternative than the rule of clan-based faction leaders. However, this paper argues that the Islamists' success in Lower Jubba was largely a result of their ability to utilize local clan dynamics to divide the faction leader alliance in Kismayo and draw on the loyalties of local clan groups. While the ICU as a provider of social order attracted local sympathies, its pan-clan policy along with its strict moral-conservative prohibitions were largely unpopular.

This paper offers a historical analysis of the understudied political developments leading up to ICU's conquer of the southernmost province of Lower Jubba in September 2006. Firstly, it discusses the political dynamic in Lower Jubba under the faction leader alliance, the so-called Jubba Valley Alliance (JVA), ruling most of the province from 1999 until 2006. Secondly, it shows how the ICU's emergence in Mogadishu played into and was shaped by local dynamics in Lower Jubba, leading to the quick conquest of the province. Lastly, the paper shows how the new Islamist administration in Lower Jubba faced significant challenges from pre-existing local conflict dynamics until it was swiftly defeated by the Ethiopian military intervention in January 2007.

Grievance, religion, clan or profit?

Scholarly accounts of the emergence and fall of the ICU tend to emphasize the complex environment wherein the Islamic Courts Union developed into a formidable political and military force that managed to overrun the long-ruling faction leaders in Mogadishu. According to this body of literature, without effective central state institutions in place the emergence of Islamist-dominated rule in Mogadishu was the product of several coexisting factors. However, the accounts vary in their emphasis on which factors were most decisive in triggering the sudden accumulation of power on the part of the ICU.

One group of accounts emphasizes the prominence of clan-based politics in combination with misjudged calculations by international partners.[4] First, when the internationally backed Transitional Federal Government (TFG) emerged in 2004, it failed to include large segments of the Hawiye clan-based political bloc in Mogadishu, referred to by Ken Menkhaus as the "Mogadishu Group."[5] Instead, the TFG became dominated by political figures from other clan groups, such as the Majerteen from North-East Somalia, moving parts of the Hawiye elite in Mogadishu closer to the Islamists, many whom were also

Hawiye.[6] Second, and parallel to the growing opposition to the TFG by the Mogadishu Group, came the US decision to support a group of Mogadishu-based faction leaders due to growing concern in Washington, D.C. about the presence of al-Qa'eda operatives in the ranks of the ICU. However, despite being primarily a counter-terrorism issue from Washington's side, US support for the faction leaders escalated already existing tensions between the faction leaders and central Hawiye politicians, businessmen and clan elders who were now cooperating closely with the Islamists.[7]

While clan dynamics and international involvement are generally acknowledged to have played an important role in most academic accounts of the ICU, some scholars highlight the spread of Islamist ideas as a major factor behind its rise.[8] According to them, Somalia's deep Islamic cultural roots, its close ties to streams of political Islam in the wider Muslim world, the emergence of Islamist groups and the emphasis on a common Islamic identity as a counterweight to the divisive powers of clan politics were all factors which enhanced the ICU's popularity in Mogadishu.[9]

A third body of literature leans towards more grievance-based explanations, emphasizing the central importance of mass mobilization among the Mogadishu public in support of the ICU against the faction leaders.[10] The faction leaders were decreasingly able to provide security in Mogadishu, and were far from popular among the city's population. The failure of the previous Transitional National Government (TNG) in 2001–2002, which enjoyed broad support from the Mogadishu bloc, civil society and moderate Islamists, and the "hijacking" of the TFG by the faction leaders, further promoted general dissatisfaction in Mogadishu. The TFG creation process in Nairobi was largely viewed in Mogadishu as corrupt and driven by the faction leaders. In contrast, the ICU were increasingly successful in providing local law and order in the areas in which they operated, creating the social order so strongly desired by the local population. When tensions with the US-backed faction leaders increased in February 2006, the population in Mogadishu mass-mobilized behind the courts' militia to sideline the faction leaders.[11]

A fourth group in the literature emphasizes the central importance of local businessmen. According to these scholars, the fact that most of the Hawiye business community decided to shift their support from the faction leaders to the Islamists was decisive in order for the ICU to mobilize and fight the faction leaders' militias.[12] While the faction leaders would only control a limited geographical area dominated by their sub-clan, the courts comprised members from a wide range of clan groups. Any businessman who transported goods across the city and the country at large could reduce their protection costs by supporting the ICU.[13] The businessmen reportedly influenced clan elders, funded the courts' militia and provided hardware, the so-called "technicals," enabling them to battle the faction leaders.[14]

Several accounts show how the ICU, after the defeat of the faction leaders in Mogadishu in June 2006, attracted support and recruits from a broad range of clan groups outside of its core constituency in Mogadishu, bolstering its growing military capability.[15] However, the ICU's rapid expansion over the course of the next few months, after which it had conquered most parts of South-Central Somalia, has not been subject to any in-depth analysis. In addition to the ICU's emergence to power in Mogadishu, the existing literature is largely focused on the increasing tensions between the ICU and the TFG, Ethiopia and the US, which finally triggered a massive military intervention by Ethiopian troops in December 2006; this force quickly overwhelmed the ICU.[16]

Methodology

Aside from a few governmental/non-governmental organization (GO/NGO) reports[17] and sporadic media reporting touching upon dynamics in Lower Jubba during the period discussed here, there are, as far as the authors are aware, no available in-depth written accounts explaining the developments leading up to the ICU's expansion into Lower Jubba in 2006. The historical narrative presented in this paper, therefore, rests largely on unique oral accounts gathered through interviews with individuals who either participated, were eyewitnesses or who have extensive knowledge of the events in Kismayo and Mogadishu described here. While most interviewees were participants in the events unfolding, some non-participant observers with insight into local dynamic in Lower Jubba were also selected.[18] To cross-check the stories of the interviewees, the authors have, as far as possible, attempted to triangulate[19] the information obtained by interviewing persons in different positions and from different clans and sub-clans. Where available, written accounts, mostly eyewitness media reports, have been used to assess the reliability of the information. The historical narrative rests on 73 semi-structured in-depth interviews, conducted between 2017 and 2019, with a wide range of interviewees. They include former faction leaders, militia fighters, Islamist leaders, Islamist foot soldiers, politicians, a civil society group, a women's group, clan elders and Somali academics. Eight of the interviews in Kismayo were group interviews, varying in size between two to 15 people. The majority of interviews were conducted in Kismayo, the rest in Mogadishu, Nairobi and Oslo.

Although Kismayo was liberated from the militant Islamist group Harakat al-Shabaab al-Mujahidin (or al-Shabaab "the Youth") in September 2012, the frontline between the Islamist forces and local security forces lies about 50 km from the city. Except for a few IED[20] attacks within Kismayo, the local administration was able to provide a decent level of security for the population within the zone during the period of research, making on-the-ground research by non-Somalis possible. However, during fieldwork, substantial risk-mitigating measures were taken, in close dialogue with local research assistants, in order not to put any interview subjects, nor the authors, at risk. In light of the still fragile situation in Kismayo and southern Somalia in general, the names of the interview subjects are either omitted or replaced with pseudonyms for their own safety.[21]

Civil war and clan-based politics in Lower Jubba

As in most other areas of South-Central Somalia, the formal state institutions quickly disappeared when the insurgency escalated during the late-1980s. Former officers from the military apparatus of the dictator Siyad Barre, such as Colonel Ahmed Omar Jess and General Mohamed Siyad Hersi "Morgan," took command of their own militia groups and alliances, primarily mobilized along clan or sub-clan lines. The constant struggle among the shifting alliances and factions in Lower Jubba often centered on the provincial capital of Kismayo.[22] The city is strategically located on the Indian Ocean, close to where the Jubba river flows into the sea. With its strategic location and the only natural deepwater harbor in the southernmost part of the country, Kismayo has played a vital role as a trading post since the late nineteenth century.[23]

The city of Kismayo and the fertile land surrounding the Jubba river have attracted people from across Somalia and the wider Horn, leaving the area with a multi-faceted and heterogeneous population. Lower Jubba is home to a wide range of clan groups, each claiming their own right to Kismayo and the province. The Majerteen clan, a dominant clan in North-East Somalia, has enjoyed a central political and economic position in Kismayo since the late nineteenth century, and is often described as an elite class in the city. Another clan, the Ogadeen – traditionally pastoralists and dominant in large parts of Lower Jubba, especially Westwards and into Kenya – often present themselves as the rightful owners of the area. In contrast to both Ogadeen and Majerteen, which are considered powerful clans in the South, minor clans, like the Bajuni, traditionally coastal fishermen, claim to originate from the city and the coastal areas.[24]

Since the outbreak of the civil war in Lower Jubba in July 1989,[25] the main politico-military groups in the province have been dominated by the Ogadeen, Majerteen and Marehan, all from the Darood clan family. Habergedir, a major Hawiye clan group, has also played an important political role in Kismayo since 1991. In contrast to Ogadeen and Majerteen, the Marehan and Habergedir clans have their traditional power base outside of Lower Jubba. The Marehan is dominant in most parts of Gedo, but also has a large presence in some areas in Galgaduud in Central Somalia, where Habergedir is the dominant clan group. However, both clans have played dominant roles in many parts of Somalia outside of their traditional areas through the empowerment of Siyad Barre, who was Marehan/Reer Dini,[26] and the United Somali Congress (USC) faction leader General Mohamed Farah Aideed, who was Habergedir/Sa'ad. The contest for power and influence in Lower Jubba between 1989 and 2006 had primarily played out between groups, factions and alliances whose main power bases were from these four clan groups or sub-clans within these clans.[27]

After the initial allied front against Siyad Barre broke down in February 1991, Kismayo saw several alliances come and go over the course of the next eight years. However, in June 1999, General "Morgan" and his Harti/Majerteen-dominated faction of the Somalia Patriotic Movement (SPM-Harti) was ousted from the city when his former Marehan allies felt marginalized and turned against him.[28] Marehan faction leaders made a new alliance with the Habergedir, who dominated the Somali National Alliance (SNA), and were able to seize Kismayo. In 2001, this Marehan and Habergedir alliance took the name "Jubba Valley Alliance" (JVA) and came to rule Kismayo and to dominate large parts of Lower Jubba and Middle Jubba until September 2006, when ICU took control of Kismayo unopposed.[29]

The Jubba Valley alliance in Lower Jubba

Local politics in Lower Jubba followed much of the same logic as it had done in Mogadishu before the rise of the ICU. It was dominated by the major clan groups who mostly mobilized militias along clan lines. The leaders who could mobilize and maintain large militias and forge powerful alliances dominated the political stage.[30] The rule of the Jubba Valley Alliance was no exception, as its powerful position rested heavily on the large militias at its disposal. The Marehan militia, drawn from its strongholds in Gedo and Galgaduud, was led by Colonel Abdikadir Adan Shire "Barre Hiiraale," a former Somali special forces unit commander, who had risen within the hierarchy of the Somali National Front (SNF).

From 1993, the SNF, which drew from most of the Marehan sub-clans, had been one of the main players in southern Somalia. In 1991, a majority of the Marehan militias had defended Siyad Barre, who was from Reer Dini, a major Marehan sub-clan. However, when Barre was finally ousted from Somalia in April 1992, the Marehan militias continued fighting for the interests of the major Marehan faction leaders, most of whom had been part of the Barre regime. The SNF continued to mobilize from the major Marehan sub-clans and remained central to the struggle for power in the southern parts of Somalia throughout the 1990s and early 2000s.[31]

The other main power within the JVA was the Habergedir-dominated Somali National Alliance. The strategic alliance between the SNA and SNF was based on common interests.[32] From the SNF leaders' perspective, they needed military support from the SNA for two main reasons: first, in order to defeat the Harti/Majerteen militias of General "Morgan" who ruled Kismayo at that time; second, because it required additional strength in order to deter any potential opposition from local clan groups - especially within the Ogadeen, which dominated most areas in Lower Jubba.[33] The SNA, on the other hand, under the leadership of Hussein Mohamed Farah Aideed (the son of Mohamed Farah Aideed), was on the defensive in Bay and Bakool where the Rahanweyn Resistance Army (RRA) had gained the upper hand.[34] Through an alliance with Hiiraale, Aideed could keep some of his influence in southern Somalia.[35]

Although the JVA managed to defeat General Morgan in Kismayo, it did not have a monopoly of violence throughout Lower Jubba. Only a small number of Marehan and Habergedir lived in Kismayo when the JVA conquered the city. Most of the local population considered the Marehan and Habergedir forces to be foreigners to the area, often referring to them as the "brothers of Galgaduud."[36] Although General Morgan posed the most immediate military threat to the authority of the JVA – he launched several offensives attempting to reconquer Kismayo[37] – perhaps a more existential challenge came from the Ogadeen clans, who were dominant across much of Lower and Middle Jubba.[38] Although the military role of the SPM-Ogadeen had diminished after it was ousted from Kismayo in 1993, Ogadeen clan militias continued to play a key political role in Lower Jubba and remained a potential military threat to anyone who ruled Kismayo.[39] Parts of the area outside Kismayo, especially around Afmadow and Dhobley, were *de facto* ruled by the Ogadeen. In order to keep the Ogadeen at bay, Barre Hiiraale, soon after his take-over of Kismayo, arranged a large-scale meeting with Ogadeen traditional elders and agreed on non-interference into the others' interests; i.e. Hiiraale and his Habergedir allies should be allowed to rule Kismayo, while the Ogadeen should be left undisturbed in their own main areas of influence.[40]

As noted by several scholars, by the early 2000s the popularity of the faction leaders was dwindling in Mogadishu. The number of factions had proliferated, dividing the city and leading to a surge in the number of militias and checkpoints. The local population, even from the core constituencies of the main faction leaders, became increasingly critical of their "own" faction leaders, blaming them for the widespread lawlessness in the capital, as well as for their impunity, abuse and extortion.[41] On the surface, the political situation in Kismayo in the early 2000s would seem very different from that in Mogadishu. In Kismayo, the JVA was the only major political and military authority. Limited contestation between various factions provided a certain level of stability and predictability for the local population. However, according to several residents living in the city under its

rule, the JVA showed little interest in the city's population. It did not do much to improve law and order or to promote development in the city. On paper, there existed a kind of city administration, but in reality, all decisions and power rested with the top JVA commanders.[42] While major clashes were uncommon, the everyday situation for ordinary people was uncertain. In addition to the unpredictability caused by the presence of so many young militiamen at the checkpoints, often high on *khat* in the afternoon, there was still a high incidence of robberies and raping of local women. Even local Marehan and Habergedir suffered from the lack of law and order in the city.[43] A young man from the Habergedir/Ayr clan, the same clan as several JVA commanders, remembers how he sometimes had to hide from the militiamen from other clans. From time to time, fighting would suddenly erupt between the militias, typically due to disagreements about the share collected from the checkpoints. During such disputes, the militiamen would often shoot at kids from the other clans, as they considered them to assist the militia they were in dispute with.[44]

Residents, who endured atrocities and years of fighting between competing militias, described Kismayo under JVA rule as a "shadow city."[45] The city was largely segregated into districts dominated by different clan groups, and the level of trust between the different clan communities was low.[46] Many locals felt unsafe, especially women, who still experienced frequent harassment and rape by the militias. According to several local women, it was impossible to raise a case against the militias unless you had close contacts within the circle of power.[47] Clan elders, who would traditionally be the ones dealing with injustice between the city's clans, were either largely ignored by the JVA commanders or had left the city and moved back to their clan strongholds.[48] As a local woman in Kismayo put it, "all the men and elders had left the city, only children and women were left."[49] Many of the locals were thus at the mercy of the militias and their commanders.[50]

In the shadow of the clan militias: militant Islamism in Lower Jubba

While gaining momentum in Mogadishu in the period 2005–2006, the Islamists remained almost invisible in Kismayo and played a marginal political and military role in Lower Jubba. A small sub-group of the long-standing Islamist organization al-Ittihad al-Islamiyya (AIAI), formed in the early 1980s,[51] was the most active Islamist group in the area.[52] The group, often referred to as *Mu'askar Ras Kamboni* ("the Ras Kamboni camp," MRK) due to its training camp in the small village of Ras Kamboni, located close to the Kenyan border, was small and did not challenge the authority of the JVA.[53] According to several soldiers who trained in Ras Kamboni at that time, the group had a few hundred fighters, probably no more than 500.[54] In addition to receiving military training, its members were dispatched to local villages in the areas around Ras Kamboni to serve as a kind of local police. They cooperated closely with the village elders to provide security and could act as mediators in local conflicts. It was, however, according to former *Mu'askar Ras Kamboni* members, the clan elders who were the main authorities and had the final say.[55]

Despite MRK's local activity in the far south of the province, they did not influence political life in Kismayo. According to several Kismayo residents, they had not even heard about the group until 2006.[56] A former MRK member related how they could come

and go from Kismayo without interference from Barre Hiiraale and the JVA. Since MRK was dominated by members of the Ogadeen clans and had previously conducted operations within the Ogadeen region in Ethiopia, the soldier thinks that Barre Hiiraale did not care about them as he did not see them as a local threat, nor was he on good terms with Ethiopia at the time.[57] This view was shared by "Omar," a former senior JVA commander. Barre Hiiraale "(…) could easily have defeated them [MRK], but did not care about them as long as they stayed in the jungle."[58] When the MRK forces left the camp in Ras Kamboni to help the ICU fight against the faction leaders in Mogadishu, the force was allowed to pass freely through Lower Jubba without interference by the JVA.[59]

The ICU's expansion into Lower Jubba

The ICU's defeat of the faction leaders and establishment of an increased level of social order in Mogadishu made them popular,[60] not only in Mogadishu, but in large parts of South-Central Somalia, including Kismayo. The removal of checkpoints, establishment of law and order and initiation of social welfare programs in Mogadishu, for example removal of garbage from the streets, attracted much attention and enthusiasm in the provinces. According to several residents in Kismayo at that time, they frequently spoke with family and friends in Mogadishu to receive updates on the latest developments in the city. Many started to hope that the ICU would come there and bring changes to their city. The local population did not believe that the faction leaders of the JVA could bring a better life and development to the area, thus many hoped a new administration based on a common Islamic identity could provide a brighter future.[61] Several clan elders living in Kismayo at that time, recall how a large crowd from the city, walked several kilometers outside the city to meet and greet the advancing Islamist forces in September 2006.[62] According to local residents, many experienced the transition to Islamist rule in Lower Jubba as a relief compared to the situation they had experienced under the JVA. The uncertainty, rapes and general lack of law and order ended. The Islamist militia fighters were better behaved and respected the orders of their leaders.[63] In addition to increased safety and predictability for most local residents, they also seem to have been treated more equally regardless of clan affiliation. Speaking in front of a huge crowd on the main square in Kismayo upon arrival, MRK's leader, Hassan "al-Turki," stated that the Islamist forces should not be seen as representatives of the Ogadeen clan or any other clan. Rather, they were above the clan level and would represent all the people in the city.[64] According to several women in Kismayo, the "ICU [take-over] felt like the majority taking back the rule from the minority."[65] The equal treatment also applied to the Marehan. The Marehan's superior position in Kismayo vanished with the JVA's defeat. Yet, according to several local residents, the Marehan who remained in the city when the JVA left were treated on the same terms as the other citizens. Some Marehan even took prominent positions within the Islamist administration in Kismayo. For example, Abdirahman Fillow became the head of security in Kismayo.[66]

The power of local politics: Islamism and clan in Lower Jubba

The Islamists' success in Mogadishu doubtlessly expanded their public popularity across southern Somalia and made them, in the eyes of many, a more legitimate political

alternative to the faction leaders. However, neither being a popular provider of social order nor having an inclusive clan policy would have been sufficient to bring about the change of power in Lower Jubba. The ICU's success in southern Somalia, like the faction leaders', rested on the support of clan elders and businessmen who made it possible to mobilize sizeable militias. A key factor for the ICU's initial military strength in Mogadishu, as pointed out by Menkhaus and Hansen, was its strong support from several Hawiye clans, especially Habergedir/Ayr.[67] Menkhaus describes how the Transitional Federal Government, headed by President Abdullahi Yusuf, a Majerteen from the North-East, was largely seen by the Hawiye elites in Mogadishu as a Darood-dominated venture opposed to their interests.[68] As Ahmad shows, several of the Hawiye businessmen in Mogadishu also had purely economic incentives for supporting the ICU, hoping that, because it operated across clan lines to a greater extent than the faction leaders, the ICU could reduce the heavy burden of paying for security across a fractured landscape.[69]

When direct hostilities broke out between the ICU and faction leaders in February 2006,[70] the importance of the widespread Habergedir/Ayr support became even more evident. While Ahmad emphasizes the importance of other Hawiye clans, like the Abgal, as well as other clan groups, who were necessary to mobilize broad popular support for the ICU during the fight for Mogadishu,[71] the contribution of fresh Ayr militias equipped with "technicals" – i.e. vehicles with heavy weapons mounted on the back – from outside of Mogadishu was vital. According to "Abdi," one of the founding figures of the ICU in Mogadishu, the ICU leadership thought they were going to lose the fight against the faction leaders during the initial stages of the hostilities. The faction leaders had more firepower than the ICU, with a huge number of technicals. At that time, "Abdi" was mobilizing the citizens to barricade the streets of the city in order to hamper the maneuver of the faction leaders' technicals.[72] The fresh Habergedir/Ayr militias came after some weeks of fighting and helped tip the balance in the ICU's favor. The strongman of Lower Shabelle, Sheikh Yusuf Indahadde, together with General Mohamad Roble Jim'ale "Gobale" and Yusuf Mire Mohamud "Seraar" from the JVA, decided to rally their militias behind the ICU banner alongside their clan fellows.[73] Although Indahadde had already shown himself to be sympathetic to the Islamist cause, Gobale, Seraar and the Habergedir militia of the JVA were not close to the ICU's Islamist ideology. According to several high-ranking individuals from the ICU and JVA, the main driver for Gobale, Serar and Indahadde's, support for the ICU were loyalties to their Ayr brothers in Mogadishu. For them, the fight was primarily about defending Ayr interests.[74]

According to "Omar," a senior JVA commander at that time, Barre Hiiraale had been critical of Gobale and Serar's plans to move their Habergedir militia to Mogadishu to support the ICU. He knew this would weaken the Marehan militia's position in the south and could potentially create a new alliance, which could come to threaten him in the future.[75] It turned out that Hiiraale's fears were legitimate. A few months later, at the end of September, an ICU force entered Jillib and continued on towards Kismayo. When Hiiraale learned that Indhacadde, who had formerly been an ally of Hiiraale's JVA, had decided to back the ICU offensive against Kismayo, he knew it would be useless to resist. Having lost the support of his former Habergedir/Ayr allies, Hiiraale quickly gathered his Marehan militia and fled the city before the ICU arrived.[76]

However, it was more than the Ayr factor that challenged Hiiraale on the ground in Lower Jubba. As previously noted, the potentially powerful Ogadeen clans in Lower

Jubba had mostly been passive in recent years and had not challenged the JVA openly in Kismayo. In return, they had enjoyed a large degree of autonomy within their main strongholds further west. Nevertheless, according to several Ogadeeni residents and clan elders in Kismayo, none of the Ogadeen clans perceived the JVA leadership as legitimate rulers of the area.[77] The MRK group, which was now a part of the wider ICU umbrella, knew the political landscape in Lower Jubba very well. Although previously a marginal player in Lower Jubba, MRK's leader, Hassan Abdullah Hersi "al-Turki," its deputy, Ahmed Mohamed Islam "Madobe," along with several other senior leaders of the group, were from the influential Mohamed Zubeyr sub-clan of the Ogadeen. When the ICU had gained victory in Mogadishu, the MRK forged an agreement with the radicals in al-Shabaab, mostly known in Mogadishu at that time as the Salahudeen group.[78] Together, they started to plan for further expansion into southern Somalia.[79] According to several ICU commanders at the time, the two groups wanted to establish a new headquarter in Kismayo, which could serve as an additional economic stronghold for an Islamist administration. The MRK knew that it could draw on local clan dynamics in Lower Jubba. Simply by virtue of being Ogadeen/Mohamed Zubeyr, they could potentially raise local Ogadeen support against the JVA. Quite deliberately, they placed Hassan "al-Turki's" MRK forces in front of the forces in order to be seen as a "native" force.[80]

At the time of fighting the warlords in Mogadishu, the ICU was far from a homogenous force. According to "Mohamed," who participated in the battle for Mogadishu, the forces consisted of 11 main groups.[81] Unsurprisingly, the fast-growing Islamist alliance faced challenges when trying to agree on a common cause and clear policy for the future. Despite the establishment of a grand shura, an executive council and a command structure,[82] there was, as Barnes and Hassan point out, no common agenda for how to proceed outside of Mogadishu and the alliance was easily drawn into local power struggles like in Kismayo.[83] Actually, it came as a surprise to many within the ICU leadership when MRK and al-Shabaab left Mogadishu for Jillib in September, "Mohamed" and "Abdi" recall. They allege that Hassan "al-Turki" had told the ICU leadership openly that he was intending to go for Ras Kamboni and Dhobley, not Kismayo. It seems that some of the ICU leaders had assured Barre Hiiraale that they were not going to attack Kismayo.[84] After the Islamist forces started moving southwards, "Abdi" recalls, Barre Hiiraale called them and asked "what is going on."[85] When some of the ICU leaders reached out to "al-Turki," he told them that he had been called by the people of Kismayo to come there.[86] However, according to "Roble," a former Ayr militia commander from Lower Shabelle, Ayr elements within the ICU were hesitant to launch an offensive into Lower Jubba. He asserts that that even al-Shabaab's commander at that time, Adan Hashi Ayro, also from the Ayr clan, was initially skeptical of the plans. But he followed suit after he was criticized by MRK's "al-Turki" and "Madobe" for being "(…) clannish and afraid of attacking his Ayr brothers in Kismayo."[87] However, before the joint MRK and al-Shabaab forces entered Kismayo, Ayro decided to join them. Allegedly, this took place after consultations with Indhacade and other Ayr leaders of the ICU shura, who were afraid of losing control of the situation.[88] When the Islamist forces arrived in Kismayo on 24 September 2006, the JVA Ayr commanders Gobale and Seraar and their militia, already present in the city at that point, laid down their weapons and joined the ICU ranks.[89]

Ruling the clans in Lower Jubba

When the Islamist forces entered Kismayo it was welcomed by a majority of the local population. This warm welcome should not, however, be overemphasized and seen as deep-felt support for the Islamist cause. Rather, most locals in Lower Jubba still viewed the Islamists through a clan lens.[90] Among the Ogadeen clans, many favored the Islamists primarily because of their local clan affiliations and for ousting the unpopular JVA alliance. In a sense, the ICU represented a continuation of existing local power struggles and had little to do with any appreciation for the kind of radical Islamist ideology propagated by Hassan "al-Turki" and al-Shabaab. This had already become apparent by the second day of their rule in Kismayo. Large crowds took to the streets to protest against the Islamists who had torn down the Somali flag in the city and replaced it with a black Islamist flag.[91] People also took to the streets to show their opposition to the ICU's ban on the *khat* trade, as well as the cinema.[92] In response to the protests, some of the Islamist fighters opened fire at the crowds, wounding several people. The commanders decided to impose a curfew and shut down the local radio station, blaming it for spreading anti-ICU propaganda.[93] The warm welcome had suddenly cooled off considerably.

The Islamist administration in Kismayo and the province was a short-lived venture, lasting for only three months. One should therefore be careful to draw too many conclusions regarding ICU's ability to govern a wide territory and population. Yet, one way or another, it had to deal with the reality of local politics, just like al-Shabaab and its allied Islamists would when they reemerged in the province two years later.[94] Like al-Shabaab and its allies, the ICU was far from a homogenous force and soon faced internal tensions.[95] According to "Adow," living in the city during ICU rule, there was internal disputes among the ICU commanders about appointments to leadership positions in the newly conquered province.[96] Initially, al-Shabaab had demanded a majority of all leading positions. However, Hassan "al-Turki" knew that such a move would have produced local resistance, since al-Shabaab's leaders were mostly from other clans. Instead, the Islamists finally agreed that al-Shabaab commander Ahmed Abdi Aw Mohamed "Godane," from the northern Somali Issaq/Arab clan, should head the military forces, while Ahmed "Madobe," who was from the powerful Mohamed Zubeyr sub-clan of the Ogadeen, was installed as governor of Lower Jubba province.[97] Despite a reasonable compromise from the Islamists' perspective, "Adow" recalls how many locals in Kismayo reacted with dissatisfaction towards "Godane," because "(…) they didn't want to be ruled by 'a guy from outside'."[98]

Because the Ogadeen-dominated MRK group constituted a major part of the Islamist force in Lower Jubba, there were, according to "Adow," expectations among many Ogadeenis that their clan interests would be promoted by the Islamists. When this did not happen, Ogadeen clan elders became increasingly skeptical toward the newly established Islamist administration.[99] A senior Ogadeen elder pointed out that the clan elders from Ogadeen, including the senior clan authority, Sultan Ali Sonkor, were initially supportive of the Islamists as they saw them as a better option than the JVA. However, they were not satisfied with being sidelined and left out of the consultations about the nature and composition of the new administration.[100]

Many local elders also expressed concerns about the Islamists' radical interpretation and application of *shari'a*.[101] Traditionally, interpretations of *shari'a* in accordance with

the Shaafi school have been widely applied in Somalia alongside customary law, *xeer*. However, *xeer* has been dominant in most judicial areas, while *shari'a* has mostly been applied to family legal matters and in settling the level of blood money, *diya*.[102] Hassan "al-Turki," Ahmed "Madobe" and the other MRK leaders did not want to push the clan elders too much, as they knew their importance in the local communities and did not want to risk turning large parts of the population against them. Therefore, the Islamist commanders ended up heeding local clan dynamics when establishing new administrations in the area.[103] According to "Haji," a former resident of Kismayo, the Islamist commanders decided to appoint Abdifatah Hussein from the Harti, a central clan group in Kismayo to this day, as deputy governor to Ahmed "Madobe," because of his clan affiliation.[104]

Despite ICU's short-lived governance experience, its attempts were not too promising. In many ways ICU's actions and responses were similar to al-Shabaab's later administration in Lower Jubba. Although al-Shabaab, like ICU, brought an increased level of law, order and predictability, compared to the clan-based militias, it also harshly applied its radical interpretations of *shari'a* and heavily oppressed any form of political opposition. Establishing a culture of fear and hampering any forms of socio-economic developments.[105]

Ethiopian intervention and the end to Islamist rule in Lower Jubba

As in the case of ICU's emergence its end in Lower Jubba was initiated by developments outside of the province. An increasingly aggressive foreign policy by the hardliners within the ICU leadership, threatening to evict the TFG leaders located in Baidoa, and even to launch jihad against Ethiopia, provoked a massive Ethiopian military intervention, backed by US air power on 21 December 2006.[106] Shocked by ICU's quick defeat on the battlefield, angered by the ICU hard liners' who had provoked a war with Ethiopia, lack of belief in a military victory against Ethiopia's superior forces and fear of ruining their city, clan elders and businessmen in Mogadishu withdrew their support of the ICU leadership. Denying the ICU leaders and their troops to fortify in Mogadishu and retracting militias and military equipment previously provided to the ICU.[107]

The lack of profound local support was likewise quickly displayed in Kismayo. While militias had been mobilized from most clans in Lower Jubba for the ICU forces,[108] their loyalty to the ICU leadership turned out to be weak. Thirty-six clan elders met with ICU leaders in Kismayo, trying to persuade them that resisting Ethiopian forces would be futile. According to a local elder, "We told them that they were going to lose (…) and that our city would get destroyed."[109] When the Ethiopian forces closed in on the city and the ICU leaders didn't give in to the pleas of the elders, local clan militias mobilized and turned on the remnants of the ICU forces.[110] The ICU leaders and the remaining hard line Islamists subsequently evacuated Kismayo and scattered in the bushes on the Kenya-Somalia border.[111] The rapid success of ICU was equally rapidly crushed.

Conclusion

The Islamists' position in Lower Jubba was marginal and they did not enjoy the same political support as the Islamic courts experienced in Mogadishu in the period leading up to

February 2006. Conquering Mogadishu did not, however, guarantee wider success in the rest of South-Central Somalia. As this paper has demonstrated, the ICU's ability to defeat the relatively strong JVA in Lower Jubba was largely due to its ability to draw on local clan loyalties. By dividing the faction leader alliance in Kismayo and enjoying the sympathy of powerful local clan groups, the ICU was able to conquer Kismayo without a fight. While the ICU as a provider of social order attracted local sympathies, its pan-clan policy along with its strict moral-conservative prohibitions were largely unpopular.

The paper lends support to the literature that makes a broad, yet multi-leveled approach to ICU's emergence in Mogadishu, where a combination of politics, local grievances, provision of law and order and economic rationality intertwined. Yet, the discussion emphasizes that the current literature on ICU's emergence is insufficient to understand and explain the wider spread of militant Islamism throughout South-Central Somalia. While the same factors were prevalent in Mogadishu and Lower Jubba, they played out differently. Hence, larger trends and changes at the regional and national level, although vital, should be analyzed on their own terms within the specific local contexts – aligning with the micro dynamic turn in the study of civil wars.[112]

Notes

1. See for example Hansen, "Somalia – Grievance, Religion, Clan, and Profit"; Menkhaus, "There and Back Again in Somalia"; Mankhaus, "The Crisis in Somalia"; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts"; Samatar, "The Miracle of Mogadishu"; Marchal, "A tentative assessment of the Somali Harakat Al-Shabaab"; Ahmad, *Jihad & Co*; Shay, *Somalia between Jihad and Restoration*; Shank, "Understanding Political Islam in Somalia"; Holzer, "Political Islam in Somalia"; Verhoeven, "The Self-fulfilling Prophecy of Failed States," Abbink, "The Islamic Courts Union"; Woldemariam, *Insurgent Fragmentation in the Horn of Africa*; West, "Somalia's ICU and its Roots in al-Ittihad al-Islami."
2. See especially Hansen, "Somalia – Grievance, Religion, Clan, and Profit"; Menkhaus, "There and Back Again in Somalia"; Menkhaus, "The Crisis in Somalia"; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts."
3. Hansen, "Somalia – Grievance, Religion, Clan, and Profit"; Menkhaus, "There and Back Again in Somalia"; Menkhaus, "The Crisis in Somalia"; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts"; Holzer, "Political Islam in Somalia."
4. Menkhaus, "The Crisis in Somalia"; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts"; Holzer, "Political Islam in Somalia"; Marchal, "A Tentative Assessment of the Somali Harakat Al-Shabaab."
5. Menkhaus, "The Crisis in Somalia," 359
6. Ibid.; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts"; Holzer, "Political Islam in Somalia."
7. Menkhaus, "The Somali Crisis," 357–90; Verhoeven, "The Self-fulfilling Prophecy of Failed States," 405–25.
8. Shank, "Understanding Political Islam in Somalia"; Shay, *Somalia between Jihad and Restoration*; West, "Somalia's ICU and its Roots in al-Ittihad al-Islami."
9. Shank, "Understanding Political Islami in Somalia"; Shay, *Somalia between Jihad and Restoration*.
10. Samatar, "The Miracle of Mogadishu"; Abbink, "The Islamic Courts Union"; Verhoeven, "The Self-fulfilling prophecy of failed states"
11. Ibid.
12. Ahmad, *Jihad & Co*; Ahmad, "The Security Bazaar"; Hansen, "Somalia – Grievance, Religion, Clan, and Profit," 132–3; Marchal, *The Rise of a Jihadi Movement in a Country at War*, 14.

13. Ahmad, *Jihad & Co*; Ahmad, "The Security Bazaar."

14. Marchal, *The Rise of a Jihadi Movement in a Country at War*, 15; Woldemariam, *Insurgent Fragmentation in the Horn of Africa*, 254.

15. See for example Hansen, "Somalia – Grievance, Religion, Clan, and Profit"; Ahmad, *Jihad & Co*.

16. Menkhaus, "The Crisis in Somalia"; Verhoeven, "The Self-fulfilling Prophecy of Failed States"; Woldemariam, *Insurgent Fragmentation in the Horn of Africa*; Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts."

17. Menkhaus, "Somalia"; UNHCR, "Country Report – Somalia"; CEWERU, "From the Bottom Up."

18. Yow, *Recording Oral History*, 89–90.

19. Brinkmann and Kvale, *Interviews*, 285–8.

20. Improvised Explosive Device.

21. Gallaher, "Researching Repellent Groups"; Mertus, "Maintenance of Personal Security."

22. Gilkes, "The Price of Peace."

23. Casanelli, *The Shaping of Somali Society*, 75; Oba, *Herder Warfare in East Africa*, 219–36.

24. Interview with clan elders in Kismayo, February 2018.

25. Kapteijns, *Clan Cleansing in Somalia*, 96.

26. When clan groups are referred to with a slash, the first term refers to the major clan group and the latter refers to a sub-clan within the major clan group.

27. Interview in Nairobi with "Farah," an academic and politician from Lower Jubba, February 2018; Interview in Nairobi with "Adan," a NGO worker from Gedo, February 2018.

28. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June 2018; Interview with "Mukhtar," a former senior SPM-Harti commander, in Nairobi, June 2018.

29. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June 2018; Interview with "Mukhtar," a former senior SPM-Harti commander, in Nairobi, June 2018.

30. Menkhaus, "The Crisis in Somalia"; Hansen, "Somalia – Grievance, Religion, Clan, and Profit."

31. Interview in Nairobi with "Jibril," a Jubbaland politician from Gedo, June 2018; Interview in Nairobi with "Adan," a NGO worker from Gedo, February 2018; Interview with "Mahmoud," a Somali academic, in Nairobi, June 2018.

32. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Mohamed," a former senior ICU official, in Mogadishu, June 2018; Interview with "Abdi," a former senior ICU official, in Oslo, June 2018.

33. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June 2018; Interview in Nairobi with "Jibril," a Jubbaland politician from Gedo, June 2018.

34. Bakonyi, "Authority and Administration Beyond the State," 277–8.

35. Group interview in Nairobi with Somali businessmen from southern Somalia, June 2018.

36. Interviews with Kismayo residents, February, 2018; Group interview in Nairobi with Somali businessmen from southern Somalia, June 2018; Interview in Oslo with Adow, former Jubbaland politician, June 2018.

37. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June 2018; Interview with "Mukhtar," a former senior SPM-Harti commander, in Nairobi, June 2018; UNCHR, "Country Report – Somalia," 128; Al-Jazeera, "Somalia in Crisis as Militias Clash," 18 September 2004.

38. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June

2018; Interview with "Mukhtar," a former senior SPM-Harti commander, in Nairobi, June 2018.

39. Interview with Kismayo residents Abdi and Hassan, February 2018.
40. Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018; Interview with "Hassan," a former senior SPM-Ogadeen commander, in Mogadishu, June 2018; Interview with "Mukhtar," a former senior SPM-Harti commander, in Nairobi, June 2018.
41. See for example Menkhaus, "There and Back Again in Somalia," 1; Hansen, "Somalia – Grievance, Religion, Clan, and Profit," 131; Abbink, "The Islamic Courts Union," 98; Samatar, "The Miracle of Mogadishu," 582.
42. Interview with Kismayo residents, February 2018.
43. Interviews with residents in Kismayo, February 2018; Interview in Nairobi with "Hajji," senior politician from Kismayo, June 2018.
44. Interview with "Hassan Farah" in Mogadishu, June 2018.
45. Interview with Kismayo residents, February 2018.
46. Interview with Civil Society group in Kismayo, February 2018.
47. Interview with a group of local women in Kismayo, February 2018.
48. Interview with a group of clan elders in Kismayo, February 2018; Interview with a group of local women in Kismayo, February 2018.
49. Interview with a group of local women in Kismayo, February 2018.
50. Interview with Kismayo residents, February 2018.
51. Marchal, "Ahlu Sunna wa l-Jama'a in Somalia," 223.
52. Interview with "Zubeyr," former senior Ras Kamboni/AIAI commander, in Kismayo, October 2018; Interview with "Omar," a former senior JVA commander, in Mogadishu, June 2018.
53. Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018; Interview in Mogadishu with, "Roble," a former senior Lower Shabelle Ayr commander, Mogadishu, June 2018.
54. Interview with former Mu'askar Ras Kamboni/AIAI soldiers in Kismayo, July 2019.
55. Interview with former Mu'askar Ras Kamboni soldiers in Kismayo, July 2019.
56. Interview with Kismayo residents, February 2018.
57. Interview with "Asad," former Mu'askar Ras Kamboni soldier, in Kismayo, July 2019.
58. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018.
59. Ibid.
60. Menkhaus, "There and Back Again in Somalia," 1.
61. Interviews with Kismayo residents, February 2018; Interviews with former Kismayo residents in Nairobi, February 2018.
62. Interviews with a group of clan elders in Kismayo, February 2018.
63. Interview with a group of local women in Kismayo, February 2018; Interview with a civil society group in Kismayo, February 2018.
64. Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018; Interview in Mogadishu with, "Roble," a former senior Lower Shabelle Ayr commander, Mogadishu, June 2018; New York Times, "Demonstrations Becomes Clashes after Islamists Take Somali City."
65. Interview with a women group in Kismayo, February 2018.
66. Interview with residents in Kismayo, February 2018.
67. Menkhaus, "The Crisis in Somalia," 359; Hansen, "Somalia – Grievance, Religion, Clan, and Profit," 134.
68. Menkhaus, "The Crisis in Somalia," 359–62.
69. Ahmad, *Jihad & Co*, 133.
70. Hansen, "Somalia – Grievance, Religion, Clan, and Profit," 133.
71. Ahmad, *Jihad & Co*, 124.
72. Interview in Oslo with "Abdi," a former senior ICU official, April 2018.

73. Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018; Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Roble," a senior Ayr commander from Lower Shabelle, June 2018.

74. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018; Interview in Mogadishu with Roble, a senior Ayr commander from Lower Shabelle, June 2018; Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018.

75. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018

76. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018; Interview in Mogadishu with "Ibrahim," a former JVA militia member, June 2018.

77. Interview with Kismayo residents, February 2018; Interview with a group of clan elders in Kismayo, February 2018.

78. According to "Siyad," a former Mu'askar Ras Kamboni/AIAI/ICU soldier, who fought in Mogadishu under the ICU, the name "Salahudeen" or "Mu'askar Salahudeen" refers to a training camp in Galgaduud, close to Dushamareb in Central Somalia. This was used by al-Shabaab before the battle with the faction leaders erupted in Mogadishu (Interview in Kismayo, July 2019).

79. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018; Interview in Mogadishu with, "Roble," a former senior Lower Shabelle Ayr commander, Mogadishu, June 2018; Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018.

80. Interview in Mogadishu with, "Roble," a former senior Lower Shabelle Ayr commander, Mogadishu, June 2018; Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018.

81. Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018.

82. Interview in Oslo with "Abdi," a former senior ICU official, April 2018.

83. Barnes and Hassan, "The Rise and Fall of Mogadishu's Islamic Courts," 155–6.

84. Interview in Oslo with "Abdi," a former senior ICU official, April 2018; Interview in Mogadishu with "Mohamed," a former senior ICU official, June 2018.

85. Interview in Oslo with "Abdi," a former senior ICU official, April 2018.

86. Interview in Mogadishu with, "Roble," a former senior Lower Shabelle Ayr commander, Mogadishu, June 2018.

87. Ibid.

88. Ibid.

89. Interview in Mogadishu with "Omar," a former senior JVA commander, June 2018; Interview with residents in Kismayo, February 2018; NBC News, "Islamic militia seizes control of Somalia seaport"; Al-Jazeera, "Islamists Take Main Somali Port City."

90. Interview in Nairobi with "Mahmoud," a Somali academic from southern Somalia, June 2018; Interview in Nairobi with "Farah," a Somali politician and academic in Nairobi, October 2017; Interview in Nairobi with "Haji," a Somali politician from Kismayo, June 2018.

91. Shay, *Somalia between Jihad and Restoration*, 98; Hansen, *Al-Shabaab in Somalia*, 40.

92. ABC News, "Somali Militia Vows to Recapture Port from Islamists."

93. Shay, *Somalia between Jihad and Restoration*, 98; Hansen, *Al-Shabaab in Somalia*, 40.

94. An alliance of al-Shabaab, Mu'askar Ras Kamboni (this time under the umbrella of Hizbul Islam) and some smaller militant Islamist groups reconquered Kismayo and the wider Lower Jubba province in August 2008.

95. Interviews with former al-Shabaab and Mu'askar Ras Kamboni members in Kismayo, June 2019.

96. Interview in Oslo with "Adow," a former Kismayo resident and Jubbaland parliament member, June 2018.

97. Ibid.

98. Interview in Oslo with "Adow," a former Kismayo resident and Jubbaland member of parliament, June 2018; ABC News, "Somali Militia Vows to Recapture Port from Islamists."

99. Interview in Oslo with "Adow," a former Kismayo resident and Jubbaland member of parliament, June 2018.
100. Interview with senior Ogadeen elder in Kismayo, October 2018.
101. Interview in Oslo with "Adow," a former Kismayo resident and Jubbaland member of parliament, June 2018.
102. Lewis, *Saints and Somalis*, 25, 50, 63; Abdullahi, *Culture and Custom of Somalia*, 58–61; Adam, "Islam and Politics in Somalia," 190–1.
103. Interviews with Kismayo residents, February 2018.
104. Interview in Nairobi with "Haji," a Somali politician and former Kismayo resident, June 2018.
105. Interview with clan elders in Kismayo, February and October 2018; Interview with residents in Kismayo, February 2018; Interview with civil society group in Kismayo, February 2018.
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PAPER 3

Jihadi governance and traditional authority structures: al-Shabaab and Clan Elders in Southern Somalia, 2008-2012

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Jihadi governance and traditional authority structures: al-Shabaab and Clan Elders in Southern Somalia, 2008-2012

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ABSTRACT
Based on unique field work in southern Somalia, this article explores how the interrelationship between jihadi insurgent rulers and traditional authority structures fostered local order in the southernmost part of Somalia in the period 2008 to 2012. While the Jihadi insurgent group al-Shabaab's state project was profoundly inspired by jihadi-Salafi ideology when it conquered large parts of South-Central Somalia in 2008–2009, it developed a strategy to cooperate with and co-opt local authority structures. This was partly a pragmatic approach in order to gain control of local institutions and populations. However, utilizing the local clan elders was a practical and cost-effective arrangement through which al-Shabaab could collect material resources, such as money, weapons, new recruits and other local resources. By sustaining the traditional authority structures, al-Shabaab also fostered a degree of trust and legitimacy from the local populations.

Introduction

Harakat al-Shabaab al-Mujahideen in Somalia, usually only referred to as al-Shabaab ('the youth'), is one of only a few jihadi insurgent groups globally that has ruled substantial territories and populations over time and continues to do so. The group emerged from a close network of strongly committed Somali jihadi-Salafis,[1] several of whom had fought and trained with al-Qaida in Afghanistan.[2] Throughout 2008 and 2009 it transformed into a dominant politico-military force in Somalia and managed to establish *de facto* state authority in most of the southern and central areas of the country.[3] In

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contrast to many of the clan-based militia groups of the 1990 s and early 2000 s,[4] al-Shabaab has provided relative social and political order to large parts of South-Central Somalia for more than a decade.[5]

Along with Western military interventions and the rise of self-declared Islamic states or emirates in areas such as Afghanistan, Iraq, Syria, Yemen, the Sahel and Somalia, academic interest in encounters between jihadi insurgents and local communities dominated by kinship loyalties and patriarchal orders has increased.[6] Existing literature shows that the quality and trajectory of these relationships varies greatly across the different theatres.[7] Studies of the so-called 'Sunni Awakening' in Iraq in 2006–2007 describes how certain Sunni tribes, who had by and large cooperated with the local al-Qaeda group, later turned and were vital in pushing the jihadi insurgents out of the area.[8] Yet, in several 'tribal' areas jihadi insurgent groups have successfully entrenched themselves for years, and, in a number of cases have managed to establish surprisingly long-lasting social and political orders within their territories of dominance.[9] A puzzle, then, is how the Jihadi insurgent groups, often described as revolutionary and anti-systemic socio-political forces,[10] have been able to navigate pre-existing and often divisive forces of kinship group structures? Based on the Somali case, this paper proposes that successful handling of local kinship structures rests on the Jihadi insurgents' ability to balance strong institutional control with a pragmatic approach to pre-existing local institutions. By coopting instead of dismantling local authority structures, the jihadi insurgents facilitate social and political control, obtain material benefits and generate some level of legitimacy.

The number of studies of non-state armed groups' governance of civilian populations, usually referred to as 'rebel governance',[11] is rising.[12] Yet, in-depth explorations of local mechanisms linked to the role of traditional authorities in the construction and maintenance of 'wartime institutions'[13] in areas ruled by jihadi insurgent groups over time are scarce.[14] This paper supports the view that Jihadi state projects are dominated by young men, not traditional authorities, and that in several respects they can be described as intensely ideological projects.[15] However, the analysis also exposes another vital dimension of these entities: a large dose of pragmatism in the exercise of local governance. Although local traditional authorities are not presented as formal leaders, their roles and functions are profoundly systemized and becomes a vital part of the Jihadi "state's" local institutions. To understand and highlight jihadi insurgents' pragmatic approach to governance is vital for several reasons. Firstly, it provides valuable insight into a little-known dimension of Jihadi insurgent groups ruling territories. Secondly, it challenges the tendency to consider Jihadi groups' as something substantially different from other revolutionary insurgent groups. While the propagated ideological views of Jihadi groups may be important in many respects, this should not mislead scholars into overlooking their insurgent nature, facing challenges

and opportunities similar to other non-state armed actors striving to fight the existing state or world order.[16]

The discussion in this paper rests on unique oral accounts gathered through interviews with individuals who either participated in, were eye-witnesses to or who have extensive knowledge of the events in Lower Jubba province described here. While most interviewees were participants in the events unfolding, some non-participant observers with insight into the local dynamic in the province were also selected.[17] To cross-check the stories of the interviewees, the author has, as far as possible, attempted to triangulate[18] the information obtained by interviewing persons in different positions and from different clans and sub-clans. Where available, written accounts, have been used to assess the reliability of the information. The historical narrative rests primarily on 73 semi-structured in-depth interviews, conducted by the author between 2017 and 2019, with a wide range of interviewees. They include former faction leaders, militia fighters, Islamist leaders, Islamist foot soldiers, politicians, a civil society group, a women's group, clan elders and Somali academics. Several of the interviews in Kismayo were group interviews, varying in size between two to 15 people. The majority of interviews were conducted in Kismayo, some in Mogadishu and Nairobi. A few interviews were also conducted in Oslo. The discussion also draws upon semi-structured in-depth interviews of 18 subjects who were either convicts from al-Shabaab's courts in southern Somalia or had in other ways been closely involved with criminal cases tried in those courts. These interviews were conducted by the author in Nairobi in October 2010, when al-Shabaab exercised considerable authority throughout Lower Jubba.

Kismayo was liberated from the militant Islamist group al-Shabaab in September 2012 and the frontline between the Islamist forces and local security forces lies about 50 km from the city. Except for a few IED[19] attacks and one major complex attack[20] in Kismayo, the local administration, with military support from African Union soldiers, has been able to provide a decent level of security for the population within the zone, making on-the-ground research by non-Somalis possible. During fieldwork, substantial risk-mitigating measures were taken, in close dialogue with local research assistants, in order not to put any interview subjects, the research assistants nor the author, at risk. In light of the still fragile situation in Kismayo and southern Somalia in general, the names of the interviewees are either omitted or replaced with pseudonyms for their own safety.[21]

The first part of the article briefly outlines the subject of interaction between a non-state armed group and pre-existing local institutions in the broader rebel governance literature. The main analysis will explore firstly how al-Shabaab established strong local institutional control in Lower Jubba in the period 2008 to 2009 and secondly how al-Shabaab interacted with and

exercised local governance through local clan authorities in Lower Jubba between 2008 and 2012.

Non-state armed groups and pre-existing local institutions

The emerging 'rebel governance' literature focuses on various social and political orders developing within territories ruled by jihadi insurgents and other non-state armed groups (NSAG).[22] A key finding from this growing body of literature is that territories governed by NSAGs often establish alternative political and social orders with a relatively high level of predictability, both for the armed group itself and for the civilian population within that territory.[23] A NSAG who is able to provide a certain level of social order within the territory it dominates may reap considerable rewards.[24] While use of violence and coercion may often be the primary means to establish initial control,[25] and could even be sufficient for mobilizing a successful insurgency,[26] it could be costly for the armed group in the longer term to fight and suppress local institutions and networks of power. Instead, to find ways to extend its own system of governance and, simultaneously, to manage preexisting societal forces may give the armed group obvious material benefits, such as local taxation, new recruits and trade, and access to social networks and intelligence. By providing social order, the group may also bolster its legitimacy in the eyes of the population under its rule.[27]

For the civilians who strive to survive and make a living within an often fluid and uncertain civil war context, social order and predictability may be a top priority, far more important even than who is ruling and what kind of ideology they propagate.[28] According to David Kilcullen, it is often the predictability inherent in the existence of rules, not the content of the rules themselves, far less the popularity of a given government, that creates the feeling of safety which allows for a normative system to function.[29] As Ana Arjona points out, where a NSAG controls a locality, the relations between the group and the local community is often as one between the ruler and the ruled.[30] In such a context, absence of resistance from the civilian population is not synonymous with active support or sympathy with the NSAG or its ideology. While some forms of cooperation would be needed from the civilian population, Ajrona argues that *massive obedience* from the civilians is one of the most vital factors in order to sustain the local orders the NSAG is striving to construct and sustain.[31]

The emergence of al-Shabaab's Jihadi 'State'

When al-Shabaab defeated a powerful clan-based militia and conquered Kismayo[32] in August 2008 as part of a larger Jihadi insurgent coalition,[33] it immediately established a relatively comprehensive administrative

structure, unprecedented in the civil war. On top was the *wali* or governor,[34] the senior officials heading the various offices and a city council or *shura*, consisting of al-Shabaab members from most of the clans in the area.[35] There was an office of justice, an office of *da'wa* or religious education, finance and *zakat* or taxation, and social affairs. The offices in Kismayo and other cities in Lower Jubba were subordinate to and closely integrated into the centralized institutions under emir Ahmed Abdi aw-Mohamed 'Godane', his supreme *shura* council and the executive powers of the major 'ministries'.[36]

Al-Shabaab's form of governance in Lower Jubba corresponds well to Arjona's concept of 'rebelocracy'.[37] The concept constitutes a kind of social and political order emerging within the context of civil war where non-state armed groups intervene broadly in local civilian affairs, i.e. beyond mere provision of security and taxation. Where a rebelocracy emerges, the armed group in power establishes a wide range of rules and institutions to regulate and govern the conduct of the civilian population. Typically, the group provides some kind of mechanism to adjudicate disputes, regulate economic activities and establish rules which regulate the private sphere, for instance how people can dress, sexual behavior etc. Many armed actors also provide and regulate basic services like education and health.[38]

Some of the most notable changes in Kismayo after the Jihadi insurgents came to power was the establishment of a new court and police system.[39] According to Arjona, administration of justice is one of the most important attributes of rebelocracy. Through control of dispute institutions, the armed ruler can penetrate the community, obtain information about its members and networks and control the civilian population. By controlling these institutions, the ruler would not only be the authority who enforces existing regulations, he would be the one interpreting them and creating precedent, consolidating the regulatory system that the ruler aims to establish. By arbitrating local justice, the armed ruler may also increase his legitimacy in the eyes of the local community.[40]

Al-Shabaab's court system, termed 'sharia courts' by al-Shabaab, were a responsibility of religious judges or *qadis*, and heard all kinds of cases, from disputes about grass rights to serious crimes. The police, or *hisbah*, would handle ordinary petty crimes as well as transgressions against the strict moral codes issued by al-Shabaab's leadership. The *hisbah* officers wore their own type of uniforms, different from ordinary soldiers in the al-Shabaab army, *Jabha*, and could punish minor offenses on the spot, often by whipping the perpetrator. The *Hisbah* cooperated closely with the courts and would bring perpetrators of more serious violations to the courts for further trial. In several cases, corporal punishments were executed in front of large crowds. In advance of such displays, al-Shabaab would announce it through loudspeakers and demand that all citizens gather in order to watch the punishment

being carried out. Those who refused to attend would face punishments themselves.[41]

Along with al-Shabaab's strict regulations, heavy-handed enforcement and display of harsh punishments, social order was quickly established in Kismayo and large parts of Lower Jubba. As long as the population adhered to the strict public moral codes and decrees, most would be left to go on with their every-day lives. Several Kismayo residents recall how they could walk freely around town, not being afraid of armed khat-chewing militiamen.[42] 'You could even leave your shop unlocked without fearing that anyone would steal from it', a former Kismayo resident recalls.[43]

Clan Elders and Jihadi institutions

When the formal state institutions evaporated in Somalia at the end of the 1980 s, the clan institutions experienced a kind of renaissance. As most other networks failed to give sufficient security and provide for basic needs, even urban elites and ardent Islamists fled to the strongholds of their clan groups throughout Somalia.[44] However, the sudden pressure on local clan institutions in Lower Jubba and the rest of South-Central Somalia represented an enormous challenge to the largely localized dispute resolution mechanisms inherent in the traditional system. The level of atrocities that skyrocketed during the first years of the civil war, like mass killings, rape, looting and destruction of property, was unprecedented in Somali history. Hence, the elders were incapable of settling and solving, through customary law, *xeer*, and traditional modes of consultation, all these far-reaching offenses, often conducted by militias from opposing clans groups.[45] Extreme politicization of clan affiliation during of the civil war in the early 1990 s, whereby clan affiliation became the primary denominator for political loyalty, had a negative impact on the clan elders' standing and authority as efficient providers of peace and reconciliation. In many instances, elders threw their support behind politico-military leaders with kinship ties to their own sub-clan, which facilitated the recruitment of militia fighters, and therefore made them partly responsible for violence against other sub-clans.[46]

At the time when the Jihadi insurgents rose to dominance in Lower Jubba in 2008, a complex hierarchy of clan elders within each clan group remained (and remains) intact. The head figure of these entities in Lower Jubba was usually called a *suldan* or *ugaas*. In some of the clans, the senior position was inherited, while in others he was elected among the lower-ranking elders, in Lower Jubba referred to as the *nabadoons*, within the same clan group. The *suldan* or *ugas* was the main authority when dealing with other clans or political entities, such as al-Shabaab. Nevertheless, whenever a dispute arose, it was usually the *nabadoons* who dealt with the case. Only if *nabadoons* on successive levels were unable to solve it would the *suldan* or *ugaas*

get involved. Typical cases within and between clans include everyday questions and disputes related to grassing, land and water issues, killings and injuries, and how to collect and distribute blood money, *diya*. Yet, the clan elders do not exercise unlimited power within the clans and may be dismissed by their clan if they are deemed unsuited to represent the group. The elders should be seen more as the representatives of their clans rather than their leaders,[47] as per Lewis' reference to the 'pastoral democracy'.[48]

When al-Shabaab came to power in 2008, the clan institutions had not been strong enough to establish and sustain a lasting political order in Lower Jubba and were vulnerable to the expanding Jihadi insurgents. Already from day one, it was quite clear that the clan elders did not enjoy much respect and trust from the Jihadi insurgent leaders. When the Jihadis established the new administration in Kismayo, they did not consult and include the elders in the process.[49] Although the city's 42 members shura council largely reflected the clan composition of the area, the seats were occupied by members seen as sympathetic to al-Shabaab, not the acknowledged elders representing the local clans.[50] After the tension between al-Shabaab and Mu'askar Ras Kamboni in Kismayo increased, the situation for the clan elders deteriorated. Al-Shabaab started viewing many of the local elders as supporters of Mu'askar Ras Kamboni. This was especially the case for the Ogadeen elders, whose clans comprised most of Mu'askar Ras Kamboni's members. Over the course of a few months, several elders were assassinated by al-Shabaab forces without fair trial.[51] Among those killed in Kismayo were Ugaas Hashi and Ugaas Sheikh Ahmed, both prominent Ogadeen elders. According to a former al-Shabaab commander active in Lower Jubba at the time, the two elders were killed '(…) because al-Shabaab saw them as secret supporters of Madobe', a Mu'askar Ras Kamboni commander who had just returned to Kismayo after being held in captivity in Ethiopia.[52] Al-Shabaab's willingness to eliminate any opposition from local authority figures, was met with a mixed response from the elders in Lower Jubba. Some decided to flee from Kismayo and the other major towns in Lower Jubba while others decided to stay, hoping to establish a constructive dialogue with their new Jihadi rulers.[53]

The authority of the remaining clan elders was largely challenged by al-Shabaab. The new court and police system took over most of the legal responsibilities. All kinds of legal issues, from land and grassing disputes to killings and injuries, which had been one of the elders' core responsibilities, were taken over by al-Shabaab-appointed *qadis*. The new administration also introduced new forms of punishment, inspired by the al-Shabaab scholars' rogue interpretation of Islamic legal texts. The execution of punishments like stoning, lashing and chopping off of hands and legs were not only terrifying, they represented a clear break with local customary clan law, *xeer*, which in general recommended payment of *diya*, even in the case of serious offenses.[54] Al-Shabaab's public punishments clearly displayed disregard for local clan

institutions and the authority of the elders, and left little doubt as to who were the new masters. The execution of punishments in public carried with it strong symbolic power. As argued by James C. Scott this kind of activity represents a kind of dramatization of power relations used to achieve *coercive consent* by the subservient population under its rule. The display shows there is no other realistic choice for the population other than obedience.[55]

Early on, al-Shabaab invested significant time and resources on building up and systemizing the education sector across all levels, from early reading of the Quran and schools for children to religious courses for adults. In general, al-Shabaab invested considerably in the reading of religious texts, interpreted according to their extremist views, leaving much time to legitimize the group's *jihad* against the Ethiopians and the Transitional Federal Government.[56] In addition to most children and youth, who had to attend classes by al-Shabaab scholars, religious education was used to 'reeducate' local clan elders. When al-Shabaab seized power in Kismayo, several of the most senior clan elders were required to attend special religious courses held exclusively for them in order to 'guide them on the right path'. The courses consisted mostly of reading of the accepted religious texts. While this 'reeducation' of the elders, turning them into 'better Muslims', definitely made sense within the context of al-Shabaab's larger reform project of Somali society, it was also a way of highlighting who was the primary authority in the area.[57]

The pragmatism of Jihadi governance – control and material benefits

When the opposition from Mu'askar Ras Kamboni and Mu'askar Anole[58] was defeated by al-Shabaab forces in Kismayo in October 2009,[59] there were few realistic political alternatives that could challenge al-Shabaab's authority in the area in the period 2009–2011. The previously unpopular Marehan-dominated government of Barre Hirralle, which was driven out in August 2008, did not longer pose a real threat. Ethiopian forces had retreated from Somalia in January 2009 and the Transitional Federal Government had little reach outside the capital of Mogadishu, and was struggling to defend the city center of Mogadishu from an increasingly fierce offensive dominated by al-Shabaab.[60] Al-Shabaab had transformed and developed into a *de facto* state authority in most parts of South-Central Somalia.

Al-Shabaab's ability to establish new local institutions and interfere extensively with the traditional authority of the clan elders rested largely on its ability to use – or threaten to use – violence. 'Adow', a former al-Shabaab *Jabha*[61] commander, describes how 'peace came with force' in Kismayo. Crime and open resistance were almost eradicated in the city because the local population was afraid of the strict punishments executed by al-

Shabaab.[62] There was little reason to doubt al-Shabaab's will and ability to crush any sign of opposition from its subservient citizens, including the elders.[63]

Regardless of the insurgent leadership's conscious strategy towards local structures and powers, however, ultimately any new social and political order is built on the existing social and cultural fabric. New institutions and practices will thus emerge as a result of continuous negotiations with local systems of order, both during and in the aftermath of conflict.[64] According to a former al-Shabaab executive member, al-Shabaab's leadership was initially planning to sideline traditional clan elders and forge an egalitarian organization that would transform the Somali society.[65] Most of the original al-Shabaab leaders were strongly inspired by jihadi-Salafi ideology[66] and had limited regard for the local clan elders.[67] However, their revolutionary ideas quickly transformed into a more pragmatic approach when faced with the large populations under their rule. According to a former al-Shabaab *Da'wa* commander in Lower Jubba,[68] al-Shabaab's leaders decided to keep the system of elders '(…) because clan elders are important for the community. Without them, it would be difficult to rule the population'.[69] A central factor explaining the changing attitudes towards the clan elders was undoubtedly population control and the avoidance of opposition. In 2009, al-Shabaab faced open resistance from several clans in the Hiiran and Galgaduud provinces in Central Somalia.[70] The same year in Lower Jubba, the rebellious Mu'askar Ras Kamboni insurgents had mobilized substantial support from several local clans, including the dominant Muhamed Zubeyr and Awrmale[71] clans.[72] Realizing the potential dangers of sidelining the major clan authorities, al-Shabaab decided to actively engage with them and turn the existing hierarchy into a loyal system that it could control. As the former al-Shabaab commander 'Adow' points out, al-Shabaab '(…) wanted to keep the system in place in order to deal with the local population. (…) It was a means of securing population control'.[73] Al-Shabaab's approach aligns with Zachariah Mampilly's observation that, in order to mitigate challenges from the civilian population, '(…) rebel leaders must often tap into and even co-opt preexisting institutions and networks of power'.[74] Thus, instead of dismantling the traditional institutions, al-Shabaab reached out to the elders in Lower Jubba, and demanded that they cooperate with the new administration.[75]

While they did not generally receive formal positions within al-Shabaab's administrations in Lower Jubba, the clan elders were clearly recognized by al-Shabaab's administration as local authorities and representatives of their clan groups. In most of the cases where the senior elders had fled the area, al-Shabaab typically replaced them with new elders, so called 'bush elders'. These elders were appointed by al-Shabaab with the intention of upholding the existing authority structure.[76]

Acknowledgement and cooperation with local clan elders gave al-Shabaab's local administrations in Lower Jubba additional benefits in terms of social and political control, ranging from trivial tasks, such as the passing on of information from the city administration down to the sub clans of rural pastoralists who spend most of their time outside the villages, to large-scale provision of material goods and money.[77] This is reminiscent of Mancur Olson's famous claims regarding the long-term thinking 'stationary bandit' who increases his taxes by settling down and treating the local population fairly well, in contrast to the 'roving bandit' who plunders the population for short-term gains.[78] In Lower Jubba, there were basically two major categories of taxation demanded by the local administration. One was the annual tax, by al-Shabaab referred to as *zakat*, inspired by the religious obligation to pay a certain percentage of your money to the greater good. *Zakat* was primarily organized by the local al-Shabaab administrations throughout the province and was usually collected during the month of *Ramadan*. The local administrations announced when, where and how much to pay for each family. When collecting *zakat* from the pastoralists outside of the towns and villages, the tax collectors would typically stay at the wells, waiting for the pastoralists to approach with their animals. Although the elders were not responsible for following up *zakat* payments by the people in their sub-clans, they often went along with the collectors to make sure the hand-over of animals occurred without disputes so that they and could intervene to avoid a violent outcome.[79] The other kind of taxation was 'emergency taxes', the so-called *infaaq*, typically demanded by al-Shabaab when they had particular needs, for example before upcoming offensives.[80] When such taxes were required, either in the form of money, goods or weapons, the clan elders acted as important middle-men between the governor in a given town and the local population. Al-Shabaab's local administrators had detailed knowledge of the number of people from the various sub-clans in their area and kept close track of how much they produced, whether livestock or agricultural products. Based on the number of people and the level of production within the various clan groups, the governor would specify a certain amount of money or its equivalence in products. In addition, he usually demanded a specific number of AK rifles, often used by the pastoralists for self-defense. The senior clan elders, i.e. the *suldan* or *ugaas*, were given a time limit for executing the order and collecting the prescribed taxes. As a first response, the *suldan* or *ugaas* would gather the other elders, the *nabadoons*, of their sub-clans and agree on a just and reasonable way to share the burden within their clan group.[81]

In addition to taxation and weapons, al-Shabaab's use of the clan elders proved advantageous to recruitment. As Joshua Barter points out, aspiring rebel governments may gain a number of benefits from working closely with societal forces. While such arrangements may give access to local resources, they may also turn out to be cost-effective ventures, '(...) enabling the rebels

to govern while not diverting resources from the war-making'.[82] In Lower Jubba, as in other parts of al-Shabaab-controlled territories, recruitment mechanisms whereby locals were incorporated into the military apparatus or other parts of the organization were employed in a number of ways, for example through indoctrination and peer pressure in schools and mosques; often clan elders were not directly involved.[83] However, on some occasions, the clan elders in Lower Jubba were ordered to provide a certain number of recruits for enrollment into al-Shabaab's ranks. In a similar way as with the *infaaq* taxation.[84] 'Abdullahi', a senior clan elder in Kismayo, recalls how his brother, who was the clan's sultan at that time, had to bring 200 recruits from his sub clans to al-Shabaab.[85] In such cases, the elders strove to share this heavy burden as equally as possible between the different sub-clans under their responsibility.[86]

Jihadi Insurgents, Clan Elders and the question of legitimacy

The elders interviewed for this article unanimously described their position as very difficult, perceiving themselves as 'marked men'. If the al-Shabaab rulers perceived them to be opponents and a threat to their authority, they were convinced al-Shabaab would not hesitate to kill them; this had happened to several elders after al-Shabaab conquered the area.[87] Ugaas 'Hussein', the top elder within one of the larger clans in Kismayo, describes his position under al-Shabaab's rule as being 'like a chicken in a cage'.[88] The elders' cooperation with the al-Shabab rulers should consequently not be read as voluntary support or even sympathy with al-Shabaab or its ideology. Rather, as Arjona points out, the relationship between a non-state armed group and the local populations is often one of a ruler and the ruled. Lack of resistance or flight may reflect *massive obedience* by the civilians to the non-state armed group's rule, not active support.[89] When an armed group has a high level of control within a territory, Arjona argues, cooperation is the dominant civilian strategy, as this pleases the armed rulers. Hence, in such instance resistance to an armed group, not cooperation with it, is the quintessential collective action problem.[90] Stathis Kalyvas highlights that in zones of rebel control, civilians tend to collaborate with the group in order to maximize their own security.[91]

The clan elders who decided to stay under al-Shabaab rule did not do so because of deeply felt sympathies or to gain material benefits. They largely stayed because they were expected to work for the clan and to defend the clan's interests. The elders knew that if they fled, al-Shabaab would replace them with someone else without heeding the clans' traditional election mechanisms. A 'bush elder' would exert less authority over and enjoy less respect from the clan, and as a result their clansmen would probably be even more vulnerable to al-Shabaab encroachment.[92] 'Ahmed', a former Mu'askar Ras Kamboni fighter, recalls the situation in Afmadow, one of the larger cities

in Lower Jubba, after al-Shabaab had crushed the rebellion by Mu'askar Ras Kamboni. Three *nabadoons* were killed and several of the senior Ogadeen elders escaped to Kenya. With most of the senior elders absent, al-Shabaab's leaders in Afmadow appointed one of their own soldiers as *nabadoon*, replacing the ones that had left. Although the local clansmen did not approve of the decision, they could do nothing about it, due to fear of retribution.[93] Several elders from Lower Jubba who escaped to Kenya recall how people from their clans involved in disputes reached out to them on the phone asking them to mediate on their behalf, ignoring the 'bush elders' operating in their area. A number of cases were settled in Kenya after discussions between elders who were located far from the actual events within al-Shabaab territory.[94]

Although the clan elders and many other residents in Lower Jubba were clearly critical of al-Shabaab's use of coercion, strict rules and harsh punishments, the level of order and predictability that came with al-Shabaab control was profoundly appreciated.[95] Besides improved security, a Kismayo resident, 'Gardheere', whose son was an al-Shabaab fighter in Kismayo at the time, hails the improved public moral that had emerged in Kismayo, as well as the al-Shabaab qadis, whom he assessed to be much better compared to the kind of justice often enforced through the power of the gun by various militias preceding al-Shabaab.[96] Apparently, al-Shabaab's authority did not only rest on coercion and violence alone.

To what extent al-Shabaab enjoyed legitimacy in the eyes of the population in Kismayo and the wider province is obviously difficult to measure. Legitimization processes are complex and a rebel ruler may increase its legitimacy in relation to the civilian population within its territory in a number of ways.[97] However, in addition to providing security, law and order, rebel rulers may also secure legitimacy through cooperation with or co-optation of preexisting societal forces, signaling an acknowledgment and appeal to established cultural codes, norms and practices.[98] Following this argument, al-Shabaab's cooperation with or co-optation of the traditional authority structures would likely foster some level of legitimacy from the local populations, although the clan elders themselves did not perceive al-Shabaab as legitimate rulers. By cooperating with al-Shabaab's administration, the elders indirectly increased its legitimacy in the eyes of the population the elders strove to protect. 'Adow' emphasizes the importance of the clan system to the inhabitants of Lower Jubba, even under the time of al-Shabaab rule: '(…) the clan system had been there for a long time and people respected the clan elders (…). The clan system could give them [al-Shabaab] some kind of trust among the population.'[99] According to several former al-Shabaab members, al-Shabaab's leaders understood the importance of the elders in the eyes of the local population in Lower Jubba and therefore allowed them to keep some of their former roles.[100] For example, al-Shabaab soon transferred some

legal powers back to the elders. Although the *qadi*s were without doubt the formal authority in all criminal cases and open disputes, elders from the clans of the involved parties were often allowed to participate in court. In some cases, elders were summoned to serve as witnesses to the trial, sitting beside the victim throughout the procedure. More important was perhaps the involvement of elders in discussions about the level of *diya* to be paid by the perpetrator. In some instances, the *qadi* would determine who he found to be guilty of the charge, while he left it to the elders of each sub clan of the parties involved to negotiate the level of *diya* and make sure the perpetrators' sub-clan complied. When the elders reached an agreement, they would tell the qadi who heard the case to register the decision. There are even examples from Kismayo where the qadi allowed the family and elders on each side in killing cases to meet and settle the dispute according to *xeer* rather than through court procedures. As long as both sides agreed on the case, the qadi would not intervene.[101] It is, however, difficult to conclude to what extent such practice was formalized, or whether it took place on a more *ad hoc* basis. There are nevertheless indications that involvement of elders in court cases increased with time.[102] However, in more serious cases, such as those involving capital punishment, the elders didn't play any role at all.[103]

Conclusion

Al-Shabaab's emerging Jihadi 'state' institutions were largely a construct and synthesis of reformist ideas and a continuation of preexisting clan institutions. In a sense, this is not surprising, as all armed groups, regardless of their conscious strategy towards local structures and powers, negotiate with (pre) existing forms of order in one way or another. However, al-Shabaab's state project shows how a Jihadi insurgent group, deeply inspired by Jihadi-Salafi ideology, developed a strategy to cooperate with and co-opt local authority structures. This was partly a pragmatic way to gain control of local institutions and the populations. However, utilizing the elders was also a practical and cost-effective arrangement through which al-Shabaab could collect material resources, such as money, weapons, new recruits and other local resources. Although it is difficult to measure the al-Shabaab rulers level of legitimacy in the eyes of the local population in Lower Jubba, sustaining the traditional authority structures probably earned the local jihadi insurgent administration a degree of trust and legitimacy. The elders' position was obviously challenging, and they often found themselves caught 'between a rock and a hard place'. However, they could, to some extent at least, continue to serve their people and uphold some level of authority within their communities. Behind all the fear, atrocities and violence experienced by most communities under the rule of al-Shabaab, the synthesis of two seemingly opposed political systems constructed a remarkably stable and functional political and social

order within the context of the Somali civil war and continues to do so in several provinces in South-Central Somalia even today.

Notes

1. Maher, *Salafi-Jihadism*, 11; and Meijer, "Introduction," 24–25.
2. Hansen, *Al-Shabaab in Somalia*; and Marouf and Joseph, *Inside al-Shabaab.*
3. Lia, "Understanding Jihadi Proto-States."
4. Menkhaus, "Somalia"; and Kapteijns, *Clan Cleansing in Somalia.*
5. Hansen, *Horn, Sahel and Rift*, 169–184.
6. See for example Lia, "The Jihadi Movement and Rebel Governance,"; Dawod, "Iraqi Tribes in the Land of Jihad"; Brandt, "The Global and the Local,"; Collombier, "Sirte's Tribes Under the Islamic State,"; Kilcullen, *Out of the Mountains*; Anderson and McKnight, "Understanding al-Shabaab"; and Martinez and Eng, "Struggling to Perform the State".
7. See for example Cigar, "Al-Qaida, the Tribes, and the Government"; Martin, "Kto Kovo? Tribes and Jihad in Pushtun Lands"; Hüsken, "Tribes and Political Islam in the Borderland Between Egypt and Libya"; Ruttig, "How Tribal are the Taliban?"; Khalaf, "Governance withhout Government in Syria"; Biddle, Friedman and Shapiro, "Testing the Surge"; Kilcullen, *Out of the Mountains*; Koehler-Derrick, " A False Foundation? AQAP, Tribes and Ungoverned Spaces in Yemen"; Menkhaus and Shapiro, "Non-State Actors and Failed States"; Guistozzi, *Koran, Kalashnikov and Laptop*; Guistozzi, *Decoding the New Taliban*; Van Bijlert, "Unruly Commanders and Violent Power Struggles"; Elias, "The Resurgence of Taliban in Kabul"; Lecocq, "Disputed Desert"; Boukhars, "The Paranoid Neighbor"; Keenan, The Dying Sahara; Lia, "Understanding Jihadi Proto-States"; Lia, "The Jihadi Movement and Rebel Governance"; Dukhan, "Tribes and Tribalism in the Syrian Uprising"; and Dukhan and Hawat, "The Islamic State and the Arab Tribes in Eastern Syria."
8. Cigar, "Al-Qaida, the Tribes, and the Government"; and Long, "The Anbar Awakening."
9. See for example: Hansen, *Horn. Sahel and Rift*; Kilcullen, *Out of the Mountains*; Bergen, "Introduction"; Gopal, "The Taliban in Kandahar"; and Lia, "Understanding Jihadi Proto-States."
10. Lia, "The Jihādī Movement and Rebel Governance," p. 4.
11. Arjona, Kasfir and Mampilly, "Introduction"; and Kasfir, "Rebel Governance."
12. See for example Arjona, *Rebelocracy*; Mampilly, *Rebel Rulers*; Kasfir, Frerks and Terpstra, "Introduction"; Wickham-Crowley, "Del Gobierno de Abajo al Gobierno de Arriba … and back"; Kalyvas, "Rebel Governance During the Greek Civil War, 1942-1949"; Barter, "The Rebel State in Society"; Lia, "The Jihadi Movement and Rebel Governance"; Worall, "(Re-)emergent Orders"; Kasfir, "Dilemmas of Popular Support in Guerilla War"; Péclard and Mechoulan, "Rebel Governance and the Politics of Civil War"; Mampilly, "Performing the Nation-State"; and Sosnowski, "Violence and Order."
13. Arjona, "Wartime Institutions: A Research Agenda."
14. A notable exeption is Dassouky's report on the relationship between the al-Qa'eda affiliated Jihadi group HTS and local councils in (former) HTS dominated areas in Syria: 'The Role of Jihadi Movements in Syrian Local Governance."
15. See note 10 above.

16. The article supports Kalyvas' argument that Jihadi insurgents should be decoupled from religion and terrorism and could meaningfully be compared to other revolutionary insurgent groups, such as the older marxist groups. See Kalyvas, "Jihadi Rebels in Civil War."
17. Yow, *Recording Oral History*, 89–90.
18. Brinkmann and Kvale, *Interviews*, 285–288.
19. Improvised Explosive Device.
20. On 14 July 2019 an al-Shabaab suicide attack team launced an attack against one of the newer hotels in Kismayo city, killing at least 26 people, including several politicians and journalists.
21. Gallaher, "Researching repellent groups"; and Mertus, "Maintenance of personal security."
22. See for example Mampilly, *Rebel Rulers*; Arjona, Kafsir and Mampilly (ed.), *Rebel Governance in Civil War*; Arjona, Rebelocracy; and Staniland, "States, Insurgents, and Wartime Political Orders."
23. Mampilly, *Rebel Rulers*; Arjona, Kafsir and Mampilly (ed.), *Rebel Governance in Civil War*; Arjona, *Rebelocracy*; Kilcullen, *Out of the Mountains*; and Staniland, "States, Insurgents, and Wartime Political Orders."
24. Olson, *Power and Prosperity*, 7–8; Arjona, *Rebelocracy*,45; and Mampilly, *Rebel Rulers.*
25. Kalyvas, *The Logic of Violence in Civil War.*
26. Kriger, *Zimbabwe's Guerilla War.*
27. Olson, *Power and Prosperity*, 6–9; Metelits, *Inside Insurgency*; Barter, "The Rebel State in Society," 228; Kilcullen, *Out of the Mountains*, 138–144; and Arjona, *Rebelocracy*, 45, 58–60.
28. Scott, *The Moral Economy of the Peasant*, 1–5; and Kilcullen, *Out of the Mountains*, 137, 160–162.
29. Kilcullen, *Out of the Mountains*, 137.
30. Arjona, "Civilian Cooperation and Non-Cooperation With Non-State Armed Groups," 760.
31. Ibid, 760.
32. Barre Shiire Hiiraale had ruled Kismayo and most of Lower and Middle Jubba and Gedo between 1999 and 2006 under the name of Jubba Valley Alliance, an alliance dominated by Marehan and Habergedir/Ayr clan militias. Hiiraale retook power in Kismayo when the administration established by the Transitional Federal Government (TFG) in early 2007 fell apart due to internal power struggle in the spring of 2007.
33. The largest faction, Mu'askar Ras Kamboni ('Ras Kamboni camp'), named after a small fishing village close to the Kenyan border, was a sub group of the loose alliance of several Jihadi groups under the umbrella of Hizbul Islam. See: Hansen, "Faction Fluctuation'; and Hansen, Al-Shabaab in Somalia, 69–70.
34. Arjona, *Rebelocracy.*
35. Interview in Nairobi with former Kismayo residents 'Farah' and 'Fahkiye', June 2018.
36. Skjelderup, "Punishment on Stage," 47–51.
37. Arjona, "Wartime Institutions," 1375.
38. Arjona,"Civilian Resistance to Rebel Governance"; and Arjona, *Rebelocracy*, 3, 28.
39. Interview with woman group in Kismayo, February 2018; Interview with civil society group in Kismayo, February 2018.
40. Arjona, *Rebelocracy*, 72–73.

41. Skjelderup, "Punishment on Stage"; and Skjelderup, "Huduud at the Forefront."
42. Interview with residents in Kismayo, February 2018.
43. Interview in Nairobi with a former victim of al-Shabaab's shari'a court in Kismayo, October 2010.
44. Gundel, *The Predicament of the 'Oday'*; Abdullahi, *Making Sense of Somali History*, 124–126, 153–155; and Le Sage, "Prospects for al Itihad and Islamist Radicalism in Somalia."
45. Gundel, *The Predicament of the 'Oday'*.
46. Abdullahi, *Making Sense of Somali History*, 153–154; Gilkes, *The Price of Peace*; HRW, "Somalia faces the Future"; Gundel, *The Predicament of the 'Oday'*; and Kapteijns, *Clan Cleansing in Somalia*.
47. Interview with clan elders in Kismayo, February 2018; Interview with clan elders in Kismayo, October 2018; Interview in Nairobi with clan elder from Kismayo, October 2018.
48. Lewis, *A Pastoral Democracy*.
49. Interview with clan elders in Kismayo, October 2018.
50. Interview in Nairobi with clan elder from Kismayo, October 2018.
51. Interview with clan elders in Kismayo, October 2018; Interview with former al-Shabaab and MRK members in Kismayo, July 2019.
52. Interview in Kismayo with 'Mohamed', a former al-Shabaab commander, July 2019.
53. See note 51 above.
54.. Interview with clan elders in Kismayo, October 2018; Interview with court victims in Nairobi, October 2010.
55. Scott, *Domination and the Arts of Resistance*, p. 66–67.
56. Hiiral Institute, *The Fighters Factory*; Hiiral Institute, *Taming the Clans*, 3; and Skjelderup, "Punishment on Stage," 33–45.
57. Interviews with elders in Kismayo, October 2018; Interview with former MRK and al-Shabaab members in Kismayo, July 2019; Interview with Kismayo residents, February 2018.
58. At this point, both Mu'askar Ras Kamboni and Mu'askar Anole were still formally under the umbrella of Hizbul Islam. However, large parts of the Hizbul Islam forces were occupied with fighting in Mogadishu and were not able to intervene in the October clashes in Kismayo.
59. Interview with former senior MRK commander in Kismayo, July 2019; 'Somalia – TFG President on Recruitment in Kenya and Political Outreach', (*Wikileaks*, 21 October 2009); 'Somalia – Ras Kamboni Leaders Denounce Aweys; Fighting Resumes in Lower Juba', (*Wikileaks*, 23 November 2009).
60. Hansen, *Al-Shabaab in Somalia*.
61. 'Jabha' is the term for al-Shabaab's regular army forces.
62. Interview with 'Adow', a former al-Shabaab Jabha commander, in Kismayo, July 2019.
63. Interviews with clan elders in Kismayo, October 2018; Interview with former MRK and al-Shabaab members in Kismayo, July 2019; Interview with Kismayo residents, February 2018.
64. Worall, "(Re-)emergent order", 711.
65. Hiiral Institute, *Taming the Clans*, 1.
66. Haykel, "On the Nature of Salafi Thought and Action"; and Wagemakers, "The Transformation of a Radical Concept."

67. Interview with a former senior Islamic Courts Union official in Mogadishu, June 2018.
68. Al-Shabaab's Da'wa commanders were responsible for religious preaching and indoctrination.
69. Interview in Kismayo with 'Mohamed', a former al-Shabaab Da'wa commander, July 2019.
70. See note 65 above.
71. Muhamed Zubeyr is one of the largest clan groups of the Ogadeen clan in Lower Jubba and dominated large parts of the province. Awrmale is one of the most influential Hawiye clans in Lower Jubba.
72. Interview with 'Dheere', a former MRK fighter, in Kismayo, July 2019; Interview with 'Osman', a former MRK commander, in Kismayo, July 2019.
73. See note 62 above.
74. Mampilly, *Rebel Rulers*, 72.
75. See note 49 above.
76. Interview with clan elders in Kismayo, October 2018; Interview with former MRK and al-Shabaab members in Kismayo, July 2019.
77. See note 49 above.
78. Olson, *Power and Prosperity*, 6–10.
79. Interview with clan elders in Kismayo, October 2018; and Hiiral Institute, *The AS Finance System*, 1.
80. Interview with clan elders in Kismayo, October 2019; and Hiiral Institute, *Taming the Clans*, 3.
81. See note 49 above.
82. Barter, "The Rebel State in Society," 228.
83. Hansen, "Why support the Harakat al-Shabaab?"; Hansen, *Al-Shabaab in Somalia*; Marchal, *The Rise of a Jihadi Movement in a Country at War*; Harper, *Everything you Have told me is True*; and Marouf and Joseph, *Inside al-Shabaab*.
84. See note 76 above.
85. Interview with 'Abdullahi', a senior clan elder in Kismayo, October 2018.
86. See note 49 above
87. Ibid.,
88. Interveiw with Ugaas 'Hussein' in Kismayo, October 2018.
89. Arjona, "Civilian Cooperation and Non-Cooperation With Non-State Armed Groups," 756–757.
90. Arjona, *Rebelocracy*, 67.
91. See note 25 above.
92. See note 49 above.
93. Interview with 'Ahmed', a former MRK member, in Kismayo, July 2019.
94. See note 49 above.
95. Interview with residents in Kismayo, February 2018; Interview with clan elders in Kismayo, October 2018; Interview with former MRK and al-Shabaab members in Kismayo, July 2019.
96. Interview in Nairobi with Kismayo resident 'Gardheere', October 2010.
97. See for example Duyvesteyn, "Rebel and Legitimacy"; Mampilly, *Rebel Rulers*, 53–58; and Weigand, "Investigating the Role of Legitimacy in the Political Order of Conflict-torn Spaces."
98. Barter, "The Rebel State in Society," 228; Duyvesteyn, "Rebels and Legitimacy," 678–679; and Kitzen, "Legitimacy is the Main Objective," 858–860.
99. See note 62 above.

100. Interview with former MRK and al-Shabaab members in Kismayo, July 2019.
101. Interview in Nairobi with al-Shabaab convicts from southern Somalia, October 2010; Interview with clan elders in Kismayo, October 2018; Interview with former MRK and al-Shabaab members in Kismayo, July 2019.
102. Interview in Nairobi with al-Shabaab court convicts, October 2010; Interview with clan elders in Kismayo, October 2018; Interview with a Somali academic in Nairobi, October 2010.
103. Skjelderup, "Huduud in the forefront."

Disclosure statement

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PAPER 4

'Like a Chicken in a Cage': Civil Resistance, militant Islamist Rulers and Traditional Authorities in Southern Somalia

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'Like a Chicken in a Cage': Civil Resistance, militant Islamist Rulers and Traditional Authorities in Southern Somalia

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ABSTRACT
This article explores civilian agency and civil resistance under Islamist insurgents' rule in southern Somalia in the period 2006 to 2012. After almost two decades of civil war, local institutions were weakened and the communities could not resist tight Islamist control. The traditional authorities either fled or chose to cooperate with the new rulers. However, while treading a fine line, traditional authorities were still able to raise community concerns and influence the Islamist rulers' behaviour through limited forms of civil resistance. Although not changing the overall political situation, traditional authorities were instrumental in reducing tension and improving civilian life.

Introduction

Along with military interventions and the rise of self-declared Islamic emirates and states in areas such as Afghanistan, Iraq, Syria, Yemen, the Sahel and Somalia, academic interest in encounters between Islamist insurgents and local communities dominated by kinship loyalties and patriarchal orders has increased (see for example, Ruttig 2010, Hansen 2013, 2019, Lia 2015, 2017, Kilcullen 2015, Anderson and McKnight 2015, Dawod 2017, Brandt 2017, Collombier 2017, Martinez and Eng 2017, Minatti and Duyvesteyn 2020). In Somalia, where social and political life is largely connected to clan affiliation, the Islamist insurgent group Harakat al-Shabaab al-Mujahideen, usually only referred to as al-Shabaab ('the youth'), has managed to rule substantial territories and populations over time and continues to do so. In contrast to the many short-lived clan-based militia groups of the 1990s and early 2000s (Menkhaus 2004, Kapteijns 2013), al-Shabaab has provided relative social and political order to large parts of South-Central Somalia by synthesising local authority structures and reformist institutions into a state-like entity (Skjelderup 2020).

Micro-level studies of civil war have enhanced our understanding of combatant–civilian relations in territories ruled by non-state armed groups (see for example, Kriger 1992, Kafsir 2002, Wood 2003, Kalyvas 2009, Weinstein 2009, Metelits 2010, Mampilly 2011, La Serna 2012, Arjona *et al*. 2015). However, with notable exceptions (see for example, Mampilly 2011, Barter 2014, Masullo 2015, Hallward *et al*. 2017, Arjona 2017a, 2017b, Kaplan 2018, Avant *et al*. 2019, Revkin and Ahram 2020), the broader conflict literature has often been largely eclectic when dealing with civilian agency and resistance, perceiving unarmed civilians as more passive respondents to armed groups' behaviour or as potential recruits (Mampilly 2011, p. 66, Hallward *et al*. 2017, p. 3). On the other hand, the rapidly expanding literature on civil resistance clearly shows the potential of civilian agency and demonstrates that non-violent, collective campaigns may be an effective strategy to alter established political structures. Yet, this literature is primarily focusing on a maximalist approach of the phenomena, examining large collective resistance campaigns seeking to influence profound political transformations, typically aiming to overthrow an autocratic state ruler (Chenoweth and Stephan 2013, Pinckney 2018, Djuve *et al*. 2020, Thurber 2019). Hence, our knowledge of micro-level processes and mechanisms pertaining to civilian agency and civil resistance under insurgent rule is still highly understudied. This article strives to add a valuable contribution to this knowledge gap by exploring the role traditional authorities play in fostering civilian agency and civil resistance to Islamist insurgent rule. The article also seeks to understand how extensively traditional authorities can challenge and influence militant Islamist ruler's behaviour concerning its civilian population.

Based on extensive interviews in southern Somalia with clan elders, ordinary citizens and former al-Shabaab members, previously living under al-Shabaab's rule, and drawing on recent insights from rebel governance and civil resistance literature, the article discusses the extent to which traditional clan elders have been fostering civilian agency and resistance to al-Shabaab in southern Somalia. The paper argues that traditional institutions, spearheaded by the clan elders, were the main channel through which the civilian communities fostered and expressed resistance against the militant Islamist rulers. The local communities were far from cohesive, however, and the clan institutions earned limited trust across clan groups due to long-time civil war and local grievances, leaving the civilian population vulnerable to the power of the Islamist insurgents. Local divisions were also easily exploited during internal struggles by militant Islamist factions. However, while unable to change the overall political situation, local clan elders often proved vital in defending the interests of their communities, and in some instances were able to moderate the behaviour of the militant Islamist rulers to the benefit of the people.

The first part presents the empirical foundation of the article, followed by a brief discussion of the relevant literature. The second part starts with a brief background to the case before the main discussion, which draws extensively on empirical findings from fieldwork in southern Somalia.

A Brief Note on Method

This paper rests on unique oral accounts gathered through interviews with individuals who either participated in, were eyewitnesses to, or who have extensive knowledge of the events in Lower Jubba province described here. While most interviewees were participants in the events that unfolded, some non-participant observers with insight into the local dynamic in the province were also selected. To cross-check the stories of the interviewees, the author has, as far as possible, attempted to triangulate the information obtained by interviewing persons in different positions and from different clans and sub-clans (Brinkmann and Kvale 2015, pp. 285–288). Where available, local media reports and US official reporting have been used to assess the reliability of the information. The historical narrative rests primarily on 90 semi-structured in-depth interviews conducted by the author between 2017 and 2020 with a wide range of interviewees. They include former senior commanders of clan-based militia groups, regular fighters of clan-based militia groups, Islamist leaders, Islamist foot soldiers, politicians, a civil society group, a women's group, clan elders and Somali academics. Several of the interviews in Kismayo were group interviews, varying in size from two to 15 people.[1] Most of the interviews were conducted in Kismayo, some in Mogadishu and Nairobi, and a few in Norway.[2]

Although Kismayo was liberated from the militant Islamist insurgent group al-Shabaab in September 2012, the frontline between the Islamist forces and local security forces lies about 50 kilometres from the city. Except for a few IED[3] attacks and one major complex attack in Kismayo,[4] the local administration, with military support from African Union soldiers, has been able to provide a decent level of security for the population within the zone, making on-the-ground research by non-Somalis possible. However, substantial risk-mitigating measures were taken during fieldwork, in close dialog with local research assistants, to avoid putting interview subjects, research assistants or the author at risk. In light of the still fragile situation in Kismayo and in southern Somalia in general, the names of the interviewees are either omitted or replaced with pseudonyms for their own safety (Gallaher 2009, Mertus 2009).

Theoretical Framework: Civil Resistance and Rebel Governance

A vast body of studies on civil resistance, understood as non-violent, extra-institutional, collective contentious action, seeking political change (Avant *et*

al. 2019, pp. 2–3), demonstrates why and how non-violent collective action strategies may be more effective than violent ones in fostering political change (see for example, Kuran 1989, Stephan and Chenoweth 2008, Celestino and Gleditsch 2013, Dahlum *et al*. 2019, Thurber 2019). However, this literature takes a maximalist approach to the term, largely analysing large-scale collective resistance campaigns against incumbent state regimes, often overlooking civil war settings (Chenoweth and Stephan 2013, Pinckney 2018, Djuve *et al*. 2020, Thurber 2019, Dahlum *et al*. 2019). The field is dominated by quantitative methods which largely utilise aggregated data, making it difficult to reveal local micro processes of civil resistance often taking place in areas dominated by non-state armed groups (Masullo 2015, pp. 16–17).

The rapidly expanding body of literature on 'rebel governance', a sub-field of civil war studies, sets out to explore civil war dynamics in areas where non-state armed groups rule populations, often by focusing on local micro processes as the unit of analysis (Kalyvas 2008, 2012). Although civilian populations have tended to be viewed primarily as either active participants in armed guerillas or passive victims of rebel actions by the broader civil war literature (Mampilly 2011, p. 66, Hallward *et al*. 2017, p. 3), recent accounts uncover civilian agency and non-violent strategies that influence rebel behaviour, such as reduction of local violence (Barter 2014, Masullo 2015, Arjona 2017a, Kaplan 2018, Zürcher 2019, Revkin and Ahram 2020)

According to Ana Arjona, in territories controlled by rebels, the relationship between the non-state armed group and the civilian population can often be likened to that between a ruler and the ruled (2017b, p. 756). Thus, for rebel rulers as well as any other authorities ruling populations, partial resistance, ranging from symbolic expressions of discontent and other 'forms of everyday resistance' (Scott 1985) to more explicit opposition to rebels' commands and actions, would be expected. Partial resistance can occur even under the most repressive regimes, because there will always be fissures through which individuals can voice their discontent. No authority can fully control its population (Arjona 2015, pp. 184–185). However, the extent to which a civilian community may express discontent and actively resist an insurgent ruler may often be strictly limited (Zürcher 2019, Revkin and Ahram 2020). Yet, the level of an armed group's control is not only a result of the group's power, but, rather a function of the armed group's capabilities and of the community's ability to resist. Recent studies on civil resistance under rebel rule suggest that communities which enjoy a large extent of social cohesion and effective local institutions have an increased likelihood to foster civilian autonomy and to influence armed group behaviour vis-à-vis the local community (La Serna 2012, Arjona 2015, 2017a, Kaplan 2018). Where communities have what Arjona describes as pre-existing high-quality institutions, i.e., when the local institutions are seen as both legitimate and effective by the local

community, the civilian community would stand a better chance of resisting, or at least influencing, rebel behaviour (2015, pp. 182–183). Due to the possible costs to a rebel group of exerting tight control on a community that collectively resists it, the armed group may settle for an 'alliocracy', i.e., a minimum level of rule whereby the armed group does not intervene beyond security and taxation, leaving the community with a certain level of autonomy (Arjona 2017a, pp. 28, 62–65).

When a community, by contrast, possesses low-quality institutions, i.e., it is seen as either illegitimate or ineffective, the residents would face challenges mobilising collective resistance, hence limiting their chances to resist or influence rebel behaviour. In such situations, the rebel group would likely settle for a 'rebelocracy', whereby an armed group exerts tight civilian control (Arjona 2017a, pp. 65–73). Local institutions could be of 'low quality' as a result of several different mechanisms, such as internal divisions or lack of social cohesion (Arjona 2017a, p. 77, 81, Kaplan 2018, pp. 34–37).

According to Arjona, the quality of local dispute institutions is vital in fostering the community's capacity for mobilising civilian collective action to oppose an armed group or at least help the civilians to push for greater autonomy and to influence the rebel group's behaviour. 'Such institutions influence the extent to which community members rely on shared norms of behaviour and conflict resolution schemes, as well as their capacity to coordinate, their interpersonal trust, reciprocity, and social cohesion' (2017a, p. 71).

In many civil war situations, civilian communities may not be sufficiently strong to counter insurgent dominance. According to Christoph Zürcher's observations of Afghan rural communities affected by the resourceful Taliban insurgency, the forms of resistance deployed by traditional village authorities would not be sufficient to fully protect civilians from harm, given that they neither transform the conflict nor bring lasting peace. However, the traditional authorities' actions may still offer some breathing space and positively affect the safety of the civilian population. Non-violent strategies that have only a marginal effect may still translate into saved lives (2019, p. 204). This kind of micro-level resistance is captured in the concept of 'civil action', understood as reluctance to engage in violence and 'willingness to abide by a minimal level of respect to maximise engagement with others' (Avant *et al*. 2019, p. 2). In one sense, civil action is broader than the concept of civil resistance because it includes less conflictual engagements with various actors, institutionally or extra-institutionally. In another sense, the concept is narrower than civil resistance as it does not include exclusionary action, typical for civil resistance (Avant *et al*. 2019, p. 3).

Recent micro-level studies of civilians living under rebel rulers suggest that the collective term 'civilians', broadly understood as non-combatants (Barter 2014, p. 2), is too aggregated. Often, civilians in a locale constitute different

sociological groups within the same community who react differently to the same conditions under insurgent rule. In his study of civilians living under non-state armed rulers in Indonesia, Thailand and the Philippines, Shane J. Barter finds that, by disaggregating 'civilians' into separate sociological categories, it become apparent that different types of civilians made distinct choices. Within the same village, religious figures, chiefs, women and ethnic minorities and shop owners, for example, responded in various ways, due to sociocultural factors (Barter 2014), thus indicating that some groups of civilians may be more vital than others in confronting and negotiating with armed rulers.

Studies of highly localised violent dynamics additionally propose that civil action and uncivil (violent) action may interact and co-evolve, an element largely under-communicated in theories of civil society and violence reduction (Cox 2019, p. 90). According to Fletcher D. Cox, civil society groups with strong intergroup relationships and capacity that facilitate effective civil action may also present useful tools for political entrepreneurs mobilising for uncivil, i.e., violent, action (2019). In Northern Kenya, Cox points out how two civic groups, i.e., local nongovernment organisations (NGOs) and traditional authorities, develop relationships that largely influence local patterns of violence. While close cooperation between the local NGOs and traditional authorities of the Samburu and Turkana tribes reduces local violence, their close relationship may facilitate violent mobilisation when traditional authorities from the opposing clans opt for violent solutions (Cox 2019). Likewise, through her studies in south-eastern Nigeria, Kate Meagher shows how civil society, established in order to prevent and contain violence, instead is 'hijacked' by political and military elites and transformed into a vehicle for mobilising violence (Meagher 2006).

Background: Militant Islamist Rule in Lower Jubba

When a coalition of Islamist forces under the umbrella of the Islamic Courts Union (ICU) arrived in Kismayo, the province capital of Lower Jubba, in September 2006, the population of the city and the wider province had already experienced almost two decades of civil war. After the formal Somali state institutions finally collapsed in January 1991, Kismayo, having the only deep-sea harbour south of Mogadishu, witnessed numerous militias and political alliances battle for control. Taxation of the goods that flowed through the port attracted the militia fractions operating in the area.

When the ICU rose to power in Mogadishu, pushing out the long-running and despised 'warlords', bringing longed-for peace and social order (Samatar 2006, Hansen 2009), many civilians in Kismayo received the advancing Islamist forces with enthusiasm and great expectations. 'Mukhtar', a Kismayo resident, recalls how he and a large crowd from the city walked

several kilometres to meet and greet the militant Islamists who, in their minds, came to liberate them from warlord rule and bring peace and stability.[5] However, shortly after the ICU's arrival, popular enthusiasm quickly cooled when the population realised that stability and peace came at a huge price. Strict rules based on ICU's radical interpretation of shari'a were implemented, such as banning the use of the mild narcotic leaf, *khat*, popular among many Somalis; banning women's presence in public spheres unless covered in niqabs and assisted by their husband or another close male relative; and the prohibition of all kinds of sports and cinemas. Any breaches of these rules were heavily punished, often with arrests or corporal punishment. The limitations imposed on women's movements and the banning of *khat* made life for many local women in Kismayo particularly difficult, as many secured a much-needed income to sustain their families by selling the leaves in the local markets.[6]

The first round of Islamist rule was short-lived. Only after a few months in power, the Islamist forces were quickly defeated after Ethiopian troops intervened in late December 2006 to crush what the rulers in Addis Abeba perceived as a build-up of radical Islamists (Williams 2018, pp. 32–40). In January 2007, most of the Lower Jubba province was cleared of larger militant Islamist fighting units. In Kismayo, the new and weak government installed by the Transitional Federal Government (TFG) in Mogadishu collapsed after only a few months, leaving power to the long-lasting militia commander Colonel Abdikadir Adan Shire, also known as Barre Hiiraale, who had previously ruled Kismayo through the power of his alliance, largely made up of clan-based militias. However, neither the Ethiopians, the TFG, nor loosely allied militia leaders like Barre Hiiraale were able to fully crush the Islamist insurgents. Instead, they gradually came to increase and dominate the insurgency in southern Somalia.[7] When the Ethiopians finally withdrew in January 2009, a new militant Islamist insurgent alliance, dominated by al-Shabaab ('the youth') and Hizbul Islam ('the Islamic Party'), had already recaptured Kismayo and several towns in southern Somalia (Hansen 2013).

This time the Islamist insurgents, under the increasing dominance of al-Shabaab, stayed. They quickly established a surprisingly well organised 'jihadi proto-state' (Lia 2015), with relatively strong institutions at both central and local levels (Skjelderup 2011). By institutionalising and regulating recruitment and training, taxation, policing and education, the proto-state soon transformed into what Arjona would term a 'rebelocracy' (Arjona 2017a, p. 28).

Insurgent Rule and Clan Elders

The militant Islamists' 'rebelocracy' (Arjona 2017a, p. 28) brought relative peace and stability to the Lower Jubba province, but also radical social and political changes. It installed strict regulation of the civilians' social life and

brought profound challenges to the local clan elders' authority. Several Islamist leaders likely held revolutionary visions to radically transform Somalia into a utopian shari'a state (Hiiral Institute 2018, p. 1). Yet, after initial challenges, facing vast territories and populations, the Islamist insurgents soon made a pragmatic political turn to coopt and work through established traditional authority structures in order to manage and control the population, a move not uncommon for rebel rulers (Mampilly 2011, p. 72). This was probably a wise decision by the Islamist leaders as it could be costly for the armed group in the longer term to fight and suppress local institutions and networks of power. Instead, to find ways to extend its own system of governance and, simultaneously, to manage pre-existing societal forces may give the armed group obvious material benefits (Olson 2000, pp. 6–9, Metelits 2010, Barter 2015, p. 228, Arjona 2017a, pp. 45, 58–60). Cooptation of the clan elders without doubt proved to be beneficial and practical in many regards for the Islamist rulers. For example, clan elders were often ordered to collect taxes and recruits, and the use of elders provided a certain level of legitimacy to the militant Islamists' state project (Skjelderup 2020).

The relationship between al-Shabaab and the elders was, however, far from symmetric. Like that between a ruler and the ruled (Arjona 2017b, p. 756). And the Islamist leaders showed limited respect for the clan elders or for local, traditional institutions. Its traditional role as main brokers and dispute mediators within and between clans was for instance dramatically limited when the Islamist rulers instituted its own qadi courts (Skjelderup 2014, 2020). Right after the fall of Kismayo in August 2008, the Islamist leaders summoned the elders of the town and demanded their support and cooperation. In many respects, the kind of 'cooperation' implied was more a matter of blindly following the Islamist leaders' demands. In return, the Islamist leaders promised law and order, and asserted they would not intervene in internal clan affairs. When the senior elders demanded consultation and involvement in the new city administration in Kismayo, they were abruptly denied any participation.[8] According to the new rebel social contract (Revkin and Ahram 2020) offered by the Islamist insurgents in Lower Jubba, the clan elders were clearly subordinate to the Islamist leadership and administration.

While the traditional clan elders in Lower Jubba were largely inferior to its new and often quite young Islamist rulers, they cannot be portrayed as mere victims. Although many had been involved in the TFG initiated administration after the fall of the Islamic Courts Union in late 2006, quite a few had also lent support to the emerging Islamist insurgency throughout 2007 and 2008. And when the insurgents attacked Kismayo in August 2008, the clan elders were divided, various clan groups supporting the political faction, Islamist or TFG affiliated, they thought would best maximise their local clan interests.[9] Yet, for several of the local dominant clan groups, like the Ogadeen clans, the initial support for the Islamists was largely directed at the Hizbul Islam sub

faction, Mu'askar Ras Kamboni, which was mostly comprised of Ogadeen clan members, not al-Shabaab, which, at that time, were dominated by larger clan groups from outside of Lower Jubba and minority clans. When most of Mu'askar Ras Kamboni fell out with al-Shabaab and retreated to Kenya in October 2009, the position of the Ogadeen clan elders in Jubbaland detoriated, while the position of other clan groups improved.[10] To some extent, the level of support and potential for influence on the Islamist rulers were partly shaped by local politics and clan dynamics, and in many ways, represented a continuation of pre-existing local power competition, following Mampilly's emphasis on pre-conflict patterns and civilian preferences as vital factors shaping rebel behaviour and governance (2011, pp. 67–68).

The emerging Islamist administration were intertwined with the local population in Lower Jubba in many ways. In addition to cooptation of the local clan institutions, several al-Shabaab leaders, at least after the split with Mu'askar Ras Kamboni, came from local clans, including Ogadeen. Also, soldiers, police officers and bureaucrats were a mix of 'foreign' clans and local recruits. While several young recruits were not necessarily voluntarily recruited, many youngsters from a wide range of local clan groups enlisted, often based on quite opportunistic reasons.[11] A former al-Shabaab military commander from one of the local Ogadeen clans, for example, explains how he joined Mu'askar Ras Kamboni because he wanted a gun and a job. When al-Shabaab defeated Mu'askar Ras Kamboni in 2009, he was offered a military post in al-Shabaab and complied, continuing his fight for the Islamists for several years.[12]

However, while the new Islamist regime were heavily embedded in local politics and closely related to its civilian population, the elders' authority without doubt experienced a serious blow under its rule and the elders themselves, not surprisingly, largely describe al-Shabaab's rule as a burden. Whenever the Islamists rulers conceived them as opponents and a threat to their authority, they knew the militant Islamists would not hesitate to kill them, as had happened to several elders after al-Shabaab' capture of the area.[13] Ugaas 'Hussein', the senior elder within one of the larger clans in Kismayo, describes his position under al-Shabaab's rule as being 'like a chicken in a cage'.[14]

Like civilians in other civil war conflicts (Masullo 2015), the clan elders broadly responded to militant Islamist rule in two ways: fleeing or staying put. The elders throughout Lower Jubba largely fled, mostly to Kenya, out of fear for their own lives. As the militant Islamist rulers had shown little mercy to those elders voicing public defiance or those considered to be oppositional, many saw no choice but to flee.[15] Some fled as soon as the militant Islamist forces conquered the areas, while others fled when the internal conflict between al-Shabaab and Hizbul Islam escalated into open fighting in September and October 2009. Elders from clans supporting the losing

Mu'askar Ras Kamboni faction of Hizbul Islam, including several of the Ogadeen clans, felt they were suspected by al-Shabaabs of being secret supporters of Mu'askar Ras Kamboni and might be targeted.[16]

While several elders decided to flee Kismayo and the wider province, most elders chose to stay and accept some level of cooperation with the Islamist rulers. Such a strategy of non-resistance would roughly correspond with what Juan Masullo terms 'cooperation with armed groups' (Masullo 2015, p. 20). This strategy should not, however, be read as voluntary or active support, nor even sympathy with al-Shabaab or its ideology. Rather, as Arjona points out, lack of resistance or flight may primarily reflect *massive obedience* from the civilians to the non-state armed groups' rule, not active support (Arjona 2017b, pp. 756–757). When an armed group has a high level of control within that territory, cooperation is often the dominant civilian strategy, as this would not provoke a violent response by the armed rulers (Arjona 2017a, p. 67). Following Stathis Kalyvas' point that civilians in zones of rebel control tend to collaborate with the ruling group in order to maximise their security (Kalyvas 2009). Hence, in such instances, resistance to, not cooperation with, an armed group is the quintessential collective action problem (Arjona 2017a, p. 67).

The clan elders who decided to stay under al-Shabaab rule did not do so because of deep-felt sympathies or material benefit.[17] They stayed because they were expected to work for the clan and defend the clan's interests.[18] According to 'Mohamed', a senior elder in Kismayo, 'to stay and help your people, that is what the elders do'.[19] Joshua Barter shows how village chiefs' behaviour during the civil war in Ache, Indonesia were influenced by local sociocultural expectations. 'In times of war, the most important thing for a chief is to be neutral. If they are not neutral, they cannot be a chief" (Barter 2014, p. 70). While neutrality was a central expectation of the role of a village chief in Ache, southern Somalia, the key expectation of the clan elder was to act as a conflict mediator and to defend the clan group's interests.[20]

The elders knew that if they escaped, al-Shabaab would likely replace them with someone else with limited regards for the clans' traditional election mechanisms. A replacement, known as a 'bush elder', would exert less authority and respect from the clan and would probably leave his clansmen more vulnerable to al-Shabaab's encroachments.[21] 'Ahmed', a former Mu'askar Ras Kamboni fighter, recalls the situation in Afmadow, one of the larger cities in Lower Jubba, after al-Shabaab had crushed the rebellion by Mu'askar Ras Kamboni. Three *nabadoons* were killed and several of the senior Ogadeen elders escaped to Kenya. With most senior elders absent, al-Shabaab's leaders in Afmadow appointed one of their own soldiers as *nabadoon* for one of the larger local clans. Although the local clansmen did not approve of the decision, they felt they could do nothing about it out of fear of retribution.[22] Several elders from Lower Jubba who fled to Kenya after the

conflict with Mu'askar Ras Kamboni describe how people from their clans involved in disputes reached out to them by phone, asking them to mediate on their behalf instead of al-Shabaab's bush elders. A number of cases were settled in Kenya after discussions between elders who were located far from the actual perpetration within al-Shabaab territory.[23]

Local Institutions and Civil Resistance

The clan elders' cooperative strategy and lack of open resistance could partly be read as weakness of local institutions. Recent literature on civil resistance points out the ability to mobilise and sustain collective action as paramount to foster political change (Chenoweth and Stephan 2013, Dahl 2019). And, as emphasised by recent studies of rebel rule, the extent of legitimacy and effectiveness of local institutions, especially local dispute mechanisms, is vital to mobilise resistance and gain some level of autonomy vis-à-vis a non-state armed group ruler (La Serna 2012, Arjona 2015, 2017a, Kaplan 2018). When the local institutions lack sufficient legitimacy and efficiency, due to internal divisions or lack of social cohesion, the community would be vulnerable for armed group dominance (Arjona 2017a, p. 77, 81, Kaplan 2018, pp. 34–37), in line with Arjona's concept of 'rebelocracy' (Arjona 2017a, p. 28).

In Lower Jubba, traditional institutions managed by the clan elders constituted the dominant system for dispute resolution in Lower Jubba when the militant Islamist groups emerged. The formal state institutions had evaporated in the late 1980s, whereby the clan institutions experienced a kind of renaissance. As most other networks failed to give sufficient security and provide for basic needs, even urban elites and ardent Islamists fled to the strongholds of their clan groups throughout Somalia (Gundel 2006, pp. 124–126, 153–155, Le Sage 2001). However, the sudden pressure on local clan institutions in Lower Jubba and the rest of South-Central Somalia represented an enormous challenge to the largely localised dispute resolution mechanisms inherent in the traditional system. The level of atrocities that skyrocketed during the first years of the civil war, such as mass killings, rape, looting and destruction of property, was unprecedented in Somali history. Hence, the elders were incapable of settling and resolving through customary law, *xeer*, and through traditional modes of consultation, all these far-reaching offences, often conducted by militias from opposing clan groups (Gundel 2006). Extreme politicisation of clan affiliation during the 1980s and early 1990s, whereby clan affiliation became the common denominator for political loyalty, also had a negative impact on the clan elders' standing and authority as efficient providers of peace and reconciliation. In many instances, elders threw their support behind politico-military leaders with kinship ties to their own sub-clan, which facilitated the recruitment of militia fighters and therefore made them partly responsible for violence against other sub-clans (Abdullahi 2018, pp. 153–154, Gundel 2006, Kapteijns 2013).

In August 2008, when al-Shabaab and Hizbul Islam conquered Kismayo, a complex hierarchy of clan elders within each clan group remained (and remains) intact. The head figure of these entities in Lower Jubba was usually called a *suldan* or *ugaas*. In some of the clans the senior position was inherited, while in others he was elected among the lower-ranking elders, in Lower Jubba referred to as the *nabadoons*, within the same clan group. The *suldan* or *ugas* was the main authority when dealing with other clans or political entities, such as al-Shabaab. However, whenever a dispute arose, it was usually the *nabadoons* that dealt with the case. Only if *nabadoons* on successive levels were unable to resolve it would the *suldan* or *ugaas* become involved. Typical cases within and between clans included everyday issues and disputes related to grazing rights, land and water issues, killings and injuries, and how to collect and distribute blood money, *diya*. However, the clan elders did not exercise unlimited power within the clans and might be dismissed by their clan group if deemed unsuited to represent the group. The elders should be seen more as representatives of their clan groups rather than leaders,[24] as per the famous anthropologist Ioan M. Lewis' reference to the 'pastoral democracy' (Lewis 1999).

Despite the traditional system's renaissance and importance for managing social and political life in Lower Jubba, it proved not to be sufficiently strong to resist militant Islamist rule. Its first attempt to resist their rule was made during the short reign of the Islamic Courts Union between September 2006 and early January 2007. Despite the initial enthusiasm by many civilians in the town when the militant Islamists arrived, the mood quickly changed. Strict social regulations were unpopular, and many civilians, especially women from poor households, were heavily affected by the ban on the *khat* trade, as previously described.[25] The elders were also frustrated by the militant Islamists' lack of consultation and by being excluded from the new administration. The elders gathered and agreed to mobilise their clans to carry out non-violent protests in order to demonstrate their dissatisfaction.[26] Several hundred people gathered in the square in front of the new Islamist administration and shouted slogans against them, demanding political change.[27] Initially, the militant Islamists remained calm, and one of the Islamist leaders approached the crowd demanding that the protesters follow the new rules. When the protests continued, some of the Islamist soldiers started shooting into the crowd, killing several people.[28] In the course of the ensuing days, several of the elders responsible for the mobilisation were arrested and threatened, and the civilian mobilisation quickly faded out.[29] The first and last mass mobilisation of civilian resistance to militant Islamist rule in Kismayo had failed.

When the militant Islamists re-emerged in 2008, the clan elders never attempted collectively to mobilise civil resistance. The population clearly remembered the heavy consequences from the last attempt only two years

previously.[30] According to 'Mohamed', a senior elder living in Kismayo at the time, the elders were also more divided this time about how to respond to the militant Islamists.[31] Most senior elders had been involved in the short-lived attempt by the Transitional Federal Government to set up a local administration in Kismayo. However, when this failed after only a few months, and the city saw the return of the infamous faction leader Barre Hiiraale from the Marehan clan – perceived by many locals as a 'foreign' clan – some clan elders lent some support to local militant Islamists, especially Mu'askar Ras Kamboni, a local sub-group of Hizbul Islam, who had recruited widely from local clans.[32] Hence, local clan institutions were unable to withstand the power of the increasingly powerful militant Islamist insurgents, who soon had tight control of local institutions and dispute mechanisms.

Clan Elders and Everyday Resistance

When militant Islamist 'rebelocracy' was installed in Kismayo and the wider province, the relationship between the administration and the elders was largely defined by obedience and cooperation, as between a ruler and the ruled (Arjona 2017b, pp. 756). Yet, while outright opposition and public resistance were not tolerated by al-Shabaab, the elders found ways to actively resist them in order to safeguard their clan members. These forms of non-violent resistance would fall outside the scope of studies on large-scale civil resistance campaign (Stephan and Chenoweth 2008), being closer to Scott's concept of 'everyday forms of resistance' (Scott 1985) and show similarities to Zürcher's descriptions of traditional village authorities exercising 'civil action' to enhance the safety and wellbeing of their fellow village members in Afghan rural communities (2019).

Even smaller acts of resistance to militant Islamist rule in Lower Jubba were associated with risk for the clan elders and the wider civilian population. For the clan elders, to balance the demands from al-Shabaab and at the same time promote the interests and well-being of their clan members was far from easy, even impossible in cases, such as forced recruitment of youth, a frequent demand from al-Shabaab. In such cases the elders were clearly caught between a rock and a hard place. However, while executing orders to collect young recruits from their clans demonstrates the weak position of the elders, these incidents also show that the elders had some level of agency and room to manoeuvre in resisting al-Shabaab. 'Hussein', who was *nabadoon* in Kismayo at the time, describes how his clan's *ugaas* and *suldan* were ordered to hand over a certain number of recruits to al-Shabaab. However, both refused to do that and said 'We cannot collect recruits for you. You have to do that yourself.' Al-Shabaab's leaders did not punish them for defying the orders and allowed both elders to keep their positions.[33] While defiance of al-Shabaab's demands shows that elders had some room to resist and signal the

clan community's dissatisfaction, it probably had limited effects on the families who nevertheless were forced to hand over their children to the rulers for military training.

One of the areas where elders were most able to make a small difference was in the shari'a courts. Al-Shabaab's courts were formally headed by a *qadi*, appointed by the militant Islamist administration. He would try all kinds of court cases, from local disputes to serious offences such as homicide and adultery. Cases assessed by the *qadi* to require the infamous *huduud* punishments according to classic Islamic doctrine tended to turn political and gave little room for elders' influence (Skjelderup 2014). However, in less serious cases, such as physical assault or disputes over grazing rights, the elders of the clans affected would often be allowed to intervene. If the elders of both parties were able to find an agreement outside the court, the *qadi* in Kismayo would often abide by the elders' decision and sentence accordingly.[34] 'Ali Adan', a senior clan elder from Kismayo, recalls how local elders, after insisting on solving a homicide case outside of the court, were allowed by the *qadi* to settle their own agreement according to *xeer*,[35] meaning payment of blood money, *diya*, instead of possible execution of the perpetrator, which often was favoured by al-Shabaab qadis in homicide cases (Skjelderup 2011).

There were also episodes in Kismayo of more direct resistance to militant Islamist rule. A common complaint often brought to the elders by fellow clan members were cases where al-Shabaab members forcefully occupied property and houses belonging to civilians. 'Ahmed', a senior elder from Kismayo, describes an episode where he and some other elders from the clans affected met to discuss the incident, whereupon they agreed to bring a complaint to the city administration. They all gathered at the city administration office and sat down with some of the al-Shabaab leaders in town, demanding that the administration hand the property back to its rightful owner. In this case, al-Shabaab's leaders supported their claim and handed the property back, without any negative reactions against the civilians involved in the case or the elders.[36]

As these examples illustrate, civilian strategies of cooperation and resistance are not necessarily dichotomies but can be combined in different ways depending on the context (Arjona 2017b, p. 763, Masullo 2015, Barter 2014). During al-Shabaab rule in Kismayo, the extent to which clan elders could defy al-Shabaab's rule seems to be contingent on the local context, especially on which clan they were affiliated with. This point becomes apparent in cases where clan elders had to undergo religious 're-education' by al-Shabaab's *da'wa* officers. 'Roble', sultan of one of the larger clans in Kismayo, was early on forced by al-Shabaab to participate in a three-month religious training course in Kismayo alongside senior elders from other local clans. They were taught basic Islamic texts and interpretations supporting al-Shabaab's view on religion. However, some time before the course had been completed,

'Roble' decided to defy al-Shabaab's orders and simply quit the course because he thought it was a waste of time. Despite his open defiance of al-Shabaab demands, the administration in Kismayo did not force him back to the course or punish him in any way.[37] Al-Shabaab's lack of sanctions in this case is probably related to 'Roble's' clan affiliation, representing clan groups that were not seen as a local threat to al-Shabaab's administration. From a local perspective, 'Roble's' clan groups were not portrayed as a major political player in Kismayo or the wider province. Nor had they actively supported Mu'askar Ras Kamboni in the militant Islamist rivalry in 2009.[38] 'Mohamed', who worked as an al-Shabaab *da'wa* officer and arranged several religious courses for the elders in the southern and central parts of Lower Jubba during that time, explains how elders from clans that had little to fear from al-Shabaab often were less eager to participate in his courses. By contrast, elders from clan groups that had reasons to display their sympathy participated. For example, the Ogadeen clan elders were afraid of being suspected by al-Shabaab of cooperating secretly with Madobe's Mu'askar Ras Kamboni, who was located right across the border in Kenya. Marehan elders, as well as some of the minority clans, were also eager to show their support to al-Shabaab by participating the courses, but for other reasons. According to 'Mohamed', they feared that Madobe and Ogadeen militias would return to Lower Jubba and retake power from al-Shabaab, as several people from these '(…) clans were empowered by al-Shabaab and given money, weapons and influential positions [locally]'.[39] Thus, to what extent the clan elders could resist and what strategy they could apply depended on the local political context.

Civil and Non-civil Action

As with cooperation and resistance, civil and non-civil (violent) action are not necessarily dichotomies and can often be intertwined. Some actors may be vital in enhancing local peace yet in other situations favour violent responses (Cox 2019). Reminiscent of traditional authorities' dual roles concerning local peace-building and as facilitators of violence in northern Kenya (Cox 2019), clan elders were involved in both civil and non-civil action during militant Islamist rule in Lower Jubba. While the relationship between al-Shabaab and the elders in Lower Jubba was dominated by cooperation and limited forms of resistance, some elders became heavily involved in the rivalry between al-Shabaab and Hizbul Islam in 2009. The initiation of the conflict had little to do with clan affiliation or traditional dynamics; it was first and foremost an internal power struggle between the two main militant Islamist factions.[40] However, as often in Lower Jubba, conflicts tend to play out along clan lines, with each side exploiting the potential inherent in the prevalent social structures and local dynamic to mobilise local clan militias. Because the emerging strong man within Mu'askar Ras Kamboni and many of his followers

were from dominant Ogadeen clans, the strongest clan group in Lower Jubba, several local elders chose to support them and mobilised recruits and weapons from their clan groups. Although al-Shabaab's local anchorage in Lower Jubba was weaker, they managed to attract the support of several local clan elders who feared that the Ogadeen clans and other local competitors would increase their local power base.[41] While not constituting the primary driving force behind the conflict that erupted in open fighting in September and October 2009,[42] the clan elders' contributions were vital in escalating the level of violence through mobilising clan militias on both sides. Thus, to understand why and when clan elders, who largely strived to improve conditions for their communities through civil action under militant Islamist rule, would under certain conditions support violent action, one needs to analyse the clan elders' role in light of micro-level changes within the local political context.

Conclusion

Militant Islamist insurgents quickly established tight institutional control in southern Somalia when they re-emerged as the dominant politico-military actor in the course of 2007 and 2008. Facing communities that were far from cohesive, and with limited trust among its different clan groups, the militant Islamist 'rebelocracy' co-opted local traditional elders in order to manage the population. Local divisions along clan lines were also easily exploited during internal struggles when the initial militant Islamist alliance split in 2009. However, although the elders had to tread a thin line so as not to provoke violent responses from the militant Islamist rulers, they were able to express community concerns and, in some cases, influence the militant Islamist rulers' behaviour through civil action and limited forms of civil resistance. In contrast to the elders' first and largely unsuccessful attempt to push for changes through larger popular mobilisation, the enduring strategy used by the elders to pressure the rulers was a combination of cooperation and limited resistance through dialog. Although unable to change the overall political situation, local clan elders were often vital in defending the interests of the local communities and in moderating militant Islamist behaviour to the benefit of the people.

Notes

1. Most of the interviews were conducted in Somali with the help of English speaking interpretors. In most cases, the local Somali research assistants, who knew the author and the project well, acted as interpretors during the interviews.

2. The author's Somali contact network has been established through long-term engagement with Somalia, including initial field work in Nairobi in October 2010. However, locating interview subjects and facilitating interviews in Kismayo and Mogadishu would not have been possible without substantial help and support from a few highly skilled and dedicated Somali research assistants, with profound understanding of local dynamics and a wide network.
3. Improvised Explosive Device.
4. On 14 July 2019 an al-Shabaab suicide attack team launced an attack against one of the newer hotels in Kismayo city, killing at least 26 people, including several politicians and journalists.
5. Interview with 'Mukhtar' in Kismayo, February 2017.
6. Interview with Kismayo residents, February 2018, October 2018, July 2019, February 2020.
7. Interviews with Somali politicians in Nairobi, October 2017, July 2018; Interview with Somali politicians and former faction leaders in Mogadishu, July 2018; Interviews with former senior Islamist leaders in Mogadishu, July 2018; Interview with former senior Islamist leader in Kismayo, October 2018.
8. Interview with clan elders in Kismayo, October 2018, February 2020; Interview with former al-Shabaab members in Kismayo, July 2019.
9. Interview with clan elders in Kismayo, October 2018; Interview with clan elders in Kismayo, February 2020; Interview with Kismayo residents February, 2018; Interview with former Mu'askar Ras Kamboni and al-Shabaab members in Kismayo, July 2019.
10. Interview with former Ras Kamboni and al-Shabaab members in Kismayo, July 2019; Interview with Somali politicians in Nairobi, February and July 2019.
11. Interview with former al-Shabaab members in Kismayo, July 2019; Interview with Kismayo residents, February and October 2018.
12. Interview with 'Mohamed', a former al-Shabaab military commander, in Kismayo, July 2019 and February 2020.
13. Interview with clan elders in Kismayo, February 2018, October 2018, February 2020.
14. Interview with Ugaas 'Hussein' in Kismayo, October 2018.
15. Interview with clan elders in Kismayo, October 2018, February 2020; Interview with residents in Kismayo, February 2018, October 2018, July 2019, February 2020; Interview with former al-Shabaab member in Kismayo, July 2019.
16. Interview with clan elders in Kismayo, October 2018, February 2020.
17. Interviews with clan elders, ordinary civilians, civil society groups, women groups and former jihadi members in Kismayo indicate that some clan elders received a certain level of payment or other material benefits for their cooperation with al-Shabaab. It seems that a usul practice was to provide some benefits to 'bush elders', who did not enjoy support or legitimacy from their clan group. There are also indications that some 'ordinary' elders as well was given some level of material benefits by al-Shabaab. However, these benefits do not seem to be a vital motivator for the work of the elders, neither did it seem to influence the civilian communities trust and confidence in their elders.
18. Interview with clan elders in Kismayo, October 2018, February 2020; Interview with Kismayo residents, February 2020; Interview with former al-Shabaab and Mu'askar Ras Kamboni members in Kismayo, July 2019, February 2020.
19. Interview with 'Mohamed' in Kismayo, February 2020.

20. Interview with residents in Kismayo, February 2018; Interveiw with clan elders in Kismayo, October 2018, February 2020; Interview with former al-Shabaab members in Kismayo, July 2019.
21. Interview with clan elders in Kismayo, October 2018.
22. Interveiw with 'Ahmed', a former Mu'askar Ras Kamboni member, in Kismayo, July 2019.
23. Interveiw with clan elders in Kismayo, October 2018.
24. Interview with clan elders in Kismayo, February 2018, October 2018; Interview with clan elder in Nairobi, October 2018.
25. Interview with Kismayo residents, March 2020; Interview with clan elders in Kismayo, February 2020.
26. Interview with clan elders in Kismayo, February 2020.
27. Interview with clan elders in Kismayo, February 2020; Interview with residents in Kismayo, February 2020. See also 'Somalia: Protests after Islamic Courts take Kismayo', Reliefweb, 25 September 2006, https://reliefweb.int/report/somalia/somalia-protests-after-islamic-courts-take-kismayo, Gettleman, Jeffrey, 'Demonstrations Become Clashes after', The New York Times, 26 September 2006, https://www.nytimes.com/2006/09/26/world/africa/demonstrations-become-clashes-after-islamists-take-somali-city.html.
28. Interview with residents in Kismayo, February 2020; Interview with clan elders in Kismayo, February 2020. See also 'Courts Take Kismayo', The New Humanitarian, 25 September, https://www.thenewhumanitarian.org/report/61170/somalia-protests-after-islamic-courts-take-kismayo.
29. Interview in Kismayo with 'Ali Adan', an elder who was arrested due to his participation in the protests, March 2020.
30. Interview with residents in Kismayo, February 2020.
31. Interview with 'Mohamed', a senior clan elder in Kismayo, February 2020.
32. Interviews with residents in Kismayo, February 2018, October 2018, February 2020; Interview with clan elders in Kismayo, February 2018, October 2018, February 2020; Interview with former al-Shabaab and Mu'askar Ras Kamboni members in Kismayo, July 2019, February 2020.
33. Interview with 'Hussein', senior elder in Kismayo, October 2018.
34. Interviews with residents in Kismayo, February 2018, October 2018, February 2020; Interviews with clan elders in Kismayo, October 2018, February 2020.
35. Interview with 'Ali Adan', a senior clan elder, in Kismayo, February 2020.
36. Interview with 'Ahmed', senior clan elder in Kismayo, February 2020.
37. Interview with 'Roble', senior clan elder in Kismayo, October 2018.
38. Interview with residents in Kismayo, February 2018; Interview with former Mu'askar Ras Kamboni and al-Shabaab members in Kismayo, July 2019; Interview with clan elders in Kismayo, October 2018.
39. Interview in Kismayo with 'Mohamed', a former al-Shabaab da'wa officer, July 2019.
40. Interviews with Kismayo residents, February 2018; Interview with clan elders in Kismayo, October 2018; Interview with former al-Shabaab and Mu'askar Ras Kamboni members in Kismayo, July 2019.
41. Interviews with Kismayo residents, February 2018; Interview with clan elders in Kismayo, October 2018; Interview with former al-Shabaab and Mu'askar Ras Kamboni members in Kismayo, July 2019; Interview with Somali politicians from Lower Jubba and Gedo in Nairobi, June 2018; Interview with Somali politicians from Lower Jubba and Gedo in Mogadishu, June 2018.

42. 'Somalia – Madobe Displaced al-Shabaab in Kismayo; Relationship with TFG Tenous', 09NAIROBI2042, 28 September 2009, https://archive.org/stream/09NAIROBI2042/ 09NAIROBI2042_djvu.txt; 'Somalia – TFG President on Recruitment in Kenya and Political Outreach', Wikileaks, 21 October 2009, https://wikileaks.org/plusd/cables/ 09NAIROBI2203_a.html.

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