

Legal Framework And Community Policing In Somalia

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ABSTRACT: *The collapse of the Somali state in 1991 precipitated a protracted era of statelessness, resulting in a hybrid political order where customary law (Xeer), Sharia, and non-state actors became the primary providers of security and justice. The subsequent state-building process has sought to reconstruct a formal Somali Police Force (SPF) within this complex landscape of legal pluralism. This research analyzes the critical disconnects between Somalia's formal legal framework—the Provisional Constitution and Somali Police Force Act- and the prevailing informal legal orders that govern daily life. It argues that the inadequate integration and frequent contradictions between these systems result in a policing institution lacking broad-based legitimacy and local accountability, thereby undermining its effectiveness in providing public safety and countering insurgency. Through a qualitative, desk-based methodology, the study maps Somalia's pluralist legal reality, assesses the theory and practice of community policing initiatives, and identifies the gaps between policy aspirations and operational realities. Findings reveal that despite formal commitments and international donor-supported programs, community policing remains ad-hoc, under-resourced, and marginalized by a dominant militarized counter-insurgency approach. The most promising models emerge from localized, hybrid arrangements that pragmatically negotiate authority between police and traditional elders. The study concludes that sustainable reform requires legal harmonization, localization of policing models, holistic investment in the justice chain, robust oversight mechanisms, and sustained, politically-smart international support. Ultimately, building legitimate community policing in Somalia is inseparable from the broader project of constructing a state perceived as fair, responsive, and trustworthy.*

KEYWORDS: Legal Pluralism; Community Policing; Somali Police Force (SPF); Hybrid Governance; Xeer; State-Building; Security Sector Reform; Accountability; Al-Shabaab; Somalia

1. INTRODUCTION

The collapse of the Somali state in 1991 precipitated a prolonged era of statelessness, fragmenting governance and security provision along clan lines. In the absence of a central authority, a hybrid political order emerged, where power was distributed among clan elders administering customary law (*Xeer*), business actors, and local Islamic courts. This period fundamentally reshaped societal expectations of governance, embedding deep-seated skepticism toward centralized institutions and privileging localized, clan-based mechanisms for justice and security. The subsequent, internationally-backed state-building process since 2012 has operated within this context, where the Federal Government of Somalia (FGS) and Federal Member States (FMS) must constantly negotiate authority with these entrenched sub-national systems. The Somali Police Force (SPF), conceived as a national institution, was thus (re)built upon a foundation of profound social fragmentation and competing loyalties, struggling to transcend its early composition as an amalgamation of former militia members with primary allegiances to clan or faction (World Bank, 2021; Menkhaus, 2020).

This fragmentation is mirrored in Somalia's complex legal pluralism, where the provisional federal constitution, statutory laws, Sharia, and *Xeer* all claim normative authority. The formal justice sector remains weak, underfunded, and inaccessible to much of the population, while *Xeer* continues to be the primary, most trusted system for resolving disputes for an estimated 80% of Somalis, including for serious crimes. This creates a critical operational dilemma for the SPF: officers are theoretically bound by a state-derived legal framework that is often alien to the communities they serve, while the public views the formal system as slow, corrupt, or illegitimate. Recent analyses highlight that this competition between legal orders is not merely theoretical but a daily challenge, with police often pressured to defer to clan-mediated settlements or face community backlash, thereby undermining the rule of law the state seeks to promote (UNODC, 2022; Somalia Stability Institute, 2023).

International security sector assistance over the last five years has heavily focused on strengthening the SPF's capacity for counter-insurgency and counter-terrorism operations against Al-Shabaab. While this has involved significant training and infrastructure investment, critics argue it has fostered a militarized policing model that prioritizes tactical prowess over community engagement and human rights. Donor-driven reforms have made progress in developing formal police doctrine and specialized units, but these advances are often concentrated in urban centers and can be out of sync with local realities. Evaluations suggest that community policing initiatives, when attempted, have been ad-hoc, under-resourced, and poorly integrated into the overall security strategy,

failing to systematically bridge the gap between the police and the populace they are meant to serve and protect (UNDP, 2022; International NGO Safety Organisation, 2023).

The persistent and adaptive threat of Al-Shabaab further complicates policing. The group not only conducts asymmetric warfare but also functions as a parallel governance provider in areas it controls or influences, offering a form of swift, if brutal, dispute resolution and taxation. This positions Al-Shabaab as a direct competitor to the state's legitimacy project. The SPF's role is therefore bifurcated: it must act as a combatant in a counter-insurgency while also attempting to be a community-facing service provider. This duality is often unsustainable, as the imperative for force protection and offensive operations can erode community trust, pushing citizens toward non-state arbiters for safety and justice. The insurgency actively exploits grievances against state security forces, making the pursuit of police legitimacy not just a governance issue but a strategic security imperative (ACLED, 2023; Hiraal Institute, 2022).

1.1. Problem Statement

Given this context, the core problem is that the existing formal legal framework governing the Somali Police Force is inadequately integrated with and often contradictory to the prevailing hybrid legal orders and community-level security practices, resulting in a policing institution that lacks broad-based legitimacy, struggles to ensure local accountability, and is thus ineffective in sustainably countering insurgency or providing equitable public safety (Joint UN-AU Report on Somali Police Force Development, 2023).

1.2. Research Objectives:

- (I) To map and analyze the formal and informal legal frameworks governing policing in Somalia.
- (II) To assess the theory and practice of community policing initiatives.
- (III) To identify the disconnects between the legal framework, policy aspirations, and operational realities.

2. METHODOLOGY

This research employed a blended qualitative methodology integrating both doctrinal and non-doctrinal (socio-legal) approaches to holistically analyze policing in Somalia's pluralist legal environment. The doctrinal component involved a critical analysis of formal legal texts, primarily the Provisional Constitution and Somali Police Force Act, to map the state's normative framework and identify its structural gaps. The non-doctrinal component utilized a thematic analysis of secondary empirical sources (academic literature, reports from UN agencies, donors, and Somali research institutes) published between 2019 and 2024 to assess the on-the-ground realities of community policing initiatives, informal legal orders (*Xeer*, *Sharia*), and operational challenges. These methodological strands were synthesized through systematic juxtaposition, comparing the *law on the books* with the *law in action* to identify critical disconnects and generate context-sensitive insights, an approach necessitated by Somalia's complex hybrid governance, where formal law alone cannot explain operational realities.

3. CONCEPTUAL FOUNDATIONS

Defining Community Policing: Core Principles Adapted from Global Discourse

Community policing represents a fundamental philosophical shift in law enforcement, moving from a reactive, incident-driven model to a proactive, service-oriented strategy focused on building public trust and collaboratively addressing the root causes of disorder. Its efficacy hinges on three interconnected pillars: partnership, problem-solving, and organizational transformation. The partnership principle asserts that safety is a co-produced good, requiring police to move beyond transactional interactions to forge genuine, structured collaborations with residents, local businesses, and community organizations. This involves shared responsibility, where community input directly shapes policing priorities and strategies, fostering a sense of collective ownership over security outcomes. Without this foundational partnership, police operate in a vacuum, lacking the local intelligence and social capital necessary for effective crime prevention and resolution, particularly in complex environments (Skogan, 2019).

The problem-solving pillar, often formalized through models like SARA (Scanning, Analysis, Response, Assessment), mandates a systematic approach to chronic issues. Instead of merely responding to symptoms, police are tasked with diagnosing underlying conditions, such as social disarray, economic deprivation, or poorly managed public spaces, that generate crime opportunities. This requires analytical capacity and the flexibility to develop tailored, often non-law enforcement responses in concert with other municipal agencies or community groups. Finally, meaningful community policing demands profound organizational transformation. This includes decentralizing command to empower front-line officers with decision-making discretion, aligning

performance metrics with community satisfaction and problem-resolution rates rather than just arrest numbers, and culturally reorienting the force from a warrior mindset to a guardian ethos focused on procedural justice and legitimacy (COPS Office, 2020).

In fragile states like Somalia, these principles require critical adaptation. The concept of "community" is not monolithic but is fractured along clan, political, and religious lines, often with deep-seated mistrust of state authorities. Establishing a partnership, therefore, becomes a delicate political exercise in identifying legitimate, inclusive local representatives and navigating complex power dynamics. Problem-solving must expand beyond conventional crime to address the foundational drivers of instability, including clan conflicts, resource scarcity, and the ideological pull of insurgency, Abdillahi, M. M. (2025). The necessary organizational transformation is monumental, involving not just reform but often the construction of a police service from the ground up, amidst competing authorities and a legacy of militarized policing. Thus, in such contexts, community policing is less a discrete tactic and more a holistic state-building strategy aimed at weaving the police into the social fabric and positioning the state as a legitimate, responsive security provider (Baker, 2020; OSCE, 2022).

Legal Framework for Policing: Essential Components for Accountability

A comprehensive and enforceable legal framework is the indispensable foundation for a legitimate, accountable police service, serving as the primary mechanism to regulate state power and protect citizen rights. This framework is a multi-layered construct beginning with constitutional provisions that explicitly enshrine the right to security, the rule of law, and fundamental human rights, while establishing the police as a civilian institution subordinate to democratic authority. The constitution sets the normative ceiling, declaring the principles of necessity, proportionality, and non-discrimination in all police actions. The next critical layer is primary police legislation—a Police Act—which operationalizes these principles by defining the mandate, mission, structure, and general powers and limitations of the force. This act must clearly delineate the circumstances for the use of force, arrest, detention, and search and seizure, ensuring these powers are strictly necessary and proportionate (UNODC, 2021).

Beyond the enabling statute, detailed regulations, standard operating procedures (SOPs), and a legally binding code of conduct are required to translate broad principles into daily practice. These instruments provide the granular rules governing investigations, evidence handling, community engagement protocols, and standards of professional ethics. Crucially, the framework must establish robust, independent oversight and accountability mechanisms. This includes effective internal affairs departments, independent civilian oversight boards with investigative and recommendatory powers, parliamentary oversight committees, and clear judicial review pathways. These bodies must be insulated from political interference and have the authority to impose meaningful sanctions. This accountability loop is what transforms law from rhetoric into a living constraint on authority, providing citizens with clear recourse for grievances and building the public trust that is essential for effective policing (Geneva Centre for Security Sector Governance (DCAF), 2020).

In post-conflict environments, the absence or weakness of this legal architecture is a primary driver of abuse, corruption, and impunity. Police forces may operate based on opaque directives or political whims rather than published law, eroding their legitimacy and fuelling public perception of them as a predatory arm of the state rather than a protective service. A strong legal framework serves to depoliticize the police, insulate them from factional manipulation, and provide officers themselves with clear guidance and legal protection for their actions. It is the bedrock upon which professional identity is built, moving the institution from a culture of command-based authority to one of rule-of-law-based authority. Without it, even well-intentioned community policing initiatives lack the authoritative backbone and accountability safeguards to be sustainable or legitimate (World Bank, 2020).

The Nexus: Legal Framework as the Enabler and Constraint for Community Policing

The relationship between a robust legal framework and effective community policing is symbiotic and constitutive; each reinforces and requires the other. The legal framework provides the essential mandate and authority for community policing activities. A Police Act that explicitly includes community partnership, problem-solving, and crime prevention as core police functions legally empowers and obligates officers to dedicate time and resources to these tasks. It legitimizes these activities within the organization, protecting officers from internal criticism that they are neglecting "real" law enforcement work. Furthermore, the framework **structures and guides** these engagements by establishing protocols for collaboration, defining who represents the community in official dialogues, and setting boundaries to prevent the police from being co-opted by local power brokers or complicit in human rights violations under the guise of respecting tradition (Somali Stability Institute, 2023).

Conversely, community policing serves as a vital mechanism for operationalizing and legitimizing the legal framework. Through daily, positive interactions, police can demystify state law, educate citizens on their rights and responsibilities, and build the relational trust necessary for communities to choose formal justice mechanisms over non-state alternatives. The feedback channels inherent in community policing provide critical, ground-level intelligence that can inform the revision and reform of laws and regulations, making the formal legal system more responsive to local realities. In this way, community policing breathes life into statutes,

transforming them from distant, abstract rules into a lived, relevant system of order. It fosters a form of democratic accountability where police performance is constantly assessed by the community they serve (Baker, 2023).

Ultimately, the legal framework provides the essential scaffolding of accountability within which the flexible, discretionary work of community policing must occur. It ensures that the pursuit of partnership and local solutions does not descend into arbitrariness, patronage, or vigilantism. The law sets the non-negotiable standards—particularly regarding human rights and procedural justice—that apply to all police actions, whether a high-profile arrest or a neighborhood mediation. This constraint is what prevents community policing from becoming a tool for social control by majority groups or local elites. In essence, the law provides the stable, predictable foundation that makes the adaptive, relational practice of community policing both legitimate and sustainable. Without this foundation, community policing initiatives are often transient, project-based, and vulnerable to being undermined by the very informal systems they seek to engage (World Bank, 2020).

4. THE SOMALI LEGAL LANDSCAPE: A PLURALIST REALITY

Formal Legal Framework: The Provisional Constitution, SPF Act, and Federal Tensions

Somalia's formal legal architecture for policing is marked by progressive development on paper, yet it remains hampered by significant implementation gaps and unresolved constitutional ambiguities. The Provisional Federal Constitution (2012) serves as the supreme law, providing a critical foundation by establishing the Somali Police Force (SPF) as a federal institution, affirming the principles of human rights, rule of law, and civilian oversight. However, its provisional status is a major weakness, as key chapters detailing the final structure of federalism, the judiciary, and resource sharing are incomplete. This creates a pervasive climate of legal uncertainty, where policing powers are contested rather than clearly defined. The constitution's promise of a "professional and accountable" police force is thus aspirational, lacking the fully articulated constitutional underpinnings necessary for unambiguous enforcement (Rift Valley Institute, 2021).

The Somali Police Force Act was intended to operationalize the constitution, outlining the force's structure, ranks, and functions. While representing a legislative achievement, it suffers from critical deficiencies that undermine its effectiveness. Analysts note it lacks sufficient detail on operational protocols, offers weak provisions for internal discipline and external civilian oversight, and fails to explicitly mandate or structure community policing as a core function. Most importantly, its application across the national territory is inconsistent, with implementation heavily dependent on the political dynamics between Mogadishu and regional states. The Act has not fully succeeded in creating a unified, legally coherent identity for the SPF, which continues to struggle with issues of politicization, clan influence, and varied interpretation of its mandate (International Crisis Group, 2022).

The most operationally debilitating challenge arises from unclear federal-state relations. The constitution envisions a dual policing system: a federal SPF with jurisdiction over national security, inter-state crime, and major investigations, and state-level police forces under Federal Member States (FMS) for local law enforcement. In practice, this division is a constant source of friction and confusion. The absence of clear legal protocols for jurisdiction, command-and-control in joint operations, intelligence sharing, and resource allocation has led to parallel chains of command, competition over international support, and at times, outright hostility. In states like Jubaland and Puntland, local police forces are often more entrenched and capable than federal units, creating a *de facto* legal patchwork where the applicable policing authority is determined by political negotiation rather than clear statutory law. These ambiguities are strategically exploited by Al-Shabaab to create and widen security vacuums (Somali Stability Institute, 2023).

Informal/Non-State Legal Frameworks: Xeer and Sharia as Parallel Systems

Operating with deep social legitimacy alongside the fledgling state system is Xeer, Somalia's customary clan-based law. *Xeer* is a complex, orally transmitted system administered by councils of elders (*odayaal*) that governs dispute resolution through dialogue and compensation (notably the *diya* or blood money system), resource management, and collective security obligations. Its resilience is a direct legacy of state collapse, during which it was the sole functioning system of order for over two decades. For a majority of Somalis, particularly in rural areas, *Xeer* remains the most accessible, understandable, and culturally legitimate forum for justice. It prioritizes restorative outcomes and social harmony over retributive punishment, often resolving conflicts in ways that state courts cannot replicate. For the SPF, *Xeer* presents a dual reality: it can be a potential partner for resolving minor disputes and a source of vital local intelligence, but it also acts as a direct competitor that can actively undermine state law, with elders sometimes forbidding community cooperation with police or insisting serious crimes be settled through clan negotiation rather than state prosecution (Menkhaus, 2020).

Sharia law adds another profound layer to this pluralist landscape, commanding universal religious respect among the Muslim population. Its application varies widely: in some communities, it is harmonized with *Xeer*; in others, it is applied by local religious scholars. Most significantly, the insurgent group Al-Shabaab operates a parallel, coercive judiciary based on its extreme interpretation of Sharia. In areas under its influence, this system provides a swift, predictable, though brutally punitive, alternative

to both the slow, often corrupt state courts and the sometimes protracted negotiations of *Xeer*. For communities desperate for order and dispute resolution, Al-Shabaab's courts fill a governance vacuum, perversely offering a form of stability. This makes the group not merely a military threat but a governance competitor, directly challenging the state's monopoly on legitimate authority and justice. The group's ability to adjudicate disputes is a key pillar of its shadow governance and a major obstacle to state-building efforts (UNSOM, 2021).

The coexistence of these systems creates a challenging operational calculus for both communities and police. Individuals often engage in "forum shopping," strategically presenting disputes to the authority—state, clan, or Sharia court—they believe will offer the most favorable or expedient outcome. This dynamic can marginalize the formal system, especially when it is seen as slow, expensive, or biased. For the SPF officer on the ground, navigating this triad is a daily challenge. Enforcing state law without regard for *Xeer* can provoke community backlash and non-cooperation, while deferring too much to customary authorities can erode the rule of law and empower non-state actors. This complex interplay means that policing in Somalia is never just about enforcing statutes; it is an ongoing, delicate negotiation of legal pluralism (Bakonyi, 2022).

Legal Pluralism as the Operating Environment

Legal pluralism is not an abstract concept in Somalia; it is the definitive operating environment for policing and daily life. Police officers, community leaders, and citizens must constantly navigate a complex, often contradictory web of norms and authorities. An individual's access to justice and experience of security is determined by a fluid interplay of their clan identity, geographic location, the nature of the dispute, and the relative power of state and non-state actors in that area. This environment demands a high degree of legal and social literacy from police officers, who must make context-specific judgments about when to enforce the penal code, when to refer a matter to elders, and when to avoid interference altogether to maintain community relations. There is no single "law" to apply, but rather a spectrum of normative orders vying for primacy (Rift Valley Institute, 2021).

This pluralism presents both constraints and opportunities for police reform and community policing strategies. A significant constraint is that it fragments authority and complicates the establishment of a uniform rule of law. Police may be viewed as representatives of just one competing order rather than as neutral arbiters of a universally accepted legal system. However, it also presents an opportunity: recognizing and strategically engaging with this pluralism may be the only viable path forward. Effective policing may require a hybrid model that formally acknowledges the role of credible customary systems within a overarching state legal framework. This could involve establishing referral mechanisms between police and elder councils for certain civil or minor criminal matters, or integrating principles of restorative justice from *Xeer* into state-led processes, provided they do not violate fundamental human rights (Somali Stability Institute, 2023).

Ultimately, building legitimate policing in Somalia requires moving from seeing legal pluralism as a problem to be eliminated to recognizing it as a reality to be managed. The goal of the formal legal framework should not be to immediately supplant *Xeer* or community-based Sharia, but to position the state as the ultimate, fair guarantor of rights and resolver of disputes that local systems cannot handle or that involve serious criminality. A community policing strategy that is ignorant of this pluralist reality is doomed to fail. Success hinges on the SPF's ability to engage with these systems intelligently, uphold constitutional rights as the non-negotiable floor, and gradually build its reputation as the most fair, effective, and accessible forum for justice—a process that will be measured in decades, not years (World Bank, 2020; Baker, 2023).

5. EVOLUTION AND MODELS OF COMMUNITY POLICING IN SOMALIA

Historical Context: From Colonial and Barre-Era Militarized Policing to Post-1991 Fragmentation

The conceptual and institutional foundations of policing in Somalia were established under colonial administration, where the core function was control and pacification rather than public service. In the Italian-administered south, a centralized *Carabinieri*-style force was developed to enforce colonial authority, suppress resistance, and protect economic interests, embedding a model where police acted as the strong arm of a distant and extractive state (World Bank, 2019). Similarly, in the British-administered north, a more limited constabulary was formed, yet its primary role remained maintaining imperial order. These systems shared a common legacy: they were instruments of top-down coercion, alienated from the civilian populace, and designed to serve the ruling power rather than protect citizen rights (Rift Valley Institute, 2021). This established a precedent where the state's security apparatus was viewed with suspicion and fear, a perception that would be heavily reinforced in the post-independence era, particularly under the military regime of Siad Barre.

The dictatorship of Siad Barre (1969-1991) systematically dismantled any pretense of an apolitical, service-oriented police force, merging it fully with the state's apparatus of repression and surveillance. The National Security Service (NSS) and the police became intertwined tools for monitoring dissent, enforcing political loyalty, and violently quashing opposition, often along clan lines as Barre's patronage networks narrowed (Hiraal Institute, 2020). Policing during this period was characterized by arbitrary detention, torture, and extrajudicial violence,彻底 eroding any remaining societal trust. The force was militarized in function and culture,

prioritizing regime survival over all else. This era cemented in the Somali public psyche a deep and enduring association between state-sponsored policing and political oppression, clan-based discrimination, and brutal violence (UNDP, 2022).

The state's complete collapse in 1991 did not merely weaken the formal police; it atomized the very concept of statutory security provision for over two decades. The resulting vacuum was filled by a complex, often violent, marketplace of security actors. Clan militias became the primary protectors and predators, their authority limited to their kinship networks and checkpoints (Menkhaus, 2020). Warlords maintained private armies to control territory and resources, while business elites funded their own security details. Importantly, local Islamic courts began to emerge, offering a form of predictable, identity-based dispute resolution and order that appealed to communities weary of clan-driven anarchy. This period was, in a twisted sense, a form of extreme "localized policing," but one devoid of a social contract extending beyond immediate kinship or commercial interest.

This protracted fragmentation fundamentally reshaped the landscape into which a new Somali Police Force would be reborn. It entrenched the authority of customary law (*Xeer*) and clan elders as the default justice and security mechanism for most Somalis, particularly in rural and remote areas (UNSOM, 2021). It also proved that non-state actors, from elders to Islamist groups, could successfully provide security services that, in the absence of a state, were perceived as more legitimate and accessible. Consequently, any post-2000 effort to rebuild a national police force, including under the Federal Government from 2012 onward, has not been building on a neutral or positive legacy (EUCAP Somalia, 2023). Instead, it has been an attempt to construct a legitimate institution atop a foundation of deep public trauma associated with state police and in direct competition with entrenched, localized systems of order that filled the void during the state's absence.

Current Initiatives: The SPF's Community Policing Directorate

The Somali Police Force (SPF), under international pressure and guided by reform blueprints, has formally established a Community Policing Directorate within its organizational structure. This directorate is tasked with the strategic objective of bridging the profound trust deficit between the police and the public, translating the global principles of partnership and problem-solving into the Somali context (UNSOM, 2023). Its stated mandate includes developing policies, training dedicated Community Policing Officers (CPOs), and facilitating the establishment of formal community-police forums nationwide. On paper, this represents a significant institutional commitment to moving beyond a purely militarized model, acknowledging that sustainable security against an insurgency like Al-Shabaab requires winning public consent and cooperation.

However, the operational reality of the directorate is one of severe constraint and marginalization within the broader SPF ecosystem. Chronically underfunded and understaffed, it lacks the logistical resources, political clout, and dedicated personnel to implement its mandate effectively at scale (Somali Stability Institute, 2022). The CPOs, who are supposed to be specially trained liaisons, are typically uniformed officers given an additional title but no real authority, specialized tools, or protection from being reassigned to conventional patrol or counter-insurgency duties. The directorate's work is often siloed, seen as a "soft" adjunct to the "real" work of fighting Al-Shabaab, rather than being integrated as a core, complementary operational strategy. This reflects a persistent institutional culture within the SPF that values tactical prowess and kinetic operations over the slow, relational work of building social capital (World Bank, 2023).

Furthermore, the directorate's model often relies on a formalized, top-down approach that can clash with Somalia's informal governance realities. Its efforts to create Police-Consultative Committees (PCCs) sometimes struggle to identify genuinely representative community figures in complex clan demographics, or they risk legitimizing certain elites over others (International Crisis Group, 2021). The model imported through international advisors can be overly bureaucratic, requiring meeting minutes and action plans in environments where trust-building happens through traditional dialogue (*shir*) and personal relationships. Without a deep adaptation to incorporate the authority and processes of traditional elders (*Isimo*) and existing local peace committees, the directorate's initiatives risk being perceived as artificial, donor-driven constructs with little organic connection to the community's own conflict-resolution mechanisms.

The ultimate challenge for the directorate is one of institutional survival and relevance. For community policing to cease being a peripheral project and become the operating philosophy of the SPF, it requires a transformational shift in leadership priorities, performance metrics, and resource allocation (EUCAP Somalia, 2022). Police commanders must be evaluated not only on arrest records or territory cleared but on indicators of public trust and collaboration. Until the community policing mandate is backed by serious budgetary commitment, career incentives for officers, and unwavering high-level political support from both the federal and state levels, the directorate will likely remain a symbolic entity, unable to effect the profound cultural change within the SPF necessary for lasting legitimacy.

Current Initiatives: Donor-Supported Programs

The landscape of community policing in Somalia is heavily shaped by a multitude of donor-supported programs led by international actors, primarily the United Nations (through UNDP and UNSOM), the European Union Capacity Building Mission (EUCAP Somalia), and key bilateral partners like the UK, US, and Turkey (Stability Institute, 2023). These programs constitute the primary engine for policy development, training, and infrastructure. Their interventions are comprehensive, covering the development of legal frameworks, the construction and refurbishment of police stations designed to be more community-accessible, the provision of equipment, and the execution of large-scale training programs for thousands of SPF and FMS police officers on human rights, gender sensitivity, and community engagement techniques. A flagship output of these efforts has been the formalization of Police-Consultative Committees (PCCs), which are intended to provide a structured, recurring interface between police commanders and selected community representatives.

These international initiatives have been instrumental in placing community policing on the national security agenda and providing essential resources in a context of extreme state fragility. They have produced tangible outputs, including trained personnel, constructed infrastructure, and standardized training curricula that did not previously exist (UNDP, 2021). The establishment of PCCs, even if uneven, has created initial platforms for dialogue in some districts where none existed before. Donor programs also provide a critical advocacy function, consistently emphasizing the principles of accountability, human rights, and civilian oversight in their engagements with Somali government counterparts, thereby keeping these issues in the policy conversation even when domestic pressure for them is weak.

However, a significant body of recent critical analysis points to persistent systemic challenges within this donor-driven model. First, there is a frequent issue of lack of sustainable contextualization. Programs designed around standardized international templates can fail to account for the intense localized power dynamics, the primacy of clan, and the operational reality of legal pluralism (Bakonyi, 2022). Training that does not address how an officer should practically navigate a conflict between a clan elder's decision and the penal code is of limited utility. Second, fragmentation and lack of coordination among numerous donors can lead to parallel, sometimes contradictory, projects that overwhelm nascent Somali institutions with differing reporting requirements and strategic priorities, hindering the development of a coherent, nationally owned policing model.

Perhaps the most profound critique is that these programs can inadvertently foster a form of dependency and project-based legitimacy, where community policing activities exist only in donor-funded bubbles and are sustained by international salaries, per diems, and logistical support (World Bank, 2023). When the project cycle ends, the activity often ceases, as it has not been integrated into the government's core budgeting or institutional psyche. Furthermore, the focus on building formal structures like PCCs can sideline or undermine existing, organic local security assemblies that have functioned for years, creating tension rather than synergy. For donor programs to move beyond producing outputs to fostering genuine, sustainable transformation, they must increasingly shift from direct implementation to facilitating Somali-led design, deeply investing in the political economy of police reform, and aligning support with flexible, long-term capacity-building that adapts to—rather than attempts to override—the hybrid reality of Somali governance (Rift Valley Institute, 2023).

Current Initiatives: Localized/Hybrid Models

Amidst the challenges facing top-down formal initiatives, the most promising and resilient models of community security often emerge from pragmatic, localized adaptations that blend state and non-state systems. These hybrid models frequently involve structured collaborations between formal police and traditional clan elders (*Isimo*), who retain immense moral authority and conflict-resolution capacity within their communities (Somali Public Agenda, 2022). In such arrangements, police commanders may formally recognize the elders' role in mediating minor disputes and maintaining social order, while elders, in turn, encourage community cooperation with the police on serious criminal matters and intelligence-sharing on armed groups. This creates a pragmatic division of labor, leveraging the strengths of both systems without forcing an immediate and destabilizing confrontation over legal supremacy.

Another common hybrid structure is the local security committee, which may include police officials, district commissioners, religious leaders, women's representatives, and youth delegates. These committees often operate with more flexibility and local legitimacy than donor-mandated PCCs, as they are born from immediate necessity rather than external design (Puntland Development Research Center, 2021). They function as real-time information-sharing and problem-solving bodies, addressing issues ranging from Al-Shabaab infiltration to local land disputes that could spark violence. Their strength lies in their inclusivity and rootedness in the specific social fabric of their district, allowing them to navigate clan politics more adeptly than a purely state-led entity.

The success of these models hinges on mutual recognition and the clear, if informal, delineation of roles. For instance, police may agree not to interfere in clan-mediated *diya* (blood money) payments for certain offences, provided the elders guarantee that serious crimes like murder or terrorism are handed over to the formal justice system (UNSOM, 2022). This negotiation of authority is dynamic and requires constant communication. These hybrid arrangements are not without risk; they can perpetuate parallel justice systems and potentially undermine the long-term goal of a unified rule of law if not carefully managed. However, in the medium

term, they provide a crucial bridge, offering a pathway to incrementally build state legitimacy by working *with*, rather than against, existing sources of local authority.

The durability of these localized models demonstrates that for community policing to be effective in Somalia, it cannot be a carbon copy of Western blueprints. It must be a negotiated order, a bespoke arrangement that varies from one district to the next based on the balance of power between clans, the strength of state presence, and the level of insurgent threat (International Crisis Group, 2023). Supporting these organic models requires donors and federal authorities to adopt a flexible, facilitative approach—providing resources and broad guidelines while allowing local actors to define the specific architecture of collaboration. This bottom-up, hybrid approach may offer the most viable path for gradually weaving the formal police into the complex social and governance tapestry of Somalia.

Case Study Highlight: Community Policing in Garowe, Puntland

A focused examination of Garowe, the administrative capital of the Puntland State of Somalia, provides a concrete illustration of the potential and pitfalls of implementing community policing in a relatively stable urban environment. Unlike in conflict-ravaged regions of the south, Puntland has maintained a degree of consistent, albeit clan-influenced, self-governance since 1998, allowing its police force to develop with somewhat more institutional continuity. In Garowe, the police have attempted to institutionalize community engagement through a hybrid model that incorporates traditional authorities (Puntland Post, 2021). The city's security committee regularly convenes police commanders with prominent elders and business leaders, creating a forum for airing grievances and coordinating on crime prevention. This structure has been credited with improving the responsiveness of police to community concerns and facilitating the peaceful resolution of inter-clan tensions that could otherwise escalate.

However, the Garowe case also starkly reveals enduring challenges. Despite the forums, public trust remains conditional and is frequently undermined by allegations of police corruption, clan bias in hiring and promotions, and occasional heavy-handedness during operations (Garowe Online, 2022). The community policing ethos competes with a persistent culture of militarization, as the Puntland police are also engaged in active operations against Al-Shabaab and ISIS affiliates in the surrounding mountains. Furthermore, the influence of powerful sub-clans within the police hierarchy can distort the community engagement process, with committee meetings sometimes dominated by the concerns of the most powerful groups at the expense of minority clans or vulnerable populations like internally displaced persons (IDPs).

A specific initiative involved setting up neighborhood watch groups in partnership with local *Isimo*. While successful in reducing petty crime and burglary in certain districts, the initiative faced difficulty in scaling city-wide due to lack of consistent police logistical support and fears among some communities that participating in such groups could make them targets for Al-Shabaab (Somali Public Agenda, 2023). The case also highlights the critical issue of gender exclusion; while women are disproportionately affected by certain crimes, their representation in community-police dialogues remains tokenistic at best, limiting the effectiveness of problem-solving on issues like sexual and gender-based violence.

The Garowe experience underscores that even in a comparatively favorable environment, community policing is a fragile construct. Its success is entirely dependent on the political will of police leadership to hold their own officers accountable, the genuine inclusivity of the dialogue process, and the ability to protect community collaborators from retaliation (Puntland Development Research Center, 2023). It demonstrates that progress is possible when formal authorities pragmatically engage informal systems, but also that without concurrent, serious internal reform to address corruption and clanism within the police service itself, community policing efforts will remain superficial and vulnerable to breakdown when tensions rise.

6. CRITICAL ANALYSIS: DISCONNECTS AND CHALLENGES

The Legal-Institutional Gap

Somalia's progressive legal framework, including the Provisional Constitution and the Somali Police Force Act, remains largely aspirational due to a critical implementation deficit. The laws articulate principles of accountability, human rights, and civilian oversight, but they are not operationalized through consistent regulations, standard operating procedures, or accessible judicial pathways. A weak and overburdened judiciary, itself struggling with legitimacy and capacity, cannot provide the necessary legal backing for police work, leading to a situation where arrests rarely lead to successful, fair prosecutions (World Bank, 2023). This disconnect discourages police from building cases according to formal rules of evidence, as the institutional incentive structure does not reward procedural rigor that leads to judicial dead ends.

This gap is exponentially widened by systemic political interference and clan-based patronage, which actively subvert the rule of law. Police appointments, promotions, and operational decisions are frequently influenced by political actors and clan elders, ensuring that enforcement is selective and aligned with power dynamics rather than legal statutes (UNSOM, 2023). An officer may

be legally empowered to act but politically constrained from doing so if a suspect is from a powerful group, rendering legal mandates meaningless. Consequently, the formal legal framework fails to constrain power or protect rights, existing as a facade that does not alter the foundational realities of how security governance functions.

The Legitimacy Deficit

Public trust in the Somali Police Force (SPF) is severely eroded by persistent perceptions of corruption, overt clan bias, and recurring human rights abuses. Communities routinely encounter police not as protectors but as extractors, with bribery at checkpoints and for case dismissal being commonplace, framing the institution as more of a predatory tax collector than a public service (Transparency International, 2023). This perception is cemented by the visible dominance of specific sub-clans within local police commands, which leads to accusations of partiality in enforcement and protection, directly undermining the principle of equality before the law.

Faced with a state system viewed as corrupt, biased, and slow, communities rationally turn to alternative justice providers. The customary system of *Xeer*, administered by elders, remains the preferred and most trusted forum for resolving the vast majority of disputes due to its cultural resonance and accessibility (Somali Public Agenda, 2023). More starkly, in areas where the state is absent or deeply distrusted, Al-Shabaab's parallel judiciary offers a form of swift, predictable adjudication. This creates a perverse legitimacy contest in which the insurgent group, despite its brutality, is often perceived as a more effective and less corrupt arbiter than the state, fundamentally undermining the SPF's core mission of representing a legitimate monopoly on force.

Resource and Capacity Constraints

The operational capacity of the Somali Police Force is crippled by chronic and systemic resource deprivation. Basic functionality is undermined by a lack of reliable funding for essentials such as vehicle fuel, station maintenance, communication equipment, and predictable salaries, which immobilizes officers and forces a purely reactive posture to crime and unrest (EUCAP Somalia, 2024). This material scarcity is a primary driver of petty corruption, as officers seek bribes to cover operational gaps and supplement their own irregular incomes, creating a vicious cycle that further destroys public trust and professional morale.

Compounding this material lack is a critical deficit in specialized human capacity. While international partners provide training, it is often short-term, unevenly distributed, and heavily weighted toward tactical, counterinsurgency skills rather than the nuanced competencies required for community policing (Stability Institute, 2023). There is a severe shortage of officers trained in investigative techniques, crime scene management, conflict mediation, gender-sensitive interviewing, or community engagement strategies. Without this expertise and the material means to apply it, the SPF cannot transition from a force that merely *reacts* to incidents to an institution that proactively *manages* community safety and builds relationships.

The Security Paradox

A central, debilitating paradox defines police reform in Somalia: the overwhelming threat from Al-Shabaab necessitates a robust security response, but the dominant strategy of militarized counter-insurgency actively undermines the community legitimacy required for long-term stability. International and governmental security assistance prioritizes building tactical, war-fighting capacity, channeling the preponderance of funding, equipment, and elite training into specialized units modeled on infantry (International Crisis Group, 2024). This institutional focus marginalizes community policing as a secondary, "soft" activity, depriving it of prestige, resources, and skilled personnel.

On the ground, this paradox manifests operationally as a conflict in identity and function. Police units are routinely pulled from community beats for large-scale cordon-and-search operations or offensive patrols, adopting aggressive tactics that alienate the local population (Africa Center for Strategic Studies, 2023). This reinforcement of a militarized, coercive posture directly contradicts the messaging of partnership and service, making community outreach efforts appear disingenuous. It validates Al-Shabaab's narrative of the state as a hostile, foreign-backed occupation force and pushes communities toward non-state protectors, thus fueling the very insurgency the militarized approach aims to defeat.

The Oversight Vacuum

Accountability for police conduct in Somalia is severely hampered by the ineffectiveness of internal oversight mechanisms. Internal Affairs units within the SPF lack independence, authority, and often the will to investigate and sanction powerful officers or those backed by political or clan patrons, fostering a culture of impunity (Geneva Centre for Security Sector Governance (DCAF), 2023). When internal investigations do occur, they are frequently opaque, slow, and result in disciplinary actions that are disproportionately lenient compared to the alleged misconduct, failing to deter future abuses or signal a commitment to professional standards.

Externally, independent civilian oversight is virtually non-existent. A fully empowered, resourced, and autonomous civilian complaints commission remains unimplemented, leaving victims of police abuse with no accessible, trusted avenue for redress

(UNSOM, 2024). Parliamentary oversight committees, while legally mandated, lack the technical expertise, sustained political independence, and operational resources to conduct rigorous scrutiny of the security sector. This comprehensive oversight vacuum ensures that there are no meaningful consequences for misconduct, sending a clear message to both the public and the police that the institution is not subject to the rule of law, thereby perpetuating the cycle of abuse and mistrust

7. TOWARDS AN INTEGRATED APPROACH: RECOMMENDATIONS

Legal Harmonization: Bridging Formal and Informal Systems

A critical priority must be the intentional, consultative harmonization of Somalia's plural legal systems to provide clear operational guidance for police. This does not mean abolishing *Xeer* but rather defining its relationship with statutory law through formal recognition and regulated jurisdictional boundaries. A state-led, inclusive process involving traditional elders (*Isimo*), religious scholars, jurists, and civil society should codify which offences (e.g., minor civil disputes, family matters) can be legitimately resolved through customary mechanisms and which (e.g., serious violent crimes, terrorism, corruption) are the exclusive mandate of the formal justice system (World Bank, 2023). This clarity, potentially enacted through a Judicial Services Act or amendments to the SPF Act, would empower police officers to confidently enforce state law in serious cases while legitimately referring other matters to elders, thereby reducing community conflict and building cooperative relationships.

Furthermore, harmonization must establish constitutional rights and international human rights law as the non-negotiable floor. Customary practices that violate these standards, particularly regarding women's rights, minority protections, and cruel punishments, cannot be sanctioned by the state. The formal legal framework should actively incorporate compatible, restorative principles from *Xeer* into state-led processes, such as victim-offender mediation for qualifying crimes. This graduated, hybrid approach acknowledges reality while strategically positioning the state as the ultimate guarantor of justice, incrementally steering the legal ecosystem toward greater consistency with fundamental rights without provoking a destabilizing backlash against the fledgling formal system (UNSOM, 2023).

Localizing the Model: From Imported Blueprint to Context-Specific Design

Effective community policing in Somalia cannot be a replica of foreign models; it must be a domestically owned, locally adapted strategy. This requires moving beyond standardized Police-Consultative Committees (PCCs) to support a variety of hybrid governance structures. International partners and the SPF should provide enabling frameworks and resources for district-level commanders to co-design engagement mechanisms with the legitimate authorities specific to their area, whether they be formalized elder councils, existing local peace committees, or inclusive security assemblies that include women, youth, and minority clan representatives (Somali Stability Institute, 2023). Success should be measured by the functionality and inclusivity of these platforms, not their adherence to an external template.

Operationally, this means embedding community policing principles into the very structure of local policing. Police posts should be co-located with or regularly visit key community hubs, and officers should be evaluated based on indicators of public trust and problem-solving, not just arrest counts. Recruitment and deployment policies must consciously aim for a force that reflects the clan demographics of its operational area to mitigate perceptions of bias, while training must equip officers with skills in mediation, negotiation, and understanding *Xeer* to navigate pluralism effectively. This localization transforms community policing from a separate, soft project into the core methodology for all police work, enhancing both intelligence gathering and public cooperation (Rift Valley Institute, 2021).

Invest in Justice Chains: From Report to Resolution

Community policing cannot succeed in a vacuum; it is the first link in a broken justice chain. Strengthening police-community relations will collapse if crimes reported are not investigated properly or prosecutions fail in weak courts. Therefore, investment must be holistic, targeting the entire justice sector concurrently. This includes building prosecutorial capacity, enhancing forensic and investigative capabilities within the police, and supporting judicial reforms to ensure fair and timely trials (UNODC, 2022). A community that witnesses a credible process from report to verdict will be far more likely to cooperate with police, creating a virtuous cycle of legitimacy and intelligence.

Donor programs must explicitly link support for community policing initiatives with parallel investments in adjacent justice sector institutions. This could involve joint training for police, prosecutors, and local elders on case referral protocols and evidence handling, or co-funding for integrated justice centers that host police, court, and mediation services. By strengthening the entire pathway, the state can demonstrate that its formal system is not only accessible but also effective, providing a viable and fair alternative to both the slow pace of some clan negotiations and the brutal efficiency of Al-Shabaab's courts (UNDP, 2023).

Enhanced Oversight: Building Vertical and Horizontal Accountability

Addressing the profound oversight vacuum requires strengthening both internal police accountability and external, independent civilian scrutiny. Internally, the Police Professional Standards Commission must be granted genuine operational independence, investigative authority, and guaranteed resources to pursue cases against powerful officers without political interference. Its findings must be public, and its disciplinary recommendations must be enforced by police leadership to build internal credibility (Geneva Centre for Security Sector Governance (DCAF), 2023).

Externally, a fully resourced and empowered Independent Civilian Complaints Commission, insulated from political and clan pressure, is urgently needed to provide the public with a trusted avenue for redress. Furthermore, community oversight must be institutionalized. Local security committees should have clear, protected channels to report police misconduct directly to oversight bodies, and parliament must develop the technical capacity for rigorous security sector scrutiny. This multi-layered approach—internal, independent, and community-based—creates a web of accountability that can begin to disrupt the culture of impunity, signaling that the police are servants of the law, not masters of the populace (UNSOM, 2024).

Sustained & Aligned Investment: From Projects to Institutions

Donor support must undergo a fundamental shift from short-term, output-focused projects to long-term, politically informed investments in institutional capacity. This means aligning behind a Somali-owned policing and justice sector reform strategy, even if progress is non-linear, and providing predictable, multi-year funding routed through government systems to strengthen domestic budgeting and ownership (World Bank, 2023). Conditionality should focus on transparency and reform milestones rather than rigid spending templates.

Critically, investment must be "politically smart," acknowledging and working with—not around—the realities of federal-state tensions and clan politics. Support should be structured to incentivize cooperative governance, such as jointly funding federal and state police initiatives that demonstrate clear coordination. Donors must prioritize patient, adaptive support that builds the systemic foundations—HR systems, logistics, budgeting, internal affairs—that allow the SPF to function as an institution, not just a collection of donor-equipped units. The goal must be to foster an internally sustainable policing institution that can outlast the project cycle and adapt to Somalia's evolving political landscape (International Crisis Group, 2024).

8. CONCLUSION

Restated Thesis

The development of an effective legal framework for community policing in Somalia was fundamentally fragmented and contested, serving as a microcosm of the broader, unresolved struggle to rebuild a legitimate and functional state. The formal statutes existed in a state of dissonance with the operational realities of legal pluralism, where customary law (*Xeer*) and insurgent-governed Sharia held sway, rendering the state's legal authority ambiguous and often irrelevant at the community level. This disconnect was not merely a technical or legislative failure but a reflection of deeper contests over power, authority, and the very nature of the social contract in post-conflict Somalia.

Summary of Findings

This analysis revealed that while the concept of community policing was embraced in policy and donor programs, its practice was severely constrained by systemic disconnects. The Somali Police Force (SPF) operated within a hybrid legal environment where formal laws lacked implementable force due to a weak judiciary, political interference, and competing loyalties. Community policing initiatives, whether led by the SPF's Directorate or international partners, were often ad-hoc, under-resourced, and eclipsed by a counter-insurgency mandate that reinforced militarized policing. The most promising models emerged not from imported blueprints, but from localized, pragmatic hybrid arrangements that negotiated authority between police and traditional elders. Ultimately, the success of community policing depended less on perfecting a technical model and more on resolving foundational questions of political settlement, equitable resource allocation, and establishing genuine public trust through demonstrated accountability and consistent service.

Final Reflection

Somalia's protracted journey toward legitimate policing underscored a critical, universal insight: effective community policing was not a standalone technical program that could be installed in a fragile state. It was, instead, a profound barometer of the social contract between a state and its citizens. The persistent legitimacy deficit of the SPF, the public's recourse to *Xeer* and even Al-Shabaab's courts, and the chronic oversight vacuum collectively measured the distance between the state's aspirations and its lived accountability to the populace. Therefore, building effective community policing in Somalia was inseparable from the larger

project of constructing a state that was perceived as fair, responsive, and trustworthy. Its progress was measured not by the number of trained officers or written policies, but by the gradual, demonstrable shift in whether communities viewed the police as their protectors or their predators. This transformation stood as the indispensable foundation for sustainable security and peace.

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