

Overview of Sprakab linguistic analyses of Bajuni refugee claims 2004-2010

Since 2004 I have read 100+ Sprakab reports of the linguistic and local knowledge of Bajunis from southern Somalia claiming refugee status, plus 3 from other Somali minority groups. The reports have changed little over the years, so after 9 years I think I have a good overview.

In 2004 a group of 19 experienced and mostly senior linguists drew up a set of 11 guidelines for those involved in forensic linguistics. They make good linguistic sense and are widely followed worldwide. These are the **Guidelines** referred to in what follows (the reference is at the end of this overview).

General These reports have 3 general characteristics. They are short, simple, easy to read. They are linguistically unsophisticated. They contain much repetition and assertion. I have the impression they are aimed at lawyers, judges, solicitors, and others, who have limited time at their disposal, limited knowledge of technical linguistics, and limited knowledge of Somalia.

Length They are short or very short. In general they range from about 300 to about 800 words, that is, from about 1 to 2½ pages of content (ignoring the headings). That includes data, analysis, and conclusions. Given the number of repeated claims, the actual content is somewhat less. In my opinion, that is too little to do justice to cases that are mostly not simple.

Qualifications of authors Most are co-authored by a Scandinavian ‘linguist’ and 1 or 2 East African ‘analysts’. The linguists come from a small set, most of whom, while having academic qualifications in peripheral topics such as Arabic, Scandinavian languages, or computational linguistics, have no qualifications in Swahili, Bajuni, or African languages. The analysts also come from a small set, and most have no formal qualifications in general linguistics, Swahili, Bajuni, or African languages. They have various other qualifications, including claims to ‘native speaker competence’ in Bajuni. Since the same individuals also claim the same level of competence in other languages spoken far away in adjacent areas of western Kenya and adjacent countries, one wonders what native speaker competence means: I assume it means that Bajuni is not their first language. The interviewers are audibly not speakers of Bajuni but are rather from western or central Kenya. The Sprakab interviewer and one of the analysts may often be one and the same person because on several occasions I have heard an interviewer tell someone in the background that he will have the result ready in “three minutes”. So since the interviewer is audibly not a native speaker of Bajuni, then the analyst(s) cannot be either, so the recordings provide evidence that the analysts are not native speakers of Bajuni. One analyst is said to have written a book on Swahili but I have never seen any detail of the book. I provide my name and a concrete list of my qualifications and the reports should do the same for the analysts/linguists.

Guideline 3: LANGUAGE ANALYSIS MUST BE DONE BY QUALIFIED LINGUISTS:

“Judgments about the relationship between language and regional identity should be (1) made only by qualified linguists with recognized and up-to-date expertise, both in linguistics and in the language in question.... higher degrees, peer-reviewed publications....(2) including how this language differs from neighbouring language varieties...(3) broad coverage of background issues...(4) citation of relevant academic publications (= sources DN).”

Sprakab offers no evidence of (1), no systematic evidence of (2), no coverage of

background issues (3), and doesn't bother producing any set of references to sources (4).

Sources cited In every report I provide an appended set of References. Sprakab never provides such a list in their reports (or rebuttals), so their statements are unfounded, though constantly using the phrase 'with certainty' (at least up to 2012). Both sides in the debate should list their full sources. The sources should not consist of a short list of dubious web sites. See Guideline 3, above.

Lack of understanding/explanation of the general sociolinguistic situation Since Somalia imploded in 1991, Bajuni society and language in Somalia have been, and still are constantly and rapidly changing. The community has gone from being more or less monolingually Bajuni to having a continuum from fully Bajuni-speaking through a mix of Bajuni and Swahili to being purely Swahili-speaking. The local variation also varies. Sprakab reports never present the general language situation in Somalia or the Bajuni area or given any indication that they could. See Guideline 3 (3), above.

Bajuni versus Swahili? Implicit in Sprakab's presentations is that the difference between Bajuni and Swahili is clear, is a black and white distinction. While Sprakab may believe that, and while that statement may appeal to many uninformed readers, it is not true. In real communities, the line between them is fuzzy, depending on the speaker, the addressee, and the circumstances.

Guideline 9: LANGUAGE MIXING:

"It is unreasonable in many situations to expect a person to speak only one language variety in an interview/recording, for the following reasons".. 8 reasons given. All apply to Bajunis in Somalia.

"Can't speak Bajuni" + "can't speak Somali" + "can speak Swahili similar to that allegedly spoken in Kenya/Tanzania" = not from Somalia Although not always so stated, this is essentially the formula used by Sprakab, despite the frequent presence of Bajuni elements, despite the fact that real Somali knowledge (not just a few words) is not tested properly, despite there being evidence that the "Kenyan/Tanzanian Swahili used" is also the same as or similar to that used in southern Somalia.

This Sprakab formula is at odds with conclusions reached by the United Kingdom Immigration and Appeals Tribunal (UKIAT), an independent body set up by the UK government to hear and decide appeals made by the British Home Office on these matters. Besides adjudicating individual Bajuni cases they have attempted to set out general guidelines. In the case of AJH (2003) they said this: "What is needed therefore in cases in which claims to be Somali nationals of Bajuni clan identity are made is first of all: (1) an assessment which examines at least three different factors: (a) knowledge of Kibajuni (b) knowledge of Somali varying depending on the person's personal history; and (c) knowledge of matters to do with life in Somalia for Bajuni (geography, customs, occupations etc). But what is also needed is (2) an assessment which does not treat any one of these three factors as decisive: as the Tribunal noted in *Mohamed Ali Omar* [2002] UKIAT 06844, **it is even possible albeit unusual that a person who does not speak Kibajuni or Somali could still be a Bajuni**". See the website at the end of this overview.

A Somali Bajuni who does not speak Bajuni or Somali has only one language left to speak: Swahili, with or without a Bajuni accent. Sprakab is at odds with the opinions of UKAIT, Brian

Allen, myself, and many Somali Bajunis in denying the existence of such people.

Data to analysis to conclusions Linguistic analysis, including forensic linguistic analysis of this kind, starts by laying out linguistic data and proceeding through analysis to conclusion. This is not done in Sprakab reports. General claims are not bald assertions but need supporting evidence.

Limited data, no proper analysis The linguistic data offered in the standard Sprakab report is quite limited. Each report has four sections: Phonology, Morphology, Syntax, Lexicon. The data always includes some vocabulary, never includes morphology, sometimes offers sentences (syntax) but never makes any particular analysis of them, and sometimes makes claims about phonology but the examples never link the data to any analysis, so it is unclear what the data shows. The bits of data are just put inside the boxes labeled Phonology, Morphology, etc, but are not linked to the labels. Never is the available data presented in full, it is presented as “examples”. Central to these cases are the differences between Bajuni and Standard Swahili but I have never seen any evidence that the Sprakab team could really list in full Bajuni characteristics or the differences between Bajuni and Swahili. See Guideline 3 (2), and

Guideline 5: LANGUAGE ANALYSIS REQUIRES USEFUL AND RELIABLE DATA:

“Linguists should be allowed to decide what kind of data they need for their language analysis. If the linguist considers the data provided to be insufficiently useful or reliable, he or she should ask for better data or state that a language analysis cannot be carried out in this case. ..relevant examples include a (1) recording of poor audio quality, (2) recording of insufficient length, and (3) interview carried out with an interpret/interviewer not speaking the language of the interviewee”. (2) and (3) are true of all the Sprakab interviews, (1) is occasionally true.

Linguistic conclusions are mainly assertions The reports present a number of findings and conclusions. All reports I have read contain maybe half a dozen findings: 4 minor ones, and the 2 major conclusions that the applicant comes not from their alleged place but from some other place. The four minor claims, on which the two major conclusions rest, do not usually derive from the linguistic facts presented but are assertions, often repeated several times in one form or other. In this kind of forensic linguistics most conclusions range along a scale of probability, from ‘It is certain that...through ‘It is probable, possible, maybe, not clear, etc’ to ‘It is certain that X does not come from Y’. All Sprakab reports up to late 2012 express absolute certainty (“with certainty”), in my opinion unwarranted.

GUIDELINE 4: LINGUIST’S DEGREE OF CERTAINTY:

“Linguists should have the right and responsibility to qualify the certainty of their assessments, even about the country of socialization. It is rarely possible to be 100% sure of conclusions based on linguistic evidence alone (as opposed to fingerprint or DNA evidence), so linguistic evidence should always be used together with other (non-linguistic) evidence. Further, linguists should not be asked, and should not be willing to express their certainty in qualitative terms (e.g. 95% certain that X was socialized in country Y), but rather in qualitative terms, such as ‘based on the linguistic evidence, it is possible, likely, highly likely, highly unlikely that X was socialized in Y.’

Since late 2012 Sprakab reports have used more nuanced categories. Nevertheless they still always conclude that interviewees are from Tanzania and/or Kenya, and not from Somalia.

Flawed analyses and conclusions about local knowledge The analyses of country and local culture proceed similarly. Instead of a complete account of what the applicant says, the reports give a short (often inaccurate) list of what the applicant was unable to do. They selectively summarise parts of the applicant's statements and omit others, thus not reflecting honestly the content of the interview. They come to the same general conclusion, that the applicant has deficient knowledge of the area and culture – and this after the interviewer has only asked a limited set of questions. For example, the interviewers always ask these three questions about the country Somalia, and rarely others: “Name President; describe flag; name currency and describe a banknote or notes”. In my opinion that information would not be adequate for determining whether an individual came from e.g. the UK, because it is easily memorized (also how many people in general can state the colour or pictures on a set of banknotes?). Guideline 5 also applies here. Applicants cannot be faulted for not answering questions that are not put.

General conclusion: it would be unwise to rely on these analyses, they lack credibility

In general I find Sprakab analyses and conclusions in Somali Bajuni cases brief, careless, lacking in supporting evidence, and unconvincing. It can be seen that they do not follow the **Guidelines** (I could take all the **Guidelines** and compare, but didn't for want of space). The result of a 25 minute interview can apparently be ready within 3 minutes of finishing the interview – this is a report which goes to lawyers and government officials who have a person's fate in their hands. I think not much credence should be attached to these reports. In my opinion, it would be unwise to use them as a basis for any legal decision on whether an applicant is or is not a Somali Bajuni.

Guidelines Reference

Arends, J, J. Blommaert, C. Corcoran, Suzanne Dikker, D. Eades, and 14 others. (The Language and National Origins Group). 2004.

Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases, *The International Journal of Speech, Language and the Law: Forensic Linguistics* 11,2: 179-266. <http://privatewww.essex.ac.uk/~patrickp/language-origin-refugees.pdf>

http://www.bailii.org/cgibin/sino_search_1.cgi?method=titleall&query=CG+Somalia&meta=%2Fbailii&mask_path=uk%2Fcases%2FUKIAT&rank=on&show=50

This report was originally written in 2010 but has been slightly modified in 2013.