

SAACID

P.O. Box 14408, Westlands
Nairobi, Kenya
Tel. 254 2 3745012
Fax. 254 2 3747410
E-mail: information@saacid.org



Karaan District
Mogadishu, Somalia
Tel. 252 1 215510
Fax. 252 1 215511
raha@saacid.org

NED-FUNDED PROGRAMME ON DEMOCRACY, RULE-OF-LAW, CONFLICT MANAGEMENT AND CONFLICT RESOLUTION

ABDUL-AZIZ DISTRICT, MOGADISHU

14-19 August 2006

Summary

NED has agreed to partner SAACID in promoting democratic principals in the Somali context – particularly the city of Mogadishu, which has historically been the capital of the country.

The proposal was developed in the context of prevailing warlordism in the central and southern part of Somalia. SAACID believed that the education and development of grassroots communities in democratic principles and adherence to the rule-of-law would influence those communities toward an effective opposition of the lawless warlordism that was prevailing.

In the interim period between writing and implementation, US-backed warlords clashed with Islamic court's militiamen and the Union of Islamic Courts (UIC) expelled those warlords from the city. The UIC now militarily control the city and are also claiming a judicial, governance and economic monopoly over the city and central Somalia.

It remains unclear if this programme can continue in the current milieu, but SAACID desires to continue to see how much space it can reclaim for civil authority and civil society.

One of the outputs for the programme was to hold 4 workshops in 4 targeted districts (there are 16 districts in the city of Mogadishu) on democracy, rule-of-law, conflict management and conflict resolution. If successful, these workshops were to act as a precursor to the development of a conflict resolution centre in each of the 4 targeted districts; to solve localised problems in a collective manner; and to act as a first step to the establishment of civil law-and-order functions on a district-based model.

SAACID believes that even if the programme cannot move to the formal establishment of the 4 conflict resolution centres, there is still genuine benefit in carrying through with many of the programme elements – including the workshops – as they will help to education the population to alternatives to totalitarian theocracy.

This workshop in Abdul-aziz District was the first of the 4 district-based workshops.

Abdul-aziz Workshop

Abdul-aziz Fishing Cooperative supplies fish to other markets in the capital. The District consists of 4 residential areas namely: Dhagaxbuur, Lawya Cadde, Garissa and Gen. Nero. Led by a District Commissioner (DC), the district also has social organizations, such as women's groups, youth organizations, a Civil Defence Brigade, and a council of elders – all cooperate on matters relating the district development.

Thirty local leaders from the district of Abdul-aziz began a 5-day workshop as part of the implementation of an NED-funded programme for district-based communities in Mogadishu to educate them on democracy, federalism, rule-of-law, conflict management and conflict resolution.

The one-year-long programme will also target the districts of, Waberi, Hodan and Bondhere.

Before going into official business, participants established the following points as a code of practice during the workshop:

- Not to smoking in the conference hall
- Not to go out without permission
- Switch off mobile phones
- To raise hand to make contributions
- Not to have destructive criticism to one's idea
- Respect each other
- No murmuring between two participants
- Avoid repetition
- Respect punctuality
- Ask permission to go out during sessions

17 July 2006

The Deputy Chairman of Mogadishu City Council, Mr. Sharif Hussein Robow, officially opened the NED-funded year-long programme for district-based grass-roots communities in Mogadishu; in which they would be educated in democratic principals, federalism, governance, the rule of law, conflict resolution and conflict transformation strategies.

The Deputy Chairman talked about the importance of the workshop, saying that it would positively respond to the people's aspirations, who have adamantly sought for change for long time. He said that guns couldn't solve anything, and stressed the need to resort to an election-based system of democratic values.

Day 1 – Monday 14 August 2006

The facilitator talked about where the word DEMOCRACY noting that it originated from the Greek word of DEMOS, which means “People” and KRATOS, means “rule”. He furthered explained the different systems of democracy, and the evolutions it has passed through since medieval Europe up to the democratic principles devised by the Chinese scholar Sun Yet-Sing at the beginning of last century and its classifications - e.g. direct democracy, representative democracy, liberal or constitutional democracy, and economic and social democracy.

The facilitator indicated that he thought the most developed democracy at the current time was that in Switzerland, where electorates could devise laws that they deem important for their respective cantons regardless of the term of office of elected parliamentarians.

The participants also attentively listened to how democracy could play a paramount role in conflict resolution. In this case all important issues could be solved through a referendum process.

On the relationship between democracy and conflict resolution, the facilitator said formal democracy was not enough when one was desirous to resolve conflicts. Citing passages from a study carried out by Swedish CSOs “a deeply-divided community can be helped by different ways of sharing power (representation of all ethnic groups, decisions by consensus on important issues). The facilitator and participants thought that the Swiss system could be well adapted into the Somali context. One possible alternative to achieve the same objective was to divide the country (federalism or autonomy).

A holistic definition of democracy should also include protection of the rights and privileges of citizens and a democratic culture supported by women and men in civil society. If these components were weak, the ability of the democratic system to identify conflict - which is normally an asset - could lead to problems. The conflict may come to the surface, but the system may not be strong enough to deal with the conflict in a satisfactory way. A widespread culture and strong civil society play a key role in enabling the peace-creating potential for democracy to do itself justice.

The participating group, consisting of both male and females, then discussed how the Somali political institutions could employ or introduce a democratic system of governance. Then the participants were divided into 5 groups, and came up with the following points:

GROUP I

- To uplift people’s knowledge
- Democratic awareness for the men of the street
- Democracy that doesn’t hamper our religion
- We should take the democratic components and principles that are compatible to Islam
- Respect for all

GROUP II

- Democracy based on our Islamic culture
- Democracy should come through the people’s will

GROUP III

- Full democracy is the best for Somalia
- To be far away from all matters that's detrimental to Islamic teachings
- To upgrade people's knowledge of what democracy is

GROUP IV

- People should enjoy full independence
- Rule of law should prevail
- The majority should rule the minority
- Democracy that respects Islamic tenets

GROUP V

- To educate people on what is democracy
- To base democratic values on Islamic teachings
- People should enjoy freedom of expression
- To establish a classless and non-corrupt society

Then, the participants tackled how conflict could be prevented. The participants were broken into 4 groups, and they came up with the following points:

GROUP I

- To eradicate injustice
- To eradicate dawn-looking others (xenophobia)
- To fight usurpers
- To respect law and order

GROUP II

- To make conflict analysis before undertaking its resolution
- The mediation side should be impartial and enjoy the support of the warring parties

GROUP III

- Conflicts could be solved through Islamic tenets of conflict resolution
- Traditional elders are the back bone for conflict resolution
- To forget clanism

GROUP IV

- To carry out an awareness campaign to teach people peaceful coexistence
- To involve respectful people (e.g. celebrities, academicians and religious people) in the reconciliation process
- Constant meeting within society
- Unity and cooperation
- Gender equity

GROUP V

- A civilized society that refrains from issues that may ignite conflict e.g. class, discrimination, meanness, outcast, etc
- To determine the root causes of conflict
- Knowledgeable people that deeply understand the origins of the conflict
- There should be a neutral mediation ground to carry out reconciliation efforts
- The reconciliation team should be neutral and impartial and have the respect of the warring sides

Day 2 - Tuesday, 15 August 2006

The first session was on the theme of GOOD GOVERNANCE.

The participants, who largely belong to a fishing community, were asked the question how best they could govern at a district level, considering their social status, as the bulk of them were engaged in fishery (fishing communities are considered of a lower rank in the Somali clan system). They indicated that a community-based approach for development could lead to all communities having increased prosperity and opportunity.

Besides other businesses, the facilitator talked about the richness of the marine resources and its importance to the overall economic development in Somalia, since the country has the longest coastline in Africa. The facilitator noted that this fishery was currently being raped by international sea-poachers, who loot the national treasury with impunity, due to a lack of proper government that could discharge its obligations in a trusted manner to safeguard national territorial waters, air space and national boundaries. The facilitator urged the participants to conserve marine habitat such the mangroves and coral reefs. The facilitator indicated that it was only through effective governance, that all communities could trust, that the looting of precious sea resources could be halted.

The programme manager, who was also facilitating – Abdulkadir Mohamoud Walayo – explained to the participants about the Millennium Development Goals passed by the UN General Assembly at the beginning of the new 3rd millennium in 2000.

On the Millennium Development Goals, the facilitator underlined 8 points shown in the MDGs:

1. Eradicate extreme poverty
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. improve maternal health
6. Combat HIV/AIDS and other ailments
7. Ensure environmental sustainability
8. Develop a global partnership for development

The facilitator explained to the participants the link between the MDGs and concepts of Good Governance - taking some excerpts from a UNESCO memo in regard to freedom of expression and freedom of press during world press freedom day in the year 2005.

QUOTE “The United Nations Millennium Declaration represents the strongest unanimous and explicit statement to date of UN member states in support of democratic and participatory governance. The declaration clearly articulates that the MDGs must be achieved through Good Governance within each country and at international level. It also states that member States ‘will spare no effort to promote democracy and strengthen the rule of law’ and goes on to resolve “to strengthen the capacity of all countries to implement the principles and practices of democracy and respect for human rights...’

Good Governance implies the way through which:

- Citizens and groups in a society voice their interests
- Mediate their differences
- Exercise their legal rights and obligations
- Notions of greater participation of civil society in decision making, instituting the rule of law, anticorruption, transparency, accountability, poverty reduction and human rights

Good Governance links government to:

- Notion of responsibility for and to the citizenry as opposed to the traditional idea of authority over a nation - legitimacy emanating from popular assent to and participation in government, which is concerned with the welfare of its citizens”. UNQUOTE

The participants were divided into 5 groups, so as to respond to questions relating to how they measure GOOD GOVERNANCE.

GROUP I

- Looking after national security – both external and internal security
- Justice for all
- Social wellbeing
- The preservation of Islam
- Promotion of international relations within the UN system and other international organizations
- Respect of international conventions

GROUP II

- Government elected by the people which is all-inclusive
- Justice-driven
- A united and firm government without internal opposition
- Should follow Islamic teachings
- In the service to the people - forgetting personal interests
- Should follow the constitution and other laws to the letter and enjoy international recognition

GROUP III

- Good governance should come from universal suffrage through the one-vote – one-value concept – where the people are elected freely and fairly
- Should govern its subjects with justice and equality
- Should guide its people within Islamic culture and not oppress the people

GROUP IV

- Good governance should come through popular support
- Law-abiding governance
- Follows known international legal instruments and norms
- Safeguards peoples rights
- In defence of its subjects, country and its religion
- That supports the under-privileged

GROUP V

- In the service of its people
- A government that consults with its people
- A government that safeguards the people's interests
- Free from discrimination amongst its subjects

The participants received copies of conflict resolution pamphlets with a Somali translation to use for future reference in their respective areas.

The session ended on the planned time.

Day 3 Wednesday, 16 August 2006

The focus of the day was on the concept of FEDERALISM.

The facilitator briefed the participants on the concept of federalism saying: “A federation is an association of states which agree to form a union under a federal government; while retaining full control over their own internal affairs”. He noted that there were several different ways in which sovereignty could be divided between the centre and the regions or provinces, - the most usual was for the federating units to agree to a triple list of powers, e.g. those to be exercised exclusively by the centre; those to be exercised exclusively by the regions or province; and a concurrent list of powers that could be exercised by both the centre and the regions. In this latter case, mechanisms had to be established for resolving conflicts-of-interest that may arise over the appropriate level for particular decisions.

External Affairs

Advantages:

- A unified voice in foreign affairs and a single personality for purposes of representation, treaty-making, etc.
- Effective at federal level by making questions on war and peace and the right to maintain armed forces a federal prerogative.
- Economics of scale in defence and diplomatic representation, i.e., avoids duplication.
- Unified external economic policy.
- If federation represents a higher stage of integration, i.e., over a previously existing confederation, strengthens international bargaining positions.
- Unified citizenship.

Disadvantages:

- Risk of centre-regional conflicts over foreign policy and foreign economic affairs
- A powerful federal government is prone to monopolize foreign aid to reinforce its own power at the expense of the regions
- If federation represents a lower stage of integration, i.e., from a previously existing unitary state, could weaken international bargaining position.

INTERNAL AFFAIRS

Advantages:

- Unity combined with diversity, i.e., if federal units represent distinct ethnic, linguistic, religious, or clan groups, they enjoy internal self-government and common citizenship.
- Economies of scale in the provision of nation-wide services
- Allows for inter-regional income redistribution.
- Mechanisms for dealing with 'spill-over, e.g., concurrent powers create ability to regulate matters such as pollution whose effects may be 'exported from the region in which they arise.
- Strict adherence to the constitution entrenches the rule of law and hence respect for legal procedures.

Disadvantages:

- If federal units are not ethnically, linguistically, religiously, and clan inclusive, then disadvantaged minorities are created at both federal and local levels, thus reducing national cohesion
- Strict adherence to the constitution leads to rigidity and excessive legalism.
- Perpetual disputes over income transfers from rich to poor regions
- Prone to secession and/or inter-regional conflict, repeatedly leading to military intervention, as in Nigeria
- Centre prone to growth at the expense of the regions - with constant temptation to arbitrary power
- Potential for conflicts between centre and regions over the allocation of powers.

The facilitator also briefed the participants on the existence of other forms of government - such as Confederation, Decentralized Unitary State and Consociational systems.

During discussions on the topic, the participants unanimously testified that a federation was not the answer for the Somali crisis - since the society was homogeneous with a single religion, language and tradition, and living within the same ecological pattern.

Day 4 Thursday, 17 August 2006

The focus of the day's workshop was the theme of RULE-OF-LAW.

The facilitator outlined the concept of the rule-of-law - which implies the existence of law and other judicial systems within societies and is enshrined in the texts of the law itself.

The facilitator noted that the rule-of-law can be understood both as a set of practices, which allow the law to perform a mediating role between various stakeholders in society, and as a normative standard invoked by members of society, that demonstrate their assent to this principle.

The facilitator said the rule-of-law was fundamental to the stability and smooth functioning of a society; adding that only when the rule-of-law is respected can citizens have confidence in a democratic process over the long-term, and invest in the sustainable development of their society. He said, "When the rule-of-law is not respected, arbitrariness and impunity dominate the political scene". The rule-of-law depends heavily on the development of an independent and honest judiciary, and the will of any particular government to restrain itself and show respect before the law. The rule of law is best seen not as a given state of affairs of any particular society but as an ideal requiring constant instantiation and vigilance.

In a chaotic society like Somalia, every aspect of law including the constitution were deliberated violated by the guardians themselves; and this led to Somalia being described as a "failed state", which was very difficult to restore as "successful and firm state".

A former police officer, who gave a lecture to the participants, talked about the separation of power between the 3 main branches of the government, e.g. the Executive, the Judiciary and Legislature. He said the Head of State is the guardian of the constitution as the constitutional court deals with matters relating when differing views were interpreted in the constitution itself.

The police officer explained how the police work in containing crimes committed by dangerous elements in the society, and how the force protects its nationals. He said the policemen are walking law, while the attorney is the standing law and the court is dubbed a seated law.

He said all citizens should be aware of the country's law code, and no one should claim that he/she is ignorant of the law.

He talked about the country's judiciary system and its sub-classification from the Supreme Court down to Appeal court, the regional as well as district courts operating throughout the country and its respective jurisdictions. He said former colonial masters neglected Sharia Law and its full implementation in the country. It was only confined to matters relating to inheritance and divorce/marriage chores.

He pinpointed Somali traditional customary law, Islamic Sharia law, and its link to the rule-of-law based on the constitution - which was the mother of all the country's laws.

There was no group work as the subject covered was purely academic and more professional; and the participants saw it was very sophisticated. However, they appreciated the discussion, because among the younger generation there was a clear lack of understanding of the importance of the rule-of-law.

The group agreed that a law-abiding society flourishes, while the chaotic society suffers backwardness - that squarely touches all aspects of life.

Day 5 Saturday, 19 August 2006

In today's session, the participants were dividing into 5 groups, and they responded to a questionnaire on peace-building.

- What are the opportunities for peace-building?
- What are the events that could allow emerging peace initiatives?
- What are the options and agenda that could allow for a permanent and everlasting peace?
- Who are the mediators and facilitators that in future could be trusted to build a durable solution?

GROUP I

- Talks should be independent from foreign intervention
- Prominent figures in the society should be involved in the peace talks
- Respect for human rights
- The implementation of Islamic Sharia law

GROUP II

- Confidence and trust-building
- Lobby groups that understand the consequences of the conflict and the crux of the problems
- Elected people
- Responsible elements in the society

GROUP III

- Effective broad-based government based upon Islamic teachings
- Consultation and compromise or concession
- Equality and justice
- Religious people, intellectuals and traditional elders should be involved in the process

GROUP IV

- The opportunities should include the adherence to the Holy Koran
- To strictly follow what Allah forbids and what He allows
- To develop the education sector; creation of employment opportunities; and fight against idleness
- Religious leaders and Islamic countries

GROUP V

- Unified military power
- Nationwide peace acceptance
- Income-generating projects for the people
- New breed of intellectuals who were not involved in the civil war

After completing the above-mentioned exercise, the participants made some analysis on When the Somali conflict started? They were again divided into 5 groups.

GROUP I

- The Somali conflict began during the colonial days
- The standard of people's education was low
- Somalis of the time didn't really understand what nationalism was
- The Berlin conference and the scramble for Africa - when Somalia was divided into 5 sphere of influence by the colonizers

GROUP II

- The Somali problems started during the colonial days
- After the independence the colonizers handed over the power to a puppet government, which only served its former colonial masters
- Refusal of taking Islam as the country's constitution

GROUP III

- The Somali problem emanated from the former colonizers
- The division of Somali into 5 parts
- Somalia gained independence before it was mature
- The military takeover

GROUP IV

- The problem began during the Italian fascist colonial epoch
- During the 9-year civilian rule (1960-9), when corruption completely overwhelmed all government machinery
- Military dictatorship that took power in 1969
- The worst happened when USC armed militia toppled the military regime in 1991, but failed to establish a broad-based government of national unity

GROUP V

- The problem started during the colonial times
- The civilian government was the legacy of colonialism
- Corruption and nepotism prevailed during the 21-year revolutionary government
- When the USC armed militia toppled the military regime, Somalia's statehood began to collapse

At the end of the workshop the participants rated the workshop as superb and timely, admitting that the workshop met their expectation to learn new concepts, e.g. federalism, rule-of-law, good governance, democracy and conflict resolution/management techniques.

One of the participants admitted that he had prejudice towards the idea on democracy vis-à-vis Islam before the workshop. He said he thought democracy was incompatible with Islam, but now he came to know that democracy could work side-by-side with Islam.

The bone of contention was how to run a government – through totalitarian/dictatorship or universal suffrage of one-vote – one value.

In the assessment note, all participants urged SAACID to provide further training on the subjects discussed during the current workshop - describing the workshop environment and facilitation modalities as friendly and good in every aspect.

Funded by National Endowment for the Democracy (NED) and implemented by SAACID, the programme, the first of its kind held in Mogadishu, will cater for another 3 other major districts in Mogadishu - i.e., Bondhere, Hodan and Waberi. Each district sending 30 gender-based leaders from different age groups, so as to broaden the participation.

The session ended on time.

Mr. Abdirashid, a Senior SAACID programme officer, declared the workshop closed.