

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

BONDHERE DISTRICT, MOGADISHU

17-21 September 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 is now becoming clearer that SAACID will be able to continue the programme into the next quarter in the current milieu. This assessment is made of SAACID's very high profile ILO garbage collection programme, which is now proceeding with little harassment from the UIC.

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.

Bondhere Workshop

Introduction

This workshop was the fourth of the district-based workshops to be conducted in the first quarter of the programme.

Thirty persons – representing both female and male folk – selected from across Bondhere district came in the morning ready to undergo a 5-day-long grass-roots community-based education on subjects covering good governance, rule of law, conflict resolution and conflict management, democracy and federalism. The District commissioner, Mr. Abdulkarim Mohamoud Hassan “Huute,” headed the Bondhere team.

Bondhere is situated at the centre of Mogadishu and is one of the oldest residential areas in the capital. Most economic activity is through running small-scale businesses at market places and manual work; and some of the residents depend on remittances they received from their loved ones that live abroad.

The district is divided into 4 sub-districts namely: Daljirka, Nasiib Buundo, Yusuf El-Koneyn and Sinai. The district hosts 12 Internally-Displaced Person camps (IDPs), whose livelihood depends on the small return they get from begging, shoe-shining, car washing, collecting garbage from neighbourhoods and taking it to dumping places. While women go to domestic work at well-to-do family houses. The IDPs receive no assistance. The last census carried out by International Organization for Migration (IOM) in 1995, Mogadishu accommodates around 250,000 IDPs that came from almost every part of Somalia.

After the routine introductory exercise and usual prayers, the group set forth a set of points as ground rule to be strictly followed during the 5-day period.

Abdulkadir Mohamoud Walayo, the project facilitator spoke about the core of the workshop component namely: Good, Governance, the rule-of-law, conflict management and conflict resolution, democracy, federalism, and the development of 4 conflict resolution centres. He made an overview on what each subject was to tackle.

He spoke briefly the Somalia’s contemporary history since the country gained its full independence on 1st July 1960 – almost 46 years ago.

The first democratically elected civilian government that came on power after the independence and it served the country for nine years administering the country through corruption, nepotism, and embezzlement of public funds, running the country as personal property. At that time, Somalia was depicted as a graveyard for foreign assistance.

Against this background, a military junta overthrew the civilian government accusing all evil deeds that made the country backward. The military-cum-socialist regime led the impoverished horn of African country for 21 years of dictatorial rule. Again, the military regime was overthrown by a people’s uprising led by armed factions that plunged the country into another bloody civil war and the armed factions failed to form a government.

The periods could be classified as:

- 1960 – 1969 – the corrupted civilian government period
- 1969 – 1991 – the dictatorial military regime
- 1991 – 2006 - the chaotic, conflict-ridden and failed statehood

At this juncture, Somalia has never ever had a government of the people by the people and for the people. It seems that the current tug-of-war existence among the Somali political protagonists has roots with the abovementioned brief history that the non-visionary politicians were competing to loot the people's priceless treasury – freedom under expenses of greedy personal interests. This, the facilitator said, was the crux of Somali multi-faceted political crisis.

After the break up of Somalia's central authority the country was broken into smaller and weaker homelands e.g. Somaliland and Puntland as other lands were looming at the doorsteps to continue the fragmentation. Somaliland has already solved its internal problems declaring itself independent from what once was known as the Somali Republic while the state of Puntland become an autonomous region which still maintains its ties with the south-central regions forming the weak Transitional Federal Government now based in Baidoa.

Despite internal resentment of succession within Somaliland, the Somalilanders contend they have solved their conflict in the early nineties through dialogue at the Borama Council of traditional elders, thus forming a democratically elected government. Yet they haven't yet received international recognition – a notion that the world community of nations won't encourage.

Therefore, Somaliland successfully resolved its internal crisis following bloody clashes that engulfed the northwest region of Somalia soon after the ouster of Siad Barre regime in 1991, while the autonomous region of Puntland enjoyed virtual calm with some recurrent clan war. The south-central regions are the main stumbling block in culminating a peace agreement and the future remains bleak, as a new conflict, seems to be building up between the UIC and the TFG.

Brokered by the Arab League, the Khartoum III meeting between the UIC and TFG is expected to be resumed at the end of October 2006 following some breakthrough reached at Khartoum I and II.

Then, participants proposed the need to devise a new political trend that could unchain the vicious cycle that has the trapped Horn people for so long.

Day 1 - Sunday 17 September 2006

Today's topic: good governance

After the facilitator's introduction, the participants were divided into 4 groups to discuss issues relation to good governance.

Group 1

- Justice-driven administration
- Empowering the people
- Respecting the constitution and other by-laws

- Consultation and consideration
- Incoming generation for the underprivileged people
- Effective law-enforcement agencies
- Clean-hand administrators who could diligently discharge matters pertaining to the judiciary, educational development, health, security, conflict resolution, income-generation projects and so on and so forth

Group 2

- Law-abiding citizens
- Loyalty following the Prophet Mohammad's teachings - Quote - if someone performs good deeds, he/she should do it with Allah-fearing attitudes
- Broad-based government
- All matters which are in contrast with Islamic teaching could not be depicted as good governance
- Anti-corruption mechanisms
- Accepting weaknesses
- General interest first and personal interest last
- Encourage development
- Provision of social services
- Justice for all
- Respect for other religions

Group 3

- Respect the constitution
- Economic development
- Unity, equality and justice
- Maintenance of national security
- Consultation and
- Awareness

Group 4

- Think tank force that could initiate and foster unity
- Law and order
- Respect and strictly follow the constitution and other by-laws
- Media awareness on the culture of peace and non-violence
- Unity of purpose to face the safeguard the general interest
- To hammer out initiatives to foster productive sector and development projects
- Promote educational system based on qualitative curriculum
- No should above the law
- To combat gender inequality
- To encourage foreign and local investment
- To respect the different traditional values of nationalities living in the country
- To respect the historical sites and restore the damaged ones.

The session ended as planned.

Day 2 - Monday 18 September 2006

The theme: conflict resolution

The session began with prayers.

Before not going into the topic deeply, the participants were divided into groups to discuss how to resolve and prevent local conflicts.

Group 1

- The first step is to find out from the people of conflict what resolution skills they have
- They should enjoy confidence between the warring parties
- The mediators should be justice-driven
- Aware of the crux of the conflict
- Should be excluded in the process people who may not be tempted as siding one part
- The process should strictly follow Islamic mannerisms of conflict resolution

Group 2

- The conflict should be clearly defined and what resulted
- There should conflict resolution mechanisms e.g. tribal leaders, religious leaders wise men, etc.
- The conciliation commission, or one of its members, should not be inclined to one of the warring sides
- Listening both sides of the conflict what's the bone of contention
- The process should be based on justice
- Reach satisfactory decision that acceptable to both parties
- To carry an awareness campaign to inform the people about the importance of peace using the media as a tool of communication
- Compromise and concession should be the answer
- To find out a temporary solution to halt the conflict before reaching the final conclusion
- To provide logistical and financial to the reconciliation commission
- The final result should be some thing that narrows the gap existed
- Warring parties should abide by the decision taken
- The parties should sign a letter of consent that they solemnly declare that they will observe the final decision
- Monitoring mechanism should be established to follow the implementation of the decisions

Group 3

- To determine the conflict's history
- The mediation party should thoroughly study the core of the conflict
- The reconciliation process should be just
- The warring parties should abide the final result
- Trust

Group 4

- To have a clear picture of what is crux of the conflict
- A letter of allegiance should be signed by the warring sides
- A neutral ground should be the conference venue
- It should be established in a reasonable time-frame
- To listen to the conflict sides separately to narrate each sides version of the conflict
- Should allocate financial support for the process
- If one side refuses to heed the results, the conciliation commission would forcibly intervene the process siding with the right part
- The reconciliation commission should based on the process of Islamic tenets, the Somali tradition
- The commission should make an analogy of the conflict with one of that has previously occurred and use it as a yard stick
- Monitoring and follow up mechanisms should be established

The facilitator, proposed to the participants to discuss their personal experiences on conflict resolution issues from 2 warring persons, family, neighbours, tribal etc. The main question was: How do I respond to a conflict?

Participants had different views, as some of them shown signs of indifference; while others claimed that they sustained injuries as they were trying to separate 2 or more persons who used lethal weapons to finish one another.

Asked if one sees a lady walking in a slippery pavement and falls down, how do you react: Do you blast her with laughter or help her and express your sorrow about the incident? Some of the participants responded that they would help; while others said that there were some people who would laugh instead of feeling sorrow and help.

In Bondhere District, participants said they have a civil defence force, consisting of former police officers and youngsters to police the district at night time to contain the menace of dangerous elements in the society, like rapists, house-breakers, pick pockets and armed marauding gangs. However, since the arrival of Union of Islamic Courts (UIC) the area enjoys virtual peace.

The participants asserted the need to establish a South African model Truth and Reconciliation Commission, composed of reputable personalities in the society so as to change the revenge into pardon and reconciliation for all.

Also, participants proposed the formation of a conflict preventive mechanism to contain conflict before it was too late.

Participants received copies of conflict resolution pamphlets.

The session ended.

Day 3 - Tuesday 19 September 2006

Topic: Democratic Principles

Participants came on time starting to say the usual morning prayers.

The facilitator gave a wide explanation on the concept of democracy, its origins and the different evolution it passed through starting from the ancient Greek, the place where the term democracy were derived or coined. It consists of two composed names: Demos = People and Kratos = power or strength.

Present scholars believe that democracy will take its full true sense of its meaning during the current 21st century, whereby people directly cast their verdict and have full say on the on-going of their day-to-day affairs in terms of decision making for their country's plight – present and future. It has different meaning, but the well-established one is a government for the people, from the people and by the people. The people have the right to reject an incumbent government and elect for office a new one.

Democracy can be divided into:

- I. Direct democracy
- II. Representative democracy
- III. Constitutional democracy or liberal democracy

However, Greg Palast's Book "THE BEST DEMOCRACY MONEY CAN BUY" in his investigative reporting said in one passage: "Five months before US Presidential election, the Governor of Florida (one Mr. Jeb Bush) and his Secretary of State Katherine Harris ordered the purge of 57,7000 citizens from the state's voter rolls. Supposedly these were convicted criminals not permitted to vote in Florida. In fact, 95 per cent were innocent in any crime – however, the majorities were quite guilty of being black."

Full democracy could be enforced during the 21st century as some scholars described the democracy we knew in the 20th century as Part-time democracy. The present best democracy is the one that governs the confederation of Switzerland, where people not only goes to the polls, but also, on individual bases, formulate legislations and passed it to the Parliament to debate.

Before the explanation exercise, the participants divided into 4 groups:

Group 1

- The term of office shouldn't be like an imperial monarchy where succession came through hereditary
- Nationals have the right to elect and be elected
- Consultations should be conducted on all matters pertaining of national interests as the verse of the Holy Koran in verse 159 Suurat Al-i-Imran says that though dost deal Gently with them Wert thou severe Or harsh-hearted, They would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision put thy trust in Allah. For Allah loves those Who put their trust (in Him) UNQUOTE

In another Surrah Shuar'aa Verse 32 Allah says *Advise me in (this) my affairs: no affair have I decided except in your presence* UNQUOTE

- Every citizen has the right to expose his/her opinion freely and fairly provided s/he harms nobody
- Every citizen should be respected in his/her beliefs and traditional values
- Government business should be entrusted to people with highest personal integrity and dedication
- People should have the right to express their feelings through demonstration on government – dissent or assent
- To encourage a multi-party system

Group 2

- People have the right to live freely
- People have the right to vote
- People living through peaceful coexistence regardless of race, colour, religion
- Must be law-abiding citizenry
- To develop and empower gender equity
- To protect the environment
- To develop the state of economy

Group 3

- A mature society can employ the democratic system of governance
- Law abiding society
- Casting votes freely
- Law is equal for all
- When the citizen has the right to elect or to be elected for public office
- Majority should lead the minority respecting the latter rights
- To respect the country's religion and other believers religion as well
- Citizen must have decent work, based on his/her qualifications
- Freedom of movement of people, of goods, etc

Group 4

- Democracy roots came from Islam
- Each person has the right to live with dignity
- Respect for all religions
- Mutual respect
- Each person has the right to elect to who he wants
- Each has the right to perform his personal duties the s/he desire

End session

Day 4 - Wednesday 20 September 2006

The day's theme was "Federalism"

Following the usual prayers, facilitator talked about the four models of decentralized political structures currently employed by almost the entire world community of nations, which as follows:

- I. Decentralized unitary state
- II. Confederation
- III. Federation and
- IV. Consociational Systems

These 4 models of governance has its advantages and disadvantages, however, it's up to the people who decide which's which model is appropriate and suit to their particular needs bearing in mind the traditional values of each country and set up of its people either homogenous or heterogeneous.

Giving a brief account on federal system that now Somalia is trying to administer its affairs, facilitator explained to the participants on **Consociational Systems**, as an option to cure the ills of Somalia's political fabrics.

Consociational government involves non-territorial power-sharing amongst all-important communities within a state (e.g. component ethnic groups, clans, etc). Unlike the other forms of decentralized government, consociational principles do not require that state t be divided territorial into separate local units For example, under consociational system members of clan A, even if they lived outside their home region, would be entitled to receive broadcasts from their home region. Consociational governments normally have four key features: executive power sharing; the principle of proportional representation in all public institutions and allocations; community self-government; and veto powers for minorities. Consociational practices can be applied within co-federal, federal or decentralized unity states, and a continually invented in multi-ethnic or multi-clan states.

External Affairs

Advantages

- Unity and diversity: a unified external voice may be generated through power sharing while ensuring that diverse voices have contributed to policy-making; for this reason consociational practices work best in small states with light and minimal external relations.
- Proportional external representation of constituent communities produces a legitimate distribution of office.
- The advantages of a confederation can be combined with consociational practices.
- The advantages of a federation can be combined with consociational practices.
- The advantages of a decentralized unitary state can be combined with consociational practices.

Disadvantages

- External powers can exploit internal division in the power-sharing coalition – e.g., Israeli and Syrian intervention in the Lebanon
- Proportionality in appointment to jobs must be ranked above the principle of merit, with possible implications for administrative efficiency
- Consensual decision-making makes participation in external relations cumbersome and prolongs external negotiations.
- Some co-federal and federal disadvantages can be combined with consociational practices.

Internal Affairs

Advantages

- Permits unity and diversity. Each group may enjoy maximum feasible cultural self-government, while sharing power with other groups and it may enjoy these privileges wherever its members reside. For example, each clan may have its own broadcasting channel(s), and, as of right, these wavebands or channels would be broadcast in all parts of a future Somalia
- Consensual decision-making inclusive. It thereby avoids the despotic potential in democracies where ‘majorities’ decide everything and thereby protects minorities.
- Successful track-record in some states which have experienced civil wars, e.g., South Africa
- They can be used to stabilize divided society as long as they are necessary, and later dispensed with, e.g., the Netherlands.
- Some of the advantages of a confederation, of a unitary states can be combined with consociational principles

Disadvantages

- Groups representational principles are disliked by liberal individuals who believe consociational arrangements entrench communal division
- The allocation of public resources and expenditure may take place according to group size, rather than need or merit, with possible negative implications for administrative efficiency
- Some of the disadvantages of a confederation, of a federation of a unitary state can be combined with consociational principles.

After this exercise, participants brainstormed on the concept of federation, coming up with the following points:

- Bring together different nationalities
- Full regional autonomy
- Independent from the centre
- Indirect competition among the federal units
- Balanced economy and helping the under-developed regions/states
- Federal government should balance the difference of economic status among the federated states

- Diplomatic and defence issues should be administered from the centre
- The centre should give subsidies for the federal units as needs arise
- The centre should account for the federal units
- The federal system may cure the Somali political ills

Participants received handouts of rule of law.

Day 5 – Thursday 21 September 2006

The day's theme: "The rule-of-law"

Following the usual prayers, facilitator talked about the rule-of-law in the Somali context. He highlighted how the previous system worked in the country, as many of the participants had no knowledge of that system.

A series of Q&A sessions followed; and the facilitator expanded on how the old system could be adapted to the present situation. It was agreed by all that the old system could still work in the present climate in the country.

The justice department, which is part of the judiciary section of the state, works separately devoid of any involvement in politics. The constitution of the country or the charter stipulates the functions of the courts and the state attorney general office. The state has a supreme court, a court of appeals having seats in all regions, regional courts with seats in all regions and district courts with seats in all districts of the country.

The Supreme Court is responsible for the preservation of all laws of the country while it hears cases that have been heard by the courts of appeal and either of the parties involved in a given case has appealed. The court of appeal hears cases taken in front of the regional and districts, in which either of the parties involved registered an appeal.

Every court has its judges, where every judge in every court level works with a group of prosecutors representing the Attorney Generals office. The Attorney General is the legal defender of the state that ascertains that the laws of the country are respected fully. Although all types of the armed forces work with the justice department, especially the courts and the Attorney General, the police and the prison guards come directly under the competent judges and the Attorney Generals office.

The police department which has offices in almost all villages, districts, regions and cities of the country is responsible for the prevention and detection of crime. The police force detains all criminals suspected to have breached the law. The police department is divided into different sections that work with almost all the ministries of the country. For instance:

- The police, in general, work with the ministry of interior
- Traffic police work with the Ministry of Transport
- Immigration works with the Ministry of Foreign Affairs
- The field forces (Daraawishta) are paramilitary and are attached to the military
- The fiscal police work with the Ministry of Finance
- The CID works with the Ministry of Justice
- The communications directorate works with the Ministry of Post & Telegraph
- The police air wing works with the Ministry of Transport

List of Bondhere participants

1. Osman Ali Bulle
2. Mohiddin Mohamed Mohamoud
3. Abas Sheikh Hussein Mohamed
4. Muridi Hassan Mohamoud
5. Abdulkadir Omar Mohamoud
6. Ali Abdi Mohamoud
7. Khalif Yusuf Mohamoud
8. Habad Hassan Ali
9. Hassan Kulmie Alassow
10. Nuur Hajji Mohamed
11. Ali Sheikh Ahmed
12. Abdullahi Ali Kassem
13. Omar Abukar Omar
14. Abdulkarim Abdulle Hassan
15. Abdulaziz Sharif Ahmed
16. Abdulkarim Mohamed Hassan
17. Deeqa Noor Ahmed
18. Amina Abdi Elmi
19. Faduma Hassan Jumaleh
20. Amira Mokhtar Olow
21. Zahra Salah Haji
22. Ajaba Islaw Noor
23. Sahra Mohamoud Ahmed
24. Nimo Ali Addow
25. Hawa Ahmed Jimaleh
26. Amina Wehelie Olad
27. Abdullahi Mohamoud Hussein
28. Hassan Dhiblawe Jimale
29. Mohamed Mahadalle Islaw
30. Mohamed Elmi Adan