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

HAMAR-JAJAB DISTRICT, MOGADISHU

23-27 December 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 has now become clear that SAACID will not be able to continue the programme as it was initially designed. After consultation with NED, it was decided that in the present context, SAACID would be unable to implement the proof-of-concept district-based conflict resolution centres, as the UIC was claiming that role for themselves through a series of district-based Islamic courts.

What was agreed was to extend the 4 training workshops to all districts (16+) and review the political situation after that.

This workshop was thus the 7th in a series of workshops that will cover all districts in Mogadishu City.

Thirty participants from Hamar-jabjab received a 5-day workshop on good governance, conflict resolution and conflict management, federalism, democratic principals, and the rule-of-law.

Hamar-jabjab has 4 sub-districts: General Dawood, Horseed, 1st May and Gahayr.

Hamar-jabjab is one of oldest districts in Mogadishu; with the Somali word for “jabjab” meaning ruins. Maybe the name derived from the WWII bombardment of the city by the allied forces - chasing away the fascist Italians who ruled then Somalia.

The population in the district are poor, running petty businesses; and many of them also sustained their livelihood with remittances they receive from their loved ones in the diaspora.

The facilitator talked in brief about the importance of each subject while participants shown interest in all subjects, and some of them asked questions about on good governance. The question arose when the facilitator was talking about the military junta that toppled the civilian government in 1969. The military accused the then democratic government of corruption and of nepotism. During the civilian rule Somalia was known as “the graveyard of foreign assistance”. Asked if participants remember why Somalia has been given such a negative adjective? Eight of them responded yes, while the remaining 22 admitted they never heard such a name. At that time, Somalia never, or hardly ever serviced the debts it received from international financial lending institutions, and never duly administered the donations Mogadishu received from the international donor community through bilateral or multilateral channels.

The facilitator informed the participants about the new proposed electioneering system in the Saudi Arabian Kingdom - on the succession of the throne after King Abdallah. From now on, the royal family will not name the heir apparent. Now, a council from the royal family will elect the heir apparent. This new system seems to open new avenues for the royal family rule in the Kingdom of Saudi Arabia. It is a small step for political reform, which may lead to further political reform in the future - curtailing the royal family’s current absolute power. Apparently, the move has followed local dynamics, with the help of the world’s democracy’s call for change.

In the present new millennium the international community encourages good governance through universal suffrage and the introduction of political reform.

Day 1

Saturday, 23 December 2006

Theme: **conflict resolution**

Participants were divided into groups to discuss 'what is conflict'? How to resolve conflict? What sparks it off? Who are those involved?

A. What is conflict?

Group 1

- Conflict is something that emanates from differing views
- Resources
- Land
- Economy
- Revenge

Group 2

- People who share the same resources

Group 3

- Disagreement

Group 4

- Conflict is a confrontation between 2 or more people
- Conflict may be bloodless or bloody
- Misunderstandings

Group 5

- Misunderstandings

B. What triggers off?

Group 1

- Land
- Boundaries
- Resources
- Clan

Group 2

- Two antagonistic elements

Group 3

- Conflicts happens between 2 persons or nations

Group 4

- Misunderstandings
- Lack of power-sharing
- Greediness
- Apartheid
- Resources

Group 5

- Controversy

All groups responded on solutions as follows:

- To find out someone the 2 sides trust
- Compromise
- Knowledge
- Justice
- Finding out the root cause of the conflict
- Islamic teaching
- Just leadership
- Job-creation project

In the same session, the group discussed the question of how to resolve the conflict between the Transitional Federal Government (TFG) and Union of Islamic Courts (UIC):

- Third part mediators
- Foreign intervention e.g. Ethiopia
- Restoring to Islamic teachings
- Power-sharing
- Ceasefire
- Negotiations
- Somali intellectual involvement
- Local press groups
- The winner should lead
- To put all cards on the conference table
- Concessions

Day 2

Saturday, 24 December 24 2006

The days' topic: **Good Governance**

The facilitator informed the participants that after more than 40 years of independence some third world countries - including African countries - have ruled their respective people with ruthless dictatorship - embezzling public money, while running the country as their own personal property. Somalia has fallen into this category, where rampant corruption was commonplace.

Therefore, the developed North asked the developing countries in the South to introduce political reform through Good Governance, which conditioned the North's aid and other financial loans on positive progress. The IMF and the World Bank have subscribed to the developing countries conditions for new loans and debt servicing mechanisms through the so-called Structural Adjustment Programme (SAP). African countries were all liable to meet these conditions and the introduction of Good Governance.

Before splitting the participants into groups, the facilitator explained to the participants the link between the MDGs and Good Governance concept.

The United Nations Millennium Declaration, passed during the UN General Assembly in 2000, represents the strongest unanimous and explicit statement to date of UN member states in support of democratic and participatory governance. The declaration clearly articulated 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:

The 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).

Listed below are groups work results on good governance:

Group 1

- Well crafted system of governance
- Justice
- Development

Group 2

- Self reliance
- Peoples' power
- Equal rights and duties of all citizens
- Corruption free
- Security

Group 3

- Free and fair election
- No nepotism

Group 4

- Justice-guided leadership
- Discipline
- No corruption
- No nepotism

Group 5

- Allah-fearing
- Islam teachings

In a brainstorming session, participants responded the qualities of good leadership:

- Intellect
- Visionary
- Allah-fearing
- Considerate

- Thoughtfulness
- Seasoned politician
- Self-confident
- Nationalist dictator
- Humanist
- Pure Islamist
- Mr. Clean
- Rich who gives his fortune to the have nots
- Experienced
- Not tribe-driven
- Trustworthy
- Elected
- Justice-consciousness

Participants were given copies of the 8 points in the Millennium Development Goals with a Somali translation.

The session ended.

Day 3

Friday, January 12, 2007

The day's theme: **Federal system of power-sharing**

The facilitator reminded the participants that Somalia used a decentralized unitary state model from independence 1960. Even the military junta led the country through the same system. However, when armed factions overthrew the military, the country plunged into bloody civil war without any tangible political orientation.

The facilitator noted that there were 4 types of decentralized political structure namely:

- Confederation
- Federation
- Decentralized unitary state
- Consociational systems

Today's session was over shadowed by the Ethiopian jet bombardment at Mogadishu's International Airport, because some participants' houses were situated near the Airport. Then, participants decided to continue the workshop.

Splitting the participants into 4 groups, the participants responded to the question, 'what is federation'? What its advantages and its disadvantages.

Group 1

A. Federation is regional states that have internal self-rule

Advantages:

- Economic independence
- Human development
- Self-reliance

Disadvantages:

- Poor development prospects for poor regions
- Hegemony

Group 2

B. Federation is centralized regional administration with known boundaries

Advantages

- Peaceful coexistence
- Production
- Reconstruction
- Social development

Disadvantages

- Apartheid
- Tribal warfare
- Non-equal development

Group 3

C. Federation is expanded regionalism

Advantages:

- Peace
- Economic development
- Self-reliance
- Development
- Smooth administration
- Encouragement

Disadvantages:

- Clash of civilization
- Lack of unity
- Inferiority or superiority complex
- Separate development
- Tribal clashes

Group 4

Advantages

- Regionalism
- Share of resources
- Accord
- Knowledge

Disadvantages:

- Mistrust
- Greediness
- Backwardness
- Non-considerate

The session ended.

Day 4

Tuesday, 26 December 2006

Theme: **Democracy**

The participants had prejudice about “democracy”, as some of them argued that it was non-Islamic, saying that it allows people do run their personal life as they deem fit, without linking ethics or theological teachings. As in some of the previous workshops, participants contented that democracy was un-Islamic. One participant said dogs and swine will share inheritance to offspring of same parents; while another one said democracy and Islam cannot cohabitate, because Islam was the Divine message, while democracy was man-made that has no limits - which allowed people to dress as they wanted to, to have the liberty of their sexual orientation and tolerant all social evils. One participant warned all present to be vigilant about the ills of democracy, which was incompatible to the Islamic faith. He advised to take only from democracy what was good for Islamic faith.

Some participants said they want to know from the facilitators about what democracy was.

At this juncture, participants were divided into groups to address what they thought about democracy.

Group 1

- Democracy is people's power
- Freedom of expression and of press
- Free and market-oriented economy
- Social development
- Equal rights in the face of justice
- Rights and duties of citizens
- Non-violability of people right

Group 2

- Government from the people
- Freedom
- Social development
- Gender equity

Group 3

- Freedom
- Election
- Referenda
- Freedom of expression
- Justice
- Security

Group 4

- People's power
- Freedom
- Elections

Group 5

- Peoples choice
- Free press
- Personal freedom
- Freedom of movement
- Free trade

After this exercise, the facilitator informed the participants about the definition of democracy and where it originated.

Democracy consists of 2 Greek words, which are DEMOS and KRATOS, meaning 'people' and 'strength' respectively. In other words, it means sovereignty is for the people – people have the right to elect those who govern them - or dismiss them if the governing body fails to discharge its national obligations. Participants were informed about how democracy developed since ancient Greek times to the present epoch. Full democracy will be operational during the current century when people directly take part in matters relating to their day-to-day affairs.

Democracy can be divided into 4 categories:

1. Direct democracy
2. Representative democracy
3. Liberal or constitutional democracy
4. Economic and social democracy

The session ended.

Day 5

Wednesday, 27 December 2006

Theme: **the rule-of-law**

Before going deeply into this subject, participants were divided into groups, and asked to give their ideas on the rule of law

Group 1

- A culture the people decided to respect
- The rule of law detains those who commit crimes/offences
- The law is above all
- Honest citizens respect laws
- Respect the religion
- Respect the social values
- Loyalty

Group 2

- Law and order
- Respect the laws
- It contributes societal wellbeing
- Far from corruption
- Effective law-enforcement agency

Group 3

- Fair trial
- Strictly following the laws
- Support
- Execution
- Respect

Group 4

- Implementation of customary and conventional laws
- Law-abiding citizens
- Popular support

Group 5

- Laws is some thing that mediate people's differences
- It respects the rights of individuals and society
- It values peoples life and property
- It strengthen the nation
- It maintains security
- It arrests the malevolent
- It safeguards the mobile and immobile properties

Then the facilitators talked about how they saw rule-of-law.

The rule-of-law is implied in the existence of law and other judicial systems within societies and is enshrined in the texts of the law itself.

The constitution is the mother of all laws. It carries a set of chapters concerning the sovereignty and the territory, the republic, citizenship, the government protection of the fundamental rights and freedoms of the people, the structure and organization of the state, the separation of power between the executive, the judiciary and the legislature works independently from one another.

Nationals and non-nationals who live within Somali territory are all subjected to strictly to adhere by the constitution and other by-laws of the country.

In the world community, there are differences in the separation of powers. For example, in the United States, the President has executive power, because the people elected him, while in Somalia the President's powers have been transferred to the Prime Minister, whom is named by the President himself, and approved by the Parliament. The legislative body representing the citizenry elects the President. The American model is direct democracy, while the Somali model is representative democracy. Since independence in 1960, Somalia's system of electioneering was representative democracy. In the Somali

case, the President is the Guardian of the constitution. If controversy arose from the constitutions' interpretation, it was referred to the constitutional court.

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 rule-of-law is fundamental to the stability and smooth functioning of society. 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. 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 the given state of affairs of any particular society but as an ideal requiring constant instantiation and vigilance.

The list of participants:

1. Omar Yusuf Abdi
2. AbduRazak Mohamoud Abdulle
3. Ibrahim Abdi Osman
4. Saredo Abdi Elmi
5. Abdullahi Kalif Idole
6. Mohamed Hassan Toho
7. Nour Dabeyl Abdulle
8. AbdulWahab Abanour
9. Mohamed Bin Ali
10. Maslah Hilowle Warsame
11. Nadifa Sheik Ahmed
12. Mohamed Ali Elmi
13. Bashir Abdi Nour
14. Mohamed Omar Mohamed
15. Bile Ali Mohamoud
16. Abdi Hashi Hamarow
17. Abdullahi Ahmed Alasow
18. Abdulle Jimale Osman
19. Amina Makbul Dere
20. Gurane Anshur Sahal
21. Habiba Mohamed Sabrie
22. Madina Ahmed Barahow
23. Omar Yusuf Shire
24. AbdulAziz Aweis Ibrahim
25. Mohamed Busuri Maye
26. Yusuf Kalif Mohamed
27. Ambaro Ali Elmi
28. Hassan Ali Mohamed
29. Hussein Mohamoud Abukar
30. Hassan Sheik Mohamed