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

### **HODAN DISTRICT, MOGADISHU**

**9-13 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.

This workshop in Hodan District is the second of the 4 district-based workshops.

## **Hodan Workshop**

### **Day 1 - Saturday 9 September 2006**

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

The NED-funded 1-year-long programme was aimed at educating grassroots communities in Mogadishu on democracy, rule-of-law, a federal approach to power-sharing and conflict resolution and conflict management. So far, community representatives from Waberi and Abdul-aziz districts have benefited the programme; and the remaining targeted district is Bondhere.

Following tradition, participants started the programme with prayers - reciting some verses of the Holy Koran.

As usual, participants worked out a Code of Practice that would be observed during the workshop as in the previous workshops (See Abdul-aziz and Waberi districts).

After giving an opening briefing to the participants, the facilitator addressed the subject on **Good Governance**. After a teacher-centred discussion, the participants were divided into 6 groups:

#### Group 1

- Cooperation
- Justice
- Respect
- Freedom
- Link between the family up to the nation
- Good neighbourliness from district up to regional level

#### Group 2

- Election – the right to freely cast a vote, and the right to be elected for a public office
- Those elected should work on the people's aspirations
- Electorates should get rid of the elected if they lag behind what they promised
- The elected should be development-focused

#### Group 3

- The elected should be religious - following elements of Islam in all dealings
- Knowledgeable for what they perform
- Trust
- Justice and equality
- Refrain from tribalism and nepotism

#### Group 4

- Justice
- Law and order (straight-forward rule)
- Strong people who's aware of its rights and dues
- Religious-driven people
- Equality for all
- Nationalism
- Immune from all corrupt practices
- Respect of people rights

#### Group 6

- Free and fair elections
- All-inclusiveness
- Collective responsibility
- Respect for the people's will
- Respecting the people's verdict

Following this exercise, facilitator talked about the practicalities of GOOD GOVERNANCE; citing the 8 points in the Millennium Development Goals set by the UN General Assembly in the year 2006.

The facilitator informed the participants that they would be equipped with the managerial tools to manage conflict resolution centres; and that it would be up to each district to manage this resolution centre to resolve local conflict in a democratic and unbiased manner.

The session ended in a timely manner.

#### **Day 2 - Sunday 10 September 2006**

##### **Today's theme was conflict resolution and conflict management**

After the usual prayers, the session began with participants brainstorming on what led to the Somali conflict and civil wars - bearing in mind the ups and downs that the country passed through over 45 years from independence (when the country gained its full independence on July 1<sup>st</sup> 1960).

It was noted that for the first 10 years, the country was under civilian rule by a democratically-elected government, where the incumbent President was defeated by another President through parliamentary elections up to 1967. When the President was assassinated by a policeman on October 15<sup>th</sup> 1969, a military junta took power, toppling the civilian government, and the junta administered the country for the next 20 years through increasingly brutal despotic rule.

People dissented from the tyrannical rule and toppled the military dictatorship, but the armed factions failed to form a broad-based government, plunging the country into civil strife that fragmented Somalia into smaller and weaker homelands for the past 16 years. The warlords were not visionary leaders, but they wanted to rule the people the same way the toppled dictator administered the country.

Against these scenarios, participants brainstormed what was the root cause of the Somali conflict.

- Unpatriotic
- Lack of proper education
- Greediness
- Nepotism
- Injustice
- Clanism
- Corruption
- Lack of pride
- Regionalism
- Foreign intervention
- Uncivil tendencies
- Nomadic life-style
- Power-hungry
- Intolerance
- Dictatorship
- Human degradation
- Misappropriation of public funds
- Abuse of power
- Administering the country as personal property by the ruling elite
- An I don't care attitude
- Sub-clan hegemony

After the exercise, the facilitator informed the participants the definition of conflict which is as follows:

“A conflict is a social situation in which at least 2 parties are striving simultaneously to acquire the same set of scarce assets”, a quote from Prof. Peter Wallenstein's *From War to Peace: On Conflict Resolution in the Global System*.

The facilitator informed the participants that conflict isn't a phenomenon that doesn't come to the surface instantly. It builds up over the years with unattended multifaceted problems. It builds like snowball or the African beetle - having inside different elements as it rolls on the ground, and if not contained or addressed through a one-by-one step approach in a timely manner, it may reach a situation that could burst into flames, which would be very difficult to resolve.

Each and every society in this world has its own way of conflict resolution from within the family, neighbourhood, districts, clan or inter-state, and so on and so forth.

Then, participants were then given the assignment to write down how Somali traditions go about a conflict resolution exercise. Before going into business, participants exchanged experiences on approaching the conflict itself. In some cycles people ask themselves if the said conflict has similarities to one that has already happened somewhere in the past, or if it was a new one that has never happened. If they recall a similar one, they follow the same pattern that was used to resolve the prior conflict.

The participants agreed that prior Somali conflict resolution tradition had only experience in rape cases, cattle/camel rustling, grazing area, water catchment conflict, farmland conflict, unpaid debt, and arson and revenge style conflicts. The present Somali conflict is politically-motivated and clan-based, which was historically unprecedented, and therefore, there was no previous yardstick to measure it by, and thus no effective coping mechanism was in place to readily deal with the problem.

One participant told his colleagues a tale that happened in his home area in the Bay and Bakool regions, saying that, “once upon a time 2 ethnic groups - A & B - living in 1 area fought each other. Consequently, 2 people were killed. After the clashes Group A, who had killed the duo was on alert, fearing that the Group B may take retaliatory action against them; but then things took a u-turn. Instead, the Group B tribal chief gave Group A 4 camels as a sign of peace and forgiveness, saying you take these camels as a sign of our good neighbourliness, as brothers or as compensation, for giving you a hard time, as the killed duo did not initially act in the correct manner. From that moment, for the next 100 plus years, the 2 clans have lived in everlasting harmony, peace and prosperity in that area”.

Participants were astonished, saying that this gesture was conflict prevention in the truest sense of the word.

Then, the participants were divided into 6 groups, writing down the best way to resolve and prevent conflicts.

#### Group 1

- To upgrade people’s awareness of the benefits of peace
- Following Islamic teaching, since the word “Islam” means peace
- Employing alternative methods to identify and target the direct causes of the conflict
- To look to the traditional way of Somali conflict resolving methodology
- Justice
- No racism
- No xenophobia

#### Group 2

- To follow strictly the Holy Koran and the prescribed constitution
- Consultations
- Trust
- Lack of clanism
- Lack of nepotism
- Justice-driven leaders
- People who believe in the beloved religion

### Group 3

- Strong traditional leaders
- Campaign against clanism and all matters that produce conflict
- Good neighbourliness relationships in rural areas, cities, villages as well as regions
- Perpetrators should compensate their victim's e.g. pride-giving, cash and kind offer - Pride-giving in Somali means **Godob-Reeb** - which is forgetting revenge
- To get rid of the use of force to settle arguments
- Looking for peaceful alternatives

### Group 4

- Following strictly Islam in all community dealings during its lifetime
- Good neighbourliness from the grassroots to the nationwide level

### Group 5

- Allah-fearing
- To groom our intellectuals who better understand conflict resolution – carrying out an in-depth study, starting from pre-colonial days in Somalia
- To put to an end clanism and supremacy
- Awareness to upgrade people's knowledge
- To forget the ugly past
- Forgiveness

The session ended as planned

## **Day 3 - Monday 11 September 2006**

### **Topic of discussion: Democracy**

Following the usual prayers, participants started the day's session on the concept of DEMOCRACY. The participants were divided into 5 groups - each group came up with the following points (bearing in mind discussions on Day 1 Saturday 9 August 2006):

### Group 1

- No divergence between Islam and democracy
- Consultative programmes and awareness-raising campaign should be organized to educate the general public on democratic values
- We can reach full democracy when we involve religious leaders, Islamists intellectuals, and traditional leaders

## Group 2

- Democracy is contained in the Holy Book, because democracy came after Islam administered its governance thorough democracy (e.g. when Khalif Abubakar succeeded Prophet Mohamed). The secession came through a democratic process following the death of the Prophet Mohammed.
- Democracy is the people's power
- Justice
- No clanism
- Nationalism
- We should form a cadre that has the ability to educate the people on democracy

## Group 3

- Somali ills could be cured with democracy
- A media awareness campaign should be launched to inculcate those who have prejudice against the idea of democracy
- Consultative drive should be started from the grassroots to a national level
- Each person should cast his/her voting right without fear and favour
- Democracy promotes freedom of expression and freedom of the press
- Democracy protects the rights of women, children and vulnerable groups

## Group 4

- Democracy endorses all civil liberties - with the exception of not infringing on local cultural values
- Democracy has been copied from Islam
- Democracy is synonymous with the way Islam chooses the chain of command

## Group 5

- Democracy came from Islam – as such we should introduce Islam as a mode of governance
- Democracy is *Shuura* in Arabic (means consultation)
- The grassroots people should be educated in democracy
- Democracy separates justice from injustice

The facilitator talked about the definition of democracy. It derived from the Greek word *Demos*, which means “People,” and *Kratos*, which means “Strength.” In ancient times, Greece was the first country that employed a democratic-based system of government. However, modern democracy fully started in 19<sup>th</sup> century and in the 20<sup>th</sup> century.

Democracy is a political system which has many different meanings and can take different forms. It is often incorrectly used as a synonym for capitalism. Fundamentally, it means a government of, by and for the people.

Democracy is a system by which social equality is favoured. Democracy means “the rule of the people.” Democracy includes open discussion; direct voting on significant issues, and policy formulation in all realms of social life, economics, education, religion, and public life.

Democracy in the 20<sup>th</sup> century has been a half-finished thing. In the 21<sup>st</sup> century, it can grow into its full height, says Brian Beedham, the author of an article entitled “FULL DEMOCRACY” which appeared in the *Economist* magazine.

It was classified into: Direct democracy, representative democracy, and liberal or economic democracy.

The Swiss confederation uses the best form of democracy in the world, where the people don't have to wait for their elected legislators, when they deem it necessary to shape a policy formulation or a law that fits the people's interest. With a remarkable number of signatories, they have the ability such a bill and would be passed by the parliament after thorough debate. On some occasions, a single citizen could talk to a Member of Parliament to carry a lobby for the passing of a bill the citizen may think is important for the general interest. Major policies are sent to the people for referenda, an exercise that the whole people take serious responsibility for casting their vote on a NO and YES formula. This is the full direct democracy.

When the participants were asked had they heard of the idea of a referendum – 18 said no, 5 said yes, and 7 abstained.

This is a clear testimony that the generation who have grown-up in the Somalia turmoil really has no idea of the basics of a democratic process.

In Somalia's history, there were 2 referendums, which were held in 1962 and late 1989 respectively. On the first 1, people voted in favour of Somalia's first constitution; while on the second 1 was forced onto the then Somali military junta to introduce a multi-party political system. The latter was never implemented because of the military-cum-socialist regime's ouster from power in 1991.

The session ended.

#### **Day 4 - Tuesday, 12 September 2006**

##### **The day's focus was Federalism**

As was the tradition, the session began with prayers.

The facilitator introduced the idea of a federal system of governance. He noted countries that currently utilise a federal system – like the USA.

The facilitator also noted other forms of government, such as a Confederation or a Consociational form of governance. The first could be applied state-wide or in just particular regions. These 4 modalities have different forms of administration, defence, foreign relations, electoral design, and legal aspects.

The participants were then divided into groups, with each group responding to a question on the advantages and the disadvantages of a federal system.

## Group 1

### Disadvantages:

- Federalism isn't appropriate for Somalia at this stage
- Regions and districts have no legal and consensual boundaries
- The regions and districts were forcibly built up during the then military regime
- Inter-clan warfare may ignite in some regions in federalism is imposed on existing boundaries

## Group 2

### Advantages:

- Federalism is the best prescription for the economically-developed regions
- It maintains the rights of its citizenry
- It may led to a tug-of-war within regional and district boundaries
- Its advantages may led to competition among the federated states in terms of socio-economic development

## Group 3

### Advantages:

- It encourages developmental-driven competition

### Disadvantages:

- It may trigger inter-clan rivalry e.g. multi-ethnic regions

## Group 4

### Disadvantages:

- Federalism isn't suited for Somalia today. It may again lead to country's disintegration

### Advantages:

- The system is ripe for well-advanced people only

## Group 5

- For the time being, federalism isn't an appropriate system for Somalia, because of immaturity.
- Public awareness should taken place first to teach people about federalism
- It should be carried out with a transparent process of demarcation of regional and district boundaries
- Each region has its full independence for its internal affairs

Disadvantages:

- The risk is that it may create misunderstanding between the government and federated states and create a conflict of interests

At the end of group work presentation, the facilitator – Abdulkadir Mohamoud Walayo – gave a brief account on a paper presented by a Somali activist, Mr. Abdulkadir Abikar of Somali Link Group based in Brent NW London, United Kingdom.

Excerpts from a paper he presented in Arta, Djibouti, during the Somali national reconciliation conference that was the then Transitional National Government (TNG) in 2000. Mr. Abikar said: “There will be a 2-chamber system of government - the legislative chamber would be called the Lower House and the Senate, the Upper House. The Parliament is the Lower House.

The Lower House will be a representative assembly elected by universal suffrage, and will consist of men and women MPs from all states, and the federal city, which will be the capital, Mogadishu.

The Upper House will consist of constitutional, secular and Sharia lawyers, economists and professionals. Hereditary clan leaders of the clans (Ugaas, Boqor, Suldan, Malaq, Imam Wabar and so on) and spiritual Islamic leaders will be appointed to the houses. The members of this house are either appointed or elected.

A thorough power-sharing system should be installed in the cabinet, the 2 houses, and the state institutions and public service. Inclusion should be the keyword in action and in principle at Federal and state levels.

The cabinet ministers as well as the Prime Minister will share the executive power. The Prime Minister will head the party or the coalition of parties that win the election. The Lower House will elect the President and s/he will retain some powers.

The judiciary will be independent from the legislative or executive intervention. Courts of different levels and scope of work in the districts, regions, and states will carry out legal decision. Laws should be in conformance to Sharia and should not contradict in any manner.

A free-market economy, driven only by the relation between supply and demand, should be adopted. Features such as the absence of interest based transactions, and the presence of well-functioning Zakat (Alms) system can be incorporated.

The economy should be operated by private enterprises. There is no need for state-owned companies, running the distribution of grain, fuel or exporting livestock, and agricultural produce.

The economy is now flourishing and needs only the state institutions to regulate, encourage, and provide incentives to carryout research for upgrading.

The session ended as planned.

## **Day 5 - Wednesday 13 September 2006**

### **The theme was “the rule-of-law”**

The judiciary department generally constitutes 1 of the 3 main governmental powers of the state like:

1. The law makers – legislators or parliamentarians
2. The executive organ – the Prime Minister
3. The judiciary

The world community uses diverse systems in the formation of the state administration and power separation. For instance, in Somalia and the USA the 2 states differ in the job description of the president. In the USA the president has the power of execution of the state obligations, while in Somalia; the President delegates the power of execution to the Prime Minister. Constitutionally, the public elects the president of the USA; while the deputies of the parliament, who were elected by the public in a general election, elect the President of Somalia. Hence, the US President enjoys the majority vote of the American nation, while in Somalia, it is the deputies that enjoy the votes of their respective constituents have elected the Somali president in an indirect way. However, the Somali president nominates the Prime Minister who usually forms a government consisting of a number of ministers.

In the Somali style, the president functions like an arbiter who follows the achievements of each of the 3 departments.

### **President**

#### **Legislative Organ ----- Prime Minister----- Supreme court**

**1. The President** is the highest authority of the state, where s/he supervises the powers of the 3 main governmental sections mentioned above. He also nominates the Prime Minister, whose obligations are usually specified either by a constitution or a charter.

**2. The legislative organ** is the organ that consists of deputies elected by the public in their respective constituents and has the power to issue laws and by-laws.

**3. The Prime Minister** is the leader of the government and the executive power to steer the state in all aspects.

**4. The Judiciary** is the organ that preserves all issued laws of the country and confirms that such laws are not violate in any way.

### **Constitution or Charter**

A constitution or a charter is not a code by which the courts judge cases brought in front of them for trial, but it is an agreement made by a given community living within a given boundary, sharing common features, that plans to devise a system of government. Both the constitution and the charter accurately specify the obligation and powers of persons entrusted with public responsibilities. A charter is also an agreement - but a transitional one - that

facilitates for a given community to from a government. However, the charter has to be officially recognized as a legal constitution through a referendum presented to the public.

## **The Judiciary**

The judiciary is a state authority that functions separately from the other organs - i.e. legislature and the executive Prime Minister. The members of the Supreme Court are nominated by the Minister of Justice with the consultation of the Prime Minister is later presented to the President. The President on his/her part endorses the nomination after the approval of the parliament. Members of the judiciary, especially the judges, regardless to their position, can not be discharged unless recognized as:

- Old or incapable to work and sent to retire
- Dies
- Found guilty of a crime

## **The Judiciary Department**

The judiciary department consists of:

- Courts
- The Attorney General's Office
- the police and the prison guards

The courts decide on penal and civil cases and are divided into:

- The Supreme Court
- The Court of Appeal
- The regional court
- The district courts

## **The Attorney General**

- The Attorney General is a member of the ruling ministry, and assumes the position of the deputy chairman of the Supreme Court. He is responsible for the ascertainment of the enforcement of the law in the country as a whole and deploys all the armed forces of the state especially the police force and the prison guards.

## **The Police Force and the Prison Guards**

### **1. The police force**

The police in the Somali context are a member of the national armed forces, decreed by the President. The force is occupied in the internal security of the country, where it prevents occurrences of crime and assumes the investigation of all crimes committed and their presentation to the Attorney General's office and the courts.

## **2. The prison guards**

The prisons guards are also members of the armed forces, and have the responsibility of looking after the detention centres of the country, in which the criminals are kept in custody, either during their remand awaiting trial or their conviction. The main obligation of the prison guards is to keep dangerous criminals in custody and their respective rehabilitation after the completion of their sentence.

Since the topic was more professional, group work was not performed.