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

### **KARAAN DISTRICT, MOGADISHU**

**13-18 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 5<sup>th</sup> in a series of workshops that will cover all districts in Mogadishu City.

Thirty people from Karaan District in Mogadishu attended a 5-day workshop on good governance, conflict resolution and conflict management, a federal system of government, democracy, and the rule-of-law.

Karaan has 6 sub-districts: Djibouti, Wajeer, Nagayle, Argentine, Jumhuuriyah and Abdulle Cadde.

## **Day 1**

**Wednesday, 13 December 2006**

The day's theme: **Conflict resolution and conflict management**

Dividing the participants into groups they responded to the following questions: What is conflict? What is violence?

Group 1

- Conflict varies from family from neighbours up to nation

Group 2

Conflict

- Misunderstanding

Violence

- Violence is when victims are inflicted with something that inhibits people

Group 3

Conflict

- Sectarian
- Politics
- Grazing areas
- Boundaries
- Resources

Violence

- Misconceptions
- Outcast

Group 4

Conflict

- Disagreement
- Injustice
- Non-confidence

Violence

- Disrespect of human rights

Group 5

Conflict

- Conflict is sparked off between 2 or more people
- It happens among families or nations

What is violence?

- Violence is when someone preaches and wants to control other people's rights
- Insult and verbal abuse is violence
- Violence is sometimes physical
- When someone's property is being awarded to someone else

We then moved from the definitions to an exercise called the **Tree of Conflict**.

Dividing in groups, the participants came up with the following answers:

Group 1

**Fruit:** Foreign intervention, looting, killing, robbery, displacement, unemployment, no education, destruction, rape, disrespect of human rights, lack of sanitation, bad governance

**Stem:** Clan militia, propaganda, lawlessness

**Roots:** Misunderstanding, ignorance, clanism, power-hungry, personal interests, immaturity and hegemony

Group 2

**Fruit:** Disintegration, lack of administration, lack of economy, lack of health, lack of education and lack of confidence among people

**Stem:** Negative propaganda, militia and people who are not nationalistic

**Roots:** Unlimited interests, superiority complex, greed, impatience

Group 3

**Fruit:** Superiority complex, separatism, killings, amoral values, lack of security, famine, lack of health, new future for new generations

**Stem:** Lack of communication, lack of knowledge

**Roots:** Clanism, clan interests, lawlessness, warlords, disregard of human rights

Group 4

**Fruit:** Looting of public and private property, robbery, killing, rape, demolition

**Stem:** Clan-divided uneducated youth, lack of education, private interests

**Roots:** foreign intervention, disrespect of human rights

Group 5

**Fruit:** Rape, robbery, displacement, killings, habitual theft

**Stem:** Lack of education, militia, and vagabond

**Roots:** Clanism, injustice and lack of civic culture

Asked how they respond if they came across a conflict?

Respondents showed mixed reactions. Nineteen respondents affirmed that they would jump in to separate the warring parties; while 7 replied that they would refrain from intervention so as to avoid risking their lives. The rest showed indifference and would wait and assess the magnitude of the conflict.

Participants were given copies of conflict resolution pamphlets designed for this programme.

The session ended.

## **Day 2**

**Thursday, 14 December 2006**

The topic: **Good Governance**

Participants were again divided into groups - discussing what they know about Good Governance:

Group 1

- Economic planning
- Development oriented
- Sovereignty for the people
- Discipline
- Law and order
- Job description
- Sound management and administration

## Group 2

- Effective leadership
- Justice
- Responsible
- Patriotism
- Trust
- Loyalty
- Education
- Workaholic

## Group 3

- Good leadership
- Meeting (up-bottom approach and vice versa)
- Consultation
- Understanding
- Respect
- Unity
- Justice

## Group 4

- Commitment
- Unified decisions
- Self-reliance
- Respect of human rights
- Participation
- Transparency

## Group 5

- Freedom of press and of expression
- Accountability
- Knowledge
- Awareness
- Loyalty
- Religion
- Industrious

## Group 6

- Free and fair elections
- Union
- Support
- Religion
- Execution of all decision from all level

Asked what the prerequisites of leadership are:

- Fit and health
- Sound judgment
- Allah-fearing
- Considerate
- Courage
- Moderately rich
- Tough decision
- Tolerant
- Light hearted

Asked how they see the Transitional Federal Government/institutions (TFG), they replied:

- Failed to perform the reconciliation programme
- Weak
- Irresponsible in discharging its obligations
- Wrong in calling for foreign forces
- No development
- Enjoys international recognition

After these exercise, facilitators wrote down the 8 points of Millennium Development Goals adopted at the Millennium Summit in New York in September 2000, which had as its primary goal to reduce the proportion of people living in extreme poverty by one half by the year 2015 with a view to eradicating poverty. The eradication of poverty is today a vital condition of global stability, democracy and peace. As long as the poor are excluded from participation in global growth, sustainable peace and development will remain out of reach.

1. Eradicate extreme poverty
2. Achieve universal primary education
3. Promote Gender Equality & 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 session ended as planned.

**Friday, 15 December 2006 – day off**

## Day 3

**Saturday, 16 December 2006**

The theme: **Federal system of power sharing**

After morning ritual, Participants were asked if they have heard about Federal system of government, out of 30 persons 28 said they never heard, while four responded positively.

Participants splintered into groups assigning those who knew about federalism to be group leader as a guide for the rest.

### Group 1

- Unity
- Understanding
- Decision from the bottom to the top approach and vice versa
- Constitutional arrangements
- Different administrations
- Each state has its own law and order
- Central federal government

### Group 2

- Distribution of power among the federal states through clan means (the 4.5 formula)
- Each state has the liberty to administer its own affairs
- The federal president

### Group 3

- Federalism should be introduced through peoples' choice – not imposed
- Regionalism
- Unity

### Group 4

- Federalism isn't fit for Somalia
- It is against our religion
- It leads to separatism
- It creates jeopardy for national unity
- It has no advantage at all

### Group 5

- Federalism should come through people's choice and not foreign pressure
- It is disadvantageous for the Somali people – and synonymous with the dysfunctional TFG
- It sow the seeds of the present discord

## Group 6

### Advantages:

- Each state must limit itself to its own resources
- Each state should elect its leaders

### Disadvantages:

- Tug-of war on federal boundaries
- A kind of apartheid

The group admitted that they didn't understand the ups and downs of federalism, since they hadn't used it before. They asked for plenty of time to learn the subject of federation fully.

After exercise, the facilitator informed the participants about the different types of government systems:

- Decentralized unitary state
- Federation
- Confederation
- Consociational

The definition of federation is as follows:

“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. There are several different ways in which sovereignty can be divided between the centre and the regions or provinces, but the most usual is 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 can be exercised by both the centre and the regions. In this latter case, mechanisms have to be established for resolving conflicts of interest that may arise over the appropriate level for particular decisions”.

The facilitator briefed them about the advantages and the disadvantages of each system.

The session ended as planned

## Day 4

Sunday, 17 December 2006

The topic: **the rule-of-law**

In a group work, participants came up with the following answers to the question, when a society could be called as law-abiding?

### Group 1

- Civic-minded citizenry could become law-abiding society
- When justice prevails people could rely on the existing laws
- Social justice
- Unity
- Nationalistic

### Group 2

- Knowledgeable
- Well-educated
- Unity
- Equality
- Justice

### Group 3

- Discipline
- Civic-mindedness
- Considerate
- Loyalty

### Group 4

- Social responsibility
- Civil
- Honest judiciary
- Understanding
- Judicial execution

### Group 5

- Consensus
- Justice
- Unity
- Knowledge
- Straight-forward leadership

As with the previous workshops, the facilitator talked about the rule-of-law, which was implied in the existence of law and other judicial systems within societies and is enshrined in the texts of the law itself.

The constitutions of Somalia in 1960; the socialist military dictatorship from 1969 to 1991 in Somalia; and the Transitional Federal Charter of the current TFG were examples of the mothers of all laws.

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 collapses will citizens lose confidence in the democratic process, and then cannot invest in the sustainable development of their society.

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 to be described as a “failed state”, which was very difficult to restore as “successful and firm state”.

A former police officer then gave a lecture to the participants. He talked about the separation of power between the 3 main branches of the government - the **Executive, the Judiciary and Legislature**. He said the Head of State is the guardian of the constitution and the constitutional court deals with matters relating to differing views – it is the constitutional court that interprets the constitution itself.

The police officer explained how the police worked to contain crimes committed by dangerous elements in society, and how the force protects its nationals. He said policemen were the walking law, while the attorney was the standing law, and the court was the seated law.

He said all citizens should be aware of the country’s law, and no one could claim that he/she was ignorant of the law.

He talked about the country judicial system and its sub-classification from the Supreme Court - down to Appeals Courts – to the regional as well as district courts, operating throughout the country and its respective jurisdictions. He said former colonial masters neglected Sharia law and it’s fully implementation in the country. Sharia law was only confined to matters relating to inheritance and divorce/marriage.

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

Law-abiding society flourishes while chaotic contexts suffer backwardness that squarely touches all aspect of life.

The session ended

## Day 5

**Friday, January 12, 2007**

The day's theme: **Democracy**

Participants talked about their opinions on what democracy was. Some believed it was un-Islamic, while others said democracy was when every one in society behaved as they wanted, without interference from any quarter. Others said democracy accepts homosexuality and same-sex marriage. For this reason, western-democracy tolerated paedophiles, bisexuality and human-animal relationships - stances Islam could ever condone. They took as a case example, the South African parliament's approval of gay marriage, which the Archbishop of Cape town described the move as "unchristian". In Islam there's no power separation between mosque and the state.

The bulk of the participants were under 25 years of age, and have never taken part in voting at any level. Then, facilitator reminded them that in 1967, Somalia was the first sub-Saharan African country that unseated an incumbent President through parliamentary elections. It was a unique act of democracy at the time in Africa.

As shown in previous workshops, the facilitator talked about where the word **DEMOCRACY** was derived from, saying it originated from the Greek word of **DEMOS**, which meant **People** and **KRATOS**, which meant **RULE**.

He furthered explained the different types of democratic systems, and the evolutions they have 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 most developed democracy was the one being used 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 western-style of democracy is used by all western countries as well as most other countries in the rest of the world. In the system, the church (religion) has no formal function in political life - and they also believe that mosques should be the same. However, this contention was unacceptable to the Islamists – Islam teachings are part and parcel of all political spectrum.

The facilitators noted that the culture of each country always influences the legal system of that country. So, if the majority of the people found homosexuality, or abortion, or other things morally or ethically unacceptable, then the law supports majority rule.

In relation to the separation of church and state, while that is theoretically the case in Western countries, the reality is that religion influences political proceedings every day through the religious beliefs of members of parliament.

**The list of participants:**

1. Moallim Omar Mao Ugas
2. Habiba Mohamed Hussein
3. Sharifa Ahmed Olad
4. Leila Mohamed Ahmed
5. Mahad Abdulle Mohamed
6. Mulki Muhiedin Ulusow
7. Sokorey Hussein Ali
8. Hassan Hussein Ali
9. Hawa Hussein Hilowle
10. Mohamed Osman Elmi
11. Firdowsa Mohamoud Mohamed
12. Sa'dia Abukar Hassan
13. Sahra Mohamed Nour
14. Mohamed Hassan Ghedi
15. Mohamed Sheikow Ali
16. Shueib Mohamed Hilowle
17. Farhia Haji Mohamed
18. Habiba Abdi Diblawe
19. Hassan Ali Adle
20. Ahmed Moallim Hassan
21. Binti Ahmed Nour Aw Addo
22. Yusuf Addow Nour
23. Ahmed Mohamed Alasow
24. Salado Abdulle Raghe
25. Hawa Nour Mohamoud
26. Amina Muse Hassan
27. Raha Abdi Mohamed
28. Sheik Dega Adde Omar
29. Sheik Yusuf
30. Sheik Barre