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

WARBERI DISTRICT, MOGADISHU

26-31 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 is now becoming clearer that SAACID will be able to continue the programme 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 Warberri District is the second of the 4 district-based workshops.

Warberi Workshop

Day 1 - Saturday 26 August 2006

The second in the series of workshops for 4 Mogadishu districts is to educate community leaders on democracy, rule-of-law, good governance, federalism, conflict resolution and conflict management strategies, began on Saturday 26 August, with the participation of 30 persons from Waberi District – led by the District Commissioner (DC) for Warberi.

Waberi is one of the largest and oldest districts of the city of Mogadishu. It has 4 counties or sub-districts areas: Hawl-wadag, Oktobar, Horseed and Ida Maaajo. The district hosts the poorest families in the capital; as well as hosting 17 large IDP camps.

Participants came on time to the SAACID conference hall. Before entering into official business, the participants recited some verses of the Holy Koran; and then set forth a code of practice to be strictly followed during the 5-day-long workshop.

The code of practice reads as follows:

- Not to smoking in the meeting hall
- To put off all cell phones
- To respect other people's ideas
- To raise hand if one wants to raise a question or an issue
- To be to the point and concise
- To be punctual
- To avoid repetition of earlier remarks
- Not to criticize other people's ideas
- Not to be off the topic of discussion

The Assistant Programme Manager explained to the participants about the components of NED-funded - SAACID implemented - 1-year-long programme for district-based conflict resolution centres in Mogadishu; and in educating them in democracy, a federal approach to power-sharing, and conflict resolution and conflict transformation strategies.

He asked them to benefit from the 5-day-long workshop and convey what they learnt to their compatriots in Waberi District.

The theme of the day's discussions was **DEMOCRATIC SYSTEM OF GOVERNMENT**.

Before the facilitators' intervention on the topic, participants were divided into 5 groups, to work out what they understood by democracy. They came up with the following results:

GROUP I

- Democracy is a system that allows citizens to be elected for a public office and who have the right to cast a vote freely in secret ballot
- Democracy is freedom
- Democracy is freedom of expression
- Democracy is a system that could unify some world communities

GROUP II

- Democracy is a system that allows a person to live within a society with freedom
- Freedom of choice
- Freedom which is based on Islamic teachings and traditional local culture
- All matters that contradict Islamic tenets cannot be democracy

GROUP III

- To respect one's rights
- Freedom of expression
- Freedom of opinion without infringing others peoples rights
- Freedom for a decent life, based on justice within the society

GROUP IV

- Democracy means freedom
- Citizenry should (a) enjoy justice (b) life in a peaceful environment
- To express one's personal idea freely
- Enjoying full independence

GROUP V

- Democracy is an instrument that maintains equality among the people
- Democracy comes through the people's will
- It equalizes the people
- Islamic system of governance is based on democracy

Each group selected one person to present the group's findings and participants raised some questions over the issues put forward.

Then, facilitators began to talk about definitions of DEMOCRACY, and to make comparisons with what participants came up with in their discussions:

- The political orientation of those who favour government by the people or by their elected representatives
- A political system in which the supreme power lies in a body of citizens who can elect people to represent them
- Majority rule: the doctrine that the numerical majority of an organized group can make decisions binding on the whole group
- The term democracy indicates a form of government where all the state's decisions are exercised directly or indirectly by a majority of its citizenry through a fair elective process. When these factors are met a government can be classified as such. This can apply to a multitude of government systems, as these concepts transcend and often occur concomitantly with other types. This list is long.

The facilitators talked about the compatibility of Islam and Democracy - but some Somali cycles believe that Islam has nothing to do with democracy, as the latter allows that homosexuals could marry one another.

Facilitators said it isn't the democratic system that allows same sex marriage, but it's a culture of a given society that dictates the freedom of sexual orientation. While in Islam, as well as in Christianity, it's totally prohibited to marry people of same sex. Nowadays, there is a lot of controversy over the issue worldwide. Democracy doesn't condone someone somewhere to stay in power for a long time - e.g. over 20 years - and then after passing away, allow a family member to inherit his/her right to continue as leader. This is the difference.

The most developed democratic system of governance known today is the Swiss Confederation type.

The session ended as planned.

Day 2 - Sunday 27 August 2006

The day's theme for discussion was "CONFLICT RESOLUTION"

Facilitators told participants about 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*.

Before writing the definition, facilitators asked participants the best way to solve the Somali conflict. Splintering the workshop into 5 groups, participants came up with the following points:

Group 1

- Somali nationalism should be restored
- Compromise and concession
- Political expediency
- Full participation of all stakeholders, including the CSOs, religious leaders, traditional leaders, women's groups, intellectuals, youth and the business community should be involved in the conflict resolution exercise

Group 2

- To carry out an in-depth analysis of the situation
- Components of Somali culture - including Islamic teachings should be employed when trying to resolve the conflict
- Self-confidence and trust between the warring sides - i.e., the Union of Islamic Courts (UIC) and the Transitional Federal Government (TFG)
- Foreign intervention should be excluded from the peace process
- To protect general interest and dismiss personal interest

Group 3

- The answer is to resort to the Holy Book of Islam – the Koran and Prophet Mohammed Sunnah (SCW)
- To find out a compromise formula for a breakthrough
- Justice
- People's interests first
- No foreign intervention

Group 4

- An all-inclusive peace conference
- Neighbouring countries should stay out of the peace process
- The warring parties should soften their stances toward one another for the sake of the people
- No discrimination
- Islamic teachings should be the basis of the Somali conflict resolution exercise
- The peace conference should be convened at home

Group 5

- Equality and justice
- Good will and discipline
- Allah-fearing
- To look back at the root causes of the conflict

Then, the participants completed another exercise on the best way to manage the conflict resolution centre.

Apart from conflict resolution/management, participants brainstormed and concluded that the conflict resolution centre should be a multipurpose community centre, including:

- A recreational place
- A theatre to perform national folklore
- Development of civic culture
- Promoting good neighbourliness
- Development of education
- Consultation place
- Rehabilitation for youngsters
- Awareness
- Eradication of drugs
- Healthcare
- Destitute care
- And so on and so forth

The meeting ended as planned.

Day 3 – Monday, August 28 2006

The day's theme was GOOD GOVERNANCE vis-à-vis the MEDIA

The facilitator talked about the relationship between the Millennium Development Goals (MDGs) and Good Governance set forth by the UN General Assembly at the beginning of the new millennium in 2000.

Bearing in mind the implementation of the 8 Goals (see Abdul-aziz Workshop) by the world community of nations, the facilitator emphasized the interdependency between Good Governance, CSOs, and media participation in decision-making. All aspects of good governance are facilitated by a strong and independent media landscape, he noted. Good governance implies the ways through which citizens and groups in a society voice their interests, mediate their differences, and exercise their legal rights and obligations.

Quoting excerpts from a UNESCO memo on World Press Freedom day in 2005, the facilitator said media was the watchdog of the peoples' interests, and as such, an independent media was like a beacon that should be welcomed when there was nothing to hide and much to improve.

On participation, the facilitator said: "Greater participation is crucial for Good Governance in 2 ways: greater participation by citizens in the decision-making process allows greater transparency, and can help ensure that political decisions are adapted to the needs of the people affected by them. Second, greater participation is important for democratic legitimacy, which depends on the investment people have as citizens in their own governing. The citizenry can thereby use the media to express their assent or dissent or explore aspects of issue not considered thorough official channels. Government has a responsibility to allows the media to contribute to the participation process, especially in arenas were face-to-face participation is not possible".

The participants were divided into 5 groups to tackle how they thought about Good Governance.

Group 1

- Good leadership
- Effective law enforcement agencies
- Economically independent
- Boosting of productive sector
- Justice
- Partnership with the international community

Group 2

- Good governance takes root from good families
- An intermingled society without segregation
- Law-abiding society

Group 3

- Follow strictly the country's constitution and other sub-laws
- A strong family living with confidence and harmony
- Good governance comes from the bottom-up and vice-verse approach

Group 4

- A society based on justice, discipline and trust
- Governance should start from family - up to national level
- Governance that enjoys peoples' support
- Effective law-enforcement agencies
- Full participation by all, without corruption, nepotism and injustice

Group 5

- Good governance should start from good families
- Society lives with confidence and nationalists
- Respect the laws
- Everybody should exercise his/her rights freely - as long as it doesn't contradict Islamic teachings

After making the presentation, the participants also brainstormed on Good Leadership and its qualities:

- Well-educated person
- Justness
- Patient
- Self-confident
- Workaholic
- Generous
- Firm decision taker
- Articulate and convincing tendencies
- Trustworthy
- Courage
- Nationalistic
- Consultancy-driven
- Immune from of all vices
- Drug-free
- Responsible
- Sound and fit in mind and able-bodied
- Allah-fearing
- Considerate to others' well-being

In another brainstorming exercise, participants discussed the reason why Somalis killed one another. The responses are as follows:

- Negligence to the teachings of the Holy Koran
- Outcaste
- Abuse of power
- Power-drunkenness
- Lawlessness
- Ignorance
- Dictatorial tendencies
- Getting-rich-quick at the expense of the people's blood
- Greediness
- Poverty
- Clanism

Participants received copies of conflict resolution manuals with Somali translation.

The session ended as planned.

Tuesday, August 29 2006

No workshop was held today because of 24 hours of extremely heavy rain that flooded the city and made travel impossible. In the city, and in surrounding regions, a significant number of casualties were reported.

Two IDP children were reported killed in Mogadishu when a compound wall collapsed killing the part instantly. A child was reported killed when he was washed away by rainwater into the sea. While the people in Merka (Lower Shabelle Region), rescued another from the sea. In Johwar (Middle Shabelle Region), people were helpless as rainwater swept away their crops, as they were looking for high ground to save their lives.

Day 4 Wednesday, 30 August 2006

The theme discussed THIS DAY WAS the RULE-OF-LAW.

Against this backdrop, participants received copies of General Principles for the Protection of IDPs - worked out by the Geneva-based International Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC); and were briefed about International Human Rights Law, which consists of a large number of instruments addressing general and specific human rights. The most important one's are:

- Universal Declaration of Human Rights
- International Covenant on Economic, Social, and Cultural Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child
- Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment
- African Charter on Human and Peoples' Rights

The participants also received handouts (written in Somali), prepared by a former police officer, who gave the participants a lecture on the rule-of-law - especially how the Somali judicial system works - citing some living examples, he noted during his long career in the law enforcement agency.

Prior to the arrival of the colonialists, the Somali nation had no mentionable or established administration. However, they had their own customary law that covered everything and that had its procedures and legal system. The traditional leaders enforced the tradition, while Sharia law covered the measurement part of all sustained injuries. The colonialists, immediately after their conquest, enforced the rule-of-law that was applicable in all courts - except the Qaadi court - that was special for marriage, inheritance and divorcé cases. Evidently, the colonialists respected the religion of the people, and gave them this low level grade of court. Amazingly enough, all 3 laws ran parallel in the country, even after the nation obtained its independence.

Generally, the courts of the country were divided into the Supreme Court, the appellate court, the regional court and the district courts. All courts had their sequence in their respective jurisdiction, where the court of appeal was common for the 2 lower courts - i.e. district and regional courts. The Supreme Court was comprised of 9 members - having a president and 2 vices. One of the 2 vices was usually given to the state attorney general. Some members came from the 2 lower courts, while some came from the bar associations.

The facilitator – who is also the programme manager (Abdulkadir Mohamoud Walayo) - talked about the current Transitional Federal Charter - especially Part IV (the Judiciary), which in Article 54 carries on judicial authority, independence of the judiciary, the judicial process, judicial principals, judicial immunity, appointment of judges, the court system, the Supreme Court and the office of the Attorney General.

Participants then brainstormed on when a society could be called a ‘law-abiding society’, and how such a society conceives the laws in place.

- Each individual should respect what has been decided as norms/laws
- Each individual should rely on a power that protects his/her security and general well-being
- Personal interest should be disregarded and strive for general interests
- Awareness for the people to strictly follow the prescribed laws
- Respect of Human Rights
- Law should be above all
- Law should maintain peace and stability
- A firm and rock-like government is essential for the enforcement of all laws
- Laws should be based on the basic needs of the people, and be updated when the need arises
- All legal instruments should be based on divine laws (Islamic teachings), as well as the Sunnah of Prophet Mohammed
- Non-corrupt judicial system

Day 5 – Thursday, 31 August 2006

The day's focus was "FEDERATION"

The day was the last day for Waberi district participants of NED-funded 5-day-long workshop.

The facilitator talked about the difference between the previous decentralized unitary state system of government used by the previous regimes that ruled Somalia since independence, and the federal system that Somalia has now opted for, following 16 years of civil strife that led the Horn of African country to become a failed state.

A decentralized unitary state is one in which sovereign power and authority lies with the central government; but within which, for reasons of administrative convenience, and to underpin its legitimacy by widespread popular support, the government devolves many of the functions of the government to regional and/or local authorities.

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, i.e., those to be exercised exclusively by the centre; those to be exercised exclusively by the regions and provinces; and a concurrent list of powers that can be exercised by the both the centre and the regions. In this latter case, mechanisms have to be established for resolving conflict of interest that may arise over the appropriate level for particular decisions.

According to a menu of options prepared by a number of professors at the London School of Economics (and funded by the European Commission in 1996), the advantages and the disadvantages of 4 decentralized political models: a confederation, a federation, a decentralized unitary state with guarantee of regional autonomy, and a community-based non-territorial option called consociation (a form of power-sharing that can be applied to any of the other models) were analysed.

In a brainstorming exercise on federation, participants made the following points:

- It's apartheid
- It separates development
- It gives regional empowerment
- It creates regionalism
- It Minimises the authority of central government
- It confuses independence
- It provides regional self-sufficiency
- It gives unity of purpose, but with different actions

Participants were then divided into 5 groups to address the advantages and the disadvantages of the 2 systems:

Group 1

(A) Decentralized Unitary State

- An administration with single leadership
- An administration we knew before which we aware of its benefits
- National resources administered in one central point

(B) Federation

- For Somalia is a new phenomenon
- It leads to dissention and tug-of-war
- Federation was an imposition from a foreign power that has selfish interests for Somalia

Group 2

(A) Decentralized Unitary State

Advantages:

- An all out development based on equality and justice

Disadvantages

- It may some times lead to dictatorial rule

(B) Federation

Advantages:

- The union of different people who agree to form a central government, while retaining its provincial administration
- A people who have full power to exercise development of all spheres

Disadvantages:

- It disintegrates national cohesion, unity and culture.
- Conflict of interests

Group 3

(A) Decentralized Unitary State

Advantages:

- Unity in all spheres e.g. political, economic and social development

Disadvantages:

- It is vulnerable to injustice and the usurping of power to a clique

(B) Federation

Advantages:

- Internal self-rule
- Self-sufficiency
- Surpluses to be subsidized to the regions of low-income through the central government

Disadvantages:

- The disintegration of Somalia's powerbase
- A divided society e.g. majority and minority
- The division of Somalia's homogenous society to a heterogeneous one
- Existing regions would be absorbed by powerful ones

Group 4

(A) Decentralized Unitary State

Advantages:

- One single source of authority
- Maintenance of peace

Disadvantages:

- Tantamount to dictatorial rule
- Borne to be authoritarian

(B) Federation

Advantages:

- Power-sharing through people's will

Disadvantage:

- It doesn't suit the Somali case
- It leads to conflict over land claims

Group 5

(A) Federation

Advantages:

- State parliament's empowered
- Social development - e.g. health, education, economy, etc

(B) Decentralized Unitary State

Disadvantages:

- Corruption and maladministration
- Lack of development
- Regions that lack their own administration

The subject under discussion was highly professional and the participants genuinely understood the subjects covered in the 5-day workshops.

In their assessment notes, the 30-plus participants confirmed that they met something beyond their expectation. They rated the facilitators as very convincing in moderating the workshop and the atmosphere was very friendly and receptive.

Mr. Mohamed Abdulle Mohamoud "Faras" of SAACID officially closed the workshop, urging the participants to convey what they have learned to their neighbours, who didn't have the opportunity to participate in the workshop.

He declared the workshop closed.