

# SAA CID



## **NED-Funded District Education on Democracy, Rule of Law, Conflict Resolution and Conflict Management, Good Governance and Federalism**

### **Dharkeynley District**

**31 August - 4 September 2008**

The second phase of an NED-funded program to educate officials of Mogadishu Districts began here today (31 August 2008) with the attendance of 35 people from Dharkeynley District here in the capital.

The 35 participants, both female and male, worked out a set of code of ethics to govern them during the 5-day-long workshop.

- Phones. Silent, but no picking up in session
- Walk in/out, visitors, no visitor while in class
- No smoking
- Avoid murmur
- Respect other ideas

Facilitators gave the participants an overview on what they would learn during their brief stay namely: federalism, the rule of law, democracy, good governance, and conflict resolution and conflict management.

The Deputy District Chairman gave us a brief account on his district profile, saying it's one of peaceful parts of Mogadishu, as people from other parts of Mogadishu have sought for refuge for their safety. Though, sometimes armed opposition forces to the Transitional Federal Government (TFG) intermittently attack the area and residents repulse the attackers.

Before group work, participants learned the concept of Federalism as the facilitator gave them the following definition on Federalism:

“Federation is an association of states which agree to form a union under a federal government, while the federated units retain full control over their internal affairs. There are several different ways in which sovereignty can be divided between the center and the regions or provinces, but the most usually, it is for the federating units to agree to a triple list of

powers, e.g. those exercised exclusively by the regions or provinces; 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 interests that may arise over the appropriate level for particular decisions”.

As in previous workshops, the facilitator gave an outline about the advantages and disadvantages of a federal system of governance in the terms for foreign and domestic affairs. Also, there are other three systems namely: decentralized unitary state, confederation and consociation.

## **Day 1**

**Sunday, 31 August, 2008**

Participants split into 4 groups, and each group came up the following on what and how they think about federalism.

### Group one (advantages)

- Unity in purpose
- sympathetic
- joint action
- consensus
- difference in governance
- central power

### Group 2 (advantages)

- Power through tribal lineage
- Separation of power among the federated
- Council of Federated Presidency
- Sharing resources thorough wealth availability

### Group 3 (disadvantages)

- Federalism is an alien system to Somalia
- Fragmentation
- Lack of cohesion and unity

- Non-Islamic

#### Group 4 (disadvantages)

- Federation should come through the people's will and not be imposed
- Discord
- Led to disintegration
- Unfair competition
- Conflict-ridden
- Conflict of interest

The session ended.

## **Day 2**

**Monday, 1 September 2008**

Theme: **conflict resolution and conflict management**

Unlike previous workshops, the theme deals with transforming conflict and peace-building, with particular focus on conflict mediation.

Before going deep into the subject, participants responded how they mediate about conflicting parties at all levels.

In a brainstorming exercise, participants came out with the following:

- Bring the parties together
- Letter of consent of accepting the verdict of mediating side
- Both sides should be satisfied on the outcome
- Look for previous mediating efforts to gain a guiding experience
- The conflict is new or it has been experienced before
- If new, the mediating parties should explore ways to end the conflict
- If experienced before, the mediating party should follow how the previous mediation efforts resolved.
- Paying indemnity for those their people killed outnumber the other side
- Forgiving the culprit for the sake of Allah through the Suuratul Fataha recitation

- The offering of brides to end the conflict forever, which in Somalia is called *Godob Reeb*
- Signing of agreements not to resort to violence to end a conflict
- Looking to other avenues on mediation efforts
- Considering how previous conflict was resolved, and what mechanisms were employed to in the previous conflict
- Modus operandi on how to conduct mediation
- If not succeeded to resolve, the process of mediation should be postponed for a reasonable length of time
- The thorny part of the conflict should not be dealt with for the time being, but try to focus on the superficial side
- Offering a safe place for parties in conflict

After the completion of the brainstorming session, the facilitator gave an overview of on mediation efforts in which the mediator should play a more active role. Mediation is the process of bringing together 2 or more parties in conflict. Its task is to create a constructive climate for talks and making it easy for parties to create trustful relationships with the conflicting parties. It's also a case of reaching agreement and of solving problems together, and finding ways to achieve a just and overall solution.

Some of the cornerstones of peace-building and transforming conflict are the following:

1. Prevention of armed conflict as well as prevention culture
2. Early warning system
3. Working together to develop a strategic approach and to acquire a comprehensive grasp of the entire field of conflict transformation
4. Humanitarian assistance and development efforts
5. Conflict transformation and peace-building work should be implemented with reconciliation as the vision and guiding principals; and without demands for reconciliation externally and prematurely.
6. The peace-building potential that can be found in the work for democracy, , justice, the environment , human rights, reconstruction after the war in areas of crises.
7. More meeting places should be created for people active in popular movements and academics, which have an interest in peace and conflict issues in order to promote a mutual exchange of ideas.

8. A peace team forum should be developed and reinforced to enable it to take on the common tasks on conflict prevention
9. A council for conflict transformation, peace-building and conflict prevention should be established in cooperation between the CSOs and government agencies.

### **Day 3**

**Tuesday, 2 September 2008**

The theme: **Democracy**

Following the routine, participants recited verses of the Holy Koran and the importance of the holy month of Ramadan. Participants then divided into groups to know their understanding on subject of democracy.

#### Group 1

- Each person should give his/her views
- Each person should be free in his/her choice to elect whom she/he wants
- Not to impose on people ideas they don't accept
- Person can do what he/she wants unless it doesn't contravene the rule of law
- Rule of law

#### Group 2

- People's participation in decision making
- Free and fair elections
- Civic culture
- No impunity for wrongdoings
- Accountability

#### Group 3

- Non-Islamic
- Chaos
- Everybody has the liberty to do what he/she wants

- Encouragement of obscene acts in the name of democracy
- Maladministration

#### Group 4

- Islamic democracy is the answer since Western democracy is universally accepted
- The majority leads the minority; while latter's rights are neglected and have no opportunity
- Democracy is alien for Somalia
- Media mismanagement using it as a tool of revenge and instigation
- Lack of understanding

#### Group 5

- Gender balance
- The law is above all
- Consensus
- Citizenry duties
- Market-oriented economy

The facilitator explained the concept of **DEMOCRACY** saying the word derived from the Greek word of **DEMOS** and **KRATOS** which means **PEOPLE and POWER** respectively. There are different types of democratic system, starting from the medieval Europe until the democratic principles devised by the Chinese scholar Sun Yet-Sing in the early twentieth century. He classified it into direct democracy, representative democracy, liberal or constitutional democracy and economic and social democracy.

As with previous workshops, the facilitators explained the most developed democracy was used by Switzerland, where people have the possibility to present to the parliament a draft law that would be considered by the parliament.

Participants argue that Islam sees democracy as a decaying system, contending that it won't heal worldly political crises, socio-economic development and ending corrupt practices. Its climax resolution is 51% and 49%. Those in the bracket of 49% are losers, while the 51% are the winners. They contend this slight difference cannot be ignored and should have a say in the running of people's affairs.

The session ended as planned.

**Wednesday, 3 September 2008**

**Day 4**

The theme: **Good Governance**

After morning chores, the participants were asked their understanding on Good Governance as they divided into groups.

Group 1

- Planning
- Development
- Independence
- Clean administration
- Discipline

Group 2

- Transparency
- Responsibility
- Team work
- Nationalism
- Sense of devotion of peoples wellbeing

Group 3

- Unity of purpose
- Action driven
- Peoples participation
- Practical goals
- Considerate

Group 4

- Fair and free election
- Religion

- No vote rigging
- Law-abiding community

#### Group 5

- Self commitment
- Harmony
- Peaceful coexistence
- Good neighborliness
- Justice

After the exercise, facilitators gave the participants an outline of Good Governance practices, taking into account the United Nations list of characteristics of good governance.

1. Participation
2. Transparency
3. Responsiveness
4. Consensus orientation
5. Equity
6. Effectiveness
7. Accountability
8. Strategic vision

#### **The desired results achieved in the right way**

Good governance is the process that will produce decisions that will achieve both the desired results and achieving them in the right way.

As in previous workshops, facilitator enlisted the 8 points in the Millennium Development Goals (MDGs) adopted at the Millennium summit in New York in September 2000.

1. Eradicate extreme poverty
2. Achieve universal primary education
3. Promote Gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Comb at HIV/AIDS and other ailments
7. Ensure environmental sustainability
8. Develop global partnership for development

The day was covered with lively debate on good governance, and how it could be instituted in the Somali context.

## **Day 5**

**Wednesday, 4 September 2008**

The theme: **The rule of law**

Before not addressing the topic by the facilitators, he asked participants the way they perceive the rule of law coming up with the following points:

### Group 1

- Law-abiding
- Islamic faith
- Good mannerism
- Civic culture
- Open minded

### Group 2

- Responsible
- Caring
- Honest
- Courage
- Considerate to other wellbeing

### Group 3

- Fair Justice
- Nationalistic
- Clean judiciary
- Thorough investigation
- Knowledgeable

#### Group 4

- Well trained law-enforcement agencies forces
- The law is above all
- Customary law's implementation
- Islam is the fountain of all laws
- Human beings laws guard only for their personal or group interests

#### Group 5

- Law-abiding citizens
- Citizens are all equal before the courts of law
- No culture of impunity
- Good citizen can perform police role
- Fair trial

The facilitator told his audience about the fountain of all laws flows from the national constitution which is now the transitional Federal Charter, whose drafters advised all clauses not contained herein could be referred to the 1960 constitution that Somalia.

The Ministry of Justice, which supervises the running of judiciary, puts the judicial responsibility on the shoulders of the Supreme Court. There are also other courts the e.g. appeal court, regional courts, and district courts. There are also Sharia courts that deal with marriage, inheritances, civil cases, etc. All these courts have regional and districts seats. Every court has its judges. The State Attorney General is the defender of the state.

The police forces, traffic police, immigration office, the field force, the fiscal police, the prison guards the CID are part of the law enforcement agencies and all of them have office throughout the country.

There was lively debate on how the rule of law could be instituted in the Somali context.

The workshop was concluded with remarks from the facilitators and participants.

#### **Participant evaluation**

Participants expressed their gratitude to SAACID for providing the opportunity to learn more on the various subjects given during the workshop. They contended that the timeframe was limited, and asked the organizers to give more time in future workshops of this kind.

Like participants in previous workshops, they showed skepticism about the principals of democracy, which some of them indicated was non-Islamic, since the system had no moral or ethical foundations.

They said they learned something that they had lacked before, but now grasped very well the subjects that were covered in the workshop.