

SAA CID



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

Heliwaa District

4-8 January 2009

Summary

Thirty community leaders from Heliwaa District completed a 5-day workshop on conflict resolution and management, democracy, federalism, the rule of law and good governance.

Heliwaa District is one of 16 districts within Mogadishu City. It is situated in the northern part of the capital of Mogadishu. It began in 1981, when people started to settle in the area. Previously, the area was part of Karaan District, but in 1988, Heliwaa was formally designated as a district in a government bulletin by Siad Barre's administration. Karaan District was thus divided into 2 parts, with Heliwaa (which means "not easy to get to"), forming the north inland district, along the road to Bal'ad Town. Heliwaa District is comprised of 4 sub-districts:

- Barwaqo
- Wahara-cade
- Bandarwanaag
- Gubadley

The total area is estimated 5 square kilometres. The total population of the district was estimated at about 320,000 people before the Ethiopian invasion and occupation; but is now estimated at about 100,000 people after ongoing very heavy fighting between the Ethiopian military and Transitional Federal Government police on one side and opposition militias on the other. It is hoped that the very recent Ethiopian military withdrawal from Mogadishu will encourage those who have left to return to the city.

Day 1

Sunday, 4 January 2009

Topic: Good Governance

Before addressing the topic, participants were asked how they perceived conflict resolution in the Somali context. Participants were divided into 5 groups, and they came up with the following points:

Group 1

- Good governance should be based on justice
- Considerate
- Income-generating initiatives
- Special consideration to the needy and the vulnerable groups
- Powerful government
- The rule of law

Group 2

- Islamic Shar'ia is the answer
- Early warning system on impending problems
- Justice
- Unity
- Knowledgeable
- Understanding
- Good leadership
- Good citizenry

Group 3

- Smooth running administration
- Governance should range from family to nation
- Corrective driven
- Justice and equality

- Good governance should led to development

Group 4

- Good governance should be based on justice and equity
- Broad-based government
- Elected by the government
- Respect human rights issue
- Governance should focus on education and health development

Group 5

- Good governance starts from good family
- Good governance is the one that develop the people's interests
- Good governance should be tolerant on people's free ideas
- Pragmatic leadership
- Good governance should create among the society unity, fraternity and love

As previous workshops, facilitators gave the participants the definition of governance and good governance.

Recently the terms "governance" and "good governance" are being increasingly used in development literature. Bad governance is being increasingly regarded as one of the root causes of all evil within our societies. Major donors and international financial institutions are increasingly basing their aid and loans on the condition that reforms that ensure "good governance" are undertaken.

- The United Nations list of characteristics of good governance is as follows:
- Participation
- Transparency
- Responsiveness
- Consensus orientation
- Equity
- Effectiveness
- Accountability

- 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.

Facilitator enlisted the 8 points in the millennium Development Goals (MDGs) adopted at the Millennium summit in New York in September 2000.

- Eradicate extreme poverty
- Achieve universal primary education
- Promote Gender equality and empower women
- Reduce child mortality
- Improve maternal health
- Comb at HIV/AIDS and other ailments
- Ensure environmental sustainability
- Develop global partnership for development

Day 2

Monday, 5 January 2009

Topic: the rule of law

After morning prayers and a recap of the previous day's work, the facilitator asked the participants how they perceived "the rule of law". They were then divided into groups and came up with the following:

Group 1

- Country's laws should be observed
- Government authority
- Law-enforcement agencies should be in-place
- People should be law-abiding society
- Bad behavior should be wiped out

Group 2

- People should be trained the laws of the country
- No should be ignorant on the existing laws
- The government should enjoy peoples support
- No one is above to the laws
- Laws are those norms that separate people's grievances

Group 3

- Nationals should be satisfied the laws
- Every one should have fair trial
- Laws is leverage for peoples attitude
- Nationals are the implementers of laws
- No sins

Group 4

- When people are law-abiding is when the people are aware the existing of justice without violation
- laws without compromises
- law abiding people are when people are mentally sane
- people's property and life is guaranteed under the laws
- laws combat against narcotics

Group 5

- Laws preserve peoples' security
- Laws doesn't give any prerogative to those who claim they are ignorant about the country's laws
- People are those who defend the laws
- A society divided into tribal lineage cannot be described as law-abiding
- Law which guarantees the safety of all people.

After the exercise, the facilitators talked about the rule of law, without which nothing can work in any aspect of political, economic and social life, because anarchy will prevail – as in Somalia. Like a primitive world, Somalia has a rule of the jungle, where the strong survive, while the weaker dies with impunity. The perpetrators move freely without fear. However, the Somali people have never gave up in their attempt to re-establish a system that could perform the rule of law.

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

In the Somali case, the Transitional Federal Charter is the sources of all laws. All people living within the Somali territory are all subjected to the laws in the country.

All law-enforcement agencies e.g. the police force various department, the office of the attorney general, the different levels of courts, prison wardens, and good citizenries are implementers of law and order.

Day 3

Tuesday 6 January 2009

Topic: Conflict Resolution

After morning prayers and a recap of the previous day's work, the facilitator asked the participants how they perceived "Conflict Resolution"; and how conflict is best resolved. They were then divided into groups and came up with the following:

Group 1

- Problem faced by people living together
- Grazing area and water
- Married couple
- Political crises
- Sectarian believes
- Resources

How to solve?

- Mediation team consisting of wise-men
- People who are aware the bone of contention
- The warring sides should have confidence in the mediatory team

- Mediating team should be reputable personalities
- Religious leaders
- Traditional leaders

Group 2

- Conflict could ignite between two tribes
- Conflict could be solved through honest judge
- Couples difference could be solved through neighbors intervention
- Somali conflict could be solved through Islamic Sharia
- Conflict could be solved through relentless efforts and unity

Group 3

- Conflict is a war between two nations
- Couples
- Two sport teams
- Neighbors
- Two tribes

How to solve?

- Mediation team should be formed
- It should be solved through Islamic Sharia
- Patience
- Customary problem solving mechanism
- Pre-requisites for conflict resolutions should be in place

Group 4

- Conflict is misunderstanding between two or more persons
- It could be solved to understand to crux of the conflict
- Mediation team should be formed
- The mediation team should get letters of consent from the warring parties

- The mediation team should announce verdict
- Avoid further conflict
- Awareness for the importance of peace

Group 5

- Respect each other
- Problems should be solved through negotiations
- To make a thorough research on the history of the conflict
- Truthfulness should be employed between the two warring sides
- Conflict resolution should be based on the environment where the warring sides reside
- Both parties should show leniency attitude
- Awareness campaign for peace
- The answer is the Islamic Sharia

After completing the exercise, the facilitator talked about the current and prolonged Somali political conflict, and how the interventionist forces have adversely affected it. The Ethiopian planned troop withdrawal (already left Mogadishu) and planned Djibouti meeting between the Transitional Federal Government the Alliance for the Re-liberation of Somalia Liberation (ARS), and the role of AMISOM troops from Uganda and Burundi may open new avenue for the resolution of Somali conflict.

He then wrote down the following definition of conflict:

“Conflict involves struggle between two or more people over values, or competition for status, power or scarce resources”.

As in previous workshops, the facilitator talked at length on the way the Somali conflict built up since country gained its independence on 1 July 1960.

The session ended.

Day 4

Wednesday 7 January 2009

Topic: Democracy

After morning prayers and a recap of the previous day's work, the facilitator asked the participants how they perceived "Democracy". They were then divided into groups and came up with the following:

Group 1

- Democracy is freedom
- Peaceful coexistence
- No apartheid
- Each person should have his/her rights
- It's a system that brings people together

Group 2

- A democracy is people decision
- Every person should enjoy freedom
- Democracy could be pursued by people from different religion
- It's viable system

Group 3

- Democracy is justice-driven government
- Any person could worship the religion he/she wants
- The right to vote
- It people's wish

Group 4

- Democracy provide people the right to be elected or elect
- Freedom of expression and freedom of press
- Any person should live his/her country with peace
- No class segregation

- No exploitation
- The right democracy is Islam

Group 5

- Democracy is free governance
- Freedom of expression
- Freedom of movement
- He/she has the right to refuse or accept
- No nepotism, no corruption and allows no evils.

As previous workshops, facilitator talked the origins of democracy, who and where coined the term democracy, its subsequent spread in the world's political landscape and how it positively affects the people's livelihood if implemented properly.

Facilitator gave participants an outline of a paper presented on 19th December 2002 by Maulana Wahiduddin Khan, President of Islamic Centre in Pakistan. The author argues that "Islam is a religion of peace and co-existence, wherein there is ample scope for freedom of expression. You express your views even if you differ. The decision is arrived at through consensus in all important matters. Islam's superiority over other religion lies in the fact that it gives utmost importance to the opinion of the people. This fact is clearly illustrated in the Quran and the Hadiths. The Quranic verse "Am Ruhum" (Chapter 42-Asura; verse 38) - whose affairs are a matter of consultation is an ample proof.

In order to understand the concept of democracy in Islam, one should have the knowledge of the Quran, the Hadiths and the Sunnah. Prophet Mohamed himself set a tradition by not appointing his successor during his life time and left it to the people to decide their leader. The first four Caliphs – Abu Bakr, Umar, Usman and Ali, known as Khilafat-e-Rashida (the Enlightened Caliphs), were the choice of the people. The Ummyyat King Umar-bin Abdulaziz also qualifies to be enlisted among the enlightened Caliphs because he refused publicly to accept the Kingship on the basis of his nomination by his father. He accepted the kingship only when the people elected him.

Islam is not against 'change' but it is certainly against 'coercion'. The established governments should not be replaced by resorting to erroneous methods but by going to the people and making themselves realizes the shortcomings of the prevalent system. The so-called Jihadists, working at the behest of Pakistan, instead of launching deadly attacks on institutions of democracy like the Indian Parliament, should go to the people and ask them to vote against the present systems if they were not satisfied with it. But the irony is that they neither themselves cast their votes nor allow others to participate in the electoral process. Instead they issue threats against people participating in elections. They even resort to killing and humiliating innocent people. They should realize that by resorting to such mean tactics

they are toeing the agenda of Pakistan who is out to demolish every possible institution in our country to hamper our progress. Such heinous crimes are acts of cowardice in the eyes of Islam.

The author says that the concept of Islam is best understood that Islam is practiced at two levels – the infrandi-individual level and the Isalamayee-collective level. At the individual level, a person is free to adopt the manner of worship he likes etc. But at the collective level, it is the voice of the people, which is to be given preference. In the social context, it is the Isalamayee Islam, which is to be practiced, and democracy is a social concept.

The session ended as planned

Day 5

Thursday, 8 January 2009

Topic: Federalism

After morning prayers and a recap of the previous day's work, the facilitator asked the participants how they perceived "Federalism". They were then divided into groups and came up with the following:

Group 1

- Federal is a system worked out by people who life in one country
- It's a system that could bring together people with different religions
- It's a rule of governance
- It has it's ups and dawns
- It rules out dictatorship
- No suppression

Group 2

- Federal brings together people with different ideology
- Administrative independence for the federated units
- Federal government and local government
- Every rights and dues for the citizens are written within the federal constitution.

Group 3

- Federalism means resources' sharing
- Federalism comes through peoples' choice
- Nationalities have equal rights
- Full autonomy for the states (Local)

Group 4

- Federal is regional autonomy and central government
- It consists of two or more province that have closer cooperation
- Each state has its own local administration in terms of economic and social
- It has closer cooperation with the central government
- Clear administrative boundaries
- Regional autonomy

Group 5

- Federalism is power sharing
- Economic development
- United armed forces
- One-single voice in foreign policy
- No more violation of boundaries

Like the previous workshops, the facilitators defined federation as the following:

“Federation is an association of states which agree to form union under a federal government, while retaining 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 usual 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”.

Somalia used the system of centralized unitary state till 1991 after the toppling of the military regime. The rigid military dictatorship and the subsequent prolonged civil war led the fragmentation of Somalia into smaller homelands and its aftermaths some regions opted the federal system of government to avoid revolving effects of the civil war.

The session ended.

Participants Evaluation of the Workshop

Evaluating the overall performance of the workshop, the participants gave their views by scoring a scale 1 to 5:

None of the 30 participants have marked grades 1 or 2

Only 3 participants out of 30 has marked grade 3

A total of 5 participants out of 30 marked grade 4

A total of 22 participants out of 30 marked grade 5