

SAACID



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

Wadajir District

18-22 January 2009

Summary

As part of an NED-funded and SAACID-implemented project for the educating community leaders from all Mogadishu's 16 Districts, a 5-day workshop began today, with 30 participants from Wadajir District attending - amid sporadic assaults from the insurgents that gave a hard time to residents in the area.

This bellicose situation overshadowed the workshop work, but participants showed perseverance to regularly and timely attend the 5-day-long workshop.

As usual the group worked out a set of norms to be strictly followed during the workshop period.

Facilitators briefed the participants about the subjects to be covered during the workshop time namely: conflict resolution and management, good governance, democracy, the rule of law and federalism.

The reason why have been chosen these subjects were aimed at empowering Somalis living in the capital to understand better about the basics for viable governance and recover from the present nearly two years of vicious cycle of violence that led Somalia to be described as a "failed state" in the world diplomatic arena. If the project crowned with success, centers for conflict resolution would be established in Mogadishu districts to solve conflicts of different level ranging from family feuds to political issues.

Wadajir district is one of the 16 districts in Benadir Region. It is the second largest district in Mogadishu. Geographically, it lies in the south-west of Mogadishu. The district was established in 1970. Some 40% of the estimated 138,000 people in the district are estimated to be IDPs; who reside in areas called Bulo warabe and Tumbuluq. The district has many roads that join to other districts. The district has 4 large sub-districts:

- General Da'ud
- Hawo Tako
- Halane
- Tima-Cade

Day 1

Sunday, 18 January 2009

Topic: The Rule of Law

Before addressing the topic, participants were asked how they perceived “Rule of Law” in the Somali context. Participants were divided into 5 groups, and they came up with the following points:

Group 1

- The rule of law comes from the Holy Koran and the Sunnah of Prophet Mohamed (May peace upon Him)
- People should strictly follow the rule of law
- The rule of law leads to peace
- Development
- Political integrity

Group 2

- The fountain of the rule of law is Islamic teachings
- Loyal people should follow it strictly
- It should be in place implementing agencies
- Insane and minors are immune of the rule of law
- Law is above all

The judicial officials should be given the authority to implement the rule of law

Group 3

- Justice-driven government
- Good leadership
- Law is equal for all
- Law-abiding citizens

Group 4

- No laws means no live
- Laws should above to all
- Laws are either Divine or man-made
- The rule of law to development

Group 5

- The rule of law is the Islamic Shar'ia
- The rule of law is highest authority among the society
- The law should be complimented with justice
- Justice requires consultation and power
- Justice should have a legislative council

As usual, the facilitator talked about the rule of law, saying that no country on earth could live peacefully if its nationals were not law-abiding society. Anarchy would prevail and the rule would be like the one of the jungle, where the strong conduct a better living while the weaker is a prey for the strong. Somalia, with the help of the international community, led by the United Nations, has convened over 15 conferences aimed at establishing broad-based government in Somalia, but nothing tangible have been produced.

After the exercise, facilitator said the justice department or the Ministry of Justice leads all judicial matters within a given administration.

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 also Shar'ia 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.

However, the armed opposition Islamists vowed to change the current secular administration into a Sharia-driven one contending that man-made laws were not in a position to Somali ills in particular and the world in general.

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.

What does the rule of law mean?

It means that everyone is subject to the law; that no one, no matter how important or powerful, is above the law — not the government; not the Prime Minister, or any other Minister; not the Queen or the Governor General or any Lieutenant-Governor; not the most powerful bureaucrat; not the armed forces; not Parliament itself, or any provincial legislature.

If anyone were above the law, none of the world democracies and civil liberties would be safe.

Day 2

Monday, 19 January 2009

Topic: Good governance

The group first recited some verses of the Holy Koran, and did a recap of the previous day's session. Participants were then asked how they perceived "Good Governance" in the Somali context. Participants were divided into 5 groups, and they came up with the following points:

Group 1

- Good governance leads to peace and prosperity
- Good governance enjoys public support
- Justice and law and order
- Good governance is good family
- Good governance should pragmatic leadership that won people's support

Group 2

- Good governance emanates from democratic election
- Respect the rule of law

- Justice-driven judiciary
- Good family is bases for good governance

Group 3

- Good governance starts from honest person, respected family, up to government level
- Loyalty for all legal instruments
- Justice-driven government that works with Islamic tenets
- Accountable judiciary

Group 4

- Good governance starts from good citizenry
- It's based on consultation
- Justice
- Truthfulness
- Knowledgeable
- Moderation

Group 5

- Loyal leadership
- Cooperation
- Trust
- Hard-working

As usual, facilitators wrote the UN characteristics for the bases for good governance plus the UN Millennium Development Goals (MDGs).

He explained them that the implementation of these points would be crucial for the well-being of the society in general and sustainable development would be reached. The tax-payers who the masters of their country pay the taxes timely and the administrators who the servants of the people manage the fund proceedings properly the whole society would flourish.

Day 3

Tuesday, 30 January 2009

Topic: Conflict Resolution

The group first recited some verses of the Holy Koran, and did a recap of the previous day's session. Participants were then 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

- Conflict is destruction
- Disagreement
- Failure
- No development
- Xenophobia

Group 2

- Conflict over resources
- Lack of consensus
- Differing views
- Differing ideas
- Stalemate
- Bad governance
- Everyone in the conflict sees him/herself as righteous

Group 3

- No breakthrough
- Divergent views
- Denial
- Unbalanced resources distribution
- Misunderstanding
- Hegemony

Group 4

- Conflict crops up from different views
- No good administration
- Lack of discipline
- Mistrust
- Sectarianism

Group 5

- Bad governance
- Lack of discipline
- Injustice
- Mistrust

The facilitator told participants about the definition of what is conflict, and the benefits of mediation?

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

Mediation is a way of helping people to resolve conflicts by reaching mutually acceptable agreements. Often, juvenile, civil and family courts refer cases to the Community Mediation Center (CMC) to enable people to resolve disputes without having their cases go further in the legal system.

He said, conflict couldn't jump up suddenly. It builds up during times and then it explodes to an extent where those involved could not stop and may led to bloody armed confrontation.

Considering the Somali conflict, some observers believe its root cause could be started right back from the colonial days, after the independence while others contend that it came to surface during the rule of toppled military regime which resulted the present cycle of bloody violence that engulfed the country for the last 18 plus years.

The present talks in Djibouti between the Transitional Federal Government (TFG) and the Alliance for the Re-liberation of Somalia (ARS) passed through various stages when discussing the issue of power sharing and how the new political marriage would become and everlasting one. The crucial point was to deal with how the merger could be accommodated within the framework of the present transitional federal charter worked out four years ago in Mbagathi, Nairobi, Kenya. Misunderstanding cropped up, but both sides failed to refer.

Day 4

Wednesday, 21 January 2009

Topic: Democracy

The group first recited some verses of the Holy Koran, and did a recap of the previous day's session. Participants were then asked how they perceived "Democracy" in the Somali context. Participants were divided into 5 groups, and they came up with the following points:

Group 1

- Democracy means freedom
- Equality
- Justice
- Education
- Peace
- Development
- The fountain of democracy comes from the Holy Koran

Group 2

- Democracy could be applied both for Moslem and Christian societies
- Freedom for all good deeds
- Agreed ideas with prescribed pertinent laws
- It is general interest

Group 3

- Democracy is for free people, and of land
- United ideals
- Equality should prevail
- Justice
- Peaceful coexistence

Group 4

- Consultation
- Freedom
- Mutual respect
- Power sharing
- Confidence
- Stability

Group 5

- Living with independence
- Every person has the right freely to express his/her opinion
- Democracy is equal opportunity
- Democracy is what's now happening in the United States of America as the new American President, Barak Obama roots were from Africa
- Democracy is justice and equality for both men and women

After this exercise, facilitator talked about democracy and the stages it passed during the middle age till today.

The word democracy derived from the Greek word of DEMOS and KRATOS respectively which means people and power.

Democracy is a form of government in which people hold the power either by voting for measures directly or by voting for representative who vote for them. Also, it is a political system which has many different meanings and can take different forms. It is often incorrectly used as synonym for capitalism. Fundamentally, it means a government of, by and for the people.

Now, there's significant discussions the Islam world to mention the fact that many prominent Islamic intellectuals and groups argues that Islam and democracy are compatible. Some extend the argument to affirm that under the conditions of contemporary world, democracy can be considered a requirement of Islam.

Scholars divided the principles of democracy into four main categories:

1. Director democracy
2. Representative democracy
3. Liberal or constitutional democracy
4. Economic and social democracy

The 20th century democracy was half-done democracy but in the 21st century full democracy would be implemented by some people in this planet world.

Day 5

Thursday, 22 January 2009

Topic: Federalism

The group first recited some verses of the Holy Koran, and did a recap of the previous day's session. Participants were then asked how they perceived "Federalism" in the Somali context. Participants were divided into 5 groups, and they came up with the following points:

Group 1

- Unity
- Accord
- Power sharing
- The rule of law
- Power division

Group 2

- Federation is not imposed by foreigners
- United for the country's defense
- Federation brings together people from different nationality
- States united
- Group 3
- Regionalism
- Peace
- Economic development for each state

- Justice for all
- Equality for resources

Group 4

- Federalism is political system that unite people from different background
- It doesn't fit for Somalia
- People from different color and physiology
- It's for density populated country

Group 5

- Federalism is something new for Somalia
- The present take federalism as a political system
- It is foreign idea
- It has its advantages and disadvantages

As with previous workshops, the facilitators talked about the political structure that Somalia pursued as a unitary state from 1960 to 1991. However, after the civil war people sought save sanctuary for their original habitat where the tribesmen came from. Disintegration for Somalia began with the Northern West Somalia in earlier nineties broke away from the rest of Somalia as the Northerner justified their action of the suffer the Somalilanders claimed to have been inflict them during the union with the rest of Somalia. However, the northeastern region never thought to break away from the rest of Somalia, but it opted to have an autonomous region which will administer its own affairs and wait until Somalia reaches political settlement. Now, the troubled region of South-Central Somalia, and the autonomous region of Puntland jointly formed the transitional federal government in Kenya in 2004, with elements from the northern regions, but do not have the blessing of the breakaway leadership.

This is the definition of Federation. "Federation is an association of states which agree to form union under a federal government, while retaining full control over their internal affairs. There a 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".

The basics of Federalism should enshrine in the federal constitution.

The session ended as planned.

Participant feedback

During the NED training workshop participants from the district of Wadajir were asked by the facilitators to value and express their opinion on the training by putting one cross on the most relevant box after each statement:

None of the 30 participants have marked grades 1 and 2.

A total of 1 participant out of 30 marked a grade of 3

A total of 8 participants out of 30 marked a grade of 4

A total of 21 participants out of 30 marked a grade of 5