

# SAA CID



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

**Yaqshid District**

**2-6 November 2008**

This workshop is part of a series that is funded by the National Endowment for Democracy (NED), and which focuses upon education in core democratic and rule of law principles.

Thirty people from Yaqshid District completed a 5-day-long workshop to educate them on conflict resolution and conflict management, good governance, democratic principles, the rule of law and federalism.

Yaqshid is one of the largest residential areas in Mogadishu. It has 6 sub-districts, which include:

- Heegan
- Horseed
- Towfiq
- Jungle
- 1<sup>st</sup> July
- Tawakal

The last two have now fully fallen in the hands of Islamic insurgents. The district has operational primary and secondary schools, as well as an MCH.

## **Day 1**

**Sunday, 2 November 2008**

Today's theme: **Conflict Resolution**

After opening the workshop with prayers, participants worked out a set of code of conduct.

An old wise man in the group, who was making a description on Somali arrogance, said in a proverbial manner: "We don't consult each other - I don't make any offer of consultancy to you either, I don't want your consultation; and we will remain blocked in the vicious cycle". He contended that all these acts meant that we remained in an endless cycle of "let us kill each other, continuously and forever".

The old man said Somalis are not patriotic enough, but they are vandals and destructive, xenophobic, ignorant, idiotic, anarchic, destitute, poor and primitive with outdated clan sentiments.

Before going deep into the topic, participants' responded to the question on "what is conflict?" and, "How is it solved in the Somali context?" Splintering into groups, the following were their findings:

### **Group 1**

- Differing views
- Different groups with different goals
- Misunderstanding between 2 or more sides
- Disruption of communication
- Hegemonic attitude
- Lack or ignoring of cultural background

### **Group 2**

- Controversial issues
- Misunderstanding among the family
- No discipline
- Mistrust

### Group 3

- Conflicts occurs between 2 or more people
- Conflict sparks off when 2 sides decide one thing and one part violates the decision
- It happens between 2 married couples
- Maladministration
- Dissenting views
- Misappropriation of public funds

### Group 4

- Controversy
- Misunderstanding
- Between families
- Neighbors
- Clans

### Group 5

- Different opinions
- Corruption
- Inadequate resources
- Authoritarian
- It may occur among a married couple

In another exercise the participants responded the way they resolve the conflict.

### Group 1

- A justice-driven judge
- The warring sides should show signs of willingness to cooperate
- Concession and compromise
- No hegemony
- Confidence and trust among the parties

- Forgetting the past and the seeds of conflict

#### Group 2

- Bringing together the warring sides into the conference table
- Putting a clear agenda on the core of the conflict
- The warring sides should be satisfied on the outcome
- Concession
- Patience

#### Group 3

- Opening the communication channels
- To look back the traditional way of conflict resolution
- The political conflict should be solved through negotiations and avoid war
- Each type of conflict has its traditional resolution.
- If it's a new one, the elderly wise people should come up with a solution

#### Group 4

- Justice is the answer
- Discipline
- Respect
- Resources for conflict resolution
- A broad-based mediation team

#### Group 5

- Concession
- Unified strategy
- More patience
- No clanism
- Fair play

Then, facilitator explained the definition of conflict, and conditions for negotiations saying: “Conflict involves a struggle between 2 or more people over values, or competition for status, power, or scarce resources”. While, negotiation is a problem-solving process in which 2 or more people voluntarily discuss their differences in an attempt to reach a joint decision on their common concerns.

Conditions for negotiations are:

- Parties should be identifiable
- There must be some degree of interdependence
- Willing to negotiate
- Means of influence
- Agreement on the issues and some interest
- Willingness to settle
- Unpredictability of outcome
- A sense of urgency and deadline
- No major psychological barriers to settlement
- Issues must be negotiable
- Authority to decide
- Willingness to compromise
- Agreement must be reasonable and implementable
- External factors favorable to settlement
- Resources to negotiate

The session successfully ended as planned.

## **Day 2**

**Monday, 3 November 2008**

Theme: **Democracy**

After prayers and a recap of the previous day's theme, the facilitator then began the day's session, which had a focus on fundamental democratic principles. To begin, the facilitator split the workshop participants into groups and asked them for their preliminary views on what they considered 'democracy' to be.

### Group 1

- Democracy is a political system
- It preserves the rights of everyone
- It is based on justice
- Freedom for humanity
- Each could pursue what he/she requires
- Democracy is for the people

### Group 2

- Democracy is people's power
- Governance for all
- Equal opportunity for all
- Free and fair election
- Right to vote

### Group 3

- Cooperation
- Social development
- No suppression
- People's cooperation
- The rights for free expression
- The right of access for information
- The rule of law

- An open society

#### Group 4

- Peaceful world
- Freedom of holding personal opinion
- Cooperation within the society
- It's used by many countries in the world
- Understanding social agreement
- This group concluded that they support freedom around the world

#### Group 5

- Independence
- Personal freedom
- Freedom of expression
- Acceptance of opposition parties

As with previous workshops, the facilitator explained to the participants about the historical development the democratic principles.

The word democracy derived from the Greek words *DEMOS* and *KRATOS* respectively - meaning "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 representatives 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.

Currently, there are significant discussions in the Islamic world amongst many prominent Islamic intellectuals and groups - arguing that Islam and democracy are compatible. To some extend, the argument reaffirms the conditions of contemporary world. Thus, democracy can be considered a requirement of Islam into the future.

Scholars divided the principles of democracy into 4 main categories:

1. Director democracy
2. Representative democracy
3. Liberal or constitutional democracy

#### 4. Economic and social democracy

In the 20<sup>th</sup> century, democracy was half-done, whereas democracy in the 21<sup>st</sup> century will fulfill the democracy process on this planet world.

### **Day 3**

**Tuesday, 4 November 2008**

Focus: **The rule of law**

After prayers and a recap of the previous day's theme, the facilitator then began the day's session, which had a focus on the rule-of-law. To begin, the facilitator split the workshop participants into groups and asked them for their preliminary views on what they considered 'rule-of-law' to be.

#### Group 1

- Law and order
- A respectful society
- Laws are above all
- The rule of law is in the hands of law-enforcement agencies
- Rule of law means development
- Where there's no laws there's no life
- Law is for people's existence

#### Group 2

- Discipline with hierarchical order of authority
- Respect all laws laid down by the government
- Respect for the leadership
- Islamic faith
- To respect the instruction given by high authorities

#### Group 3

- Order
- To follow all laws respectfully
- No arrogance

- To respect decisions
- To be considered all by-laws

#### Group 4

- Devine rule from heaven
- Charter by people living in a single environment
- Justice and equality
- Laws are administered by people around the world
- It connects people from different faiths
- Security and justice-driven governance

#### Group 5

- Authority and respect
- Laws are equal for all
- It affects people ranging from President to a maid
- Islamic faith
- Human rights

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

The facilitator told his audience that the fountain of all laws flows from the national constitution, which is now the Transitional Federal Charter, whose drafters advised on all clauses not contained herein could be referred back 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, e.g. the appeals court, regional courts, and district courts. There 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.

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 solve the ills of Somalia in particular and the world in general.

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

Some of them contend in local media that the current economic crisis around the world were due to an un-Islamic banking capitalist system, where high interest rates could not be affordable by ordinary people. An Islamic banking system, which has no interest at all, would be introduced in some European countries like Britain.

The late Canadian Senator, Eugene Forsey, in an essay, wrote that a responsible government and federalism are 2 cornerstones of federal system of government. There is a third, without which neither of the first 2 would be safe: the rule of law.

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; not the most powerful bureaucrat; not the armed forces; not Parliament itself, or any provincial or regional legislature.

If anyone were above the law, none of the countries liberties would be safe.

The session ended successfully as planned.

## **Day 4**

**Wednesday, 5 November 2008**

Theme: **Federalism**

Asked who ever heard the word federal system of government, majority of them replied there have no idea about it as they simply came to know the existence of the Transitional Federal Government (TFG).

To know the degree of participants' knowledge on "federalism", they splintered into groups coming up with the following:

Group 1

- Provincial or regionalization
- Federalism is the center of power
- Different regions of federated units with a central federal authority
- Federalism is a system for an independent nation
- Federalism is power-sharing
- Freedom of the center

## Group 2

- Self rule
- Confidence among the federated units
- Sharing both profits and losses
- Federalism is respect of regional boundaries
- Federalism means no clanism
- Federalism divides resources into 2: general and particular
- Equality among the provinces
- Each federated unit has its own independence for its affairs

## Group 3

- Different societies with one goal
- Untied provinces
- Power-sharing
- Understanding and agreement among different regions
- It's a system used by people from religious background

## Group 4

- Federalism is an administration that is shared by different regions
- Free federated units

## Group 5

- Federalism is a system agreed upon to a given people
- It's based on justice
- It's universal
- It's for humanity
- It's equality
- Some use federalism because they think it suits their particular needs

Then, the facilitator talked about other forms of government namely: the unitary state, a confederation, and a consociational form of association.

Distributing copies in Somali language to them, the facilitator then developed a discussion about the definition of federalism.

The session ended successfully and on time.

## **Day 5**

**Thursday, 6 November 2008**

Theme: **Good Governance**

After prayers and a recap of the previous day's session, participants divided themselves into groups to give their initial ideas on good governance.

### Group 1

- No deception
- Sharing both difficulties and wellbeing
- Maintenance of human rights
- Peaceful coexistence
- Respect of justice
- Harmony among the society

### Group 2

- Cooperation
- Considerate for other wellbeing
- Consultation
- Confidence
- Working together
- Understanding within the family and nation as well
- Good governance is based on knowledge and scientific techniques

### Group 3

- Cooperation
- Discipline
- Law abiding
- Concerted action
- No suppression

### Group 4

- Confidence
- It's a system that provides equality - starting from family to nation
- It's based on justice and equality
- It provides opportunity for all
- Solid relationship between the people

### Group 5

- Good governance is a norm that has the support of the majority
- Law and order
- Governance cover matters ranging from family to nation affairs
- Development for all humanity
- Good governance is necessary for all human beings

After the exercise, the facilitator 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 a process that will produce decisions that will achieve both the desired results and achieving them in the right way.

As with previous workshops, the 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. Combat HIV/AIDS and other ailments
7. Ensure environmental sustainability
8. Develop global partnership for development

The session ended on time and as planned.

### **Ratings/evaluation**

The final evaluation of the workshop by all 30 trainees was designed to give the views of all the participants on the workshop. Following are the results of the evaluation, which was based on a 1 to 5 scale.

- None of the participants scored 1 or 2 on the scale
- 3 out of the 30 participants (10%) scored 3
- 6 out of the 30 participants (20%) scored 4
- 21 out of the 30 participants (70%) scored 5