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Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture (APSA) and has developed into a regional centre of excellence for the African Standby Force (ASF) in Eastern Africa. It addresses the complexities of contemporary UN/AU integrated Peace Support Operations (PSOs) by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum of issues ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contributions in training and research on peace support issues in Somalia through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are produced annually, while Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC.

The Peace and Security Research Department (PSRD) of the IPSTC presents the Fourth Quarter publication of the Somalia Issue Brief No. 8 (2013) on two titles on peace and conflict in Somalia: *Feeling the Pinch: Impact of Conflict on Civilians in Somalia, and Local Capacity for Peace Building in Somalia*. The Issue Brief provides insights into pertinent peace and security issues in Somalia that are useful to policy makers and aims at contributing to the security debate and praxis in Somalia. The articles in the Issue Brief are also expected to inform the design of the training modules at IPSTC.

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Brig. Robert Kabage
Director, IPSTC

Acronyms

AMISOM	African Union Mission in Somalia
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
EU	European Union
ICU	Islamic Courts Union
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IPSTC	International Peace Support Training Center
KDF	Kenya Defense Forces
PPCA	Psychological Perspective of Conflict Analysis
PSO	Peace Support Operation
PSRD	Peace and Security Research Department
TFG	Transitional Federal Government
TNG	Transitional National Government
UN	United Nations
UNDP	United Nations Development Program
UNISOM	United Nations Assistance Mission in Somalia
UNITAF	Unified Task force
UNPOS	United Nations Political Office for Somalia
USA	United States of America
USC	United Somali Congress

Introduction to the Issue Briefs

As indicated above, this Fourth Quarter Issue Brief (No. 8 of 2013) is comprised of two papers that examine diverse peace and security issues in Somalia. These are; *Feeling the Pinch: The Impact of Conflict on Civilians in Somalia, and Local Capacity for Peace Building in Somalia*. The first paper discusses the protracted conflict in Somalia showing how it has impacted negatively on the lives of civilians. It highlights the factors that hindered several peace initiatives and the role the different actors, both local and international, played in the Somalia peace process. The second paper examines the role of local and national actors in conflict resolution and transitional justice in Somalia. It argues that local actors in Somalia need to play a bigger role in reducing tensions and drawing the people together. The paper shows how clan leaders have gradually taken over the roles and responsibilities of the state, especially in security and law by consolidating their traditional role as mediators and enforcers of the *Xeer* (the customary laws that regulate most aspects of social life within and between Somali clans). These roles and responsibilities have had positive impacts and led to increased ownership of the peace process that is necessary for sustaining local capacity for peace building initiatives in Somalia.

Feeling the Pinch: The Impact of Conflict on Civilians in Somalia

Evans Muriungi Muchege

1.0 Introduction

Somalia is universally pictured as a country synonymous with terrorism, clanism, conflict, civil war, violence, warlords, famine, jihad, piracy and underdevelopment. The country has been engulfed in violent conflict for more than two decades. The immediate cause of the Somali conflict relates to power competition in the post-colonial government. In 1960, Somalia held successful presidential elections in which Aden Abdullah Osman Daar was elected President. In 1967, Abdirshid Ali Sharma'arke was voted in as President in elections which were also generally peaceful. However, the regime of President Sharma'arke was characterized by political instability which led to his assassination and a subsequent military coup by Mohamed Siad Barre. President Barre's regime was also characterized by an oppressive dictatorial rule, wars and a weakening economy. His military regime lasted until 1991 when he was toppled during an outbreak of civil war. This marked the collapse of the Somali state with cessation of government services and a long catalogue of chaos and human suffering.

The ensuing intolerable humanitarian conditions included famine, disease, and endless civil wars. The collapse of the state also triggered a massive exodus of Somalis into the Diaspora. Humanitarian crises followed with the USA and UN intervening, albeit unsuccessfully between 1992 and 1995. This heralded the start of Somalia's diplomatic

and economic isolation. The international relief and security operation that followed brought help to needy populations, but failed to bring to an end the inter-clan wars and militia conflicts which continued. Poverty reinforced by major droughts and famine ensued, further deepening the impact of war and displacement of thousands of civilians.

Several peace initiatives were attempted with little success mainly due to several obstacles: peace spoilers, public mistrust on revival of government institutions, clan divisions, and proliferation of small arms and light weapons. Consequently, Somalia became a battlefield until the intervention of the African Union Mission in Somalia (AMISOM) in 2007. AMISOM, the Federal Government of Somalia and the international community are now making progress in stabilizing Somalia. This paper thus examines the socio-economic and political impact of conflict in Somalia and the role of different actors in the conflict.

This paper is divided into four sections. Section 1 is the introduction which outlines the Somalia conflict, provides a statement of the problem, objectives of the study and the theoretical framework. Section 2 outlines the impact of conflict on the civilian population, while section 3 presents the factors that hinder effective conflict mitigation in Somalia. Section 4 presents the roles of different actors in addressing the conflict and section 5 concludes the paper and gives some recommendations.

1.1 Statement of the Problem

Somalia has been described as “the model of a collapsed state”. Somalia’s complete inability to maintain even minimal central administration since the fall of the Siad Barre government in 1991 branded the country as one among the failed states.¹ Somalia was therefore a veritable cornucopia

1 Nikolaus Grubeck, *Civilian Harm in Somalia: Creating an Appropriate Response Campaign for Innocent Victims in Conflict*, 2011, p. 53.

of insecurity. The Somali conflict, which lasted for more than two decades, had a profound impact on the civilian population who in most cases were non-combatants. Despite several attempts to bring peace and reconciliation, conflict ensued and the country remained a battle field for a long time.

The armed conflict has had a devastating impact on the rights and wellbeing of individuals and communities. The vulnerable populations, minority clans, women and children remained at risk of displacement. They have deliberately been attacked, abducted, sexually harassed, and denied property and land rights. The trained and skilled Somalis fled the country leading to the collapse of the government's critical services and economy. Several studies done on Somalia have focused on the humanitarian needs and peace initiatives and have paid disproportionate attention to the impact of war on civilians. It is therefore imperative to assess the impact of chronic conflict on social relations and people's livelihoods, and examine its implications on sustainable peace in Somalia. In this regard, the following questions remain unanswered to date: what has been the impact of the prolonged Somali conflict on civilians? What are the factors that hinder conflict mitigation? What opportunities exist for the actors in conflict prevention in Somalia? This paper attempts to answer these questions.

1.2 Theoretical Framework

Robert Chambers and Gordon Conway define livelihood as comprising the capabilities, assets (stores, resources, claims and access) and activities required for a means of living. Sustainable livelihood entails opportunities for the next generation and beyond which benefit or reinforce other livelihoods at the local and global levels in the short and long-terms.² This definition focuses on the various factors which either enhance

2 Laise Krantz, *The Sustainable Livelihoods Approach to Poverty Reduction: An Introduction*, SIDA, 2001

or constrain people's ability to make a living in an economically and socially sustainable manner. These factors include basic infrastructure, production equipment and technology, human capital, ability to labor, and good health, among others. This paper uses a theoretical framework based on this definition in assessing the direct and indirect effects of the living conditions of the people of Somalia.

The Psychological Perspective of Conflict Analysis (PPCA) views outbreaks of conflict as dependent on the appearance of particular perceptions, beliefs, attitudes and motivations, all of which must change for conflict resolution to occur. The parties to the conflict usually construct conflicting ethos.³ In the context of Somalia, the fall of Siad Barre sowed the seeds of disillusionment among the citizens and created a stronger sense of identity among clans and groups with similar objectives. The country was then polarized along clan lines, creating fault lines which enhanced hostilities among several groups and constrained any peace efforts. It is clear therefore that conflict emerges and becomes more widespread when collective fears of the future become manifest. Different groups begin to fear for their physical safety, a series of dangerous and difficult to resolve strategic dilemmas arise that contain the potential for tremendous violence. As the groups become more aware or get crippled with information failures and opportunities for armament increase, security dilemmas take hold. The consequence is that the state gets weakened, groups become fearful and loss of confidence in the state security structure increases.⁴

The Somalia warlords capitalized on this psychological effect to penetrate their respective clans, mobilizing and brainwashing their supporters. Operating within these networks, they reinforced a sense of collective

3 Daniel Bar-Tal, From Intractable Conflict through Conflict Resolution to Reconstruction: Psychological Analysis, *Political Psychology*, Vol. 21, No.2, 2000, pp. 351-365.

4 David A. Lake and Donald Rothchild), *Ethnic Fears and Global Engagement: The International Spread and Management of Ethnic Conflict*, Policy Paper 20, 1999. Institute for Global Conflict and Cooperation.

insecurity to woo supporters to join them as safety havens, thus greatly damaging the socio-economic structure of Somali society. The political memories of exclusion and bad governance practices during Barre's regime, myths and emotions also magnified the fears and drove the groups further apart.⁵

5 Ibid. p.5

2.0 Socio-Economic and Political Impact of Conflict on Civilians

2.1 Background

Conflict has devastating consequences on the people, with ordinary men, women, and children suffering disproportionately. When in a state of lawlessness, a country lacks the structures for providing public security and services. In the case of Somalia, the collapse of the central government and the absence of security and central power encouraged the warlords and clan leaders to fragment the country into small clan-based regional states. The absence of centralized government then resulted in untold suffering of the people. As a consequence, Somalia ceased to exist in the international relations arena for close to two decades. The majority of those who bore the brunt of the isolation and war were the civilians.

2.2 Social Impact

The immediate social impacts of war are death, displacement and lack of access to security and basic services. Somalia today remains the leading source of refugees due to decades of war. Most Somali live in Internally Displaced Persons (IDP) camps both within the country and outside. For example, the conflict between the Transitional Federal Government (TFG) with the support of Ethiopian forces on the one hand and the re-grouped Islamic Courts Union (including Al – Shabaab), clan militias and other armed groups opposed to TFG on the other, clashed in Mogadishu leading to displacement of 700,000 urban inhabitants.⁶ The disastrous level of violence and destruction led to the collapse of the fragile economy of Mogadishu and South-Central Somalia in general.

⁶ Ken Menkhaus, 'Somalia: They Created a Desert and called it Peace (Building)'. *Review of African Political Economy*, 2009, No.120: 223-233, p. 226.

The TFG was unable to re-establish effective public services. The current Federal Government of Somalia has been unable to handle the issue of IDPs. The IDPs, who fled to the interior of the country during the 2007 crisis, faced numerous challenges including lack of access to food, clean water and basic health care. The social capital that existed within family and clan lineages was seriously damaged due to displacement and family separations. The Somalia crisis has witnessed not only the collapse of state institutions but also the social institutions of traditional authorities, marriage and kinship solidarity. The traditional values, legal contracts and communal solidarity of clan-based society have lost much of their meaning. War eroded the rule of law and the end justified use of violence.

Many Somali citizens are rarely committed to paying taxes for public assets. Several decades of war in Somalia have had a dramatic impact on the education system leading to its collapse. Indiscriminate shelling by Al-Shabaab destroyed educational buildings and materials and as a result, children gained limited formal education due to limited access to schools. This was exacerbated by attacks on pupils and education personnel. In Al-Shabaab-controlled areas, the militia further imposed restrictions on girl access to education⁷. School children have also been abducted, brainwashed and conscripted into Al-Shabaab ranks.

The war has also had severe impact on health facilities, services and infrastructure. Many doctors and nurses fled to other countries and other places within Somalia perceived to be secure. Poverty aggravated the situation due to lack of money to access the health services available and nomadic and other rural communities are the worst affected in accessing health services.⁸ The psychological impact of war, trauma and the memories of past atrocities continue to negatively affect the people

7 Amnesty International, *In the Line of Fire: Somalia's Children under Attack*, Amnesty International, 2011, p.39.

8 Som-can Institute for Research and Development, *Peace and Development in Northern Somalia: Opportunities and Challenges*, 1999, p. 6. <http://dspace.cigilibrary.org/jspui/bitstream/123456789/14791/1/Peace%20and%20Development%20in%20Northern%20Somalia.pdf?1>. Accessed on August 20, 2013.

of Somalia. The war exposed civilian populations to gross violations of human rights: massive atrocities, torture, murder, arbitrary arrest, looting of property, destruction of villages and rape.

Drought, famine and hunger also continue to negatively affect Somalia. Between 2010 and 2012, nearly 260,000 people died of hunger caused by drought. This could have easily been tamed were the situation peaceful. Half of those affected were children under the age of five. An estimated 4.6% of the total population and 10% of children under five died in South and Central Somalia. Somalia still has one of the world's highest rates of child malnutrition and infant mortality.⁹ This crisis continues to be worsened by restriction of access to humanitarian assistance in Al-Shabaab controlled areas where most humanitarian organizations are banned or denied access.

2.3 Economic Impact

War results in disruption of economic activities: disruption of trade and business; collapse of economic systems and institutions; disruption of farming and agriculture; loss of jobs coupled with unemployment; loss of savings and property through looting, among others. Somalia's economic development has been severely affected by war. Prior to the conflict, about 60% of the population was agro-pastoralist and about 20% agriculturist. Before the war, agriculture accounted for nearly two-thirds of the GDP of Somalia. Crop production was more devastated by the war since all farmers were forced to abandon cultivation and as a result lost their properties and land rights. Most farmers fled their farms to become internally displaced persons and others who crossed international borders became refugees.

Except for a small number of Somali who rely on fishing, the bigger part of the population is urban-based where it is employed as government

⁹ BBC News Africa, <http://www.bbc.co.uk/news/world-africa-22380352>. Accessed 23/08/2013.

workers, shopkeepers, factory workers and traders, among others. The Somali oil industry was closed due to the political unrest that engulfed the country for two decades. The economic situation in Somalia is worsened by exploitation of its resources by foreign enterprises, militia and armed groups. Puntland is considered to have one of the richest fisheries in the world but currently being plundered by foreign ships operating illegally in the horn of Africa. The major ports like Kismayu have been used to enrich Al-Shabaab and not the government and Somali population.¹⁰

The decades of conflict and war have left Somalia as one of the poorest and most undeveloped countries in the world. Life expectancy is estimated at 47 years, infant mortality is 132 per every 1,000 live births, under-five year mortality rate is 224 per 1,000 and adult literacy remains below 20%.¹¹ An accurate assessment of the socio-economic and political situation in Somalia is much more complex and requires close attention to situational factors at the local and regional levels.¹² The infrastructure essential for economic activities such as water, power generators, refineries, air and sea ports, telecommunication installations, bridges and tarmac roads were destroyed while others were abandoned or ceased to function due to lack of maintenance.¹³ The general insecurity in the country increased the cost of doing business, inflation is quite high and the general purchasing power of the Somali is low. The existence of several armed groups has denied the country any opportunity for local and foreign investment. In 2007 for example, uncontrolled and predatory opportunistic criminal gangs erected over 400 roadblocks (each of which demanded as much as US\$ 500 per truck to pass). Even goods from within the country could not reach major urban centers due to unlawful taxation and extortion by the

10 Opp.cit, Som-can, p.6 <http://dspace.cigilibrary.org/jspui/bitstream/123456789/14791/1/Peace%20and%20Development%20in%20Northern%20Somalia.pdf?1>, Accessed August 20, 2013

11 Menkhaus K. (2004), *Situation and Trend Analysis*, SFC, p. 20.

12 Ibid. p.2

13 Ismail A. and Reginald Green, 'The Heritage of war and State Collapse in Somalia and Somaliland: Local Level Effects, External Interventions and Reconstruction'. *Third World Quarterly*, 1999, Vol. 20, No.1, pp. 113-127.

armed militias.¹⁴ This denied the business community the opportunity for a multiplier effect of investment since the profits went to armed groups in form of extortions. In general, the economic production capacity of the Somali community greatly declined.

2.4 Political Impact

After the collapse of the Somalia government in 1991, various factions attempted to take control of Somalia; this resulted in chaos, clan warfare and regional fighting. These factions still continue fighting for survival and control of regions. South-Central Somalia and the two northern regions of Somaliland and Puntland each followed different routes and achieved different levels of success in governance. In Puntland, a regional administration was established that now provides for law and order and has restored some relative calm. Though relatively calm, the situation in Puntland is still fragile and can easily be ignited.

Somaliland was able to achieve relative stability and peace and has held successful democratic elections. Some parts of South Central Somalia are still in conflict. Uniting Somalia again appears to be difficult because of competition among clan groups over access and control of resources and power. Clashes over productive land, animal grazing grounds and use of water points have been common. Negotiations over return of property and land are an integral part of achieving peace. The most frequent conflict occurs between pastoralists and agriculturalists, and is exacerbated by water crises, environmental degradation and desertification.

Politics in Somalia is clan based. Understanding how Somali clans relate to one another is important in understanding the politics of Somalia. In Somali society, clans serve as a source of unity and front for conflict; they combine forces for protection, access to water, resources, productive

¹⁴ Ken Menkhaus, 'Somalia: They Created a Desert and called it Peace (Building)'. *Review of African Political Economy*, 2009, No.120: 223-233.

land as well as political power. Somali clan alliances, though common, are highly unstable and often shift. The war that has ravaged Somalia for decades has weakened the clan systems and left control of most of the country to warlords and other armed groups. Due to the evolving and dynamic nature of armed groups and warlords, Somalia has seen several transitions from one form of government to another. However, some autonomous regions, like Somaliland, Puntland and Galmudug, emerged in the north and are relatively peaceful.

The early 2000s saw the establishment of interim federal administrations; The Transitional National Government (TNG) was established in 2000, which was succeeded by the Transitional Federal Government (TFG) in 2004. TFG re-established some national institutions such as the military. In 2006, the TFG assisted by Ethiopia, gained control of some parts of Mogadishu from the newly formed Islamic Courts Union (ICU). Al-Shabaab, an offshoot of ICU, took control of most parts of South-Central Somalia. The combined efforts of the Kenya Defence Forces (KDF), TFG Forces and the Ras Kamboni Brigade gradually regained control of most parts of South Central Somalia and created a relatively stable environment for governance. Following this development, the UN, AU and the international community refocused on Somalia and initiated efforts that saw the re-establishment of democratic institutions, initiation of Security Sector Reforms and the passing of a Provisional Constitution in August 2012.

The Provisional Constitution saw the end of TFG and the establishment of the first permanent central government in the country since the start of the civil war, the Federal Government of Somalia. Although the security situation still remains fragile, Somalia is now experiencing a period of reconstruction. The new Somali government faces the difficult task of reestablishing governance and economic structures and institutions, restoring peace and security and resettling the huge number of Internally Displaced Persons and those in refugee camps.

3.0 Constraints to Effective Conflict Resolution

Several attempts to end conflict and bring peace in Somalia since the fall of Siad Barre resulted in further fragmentation of the country and emergence of different kinds of armed groups and militia. Political power consequently rested with the armed groups and militia, most of who were not ready to cede control to a central government which would have monopoly of power and control of resources. The following section discusses the various factors that hindered effective conflict resolution in Somalia such as negative precedents, clan patronage, spoilers and proliferation of small arms and light weapons.

3.1 Negative Precedents

The toppling of Siad Barre, the collapse of public institutions, the cessation of public service and decades of war that followed, created fear and public mistrust in a central government among the Somali. As a result, many Somali were for a long time suspicious that the restoration of central government would mean the re-emergence of a predatory state and a dictatorial regime. However, the truth of the matter was that a post-Barre central government would enable cessation of war and restoration of public services and governance institutions and structures. These fears and suspicions, coupled with a spoiler mentality, created negative perceptions that bred hardliner positions in the negotiations, which undermined the several peace initiatives meant to stabilize the situation. Personal gains and interests in the negotiations further complicated the search for lasting solutions to conflict in Somalia.

3.2 Diminishing Influence of the Clan System

The clan system in Somalia is a structure that has been central in responding to conflict through resolution, management and even

prevention. After the fall of Siad Barre, the clan system literally replaced the collapsed central government. Clans have been used to manipulate peace processes, escalate or de-escalate conflicts. Nearly all armed conflicts in contemporary Somalia break out along clan lines, while at the same time, several peace agreements have been reached along clan lines. It should be noted that clan identities are not the basis for conflict, but rather their deliberate manipulation. Clans have the potential both to drive and resolve conflict; they can make negotiations easy or difficult.

Most of the early Somalia peace initiatives excluded the larger population as they were only attended by armed factions and their supporters who were usually motivated by power or monetary gain offered by the international community. The clan, community and religious leaders as well as civil society representatives were generally assigned peripheral roles in peace initiatives, consequently making the latter largely unsuccessful.

Lack of grassroots participation resulted in lack of public support for successive peace processes, rendering the efforts irrelevant. The other reasons why clan systems have appeared ineffective have been due to evolving dynamics in the Somali conflict. Traditionally, clan elders were instrumental in solving disputes and conflicts but after Barre, several factors have undermined the role of clan elders in conflict resolution.

The warlords and lack of central government undermined and weakened the position of elders. Clan members derive their identity from their common descent rather than from territorial belonging and only handle disputes from individuals or groups along their lineage. This means that violence carried out by unknown perpetrators would be difficult to resolve. Displacement and movement of the populations further weakened the position of the clan elders. This has been the case in South Central Somalia. Corruption among the warlords has divided traditional elders and undermined their standing and respect.

3.3 The Spoilers

Many peace processes have been started and cease-fires negotiated in Somalia to end decades of civil war following Siad Barre's fall. However, most of these efforts have often resulted in resumption of violence, sometimes worse than before. The failure of these processes has been attributed to spoilers, people who actively seek to hinder, delay, or undermine conflict settlement through use of violence and other methods. Such people believe that a return to peace will threaten their interests and power and would do everything necessary to undermine it. Spoilers in Somalia aim at maintaining the status quo. There is a wide range of internal and external actors in Somalia who play the role of spoilers. There are three categories of spoilers. First are those who seek to undermine efforts at state and peace-building due to personal interest, and are usually clan leaders. For instance, the Eldoret peace talks in Kenya stalled because of grievances by clans over representation.¹⁵

The second category entails the intrinsic spoilers i.e. those who have fundamental interests in maintaining a collapsed state with its related lawlessness and armed conflict. This category stands to benefit economically from the state of lawlessness comprise mostly warlords, militia and armed groups. Persuading this category of individuals to accept peaceful settlement of disputes in Somalia has always been an effort in futility. The Al-Shabaab, for example, has refused to negotiate with anybody to bring peace in Somalia. The intrinsic spoilers are criminals, merchants of war, and individual groups holding wealth and power which they may lose if peace is established.

The third and last category of peace spoilers are individuals and groups, especially the business community, whose motivation is driven by risk

15 United Nations, Somali Reconstruction and Development Programme: Deepening Peace and Reducing Poverty , 2008, Vol. 1. <http://www.somali-jna.org/downloads/ACF7C9C.pdf>. Accessed 22.08.2013, P.5

aversion. They know the benefit of peace and security but face high levels of uncertainty about the impacts of peace on their interests and would do all that is possible to delay the resolution of conflict.¹⁶

3.4 Proliferation of Small Arms and Light Weapons (SALW)

The presence of small arms and light weapons will continue to undermine peace and security in Somalia. Small arms have been associated with violent conflict all over the world. While violence does not necessarily begin with a weapon, violence increases dramatically when weapons are present particularly in fragile environments rife with mistrust and hostility.

When weapons (especially the sophisticated ones) enter an area, they can stay there for years and change the dynamics of conflict as armed militias easily resort to violence to acquire and maintain their interests. Such weapons are the leading contributors to the escalation of a culture of violence and the militarization of the Somali society. Decades of lack of safety, insecurity and lack of central government in Somalia increased the demand for weapons. Poverty is another factor that has increased the demand for guns. The high rate of unemployment and little education seem to have condemned the Somali youth to a culture of guns and violence.¹⁷

16 Ken Menkhaus, "Protracted State Collapse in Somalia. A Re-diagnosis". *Review of African Political Economy*, 2003, p.12.

17 Ibid. p.13.

4.0 Addressing the Somalia Conflict

The return of Somalia to normalcy has been of national, regional and international concern since civil wars began in the country. But how to return Somalia to normalcy has been the issue. There are as many divergent views as there are actors in this regard. For external actors, the conventional wisdom is that a responsive and effective central government is an essential prerequisite for development, a perfectly reasonable proposition enshrined in virtually every World Bank and UN strategy on development. Due to the many decades of war, some view the central government as an instrument of alienation, corruption, patron-client relations, accumulation and domination, enriching and empowering those who control it and exploiting and harassing the rest of the population. These different perceptions of the state often result in national and international actors disagreeing on the path to take regarding the rebuilding of the central government. What is generally agreed is that different actors have different responsibilities in as far as addressing the root causes of the Somalia conflict is concerned. The Somalia Federal Government, the Somali in the Diaspora, regional economic communities and international community as represented by the AU and UN, all have different roles to play.

4.1 The Somalia Federal Government and Somali in Diaspora

Some of the factors that plunged Somalia into conflict during SiadBarre's regime were: bad governance, clan patronage, dictatorship, unnecessary external wars, poor domestic programmes and poor economic policies. These causes, most of which are structural, must be addressed to achieve lasting peace in Somalia. A central government then is necessary to provide an institutional framework and environment to address the causes of conflict. The International community and other actors can

only provide the necessary support required by the central government which is required to build confidence and garner the support and will necessary to foster peace and stability. The experiences of the Barre regime have made some Somali lose confidence in government and any attempts to put one in place have been violently resisted. In addition, numerous local actors in Somalia have no confidence in each other.

Although the new Federal Government is making attempts to stamp its authority, it is facing numerous challenges. Somaliland and Puntland have refused to recognize its legitimacy; Al Shabaab still controls part of South-Central Somalia, and there are several other armed groups and regional militia who claim autonomy in parts of Somalia. The Federal Government has the responsibility of bringing the warring parties together to a negotiating table to discuss possible ways of addressing the root causes of war and peaceful resolution of existing conflicts. The Federal Government also needs to involve its neighbours as well as regional and international partners in re-establishing itself and resolving its numerous conflicts.

The Somali in the Diaspora could also be involved in the search for peace and in an attempt to increase the participation of the international community including INGOs in peace building in Somalia. Equally, the war and displacement of persons has changed gender role and relations, making Somali women to take up more active roles in peace processes and development. The Federal Government needs to involve them actively in all spheres of governance.

4.2 The International Community

There have been numerous attempts to bring peace to Somalia by the international community over the past two decades. However, the international community-led efforts have not succeeded in bringing

stability to the country. Throughout the Somalia crisis, the international community seemingly failed to understand its complexity and treated it as a 'post-conflict' setting requiring aid programmes, restoration of the rule of law and security sector reforms. All these programmes, though well intended, did not address the root causes of conflict in Somalia. The approach by the international community succeeded in creating regional and trans-regional authorities in Somalia. Instead of bringing peace, this approach devolved warfare to lower levels of clan and lineage which meant that warfare had become much more localized to the level of clan and sub-clan territories.

The previous interventions by the international community in Somalia focused more on state-building than peace-building despite the fact that the average Somali needed and benefited more immediately from a state of peace than a revival of central government.¹⁸ This approach certainly needed review to make it functional. Moreover, within the field of conflict resolution and management, it is increasingly recognized that conflict prevention is a vital component that addresses the root causes within the broader context of conflict transformation.

With the current security gains, the international community has increased its presence in Somalia. For example, the United Nations Political Office for Somalia (UNPOS) was established with the mandate of advancing peace and reconciliation. The European Union advanced its presence in Somalia by appointing an EU Special Representative for the Horn of Africa. With the establishment of the Somali Federal Government, the EU nominated its resident Ambassador to Somalia for constant engagement. The African Union and Intergovernmental Authority on Development (IGAD) are now playing major roles in building the Somalia state. The AU, EU and UN are training civil society,

¹⁸ Religions for Peace, SALW Africa, A resource Guide for Religions for Peace. African Council of Religious Leaders, 2010, p. 8.

police and other professionals on good governance. It must be noted that any programme in Somalia has to be home-grown in order to address the real challenges facing the Somali population and be of benefit to the indigenous people. In as much as the solutions should be home based, there is still need for international involvement. External influences at the regional and global levels are playing pivotal roles in Somalia. The involvements of regional states, global powers, and non-state actors are necessary for stabilization of the country until the Federal Government regains control and is able to manage state affairs on its own.

4.3 AMISOM

The African Union never played any direct significant role in the early attempts to restore peace and stability in Somalia until 2007 when it deployed the African Union Mission in Somalia (AMISOM). Since its establishment, AMISOM has made commendable progress in stabilizing the security situation in Somalia. It faces formidable challenges. The eradication of Al-Shabaab forces from the control of strategic areas and the protection of the Federal Government's key institutions and personalities are among its most notable challenges. Recently, AMISOM has assisted in bringing the warring factions together and assisting the government in building capacity for public sector institutions. AMISOM's mandate also includes humanitarian, security, political and development dimensions.

By working with local communities and focusing on building strong national forces, AMISOM has revived the institution of elders and denied the insurgents support bases. However, AMISOM has a number of challenges that still remain. The first challenge refers to dynamic political and fragile security environment in which the mission operates. The second relates to the difficulties that AMISOM has faced since its launching, which originate from institutional and logistical deficiencies.

5.0 Conclusion and Recommendations

Decades of conflict in Somalia displaced millions of civilians causing endless suffering, destroyed virtually all socio-economic and political institutions, interrupted economic activities and created an environment that was not conducive for development. These war effects will continue having long lasting socio-economic and political impacts on Somalia. The stabilizing security situation and the election of a new Government in Somalia present an opportunity for the country to resolve its conflicts and embark on nation building. Although reconstruction of the country may take long, there is need to harness the international goodwill and progress presented by various peace agreements. Somalia's stability is important to the region and international community at large.

The Federal Government of Somalia needs to accommodate locally-driven or home-grown initiatives and traditional power structures which involved grassroots participation as a mechanism for resolving some of its current conflicts. Establishing economic infrastructures like an effective tax system, commercial banking system, restoring effective livestock export inspection systems and putting in place measures for protecting and rehabilitating the natural environment could result in poverty reduction through employment and wealth creation.¹⁹ The government needs to practice good governance by fighting corruption, being transparent and accountable, and pursuing inclusiveness by equitably redistributing resources including land lost during the war. Respect for diversity, rule of law and human rights, reviving public services and creating employment will cultivate a positive image of the government. In addition to disarmament, demilitarization and demobilization, the reintegration of ex-combatants will enhance security and create an environment safe for the return of IDPs and refugees.

19 United Nations, Somali Reconstruction and Development Programme: Deepening Peace and Reducing Poverty, 2008, Vol. 1. <http://www.somali-jna.org/downloads/ACF7C9C.pdf>. Accessed 22.08.2013.P6

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Local Capacity for Peace Building in Somalia

Lt Col Nduwimana Donatien

1.0 Introduction

No one can make anyone else's peace. People and societies must create the conditions and develop the processes for achieving and sustaining their own peace. Peace practitioners can support and work alongside the processes, offer different perspectives and ideas, and discuss options, but they cannot make peace in another person's context. If the solutions do not come from the communities affected, they can amount to manipulation or attempted social engineering.²⁰

The philosophy here considers that peace is a process that must involve the entire society in transforming the attitudes of members of the conflicting parties towards each other. It is not a condition that can be achieved by signing agreements between conflicting parties at conference tables. This peace building concept is based on the conviction that sustainable peace can only be built from within, by the people themselves, drawing upon their own resources, within the context of their own culture and tradition. The concept further underlines that peace is a long-term process that can only be made sustainable by the people themselves.²¹ This paper analyses the factors behind the long route to creating local capacity for peace building in Somalia.

20 Anderson, M. and L. Olson), *Confronting War. Critical Lessons for Peace Practitioners*, Cambridge, USA, CDA Inc, 2003

21 Svensson, J. (), *Designing Training Programs, The Life and Peace Institute Approach in Somalia*, in Reyhler, L. and T. Paffenholz, *Peace Building: A Field Guide*. London: Lynn Rienner, 2001

1.1 Traditional Peace Building Capacity in Africa

In Africa, peace-building traditions emphasized the importance of social solidarity. One such tradition is called ‘*Ubuntu*’, which is practiced by communities in Eastern, Central and Southern Africa. The idea behind Ubuntu is that all humans are interdependent; they belong, participate and share in the society. In societies where Ubuntu is practiced, maintaining positive social relations is a collective task in which everyone is involved. Public participation is important in the peace-building process because it promotes social solidarity.²² In Somalia, there is a traditional peace and resolution mechanism known as ‘*Xeer*’ which is used to peacefully resolve disputes.

1.2 Background to the Study

The collapse of the Somalia state was a gradual process that began over a decade before the final toppling of Siad Barre in 1991. After Somalia’s eventual defeat in the Ogaden war with Ethiopia in 1978, a series of opposition movements with clan affiliations emerged with the aim of toppling Siad Barre’s government. One of these movements was the Hawiye-dominated United Somali Congress (USC). Established in Rome in 1989, USC activities began with mobilization of armed opposition in the central regions which culminated in the capture of the capital, Mogadishu, in January 1991. However, due to lack of a clear political agenda and leadership wrangles, USC split into two factions: one headed by Ali Mahdi and another by General Mohamed Farrah Aidid. As a result of the absence of a central government to save the country from disintegration, many rebellions were waged to topple Siad Barre. The ensuing violent conflicts between rival factions ravaged most parts of South-Central Somalia. Fierce rivalry among clan-based militia for control of the valuable resources of Mogadishu, Kismayu, other sea ports, airports, and key public assets ensued.

22 Dorothy R. Jolley (U B U N T U: *A Person is a Person Through other Persons*. Southern Utah University, 2011

The term *Peace building* first emerged in the 1970s through the work of Johan Galtung (founder of the Peace Institute in Oslo). Galtung called for the creation of peace building structures to promote sustainable peace by addressing the root causes of violent conflict and supporting indigenous capacities for peace management and conflict resolution. Since then, the term peace building has covered tasks ranging from disarming warring factions to the rebuilding of political, economic, judicial and civil society institutions. Peace building became a familiar concept within the United Nations following Secretary-General Boutros Boutros-Ghali's 1992 report, *An Agenda for Peace*, which defined peace building as '*action to solidify peace and avoid relapse into conflict*'. The 2000 Report of the Panel on United Nations Peace Operations (also known as the *Brahimi Report*) defined peace building as '*activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations, something that is more than just the absence of war*'²³.

In 2007, the UN Secretary-General's Policy Committee agreed on the following conceptual basis for peace building to inform UN practice: "Peace building involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peace building strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives."

1.3 Local Capacity

Local capacity can be seen as the power of the people in communities to participate in actions based on identified interests both as individuals,

23 Lisa Schirch *Strategic Peace Building: State of the Field*, *South Asian Journal of Peace Building*, 2008

groups, organizations or networks.²⁴ The actions people and groups take are broadly described as community activity and can be divided into three categories:

- Action to build social capital which involves building relationships, trust, shared norms and networks, people taking part in community initiatives, groups and organizations and communicating with the wider population as volunteers, members and participants.
- Actions to deliver services which can either be autonomous or provided by communities or specialist or voluntary groups. These services can be controlled by contracts or service level agreements with public agencies.
- Actions involving governance: representing the interests of local people or particular groups in influencing decisions that affect the quality of local life.²⁵

1.4 Objectives of the Research

This study sought to identify and analyze the prevailing local capacities for peace in Somalia and the factors in place that may have contributed to peace and security stabilization in that country. These factors range from geographic location, religion, demography, culture, economic and political heritage and practices.

1.5 Justification of the Study

Several theories have been advanced to explain the best methods of intervening in conflict situations. It has been noted that recognizing

24 Paul S. Adler and Charles Heckscher, *Towards Collaborative Community*, <http://www-bcf.usc.edu/~padler>

25 Ala Pazirandeh *Local Capacity Building: A Logistics Perspective in Disaster Relief*, Lund University, Sweden, 2010

factors that advance the cause of peace and security can enhance the success of interventions. Peace generating factors may occur even when societies are in conflict in which the challenge will be that of tilting the equation from conflict to peace generating factors. The approach of using peace generating factors is important in countries that are transforming from post- conflict situations. Recognition of these factors in the case of Somalia is an important process of informing design and application of projects for peace and security among all the actors concerned. Beginning from a sound foundation, especially among internal development partners is extremely important since this may have a trickle-down effect on all other peace and development projects. Building on this goodwill is even more important when considering the sensitive nature of the Somali society towards foreign actors.

1.6 Structure of the Paper

This paper is divided into five broad sections. Section 1 provides a brief introduction of the research problem and study area, objectives of the research and justification of the study. Section 2 revisits Somali traditional structures or conflict resolution processes. Section 3 outlines various peace initiatives that have been used in an attempt to solve the Somalia conflict. Section 4 focuses on opportunities for the success of these initiatives, and section 5 provides the conclusion and recommendations.

2.0 Traditional Conflict Resolution Processes

2.1 Somali Traditional Conflict Resolution Structures

Somali customary law is one of the mechanisms for resolving and/or managing conflicts between and among clans. The foundation of traditional agreements is based on codes designed to prevent conflict or avert escalation of violent clashes when they arise, especially over resource sharing. The conflict resolution process was either mediated directly by the traditional elders of the two parties in conflict or by a third party²⁶. The elders of the respective groups would agree to share information on the crisis and take measures to prevent escalation such as ordering cessation of hostilities, disengagement of forces and ceasefire.

Once the immediate violent conflict was contained in this first phase, the elders from the warring parties would meet directly or through a third party to examine together the root causes of the conflict and identify appropriate steps to be taken towards reconciliation, based on existing customary laws of the two groups. If the elders reached a common understanding, they would propose mediation to the parties in conflict in a public meeting at which they would then present their views on the root causes. If the elders failed to reach agreement, then a third party accepted by both groups would lead a mediation process. With the consent of the parties in conflict, the traditional leaders in the arbitration would appoint a neutral technical committee to examine the root causes of the conflict more thoroughly, investigate who instigated the violence, and ascertain the impact in terms of loss of lives and property.

26 Alfonso Peter Castro and Kreg Ettenger, *Indigenous Knowledge and Conflict Management: Exploring Local Perspectives and Mechanisms for Dealing with Community Forestry Disputes*. New York: Syracuse University, 1996

After completing its fact-finding mission of gathering information and evidence, the technical committee would use the same traditional customary codes to prepare a proposal for appropriate remedial action, which typically included penalties to the offending party and compensation to be paid for loss of life and property on the aggrieved parties. This was then presented to the traditional (arbitrating) leaders for their review and endorsement. The parties in conflict would then be summoned again by the elders and technical committee and informed of the outcome of the findings and decisions reached.²⁷ In the next four subsections, we examine the role of clan systems, Mag-paying groups, the *Xeer* system, and the challenges encountered in traditional conflict resolution in Somali society.

2.2 Clan Systems

The political constitution of Somalia society lies in kinship and a specific kind of social contract. The Somali are dependent on their kinship lineage for security and protection, duties, rights and liabilities and perceive issues collectively rather than individually. The clan has played a key role in the affairs of the community as it remains collectively responsible for actions of its individual members. The clans are male-based and rights of women and children are seen in the context of the interests of maintaining the strength of the male gender.²⁸

The clans also act as corporate political units and tend to have some territorial exclusiveness as seen in their regular seasonal movements for pasture and semi-permanent settlements. Clan-members mostly derive their identity from their common agnatic descent. The clan is often led by a clan-head, but remains without a centralized administration

²⁷ Fatima, Abdullahi Abdi, Farah Abdi Hassan, Hassan Qadi Ahmed, Mowlid Ali Osman, and Mariam Mohamed, *Pillars of Peace, Challenges and Opportunities in the Central Regions*. Inter-peace, Somalia Program, 2012

²⁸ Ian M. Lewis, *Blood and Bone: The Call of Kinship in Somali Society*, Lawrenceville, NJ: Red Sea Press, 1994

or government. The most distinct characteristic within the clan is the primary lineage, the lineage to which a person is aligned (mostly, often between 6 and 10 generations). Marriage is usually outside the primary lineage and may at times link clans together and function to reduce the feuds between primary lineages.²⁹ The most basic and common lineage unit is the mag-paying group, discussed next.

2.3 The Mag-paying Group

The mag-paying group (also Diya-paying group) is an important level of social organization for individuals in Somalia. The Diya group consists of male members of one or more family lines, who have the same forefathers going back four to eight generations, and who are collectively responsible for the members' actions. The Diya groups are large enough to be able to pay compensation (for example, a fine of 100 camels is paid for homicide according to *Sharia*) and it is between these groups that the traditional legal framework is practiced and agreements (*Xeer*) are entered into. The members of the Diya group are therefore obliged to support each other in the political and legal responsibilities that are defined in the *Xeer* agreements³⁰. The Diya group is also responsible for providing assistance to members in difficult financial situations. Thus, all men are defined by their belonging to a mag-paying group, and their social and political relations are executed through *xeer* or contracts. The contracts are entered into within and between mag-paying groups. As the institutional viability of the mag-paying groups is founded on their ability to collectively meet the blood-debts (*mag*) of their members, its effectiveness may be challenged today, by amongst other factors, the very scale, level and intensity of the current conflicts in Somalia. The intensity and numbers of conflicts, combined with loss of livestock due to droughts and environmental degradation, cripples the ability of

29 Britta Rinehard, *Clan Structure in Somalia*. American Civil-Military Fusion Center, 2011

30 Joakim Gundel, the Predicament of the 'Oday': *The Role of Traditional Structures in Security, Human Rights, Law and Development in Somalia*, Danish Refugee Council & OviB/Oxfam, Nairobi, P.8, 2009

these groups to meet their obligations and the fatal consequence is that they are no longer able to contain revenge killing cycles and inter-clan fighting.

2.4 The Xeer System

The *xeer* is the most important element that links alliances between clans in Somalia, and is considered to be the glue that holds the community together. However, Xeer is only entered into between Somali clans. Minority groups are normally excluded from xeer and the Diya system. Under Xeer, elders serve as judges and help mediate cases using precedents. It is an example of how customary law works within a stateless society and closely resembles the natural law principle. Several scholars have noted that even though xeer may be centuries old, it has the potential to serve as the legal system of a modern, well-functioning economy³¹. In this mechanism, people are allowed to participate equally in the process through electing their representatives. It is understood and accepted by most Somali as a mechanism to resolve conflicts³².

2.5 Challenges of Traditional Conflict Resolution Systems

Most local reconciliation processes that were mediated by traditional mechanisms related to conflict in rural communities over land disputes (especially in settlements or villages), access to shared grazing or water sources, and agricultural land. In most communities, an established xeer would resolve these conflicts. Traditional issue-based conflicts increased significantly in number and complexity during and after the civil war due to the breakdown of other mechanisms for regulating social interaction, mass displacement of people, incursions by armed groups,

31 Peter T. Leeson 'Better off Stateless: Somalia Before and After Government Collapse. *Journal of Comparative Economics* 35: 689–710,2007

32 Stig, J. Hansen, (2003), Warlords and Peace Strategies: The Case of Somalia, Vol. XXIII, No. 2 Fall 2003

and increased availability of weapons. The imbalance in the acquisition of weapons by different communities living together resulted in the larger and stronger clans or sub-clans dominating militarily weaker ones and taking over most of their resources. Since even weaker (sub) clans generally had access to some weapons, violent clashes often resulted³³.

The long-term conflict, absence of law and order and rapid changes in the socio-economic conditions have further led to continuous pressure on the traditional leaders in their role as enforcers of law and order within and between clans. The traditional mechanisms and structures therefore face major challenges especially in South Central Somalia. Unlike the rest of Somalia, the traditional structures in South Central Somalia belong to a heterogeneous mix of sedentary agriculturalist, agro-pastoralist, and pastoralist communities with differing cultural heritages. They also have diverse colonial experiences and historical social constructions. These have had implications for the dynamics of civil war in the South Central region.³⁴

The traditional systems of conflict resolution in Somalia are no longer as effective as they were before the collapse of the central government. The traditional leaders are now losing their authority and respect. Globalization and the long-standing conflict in the country have taught the youth to dismiss the elders. The influence of the media and the warlords undermining or manipulating the elders has weakened their position and authority in the society³⁵. However, given the right focus, these structures could be revived to the benefit of the citizens of Somalia.

33 International Peace Building Alliance *Community-based Peace Processes in South-Central Somalia*, 2008

34 Jason P. Sorens and Leonard Wantchekon *Social Order without the State: The Case of Somalia. African Studies Working Paper*, 1997

35

3.0 Peace Resolution Initiatives in Somalia

3.1 International Peace Resolution Initiatives

In early 1992, the UN Security Council established the United Nations Operation in Somalia I (UNOSOM I), to provide, facilitate, and secure humanitarian relief in Somalia, as well as to monitor the first UN-brokered ceasefire of the Somali civil conflict. UNOSOM I ran until December 1992 when its operations were taken over by the Unified Task Force (UNITAF). The American-led UNITAF, which operated in Somalia from 5 December 1992 to 4 May 1993, was charged with the responsibility of creating a protected environment for conducting humanitarian operations in the Southern half of Somalia. Following the Addis Ababa accord of March 1993, UNITAF was dissolved and a multinational UN peace keeping mission, UNOSOM II, was established in May 1993.³⁶

From 1993 to 1995, the intensity and frequency of the armed conflict decreased overall in Somalia, in part due to the relative security and stability that followed the establishment of UNOSOM II bases in the main conflict areas of Mogadishu, Baidoa and Kismayu. UNOSOM II forces cantoned heavy weapons in the areas they controlled (but did not carry out the anticipated disarmament program). Nevertheless, their presence deterred the clan-based militia from further violence and extortion of the local population. UNOSOM II also sponsored several, regional and national reconciliations, stimulating some hope for the restoration of governance and peace. However, the repeated efforts by UNOSOM II to broker a national peace agreement between the different factions failed.

When UNOSOM withdrew in March 1995 having failed to revive Somalia's collapsed state, there were widespread fears that the disastrous clan-based

³⁶ Carolyn M. Shaw, *Regional Peacekeeping: An Alternative to United Nations Operations*, 1995

factional war of 1991-1992 would engulf the country again. However, although violent conflict continued, the clashes became shorter, more localized, and generally less intense. This was attributed to the influence of business entrepreneurs who had benefited from the massive cash injection and employment opportunities during UNOSOM II emerging to challenge the warlords and protect their business interests³⁷. In the meantime, international efforts to broker agreements between the rival factions and to restore a government in Somalia continued. Neighboring states, aware of the political and security impact of the lawlessness and violence in Somalia played key roles in starting various peace initiatives. Beginning with the first Somali national reconciliation initiative in 1991 organized by Djibouti, a series of externally sponsored national reconciliation and peace initiatives followed.

3.2 Local Peace Resolution Initiatives in Somalia

The majority of past local Somali peace initiatives may be described as localized since they addressed conflicts over shared land, pasture, or clan-related revenge killings. The initiatives are considered local in terms of the geographical spread of the process (village, district, regional, or involving more than one region). They also normally involve communities in a village, town or district and address conflicts within a clan or sub-clans in the immediate area. During the long period that the Somali have been without a central government, many different local initiatives were undertaken in south-central Somalia. Many succeeded in forging relative stability and peaceful co-existence between different communities. Since 1991, there have been more than 90 local peace initiatives in south-central Somalia that have used traditional conflict mediation practices under the guidance of clan elders, Islamic courts, scholars and other key stakeholders.³⁸

37 Center for Research and Dialogue (CRD), *Conflict Analysis Regional Report South-central Somalia*, 2004

38 Abdirisq M. AdenXeer, *traditional Mediation in Somalia*, University of Massachusetts Boston, P.12, 2011

An example of such initiatives was the agreement concluded in 2005 (and which still holds) between Afi and Abtisame sub-clans of the Gaalje'el clan in Hiran region over revenge killings and rape. In this case, clan elders, religious leaders, business people and civil society groups from the area supported a reconciliation agreement between the two conflicting sub-clans. Another example is the territorial conflict over the village of Kulan Jareer near Baidoa, and its surrounding grazing land, which has traditionally been shared by the Jiron and Hadame sub-clans of the Digil-Mirifle clan. In the early 1990s, the two groups clashed over ownership of the village and grazing rights. Traditional, religious leaders and women mobilized in support of a reconciliation process to restore harmony. It was successfully concluded in 1994 at the neighboring village of Labatan Jirow.³⁹

3.3 Islamic Courts

The other significant dynamic in the Somalia conflict was the emergence of the Islamic Courts. The first such court was established in 1993 in the Medina district of Mogadishu to fill the power vacuum left by the collapse of the state and the inability of local warlords to establish viable administrative structures. Other courts followed such as the North Mogadishu Islamic Court, established in 1994. These courts were credited with remarkable improvements in local security and enjoyed the support of the business community. The power vacuum created in Mogadishu from 2002 to 2004 due to the absence of many of the Mogadishu-based faction leaders (who were attending peace talks in Kenya), resulted in the creation of an umbrella organization, the Islamic Courts Union (ICU). The ICU was formed in 2004 and comprised Mogadishu's seven Islamic Courts. It evolved rapidly into a coordinated and organized force with significant military capacity⁴⁰. The

39 <http://www.c-r.org/accord-article/community-peace-processes-south-central-somalia#sthash.PtTQACwK.dpuf>

40 Cedric Barnes and Harun Hassan, *the Rise and Fall of Mogadishu's Islamic Courts*. Chatham House: Africa Program, 2007

ICU had strong support in Mogadishu but soon became a victim of the influences of extremist and terrorist elements within the country.

3.4 Regional Initiatives

Reconciliation processes involving two or more regions represent a significant investment by the respective communities and can have attendant positive impacts when they succeed⁴¹. A good example of such regional initiatives was the 1993 Mudug Peace Agreement between the Habar Gidir clans of Galgaduud and South Mudug and Majeerteen clans of North Mudug, which ended the large-scale confrontations between clan militia. Another significant regional peace initiative was the Kismayu Conference of 1994, sponsored by UNOSOM and supported by the political factions of the SNA, SPM and SSDF, with representatives from all nineteen clans from Middle and Lower Jubba regions participating (with the exception of the Absame sub-clan which signed the agreement later).

The Bardhere Peace Conference of 1993 that was initiated by elders of the Digil and Mirifle clan in Bay and Bakool regions, and the elders of the Marehan clan supported by UNOSOM, was yet another regional peace initiative. Serious fighting between the two communities in 1991-92 had resulted in heavy casualties, mistrust, breakdown of trade, and incessant conflicts over pasture and water resources. Since the agreement was signed, the two communities have co-existed harmoniously with the Bardhere agreement as the frame of reference for any issues that may arise between them.⁴²

41 Farah A,Y and Lewis I.M: Somalia: The roots of Reconciliation.Peacemaking endeavours of Contemporary Lineage Leaders: A survey of Grassroots peace Conference in Somaliland, Actionaid, 1993

42 Centre for Research and Dialogue(CRD), *Somalia: Path to Recovery and Building a Sustainable Peace*, Mogadishu, July, 2004

A significant regional peace conference amongst the Hawiye clan was held in Belet-Weyne from October 1998 to June 1999. It was organized and hosted by a well-respected titled traditional elder, the late Ugas Khalif of the Hawadle clan. Over 650 clan representatives participated, of which 150 represented the Hawiye clan of Hiran region. The aim was to foster reconciliation within the Hawiye clan and with other clans, as a fundamental step towards national reconciliation. In its final stages, the politicians contested the leadership of the process and the initiative failed. Nevertheless, the conference succeeded in enhancing trade between the regions and between sub-clans, built the local capacity to organize and finance peace processes and demonstrated the potential of bottom-up reconciliation processes. More recently, the reconciliation process from February 2006 to February 2007 between the Sa'ad and Saleman sub-clans seems to have ended the protracted violent conflict between the two groups in Galgadud and South Mudug.

4.0 Opportunities for Success

Somalia has seen significant improvements in the security situation over the last few years. The recovery of Mogadishu from the insurgent forces of Al Shabaab was followed by the recapture of districts and regions further afield. The successes by the Government of Somalia and AMISOM have opened a window of opportunity for increased local peace building activities. The Somali are keen on taking back their country from the insurgents and rebuilding their society. With the opportunities presented by the improved security situation, Somalia may need to focus now on efforts of strengthening locally-owned and locally led reconciliation processes.⁴³

4.1 The Role of Male Elders and Women in War and Peace

The first step in this peace building approach is to initiate meetings with traditional leaders in a given region. The aim would be to identify the steps to be taken in strengthening their roles and functions, and to establish a network of traditional elders actively involved or interested in developing peace institutions across clan lines. These meetings could also identify and address the strong and weak aspects of the *xeer* system. A supporting agency or another kind of arrangement, should be set up to assist the elders in facilitating meetings or workshops, managing their affairs, building their capacities, implementing intervention schemes, and running awareness campaigns. In addition to the supporting agency, Somali legal advisers could be useful, on a regional basis, in assisting the elders and government in implementing the three-tier legal system that exists in most of Somalia. The legal adviser could also be used to guide the individual members of the community on how to prepare cases.

43 <http://www.interpeace.org>: Somalia, windows of peace

Somali women have a unique traditional role in peacemaking because their linkages to both the clan of their birth and the clan of their marriage enable them to cross clan lines in ways that men cannot. In addition, women normally have strong relationships with the clans of their mothers and maternal relatives as well as those of their fathers, and they usually sustain both networks after they are married. By contrast, a man is identified by his father's clan and his social responsibilities are connected predominantly to this clan.

Women's cross-cutting clan identity and broader clan affiliations have enabled them to play crucial roles in promoting reconciliation, and there are many examples of women using their influence across clan lines to advocate for warring factions to stop fighting and engage their opponents in dialogue.⁴⁴ Women are not always neutral or passive bystanders as wrongly perceived by many. There are also many examples of women urging their men to fight and defend the family, the community and the clan or women contributing to conflicts by mobilizing funds and militias, feeding and tending to combatants, gathering information and in some cases, taking up arms. Women have also incited violence against other women and perpetuated inter-clan divisions and conflicts.

Nevertheless, Somali women have often been credited with giving greater priority to peace and security than men who are accused as coming to the negotiating table from the battlefield, while the women are more likely to have come from home. Women's involvement in the peace campaign began soon after the outbreak of the civil war in the early 1990s. Women groups, umbrella organizations and individuals organized peace rallies and lobbied political leaders to defuse tensions and violence between clans and between armed factions in Mogadishu. Often, such women groups were successful because they were seen as neutral and disinterested mediators

44 Ralph Johnstone, *Pioneers of Peace Advancing the Involvement of Women in Peace-building in South-Central Somalia*, the Center for Research and Dialogue, Mogadishu, 2007

who were using their influence and relations as mothers, sisters, daughters and wives of the fighting men, and because they were seen as addressing the immediate needs of the community.

Besides organizing public demonstrations, lobbying and mediating behind the scenes for peaceful resolutions to conflicts, women also intervened in different ways to meet the basic needs of those suffering the consequences of the war. During the great famine of 1991-92, for example, women saved the lives of many civilians by knocking on doors and delivering food to households faced with almost certain starvation. In such circumstances, many families locked themselves in their homes and chose to die with dignity than beg for food. Throughout the civil war in south-central Somalia, women have drawn on their ability to engage across clan lines to set up a series of grassroots initiatives through which they have been able to reduce tensions and promote opportunities for peaceful negotiation. These included freeing hostages from armed kidnappers, clearing armed checkpoints and helping to create neighborhood watch schemes to improve local security.

4.2 Challenges for Local Peace Capacity Building in Somalia

There are challenges that Somalia must overcome for local peace building initiatives to be effective and/or succeed. The challenges identified in peace building are related to the impact the war has had on traditional peace building mechanisms, the presence of foreign forces and the proliferation of small arms and light weapons. Since 1991, traditional elders have played the important role of mediating in conflicts and regulating the interactions within and between local communities. Their role extended significantly to fill the vacuum created by the lack of central authority and the ensuing civil wars and lawlessness. However, the conflict dynamics in south-central Somalia

also created powerful clan-based faction leaders who undermined the authority of the traditional clan leaders. The top-down approach employed in internationally-sponsored peace processes reinforced this through their focus on armed faction leaders as primary interlocutors and representatives of their clan constituencies.

The presence of too many traditional leaders may have undermined the traditional structures they were supposed to strengthen. The Siad Barre regime and subsequent faction leaders encouraged this trend as a means of maintaining clan support and power. Another factor was fragmentation and distrust within the main clan families which led the smaller sub-clans to identify their own traditional leaders. Traditionally, clan elders were seen as responsible for ensuring peaceful co-existence of the local communities and resolving local conflicts. However, the circumstances of the civil war led a number of traditional elders to mobilize their clan militia for inter and intra-clan fighting and favouring their kin even when the latter were the aggressors.⁴⁵

Another consequence of the civil war was the breakdown of customary law and *xeer* system between pastoral and agricultural communities. In the pre-colonial period and before the collapse of the Somali state, the *xeer* system and other customary laws would be applied to resolve conflicts and ensure equity between agricultural and pastoral communities. Both communities were obliged to abide by these regulations or risk intervention by the state. However, imbalances in the arming of different (sub) clans during and after the collapse of the central government typically left the agricultural communities at a military disadvantage compared their traditionally armed pastoralist counterparts.⁴⁶ A particularly damaging effect of the civil war was the undermining of the *xeer* that protected vulnerable groups, which

45 Rebecca Richards), *Challenging the Ideal? Traditional Governance and the Modern State in Somaliland*, University of Bristol, UK ,P13-14, 2009

46 Kulmiye, M. H., Community- Based Peace process in South-Central Somalia, Inter Peace, P.12, 2008

included women, children and the elderly. Repeated violations of the traditional social protection mechanism weakened this important function of traditional governance and resulted in the deaths of many of those who would normally be considered safe from harm in violent conflicts.

4.2.1 Presence of foreign fighters

The presence of foreign fighters (Pakistanis, Arabs, Tanzanians, Ugandans, Kenyans, Sudanese and Eritreans, among others) within the ranks of Al-shabaab has complicated the conflict in Somalia and its resolution. The war has become much more than a clan issue and has assumed international proportions. Many of the foreign fighters are fugitives from other countries who are wanted for various crimes and would therefore ensure that the conflict in Somalia continues so as to provide a safe haven for them⁴⁷. This situation complicates the traditional peace building approaches as the participants to the conflict are not Somali and therefore do not have any social contract with the local clans. This makes them disrespect the traditional systems as evidenced by the suicide bombing system which is not part of Somali culture.

4.2.2 Proliferation of Small Arms and Light Weapons (SALW)

The activities of the various warring factions have heightened tensions in Somalia. This is further fuelled by the proliferation of small arms and light weapons which has changed the trend of violence and criminal activities in Somalia as cattle rustlers, bandits and insurgent groups easily acquire arms to achieve their ends. The presence of arms in the communities fosters conflicts and criminal activities that create fear, insecurity and instability in the whole country.

⁴⁷ Julie Cohn Council on Foreign Relations, *Terrorism Havens: Somalia*, P7, 2010

5.0 Conclusions and Recommendations

Local capacity building is increasingly being considered as a potential factor in conflict resolution and transitional justice. African peace building traditions have served as a basis for community conflict management. In conflict situations, it is important to identify local peace actors that can reduce tensions and draw the people together. In Somalia, clan leaders have for the past fourteen years largely taken over the roles of the state in security and law. They have consolidated their traditional role as dispute mediators and enforcers of customary laws, including the *xeer*, that regulate most aspects of social life within and between clans. As such, traditional leaders in Somalia have not only been the prime force for stability and continuity in terms of regulating access to pasture, water and in conflict resolution between clans, but have also been instrumental in establishing relatively stable structures of governance especially in the Northern parts of Somalia. Apart from maintaining a primary role in local conflict resolution and upholding of customary laws, the traditional leaders have generally been perceived as the most legitimate leaders by their clan members.

Given the central and legitimate position of the traditional structures in Somali society especially after the collapse of the state in 1991, it is extremely important that they be involved in the actual peace processes in the re-emerging Somalia state. Due to evolving political and security dynamics, the customary laws and modern judicial systems could be realigned or merged to manage conflict and security more effectively, rather than continue as two parallel systems.

The new Somalia government in collaboration with regional bodies needs to involve the clans and other legitimate community peace actors more proactively in conflict resolution and prevention. In a conflict-ravaged society such as Somalia's, where many individuals

and communities have been rendered helpless and unable to exercise any control, inclusiveness could have a positive impact by increasing ownership which is necessary for the sustainability of peace initiatives.

The important role of women in preventing and resolving conflicts should be fully recognized. As such, women in Somalia should be involved in developing strategies for effective conflict resolution, management and most importantly, prevention or mitigation, at all levels of governance.

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Highlights of Key Messages in the Issue Briefs

This fact sheet is a quick reference guide regarding issues discussed in the two papers.

The key messages include:

Feeling the Pinch: Impact of Conflict on Civilians in Somalia

- Since the fall of Siad Barre's regime in 1991 leading to state collapse, Somalia has witnessed widespread violence for decades. Since then, several attempts have been made to rescue Somalia from the protracted conflict situation and restore normalcy without success until the intervention of AMISOM in 2007.
- The more than two decades of violence in Somalia have had a devastating impact on civilians. Large numbers of the Somalia population were displaced to either become refugees or Internally Displaced Persons.
- Poverty has ravaged most parts of the country and access by humanitarian agencies was hindered by several armed groups operating in the country.
- The Somalia peace process is not an internal affair only but an international issue calling for regional and global responsibility.
- The Federal Somalia government has limited capacity to maintain law and order and should be assisted in building the necessary capacity for peace and stability.

- AMISOM has done a commendable job in stabilizing security and safety in Somalia and should be provided with enough resources to fully execute its mandate.

Local Capacity for Peace Building in Somalia

- Given the centrality and legitimacy of traditional structures in Somali society especially after the collapse of the state in 1991, and going by the success story of elders in Somaliland, it is only reasonable that they be involved in the actual peace process of the new Somalia state.
- The new Somalia government should involve communities and clans, especially clan elders, in conflict resolution and management. Traditional structures and systems that have been working in Somalia in resolving conflict should be restored.
- The important role of women in preventing and resolving conflicts should be recognized. As such, women in Somalia should be involved in developing strategies for effective conflict management, resolution and prevention, at all levels of governance.

NOTES



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