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Provisional notes on the “National Governance and Reconciliation Congress”.

0. Foreword.

Though this note on the organisation arrangements of the NGRC is critical in tone, it is also constructive. It stresses the problematic aspects which could well compromise the successful outcome of the congress. It does not however censure the process, far from it.

Peace-building and reconciliation processes are drawn-out affairs which require time and resources but also a methodical outlook.

I have therefore chosen in these notes to focus on elements of methodology by putting forward suggestions for solutions to each problem raised.

1. Feedback from national reconciliation conferences.

The national reconciliation conferences attendant on transitional periods in Africa, Eastern Europe and countries working their way out of conflict are experiences which can be capitalised on¹.

There are three recurrent elements which appear to be requisite (though not always sufficient) for the success of a conference:

- a return to security to allow the initiation of dialogue;
- in-depth talks to include a wide range of players in the preparation of the conference;
- extensive inclusion in the conference of members of the political domain and civil society.

With regard to these criteria, the Somali situation is worrying, especially given the prevailing high level of insecurity and the deep political disagreement about the presence of the Ethiopian military.

In this context, we may suppose there are spoilers on both sides (and undoubtedly beyond the main opponents): this might be for instance a TFG which would prefer not to embrace too widely a reconciliation process which would make it actually share power, and opponents (UIC radicals and some Hawiye fractions in effect) who do not want to legitimate the TFG.

To try and contain the serious impediments which persist before the Congress is due to open, a few leads should be followed up:

¹ See, e.g. P. Harris and B. Reilly (eds), *Democracy and deep-rooted conflict: options for negotiators*, Stockholm, International IDEA, 1998; K. Papagianni, "National Conferences in Transitional Periods: The Case of Iraq", *International Peacekeeping*, vol.13, September 2006, pp. 316-333.; Charles T. Call and Elisabeth M. Cousens, *Ending wars and Building Peace*. International Peace Academy, 2007.

These involve the following points:

Seeking the means to implement a truly inclusive and participatory process;
Helping the NRC to refocus the conference agenda on a small number of clear issues and objectives to be met;
Not confusing a crucial phase of talks on political matters to do with the TFI with an equally crucial reconciliation phase of a different nature;
Buttressing the NRC base on the methodological dimensions of "peace-building and reconciliation.

2. The method

- **The format of the National Governance and Reconciliation Congress Committee is a problem.** It is organised round a handful of individuals whose standing within their clan is not always assured (excepting the Chairman). Its membership, mandate and agenda have not been worked out by all the stakeholders in the Conflict. To ensure the Reconciliation Congress is inclusive, the National Committee must itself be as inclusive as possible.
 - Proposal elements: The NRC must be helped to broaden. Work must be done on mediation and upfront discussion between the stakeholders. This should have been done over the last few weeks before the Congress, but it is nonetheless not too late. No doubt the first part of the Congress should be devoted to this task of redrawing the Committee.
- **The delegate selection system is unreliable and above all ineffectual because it does not comply with the rules of cooptation and Somali political delegation.** There is no process for vetting delegate selection and assignment. Who are they? What is their political range? Who has appointed them? What are they supposed to negotiate? The 4.5 formula used as a basis for this selection is illusory. The problem is not to bring a statistically representative sample of the clans to the table, but a politically representative sample. What matters is to know whether those who come to peace talks have the political clout to implement an agreement and make it work.
 - Proposal elements.
 - To achieve sound political representation, each clan must hold regional conferences (somewhat on the lines of the Hawiye conference or of the *Guurti* which brought about reconciliation in Somaliland). These clan/regional conferences can throw up significant political players (who are usually on the sidelines). They yield the players, positions to defend and mandated representatives to take part in and negotiate at the national congress.
 - A similar approach should be put in place for selecting the representatives of civil society. The civil society players must be pinpointed by using the lists available and correlating them with information from the NGOs in the country. Then these civil society players must be helped to structure themselves and work on building up their negotiating power. This is very important if we want civil society to be motivated, especially since the political and clan players will not really want to allow them much room.
 - For the diaspora, things are even less clear. If by "Diaspora" we mean political personalities who have recently gone into exile, or

businessmen highly involved in the Somali economy, then that is OK. Such people have an impact on political dynamics and their participation is vital. But if it means just any “émigré” or refugee abroad, then there is no point in it! It would be spending the money of the international community to no purpose.

- The agenda of the Reconciliation Congress is vague. By wanting to deal with all the problems (and there are many of them) at once, none of them will be solved. Three main points appear as indispensable for the stakeholders to reach a sustainable political agreement.
 - Proposal elements: settle the political conditions for long-term peace.
 - **The first point to ensure**, and this may take time, is to **gain the widest possible support for the reconciliation process (NRC)**. This should be the first priority of the Congress. The preliminary talks for an inclusive process, which should have taken place when the NGRC (Committee) was set up, must be held from the outset of the Congress. In particular, talks must be started with the opponents of the TFG (Hawiye Habr Gidir Ayr). It will not work if they have no significant political representation.

- **Examples of results to expect from the conference: all parties agree to suspend hostilities and engage in the reconciliation process. The focus should be on an agreement binding the Hawiye (particularly the Ayr) and the TFG.**

- **The second stage of the Congress should tackle the issue of power sharing, in relation with the transition charter.** The talks should be about national, regional and local administration systems. This will soon lead to thorny matters (the Somalis are well aware that the issue is knowing who controls Mogadishu, Kisimayo, etc. rather than the handing-out of ministerial portfolios). But if one is duped into it, the NGRC will focus on the ministerial portfolios (another Somali deception) without seeking to solve the more irksome and decisive problems of territorial administration.

- **Example of results to achieve: a) an agreement on power sharing on a national scale and on South Central territorial administration; b) an agreement on the administration and status of Mogadishu; c) a protocol on census methods and the electoral calendar; d) implementation of a calendar for talks with Puntland and Somaliland once the pacification conditions are fulfilled.**

- **Third stage:** if an agreement can be reached on **who governs** what, then the question of **how** to govern can be addressed. To work this, all the chatter about good governance has to be stopped and the issue of government of people and resources focused on practical social and economic realities. In the context of reconciliation, this must directly address matters of justice and reinstatement of rights: the conditions in which plundered assets are restored. If these practical issues are not

addressed, the debate on governance will be merely formal and have no real scope.

- **Results to achieve: A motion on the implementation of a national commission in charge of processing the dossiers and the restoration of assets or compensation for victims.**

If the National Reconciliation Congress manages to deal with these three main points, a major hurdle will have been overcome. It will entitle us to start thinking that the TFI institutions are back in the saddle and that credible security agreements are ensured.

- The thorny question of national reconciliation must be addressed second and by another procedure.
 - **What is reconciliation?** A process of peace consolidation which targets reconstruction of social relations and pacific coexistence between former enemies.
 - **How does it work?** There is no ready-made recipe. It has to be adapted to local situations. In practice, however, it is based on recognition of the scars of war, on identification of assailants and victims, on disclosure of the truth about acts of violence, on justice and redress.
 - **What are the conditions for its implementation?** For the process to be worthwhile, reconciliation requires three prior conditions:
 - An end to violence;
 - Restoration of confidence in institutions and particularly in the peacemaking process;
 - The initiation of a dialogue process making it possible to express the reasons for hatred and the way to overcome it.

These conditions do not so far seem to me to be adequately met to implement an effective reconciliation process.

Consequently, the NGRC should be considered as a long-term process. Each stage in it from the drafting of enduring political agreement to reinstatement of institutions and ultimately to national reconciliation which consolidates peace by re-establishing social relations must be brought to its conclusion and consolidated without haste.

3. Shortfall in the NGRC's operational capacity.

Without questioning the NGRC's control over the current reconciliation process, it does seem there ought to be a methodological base for the design practicalities of the peace-building and reconciliation process.

This technical expertise should draw on both the capitalised experience of peace-building undertaken in Somalia (Somaliland) and other countries, and on knowledge and capitalisation of Somali political dynamics.

As far as one can judge, the NGRC also lacks capacity for the operational organisation of the Congress in all its aspects: logistics, management, debate leading and the mediation and negotiation process.

One may however wonder whether the NGRC really wants such support. In the current state of affairs, it would seem not, which throws doubt on the credibility of its intentions with regard to the reconciliation process.

This underpins the suspicion that the Committee is pursuing a different political agenda in the form of an authority exploited by the TFG, whose objective is not so much to establish long-term peace as to acquire a semblance of political legitimacy.

4. NGRC, UNDP and donors: an uneasy relationship.

The relationship between the NGRC and donors in the framework of preparing and holding the Reconciliation Congress is difficult and does not augur well for the success of reconciliation.

In short, the NGRC demands – rightly – that the Somalis should appropriate the reconciliation process. But at the same time, it expects the international community to fund the organisation of the process.

The most surprising thing is that the donors seem willing to share in the undertaking.

In practice, the Somali contribution – particularly by business – to reconciliation funding seems very limited, even though the means are available.

This being so, how can one envisage domestic appropriation yet seek foreign means the use of which is apparently problematic?

It should be remembered that the Borama conference which sealed the reconciliation of opposing sides in Somaliland was almost entirely funded by business.

5. Provisional conclusions.

At this stage (9th July 2007), when the reconciliation conference seems to be on the point of opening, the peace and reconciliation process stands on extremely shaky foundations and on the road to another failure.

- Security is very uncertain.
- Political disagreement between the main opponents is still very much alive.
- The organisation of the conference has been commandeered by a small group of individuals who seem disinclined to agree to the openness and transparency it requires.
- Opponents have not been admitted into the dialogue.
- Delegates have not been selected on bases enabling them to uphold their political legitimacy.
- Civil society organizations and women organizations are not involved in the reconciliation conference.
- The talks agenda is unclear.

- The Congress organisation committee lacks the technical competence to organise a process of such scope. The least one can say is that its management of international community funds seems lacking in transparency, not to say honesty.
- The involvement of economic players, which should be proof of the determination to resolve the Somali conflict, has not come about, so this makes one wonder to what extent they are really interested in peace.

Conditions are thus ripe for another lost opportunity for peace in Somalia... unless the rules of the game change. At this juncture of the process, there is still time.