

The Challenge of Nation Building and the Rule of Law in Somalia: Roundtable Discussion

Centre for Developing-Area Studies – McGill University
11 November 2005

Participants:

Ali Mohamed Mohamud (Hareed), Minister of State for Defense, Somalia

Abdulla Hussein, International Consultant

Mohamed M. Kassim, Seneca College (Toronto)

Moderator: **Professor Philip Oxhorn**, Director, CDAS

Ali Mohamed Mohamud (Hareed) , **Minister of State for Defense, Somalia:**
The Challenge of Nation Building and the Rule of Law in Somalia.

The reconciliation effort currently underway in Somalia is the fruit of the initiative of the Inter-Governmental Agency (IGA), which includes Ethiopia, Kenya, Tanzania and Uganda, and supported by the African Union and the League of Arab States. It begun in 2002 with the Somali National Reconciliation Conference held in Nairobi, Kenya, and culminated with the creation of a new Somali government, which relocated to Somali territory on 13 June 2005.

The conference included all active political forces in Somalia and involved traditional leaders, local and international NGOs, warlords, businessmen and politicians. It created a 275-member Transitional Federal Parliament, selected using the 4.5 formula: an equal number of deputies was assigned to each of Somalia's four major clans, while half that number was allocated to other recognized sub-clans and groups. While the Parliament was not elected, it is assumed to be representative of the Somali population and thus legitimate.

The IGA created an intervention force that secured a portion of Somali territory, to which the Transitional Federal Government (TFG) relocated in June 2005. The new Somalia government in collaboration with the local administration of the Middle Shabelle region in southern Somalia secured a portion of that territory and relocated there in June 2005. However, the decision of the UN Security Council not to lift the Somali arms embargo meant that the government is still handicapped in its pacification mission and training of a new Somali national security force. This refusal was due to alleged divisions within the TFG, despite the fact that only two warlords did not support its goals. This remains the most important challenge facing the TFG and a major source of frustration vis-à-vis the international community. While the TFG has been unable to equip and train its security forces, opposition warlords have been able to purchase arms on the black market. It is important to note that the strength of the warlords is due exclusively to their financial wealth relative to the TFG; their support is not clan-based and their recruits would willingly abandon the warlords if alternative economic opportunities were available to them.

Other challenges facing the TFG are its lack of resources (the TFG has barely any tax base), its incapacity to properly house its members and the reduced territory where it can actually exercise

its authority. Nevertheless, the TFG has advanced in recruiting and training personnel for its new security forces, in claiming the moral leadership of the Somali nation through peaceful means and in beginning to create a peaceful and prosperous area around the city of Jawhar (the current seat of the TFG). Given its lack of resources, the TFG approach can only be gradual and sometimes piecemeal.

The situation of Mogadishu –Somalia’s capital city–, however, displays the TFG’s daunting pending tasks: the city has a very high level of insecurity, it is a drug-lord and terrorist haven and the local warlords are steadfastly opposed to the extension of the TFG’s authority (two attempts on the life of the TFG President have taken place in Mogadishu).

Overcoming these obstacles, however, and achieving the TFG objectives of full nationhood, pacification and rule of law requires the cooperation of the international community; namely the lifting of the UN arms embargo and the granting of international assistance funds. In conclusion, the Minister made a special appeal to the government and academic community of Canada, home of a large segment of the Somali Diaspora, to intervene of behalf of the TFG before the international community.

Abdulla Hussein, International Consultant: *Rehabilitation of Somali Higher Education.*

Somalia’s educational system reflects both the vagaries of its colonial history and the political instability and uncertainty of the post-independence period. The fact that colonial Somalia was divided between Britain and Italy meant that, at independence, the country had two different, and largely incompatible, educational systems. Moreover, a mere 5% of the population was literate and there were only three secondary schools in the entire country.

The military regime (1969-1990) made some efforts at making education more widely available. It overhauled the entire education system, introduced Somali as the only teaching language in primary and secondary schools (replacing English, Italian and Arabic) and engaged in strong literacy and secondary education campaigns. In the end, it succeeded in raising the literacy rate to 50%.

However, the country’s political decay since the late 1980s meant that much of this progress has been lost in recent years. The civil war devastated the Somali education system by destroying existing networks, facilities and teaching materials. Many schools and even the Somali National University (SNU) were requisitioned as shelters for displaced persons.

Higher education in Somalia began in 1950 with the creation of the School of Politics and Administration (later renamed School of Public Finance and Commerce), which offered a three-year programme. In 1958, a teacher-training institute opened, followed in 1959 by a High Institute of Law and Economics. These schools became the basis for the creation of SNU in 1970. Moreover, Italy agreed to recognize these programmes as partial credit in Italian universities.

Before the collapse of the Somali government and the ensuing civil strife, 15% of secondary school graduates attend SNU with full scholarships. The University had 9 faculties, 490 staff and 3700 students. Performance, however, varied widely across faculties: while Science and Economics had very low graduation rates (20-30%), the social sciences achieved a rate of 70-80%.

In recent years, some efforts have been made to rehabilitate the Somali education system. Many private schools have appeared; however, they cater exclusively to the wealthier sectors of the population. In some peaceful areas (i.e. Somaliland), new community colleges and universities have been established, offering degrees in business, finance and education.

However, the system faces severe quality problems and a persistent lack of staff and of a uniform accreditation system. Important work is being done towards achieving these goals and it is expected that the current system will serve as a base for future developments. Disarming the private militias, however, is a prerequisite in achieving quality education in Somalia.

Dr. Hussein concluded by making a number of recommendations. The most important among these was to seek more international support for these efforts, as they are a precondition for achieving law and order in the country. This can be also achieved by luring the Somali Diaspora into investing its capital and human resources in the reconstruction of the country.

Mohamed M. Kassim, Seneca College (Toronto): ***Hawala Remittances***

Somalia is unique in that it constitutes the sole existing case in which a country has continued to exist in spite of 15 years of continuous statelessness. In these conditions, the emergence and growth of a remittance system—the hawala system—that brings Somalia an income of between 0.5 and 1 billion US dollars (in World Bank figures) is quite surprising.

The hawala system is based on a combination of ancient trade credit systems, dating as far back as the Indian Ocean trade system of the 15th century, trust-based networks that involve language, ethnicity and kinship, as well as modern communication systems such as cell phone networks and off-shore banking. The result is an efficient, fast and reliable remittance system.

The growth of the hawala system is even more surprising if one takes into account that the Somali Diaspora is composed of a large number of working-class and single-mother families, which remit up to 30% of their meagre income, thus pauperizing themselves in the process. Most transactions involve sums of less than 400 Canadian dollars.

It is clear that remittances are destined to be a diminishing resource, as the younger generations abandon the strictures of the kinship system and turn to their own needs. Nevertheless, the current system opens an opportunity of creating a well-established financial system in Somalia, one that takes the cultural features of the country into account, but also makes full use of the innovative procedures modern technology offers.

To make use of this opportunity, however, the international community needs to get involved in the reconstruction of the Somali state. This is not a new or singular endeavour, Dr. Kassim pointed out: this was also the case of France, which required enormous exogenous resources to reconstruct after the end of Nazi occupation in the 1940s and is now a flourishing economy.

Discussion

During the open discussion that followed the presentations, the audience, which included McGill faculty, graduate and undergraduate students, questioned the presenters on the nature of the opposition to the TFG, to the problems of establishing governance after a Civil War in the absence of both a clear winner and of foreign intervention, on the role of the Somali Diaspora in the reconciliation process and on the non-economic dimensions of security in Somalia.

The presenters concurred in stating that law and order remained the main challenge to the TFG and that more economic resources—in the form of international assistance—were needed, both to train new national security forces and to fully co-opt the opposition (most notably two dissident warlords and/or their followers) into the TFG. In the absence of economic resources, and consequently of law and order, issues such as establishing an autonomous taxation base for the government, attracting foreign direct investment, restoring the education system and developing national sentiment could hardly be tackled. The presenters again emphasized the exclusively economic basis of the opposition's power, an example of what Dr. Kassim referred to as “ethnic entrepreneurialism.”

The inclusive, decentralized nature of the TFG warrants its legitimate status in political circles, according to the presenters. They all insisted, especially the Minister, that the arrival of international support would produce immediate positive changes in the situation on the ground. Given the unique conditions of the Somali case, foreign assistance should precede, rather than follow, the full consolidation of the transitional government.

Rapporteur: Julián Durazo Herrmann.