

**THE ROLE OF TRADITIONAL LEADERS IN CONFLICT MANAGEMENT:  
THE CASE OF THE SOMALIA NATIONAL RECONCILIATION  
CONFERENCE (SNRC), 2002 - 2004**

**BY**

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## DECLARATION

This research project is my original work and has not been submitted for examination to any other University.



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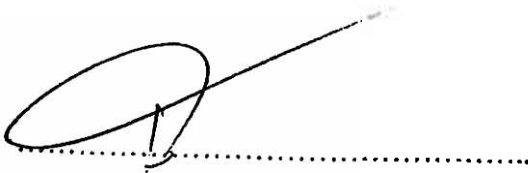
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This research project has been submitted for examination with my approval as University Supervisor.



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Dr. Ibrahim Farah

13/5/2014

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## **DEDICATION**

**To my parents and siblings, I am grateful to you for laying the strong foundations on which most of what I do is built. Thank you for the values of integrity and discipline that you instilled in me.**

## **ACKNOWLEDGEMENT**

First, I would like to thank God for His grace which has manifested in my life as the loving support of many people who have stood by me as demonstrations of unconditional love.

I would like to thank my supervisor Dr. Ibrahim Farah who poured immense advice and helped me clear my project. Thank you for your support, for your generosity with time, directions and advice and guidance during the course of this research.

Thank you all for making this research a success.

## **LIST OF ABBREVIATIONS**

<b>ARLIP</b>	<b>Acholi Religious Leaders Initiative for Peace</b>
<b>APFO</b>	<b>Africa Peace Forum</b>
<b>AU</b>	<b>African Union</b>
<b>COGWO</b>	<b>Coalition for Grassroots Women Organizations</b>
<b>COPA</b>	<b>Coalition of Peace in Africa</b>
<b>CR</b>	<b>Conciliation Resources</b>
<b>FDGs</b>	<b>Focus Group Discussions</b>
<b>HoA</b>	<b>Horn of Africa</b>
<b>HACP</b>	<b>Horn of Africa Centre for Peace</b>
<b>IMC</b>	<b>Inter-faith Mediation Center</b>
<b>IGAD</b>	<b>Inter-Governmental Authority on Development</b>
<b>IPCS</b>	<b>Institute of Peace and Conflict Studies</b>
<b>IRCSL</b>	<b>Inter Religious Council of Sierra Leone</b>
<b>ICU</b>	<b>Islamic Courts Union</b>
<b>IRS</b>	<b>Islamic Relief Services</b>
<b>LRA</b>	<b>Lord Resistance Army</b>
<b>NGO</b>	<b>Non-Governmental Organization</b>
<b>PEN</b>	<b>Peace Education Network</b>
<b>RCTF</b>	<b>Regional Conflicts Task Force</b>
<b>SRRC</b>	<b>Somali Reconciliation and Restoration Council</b>
<b>SNF</b>	<b>Somali National Front</b>
<b>SNM</b>	<b>Somali National Movement</b>
<b>SNRC</b>	<b>Somalia National Reconciliation Conference</b>
<b>TFG</b>	<b>Transitional Federal Government</b>
<b>TNG</b>	<b>Transitional National Government</b>
<b>TRC</b>	<b>Truth and Reconciliation Commission</b>
<b>UN</b>	<b>United Nations</b>
<b>UNOSOM</b>	<b>United Nations Operation in Somalia</b>
<b>USC</b>	<b>United Somali Congress</b>
<b>WPD</b>	<b>Wajir Peace and Development</b>
<b>WIPN</b>	<b>Women's Initiative for Peace Network</b>

## ABSTRACT

The aim of this research was to examine the role of traditional leaders in conflict management and resolution processes with a focus on the Somalia. The central question examined the role of traditional leaders in the 2002-2004 Somali National Reconciliation Conference (Mbagathi/Eldoret peace process). The research utilized the mediation, the human needs and the conflict transformation theories. It also uses primary and secondary data to put the topic of study into perspective.

The findings of the research indicated that traditional leaders function as a court with broad and flexible powers to interpret evidence, impose judgements and manage the process of reconciliation. Indigenous conflict management and resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities; they aim to resolve conflicts without resorting to state-run judicial systems, police or external structures.

Conflict management mediators from the local community are generally more sensitive to local needs than outsiders and are immersed in the culture of the violence-afflicted community. Their activities are rooted in conflict's context, address some of its immediate causes, and can bring long-term solutions. They can draw people away from the conflict, breaking its momentum. In Somaliland for instance, by solving the disputes at the level of traditional social organization, elders were able to deprive the politicians of the possibility of making war, thereby creating the conditions of peace.

This study concludes that traditional mediation helps the community keep control over the outcome of the dispute. In many societies, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes; resolutions are generally accepted and respected by all concerned parties. However, traditional leaders may be powerless to address some of a conflict's root causes—centrally-instigated conflict, predatory behavior linked to exploiting economic advantage, external meddling. Additionally, often bring important social influence but may lack the power and the means to enforce the resolutions adopted. Advice is only accepted when both parties agree to it, and both parties must feel their concerns were properly addressed. Traditional structures' power to prevent the occurrence of violence is limited.

**KEY WORDS:** Conflict Management, Resolution, Traditional leaders

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## **CHAPTER ONE**

### **INTRODUCTION TO THE STUDY**

#### **1.1.Introduction**

In the international system, states interact with each other and with other actors; both have incompatible viewpoints and interests. This difference has often created conflicts within the system. Conflicts, whether international or national, are distinct in nature; their characteristics emerge from the fact that states compete to achieve their interests. Additionally, individual actors seek to lead their states into achieving these interests; it is therefore clear that conflicts have been present in the international system for ages.

In the traditional setting, conflicts were solved by clan elders. The accepted mode of conflict resolution was purely a reserve of elderly clan elders and religious leaders with moral authority to intervene among warring factions and bring peace. In this sense traditional leaders were accepted as a central figure in the management of conflicts, mediation of disputes and leaders with wisdom to navigate negotiation process. The modern means of conflict resolution are as a result of increased interdependence among state and non state actors and complexity of issues that underlie the interests of these actors.

Traditional leaders continue to play a vital role in conflict resolution and management in the international system especially those that involve African countries. For instance, from the crisis in Angola to the post genocide reconciliation process in Rwanda and Liberia, traditional elders played an important role but their role in conflict management has arguably not been well documented within the realm of Somalia peace initiatives. Somalia is particularly unique because traditional leaders are part of the administration system, both clan elders and spiritual leaders. Therefore, they form an important part of Somali culture. It is on this premise that this study

seeks to examine the role of traditional leaders in the management of the Somali conflict with a case study of the 2002 – 2004 Somalia National Reconciliation Conference (SNRC).

## **1.2. Statement of the Problem**

Somalia has witnessed one of the longest conflicts in Africa. The conflict, traced back to period after the overthrow of Siyad Barre in 1991, has seen a number of peace initiatives formulated to solve it. Neighboring states like Kenya, Ethiopia and Djibouti, and organizations like the African Union (AU) and the Intergovernmental Authority on Development (IGAD) have hosted a series of peace initiatives to resolve the conflict. Despite the engagement of arguably the best resources both academic and policy and peace initiatives in an attempt to find peace, peace has been elusive.

Somalia has not been able to find peace at the national level but internal conflicts are solved at the clan level and peace attained. Traditional clan elders often steer the peace process; they form the core of the Somalia society and socialization process. At the national level, their role and input is arguably neglected. Individual actors like warlords and business men with political and economic strength assume the role of traditional elders, although they have little influence.

When traditional leaders are engaged, their input is arguably not taken into consideration; peace outcomes that they negotiate are neither accepted nor implemented by Somalis who are caught up in clan leadership and internal peace agreements. Therefore, it can be argued that social strands of Somalia are weaved within traditional tenets and any attempt at reconciliation should consider the role of traditional leaders. It is therefore on this basis that this study seeks to find out the role of traditional leaders in conflict management in the SNRC. It answers the

question: what role, if any, did the traditional leaders of Somalia play in the Eldoret/Mbagathi peace process?

### **1.3. Objectives of the study**

The overall objective of the study is to examine the role of traditional leaders in the conflict management with a case study of the Somalia National Reconciliation Conference (SNRC).

More specifically, the study aims to:

- i. Provide an overview of the role of traditional leaders in conflict management;
- ii. Examine the role of Somali traditional leaders in the Eldoret/Mbagathi peace process;
- iii. Assess the impact and the effectiveness of the traditional leaders on the Eldoret/Mbagathi peace process.

### **1.4. Literature Review**

This section will review Somalia conflict in two main sections; the first section will attempt to examine the centrality of traditional leaders in conflict management. The second section will examine the Somalia conflict in three phases: the first phase will attempt a general overview of the conflict since the overthrow of Siyad Barre in 1991; the second phase will examine the attempted efforts at solving the Somalia conflict and the third and final phase will review the role of traditional leaders in conflict management in Somalia.

The name *Somalia* refers to the *de jure* existing state of the Somalia Republic which is located in the Horn of Africa. In its present day mapping it consists of the 'Republic of Somaliland' in the northwest, the autonomous region of 'Puntland' in the north and northeast as

well as a third part known as Southern Somalia or South Central Somalia.<sup>1</sup> Somalia as a state is characterized by more than two decades of conflict, lawlessness and insecurity for the international system in general and particularly for the Horn of Africa region.

Amid the prevailing conflict are individual actors who double up as domestic constituents and also part of the conflict or process of finding a solution. Besteman refers to these actors as traditional leaders, also known as clan elders.<sup>2</sup> Traditional elders are distinct to other actors to the Somalia crisis because they compose a unique set of actors whose integral input influences the conflict both positively and negatively. Any attempt to examine the Somalia conflict cannot be examined in totality without a study of their input.

Before the collapse of the state, Bryden argues that power in the rural communities was mediated through traditional chieftains and elders, supported by government security institutions.<sup>3</sup> Clan elders were seen as responsible for ensuring the peaceful co-existence of the community as a whole and for working to resolve local conflicts. However the circumstances of the civil war led some elders to mobilize their own clan militia for inter and intra clan fighting and to side with their kin, even when they were the aggressors.

Besteman argues that traditional elders have the experience and authority to mobilize human and other resources for communal security.<sup>4</sup> Given the respect they enjoy from their communities, the Puntland administration for instance consults them and secures their support before taking any action on security issues that would affect their people, such as banditry,

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<sup>1</sup> Bayart, Jean-François, *The State in Africa. The Politics of the Belly* (London: Longman 1993), pp. 7-8.

<sup>2</sup> Besteman, Catherine, *Unraveling Somalia, Race, Class, and the Legacy of Slavery* Philadelphia, PA: University of Pennsylvania Press, 1999), p. 80.

<sup>3</sup> Bryden A., & Hänggi H., (eds) *Security Governance and Post-conflict Peacebuilding*, Lit Verlag, Berlin, 2005, pp. 12-17

<sup>4</sup> Ibid.

militia roadblocks, kidnapping of foreigners, the rebellion of a clan against the government, and disarmament.

Besteman and Cassanelli argue that despite the presence of a public administration and security forces in 'Puntland' and 'Somaliland,' elders continue to have a role to maintain law and order, drawing upon customary laws and *shari'a* and sometimes acting in cooperation with religious leaders.<sup>5</sup> Government law enforcement institutions have often resorted to traditional methods to tackle intractable security issues. In 'Puntland,' for example, many traditional and religious leaders are engaged in persuading sea pirates to abandon their criminal activities. They have made steady progress in their endeavor as many youngsters have abandoned piracy.

Ahmed observes that the role of elders is not confined to the 'traditional' sphere<sup>6</sup>; for instance, in 'Puntland' and 'Somaliland' traditional elders are often engaged in modern government institutions to advice and give guidance as when they are required. Moreover, in Somaliland their role as guardians of peace and security has been institutionalized in the Upper House of Elders also called the *Guurti*. Steadman argues that the single biggest mistake by external mediators since 1991 has been to overlook the revival of a central government with successful reconciliation. They disregarded the role of traditional elders and concentrated on brokering power sharing deals. Power sharing accords, in the absence of traditional elders will only produce stillborn transitional governments.<sup>7</sup>

In a rejoinder, Menkhaus argues that many of the problems encountered in Somali national reconciliation processes have been a reflection of obstacles to peace over which external

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<sup>5</sup> Besteman, C. L. & Cassanelli, L.V. *The Struggle for Land in Southern Somalia: the War behind the War*, Colorado/London: Westview Press/HAAN Publishing, 2000, p.42.

<sup>6</sup> Ahmed, Ali J. *The Invention of Somalia*, Lawrenceville: Red Sea Press, 1995, p. 4.

<sup>7</sup> Steadman Stephen John, "The Spoiler Problem in Peace Processes," *International Security*, Vol. 22, No. 2 (Fall 1997), p.25.

mediators have had little control.<sup>8</sup> This fact is often forgotten in the rush to criticize the failure of peace process. It is necessary therefore to understand the link between clans and traditional elders in mediation.

The Somali conflict is riddled with complex and competing personal and clan interests. Davidson argues that the clan system is the basis upon which Somali social relationships and politics are formed.<sup>9</sup> Reconciliation conferences have often failed to address real grievances; they have instead furthered these interests. A distinction is, however, made between Central Somalia and Puntland; despite the abundance of local peace processes in central Somalia, more durable government structures have not been established. Touval adds that traditional elders have played a crucial role in mediating and regulating the interactions amongst and between local communities.<sup>10</sup>

The first two international reconciliation meetings whose aim was to reestablish a Somali government took place in Djibouti in June and July of 1991.<sup>11</sup> The six organizations that participated in these meetings were representatives of clans or sub clan constituencies. The second major national reconciliation meeting was organized by the United Nations (UN) in Addis Ababa in March 1993. Unlike the first time, here there were 15 parties to accommodate. Some of the parties were new clan organizations, including some minorities, factions and splinter groups that were not present in Djibouti.

According to Lewis, consensus decision making is a key principle of Somali peacemaking. If the parties in conflict have the power to reject any settlement that they are not

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<sup>8</sup>Menkhaus Kenneth., *Somalia and Somaliland: Terrorism, Political Islam, and State Collapse*. In R. Rotberg (ed.): *Battling Terrorism in the Horn of Africa*. Washington: Brookings Institution Press, 2005,p.85.

<sup>9</sup> Davidson Jim, "Somalia and Anarchy," *Formulations*, Free Nation Foundation; Issue 30; Summer 2001, pp.22-24.

<sup>10</sup> Touval Saadia, *Somali Nationalism*. Cambridge: Harcard University Press, 1963, pp.3-5.

<sup>11</sup> Davidson Jim, "Somalia and Anarchy," *Formulations*, 2001, op, cit.

happy with, only decisions reached by consensus carry real authority.<sup>12</sup> In contrast, during the reconciliation process traditional, religious and business leaders were sidelined, aggravating the weak public outreach during the two year process. As a result, the mediated outcome could not be implemented.

Osman et al argue that before the collapse of Somalia, power in the rural communities was mediated through traditional chieftains and elders supported by government security institutions.<sup>13</sup> Most of Somalia's informal governance relied on traditional sources of governance for instance customary law (*xeer*), blood payment groups (*diya*), and lineage or clan affiliation. Keen adds that though customary law was effective, traditional leaders were politically manipulated or overwhelmed by the scale of violence in the larger Somalia.<sup>14</sup>

On the contrary traditional elders have not always been successful in mediating conflicts; Gundel argues that the failure of traditional elders in conflict management can be traced to the colonial period.<sup>15</sup> Southern Somalia was colonized by Italy.<sup>16</sup> Italians destroyed the traditional conflict management systems and in the process rendered the elders ineffective. 'Somaliland,' which was colonized by Britain, is a different case; traditional conflict management mechanisms, values and norms were not disrupted. Because of this reason, Puntland has managed to maintain substantial stability as compared to Somaliland.

Bradbury observes that the role of traditional leaders in the Somalia peace attempts is saddled with external diplomats who have weak credentials and capacity, thereby embracing

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<sup>12</sup> Lewis, Ioan M., *Saints & Somalis: Popular Islam in a Clan-based Society*, London: Haan Ass. Publishing, 1998 p.125.

<sup>13</sup> Osman, Abdulahi A., and Issaka K. Souare, eds. *Somalia at the Crossroads: Challenges and Perspectives in Reconstituting a Failed State*. London: Adonis & Abbey Publishers, 2007, p. 35.

<sup>14</sup> Keen, David., *Incentives and disincentives for violence In Greed and grievance: Economic agendas in civil wars*, eds. Mats Berdal and David Malone. Boulder, CO: Lynne Rienner Publications, 2000, pp.19-41.

<sup>15</sup> Gundel, Joachim, *The Predicament of the 'Oday': The role of traditional structures in security, rights, law and development in Somalia*, Danish Refugee Council/Oxfam-Novib, 2006, p.23.

<sup>16</sup> Menkhaus Kenneth, "The Somali Crisis: Tragedy in Five Acts", *African Affairs*, Summer 2007, p.48.



mistakes and missed opportunities.<sup>17</sup> Ideally, reconciliation processes should not be reduced to power sharing deals by political elites. Leeson observes that in order to identify true traditional leaders, there should be differentiation between intrinsic spoilers or warlords who have no interest in allowing a revived central government; situational spoilers, whose objections to a peace process have to do with power sharing arrangements and traditional leaders whose role is specific in reconciliation.<sup>18</sup>

Gundel argues that the high stakes and the large number of players involved can pose significant challenges to the mediation process.<sup>19</sup> For instance, in 1994 when representatives of clans from Middle Jubba region met with veteran politicians with the aim of resolving differences and forming a regional administration, they did not reach any agreement. Besteman notes that in 1996, the Garbaharrey conference for the Sade sub-clans of the Marehan clan in Gedo region, aimed at establishing unity and forming a local administration.<sup>20</sup> Again, clan elders and leaders of the armed faction, the Somali National Front (SNF), failed to reach any agreement. The following year, a peace conference near Bulo Hawa worked towards a power sharing arrangement between the SNF and the Al-Itihaad Al-Islaamiya, an armed group but this also failed.

On this note, Besteman argues that clan politics was strengthened with the arrival of the British colonial powers. When the nationalist Somali politicians took over power from the colonial masters, clan politics were given full authority to lead in the administration of clan

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<sup>17</sup> Bradbury, Mark, *Becoming Somaliland*, James Currey & Progression in association with Indiana Press, African Issues series, 2008, p.35.

<sup>18</sup> Leeson Peter, "Better Off Stateless: Somalia Before and After Government Collapse." *Working Paper*. West Virginia University, 2006, pp.84-85.

<sup>19</sup> Gundel, Joachim, *The Predicament of the 'Oday': The role of traditional structures in security, rights, law and development in Somalia*, Danish Refugee Council/Oxfam-Novib, 2006, pp.17-21.

<sup>20</sup> Besteman Catherine, *Unraveling Somalia, Race, Class, and the Legacy of Slavery*, op, cit, p.82.

affairs.<sup>21</sup> Somalia's early post independence administration was marked not only by a period of competitive democracy but also by pervasive corruption and nepotism based on clans.

Albeit transformed, these traditional institutions had survived British colonial rule and Somali statehood was functionally intact but had been broken up more actively in the Italian settlement colony and Barre's regime in the south. Some scholars argue that traditional leaders have no role to play in Somalia peace attempts. Traditional leaders had no clear role, in part because of concerns that allowing the elders too much authority in the process could provide a back door for the engagement of religious elements in the process, as it had happened at Arta.

Since the departure of colonial settlers, Clarke and Herbst argue that the discourse of clan politics has continued to play a positive role in the politics of Somalia to date through oral tradition practices.<sup>22</sup> Michael observes that peace processes that tap into traditional Somali reconciliation practices especially the essential practices of having negotiators extensively vet positions with traditional leaders.<sup>23</sup> Brons argues that traditional elders as actors have earned a permanent place on the Somali political game board.<sup>24</sup> Zartman adds that traditional elders exert considerable power and influence in Somalia but are poorly organized and divided.<sup>25</sup> This inhibits the role of traditional actors in the process of negotiation or reconciliation.

Hard-won lessons from across Africa show that peace processes must include traditional elders on credible security mechanisms if they are to be effective. This is essential to the

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<sup>21</sup> Besteman, Catherine, "Violent Politics and the Politics of Violence: The Dissolution of the Somali Nation-State." *American Ethnologist*, Vol. 23, No. 3, 1996, p.581.

<sup>22</sup> Clarke Walter, and Herbst Jeffrey, , *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*. Oxford: Westview Press/ HAAN Publishing, 1997, p.17.

<sup>23</sup> Van Notten, Michael, *The Law of the Somalis*. Ed. Spencer Heath MacCallum, Trenton, NJ: Red Sea Press, 2005, p.24.

<sup>24</sup> Brons, Maria H., *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness?* Utrecht, Netherlands: International Books, 2001, p.98.

<sup>25</sup> Zartman, I. William, *Cowardly lions: Missed opportunities to prevent deadly conflicts and state collapse*, Boulder, CO: Lynne Rienner Publications, 2005, p.75.

management and mitigation of conflict and the creation of a stable environment for post-conflict recovery. On the other hand, the role of traditional leaders is seen as a preserve of men. Sorens argues that it is an intentional attempt to malign women who also are part of the clan ruling system.<sup>26</sup> Davidson observes that in Somali society it is men, specifically the elders, who traditionally have the means to make peace through dialogue and mediation.<sup>27</sup>

Although women are typically excluded from decision making forums where peace accords are negotiated, their position within the clan system gives them the ability to bridge clan divisions and to act as a first channel for dialogue between parties in conflict. Women influence elders to intervene in conflict and mobilize resources to finance peace meetings and support demobilization. While men typically focus on achieving political settlement, with the assumption that peace will ensue, women's vision of peace exceeds this and includes sustainable livelihoods, education, truth and reconciliation.<sup>28</sup>

With the above understanding of the role of traditional elders in peace process, the following section will examine the Somali National Reconciliation Conference (SNRC). The SNRC was the fourteenth attempt to restore law and order in Somalia. The Somali National Reconciliation Process was structured in four levels of decision making. The first level was that of heads of IGAD states and governments, second was the IGAD ministerial council composed of foreign affairs ministers, then the facilitation committee comprising special envoys of Kenya, Djibouti, Eritrea and Uganda.<sup>29</sup> On the other hand, the conference had three levels of decision making, the leader's committee composed of Somali leaders, officials and invited delegates who belonged to different factions and the plenary comprising of delegates, committee leaders, IGAD facilitation committee and observers.

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<sup>26</sup> Sorens Jason P. and Wantchekon Leonard, "Social Order without the State: The Case of Somalia," *African Studies Working Paper*, 2007, pp.25-26.

<sup>27</sup> Davidson, Jim, "Somalia and Anarchy," *Formulations*, Free Nation Foundation; Issue 30, 2001, p.63.

<sup>28</sup> Menkhaus Kenneth, "The Crisis in Somalia: Tragedy in Five Acts," *African Affairs* 101/204,2007, p.357.

<sup>29</sup> *Ibid.*, pp.8-14.

The pre-negotiation phase of this conference involved the identification of the actors in the conflict, identifying the venue, rules of procedure and the agenda for the conference. It also identified the people referred to as leaders and according to Ochieng they are those who signed the Declaration that are authentic leaders of the Somali people.<sup>30</sup> The mandate of the Intergovernmental Authority on Development (IGAD) was revised in 1996 to include the promotion of peace and security, in addition to fostering regional cooperation and economic development.

In 2002, IGAD took up the challenge of reconciling the TNG and the SRRC, each supported by an IGAD member state. The influence of traditional elders was apparent during the two year reconciliation conference facilitated by Kenya. The Transitional Federal Government (TFG), which succeeded the TNG in November 2004, saw Somalia's leadership shift from the Mogadishu centred, Hawiye and Islamist dominated coalition to the federalist, Darood and Ethiopian backed coalition, with Abdullahi Yusuf chosen as the transitional president.<sup>31</sup>

The collapse of the TNG is attributed to the failure to consider the might and influence of warlords in southern regions back in 2000 and the powerful clan based faction leaders or warlords who emerged from the conflict in disguise as traditional leaders. During the prolonged period of chaos and lawlessness, such leaders, along with politicians and business people, recruited armed militia to further their own interests. They also promoted their own choice of elders, who lacked local legitimacy and undermined the existing system of leadership.

The Mbagathi Conference had all the characteristics that marred the 1991, 1993 and 1998 reconciliation conferences whose participants were selected for belonging to clans with armed

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<sup>30</sup> Ochieng Kamudhayi, *The Somali Peace Process*, In 'African Regional Security in the Age of Globalization,' (ed) Makumi Mwangiri, Heinrich Boll Foundation, 2004, pp.107-110.

<sup>31</sup> Menkhaus Kenneth, "State Collapse in Somalia: Second Thoughts." *Review of African Political Economy*, Vol. 97: 2003, pp.405-407.

militias.<sup>32</sup> The TFG was deeply divided at the outset, with many Somalis raising objections about the legitimacy of representation at the talks.<sup>33</sup> Like its predecessor the TFG fell short of being a government of national unity. Power was concentrated in a narrow clan coalition which was led by warlords in the disguise of traditional leaders.

#### 1.4.1. Literature Gap

From the above literature, there is so much work – academic, policy or otherwise – that has gone into studying Somalia; and more so into managing the Somali conflict. In fact one can argue that Somalia has been over-studied. There have also been bits and pieces of research dealing with the role of traditional leaders but on regions and less work on the role of traditional leaders in managing the Somali conflict at the national level.

It can also be argued that Somalia peace reconciliation process and peace negotiation efforts have not accommodated the role of traditional leaders or their role has not accorded the respect that it deserves. There is a need to make a distinction between the true traditional leaders and traditional leaders in disguise. This is important because the role of traditional leaders and spiritual leaders has been successful in negotiating clan-based conflicts; therefore, if the same is also duplicated on a national level of peace negotiations, Somalia can arguably make progress towards peace. Hence, the objective of this study is to fill this gap.

#### 1.5. Hypotheses

The study tested the following hypotheses:

- i. The Somali conflict would have been managed early enough, if local Somali traditions, norms and customs were respected in attempts to manage the Somali crisis;

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<sup>32</sup> De Waal, Alex, *Islamism and its Enemies in the Horn of Africa*. Addis Abeba: Shama Books, 2004, p. 23.

<sup>33</sup> Shonali, Sardesai, *Conflict in Somalia: Drivers and Dynamics*, Washington: The World Bank, 2005, pp.2-5.

- ii. Traditional elders and religious leaders can be neutral actors in conflict management;
- iii. Traditional leaders have both positive and negative influence on the opinion of their domestic constituents.

## **1.6. Conceptual Framework**

This study uses the theory of mediation, human needs and conflict transformation as the main theories for analysis in this study.

### *1.6.1. Mediation theory*

Mediation theory refers to the reconciliation of two opposing forces within a given society. The nature of the conflict dictates the mediation process to be used and the conflict's likely outcome. Mediation takes place through the intervention of a third party, who serves as a facilitator of communication between the parties and as a catalyst for reaching agreement between the opposing interests.<sup>34</sup>

Third parties are active participants in the dispute resolution process, and help forge the terms and conditions of their own settlement. The mediator, then, controls only the dispute resolution process; he or she renders no decision with the respect to the substance of the dispute. Instead, the parties themselves determine that result. And, once the parties reach agreement, the settlement terms are reviewed by independent counsel before they become final and binding upon the parties.

Mediation theory offers two key understandings of confidentiality in mediation. First, confidentiality is used to assure parties that information introduced or exchanged by parties in

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<sup>34</sup> Ridley-Duff, R. J. and Bennet, A. J., *Mediation: developing a theoretical framework for understanding alternative dispute resolution*. British Academy of Management, Sheffield, 14 - 16 September 2010.

the process cannot be used later against a party, for example, in subsequent court proceedings and cannot be otherwise divulged, by another party or the mediator, outside the mediation process. The theory of mediation fronts tenets that confidentiality has been, and remains, one of the essential theoretical cornerstones of the mediation process. It allows the process to offer a protected negotiation environment away from public view.

The aspect of confidentiality ensures that parties feel they can negotiate in an open, honest and secure atmosphere. Parties may also feel that they are able to disclose information they might not otherwise disclose, without fear of later prejudicial. The main criticism leveled against mediation is that the voluntary, nonbinding nature of mediation is the target of one of the few criticisms leveled against the process by parties who seek the kind of finality of result that arbitration offers.

This theory approaches mediation from a conflict dynamics perspective, rather than from a process perspective. The debate over process and outcome seems to have ignored the fact that conflicts are as diverse as human society. This theory has a further significant implication for practitioners. A competent mediator must be able to assess the conflict goals in play. Somalis turned back to clan and sub-clan structures to meet basic needs, including security, with the state's disappearance and breakdown into warlordism.

### 1.6.2. *Human Needs Theory*

This theory operates on the premise that a pre-condition for the resolution of conflict is that fundamental human needs be met<sup>35</sup>. Burton adopted eight fundamental needs from the basis of the work by the American sociologist Paul Sites and introduced one further need of his own.<sup>36</sup>

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<sup>35</sup> Burton John W and Sandole Dennis J. D., "Generic Theory: The Basis of Conflict Resolution," *Negotiation Journal*, 2(4), October 1986.

<sup>36</sup> Scimecca Joseph A., "Self-reflexivity and Freedom," in John Burton (ed.) *Conflict: Human Needs Theory*, 1990, p. 206.

Those adopted needs included control, security, justice, stimulation, response, meaning, rationality and esteem/recognition. Burton's additional need was 'role-defence,' the need to defend one's role. Burton called these "ontological needs" as he regarded them as a consequence of human nature, which were universal and would be pursued regardless of the consequence.<sup>37</sup>

### *1.6.3. Conflict Transformation*

From Lederach's experience as both a mediator and a non-violent activist, Lederach<sup>38</sup> explains the differences between social justice activists and conflict resolution practitioners along with a tension that often exists between the two. Lederach suggested that either approach- the revolutionary and resolutionary camps, as he calls them-are short sighted and flawed to the degree that one is exclusive of the other; and, that both camps have something important to gain from one another. Assuming a vision of justice to be an essential feature of peacemaking, Lederach distinguishes these two approaches like this: "Advocacy, for example, chooses to stand by one side for justice's sake. Mediation chooses to stand in connection to all sides for justice's sake."

### **1.7. Justification of the Study**

The study aims to investigate the role of traditional leaders in conflict management with a case study of the Eldoret/Mbagathi peace process held in Kenya from 2002 – 2004. The role of the elders is big and varied: it includes, among them, managing levels of violence, maintaining order, and protecting the pre-State collapse cultural values of the Somali nation. This is based on the idea that Somalia has been over-studied: from managing the Somali conflict to approaches

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<sup>37</sup> Burton, 1990, op. cit. p. 338.

<sup>38</sup> Lederach, John Paul. 1995. *Preparing for Peace: Conflict Transformation across Cultures*. Syracuse, Syracuse University Press.



taken, to the actors, issues and processes of management. However, is less work on the role of traditional elders in managing the Somali crisis; especially at the national level.

The study will not only provide an overview of the role of traditional elders in conflict management; but it will also look into the details of the Eldoret/Mbagathi peace process -- as a case study -- in order to pinpoint the importance and centrality of their role in managing the Somali crisis at the national level. This means that the study will contribute to the existing body of knowledge as well as to the ongoing policy debate in conflict management in general; and more so in Somalia and the Horn of Africa sub-region.

Each and every conflict is part and parcel of a bigger conflict system: and in this case, the Somali conflict is part of the Horn of Africa conflict system. It is also true that the Somali crisis has had more than a regional spillover especially at a time when there are new security threats: for example i) terrorism and counter-terrorism, ii) piracy, and iii) organized crime among other issues. This study is, therefore, justified along both academic and policy levels since it will help the academic as well as members of the wider policy community.

### **1.8. Research Methodology**

The study used both primary and secondary sources of information. Secondary data is based on both published and unpublished data. It combines field research with interviews that were carried with traditional religious and clan elders, informed Somalis and non-Somalis elsewhere and a significant literature review which is meant to build on the study and this included relevant academic books, journals, articles, and documents of external communication emanating from the Eldoret/Mbagathi peace process.

Information was gathered through individual interviews and group discussions with people who had been involved in or witnessed the events, many in the places and communities

where the peace conferences took place. Working groups of knowledgeable individuals were also convened in each region to provide guidance and comment on the study's findings. Interviews were recorded on audiotape together with written documentation on the meetings and signed peace agreements. Focus group Discussions (FGDs) with clan elders from the Hawiye Elders' Association in Galkaio and Mogadishu zones were also held as were with other Somali elders across the country.

Moreover, primary documentary sources were also utilized including reports from the United Nations Operation in Somalia (UNOSOM), the Inter-Governmental Authority on Development (IGAD), The Nairobi-based Africa Peace Forum (APFO), and reports from the Transitional National Government (TNG) as well as documents sourced from the Somali Reconciliation and Restoration Council (SRRC) and the Islamic Courts Union (ICU). Information sought from the Somali government, the UN, the AU and IGAD was mainly on the role of traditional leaders in previous reconciliation attempts. Finally, the researcher sought information from the Mogadishu-based Coalition for Grassroots Women Organizations (COGWO). Women are an important aspect in peace processes and negotiations. Information obtained from COGWO was important in order to examine the contribution of women as leaders.

## **1.9. Chapter Outline**

The study is structured around five (5) key chapters:

Chapter One: Introduction

Chapter Two: Overview of Somalia Peace Initiatives.

Chapter Three: The Role of Traditional Actors in Conflict Management and Mediation.

Chapter Four: The Role of the Traditional Leaders in Conflict Management; the Case of the Somalia National Reconciliation Conference (SNRC).

Chapter Five: Critical Analysis of the Key Issues Emerging From the Study

Chapter Six: Conclusions

## **CHAPTER TWO**

### **SOMALI PEACE PROCESSES: AN OVERVIEW**

#### **2.1. Introduction**

The previous chapter provided the introduction to this research study, statement of the problem and highlighted the objectives of the study. It also analyzed literature in a bid to illustrate the debates and discussions informing the role of traditional leaders in conflict management and particularly in Somalia. The chapter also examined the theoretical frame work, methodology of the research study, the hypothesis and chapter outline.

Chapter Two will attempt an overview of the Somalia peace process since the fall of Siad Barre. There is arguably over dozen of peace processes attempted to Somalia conflict; this chapter will however review six peace processes.

#### **2.2. Background to Somali Peace Processes**

Irrespective of the economic, financial or social status of any state, rebuilding a country after conflict is far more involving than repairing damaged buildings and re-establishing public institutions. Boege observes that the period after war or conflict is all about rebuilding relationships at all levels, restoring the people's trust and confidence in governance systems, the rule of law, and providing the population with greater hope for the future.<sup>39</sup> These processes are all important to the consolidation of peace and security in fragile post conflict situations. Boege argues that the probability of the threat re-emerging is high.

In this perspective, Marchal notes that for over nineteen years Somalis have held many peace and reconciliation conferences and concluded many peace agreements, some between a

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<sup>39</sup> Boege V., *Traditional Approaches to Conflict Transformation Potentials and Limits*, Bergh of Research Center for Constructive Conflict Management, Berlin, 2006, pp.3-5.

few individuals and others between larger political alliances.<sup>40</sup> He adds that a recurring characteristic of the Somalia peace initiatives is that after each reconciliation attempt, the number of interests and factions or actors taking part increases; this further complicates reconciliation.

In addition to the above, Menkhaus argues that despite an ever expanding cast of participants; no reconciliation conference has achieved a lasting settlement.<sup>41</sup> For almost two decades, actors in the Somalia conflict that have engaged in the peace process have defied local, foreign diplomatic, military and state building interventions to solve the long standing conflict. This does not only render the Somalia conflict unique for policy analysis but also a perfect example for academic reviewing. None of the governments that have emerged from internationally sponsored peace processes have been able to establish their authority or deliver security and law and services to the Somali people. This can be conceptualized by engaging in a background analysis of the Somalia peace process as below.

### 2.2.1. *The Collapse of the Somali State*

The collapse of the Somali state in 1991 was the consequence of a combination of internal and external factors. Brons argues that the legacies of European colonialism and the impact of Cold War politics and the cumulative effect of wars with neighboring states, most damagingly the 1977-78 Ogaden war between Somalia and Ethiopia divided Somali people into five regions.<sup>42</sup> In this respect, internal factors can be classified into contradictions between a centralized state authority, and a fractious kinship system and the Somali pastoral culture in which power is diffused.

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<sup>40</sup> Marchal Roland, 'Islamic Political Dynamics in the Somali Civil War', in Alex de Waal (ed.) *Islamism and its Enemies in the Horn of Africa*, London: Hurst and Company, 2004, pp.114-115.

<sup>41</sup> Menkhaus Kenneth, 'The Crisis in Somalia: Tragedy in Five Acts', *African Affairs*, Oxford University Press 106/204, 2007, p.357.

<sup>42</sup> Brons MH., *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness?* Utrecht: International Books, 2001, pp.3-7.

Sahnoun adds that Somalia's collapse was hastened by the ending of the Cold War period in 1990.<sup>43</sup> The impact of cold War on Somalia was as a result of Somalia's strategic importance to the West which at this time was seen to decline; hence foreign aid which had sustained the state was withdrawn. Without these resources, Barre arguably lost control of the country and the army and in January 1991 he was ousted from Mogadishu by forces of the United Somali Congress (USC) drawing support from the Hawiye clans in south central Somalia.

After Barre was ousted, Somalia was engulfed in a civil war that displaced a number of people. As the war unfolded, there were attempts by the international community and particularly states in the region to find a solution to the conflict. Samatar argues that although it is frequently stated that over a dozen national reconciliation conferences have been convened on Somalia since 1991, a closer look reveals that only six were fully fledged national peace conferences.<sup>44</sup> These include: the Djibouti talks, the Addis Ababa National Reconciliation Talks, the Sodere Conference, the Cairo Conference, the Arta Peace Conference and the Mbagathi peace conference.

### 2.2.2. *The Djibouti Talks*

Five months after the Barre government was deposed, the Djibouti talks were convened. Bradbury notes that the conference, which became known as Djibouti I, opened on 5<sup>th</sup> June 1991 and concluded a week later on 11 June.<sup>45</sup> A second conference was held in July and was referred to as Djibouti II. The result of Djibouti I and Djibouti II conferences was the reaffirming of the appointment of Ali Mahdi Mohamed as the interim president of the Somalia Republic for a

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<sup>43</sup> Sahnoun Mohamed, *Somalia: The Missed Opportunities*, Washington: USIP Press, 1994, p.4.

<sup>44</sup> Samatar Ahmed I., *Socialist Somalia: Rhetoric and Reality*, London: Zed Books, 1998, pp.83-84

<sup>45</sup> Bradbury Mark, "Somalia: Prospects for Peace." Oxfam, 1994, p.4.

period of two years. However, General Mohamed Farah Aideed rejected the appointment of Ali Mohamed as the interim president; this further split the talks.

The Djibouti talks which convened six factions, was set to form an interim government from the beginning.<sup>46</sup> While it is regarded as failure due to the repulsion by General Mohamed Farah Aideed, it conceptually was a success, because it was able to adhere to its agenda. However, its agenda was conceived to be narrow in comparison to the issues on the ground. Therefore, Djibouti talks inadvertently exacerbated political tensions which culminated in the explosion of armed conflict destroying much of Mogadishu in late 1991. Djibouti talks did not have the backing of domestic constituents; the leaders who participated in the talks were arguably pushing for their own interests.

As mentioned above, the six factions that participated were representatives of clans or sub clans. In reality the clan served as an instrument to further ambitions of individuals, most of who had held influential government positions in the past and were competing for similar ranks in a possible new administration.<sup>47</sup> The main underlying factors for Somalia conflict were not on power sharing, but a revolt against the leaders who were considered close to Siyad Barre. In addition, the six factions representing Somalia were composed of political leaders and no traditional leader. Therefore, considering that leaders of clans are traditional elders, confirms that, a representation of clans by politicians was a misrepresentation.

Although the Djibouti government tried, it was unsuccessful in brokering a deal; this failure was followed by fighting and the United Nations diplomatic engagement began in early 1992. The UN managed to negotiate a ceasefire between the two main belligerents in

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<sup>46</sup> Menkhaus Kenneth J., 'The Crisis in Somalia: Tragedy in Five Acts', *African Affairs*, 2007 op, cit.

<sup>47</sup> Bryden M., and Farah AY., *The Somaliland Peace Committee: Case Study of Grassroots Peacemaking Initiative*, Report for United Nations Development Programme Emergencies Unit for Ethiopia. Addis Ababa, Ethiopia, 1995, p.23.

Mogadishu.<sup>48</sup> However, the negotiated ceasefire was between the two main warlords, by extension this was a window dressing affair with an arguably temporary peace deal. The conflict continued and after one year, the second conference was convened.

The second major conference was the Addis Ababa National Reconciliation Talks of January and March 1993.<sup>49</sup> These talks were arguably the linchpin of the United Nations intervention in Somalia and were meant to provide a blueprint for the creation of a two year interim government in Somalia. In comparison to the Djibout talks, Menkhaus argues that the Addis Ababa talks convened fifteen clan based factions and produced a rushed and vaguely worded accord that sparked tensions between the UN and some armed factions.<sup>50</sup>

The tension was based on the issue of whether the creation of district and regional councils were to be a bottom up process or controlled by factions. Brons argues that the conflict resulted in an armed conflict between General Aideed's faction and United Nations peacekeepers; this tension eventually derailed the mission and blocked the implementation of the accord.<sup>51</sup> A bottom-up process would have seen the recognition of traditional leaders playing their part in conflict solution, while control by factions would have ensured that warlords controlled the process.

Lewis argues that of concern is the fact that 15 parties were to be accommodated. Some were new clan organizations, including minorities that had not been present at Djibouti, new

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<sup>48</sup> Bryden M., and Farah AY., *The Somaliland Peace Committee: Case Study of Grassroots Peacemaking Initiative*, Report for United Nations Development Programme Emergencies Unit for Ethiopia. Addis Ababa, Ethiopia, 1995, p.23.

<sup>49</sup> Samatar Ahmed I., *The Somali Challenge: From Catastrophe to Renewal?* London: Lynne Rienner, Boulder, 1994, p.32.

<sup>50</sup> Menkhaus Kenneth J., 'The Crisis in Somalia: Tragedy in Five Acts', *African Affairs*, 2007, op cit.

<sup>51</sup> Brons MH., 2001 *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness?*, op, cit

factions and splinter groups aligned with either Ali Mahdi or Aideed.<sup>52</sup> During this time external responses to Somalia's collapse were belated because other wars in the Gulf and the Balkans commanded international more attention than the Somalia conflict.

The Somali National Movement (SNM) was composed of some traditional elders and a faction of political leaders. In comparison to the Djibouti talks, these talks were representative. Bradbury et al argue that only three parties had remained intact since the Djibouti meeting; these participated in the Addis Ababa talks.<sup>53</sup> These talks were also similar to Djibouti talks because a process to form a new government was agreed on but in the Addis Ababa talks, it was not implemented.

The United Nations facilitated peace conferences in Addis Ababa in 1993 and Kenya in 1994 and did not produce a process characteristic of national reconciliation.<sup>54</sup> Menkhaus observes that the mission served to fuel the war economy, causing a proliferation of factions and shoring up warlord power structures. In essence, the intended reconciliation process ended up dividing Somalia even further.<sup>55</sup> The weakness of the United Nations is that it tried to impose conflict management methods that were foreign to the trend of conflict management in Somalia.

As a result of its failure, the UN through UNOSOM departed from Somalia; as a result, there was a decline in foreign aid. However, Menkhaus argues that the departure of UN forces in March 1995 did not lead to a revival of the civil war as expected.<sup>56</sup> In some areas, communities drew on traditional institutions, such as elders and customary law (*Xeer*), to end violent confrontations, renegotiate relations between groups and establish local governance structures as

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<sup>52</sup> Lewis IM., *A Modern History of the Somali*, James Currey, Oxford, 2007, pp.6-7

<sup>53</sup>Bradbury Mark, Abokor Adan Yusuf, and Haroon Ahmed Yusuf, 'Somaliland: Choosing Politics over Violence', *Review of African Political Economy* No. 97: 2003,pp 455-478.

<sup>54</sup> Ibid.

<sup>55</sup>Menkhaus Kennetheth, "International Peacebuilding and the Dynamics of Local and National Reconciliation in Somalia" *International Peacekeeping* 3(1)1992, p.42

<sup>56</sup> Ibid.



a transitional step to developing public administrations and regional and trans-regional polities. Traditional leaders can play a positive role in conflict management.

The third major reconciliation effort was the Sodere Conference held between 1996 and 1997; this meeting according to Clarke et al was convened by Ethiopia to revive a decentralized, federal Somali state at the expense of factions that opposed Ethiopia.<sup>57</sup> At the same time, Menkhaus observes that a rival peace process was also held in Egypt. The process was dubbed 'the Cairo Conference'; its purpose was to undermine the Sodere conference.

Despite this, the Sodere conference was able to achieve a landmark principle of fixed proportional representation by clan, code named the 4.5 formula.<sup>58</sup> The 4.5 formula was an important principle that would be used later in other conference. It should be noted also that, the 4.5 formula emerged out from the Sodere conference where traditional leaders were involved. Bryden argues that there has been an uncritical reliance on the 4.5 formula to determine clan representation in talks and in transitional governments, despite widespread objections from sections of the delegates.

The 1997 Cairo Conference was convened by Egypt to promote a centralized Somali state and elevate the power of Somali factions that boycotted the Sodere talks.<sup>59</sup> At this point, it emerged that the two broad coalitions from Sodere and Cairo formed the basis for the main political divisions in Somalia in subsequent reconciliation efforts. The rivalry stemmed from the fact that Egypt rivaled with Ethiopia and each was against the progress made by another. Therefore, the best way for the two states to test their differences was through the sabotage of the reconciliation efforts.

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<sup>57</sup> Clarke Walter, and Herbst Jeffrey, eds. *Learning from Somalia: The Lessons of Armed Intervention*. Boulder: Westview, 1997.

<sup>58</sup> See Sahnoun Mohammed, *Somalia: The Missed Opportunities*, 1994

<sup>59</sup> See Menkhaus, 'The Crisis in Somalia: Tragedy in Five Acts', *African Affairs*, 2007

Menkhaus and Ortmayer argue that this meeting saw 28 signatories to the ensuing agreement, including both Ali Mahdi and Aideed.<sup>60</sup> They add that, faction leaders closer to Ethiopia such as Abdullahi Yussuf withdrew from the talks, which they saw as hostile to the Ethiopian backed Sodere process and also too close to some members of Al Itihad an Islamist militant group engaged in armed confrontations with Puntland and Ethiopia. Therefore, it was apparent that non state actors played an important role in the Somalia peace process. The following section will attempt to examine the role of regional states in peace negotiations.

### *2.3. The Role of Regional States*

The conflict in Somalia has a direct or indirect impact among the neighboring states and those in the region. The impacts are most of the time positive but at times also negative. The conflict in one way or another attracts the attention of these states to act often in an endeavor to find solution to the conflict. Ideally, states should act in good faith to find a solution to the conflict; practically, their interests override their needs and therefore end up promoting their own agendas in peace negotiation process.<sup>61</sup>

The first four major conferences were held among states residing in the North of Somalia; these states have a historical heritage similar to Somalia and an arguably common culture to that in Somalia. Hagmann argues that the disengagement of Western governments from Somalia resulted in the diplomatic initiative, passing regional states and in particular Ethiopia.<sup>62</sup> Addis Abbaba's engagement was driven as much by geo-political, security and economic interests than by concern to end Somalia's political turmoil.

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<sup>60</sup> Menkhaus Kenneth, and Ortmayer Lou, "Key Decisions in the Somalia Intervention," Georgetown University: Pew Case Studies, 1995, p.43.

<sup>61</sup> Ibid.

<sup>62</sup> Hagmann Tobias, "Beyond Clannishness and Colonialism: Understanding Political Disorder in Ethiopia's Somali Region, 1991-2004" *Journal of Modern African Studies*, Vol. 43 No. 4, 2005, p.53.

Egypt, Libya and Yemen and the Arab League also made endeavors to end the conflict in Somalia. However, Bryden notes that reconciliation in Somalia was actively hindered by competition between these states.<sup>63</sup> For instance, after 1998, the breakdown in relations between Ethiopia and Eritrea gave a new impetus to the destabilization of Somalia. A vivid example to illustrate this was that Eritrea supported factions in Somalia as opposed to those aligned with Ethiopia, introducing a new element of proxy war to an already crowded arena.

Bryden further notes that competing regional interests led to rival peace conferences sponsored by Ethiopia in Sodere in 1996 and by Egypt in Cairo in 1997 as demonstrated above.<sup>64</sup> This rivalry produced two regional administrations; the first was the short lived Benadir Administration that was supported by Egypt and Libya. The second was supported by the government of Puntland Federal State of Somalia. In this respect, it emerges that the interests of states in hosting the peace negotiations is motivated by underlying interests of states. The prospect of peace at this point is therefore held hostage by regional states interests; it can be argued therefore that until the fourth conference, the realization of peace was held hostage by national interests of regional states.

Sahnoun notes that the fifth peace reconciliation attempt was the Arta Peace Conference of 2000 which was also convened by Djibouti.<sup>65</sup> Moreover, the perceived absence from main stream activities was revitalized when international diplomatic efforts were reenergized in 2000. The Djibouti government hosted the Somalia National Peace Conference in the town of Arta. The 2000 Arta peace process produced a Transitional National Government (TNG) that commanded some national and international support.<sup>66</sup>

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<sup>63</sup> Bryden M., and Steiner M., *Somalia Between Peace and War*, UNIFEM, Nairobi, 1998.

<sup>64</sup> Ibid.

<sup>65</sup> Sahnoun Mohamed, *Somalia: The Missed Opportunities* Washington: US Institute of Peace, 1994.

<sup>66</sup> Jamal V., 'Somalia: Understanding an Unconventional Economy' *Development & Change*, 19.2: 1998, p.208.

This was due to an innovative peace process that consulted with the Somali society beyond the usual faction leaders. It also adopted a system of fixed proportional representation of Somali clans in the conference and in government based on the so-called 4.5 formula. In this formula an equal number of places were allotted to each of the four major Somali clan families, and a half place to minorities and to women. A defining feature of this process according to Sahnoun is that, it brought civic rather than faction leaders to the talks and used telecommunications technology to broadcast proceedings back to Somalia. In the end it produced a three year Transitional National Government (TNG) that empowered a Mogadishu based coalition at the expense of a pro Ethiopian alliance. This once again showcased the fact that regional state interests play a central role in Somalia peace initiatives.

The Arta peace process faced numerous domestic opponents as well as Ethiopian hostility and never became operational.<sup>67</sup> In comparison the Arta conference was a success because it included extensive participation by unarmed civic leaders intellectuals, clan and religious leaders and members of the business community.<sup>68</sup> A few of the less powerful warlords took part, but the more notorious Mogadishu warlords did not nor did Abdullahi Yusuf, who objected to the lack of a federal structure. This strategy was therefore adequate to win the battle but still lacked in capacity to deliver victory in war.

Unlike the other initiatives which had more backing of one state than others, Ahmed and Green add that the Arta conference was endorsed by neighboring countries as a regional initiative of the Inter Governmental Authority on Development (IGAD).<sup>69</sup> The Arta conference

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<sup>67</sup> Ismael Ahmed, *Somaliland, Puntland and Southern Somalia: Report on Conflict Prevention, Management & Resolution: Capacity Assessment Study for the IGAD Sub region*, Djibouti: Inter Governmental Authority on Development, 2001, pp.3-5.

<sup>68</sup> Gardner J., and El Bushra J., eds. *Somalia, The Untold Story: The War through the Eyes of Somali Women*, London: Pluto Press, 2004, p.32.

<sup>69</sup> Ahmed I., & Green R., 'The Heritage of War & State Collapse in Somalia & Somaliland' *Third World Quarterly*, 20.1:1999, pp.113-127

was conceived as different to previous processes because warlords were largely excluded from the talks, which were said to be owned by civil society groups.<sup>70</sup> Religious groups, particularly the moderate Al Islah movement, exercised great influence; there were no official representatives of 'Somaliland' and 'Puntland' because both administrations demanded recognition as territorial entities before agreeing to participate.

From the Arta conference proceedings, it can be argued that IGAD played a positive role in Somalia peace process; the following section will briefly examine the role of IGAD. Generally, the mandate of the Inter Governmental Authority on Development (IGAD) was revised in 1996 to include the promotion of peace and security, in addition to fostering regional cooperation and economic development.<sup>71</sup> IGAD had supported past Somali reconciliation efforts hosted both by Ethiopia and Djibouti. In 2002, IGAD took up the challenge of reconciling the TNG and the SRRC, each supported by an IGAD member state.

Menkhaus argues that in an effort to reconcile the TNG with its SRRC adversaries, IGAD launched a fresh national reconciliation process before the TNG mandate had ended.<sup>72</sup> Menkhaus adds that the influence of external actors was apparent during the two-year reconciliation conference facilitated by Kenya.<sup>73</sup> Under the auspices of IGAD, several national reconciliation conferences were mediated with the intent of producing a political outcome in favor of local allies. Others started relatively neutral, but once the process was underway, mediators made decisions which tilted the playing field in favor of one or another political group.

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<sup>70</sup> See Ahmed I., & Green R., 'The Heritage of War & State Collapse in Somalia & Somaliland' *Third World Quarterly*, 20.1:1999

<sup>71</sup> Kettler, S.G., *External Actors in Stateless Somalia and its War Economy*. BICC, Bonn, Germany, 2004.

<sup>72</sup> Menkhaus Kenneth, and Lou Ortmayer, "Key Decisions in the Somalia Intervention." *op. cit.*

<sup>73</sup> *Ibid.*

This process eventually developed into a sixth major Somali reconciliation meeting.<sup>74</sup> The Somali National Reconciliation Conference, held in Eldoret, Kenya, in October 2002. It produced a ceasefire agreement signed by 24 faction leaders stipulating the need to create a federal structure, reversing the unitary structure established at Arta. Finally, the Mbagathi conference held between 2002 and 2004 was sponsored by IGAD. It is arguably the most intensive peace process for Somalia; a lengthy conference held in Kenya to produce a successor to the failed TNG was crafted.<sup>75</sup> In this conference, there was a heavy Kenyan and Ethiopian direction, the delegates consisted mainly of militia and political leaders, not civic leaders, and promoted a federalist state.

The main outstanding feature of the conference was the fact that a phase of the talks dedicated to resolution of conflict issues was instituted, Menkhaus adds that this phase was an innovation intended to prevent the talks from devolving into a mere power sharing deal.<sup>76</sup> Timons argues that the Mbagathi talks culminated in the creation of the Transitional Federal Government (TFG) in late 2004 and the election of President Abdullahi Yusuf.<sup>77</sup> The TFG was deeply divided at the onset, with many Somalis raising objections about the legitimacy of representation at the talks. The TFG struggled in subsequent years and did not become a minimally functional government or advance key transitional tasks.

The conclusion of the Mbagathi peace process in 2004 ushered in a Transitional Federal Government (TFG) in Somalia and a renewed hope that through a political arrangement in the country would be on the path toward stability. Other than the six attempts mentioned above,

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<sup>74</sup> See Menkhaus Kenneth, and Lou Ortmyer, "Key Decisions in the Somalia Intervention." op, cit.

<sup>75</sup> Menkhaus Kenneth, 'Traditional Conflict Management in Contemporary Somalia' in I. Zartman, ed. *Traditional Cures for Modern Conflicts: African Conflict "Medicine"*, Boulder, Lynne Rienner, 2000, pp.64-71.

<sup>76</sup> Ibid.

<sup>77</sup> Timmons, D., *The Sixth Clan Women Organize for Peace in Somalia: A Review of Published Literature*, Geneva, University for Peace, 2004, p.87.

there were other peace deals that were attempted, but are more appropriately described as peace 'deals' were aimed at forging a narrow ruling coalition without wide consultation across the Somali society. The success of the negotiations was varied and had different impacts.

Sage argues that reconciliation processes that involve people from two or more regions have occurred in several parts of Somalia.<sup>78</sup> These represented a significant investment by the communities involved and had positive impact for many people when they succeed. An early example was the 1993 Mudug peace agreement between Habar Gedir clans in Galgudud and South Mudug and Majerten clans in north Mudug, which ended large-scale confrontations of militia across this clan border.

Another significant regional peace initiative was the 1994 Kismayo conference that was sponsored by UNOSOM and in which representatives of all nineteen clans from Middle and Lower Jubba regions participated.<sup>79</sup> The Bardhere peace conference was initiated by elders of the Digil-Mirifle clan in Bay and Bakool regions and the elders of the Marehan clan, Menkhaus adds that in order to end serious fighting over pasture and water resources clan elders played a significant role in achieving peace.<sup>80</sup> Since then, these communities have continued to coexist harmoniously with the Bardhere agreement being used as the reference for any issues that arise between them.

Gundel notes that the regional peace conference amongst the Hawiye clan held in Belet Wein from October 1998 to June 1999 was yet a success.<sup>81</sup> It was organized and hosted by a well respected titled traditional elder, the late Ugas Khalif of the Hawadle clan. Clan representatives

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<sup>78</sup> Andre Le Sage, 'Stateless Justice in Somalia: Formal and Informal Rule of Law Initiatives', Centre for Humanitarian Dialogue, July 2005, p.7.

<sup>79</sup> Lewis IM., *A Modern History of the Somali*, op. cit.

<sup>80</sup> Menkhaus Kenneth 'Somalia' section in *Al Qaida's (Mis)Adventures in the Horn of Africa* West Point Harmony Project, May 2007.

<sup>81</sup> See Gundel Joakim , 'The Predicament of the 'Oday', p.41.

participated with the aim of fostering reconciliation with other clans. In its final stages, politicians contested the leadership of the process and the initiative ultimately failed.

Nevertheless, it did improve trade between the regions but demonstrated the potential of bottom-up reconciliation processes.<sup>82</sup> However, clan elders have also failed to come up with peaceful settlements, for instance during the 1996 Garbaharrey conference among the Sade sub-clans of the Marehan clan in Gedo region, aimed at establishing unity and forming a local administration, clan elders and leaders of the armed faction, the Somali National Front (SNF), failed to reach agreement.

#### **2.4. Conclusion**

Traditional leaders should not be put into one group; there are arguably three groups of traditional leaders. In addition, the role of traditional and spiritual leaders is most effective with inter-clan conflicts and solving internal crisis. Moreover, there has not been any attempt to examine how the role of traditional leaders can help resolve conflict on the national scale and in mediation and peace processes.

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<sup>82</sup> See Gundel Joakim , 'The Predicament of the 'Oday', p.41.



## CHAPTER THREE

### THE ROLE OF TRADITIONAL LEADERS IN CONFLICT MANAGEMENT AND MEDIATION AMONG DEVELOPING STATES: A CONCEPTUALIZATION

#### 3.1. Introduction

The previous chapter provided an overview of Somali peace initiatives. It reviewed attempted efforts of the Somalia peace negotiations since the collapse of the Somali government in 1991. Chapter Three will review the role of traditional actors in conflict management among developing states. This chapter will make a distinction between traditional leaders, religious leaders and opinion makers in disguise as traditional leaders. The chapter will also examine the role of traditional leaders and consider both negative and positive contributions. Moreover, it will examine the basis upon which traditional leaders engage in conflict management and the conceptual underpinnings displaying their role in conflict management and peace building.

#### 3.2. Traditional Actors in Conflict Management: Background

Menkhaus defines conflict as a process in which in which one party perceives that its interests are being opposed or negatively affected by another party.<sup>83</sup> Pruitt describes a conflict as a condition whereby two parties have incompatible goals to each other.<sup>84</sup> An incompatibility of goals, values or interests often leads to violent confrontation. Individual actors participate in conflict in different capacities; while some engage in conflict as combatants, others engage in conflict as peacemakers.

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<sup>83</sup> Menkhaus Kenneth., "The Somali Crisis: Tragedy in Five Acts", *African Affairs*, op, cit, pp.8-14.

<sup>84</sup> Pruitt Dean G., *Wither Ripeness Theory*, Institute for Conflict Analysis and Resolution, George Mason University, 2005, p.3.

Pruitt further contends that, traditional conflict management mechanisms have certain key features; these include the fact that, they are generally male dominated although some truth seeking mechanisms are actually headed by women.<sup>85</sup> Additionally, there is no place in them for young people, who are considered immature and not yet versed in the ways of the community.

### 3.3.1. *Individual Actors*

Several actors fall within the traditional actor realm in most developing states. The principal actors include: the chiefdom administrations, local courts, tribal headmen, community leaders and religious leaders. Each has a particular role/s that they perform in the society. The roles are commensurate with the social perception of the people in society.

The term 'traditional actors' suggests the existence of profoundly internalized normative structures;<sup>86</sup> it also refers to patterns that are seemingly embedded in static political, economic and social circumstances. But it must be borne in mind that African institutions, whether political, economic or social, have never been inert. The word 'traditional actor' as used in this chapter implies a dynamic process.<sup>87</sup>

Individual actors are also known as track one and half actors or third parties of conflict management;<sup>88</sup> these are described as personalities who are either retired heads of state, religious leaders or opinion makers, by virtue of their former roles; they have the capacity and experience to engage in peace building in conflict areas.

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<sup>85</sup> Pruitt Dean G., *Wither Ripeness Theory*, Institute for Conflict Analysis and Resolution, George Mason University, 2005, p.3.

<sup>86</sup> Boege V., *Traditional Approaches to Conflict Transformation Potentials and Limits*, Bergh of Research Center for Constructive Conflict Management, 2006, op. cit, p.6.

<sup>87</sup> Penal Reform International (PRI), *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems* (London: PRI, 2002).

<sup>88</sup> See Monteville Joseph, 1998, op. cit.

The individual is viewed as the primary source of social order, and hence all conceptions of the link between agents and social structure are ultimately reduced to explanations in terms of individual action.<sup>89</sup> Individual actors are central in protracted conflicts; the rationale for third party intervention is premised on the fact that individual actors or third parties intervene because resolution of the conflict is to their benefit, they are called upon, or they are expected to assist in the conflict.

Track two actors are important in mediation; they use certain coercive tactics to move a disputant off a position. Even when it does not lead to a conflict settlement, mediation that is fronted by track two and half actors frequently improve the interaction between the disputants. Baines argues that, it improves their communication and on occasion and provides the disputants with problem solving skills that they can rely upon in the future.<sup>90</sup> Menkhaus argues that disputants tend to be satisfied with mediation that is proposed by individual actors because they retain control of the situation.

Moreover, individual mediation efforts are inexpensive because they usually take into consideration all aspects of the dispute, they also allow for flexibility and in general, it is viewed as fair.<sup>91</sup> The methods and tools employed by Track two and half actors include supporting and sustaining local groups and social movements, building peace constituencies, strengthening capacity, empowering key actors, organizational development and networking and training.<sup>92</sup> A notable example of this kind of work is the programme of the London-based NGO Conciliation Resources (CR) in Fiji, undertaken in coalition with local actors to transform the conflict.

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<sup>89</sup> See Monteville Joseph, 1998, op. cit.

<sup>90</sup> Baines, Erin K., 'The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda', *International Journal of Transitional Justice*, vol. 1 (2007), pp.91-114.

<sup>91</sup> Ken Menkhaus, op. cit.

<sup>92</sup> See Boege V., *Traditional Approaches to Conflict Transformation Potentials and Limits*, Bergh Research Center for Constructive Conflict Management, 2006

Furthermore, peacemaking cannot focus solely on the negotiation of agreements between representatives, but must involve changing relationships among societies particularly among individual actors who shape the opinion of the people. Thus, individual actors need to be engaged at all levels of negotiation, around, and after negotiation in order to secure a lasting and comprehensive peace, particularly in deep rooted human conflicts where people will not negotiate about their identities, historic grievances.<sup>93</sup>

#### *3.3.1.1. The Role of Individual Actors*

The role of individual actors can vary from one conflict to another but he, however, identifies four arenas where they are most appropriate.<sup>94</sup> First, during the official negotiation process, representatives of governments or international organizations work to reshape the political environment and secure agreements. Second, unofficial groups closely related to the official process engage on the issues in ways that support negotiations.

Third the public engages in peace processes; individual actors bring influential antagonists together in sustained dialogue to analyze the conflictual relationship, generate the will to change it, and develop scenarios and action steps for moving the peace process forward.<sup>95</sup> Lastly, the civil society and non-governmental organizations work in a variety of domains to reconnect all the sinews of society that have been severed by destructive conflict and to rebuild a peaceful reality.

Individual actors are important in conflict management because they help in coordination. Coordination by individual actors can be pursued in four main fronts namely; information

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<sup>93</sup> See Boege V., *Traditional Approaches to Conflict Transformation Potentials and Limits*, Bergh Research Center for Constructive Conflict Management, 2006

<sup>94</sup> Saunders, Harold, H. *A Public Peace Process: Sustained Dialogue to Transform Racial and Ethnic Conflicts*. New York: St. Martin's Press, 1999, p.12.

<sup>95</sup> Ibid.

sharing, resource sharing, collaborative strategizing and collaboration through partnerships. Resource sharing involves the giving or exchange of important assets that assist interveners in carrying their work forward. Collaborative strategizing involves interveners planning together based on shared analyses, which can lead to individual initiatives of enhanced conciliation.<sup>96</sup>

Montville originally defined track two diplomacy as involving unofficial interactions between members of adversarial groups or nations that are directed toward conflict resolution through addressing psychological factor.<sup>97</sup> The leading edge form of track two consists of small group problem solving workshops that bring together antagonists to analyze jointly the deeper sources of their conflict and to create ideas and options for moving toward peace. Montville later broadened his definition to include the interactions that develop strategies and those that influence public opinion in favor of more humanized images and conciliatory policies; and cooperative economic activities to provide incentives for conflict resolution.

Finally, the most involved form of coordination and collaboration through partnerships engages multiple actors as a team in developing and implementing concrete initiatives that would not have occurred without coordination.<sup>98</sup> Nan's work thus provides the most explicit framework for analyzing coordination in conflict resolution initiatives across a spectrum of actors. The role of track two and half actors is most effective in protracted conflicts. The initiation of track two and half actors signaled a more urgent phase in the conflict.

In response, Kelman, Nadim Rouhana, and their colleagues for the first time organized a continuing workshop with highly influential Israelis and Palestinians for a series of five meetings

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<sup>96</sup> See Menkhaus Kenneth, 'Traditional Conflict Management in Contemporary Somalia' in I. Zartman, ed. *Traditional Cures for Modern Conflicts: African Conflict "Medicine"*. Boulder, Lynne Rienner, p.89.

<sup>97</sup> Montevile Joseph, *Diplomacy Among Developing States*, Spring Publishers, New York, 1998, p.2.

<sup>98</sup> Ibid.

from 1990 to 1991.<sup>99</sup> Previous workshops had brought together influential actors from many sectors could have influence on both public opinion and policy making: journalists, political activists or leaders, academics, directors of think tanks, political advisors, former diplomats, parliamentarians among others.

The workshops, along with other track two interventions, fostered a political atmosphere that was conducive for negotiations and to a new relationship between the parties, including a sense of mutual reassurance and the realization of the possibility of a way out of the conflict. As such Kelman et al argue that, the role of individual actors was eminent in the sense that they helped in coordination of the conflict.<sup>100</sup> Another example is in Tajikistan where by following its declaration of independence in 1991, Tajikistan descended into a destructive internal conflict characterized by fractures between different ethnicities and nationalities, clan-based and regional groups, and a mix of ideologies ranging from communist to democratic to militant Islam.<sup>101</sup>

Tajikistan experienced a bloody civil war in 1992 to 1993, followed by continuing unrest. Following the failure of attempted coalition governments, the country slid into civil war with significant casualties and massive displacements of refugees. Saunders and his colleagues initiated their dialogue intervention in March 1993, while the official UN-sponsored peace negotiations began in April 1994.<sup>102</sup> Drawing on experience gained in the Dartmouth Conference, particularly the Regional Conflicts Task Force (RCTF), Saunders organized a series of interactive sessions following a carefully constructed model of sustained dialogue.

The sessions brought together influential high level participants from the government and opposition sides of the conflict, and made numerous contributions to the formal negotiation

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<sup>99</sup> See Montevile Joseph, *Diplomacy Among Developing States*, Spring Publishers, New York, 1998

<sup>100</sup> Ibid.

<sup>101</sup> See Saunders Harold, *A Public Peace Process: Sustained Dialogue to Transform Racial and Ethnic Conflicts*

<sup>102</sup> Ibid.

process, reconciliation among the antagonists, and the building of a civil society in the country.<sup>103</sup> Saunders and his colleagues were very clear that the dialogue was intended to complement rather than duplicate or second-guess the official deliberations. Although the dialogue dealt with some of the same issues such as negotiations, its job was to provide analyses and options to be considered rather than to negotiate outcomes.<sup>104</sup>

### **3.4. Traditional Actors in Conflict Management**

Traditional conflict management mechanisms as practiced in the communities affected by the conflict should be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation. Societal resources such as indigenous accountability mechanisms are very useful in peace building, especially after a violent conflict. They have the potential to facilitate the reintegration and healing processes, since the community members can easily associate with them.

The ultimate goal of traditional justice systems among most African communities is reconciliation. For instance, In Sierra Leone, the commissioners from the Truth and Reconciliation Commission (TRC) sought assistance from traditional and religious leaders to facilitate its public sessions and in resolving local conflicts arising from past violations or abuses or in support of healing and reconciliation.<sup>105</sup> The reconciliation ceremonies of the Sierra Leone TRC were oriented explicitly towards the perpetrators accepting their wrongdoing.

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<sup>103</sup> See Saunders, Harold, H., *A Public Peace Process: Sustained Dialogue to Transform Racial and Ethnic Conflicts*.

<sup>104</sup> Ibid.

<sup>105</sup> Sierra Leone Truth and Reconciliation Commission, 'Reconciliation,' Vol. 3B, chapter 7, Final Report, 2004 p.14.

In comparison, Brons argues that reconciliation, although mainly seen as a way to national unity, was one of the stated objectives when the Gacaca tribunals in Rwanda became part of a broader transitional justice policy.<sup>106</sup> The Gacaca mechanism in Rwanda originally had a certain tendency to record blame, although the restoration of social harmony was the first goal. The actual *Gacaca* is strongly oriented towards retribution. The argument from above is that a tendency to reconcile and even to forgive does not exclude the search for acknowledgement, responsibility and restitution.

The politicization, inefficiency and corruption of the traditional leadership is often one of the consequences, resulting in problems of weakened credibility of traditional leaders.<sup>107</sup> This, in turn, may considerably reduce the potential of the traditional institutions of conflict regulation, since they rest on these local leaders. In some instances the legitimacy of these tools has been compromised by the role that traditional leaders played during the conflict.<sup>108</sup> In contrast, Baines argues that, even if traditional leaders are still meaningful and important, they are less relevant to some of the people.<sup>109</sup> This is especially true for young people who have grown up during a time of war with restricted opportunities to experience or participate in such practices.

During the two decades of war in Sierra Leone, many traditional beliefs and practices declined, while others remained relevant have been adjusted to current circumstances.<sup>110</sup> New beliefs and practices have emerged which tend to hybridize with religious practices. The successful reintegration of ex-combatants is a key driver of the peace process and can only be

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<sup>106</sup> Brons, Maria H., *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness?* Utrecht, Netherlands: International Books, 2001, p.98.

<sup>107</sup> Ibid.

<sup>108</sup> Penal Reform International (PRI), *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems* (London: PRI, 2002).

<sup>109</sup> Baines, Erin, Stover, Eric and Wierda, Marieke, *War-affected Children and Youth in Northern Uganda: Toward a Brighter Future* (Chicago, Ill.: John D. and Catharine T. MacArthur Foundation, 2006)

<sup>110</sup> See Sierra Leone Truth and Reconciliation Commission, 'Reconciliation', Final Report, 2004



meaningfully done in the context of the lived traditions that provide the obvious alternative to life in the bush.

Trust is one of the building blocks of any traditional reconciliation effort, and the connection of trust with the strengthening of traditional leaders has significant implications for a society's transition from a divided, dysfunctional society. This trust, which politics has failed to nurture, can only be realized when it is anchored in the valued traditional leaders of the people affected, in which they believe.<sup>111</sup> The roles of traditional leaders on reconciliation are indispensable mechanisms for trust and confidence building and the enhancement of genuine reconciliation.

The most effective persuasion should be seen as emanating from outside the formal dialogue process and involving members of the affected community and their families together with the religious and traditional leaders, who are all invaluable allies in the search for practical and more realistic options for resolution of the conflict. Traditional leaders and elders should play their special roles as mediators to break the deep rooted mistrust between the parties in conflict and to bridge the gap, build confidence by encouraging talks and discouraging hostilities, initiating direct contacts with belligerents, reintegrating returnees through traditional cleansing ceremonies, and mediating and preventing fights among individuals and sub-clans as a result of the conflict.<sup>112</sup>

Additionally, they could undertake advocacy and lobbying roles through networking with various individuals and groups local, national and international. Traditional leaders are largely free and voluntary, and there are no fees for the mediators, in contrast to the exorbitant legal fees

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<sup>111</sup> Penal Reform International (PRI), *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems* (London: PRI, 2002), p.52.

<sup>112</sup> Clarke Walter, and Jeffrey Herbst, *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*. Oxford: Westview Press/HAAN Publishing, 1997, p.17.

and remuneration paid to advocates, magistrates and judges in the Western justice system.<sup>113</sup> Its application is therefore potentially inexpensive. The cultural practices give the communities involved a sense of identity which can be built on to pursue more collective positive social and development objectives.

The traditional leaders offer experimental learning opportunities, especially to the members of the community.<sup>114</sup> It is only after one has undergone the ritual that the real import of what it represents will be realized. Traditional remedies have the unclaimed potential of restoring sanity to the society. The actors involved in the traditional justice system are given the opportunity to demonstrate that they have learnt the lessons of inclusiveness and flexibility, and respond accordingly. As a result this creates a sense and spirit of collective responsibility within the community that is in conflict.

Traditional leadership is also viewed as having a number of weaknesses, for instance, the traditional conflict management system is culture-specific and not flexible.<sup>115</sup> It is often difficult for people who do not belong or subscribe to the particular culture to respond positively to the traditional justice processes. There is very little leeway and no possibility of changing or bending the rules hitherto prescribed to suit particular circumstances.<sup>116</sup> The agreements reached are verbal and compliance depends on the commitment, goodwill and character of those involved.<sup>117</sup> The over-reliance on elders for the settling of disputes and other problems could be disadvantageous to other groups, for example, young people.

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<sup>113</sup> See Clarke Walter, and Jeffrey Herbst, *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*. Oxford: Westview Press/HAAN Publishing, 1997

<sup>114</sup> See Said Abdul Aziz, Funk Nathan C., and Ayse Kadayifci, "Islamic Approaches to Conflict Resolution and Peace,"

<sup>115</sup> Ibid.

<sup>116</sup> Wojkowska, Ewa, *Doing Justice: How Informal Justice Systems Can Contribute* (Oslo: UNDP and Oslo Governance Centre, 2006).

<sup>117</sup> Ibid.

Currently, there appears to be an acute shortage of elders who are fully knowledgeable about the ways of their communities. In the long run these practices may disappear completely.<sup>118</sup> Conflict management led by traditional leaders relies heavily on the contribution of the elders' knowledge and experience in varying circumstances, as opposed to professional mediators.<sup>119</sup> Presently, where elders are not readily available, the community may be tempted to postpone the traditional justice process. The traditional justice mechanisms were not resilient enough to withstand the pressures of the war.

The traditional actors foster the culture of dialogue and inclusiveness which is intrinsically enshrined in the processes. In any conflict situation, dialogue plays a significant role as a first step towards a peaceful resolution. The traditional leaders foster a greater sense of unity by allowing many community members to witness or participate in the process, as well as ironing out any doubts about whether fair justice is being dealt. The traditional justice process often generates community focused outcomes that impact positively on the entire community.

### 3.5. Conclusion

The pursuit of national reconciliation today should include the establishment of an appropriate and effective African traditional system of restorative justice as an alternative option to a Western justice system. Traditional justice and reconciliation instruments must take changing conditions into account and make provisions accordingly for wider participation and inclusion, especially for women and young people.

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<sup>118</sup> Kelsall, Tim, 'Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission', *Sierra Leone Human Rights Quarterly*, vol. 27, no. 2 (May 2005).

<sup>119</sup> See Menkhaus Kenneth, "The Somali Crisis: Tragedy in Five Acts".

## CHAPTER FOUR

### THE ROLE OF TRADITIONAL LEADERS IN CONFLICT MANAGEMENT: THE CASE OF THE SOMALIA NATIONAL RECONCILIATION CONFERENCE (SNRC), 2002 - 2004

#### 4.1. Introduction

Chapter three examined the conceptual issues and debates that inform conflict management, peace building and reconciliation in the Somali conflict. The chapter also reviewed the literature on the role of individual actors in conflict management; this was done with an aim to understanding the framework within which they operate. This Chapter is a case study; it will utilize interviews as well as primary documentary sources in order to examine the role of individual actors in conflict management.

#### 4.2. Individual Actors in Reconciliation and Peace Building: Background

Individuals and traditional leaders are increasingly active in attempts to end conflicts and to foster post-conflict reconciliation between warring parties in the Somali conflict. The following section will review the role of religious leaders, traditional elders and warlords in the Somali reconciliation process. These actors, which have included religious leaders and Muslim institutions, operate mainly in the areas of advocacy, education, interfaith networking, intermediary activities, observation, and transnational justice. Most of these actors undertake multiple tasks and peace-building activities rather than work in one specific area.

##### 4.2.1. *The Role of Religious Leaders*

Religious peacemakers are representatives of faith-based organizations that attempt to help resolve inter-group conflicts and build peace.<sup>120</sup> Religion is often implicated in both domestic

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<sup>120</sup> IRIN-CEA, *Some Somali Leaders Boycott Talks*, 3 May 2000.

and international conflicts, not least because religious conviction contains within it various sources of related danger but because most societies, particularly African societies are webbed within the pattern of religious beliefs.

Religious actors can be defined as organizations, institutions and individuals who are motivated and inspired by their spiritual and religious traditions, principles, and values to undertake peace work. Increased interest and activity in faith based peacemaking is connected to the increasing role of non-governmental organizations, civil society actors and religious groups that have recently and collectively increased their peacemaking efforts.

When examining their role in the Somali reconciliation process, one should consider that, they have both absolute and exclusive right to participate in reconciliation. On the one hand, religious leaders are Somali nationals and with moral obligation to lead people in times of conflict and peace. On the other hand religious exclusiveness has been hostile to Somali reconciliation and peace building efforts. The case in point is when religious views are used to radicalize young people.

Religious leaders have moral and spiritual legitimacy to influence the opinions of people. They are very respected and listened to in the Somali communities. Local imams and sheikhs know the history and the traditions of the parties well and they also know the needs both physical and emotional of their communities, and therefore are better equipped to reach out to the people, to mobilize them. They do these using Islamic values such as justice for all, forgiveness, harmony, and human dignity to motivate them to work toward peace.

Muslim leaders are perceived to be more evenhanded and trustworthy, and thus to have stronger moral and spiritual legitimacy than secular leaders, especially in communities where corruption and bribery has been a problem. For these reasons, Muslim leaders have a unique

leverage to reconcile conflicting parties. Since the fall of the military regime in 1991, religion and religious actors have given the Somali conflict a new meaning and dimension. During the colonial period religious leaders have played an important role in the society. For instance, Sayid Mohamed Abdille Hassan, popularly known as the *Mad Mullah*, was a religious leader who staged a resistance against the colonial occupiers for over 21 years. Moreover, in South Somalia, Sheikh Hassan Barsame put up a resistance against the Italian colonialists.

Sheikhs Hassan Ibrahim Yabaroowa Bashiir of the Hargeisa region of Somalia played a crucial role in peace building and supporting their communities. This is as a result of the ascendance of the ICU to a position of dominance in 'Somaliland' politics and the military dominance and territorial control the *al Shabaab* gained over the course of the past months. Religion can increase aggressiveness and the willingness to use violence if the religious leaders misinterpret the true meaning of religion. Among the youths, added symbolic value can be an aspect of religious conviction, deriving from profane motivation.

Faith-based organizations have a special role to play in zones of religious conflict, but their peace-building programs do not need to be confined to addressing religious conflict only.<sup>121</sup> In Somali reconciliation and conflict resolution, religious leaders draw on Islamic values, social relations, and rituals, they also focus on repairing and maintaining social relationships by emphasizing linkages between people and group identity, collective responsibility for wrong doing, face saving, restorative justice, and maintenance of social harmony; and call for reconciliation, public apology, forgiveness, and compensation, among other things.

Since 1991, some cases of reconciliation by religious leaders resemble reconciliation efforts by non-religious leaders. Religious orientations of different religious actors have typically

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<sup>121</sup> Kibble Steve, "Somaliland: Surviving without recognition; Somalia: Recognized but Failing?" *International Relations* 15, no. 5 (2001), p. 17.

shaped the reconciliation efforts by undertaken by other actors. The agendas of religious leaders are diverse, ranging from high level mediation to training and peace building through development at the grassroots. Religious leaders in Somali reconciliation are credited with contributing positively to peace-building in four main ways. They provide emotional and spiritual support to war-affected communities, effective mobilization for their communities and others for peace, mediation between conflicting parties and a conduit in pursuit or reconciliation, dialogue, and disarmament, demobilization and reintegration.

However, there is often a failure of religious leaders to understand or enact potential peace building roles within the local community. Many religious leaders lack the ability to exploit their strategic capacity as transnational actors. In contemporary conflicts, three forms involving religion are common; religious fundamentalism and religious terrorism, especially involving failed states such as Somalia. Leaders within faith based organizations may legitimize abuses of power and violation of human rights in the name of religious zeal. Such leaders are always men; gender issues and women's human rights concerns often arise.

Religious leaders may try to make use of the following susceptibilities. First, domination strategies of identity politics may seek to harness real or perceived ethnic cultural and cultural religious differences. Second, misused religious motivation can inform terrorist activities, including that associated. Third, leaders of religious fundamentalist movements lay claim to a single and absolutist religious interpretation at the cost of all others, and they link their interpretation to political power objectives. Various religious, fundamentalisms are associated with religious and political conflicts in various parts of Somali. Religious peacemakers seek to help rebuild good community relations and encourage development of peaceful and constructive relations between previously warring communities.

Horn of Africa Center for Peace (HACP) is a religious-based conflict management group in Somalia, that works in Somali local communities, the organization takes the role of religion as a platform to reconcile communities and enhance peace building objectives. They conduct their roles at the community level through informal ways. Considering that they have been successful in areas where they operate implies that their goals are functional and achievable. Although there is a rich reservoir of reconciliation values and conflict resolution mechanisms among religious leaders in Somalia, they do not effectively address reconciliation efforts. Moreover, the rises of radical and militant voices seem to contradict these values and principles compromise the role of religion.

One of the main challenges faced by religious leaders is lack of resources to facilitate their activities and the risk of terrorism. Especially in Somali, many of the communities have no or very limited access to basic resources such as electricity, phone, e-mail, and fax. Poverty and underdevelopment are major issues; lack of resources is also evident in the fact that local peace-building actors often travel to remote parts of their country with very limited resources under extremely difficult conditions. Moreover, many religious actors lack educational resources such as libraries, books, and the most basic of communication devices.

Due to lack of education translating articles and books especially on Islam, peace-building, and conflict resolution; and investing in developing materials, such as a manual on Islamic peace-building, would be an invaluable contribution to reconciliation capacity in Somalia. Conflict resolution and peacemaking mechanisms are legitimized and guaranteed by communal leaders, such as elders and religious leaders, who know the Quran, the *Sunna*, the *Hadith*, and the history of the community well. These religious leaders, who serve as mediators,



reconciliators, judges, or advisors, refer to Quranic stories, sagas, and other religious myths and *imagery in the peacemaking process.*

#### 4.2.2. *Traditional Leaders*

Traditional leaders are elected representatives of their sub-clan. Each clan leader is chosen depending on his integrity, honesty, truthfulness, justice, love for his people and his capacity and good conduct, not only by his clan but by other clans too. Traditional leaders must have oratory skills, knowledge of *Xeer* (informal rules) and Islamic religious principles. Traditional leaders also delegate power to other elders in the community; as such, they traditional leaders rule by consensus.

The traditional system of governance and conflict resolution in Somalia has survived the civil war in many areas, and particularly in 'Puntland.' The community in Puntland has a strong traditional law and leadership, which manages conflicts through consensus or mediation, open dialogue and sometimes a ruling by the *Xeer-beegti* (experienced judges). The traditional leaders have the trust and respect from the members of their communities. The leaders believe that given the necessary support and facilitation, they will be able to do much more for the development of peace and security in Puntland.

At the end of the five day State conference, the traditional leaders have made and signed a common declaration that enhances their commitment on the protection of human rights in their respective communities all over Puntland. They requested more logistics and management support to make these human rights, dispensation of justice and peace building initiative a reality on the ground.<sup>122</sup>

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<sup>122</sup> Interview with Ismail Haji Warsame, 23<sup>rd</sup> August, 2012.

The traditional problem-solving practices of customary law have been the foundation for Somali social, economic, and political life since around the seventh century. In the early 1990s, traditional leaders, *aqils*, *sultans*, and *odays* (clan elders) used these practices to bring peace to Somaliland. Through patience, listening and skill, they negotiated peace settlements that included foundational principles and structures for 'Somaliland's claim for independence.'<sup>123</sup>

The Institute of Peace and Conflict Studies (IPCS) at the University of Hargeysa offers graduate-level courses to professionals in conflict analysis and transformation theory and techniques and invites elders to speak in class about traditional methods of conflict resolution.

Traditional structures comprise traditional elders (*Oday dhaqameedyada*), religious leaders (*Hoggaamiye Diimeedyada*), more especially those belonging to traditional tariqa and social and community groups (*Kooxaha bulshada*). Traditional elders issue compensatory decisions rather than punitive judicial rulings. These issuances are not only meant to end conflict, but also to regulate relationships between clans and sub clans and establish norms encompassing or cutting across diverse economic and social conditions. As problem solvers and peacemakers, elders set aside personal interests for the sake of peace and justice a form of justice meant to reflect laws that provide for the protection of persons and property.<sup>124</sup>

In the years to follow, 'Somaliland' did not have a strong government. Therefore, elders were frequently called upon to resolve conflicts and take on administrative and security functions. One of the most significant of these local, but nationally important, conflicts concerned the port city of Berbera. The elders led a negotiation process that confirmed the port's status as a public asset, ensuring that future Somaliland governments would be able to extract from it a source of revenue with which to build an effective administration.

<sup>123</sup> Interview with Mohamaud Hussen Farah, 30<sup>th</sup> March 2012.

<sup>124</sup> British Broadcasting Corporation, "Somali civilians in new peace drive," 2 May 2000.

The conference also proved significant in elevating the status of elders because it established a framework for the *Guurti* to become an integral part of the new government's legislative assembly. It was charged with controlling clan militia, fighting between clans and sub-clans, and defending Somaliland. In the hybrid state of 'Somaliland,' the *Guurti* was invested as the ultimate peace keeper in the country. Moreover, as a chamber with legislative power, it was part of the national government. The Boorama Conference had been the elders' *moment de gloire* and the apex of their political power.

Organizing and overseeing the negotiations between political players within a traditional framework, allowed the elders on the *Guurti*, who had filled the power vacuum after the demise of the SNM, to keep on top of the process. They succeeded in formalizing their political and institutional role in what was celebrated as a hybrid political construction. The Gadabuursi elders had been intensely involved in forging a political compromise between competing Isaaq politicians and their respective clan constituencies. By saving Somaliland from civil war, the Gadabuursi gained a more important stake in it. Consequently, Somaliland could no longer be perceived as a merely Isaaq-driven political entity.<sup>125</sup>

After the collapse of the Somali state in 1991, elders in various regions started to develop initiatives in the sphere of governance and service provision. In Boorama for example a social committee of elders dealt with local governance issues. It helped in the administration of the town and the surrounding areas, overseeing peacekeeping as well as local development. In conjunction with local businessmen, administrators, intellectuals and local professionals, it determined development priorities for the region and regulated relations with external interveners, such as international NGOs.<sup>126</sup>

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<sup>125</sup> See Interview with Mohamed Ahmed

<sup>126</sup> Interview with Abdirahman Jim and Mohamed Muse Bahdoon

Traditional leaders and religious leaders as well as women's organizations or professional groups have made considerable efforts toward peace making by solving local conflicts and diverting children from war and militia by providing school education and training. Somali society is held by five pillars namely the kinship system, its social codes and customary laws, religion, cultural space and values, which are the traditional pillars and more recently the state, as the fifth one.

After the Barre regime collapsed in 1991 traditional mechanism was fractured and took the form of a clan civil war fuelled by the collaboration of traditional leaders with warlords to recruit clan militias. But soon, seeing the senseless bloodshed that occurred; the traditional leaders understood their mistake and changed their attitude towards warlords; they decided to participate in peace-building and population assistance work.

#### *4.2.3. Warlords in the Reconciliation Process*

The term 'warlord' is only one of the many coinages advanced in the attempt to make sense of situations such as those of Sierra Leone, Liberia or Afghanistan. In Somalia, lay people would hardly identify a businessman able to mobilize his own private army as a warlord. The notion of 'warlord' has become a way to label predatory behaviour. One may first question whether such individuals are more predatory than others. In all cabinets in Somalia, 'Somaliland' and 'Puntland,' certain officials (president or his close relatives, prime ministers, ministers) have been named by Somalis as the greediest of their time.

Although all warlords built and managed their own military apparatus, some had substantial support beyond their evident constituency. Although nothing was signed at the ceremony, some of the political leaders, including Abdiqassim (TNG) and Abdullahi Yussuf

(Puntland), agreed to the importance of upgrading the Eldoret declaration (cessation of hostilities) into a ceasefire agreement to avoid any sort of aggression among the contenders.<sup>127</sup>

The building block approach in conflict management is one example that illustrates the success of traditional leaders Somali reconciliation process. The approach promotes a decentralized state consisting of regions that have extensive powers.

Puntland and Somaliland are cited as examples that have benefitted from such a strategy. Councils of clan elders were supposed to elect a local administration. This approach suggested that Somalia should be federalized and that peace must be created locally before it can be achieved centrally.<sup>128</sup> However, the building block approach seemed superficially to have been a major success in Somaliland and to have been somewhat successful in 'Puntland.' 'Somaliland,' on the other hand, appeared to have adopted a system of governance that was anchored in the clan-based political culture of the predominantly nomadic northern Somali society. *Shir-beeleedyo*, conferences attended by representatives of all the local clans in Somaliland, played a central role.

The fourth strategy was the centralized bottom up approach that produced the Transitional National Government (TNG). It was centralized in the sense that it tried to create a solution for the whole of Somalia it was bottom up in the sense that it actively sought to involve the civil society. Unlike the previous 12 failed central peace plans, it was the first initiative not to focus on the warlords and faction leaders.<sup>129</sup> There are lessons to be learned from the results of the strategies used to create peace in Somalia; lessons, vital not only for Somalis, but also in

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<sup>127</sup> Interview with Aden Muse Jibril, Member of the Peace Committee for Somaliland, Hargeysa, 12.04.2003.

<sup>128</sup> Bryden, M., *The Banana Test: Is Somaliland ready for international recognition?* *Les Annales d'Ethiopie*, vol. 2003, p. 19.

<sup>129</sup> Interview with Ahmed Alazhari (Head of Horn of Africa College), 12 September, 1998.

other societies where clan systems and patrimonialism prevail. All the top-down approach, the building-block approach, and the *dynamic* approach involved warlords.

The top down approach always involved them and always failed. The building block approach sometimes involved them and always failed when it did. The dynamic approach was interrupted, but bestowed legitimacy upon them. It seems that, as a rule, the approaches chances of success are inversely proportional to the involvement of the warlords. Often a right-hand man of the warlord jealous of his chief would open a front as one might open a shop. Then, to attract a clientele he had to give not just arms, but also humanitarian aid.<sup>130</sup>

### 4.3. Conclusion

It can be argued that, traditional and religious leaders are the main actors; they play a positive role in reconciliation and peace building. They are accepted by the society and their roles are instilled in the social strands of the communities. Therefore, they are more accepted and recognized as legitimate actors. In comparison, warlords are regarded as opportunistic actors who come in at a time when the conflict is escalating. They are well sourced financially and can influence the peace building process. They therefore are not considered within the traditional strands as actors in reconciliation yet they are equally important.

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<sup>130</sup> Farah, A.Y./Lewis, I.M., *Somalia: The Roots Of Reconciliation; Peacemaking Endeavours of Contemporary Lineage Leaders, a survey of grassroots peace conferences in Somaliland*. London: Actionaid, 1993

## CHAPTER FIVE

### THE ROLE OF TRADITIONAL LEADERS IN THE ELDORET/MBAGATHI PROCESS: A CRITICAL ANALYSIS

#### 5.1. Introduction

The previous chapter examined the role of individual actors in the conflict management of the Somali conflict. It reviewed the role of religious leaders, traditional elders and warlords to formulate the framework for this research study. This Chapter is a critical analysis of the key issues emerging from the study. The chapter utilizes information obtained in Chapter Three and the framework for analysis suggested in chapter one in order to critically review the role of traditional leaders in the Eldoret/Mbagathi peace process.

#### 5.2. Emerging Issues

##### 5.2.1. *The Role of Religion in Peace-building*

Religion has often been thought of as playing a crucial role in generating conflicts, particularly internal ones. While it may often be a source of conflict, its role in the overall peace process has all too often been overlooked. Religious peacemakers' are religious individuals or representatives of faith-based organizations that attempt to help resolve inter-group conflicts and build peace.<sup>131</sup> Religious peacemakers seek to help rebuild good community relations and encourage development of peaceful and constructive relations between previously warring communities.

Faith-based actors, including clergy for example the Pope, priests, imams, rabbis, religiously inspired leaders for example Gandhi, Martin Luther King Jr. among many others, and

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<sup>131</sup> Mohammed Abu-Nimer, "Conflict Resolution, Culture, and Religion: Toward a Training Model of Interreligious Peacebuilding," *Peace Research*, 38:6 (2001): pp.685-704.

religiously motivated movements and organizations these include Moral Re-Armament, World Council of Churches and the like.<sup>132</sup> Orellana notes that, the word *Islam* is derived from the Arabic word *Salam* (peace), suggesting peace through submission (*taslim*) to the will of God.<sup>133</sup> Islamic principles and practices of peace building and conflict resolution are derived from the Quran and the deeds and sayings of the Prophet Mohammed (the *Hadith* and the *Sunna*), which conceptualize peace as a positive state of safety or security that includes being at peace with one self, with fellow human beings, nature, and God. As such, peace in Islam is associated with concepts such as justice, human development, wholeness, salvation, perfection, and harmony.

In Chapter Three, it emerged that, religious actors are increasingly playing an active and effective role as educators, advocates, intermediaries, observers, and pursuers of transnational justice in the reconciliation process of the Somali conflict.<sup>134</sup> These actors have an impact on changing behaviors, attitudes and negative stereotypes, educating the parties; healing trauma and injuries; disseminating ideas such as democracy and human rights; drafting committed people to do peace work; challenging traditional structures that perpetuate structural violence, mediating between conflicting parties; reaching out to governments to incorporate elements of peace building in their policies; encouraging disarmament.

In various societies where there is a long tradition of social service, charitable works and community assistance, faith-based actors may have a long record of providing humanitarian aid and relief services. Turay argues that, religious values, rituals, traditions, texts and narratives may also be used to promote peace and co-existence, advocating human rights and democracy.<sup>135</sup>

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<sup>132</sup> Mohammed Abu-Nimer, "Conflict Resolution, Culture, and Religion: Toward a Training Model of Interreligious Peacebuilding," *Peace Research*, 38:6 (2001): pp.685-704.

<sup>133</sup> Kadayifci-Orellana, *Standing on an Isthmus: Islamic Narratives of War and Peace in Palestinian Territories*, p.14.

<sup>134</sup> See Chapter Three for more details.

<sup>135</sup> Turay, "Civil Society and Peace building: The Role of the Inter-Religious Council of Sierra Leone," p.5.



Religious actors may use their political and social legitimacy to pursue peace or to incite division, conflict and violence.

In Sierra Leone, religious actors such as the Inter Religious Council of Sierra Leone (IRCSSL) have taken active roles in promoting reconciliation and mediation efforts and were instrumental in the negotiation and signing of the Lome Peace Agreement.<sup>136</sup> A peace deal in North Uganda between the Lords' Resistance Army (LRA) and the Government of Uganda (GoU) in 2006 was mediated over the preceding years by a Christian non-governmental organization, Pax Christi.

One reason for the formation and involvement of IRCSSL was that both mosques and churches were key players in the spiritual, cultural and socio-economic development of Sierra Leone before and after independence. When the conflict broke out, both ordinary Muslims and Christians urged their religious leaders to take a more active role in stopping the violence.<sup>137</sup> IRCSSL leaders used their religious credibility and influence to resolve the conflict peacefully by actively pursuing dialogue with the coup leaders, listening to their complaints as well as condemning the coup and human rights abuses committed by the junta.

From chapter three, it emerged that, there are a number of characteristics that distinguish religious actors in interventions from secular ones. These include explicit emphasis on spirituality or religious identity, use of religious texts, use of religious values and utilization of religious or spiritual rituals during the process, involvement of faith-based actors as third-parties. The following section will therefore will critically examine the role of religious actors in light of the data collected in chapter three.

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<sup>136</sup> Turay, "Civil Society and Peace building: The Role of the Inter-Religious Council of Sierra Leone," p.5.  
<sup>137</sup> Ibid.

### 5.2.2. *The Role of Religious Actors in Providing Leverage*

Faith-based actors have a different form of leverage in mediation; theirs is a unique moral and spiritual leverage.<sup>138</sup> The unique leverage of religious based actors is also recognized by Johnston and Cox who suggest that a reputation for change based on a respected set of values and a well-established influence in the community provides such actors with the moral legitimacy to serve as mediators. For example, in many conflict-ridden countries such as Pakistan, Afghanistan, Israel/Palestine, Sierra Leone, and Iraq, religious leaders have a prominent role and are greatly respected in their societies. This status gives them unique leverage to do something about a conflict and re-frame it in ways that are acceptable to their communities.

The issue of leverage is of course of crucial importance in traditional international mediation. It is often related to rank. There is a positive association between high rank and successful mediation outcomes and remind us that some mediators, such as a president, a prime minister, or a secretary of state, are better able to marshal resources in the course of mediation than those of lesser stature.<sup>139</sup>

### 5.2.3. *The Weaknesses of the Religious Actors in Accessing Resources*

In the international system, religious actors can also wield significant financial resources.<sup>140</sup> Islamic Relief Services (IRS) has established regional and global networks from which they can draw institutional, financial and human resources. In the Somali context, it emerged that religious actors are poorly funded; they have the ability to engage and direct the reconciliation process in a positive direction. They barely get facilitated, both economically and financially. As such, they often do not effectively participate in reconciliation efforts conducted outside

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<sup>138</sup> Kadayifci-Orellana, *Standing on an Isthmus*, op. cit.

<sup>139</sup> Bervocitch J., and M. Houston, *Individual Actors in Conflict Resolution*, Vol: 12, No: 2, 1993, pp.22-26.

<sup>140</sup> Lam Oryam Lam, "A Journey to Interfaith Work and Peacebuilding," in *Taking Our Experience Home: A Journey of URI Peacebuilding United Religions Initiative*, pp.11-12.

Somalia. Religious leaders have access to community members through mosques, churches, temples, community centers, and educational institutions, such as Bible or Quran schools.

Moreover, religious groups usually have a broader base than many international NGOs, as more people are adherents of a particular faith than a certain NGO.<sup>141</sup> Faith-based groups and religious leaders have several advantages over official, traditional mediators. Their involvement with the parties is not limited to the conflict; faith-based actors often have a long history of service and involvement in community affairs. This indicates their commitment to the communities and adds to their credibility and legitimacy which is central in any mediation effort. Many religious actors also stay involved even though an agreement might be signed to help the parties to heal, build social institutions and seek justice.

In Chapter Two, it emerged that religious actors can afford to invest in long term involvement in communities as they have the financial and human resources and motivation derived from their religious or spiritual belief systems. Religious leaders and faith-based actors are more likely to be perceived as evenhanded, trustworthy, and possessing a strong moral and spiritual commitment than their secular counterparts. Islam has a direct impact on the way peace is conceptualized and the way conflicts are resolved in Islamic societies, as it embodies and elaborates upon its highest morals, ethical principles, and ideals of social harmony. Irrespective of the Islamic tradition they adhere to, Muslims agree that Islam is a religion of peace.<sup>142</sup>

Religious leaders cannot be effective in every conflict or in every community. The effectiveness of faith-based mediation depends on the presence of various conditions. For religious leaders to be effective there should be institutions and discourses that must be perceived

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<sup>141</sup> See Lam Oryam Lam, "A Journey to Interfaith Work and Peacebuilding," in *Taking Our Experience Home: A Journey of URI Peacebuilding United Religions Initiative*, 2004

<sup>142</sup> Said AA., and Funk NC., "The Role of Faith in Cross-Cultural Conflict Resolution," *Peace and Conflict Studies*, 9:1 (2002): pp.37-38.

as legitimate by the parties. This can be achieved if there are traditional leaders. The role of traditional leaders amid the religious leaders is that, they act as a go between. They are perceived as legitimate since their role is rooted in the social foundations of the Somali society and not on beliefs. Legitimacy is here closely related to the identity of the disputants, the nature of the dispute, and the relationship between the parties and the mediator.

Religious leaders and faith-based institutions may have a unique advantage in internal ethnic conflicts especially if religion plays a key role in the social life of the parties and in defining their identities.<sup>143</sup> In chapter three, it emerged that, traditional religious leaders are highly respected and recognized as legitimate, moral and spiritual guides. Their involvement thus has the potential to motivate ordinary people to pressure their leaders to accept a political settlement that resolves the conflict. Although religious leaders or faith-based actors may not resolve the conflict alone, they can significantly contribute to the official mediation and other formal methods of settlement.

Amid this, failed states may provide the circumstances that encourage conflicts linked to religious terrorism. Examples include recent and current failed states such as Somalia as well as maritime threats along the Gulf of Aden.<sup>144</sup> Circumstances prevailing in failed states may encourage people to turn to religion as a result of a feeling that their existential security is threatened. In addition, absence of an effective central government provides circumstances conducive for international religious terrorist groups, such as al-Qaeda to thrive. Therefore, religious and ethnic identities may be important sources of conflict in the developing world especially in contexts of societal fragmentation, although the data do not allow us to predict

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<sup>143</sup> Hall Edward T., *Beyond Culture* (Garden City, NY: Anchor Books, 1976)

<sup>144</sup> Irani George and Nathan Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," in *Arab Studies Quarterly*, 20:4 (2008): pp.53-73.

accurately first of all what their roles will be in reconciliation and secondly what circumstances make their reconciliation more or less likely for religious actors.

#### *5.2.4. The Role of Traditional Leaders in Reconciliation*

Traditional leaders have officially been incorporated in state hierarchies in Ghana, South-Africa, Mozambique, Uganda, Zambia, Namibia, Cameroon and Niger where they have successfully played part in conflict reconciliation. In Somalia, traditional leaders were successful in expanding their authority informally, particularly in the period after the overthrow of Siyad Barre in 1991. In chapter two, it emerged that, the elders of the respective communities dealt with death, injuries or lootings via negotiation and reconciliation mechanisms according to *heer*, Somali traditional law.<sup>145</sup>

In some cases, the traditional peacemaking meetings were a matter of clan elders sitting under a tree and hammering out a peace deal between two pastoral groups. In other cases, traditional peace-making was raised to a clan-wide and region-wide reach; the negotiators were not exclusively elders from a traditional pastoral background but politically active elders and urban power brokers with modern occupations such as former civil servants, businessmen, intellectuals, military men or politicians.<sup>146</sup> Abu-Nimer notes that, the involvement of modern political and economic actors in the traditional peace-making process and particularly in the reconciliation process in Somali was a prelude to the celebrated hybridity of the new political system that would be born out of it.<sup>147</sup> For example, all conflict management and peace building efforts have an aspect or involve traditional leaders at one level or another. Traditional leaders

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<sup>145</sup> See Chapter Two for a detailed discussion.

<sup>146</sup> See chapter Three for a detailed discussion.

<sup>147</sup> See Abu-Nimer Mohammed and Kadayifci-Orellana Ayse, "Muslim Peace Building Actors in Africa and the Balkans."

are also consulted either directly or indirectly with one another and can influence the outcomes of the peace process directly.

Traditional elders, especially those specialized in *Xeer* (customary laws) and religious leaders, specialists of the Islamic law, as well as modern jurists, do offer their help to rebuild the law system.<sup>148</sup> The new constitution must be built on *Xeer*, *sharia* as well as modern law. The new Somali state must be able to be reintegrated with the world, but without giving up its own traditional values. Traditional elders continue to play key roles in Somali society; they provide most dispute resolution outside of the cities through the traditional legal system. Traditional elders have more resources and influence than religious leaders, but often less than warlords. Although warlords have brokered agreements that traditional leaders have made, they form the engine of the reconciliation and peace building efforts.

In the post-colonial era, political entrepreneurs politicized clans in order to capture power and wealth.<sup>149</sup> Traditional leaders are only relevant where dominant leaders emerge and internal challengers are neutralized. In these environments, as was the case in Somaliland and Puntland, traditional leaders can rubberstamp the wishes of the victor and lend moral support to consolidate power. To make other groups feel included in the process, a dominant leader can concede some leverage to traditional leaders as they do not challenge his political power. Without the emergence of dominant leaders, traditional leaders are relegated to irrelevancy on reconciling power, resources, and territory struggles because there are too many political entrepreneurs contesting to represent the sub-clan.

From chapter three, it emerged that, the traditional leaders are credible only pertaining to issues that do not deal directly with power struggle and rents. They also have less

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<sup>148</sup> See chapter Two for a detailed discussion.

<sup>149</sup> Knight Jack, *Institutions and Social Conflict*, Cambridge: Cambridge University Press, 1992.

bargaining power than political entrepreneurs. Conflicts outside South Central Somalia are not resolved through sub-clan elders with a strong reputation, respect, and significant bargaining power; rather, it is the emergence of a dominant leader that ended conflicts in Somaliland, Puntland, and South Central Somalia, when the Islamic Court Union (ICU) consolidated power.

#### 5.2.5 .Other Issues

It is evident that for peace to be sustainable and long lasting, reconciliation efforts in Somali must take into consideration the religion traditions of the communities involved. Religion in Somali context is particularly, a powerful constituent of cultural norms and values; it is deeply implicated in individual and social conceptions of peace, as it addresses some of the most profound existential issues of human life, such as those concerning freedom and security. Many Muslim communities do not have direct access to original Islamic texts such as the Quran, as the majority of Muslims in Somali do not speak Arabic.

The high illiteracy rate especially among Somali women has limited access to the wide range of religious interpretations of Islam; this limits their access to the Quran and increases their dependence on certain clergy. Many Islamic educational institutions for example the *madrakas*, are outdated and the quality of education is quite low. Texts used in the Islamic educational institutions do not emphasize the peacemaking values of Islam or tolerance and dialogue. Many imams or religious leaders also lack the proper education and training to engage with religious texts. All these factors contribute to a lack of knowledge as well as misunderstanding of religious texts by Muslims.<sup>150</sup>

From Chapter Three it can be argued that, religious actors are competent, take reconciliation very seriously, and devote a lot of energy, time, and their limited funds to finding

<sup>150</sup> See Abu-Nimer and Kadayifci-Orellana, "Muslim Peace Building Actors in Africa and the Balkans," p. 7; and Abu-Nimer, *Nonviolence and Peacebuilding in Islam*

peace building solutions to the protracted conflict. Their respectable position in their community and their moral and spiritual authority give them a legitimacy and credibility that is not available to secular organizations; thus they are more effective.<sup>151</sup> Although the Somali communities have a long tradition of social services, community assistance, and charitable work, they do not have organized institutions devoted solely to peace building or reconciliation. Moreover, the religious institutions that are there have less experience operating through formally constituted NGOs.

Reconciliation efforts in Somalia are not organized into stable institutions, but are rather ad hoc bodies that emerging as the situation requires. The participants who are chosen are based on the requirements of the particular situation. Traditionally, religious leaders intervene either at the request of one of the parties or on their own initiative to resolve conflicts in these communities. Indigenous conflict resolution mechanisms such as *sulh* are based on the formation of an *ad hoc* delegation to intervene into the conflict, mostly at the request of one of the parties. Peace-building activities in this context are not viewed as a separate job, but a social-religious responsibility of the individual, part of their life and leadership role.

Reconciliation activities are usually *ad hoc* and informal. In terms of the personal initiatives of individual religious leaders, their language skills add to their visibility and their ability to receive international funding and support. In 'Somaliland' and 'Puntaland' these actors have a strong presence and immense credibility in communities of their faith and have strong negotiating positions with local authorities who share their faith. Reconciliation activities in Somalia are viewed as part of the social and religious responsibility of religious leaders, and because most of the time they undertake peace-building activities in their personal capacity, there are not many peace-building institutions organized as stable organizations. Therefore,

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<sup>151</sup> Abdul Aziz Said, Funk Nathan C. , and Kadayifci Ayse S., "Islamic Approaches to Conflict Resolution and Peace," *The Emirates Occasional Papers*, 48 (Abu Dhabi: The Emirates Center for Strategic Studies and Research, 2002, p.22.



reconciliation efforts have less experience with formally constituted bodies and stable institutions. For that reason, it is not easy to identify reconciliation institutions similar to those in the West.

Muslim peace-building actors contribute to altering negative perceptions of stereotyped Muslim leaders. The majority of actors included in this study, such as Acholi Religious Leaders Initiative for Peace of Uganda (ARLIP), the Inter-faith Mediation Center of Nigeria (IMC), and the Wajir Peace and Development of Kenya (WPD), among others, have contributed in many ways to altering behavior. Moral and spiritual legitimacy of religious actors provide Muslim peace building actors, especially sheikhs and imams, with leverage to disseminate ideas among their constituents. Through sermons and lectures, these actors connect various issues to Islamic values and principles and thus influence their constituents.

In that respect, Muslim peace-building actors can contribute to dissemination of reconciliation efforts and peace-building efforts. For example, involvement of Muslim religious leaders in the Coalition of Peace in Africa (COPA) of Kenya seems to have contributed to the dissemination of democracy and human rights in the Muslim community. Many Muslim societies have traditional structures that restrict effective peace-building efforts and contribute to continuation of conflicts in many ways. Some of these traditional structures include hierarchical social structures and discrimination based on religious affiliation and gender.

With their moral authority and knowledge of sacred texts, religious actors can reinterpret religious texts and challenge these traditional structures. Wajir and the Sudanese Women's Initiative for Peace Network (WIPN) was able to challenge and change traditional perceptions of women's role in society in general and in peacemaking in particular. Muslim actors can reach out to government authorities and contribute to policy changes at higher levels due to their

legitimacy. For example, Wajir's efforts in terms of incorporating peace education in schools (Peace Education Network, or PEN) also resulted in the Kenyan government's agreement to provide peace education at schools, which has become part of school curricula in the district.

It emerged from Chapter Three that traditional leaders tend to be males who are senior in age and are holding or have held official positions in Somali clans. They are actively involved in community activities and clan affairs and held in high esteem by the Somali community. In times of conflict, parties approach traditional leaders whom they know and trust. Although reconciliation is a difficult and time consuming task, traditional leaders offer their services voluntarily. As reputable members of the community, they are expected to help the community uphold justice, maintain harmony and good relations, and reinforce the community's standards of behavior.

### **5.3. Conclusion**

Traditional leaders play a crucial role in reconciliation process of the Somali conflict. However, the traditional leaders are less funded and also at times overtaken by the circumstances of the warlords and Somali politicians who compromise their influence in reconciliation process. Therefore, traditional leaders have their rooting in the social web of the states; there is no functioning government and they are the better option.

## **CHAPTER SIX**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **6.1. Summary**

In the traditional setting, conflicts were solved by clan elders, the modern means of conflict resolution are as a result of increased interdependence among actors and complexity of issues that underlie the interests under conflict. In Somalia, traditional leaders are part of the administration system and both clan elders and spiritual leaders concede an important part of Somali culture but they have not always been successful in mediating conflicts. Additionally, the Somalia peace reconciliation process and peace negotiation efforts have not fully accommodated the role of traditional leaders or their role has not accorded the respect that it deserves.

Religion and religious actors have given the Somali conflict a new meaning and dimension. Religion can increase aggressiveness and the willingness to use violence if the religious leaders misinterpret the true meaning of religion. Religious leaders have moral and spiritual legitimacy to influence the opinions of people. Individuals and traditional leaders are increasingly active in attempts to end conflicts and to foster post-conflict reconciliation between warring parties in the Somali conflict. Increased interest and activity in faith based peacemaking is connected to the increasing role of non-governmental organizations, civil society actors and religious groups. Moreover, religious and ethnic identities may be important sources of conflict in the developing world especially in contexts of societal fragmentation.

There are several actors which fall within the traditional actor realm in most developing states. Societal resources such as indigenous accountability mechanisms are very useful in peace building, especially after a violent conflict. The conflict in Somalia has a direct or indirect

impact among the neighboring states and those in the region; the role of traditional and spiritual leaders is most effective within inter-clan conflicts and solving internal crisis. The politicization, inefficiency and corruption of the traditional leadership often results into weakened credibility of traditional leaders. Traditional justice and reconciliation instruments must take changing conditions into account and make provisions for wider participation and inclusion, especially for women and young people.

## **6.2. Key Findings**

This study has so far examined a number of issues, discourses debates and concerns informing the role of individual actors in the Somali National Reconciliation efforts. From the research study, it emerged that traditional leaders play a particularly important role in peace building and reconciliation. The role of traditional leaders is instilled in the societies' social strands and encrypted in the traditional conflict management beliefs. As a consequence, it emerged that the role of traditional leaders has remained in the precept of traditional setting, whereby, their role exerts no political pressure to influence reconciliation process.

It also emerged that, religious leaders have an important role to play in Somalia reconciliation efforts. One major fact that makes them their participation important is that, Somalia is a Muslim state, and as a result, religion plays a big part on the administration of the state and conduct of internal affairs. Religious actors are not directly considered as actors in the reconciliation process, their role comes in at the point that, most religious groups belong to organizations which are established beyond the Somali borders. These organizations are influential on the international scale; therefore religious actors can influence reconciliation process indirectly through the organizations they belong to.

In comparison, it emerged from the study that, the role of warlords comes out only when the conflict is ongoing. The role of warlords in reconciliation is insignificant; during conflict, warlords often have the potential to influence the outcome of the conflict. They can compromise traditional leaders and in extreme events religious leaders. Therefore if they can influence traditional leaders at this level, they can have potential to influence in reconciliation phases. Despite these challenges that previously rendered reconciliation work very frustrating, this study has demonstrated that, traditional leaders continue to contribute to reconciliation and resolving conflicts in Somali. Traditional leaders, religious leaders and faith based leaders are in a better position to identify the needs of their communities and know the social, political, religious, and cultural contexts of the conflicts they strive to resolve. Thus they have a better understanding of the constraints and possibilities of various peace initiatives in these communities.

The involvement of traditional leaders in peacemaking has contributed to a change of attitudes and encouraged peace building and reconciliation in the region and in Somali. This also applies to religious leaders who are engaged in reconciliation in Somalia. For instance, considering that, this has been done somewhere for example when the ARLPI mediated between the Government of Uganda (GOU) and the rebel group Lord's Resistance Army (LRA) and saw ARLIP win international recognition as the voice of the suffering people of Northern Uganda can also be duplicated across the region.<sup>152</sup> It can be concluded therefore that, traditional leaders and religious leaders are significant actors in reconciliation.

There are a number of challenges facing traditional actors. For instance, the poor quality of the educational systems among the Somali communities does not afford the education and training necessary for addressing issues regarding peace and tolerance in the Islamic context, and

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<sup>152</sup> Mohammed Abu-Nimer, *Nonviolence and Peacebuilding in Islam* (Gainesville: University Press of Florida, 2003), p.14.

frustrated youths are easily seduced by radical and fundamentalist interpretations of the texts.<sup>153</sup> This necessitates peace oriented religious actors to compete with these more radical interpretations. One of the main challenges faced by religious leaders in conflict reconciliation is lack of resources.<sup>154</sup> This lack of resources is also evident in the fact that traditional leaders cannot travel abroad as often as they may wish. Reconciliation efforts are held outside Somali and not all traditional leaders can participate due to limited resources.

Lack of resources has wide-ranging consequences. It hinders the communication abilities of Muslim peace-building actors with the international community and impedes their organizational capacity and effectiveness. In Somalia, large numbers of the population, especially women, are illiterate. Also, newspapers and other sources of news do not reach these sectors of the communities in a timely manner. They therefore have limited opportunities to learn from reconciliation and peace building efforts. They cannot read the Quran, or books regarding Islamic values of peace and tolerance. This renders them not to participate actively in reconciliation and peace building efforts.

Many religious and traditional leaders lack educational resources particularly in terms of peace building and conflict resolution, providing books and other educational tools; translating articles and books especially on Islam, peace building, and conflict resolution; and investing in developing materials, such as a manual on Islamic peace building, would be an invaluable contribution to reconciliation capacity in Somalia.

### **6.3. Recommendations**

Based on the above summary and key findings, it emerged that there are areas where actors in conflict management should consider strengthening in order to improve the efficient capacity of

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<sup>153</sup> See Chapter Three for a detailed discussion.

<sup>154</sup> See Chapter Three for a detailed discussion.

individual actors. The first issue is that, bearing in mind that most traditional leaders are incapacitated by individual resources, calls for reconciliation efforts as well as holding meetings within areas that are considered to be relatively calm in Somalia are costly. There is, therefore, need to further examine what effect this will have on the reconciliation process. Moreover, there is need to examine how traditional leaders can formulate and organize their role in reconciliation through organizations. This will bring out the clear picture of promoting their role and instilling their power in peace building and reconciliation efforts.

Additionally, further research should be conducted to examine how different avenues to empower traditional leaders can be generated to increase their efficiency in peace building and reconciliation. First of all, it is imperative that they establish a network to connect with each other and exchange information regarding their work, failures, and success stories. Such a network is also important to initiate a dialogue between the unofficial actors in reconciliation. Traditional social structures such as patriarchy and hierarchy restrict the participation of various segments of the community, for example women and youth, in reconciliation and peace building.

The potential contribution of these segments of society is thus limited, there is need therefore to find out how these groups of people can be included in reconciliation and peace building endeavors. Finally there is need to examine how the poor quality of the educational systems in Somali communities compromises the role of traditional actors in implementing their activities. The study should review the education and training necessary for addressing issues regarding peace and tolerance in the Islamic context and how this leads to frustrated youths who then are easily influenced by radical and fundamentalist interpretations of the texts.

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