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# SOMALI FEDERAL AND STATE INTERIOR MINISTRIES: HOW TO ENABLE POPULAR PARTICIPATION IN TRANSITIONAL JUSTICE

After years of conflict and instability, Somalia is entering a period where transitional justice is possible. Three decades of experience in Africa show that transitional justice processes are more likely to be effective if they are rooted in popular participation, particularly of victims/survivors and communities affected by violence.

While the Somali government has not yet launched a truth commission, prosecutions, reparations or other formal mechanisms usually associated with dealing with the past, different types of measures have emerged in the country that are precursors to – or even themselves forms of – transitional justice.

Drawing lessons from formal, state-led measures like the National Reconciliation Framework (NRF) and non-formal, civil society-led measures like the Peace and Development Forum (PDF), this policy brief provides actionable guidance for the Ministry of Interior, Federal Affairs and Reconciliation (MOIFAR) and the Interior Ministries of federal member states on how to enable popular participation for a locally relevant and sustainable national transitional justice process.

## Mainstreaming participation by building on existing practices

Participation should define the entire transitional justice process, as opposed to being an add-on to individual measures. Mainstreaming participation means putting it at the core of transitional justice from start to finish, including across multiple measures and in the long term. When society as a whole has the opportunity, access and resources to participate meaningfully in the planning, design, implementation and follow-up of transitional justice, the process has more legitimacy and buy-in.

One of the surest ways of realising meaningful participation in Somalia is to build on existing processes and practices that are widely accepted by the population. These processes and the people who implement them offer knowledge, networks and avenues of participation that can be enhanced for a more contextualised and inclusive transitional justice.



*The African Union Transitional Justice Policy defines transitional justice as “the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.” The policy provides for popular participation in all stages of transitional justice.*

MOIFAR is already building on existing processes, following the federal government's 2019 approval of the NRF to deal with Somalia's complicated history and continuing conflicts. To meet transitional justice goals like addressing past grievances, reconciling communities and increasing trust in state institutions, the NRF has chosen to use Somali traditional justice measures trusted by participants, such as ordering compensation or 'blood money' for loss of life. The NRF has also adapted traditional practices to prioritise the inclusion and participation of different social sectors and marginalised groups, including women and young people.

Moreover, Somalia offers numerous civil society-led processes that can be built on for transitional justice. One example is the PDF, formed in 2017 to address root causes of conflict in the Mudug region, particularly Gaalkacyo, and encourage social integration among clans and communities. The PDF is composed of representatives of various sectors, such as education, health, business and media, who work closely with diverse community members like women, youth, religious groups and clan elders to advance peacebuilding and justice through dispute mediation, peace weeks, awareness raising and other initiatives. It has been crucial to removing the *qadka cagaaran* (green line) that divided communities in Gaalkacyo.

Based on these examples, MOIFAR and state-level Interior Ministries can strengthen the government's formal transitional justice measures by learning from non-formal processes and partnering with them to access the knowledge, networks and avenues of participation they offer. Moreover, they can acknowledge non-formal processes as transitional justice measures in themselves, providing funding and support for them to continue operating separately while complementing formal transitional justice measures. In this way, the government would avoid

the shortcomings of a one-size-fits-all process and develop an innovative and participatory form of Somali transitional justice.

## Working with broad-based civil society

In both the NRF and the PDF, civil society has been a primary driver. Civil society actors are active in communities at the local level, addressing their transitional justice needs using existing processes and practices. The term 'civil society' in Somalia covers not only human rights nongovernmental organisations (NGOs) but also community-based organisations, religious authorities, traditional leaders, business groups, women's groups, youth-led organisations and other types of citizen collectives.


Civil society actors help mainstream participation through their grassroots knowledge, networks and activities. They are critical to the *localisation* of transitional justice, making sure it resonates with local needs and understandings of justice. They are also key to the *decentralisation* of transitional justice, developing local solutions together with communities to ensure the process is accessible to a broad and representative range of participants.

As trusted intermediaries with roots in communities, many religious and traditional leaders have an important role to play in transcending clan and ethnic divisions and dealing with past grievances. Religious leaders use sharia principles to mediate clan conflicts and promote peace through mosques, schools and community activities. Traditional leaders, including clan elders, use customary justice measures, such as *xeer* practices, to ensure voluntary participation in negotiation, mediation and arbitration processes, with resolutions based on clan consensus.

*This policy brief draws on research conducted between November 2023 and April 2024 with 114 federal and state officials, multilateral actors, civil society representatives, victims/survivors and other key stakeholders in Mogadishu, Dhuusamareeb and Gaalkacyo. For more in-depth analysis and recommendations, visit our **From Partnership to Participation: Multilateral Engagements with Transitional Justice in Africa** project page.*



Despite the challenges they face as a result of patriarchal norms, women's groups are also key civil society actors in Somalia. Women have triggered ceasefires by putting themselves between warring parties during fighting and waving white cloths as symbols of peace. Women have also introduced traditional concepts like *dhab-u-heshiisiin* (genuine reconciliation) into peacebuilding processes, which are gaining traction nationally.



*The National Reconciliation Framework preamble states, "The protracted conflict in Somalia has destroyed our social fabric and thus the nation, but recovery is possible. A comprehensive national reconciliation based on the Somali tradition, Islamic peacebuilding teachings, lessons learnt from past experiences as well as from other parts of the world is currently needed throughout Somalia if the country is going to be able to build a secure future."*

Although also frequently sidelined, youth groups have the potential to bring innovative solutions and approaches to participatory transitional justice. For instance, young people in the NRF are using social media platforms as a tool for spreading peace messages. One of their noteworthy messages uses the words of peace activist Elman Ali Ahmed: "Drop the gun, pick up the pen."

While they face shortcomings and challenges, civil society actors across Somalia are useful partners for MOIFAR and state-level Interior Ministries to enable participation in formal and non-formal transitional justice measures and thereby ensure lasting popular buy-in.

## Recommendations

Instead of importing transitional justice mechanisms or creating them from scratch, MOIFAR and the Interior Ministries of federal member states can build on the rich resources already available in the Somali context. These recommendations provide concrete steps for mainstreaming popular

participation, especially of victims/survivors and affected communities, to develop a contextualised and sustainable transitional justice process composed of both formal and non-formal measures.

### *Locally led and meaningful participation*

- Map concepts and terms such as accountability, truth, reparation, reform and reconciliation in the country, as a basis on which to build a Somali transitional justice approach.
- Map existing processes and practices – community-based measures, traditional practices, sharia principles and others – that have buy-in among Somalis and provide networks and resources on which to build a more participatory transitional justice. The NRF provides lessons for the types of processes to identify.
- Partner with a wide range of civil society actors who are trusted by and can represent victims/survivors, including not only NGOs but also religious leaders, traditional leaders, community-based organisations, women's groups, media representatives, businesspeople and others. The PDF is instructive in taking a broad view of civil society actors who are key to reconciliation.
- Provide financial and other support for existing and new non-formal measures, either by incorporating them into formal transitional justice measures as an avenue of participation or by partnering with them as separate but complementary initiatives.
- Ensure representation of different clans, urban and rural populations, genders, ages, social sectors and so forth, including marginalised groups and the diaspora.
- Enhance the participation of young people and youth groups, in order to include their perspectives, benefit from their skills and improve intergenerational engagement. Active participation in transitional justice can model what active citizenship looks like to young people. The NRF demonstrates the positive role young people can play when included as active participants.

- Enhance the participation of women and women's groups by granting them the same status as male elders. Despite cultural resistance, state actors have the capacity to endorse women as active participants. The success of women's ceasefire interventions and peace efforts in Gaalkacyo demonstrates the value of endorsing and supporting them.
- Provide compensation funds, or 'blood money,' to clan elders in Gaalkacyo, so they can formally conclude the 2017 agreement, which requires the parties not to seek compensation for crimes that happened before that year, and thereby put an end to revenge killings.
- Build short- and long-term mental health and psychosocial support (MHPSS) capacity by integrating MHPSS into formal and non-formal transitional justice measures and, over time, establishing an MHPSS services network across the country. Participants who have support in dealing with their trauma are more likely to engage in transitional justice and reconciliation in the long term.
- Focus on building relationships with multilateral actors – including international and regional agencies, donor governments, philanthropic foundations, faith-based institutions and international NGOs – that offer long-term funding and a greater degree of local ownership in developing and implementing transitional justice.
- Use the African Union Transitional Justice Policy and Roadmap for Implementation to guide the development of transitional justice in Somalia, particularly their ground-breaking provisions on participation and diversity management.<sup>1</sup>

### ***Victim and survivor mobilisation***

- Provide systematic support to victims/survivors to participate in transitional justice. While their

demands might vary, victims/survivors' participation is key to an effective process.

- Support the creation of victim/survivor groups, for example by providing meeting space, MHPSS services and capacity-building opportunities. The PDF offers lessons for engaging conflict-affected communities through regular dialogue and practical support.
- Consider the diverse needs and priorities of urban and rural victims/survivors. In urban areas, priority might be placed on property restitution, while in rural areas it might be placed on resource sharing.
- Use an informed consent framework to manage expectations, making clear that participation is always voluntary and that any benefits or services emerging from the process are not contingent on participation.

### ***Planning and design***

- Support broad-based participation in design, instead of organising consultations after the design is set. The NRF's consultations with 1,000 participants provide lessons in terms of both the achievements and the limitations of this type of engagement.
- Give special consideration to participants who might otherwise be excluded, for example by addressing gendered constraints (e.g., adapting hours to childcare needs and other care expectations); ensuring support for persons with disabilities (e.g., via wheelchair-accessible venues, sign language interpretation); and adapting to those who speak minority languages and those who are illiterate.
- Decentralise the operationalisation of transitional justice to enhance access beyond urban centres. The success of certain district and regional peace committees in Somalia highlights the value of decentralisation.

1 African Union, Transitional Justice Policy (2019), 4, [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf); African Union, Roadmap for the Implementation of the African Union Transitional Justice Policy (2020), [https://au.int/sites/default/files/documents/41242-doc-Roadmap\\_for\\_the\\_Implementation\\_of\\_AU\\_ENGLISH\\_Sep\\_091.pdf](https://au.int/sites/default/files/documents/41242-doc-Roadmap_for_the_Implementation_of_AU_ENGLISH_Sep_091.pdf).

- Implement participatory budgeting, with local actors identifying the number of participants and their needs and demands. The PDF has shown that while communities can mobilise some resources, sustainable processes require reliable funding streams.
- Publish a clear coordination plan for federal and member state transitional justice efforts.

### ***Implementation and follow-up***

- Ensure that operational units for transitional justice measures are representative. A good example is Gaalkacyo's clan elder committee.
- Support access to initiatives and processes through local solutions and avenues. The ability of religious leaders to penetrate conflicting clans safely highlights the importance of working through trusted intermediaries.
- Maintain a focus on implementation and accountability. Affected communities often feel discouraged if agreements are not implemented, and in a timely manner, or when perpetrators of abuses are yet to be held accountable.
- Before releasing a policy, final report or other transitional justice-related output, organise

validation workshops in collaboration with civil society at the grassroots level across the country, to ensure broad-based feedback and subsequent buy-in.

### ***Institutional reforms***

- Strengthen and reform state institutions to ensure justice and transparency in addressing historical crimes. This is also important for dealing with ongoing crimes such as land grabbing in urban areas and livestock looting in rural areas.
- Where possible, ensure that government officials tasked with working with transitional justice measures remain in their posts, to ensure continuity and adherence to agreed-upon decisions, and that they engage in a thorough handover process to successors when leaving.
- Prioritise socio-economic reforms and development to address the root causes of conflicts in Somalia and prevent their recurrence. The African Union Transitional Justice Policy provides guidance on promoting socio-economic justice.
- Integrate the principles of transitional justice, human rights and civic responsibility into the country's educational curricula.

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The Centre for the Study of Violence and Reconciliation (CSV) is an independent non-governmental organisation established in South Africa in 1989. CSV is a multidisciplinary institute that seeks to understand and prevent violence, heal its effects and build sustainable peace at the community, national and regional levels. Through our research, advocacy and psychosocial support work, and in collaboration with communities affected by violence, we seek to enhance state accountability, promote gender equality and build social cohesion, integration and active citizenship.

## ABOUT SOMALI PUBLIC AGENDA

Somali Public Agenda (SPA) is a non-partisan and non-profit public policy and administration research organisation based in Mogadishu. SPA's aim is to advance understanding and improvement of public administration and public services in Somalia through evidence-based research and analysis. SPA advocates for better public services for all Somalis, including access to affordable education, healthcare, housing, security and justice, delivered via transparent and accountable authorities.

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