

## **CONCEPT NOTE**

### **(Background Document)**

#### **National Reconciliation Framework (NRF) and Roadmap**

**(DRAFT – May 2018)**

### **BACKGROUND**

The more than two decades-long civil war in Somalia has not only destroyed governance and state institutions of the country but also gravely damaged the very fabric of the Somali people's unity, social cohesion, nationalism and affinity. In addition to the total collapse of the Somali state institutions and structures, relationships, trust and confidence within the Somali people have been eroded by the rampant violence and bloody civil war as well as violent extremism and international terrorism. Because of grave human rights violations and insecurity, mistrust and enmity have gained ground between the Somali people.

Since the collapse of the central state of Somalia several reconciliation conferences, most of them outside the country, have been convened with the aim to resurrect the Somali State. These conferences have mainly focused on state-building with limited attention to social reconciliation, except for the conference in Arta, Djibouti in 2000-2001. Participation in these conferences has been exclusive, most of the participants being politicians and military leaders from different clans. The National Reconciliation Conference held in Mogadishu in 2007 was the first attempt to address national-level social reconciliation. From thereafter, as the Somali Government institutions have been gradually restored, state-building conferences have been held in Mogadishu.

The outcomes of those subsequent state-building conferences finally laid the ground for consensus-based political system, agreements on political representation and power-sharing between different government institutions and for laying down the provisional constitution. These political agreements have

ultimately resulted in legitimate and representative governance structures both at federal and federal member state level. Today, the main Federal Government institutions, for example, the two Houses of Legislature, Judiciary and Executive (Cabinet) as well as semblance Federal Member State institutions are in place. District council formation is the last remaining process of building the state governance structure.

As cited in the Portfolio of Expert Briefing Papers on Peace and Reconciliation (2018), remarkable achievements have been made in recent years: “Political dialogue has nevertheless delivered results: a provisional constitution, the establishment of Federal States, an Upper House of Parliament that represents the country’s regions and not just its clans, an electoral process in 2016 that was limited but more inclusive than any since 1969, transitions of central power, a national development plan, and agreement on the national security architecture”.<sup>1</sup>

## **SIGNIFICANCE OF NATIONAL RECONCILIATION FRAMEWORK**

While the governance and state structures are resurrected from the ashes, like in other countries that have gone through similar conflicts, a genuine truth and reconciliation process has not yet taken place. The result is that the destruction of the Somali people’s bonds, unity, nationalism and affinity remain unattended except in some regions such as Somaliland and Puntland, where people have lived in relative peace compared to the south and central parts of the country. Thus, the grievances, injustices and human rights violations that have taken and are still taking place among the Somali people have not been addressed. Nation-wide social reconciliation that restores trust and fosters unity and interdependence is inevitable. It will re-establish the deep cultural and historical bonds that shape the ‘Somali-ness’.

The necessity for genuine a National Reconciliation Process has been pending for long even though every government has campaigned to carry it out. Every government document starting from the Provisional Constitution (2012) to the National Development Plan (2016) refer to reconciliation, but there is no one coherent document outlining the issues and priorities of national reconciliation. It

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<sup>1</sup> Portfolio of Expert Briefing Papers on Peace and Reconciliation

is against this backdrop that the process of developing a National Reconciliation Framework was started. In the Somali context, the word “*Dib-u-heshiisiin*”, which literally means reconciliation, is used mainly for social reconciliation. *Dib-u-heshiisiin* means reconciling conflicting parties and it is closely linked to the Arabic work, “*Musalaha*” or “*Sulha*” which is a concept widely used in Muslim communities as it has references in the Quran and Hadith. *Dib-u-heshiisiin* means resolving conflicts, repairing relationship damaged by the conflict and restoring trust between the conflicting communities. (More in-depth analysis and definitions of this concept will be elaborated in the National Reconciliation Framework based on the outcome of consultations – see below).

## **Reference to Government Documents**

### **A. Reconciliation in the Provisional Federal Constitution**

Bearing in mind the necessity of nation-wide national reconciliation, article 111(i) of the Provisional Constitution states that “there shall be established a Truth and Reconciliation Commission” whose mandate is to “foster national healing, reconciliation and unity”. The independent commission is tasked to “promote forgiveness, reconciliation and national unity”. In order to form this Commission, the Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR) is currently drafting the Truth and Reconciliation Commission bill that will be taken for approval to Parliament. While the Act will define the legal status of the Commission, the National Reconciliation Framework will also lay the ground for the work of the Commission although it will not be limited to the Commission’s work alone.

### **B. Reconciliation in the National Development Plan (NDP)**

Reconciliation is referred in the NDP in the Benchmark and in the Policy Priority sections. Achieving reconciliation is the first of the eight benchmarks of the NDP which reads “*Secure environment, more open politics and **reconciliation***”. Putting reconciliation as the first benchmark of the NDP underscores its significance. Reconciliation is also the second of the eleven Policy Priorities of the NDP which reads, “*Make significant inroads towards a society where our citizens can live in security, including larger proportion of our territory under firm government control,*

*a reduction of terrorist attacks and **reconciliation** of communities that have been or are living in adverse relations”.*

### C. Reconciliation in the Political Roadmap

In addition to the Constitution and the NDP, two actions related to reconciliation is in the approved Political Roadmap for the Inclusive Politics. Thus, action item 3.2 is related to the abovementioned Truth and Reconciliation Commission Act while action item 4.4 is related to the Formation of National Truth and Reconciliation Commission.

### D. National Consultative Conference on Reconciliation recommendations

The initiative of the development of a National Reconciliation Framework came out from a national consultative conference on reconciliation held in June 2017 by the MoIFAR. The main conclusion and recommendations from that conference stressed the formulation of a national document that works as a policy, strategy or framework (whatever term used for it) for the National Reconciliation process. Below are recommendations adopted from the conference:

- Through its different institutions, especially the MoIFAR, as well as other Federal bodies (such as the Parliament, ministries and agencies that have reconciliation elements in their mandates), the Federal Government must facilitate the development of broad-based National Reconciliation Framework, Policy or Strategy (whatever term used).
- The development of the Framework must be open, transparent and developed through consultations with Federal Member States and different Somali society sectors (women, elders, youth, religious leaders, business community, professional organizations’ leaders and media). The reconciliation process should be owned, led and implemented by the Somali people with the support of international partners.
- Such Framework does not need to be prescriptive and rigid, but it must lay the principles, pillars, pathways and conceptual aspects of reconciliation in Somalia. It should also include the structure and operational aspects of a successful and sustainable reconciliation.

- Somalia's international partners' technical and financial support is essential to the formation of National Reconciliation Framework and the resolution of the active conflicts. In particular, the new Reconciliation Department added to MOIFAR's portfolio needs to be firmly established and injected with capacity building.

## **OBJECTIVES**

The overall objective of the NRF is to lay the ground for genuine and comprehensive national reconciliation for the Somali people to restore trust among themselves and confidence in government and its institutions that result in peaceful co-existence and the reconstruction of human relationships (this part will be informed by the consultations with the Somali people).

### **Specific objectives are:**

- 1) through wide consultative process, to identify and provide a framework that outlines key issues, actions and priorities of National Reconciliation, that the Somali people collectively see relevant to the Somali conflict;
- 2) to identify guiding principles, methods and mechanisms that underpin the Somali reconciliation practices and corresponding to the Somali context, culture and faith, and how they can be utilized to for National Reconciliation;
- 3) based on the findings, to develop blueprints for a reconciliation implementation strategy that operationalizes the activities necessary for the national reconciliation.

## **APPROACH AND ROADMAP**

The development of the NRF is led by MoIFAR through genuine consultations with the Somali people in different parts of the country and with different societal groups including women, minorities and youth. Government ministries and institutions at the Federal and FMS levels will also be consulted. Periodical consultations will be conducted with Somali and non-Somali experts with extensive knowledge on peace building and reconciliation. The process will start with consultations in the FMS working capitals, with two meetings each, and one with

regional government institutions and another with local civil society actors. A dedicated group of Somali experts, supported by international experts who have worked in similar processes in other parts of the world, under the direction of MoIFAR will lead the process until the final NRF document is produced, validated and finally submitted to the Ministry.

The document will be developed by the Somalis and the whole process is Somali-owned, -led, and -driven, under MoIFAR guidance. As to guiding principles, the development of the document rests on genuine consultations and an impartial, non-political and transparent process.

### National Reconciliation Process and Activities Roadmap

No.	Activities	
1	<ul style="list-style-type: none"> <li>• Finalize all tools/documents for the Reconciliation Consultations</li> </ul>	<ul style="list-style-type: none"> <li>• Drafts are ready, need finalization</li> <li>• Fixing dates for the first two consultations in Mogadishu</li> <li>• Translate June 2017 Conference Report</li> </ul>
2	<p>Two Consultations in Mogadishu with:</p> <ol style="list-style-type: none"> <li>1. Prominent National-level Civil Society and Professional Umbrella Organizations</li> <li>2. FGS Institutions (both houses of Parliament, ministries of justice, constitution, planning, women and HR, internal security, religious affairs, OOP, OPM, election commission, boundary commission, human rights commission)</li> </ol>	<ul style="list-style-type: none"> <li>• Civil Society sectors (LNGOs with expertise in peace building (HIPS, CRD, SOYDEN, Peace Line, Zamzam Foundation, SOCSENSA, etc.), women, youth, traditional/religious leaders, business community, and professional orgs. and umbrellas such as media, higher education, human rights, Majma’/Hay’adda, Sufi Sheikhs, Resource persons,, etc.)</li> <li>• Composition: Participants from diverse groups as much as possible in terms of gender, age, profession, political orientation and clan</li> </ul>

		<ul style="list-style-type: none"> <li>• Broader participation of women and youth as well as marginalized groups will be guaranteed</li> </ul>
3	<ul style="list-style-type: none"> <li>• Periodic Consultations with Reconciliation Experts (Somali and non-Somali)</li> <li>• Participate and update Federalism and Reconciliation Sub-working Group under IP pillar working group *PWG1</li> <li>• NRFD team regularly meets Somali experts on the subject matter</li> </ul>	<ul style="list-style-type: none"> <li>• Selected experts from those contributed to the Portfolio on Reconciliation – Colloquium</li> <li>• Reaching out key resource persons on the subject matter</li> <li>• NRF team constantly meet and consult subject matter experts</li> <li>• Engage expert international institutes,</li> </ul>
4	<ul style="list-style-type: none"> <li>• Consultations with FMS (6 consultations) <ul style="list-style-type: none"> <li>➢ NRFD team will visit FMS seats and conduct 2 consultations in each FMS with</li> </ul> </li> <li>1. <b>FMS government officials:</b> including relevant ministries, FMS presidency office, regional parliament sub-committees, judiciary branch representatives, governors, district commissioners, police commissioners and other governmental bodies who are involved in reconciliation and conflict resolution</li> <li>2. <b>Civil society groups:</b> consisting of community sectors such as local and international organizations leaders, top traditional and</li> </ul>	<ul style="list-style-type: none"> <li>• <b>FMS: Hirshab, SWS, JSS, GM, PL and Banadir region</b> <ul style="list-style-type: none"> <li>➢ Consultations will be similar to those in Mogadishu (with FMS govt. institutions, civil society and international partners operating in FMS areas)</li> <li>➢ Composition: Participants from diverse groups as much as possible in terms of gender, age, profession, political orientation and clan. Broader participation of women and youth as well as marginalized groups will be guaranteed</li> <li>➢ Focus Group Discussions and Key Informant Interviews will be conducted alongside the consultations</li> </ul> </li> <li>• MoIFAR will liaise with relevant ministries in FMS</li> </ul>

	religious leaders, youth and women leaders, business community, poets and so on. Renowned prominent veteran politicians	
5	<p>Consultations in Mogadishu with:</p> <ul style="list-style-type: none"> <li>• Women Influential Leaders,</li> <li>• Prominent Religious Leaders and</li> <li>• Influential Prominent Marginalized Groups' Leaders</li> </ul>	<ul style="list-style-type: none"> <li>• Prominent women leaders/politicians, including current/former ministers, MPs, civil society leaders from different demographical and geographical backgrounds (including those from minority clans)</li> <li>• Most prominent religious leaders representing demographical and geographical background (including those from minority clans). Proposed venue is Mogadishu, but some participants can come from regions if needed</li> <li>• Most prominent members of marginalized communities including current/former ministers, MPs, civil society leaders from different demographical and geographical backgrounds (including those from minority clans)</li> </ul>
8	<ul style="list-style-type: none"> <li>• Consultation with Parliamentary sub-committees in Mogadishu</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-committees on Peace, Security, Reconciliation</li> <li>• Both Houses</li> </ul>
9	<ul style="list-style-type: none"> <li>• Consultation with International Partners</li> </ul>	<ul style="list-style-type: none"> <li>• UNSOM, EU, Donor Countries, USAID, DfID, World Bank, IGAD, UNDP, SSF, OTI, TIS+, FCA, NIS other International NGOs,</li> </ul>
10	<ul style="list-style-type: none"> <li>• Developing first draft of the NRF</li> </ul>	<ul style="list-style-type: none"> <li>• By NRFD team</li> <li>• Technical writers, translation</li> </ul>
11	<ul style="list-style-type: none"> <li>• <b>Validation Conference</b> <ul style="list-style-type: none"> <li>➤ Grand Conference on launching the</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>By MoIFAR, OPM and OOP as FMS leadership</b></li> </ul>

	<p>Reconciliation Framework</p>	<ul style="list-style-type: none"> <li>➤ Broad participation from all FMS (govt. incl. MPs, civil society and local institutions).</li> <li>➤ Special representations from national conflict areas e.g., Galkayo, Lower Shabelle, Hiran</li> <li>➤ FGS Institutions (Both houses of Parliament, ministries of justice, constitution, planning, women and HR, internal security, OOP, OPM, election commission)</li> <li>➤ International Partners (UNSOM, EU, Donor Countries, USAID, SSF, OTI, TIS+, UNDP, FCA, NIS, etc.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Submit the <b>FINAL DRAFT</b> <ul style="list-style-type: none"> <li>➤ All inputs and feedback from the validation conference will be incorporated and final draft will be produced</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ By the NRFD Team</li> <li>➤ To be submitted to MoIFAR</li> <li>➤ Approved and adopted by the Ministry</li> </ul>

## 1. WHERE WE ARE NOW

1. Report and Material of the National Consultative Conference on National Reconciliation, June 2017
2. Revised NRF Outline, under consultation (draft)
3. Initial draft of consultation roadmap and questions
4. Consultations' agendas (draft)
5. Consultations' participants' categories (draft)
6. Portfolio of papers related to peace building and Recommendations for National Reconciliation
7. Rich literature about peace building in Somalia, historical reconciliation agreements e.g. 2007 Grand Reconciliation and case studies about Somaliland and Puntland
8. Literature review made by the team, more than 50 documents related to National Reconciliation Processes worldwide

9. Draft document of the Framework that will be incorporated to the new framework, as it develops
10. MoIFAR has already sensitized FMS-level Ministries of Interior/Reconciliation to prepare for the upcoming NRF work
11. MoIFAR established joint coordination and division of labor with funding partners - UNDP and FCA
12. Solid coordination with UNSOM/PAMG office