

# End of transition and election of new leaders in Somalia

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The election of new leaders has been hailed as a great step forward by both the Somali people, and their supporters in the international community. The latter's role has been to support the creation of formal political institutions, i.e., signing of agreements, drafting a constitution, and holding elections. It is for us, the Somali people, and our elected leaders to heal the deep wounds, and to address the unresolved conflicts and underlying fissures that have divided our people for so long. The old politics of enmity must now be replaced by a new politics of hope for our country, and loyalty to the government when it deserves.

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Far too much ink and megabytes have already been devoted to the election of the new President, Mudane Hassan Sh. Mohamud, the Parliamentary Speaker, Mudane Mohamed Sh. Osman Jawaari, and the appointment of PM Mudane Abdi Farah Shirdoon (Saacid). Although relative newcomers to politics (except Jawaari who was a minister in Siyad Barre's government), their election victory and the appointment of the PM has been hailed as a great step forward across the country. We have seen a passionate outpouring of support from Somali people everywhere, welcoming the outcome of the election as a vote for change. We share these sentiments. What is not yet clear, however, is the ultimate depth, breadth, and direction of the new leadership! The challenge, in our view, is to be modest about our ambitions. Sadly, aspirations to establish peace through the election of new leaders in Somalia fly in the face of our historical experience. Still, that should not demoralize us from rising to the challenge, and it is in this spirit that we offer our contribution to the national debate on the way ahead. Not all of our ideas are new. In fact, many of the views we express will have already been raised in these pages or elsewhere. We take turns in the writing, and Mudane Abdirazak will have the floor first. The descriptors FmrPMAHH and AOM, short for our names, mark out the segments that each or both of us have contributed to the piece.

## FmrPMAHH

The Somali people stand once again on the threshold of an era of profound political change. Only time will tell whether this latest round of leadership changes will foster a commitment to peace on the part of political elites, clan actors and civil society. I have always believed that, given the right leadership, the Somali people will be able to break the cycle of violence that brutalized their country, including the atrocities of the most heinous nature and evil acts recently committed by the dying al-Shabaab in Mogadishu.

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<sup>1</sup> *Gobannimo* Institute is a trading name for *Gobannimo* Somali Centre of Ideas Limited, registered in England with company number 7943558.

The central liberal truth that politics can change a society and save it from itself must, in my view, also be applicable to the Somali people. But if politics is to save us from the terrible calamity that we find ourselves in, we must first heed the lessons of our past misdeeds and the historical forces that have forged contemporary Somalia. We can only overcome our troubled historical legacy and begin to foster legitimate and effective state institutions by engaging in critical analysis of where we are and where we are going. In this context, I suggest the post-Transitional Federal Institutions: Parliament, Presidency and the Executive, in starting their respective new mandates, should collectively “first” demonstrate their political consciousness both of the enormous honours and the awesome responsibilities conferred upon them in this real “moment of truth” for Somalia:

1. By enacting legislative measures calling for stern warning and harsh sentencing against those in a position of authority that in exercising their authority of office abuse such authority for personal/selfish gain. This would show that the new institutions intend to put first of all its house in order, and that nobody is above the law, no matter his/her position.
2. In my own experience in parliamentary democratic system, parliament has been the mother and father of corruption and “*afmishaarism*”. If we don’t want a repeat of the past, eliminating corruption and associated “*afmishaarism*” in high positions is where the New Institutions have to start fighting and eliminating such evils. During the recent vetting by the Traditional Chiefs and Technical Committee of the new parliamentary members, there were unfortunately sustained rumors consistently circulating through the news media of a huge amount of money allegedly offered under the table by those aspiring to be chosen. Such rumors of plain corruption in high position of the ‘New Permanent Institution’ is, no doubt, a bad omen, and if quickly and drastically unchecked, by way of legislation, will certainly mar, right from the beginning, the credibility and reliability of the whole system. It will likewise diminish, or right away, alienate public confidence in the new institution, which is the last thing the public would have hoped to see. This is why it’s absolutely necessary, in my modest opinion, that the government should immediately present an **anti-corruption**, and, by association, “*anti-afmishaarism*”, legislation to the Parliament as one of its first official actions. Such a legislation would also send a clear signal to the members of international community that the New Somali Republic has a whole new vistas for a new clean sheet when it comes to the respect of the supremacy of law, to the spirit of nation building, to the restoration of a climate of social harmony, social cohesion and wound healing, to the establishment of feasible priorities on reconstruction and development, in keeping with the available means, and essentially relying on itself.

3. The New Permanent Institution is certainly facing a myriad of multi-faceted and complex tasks ahead, and it will, as a result, take a fairly long time to see again Somali Republic standing firm on its feet as a responsible/respectable nation/state. But, with determination and sustained united effort of the Somali people, such difficulties, though enormous, will in the long run be surmounted, thus restoring the lost good image and respectability of the Somali people both in international arena and within itself.

4. Among the first priorities, there should be creation of National Police Force worthy of the name and on the footsteps of the pre-Siyaad Barre regime's National Police Force, which was then internationally regarded second to none both professionally as well as being corruption-free in the contemporary developing countries.

5. Creation of an independent judiciary with professionally qualified and corruption-free personnel, even at the cost of recruiting expatriates at least during the initial period, as the civilian government of the 1960s had done. It should be emphasized that without qualified and independent judiciary, and well-trained and well-equipped law enforcement, peace and order, which are the prerequisites for a sustainable democratic system of government, with the inherent stability and development, may just be wishful-thinking mirage.

## AOM

Mudane Abdirazak's thoughtful advice above pertains to the familiar corrupt, mendacious and self-perpetuating political culture of Somalia. With the best will in the world, the new leaders (however good-hearted or capable they may be) will not be able to address the problems of poverty, conflict, disease and lawlessness in the face of corruption and greed by officials and politicians. That seems to be the message to the new leaders from diverse Somali voices through blogs, websites, and internet forums. A cursory glance at these new social media messages confirms that people consider "moral leadership" to be a role vital to the success of the new President, his PM, and the new Parliamentary Speaker. There seems to be a huge expectation that the leaders will be a moral force in governing, and that they should set an example of integrity in official conduct.

But maintaining moral authority is not a matter of bloviating about moral values, or exhorting the Somali people for moral shortcomings. Instead, it is a day-to-day matter of leaders leading by

personal and political example to sustain the legitimacy of their office when they demonstrate that they can forge and maintain national, regional and international partnerships to end the conflict and to embark upon institution building, economic development and, more generally, the creation of the conditions necessary to bring about stability and peace in Somalia; when they enhance the intellectual authority of their offices by proposing and implementing ideas based on Somali cultural traditions of peacemaking that reject absolute power as a preeminent tool to settle disputes; and when they seek to forge and promote the bonds of *Soomaalinimo*, and a common sense of belonging, affinity and allegiance to the state among the Somali people.

## FmrPMAHH

The rule of law and the fair, even administration of justice are critical to rebuilding the state in Somalia. No society can claim to be free or democratic without strict adherence to the rule of law. Dictators and authoritarian regimes abandon the rule of law at the first opportunity and resort to naked power politics, leading to all manner of excesses.

Somalia, under the junta that seized power in a coup d'état on 21<sup>st</sup> October 1969, is a case in point. This military Junta had suspended the constitution, abolished the National Assembly (Parliament), banned all political parties, detained many of the former political leaders, high ranking government officials, and others and renamed the country the Somali Democratic Republic - a pseudo-democracy that would later destroy the whole fabric of society and bring to an end the parliamentary democratic system adopted on the eve of independence and reunification of two Somali territories under two different foreign administrations for about 80 years. Constitutional guarantees such as habeas corpus, the legal recourse in the case of illegal detentions and arbitrary state action, freedom of political association, personal liberty and movement, freedom of expression, and the right to form unions and strike were also abolished by the junta.

It should be recalled here that at independence and reunification on 1<sup>st</sup> July 1960, there was a professional, neutral national police force from both territories. It should also be recalled that what is now known as South Somalia (former Italian Somaliland) had also been under British Administration for 10 years (1941-1950). So, the basic training and experience of the police force in the South was also British-inspired, as was their counterparts from the north. This post-independence police force was professionally-trained, apolitical and capable of maintaining civil law and order, and performing all forms of policing functions.

When the military took power, it created its own "version of Somalia" by eliminating outright and/or undermining anything ante-coup, including the role of the police force. They soon created a defunct Soviet-style KGB modelled NSS which had exactly taken the role of the National Police Force, whereas the latter remained just by name. From then on, the junta substituted "the rule of man" for "the rule of law". Patriotism was now equal to blind loyalty to the regime, and Somali nationalism and true patriotic sentiments were denounced as Kacaan-diid (anti-revolutionary). Now only those who demonstrated, in words and deeds, their unreserved loyalty to the Junta and its "rule of man" were "true nationalists". The rest were traitors and reactionaries, and, as such, should be dealt with harshly. Within a few short years after usurping power, the junta comprehensively politicized all state institutions, including the judiciary and law enforcement, which led to the upsurge of nepotism and corruption, and to a general decline in professional standards. This proved to be the most corrosive and is the least easily reversible legacies of that failed military rule.

The new leaders must recognize the link between stable peace and the rule of law. The principle challenge, in this context, is to have a sufficient number of adequately trained police officers who, if necessary, have the authority to carry weapons, are able to deploy very quickly, and are capable of maintaining law and order. The leaders must also seek to establish an independent judiciary that is viewed as fair and impartial to enforce the law. Given the right support, these institutions should become efficient and effective in the performance of their duties. Without the rule of law, there will be no peace. The rule of law here refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.<sup>2</sup>

## AOM & FmrPMAHH

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<sup>2</sup> See Annan, K. (2004) The rule of law and transitional justice in conflict and post-conflict societies (UN doc. S/2004/616, 23 August).

As noted above, we think one has to be modest about what the new leaders can do to improve the situation in the short-term. Mudane Abdirizak is of course right to urge them to prioritize establishing an effective policing component so as to build a sustainable capacity to maintain peace in the long term. However, the realities of a fragile state with serious deficiencies in its government, economy and nationhood will be an almost impossible burden on them.

It's often argued that what Somalia sorely lacks are leaders that have the talent to move the country from war to peace and lay the foundation for a stable future. In fact this argument is neither new nor specific to Somalia, for it has been made across political systems and historical periods. But the onus is now on the new Somali leaders to prove that they can be equal to the task of developing the human, social, and institutional capacity necessary to rebuild the state, and restore peace and stability.

Without doubt, that sounds like an impossible task. But there are historical and modern day examples of leaders - truly ethical beings - who have transformed an extremely challenging socio-political framework, and sought to bring about radical change for the wider good of their society. Political philosophers from Macchiavelli to Gramsci to Weber have all grappled with the concept of the good or the effective leader, but we can count a few from more recent times. There was, for instance, Mikhail Gorbachev whose vision of liberalising political and economic reforms (perestroika) would enable the USSR to modernize its creaking economic and social system. He could have no idea of the enormity of the changes which would ultimately occur but once that process of change was underway, he adapted to it and continued to manage it through to its logical end. Another modern visionary leader was Adolfo Suárez y González of Spain. An almost anonymous careerist technocrat in the ranks of General Franco's authoritarian political system prior to his rise to power, he displayed a great political skill in making his vision a reality. Suárez brilliantly managed an ordered transition from the cabalistic oligarchy of the late Franco period to an orthodox Western-style democracy and market economy within a relatively short period of time in the late 1970s.

F. W. de Klerk was the scion of a highly political Afrikaner nationalist family. A clever lawyer, he rapidly became involved in National Party politics with a firm commitment to apartheid. He entered parliament in 1972, ultimately becoming President in 1989. Inwardly, however, de Klerk was preparing for change. In his speech to the Cape Town Parliament of February 2<sup>nd</sup> 1990, de Klerk announced the release of Nelson Mandela and the lifting of the ban on the ANC and other proscribed organizations, effectively heralding the end of nearly 350 years of white rule in South Africa. Thereafter, he was central to the negotiated and

largely peaceful transition process, 'a rare political feat for a minority to yield power to a majority that was, moreover, racially and culturally alien'. The achievement won him and Nelson Mandela the Nobel Prize in 1993.

One can think of many more examples; but the three leaders above were all politically astute individuals, and one could argue that that they would probably also have thrived in other political systems or circumstances. All were blessed with prodigious talent and innate political skills. These leaders also shared an acute but subtle political intelligence which enabled them to see the broader political canvas against which they were playing. Indeed it was perhaps these perceptive powers of political acumen that enabled them to see both the possibility and necessity for change. Maybe, Somali politicians should take a leaf out of these leaders' books.

The problem, however, is that Somalia is not South Africa, nor Russia, nor Spain. While it fits into classic Western notions of a nation - 'a people inhabiting a specific territory who share common customs, origins, history and language', realists would point to the historical and continuing zero-sum nature of clan power politics which produced a stateless society bordering on complete anarchy. In hindsight, it seems clear that the state never really functioned as an effective national administration in Somalia.

At independence, Somalis were by and large pastoral nomads. Pastoralists make enthusiastic but unreliable nationalists. Although they can unite at any level from the sub-clan to the people as a whole in the face of a common enemy, they are so fiercely egalitarian that they will not long submit to a central authority. As regards political ethos, pastoralists adhere quite closely to the ancient maxim that "the enemy of my enemy is my friend". They also notoriously make bad citizens because they cannot easily be disarmed. Warlords (as we have seen in the past many years) are a problem in this context, not just because they use violent means, but also because they capitalize upon these enduring weaknesses in Somali political traditions. They are not so much as excrescences on this tradition as its fullest expression, providing protection while extorting and bullying their people in return.

Even if intentions were sincere and rebuilding efforts well funded, realist scholars would argue, creating states (with coverage of service and coercion, and based on respect for human rights and the rule of law) may not even be possible in societies that are poor, divided on religious or ethnic (read clan) lines or lacked substantial state tradition in the first place.

As the events of the past 22 years in Somalia have shown, various clans, groups and regions have very little interest in restoring central authority.

Only depressing conclusions seem to follow from an analysis of a war-torn society as fractured and dysfunctional as the one in Somalia. But our view is that Somali cultural traditions have images of peace and peacemaking and drawing on these can help ignite the collective imagination of the people and their leaders to rebuild the foundations for government, security, and the rule of law. A test of the new leaders is how they conceive and advance genuine reconciliation across the country, and establish a norm of cooperation between various organs of government for the common goals of peace- and state-building. The old saying, “peace cannot be kept by force; It can only be achieved by understanding”, attributed to Albert Einstein, equally applies to the Somali people.