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The Role of the Traditional Somali Model in Peacemaking

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In this paper I explore the mediation and reconciliation efforts of traditional Somali elders. I also discuss why traditional elders have been effective peacemakers in Northern Somali (Somaliland) but not in Somalia. I argue that four factors comprising an “insider-partial mediation” approach in Somaliland helps to explain why it was effective there. In conclusion, this paper shows that the traditional Somali approach of peacemaking is a viable and effective approach to mitigating conflicts in Somalia.

Somalia is located in the horn of Africa and shares a border with Kenya to the south, Ethiopia to the west, Djibouti to the northwest, the Gulf of Aden in the north, and the Indian Ocean in the east. Nearly all Somalis are Sunni Muslim (Elmi, 2010). Somalia has a population of around 10 million people. About 85 percent of its residents are ethnic Somalis who have historically settled the northern and central parts of the country.

Somalia has been characterized as one of the most ethnically, linguistically, religiously and culturally homogenous countries in Africa (Lewis and Samatar, 1999). In Somalia, there are six major clan-families. Four of these are predominantly pastoral clans and they are known as *Samaal*—the Dir, Darod, Isaaq and Hawiye - representing about 70 percent of Somalia's population, while the remaining two (the Digil and Rahanwayn) are *Sab*, engage in agriculture and constitute about 20 percent of the population (Metz, 1992). Somali clans live in Somalia, Djibouti, northeastern regions of Kenya and the southeastern part of the Somali Regional State in Ethiopia.

Despite the fact that Somalia is ethnically homogenous, the society is deeply divided into rival clans. Clan membership serves as both protection and insurance for clan members and it centers around the struggle for recognition in social, political, economic and cultural rights and status (Metz, 1992). For thousands of years, Somali society followed a kinship system in which people trace their ancestors through the male line (Walls, & Kibble, 2010). Regarding kinship/clans Michael Walls (2009, p. 38) noted that, "Kinship determines social structures." This is true in general for pre-state societies: kinship is the predominant form of social organization. In the Somali context, people live in kinship/clan localities and each locality has its separate community or village elders. Each clan structure is divided into sub-clans and sub-sub-clans, which do not always get along with each other in spite of the fact that they are part of the same clan. Clans are not necessarily equal in terms of the number of their members (Elmi, 2010). Each clan has a community or traditional clan elder whose main job is to work as an intermediary and a peacemaker in his clan and with other clans.

The Role of the Traditional Somali Model in Peacemaking: South vs. North

When evaluating the reasons why peacemaking was successful in Somaliland but unsuccessful in Somalia, it is important to consider the differences in the region and the strategies used. Even though Somalia has been without a functioning central government since 1991, some regions have achieved a sustained peace, while others remain in conflict. Somaliland and Somalia took different courses; while Somaliland brought peace among clans living in the North and promoted power

sharing, the armed factions in southern Somalia further fragmented into many conflicting groups. Currently, Somaliland is an autonomous region that seceded from southern Somalia in 1992 to form its own administration; however, the international community does not recognize Somaliland as a country.

Despite the fact that Somalia has a notorious history of anarchy for over two decades, the conflicts during this era have provided some useful lessons about traditional conflict resolution mechanisms. Somaliland and Somalia share some similarities. Between 1988 and 1991, armed rebels from the North and the South clashed with the government army. After the armed groups removed President S. Barre from power in 1991, intra-clan conflict emerged. However, the traditional elders from Northern Somalia pacified their territories while the hostilities in the South have undermined the elders' capacity to mediate between their communities.

Somaliland's model of peace and reconciliation may be successfully implemented in Somalia if traditional elders are empowered. A robust traditional council of elders with credibility and moral authority can play a crucial role in bringing a sustained peace process to Somalia. In the North, the traditional elders held numerous reconciliation conferences inside of the country and almost all produced peace. By contrast, Southern Somalia responded to the conflict by holding a number of conferences outside of Somalia, but none of these yielded tangible results.

Traditional Elders as Insider-Partial Mediators

Recent research in mediation literature has focused on how and when outside third-party mediators intervene. An outsider mediator's neutrality is considered central to the concept of mediation among many Western theorists. However, I argue that insider-partial mediators, not neutral outsiders, play a crucial role in the conflict setting in Somalia. Unlike external third-party mediators who are actors coming from outside of the conflict setting, the insider-partial mediators are a part of the community (see Ledrach, 1997). Svensson and Lindren (2013) argue that insider-partial mediators have an issue of bias. I disagree because the insider-partial mediators are rooted within the community, trusted, and are likely to stay in the mediation process until conflict stops. In the case of Somalia, I argue that the insider-partial mediator's bias does not necessarily mean they ally with one side over the other, but that they strive to prevent conflict, bring parties in conflict together and build trust and relationship. More importantly, insider-partial mediators may have a stake in ending the conflict and winning the hearts and minds of the conflicting parties. Therefore, these mediators do not only enjoy trust from the communities, but they also have moral authority, and therefore are effective intermediaries. In Somalia, traditional elders play a role in resolving all types of conflicts. The elders are responsible for governing the clan, and making the decisions for the clan on a range of issues. During clan arbitration, they act as judges in criminal offenses such as murder and theft. After they hear the evidence the parties presented, they decide who was guilty and then make a decision on "punishment" or compensation that they impose on the parties. In the North, if there is a criminal offense involving two separate clans, a combined council of elders from the two clans deals with the offense. If there is a criminal offense within one sub-clan or sub-sub-clan, elders negotiate with one another, act as judges and decide who guilty is and what the punishment is. Elders can resolve offenses within one clan quicker than offenses between two clans. When two clans fight, elders from a third-party clan in the same region initiate intervention in the conflict. During their mediation process, those third party mediators act

as facilitators. In this type of mediation, the elders do not make decisions and impose them on the parties like judges, but help the parties to reach a decision.

In some conflict settings, the roles of elders may vary. Some elders work together and form a council of elders who ensure that conflict will be prevented in time. When a conflict between sub-clan members is low in intensity, individual elders may resolve the conflict. In this case, one elder does the mediation. Sometimes a council of elders mediates between the communities in conflict. If the conflict is intense, intervention of a council of elders is essential.

As indicated above, Somali clan elders are not only confined to the mediation process, but also they function as arbitrators. An ad hoc council of elders may listen to the parties in conflict and then make a decision that they impose on the parties. Traditional elders' roles depend on Somali societal structure. Lewis (1981) divides the structure into three core elements: 1) clan structure, 2) customary law (*xeer*) and 3) clan elders' traditional authority. Clan members who live in a particular village have traditional clan elders who manage the affairs of the clan through traditional or customary laws.

In Somalia, modern professional credentials in peacebuilding are not the key criteria by which elders are chosen. The key standards to select clan elders include age, knowledge of religion and of the local customary laws, patience and the power of oratory (Bradbury and Healy, 2010; Lewis, 1961). As Lewis notes, respect is attached to age and seniority in the clan. In Somali culture, age and respect are two traits that are intertwined. I argue here, however, that age does not always matter. The concept of respect plays a fundamental role in the perceived capacity to mediate conflict.

A clan elder's rise to a position of influence, according to Menkhaus (2000), is based not on hereditary status, but on a lifetime reputation as being an effective negotiator, a trusted mediator, an orator, or a wise and pious man. Most scholars agree that traditional elders are required to be orators. In a society with constant conflicts and reconciliation meetings, clan elders are likely to shuttle between warring groups both in urban and rural areas. In this type of reconciliation process, traditional elders must have good communication skills and the capacity to engage people outside of their own clan. In Somali society, someone who is fair and knowledgeable about religious practices, customs and customary laws is a preferable candidate for peacemaker (Bradbury and Healy, 2010). The elder should know Sharia law and Islamic religious principles. In most villages, traditional leadership is buttressed by religious conviction. Haroon and Mare (2005) also note that a clan elder is well respected in his clan and community, perceived as being fair and honest, is a good decision-maker, and is knowledgeable of customary law or *xeer*. A council of clan elders is the highest governing body of the society (Renders, 2012). In most regions, therefore the traditional elders are clan representatives who function as arbitrators and peacemakers in their clans or in other clans. Even though most clans call their traditional elders different names, their key responsibilities within the society are essentially the same. The traditional leaders feel it is their task to eliminate feuds, animosity, and distrust between communities.

The Effectiveness of Traditional Elders in Peacebuilding

In the absence of a central state, traditional elders play a crucial role in creating a culture of peace and building relationships and trust between clans in conflict. If one looks at the activities of clan

elders in mediation and reconciliation efforts, it is evident that their effectiveness can be attributed to the following four factors that can be considered as components of an “insider-partial” approach: Clan elders (a) live in the conflict setting; (b) enjoy trust and respect; (c) wield moral and traditional authority and moral persuasion; and (d) have a relationship with the community.

a)Live in the Conflict Setting. Traditional elders live within the community that the conflict affects. In most localities, they are closely tied to the parties through kinship. For them, resolving conflict is their priority and the traditional elders seek no profit in return for their services because they work for the benefit and welfare of their people (Bradbury & Healy, 2010).

b)Trust and Respect. In mediation, trust is an essential factor in the successful outcome of the process. It is important to define the essence of trust and how it is built. Trust is to have confidence or faith in someone. Trust often derives from the elders’ moral authority, their seniority, their effectiveness in mediation and their altruistic readiness and commitment to resolving disputes as they arise. The community accords the elders trust because they represent them. Effective elders need to have the trust of their communities. In Somaliland, much empirical evidence demonstrates that trust between mediators and parties in conflict can be a key element of the mediation process.

c)Moral Authority and Moral Persuasion. Elders possess moral authority. Even though the root of the moral authority of elders varies, traditional clan authority is derived from seniority. The moral authority of elders does not only stem from age but also comes from the community's perception. In addition to seniority, early conflict intervention confers upon elders a moral authority. The elders' moral authority also emanates from their knowledge of Shari'a and religion. In the traditional Somali background, religion is the most central aspect of life.

Mediation and reconciliation efforts are successful and attainable when the locals have a voice and trust in the process. An example of locals having such voice is the informal assembly known as a *shir* in which a group of traditional elders gather together for a common purpose. The traditional assembly is democratic, and an open and consultative processes held when resolving particular crisis (Menkhaus, 2010). The traditional assembly is not exclusive and is open to any of the public who wish to attend or to observe.

The *shir* process is somewhat similar to what is known as *Peacemaking Circles* (Pranis, 2005). The assemblies sit in a circle and have no fixed schedules. This type of assembly sometimes lasts weeks or months. When the two sides in conflict disagree, a council of elders use their moral authority to instruct the delegates to continue their deliberations until a peace deal is reached. Lederach and Ladrach (2010) explain the importance of time in Somali forums: “The answer to the problem is more talk. One round of talks would not be enough.” Somali conflict resolution is based on talking about the root causes of the conflict issues before an agreement is reached. This type of forum demonstrates the need for patience and long-term commitment.

The success or failure of a mediation effort often relies on the public perception of the actors who are engaging in the process. This is the reason why the elders' mediation efforts prove successful compared to those of external mediators. In most conflict settings, traditional elders have moral authority and are trusted.

Somali traditional elders do not have military power, so they utilize persuasion techniques and strategies (Elmi, 2015). Somali traditional elders possess considerable moral persuasion when they want to persuade clan members to accept a peace deal, come to the discussion table, or return looted property back to the rightful owner. If conflict between members of one clan or two sub-clans flares, elders from other clans in the conflict setting act as mediators. Elders' quick intervention gives them a status. In the Somali conflict setting, moral persuasion is also key for resolving a stalemate. In 1991, traditional elders disarmed a large number of clan militiamen. More importantly, the elders opened up centers for rehabilitation programs that focused on demobilization.

Ulloso (2015), a former minister and governor of the Central Bank of Somalia, attributes elders' moral persuasion to their unity. He noted that there was a consensus among traditional elders in the North to unite and form a common position, whereas elders in southern Somalia had no unity. For Ulloso, elders in the North awakened, influenced and dominated all clans and rebel movements. In the earlier crisis in the South, the warlords weakened the elders' power.

d)Relationship with the Community. As indicated in the previous discussion of "insider-partial" mediation, a major reason why traditional elders are effective is that they have a relationship with parties in conflict. Such relationships allow elders to communicate with the parties and collect the information they need to help the parties craft a settlement. Ulloso (2015) attributes elders' credibility to their repetition of the mediation process. One of the reasons elders repeat their mediation roles is that they live side by side with the parties in conflict and have a relationship with them (Ulloso, 2015). The elders' commitment to bringing a viable solution to the problem promotes their credibility among the communities.

Customary Law (*Xeer*), Compensation (*Diya*) and Forgiveness (*Xalay Dhalay*)

In order to more fully understand elder's peacemaking work, we need to explore the roles of a)customary law, b)compensation, and c)forgiveness in Somali society.

.a)*Customary Law (Xeer).* Somali customary law (*xeer*) comprises a set of unwritten conventions, the legal framework and procedures that regulate the reciprocal behavior within and between Somali clan communities (Metz, 1992).

According to Elmi (2010), Somali customary law is not a written constitution, and it is practiced as a convention; most elders are still familiar with it. It is more than a contract and it shapes the basic values, laws and rules of social behavior (Bradbury and Healy 2010). In Somalia, customary law and practice is passed down orally through generations. Traditionally, the laws define reciprocal rights and obligations among kin/clans, covering domestic matters, social welfare, political relations, property rights and the management of natural resources (Bradbury, 2008).

The Somali legal system employs a mix of Islamic Sharia and customary law (Walls, 2009; Menkaus, 2000). Traditional elders are the custodians of the customary values of the clan. The elders must be conversant with the customary law that regulates traditional governance. In villages, customary laws are applied in solving up to 80 or 90 percent of all disputes and criminal cases (Gundel, 2006).

b)Compensation (Diya). In Somalia, the word *Diya* means compensation paid to the family of a murdered person. (In some regions, the term, *Mag* is used interchangeably.) *Diya* is an

Arabic term meaning “blood compensation.” The principle of Diya is derived from the Islamic principles of Sharia law. In accordance with Sharia, depending on the situation, the family of the deceased is entitled to receive a certain number of camels (or the monetary equivalent) from the family of the offender. The victim's family may choose to excuse the perpetrator from the death penalty in exchange for such compensation. If the offender's family fails to agree on the payment of restitution on time, conflict erupts. The family members of the deceased may seek revenge. Therefore, unresolved grievances create a vicious spiral of violence. For instance, clan loyalty is entrenched in rural and urban custom. If a member of Clan A is killed, other members of Clan A are obliged to avenge the death. This could take the form of killing the person from Clan B who murdered the family member or, more commonly, working out a blood price— a financial repayment— from Clan B to Clan A. Elders help to mediate Diya between the families and clans.

c)Forgiveness (Xalay Dhalay). During the 22 years of S. Barre's dictatorial regime, the government forces committed massive atrocities against the Isaaq clan in the North. Some Darod clans in the North formed militia and fought against the Isaaq. After the fall of the central government, Somalia and Somaliland took two different courses. In Somalia, the main armed movement, the United Somali Congress (USC), continued its attack on the defeated Darod clans, but in Somaliland, an ad hoc council of elders was desperately encouraging healing and reconciling. The Somaliland elders' hope relied on traditional conflict management based on forgiveness and amnesty. The questions are, how do elders manage conflict when most of the clans have unsettled grievances? What are the types of grievances? The process of forgiveness was not easy for elders as they faced numerous challenges in managing conflicts.

Even though there was no formal or informal mechanism in place to handle the cases of longstanding and widespread grievances, elders in Somaliland used a principle based on blanket forgiveness known as "*xalay dhalay*." Literally, this term means, "*he was born yesterday*." The principle of *xalay dhalay* is a form of forgiveness used when costs and reparations are deemed incalculable (Sandstorm, 2013). Because the conflicts in Somaliland lasted for a decade, the elders had no time or resources to look into all of the cases of grievances. In order for communities to transcend clan feuds, the council of elders chose the principle of forgiveness to allow feuding clan groups to forgive each other and move beyond their past grievances (Sandstorm, 2013). Therefore, blanket amnesty and forgiveness were seen as the only viable solution to the grievances among rival clans in Somaliland. For the traditional elders, holding people accountable and punishing them for wrong deeds they committed in the past might prolong conflict.

Elders consider forgiveness to be the core of the Islamic message that is rooted in Sharia. During clan and sub-clan meetings, elders pardoned militias of any accountability or responsibility for their past behavior. This principle of *xalay dhalay* was exclusively applied to the clans in Somaliland. The principle of *xalay dhalay* was very important in the reconciliation conferences held in the North. Its key aim was to settle long, protracted grievances among those clans.

Conclusion

In this paper, I have examined the roles of traditional elders in mediation and reconciliation efforts. I focused on the elders' effectiveness. I underscored that Somaliland represented the distinctive case of a democratic nation born of efforts by the local traditional authorities. The model that the traditional Somali elders have been using for centuries is what theorists call “insider-partial mediation,” but future studies about whether or not such a model could be applied more widely in Somalia is required. I highlighted the main factors for the elders' effectiveness. In Somaliland, traditional elders have a relationship with the clans in the conflict settings, enjoy trust and respect, exercise enormous moral and traditional authority or moral persuasion, and have a strong relationship with the community. Those factors help them to stop conflicts and create homegrown mechanisms to promote peacebuilding.

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