**GLBL 871: Boko Haram: Defining a Path to Reintegration**

***Reintegration Model Template***

**Model Name**

The African Union’s Transitional Justice Framework/Xeer System

More to study in coming weeks: <http://news.xinhuanet.com/english/2016-06/14/c_135436828.htm>

<https://www.brookings.edu/research/ddr-a-bridge-not-too-far-a-field-report-from-somalia/>

**Country**

Somalia

**Time Period**

1991-present : <http://www.theatlantic.com/magazine/archive/2008/12/timeline-somalia-1991-2008/307190/>

**Insurgency Description**

Since the ouster of President Barre, approximately 300,000 Somalis have died due to violence, famine and disease.' Inter-clan and intra-clan fighting and looting had decimated the Somali landscape. The entire economic infrastructure has been destroyed, political institutions no longer exist, but perhaps most detrimentally, the social fabric of Somali society has been torn apart. One of the most violent groups, Al-Shabaab, emerged in 2006.

Al-Shabaab is an offshoot of the Islamic Courts Union (ICU), which splintered into several smaller factions after its defeat in 2006 by Somalia's Transitional Federal Government (TFG) and the TFG's Ethiopian military allies. The group describes itself as waging jihad against "enemies of Islam", and is engaged in combat against the Federal Government of Somalia and the African Union Mission to Somalia (AMISOM). Al-Shabaab has been designated as a terrorist organization by Australia, Canada, the United Arab Emirates, the United Kingdom and the United States. As of June 2012, the US State Department has open bounties on several of the group's senior commanders.

**Causal Elements**

After the fall of Siad Barre's dictatorship in 1991, the former allied rebel groups split off and declared a civil war. This resulted in a humanitarian catastrophe, with hundreds of thousands of deaths and Internally Displaced People (IDP).

In August 1990, the SNM joined forces with two other recently formed opposition groups, the Ogadeni-based Somali Patriotic Movement (SPM) and the Hawiye-based United Somali Congress (USC). It was this alliance which ousted Barre in January 1991. The USC's hasty announcement of Ali Mahdi as the interim president resulted in an immediate split of the USC along sub-clan lines. The Habar Gedir-based faction, led by General Mohammed Farah Aideed and the Abgal- based group led by Ali Mahdi thus began a brutal intra-clan struggle for power. While Aideed and Mahdi, the major forces in the capital Mogadishu, are undoubtedly the two most powerful players, 13 other clans and sub-clans are also engaged in the struggle.

**Civilian Agency Involvement**

Which local, state, and federal agencies were involved in the model? How did social services, healthcare services, police, etc. participate?

**Military Involvement**

Given the

**International Agency/Expert Involvement?**

* 1992
  + An estimated 350,000 Somalis die of disease, starvation, or civil war. Images of famine and war are shown on American news networks. Feeling public pressure, U.S. President George H.W. Bush orders emergency airlifts of food and supplies to Somalia.
  + The UN Security Council approves a military mission, “Operation Restore Hope,” led by the United States to try to help the starving country by protecting food shipments from the warlords.
* 1994
  + The U.S. formally ends the mission to Somalia, which has cost $1.7 billion dollars and left 43 U.S. soldiers dead and another 153 wounded.
* 1999
  + Ethiopian forces invade and capture the regional capital of Garba Harre, which lies 250 miles northwest of Mogadishu, in order to try to suppress fighting among rebel groups.
* 2001
  + The United Nations declares that it will be pulling its international staff and aide workers from Somalia because of the dangerous fighting conditions and attempts at kidnapping.
* 2003
  + An interim government is inaugurated in Kenya, in hopes of putting together a central government. This is the 14th attempt since the 1991 coup. Col. Abdullahi Yusuf is elected interim president by the new governing body. The government functions in exile in neighboring Kenya.
* 2005
  + The transitional government begins to return to Somalia, but there are still bitter divisions among members. Violence ensues upon their return. An assassination attempt is made on interim Prime Minister Ali Mohammed Ghedi.
  + Food shipments begin being hijacked off the coast of Somalia by rebel forces. Food aid programs, including the UN’s World Food Program (WFP), are suspended.
* 2006
  + A militia-backed rival government to the Transitional Federal Government, called the Islamic Courts Union, seizes control of most of southern Somalia and captures Mogadishu from the U.S.-backed warlords.
  + Ethiopian troops re-enter Somalia. Hard-liners within the Islamic Government declare holy war against Ethiopia. Fighting begins.
* 2008
  + The UN Security Council approves the sending of other countries' warships to Somalia’s territorial waters in order to combat the threat of Somali pirates, who have begun hijacking ships regularly. The head of the UN Development Program in Somalia is killed by gunmen in Mogadishu.
* 2011
  + Kenyan troops enter Somalia to attack rebels they accuse of being behind several kidnappings of foreigners on Kenyan soil.
  + American military begins flying drone aircraft from a base in Ethiopia, Ethiopian troops return to central town of Guriel.
* 2013
  + US recognises Somalia's government for the first time since 1991.
  + Veteran Al-Shabab leader Sheikh Hassan Dahir Aweys is taken into custody by government troops after he is ousted by more extreme Al-Shabab figure Ahmed Abdi Godane. Spike in violence with various attacks by Al-Shabab, including on presidential palace and UN compound in Mogadishu.
  + International donors promise 2.4 billion dollars in reconstruction aid in three-year ''New Deal''.
* 2015
  + US Secretary of State John Kerry pays brief visit to Mogadishu, the first officeholder to do so, a few weeks after Al-Shabab raid government quarter of the city and kill 17 people.
* 2016
  + African Union leaders agree on need for more funding and support for their military presence in Somalia after weeks of increased Al-Shabab attacks on public spaces and pro-government troops.
  + Government and African Union troops recapture southern port of Merca that Al-Shabab briefly seized.
  + On 7 July, the Council adopted resolution 2297, which extended AMISOM’s authorisation until 31 May 2017 with no major changes. On 20 July, the Chair of the 751/1907 Somalia-Eritrea Sanctions Committee, Ambassador Rafael Darío Ramírez Carreño (Venezuela), briefed in closed consultations on the regular 120-day update on the work of the Committee.

**NGO Involvement**

in the wake of disintegration of the Somalian state in 1992, numerous NGOs were formed. Research has shown that NGOs experience a number of common problems and dilemmas, including internal decision-making processes, recruitment, retention of staff, layoffs, and accountability, evaluation, structural growth, and fund raising activities. Thus far, none have been able to make progress in transitional justice.

**Impetus for Reintegration**

This is actually especially problematic--there is ongoing hostility and active al-Shabaab groups remain in power, so while there have been studies regarding reintegration, there is not a specific impetus/course of action which takes the ongoing warfare and government chaos into account.

**Criteria for Reintegration**

How were insurgents determined to be eligible (or ineligible) for reintegration? Did they have to give up their arms voluntarily (as opposed to being captured by force)? Were people who committed certain types of acts or crimes excluded from reconciliation programs?

**Prosecution/Punitive Component**

A corollary to this is the belief that African traditional institutions could offer practical solutions to the crisis of modernity and, in the process, trigger a reclamation exercise. In order to make this relevant, the report emphasizes “the need for complementarity between the international tribunals, hybrid courts and domestic legal systems with regards to prosecutions and investigations.”

In Somalia, like in Rwanda, the number of perpetrators is high and the domestic courts lack financial and human resources to try all cases. Because of the prolonged instability in the country, many judges and educated people have fled. Moreover, many legal codes were literally burnt by the Islamic Courts. As such, there is a general lack of trust in the ability of the national courts to assure a fair and transparent trial.

Despite the lack of a functioning government, local structures within Somali society have served to maintain a minimum level of stability, rule of law, and justice. One such structure is the Xeer, a dispute settlement mechanism based on clan/family cus- tomary law and elements of Sharia law, the body of law derived from the Koran and from the teaching and examples of the Prophet Mohammed. The Xeer system is still the most commonly used and reinforced justice mechanism. Somalis use Xeer to solve perhaps 80-90% of all the controversies involving crimes, especially in rural areas where lack of transportation and tradition prevent people from using other justice mechanisms.

**Community Engagement**

The clan elders, acting as judges, lead Xeer processes. In some cases, the clan elders belong to the disputing clans, in other cases they belong to third-party clans. The Xeer is an unwritten agreement created bilaterally between two clans. The agreement determines the relationship between clans with regard to resources, family matters, and crimes. Clan members transmit these agreements from generation to generation. Over time, the agreements become precedents and thus form part of customary law. Xeer hearings are held in public, usually under a tree within the village or in rural areas. Several types of individuals are excluded from participating: persons with close family relationships with those involved in the controversy, individuals who have a personal grievance against one of the parties, and persons who have already sat in judgment of the same case. Women are not permitted to participate in the discussion and judgment.

**Reconciliation**

The Xeer system is associated with the idea of restorative justice. One of its main goals is to reestablish the social order. Victims are compensated through a Diya (blood compensation), which consists of either money or livestock. It also serves to deter further crimes, and to reintegrate both victims and perpetrators in their communities. “In the clan justice, the decision is made to stop the violence: the aim is to make peace and set up an agreement,” said a male interviewee. Considering the importance, acceptance and legitimacy that the clan system and customary practices have had throughout Somali history, the traditional Xeer system ought to be considered a primary means to bring accountability to the people.

**Psychological Elements**

Does the program include psychological evaluations and therapies , therapies, and aspects for reintegration?

**Education & Skills**

**Economics**

**Incentives**

Were there incentives for participation? If so, what were the incentives and how did they affect participation and/or reintegration?

**Parole/Monitoring**

Does the program have mechanisms for monitoring following reintegration? How is failed reintegration dealt with?

**Public Information Strategies (Dan?)**

**Cost Estimate**

A series of features that characterize the Xeer make the system particularly suit- able for Somalia, because of the traditional and cultural issues already explained above. It is also practical: the system is already in place, so no major new structures are needed, such as the construction of courts and the election of judges. Additionally, the financial resources necessary to implement this mechanism are minimal.

**Financing**

How did they pay for the reintegration program? Government funds exclusively - or did they seek financing from the international community or NGOs?

**Results/Metrics**

<http://fletcher.tufts.edu/Praxis/Archives/~/media/Fletcher/Microsites/praxis/xxiii/PRAXIS-ModelofTransitionalJusticeforSomalia.pdf>

**Lessons Learned**

What were the model’s shortcomings (if any)? How could we learn from such models?

* **Issues**
* **Successes**

**Bibliography**

Make sure to include the sources you researched as part of your report!