

## The Fourth Conference on National Dialogues, 11—12 June 2019 The House of the Estates, Helsinki

### What should a Truth and Reconciliation Commission in Somalia look like?

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#### Objective of the session

The session aims at sharing expertise, lessons learnt from past processes and technical guidance in designing the process for establishment of a Truth and Reconciliation Commission for Somalia, with a special focus on inclusiveness of such a process, the realization of human rights and the utilization of dialogue and consultation in the process design, while taking into account the local context of Somalia.

#### Background

The more than three 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. Since the collapse of the central state of Somalia in 1991, several reconciliation conferences have been convened with the aim of resurrecting the Somali State and focused on state building, but with few or unsustainable results in terms of social reconciliation. While the history of Somalia is largely defined by re-emerging conflicts and failed peace processes, the country has recently taken major steps towards a functioning society through the development of state institutions, structures and strategies.

In March 2019, the Federal Government of Somalia approved a National Reconciliation Framework (NRF), a strategic document outlining the needs, means and actions needed to advance genuine, comprehensive national reconciliation in Somalia, "Dhab-u-heshiin", literally meaning "true conciliation" as opposed widely used and inflated "dib-u-heshiisiin". The NRF was developed as result of the countrywide consultations led by the Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR) and is based on Somali cultural practices and Islamic traditions. It comprises five pillars, which define the key objectives of the national reconciliation process and outline the policy recommendations and actions needed to meet these objectives. The second pillar of the NRF, "Acknowledging and dealing with the past", provides a basis for exploring the need and mandate for a Truth and Reconciliation Commission (TRC) in Somalia, as the establishment of a TRC is included in the Somali provisional constitution from 2012 (art. 111(i)), currently under revision. However, this process has not taken place to date.

Since the mid-80s the establishment of TRCs in countries coming out of violent conflicts have become almost an international norm. There has also been a growing tendency for unity in their mandates, sometimes overlooking the local context and nature of the conflict. The success of TRCs have varied a great deal and has produced a lot of analysis of the risks and opportunities of the establishment of commissions, as well as on the importance of properly defining the mandate and composition of TRC. The International Center for Transitional Justice and the Kofi Annan Foundation have for example assessed the effectiveness of Truth Commissions in their report *Challenging the Conventional: Can Truth Commissions Effectively Contribute to Peace Processes?* (2013).

Consequently, the process for establishment of a TRC in Somalia should harness the experience and lessons learnt from similar processes in other countries, especially on the African continent, while taking into account the local context, complexity of the multi-level conflicts and fragility in current Somalia. The mandate, composition and objectives of a TRC in Somalia need to be carefully considered and take into account the ecosystem of various actors and conflict parties, as well as the realities and weaknesses in the existing law enforcement, justice system and other state structures. Most importantly, the commission should be inclusive, independent and based on Somalia's cultural context.

Against this background, the session aims at sharing expertise, lessons learnt and technical guidance in designing the Somali TRC, with a special focus on the inclusiveness (gender, youth, minorities) of such a process, the realization of human rights and the utilization of dialogue and consultation!!!! in the process design. The session will build on peer-to-peer learning and analysis by key figures of the Somalia national reconciliation process and actors leading similar processes in other contexts, academia and peacebuilding practitioners.

### Key questions

- Are TRCs an effective way of dealing with the past and providing justice? What are the key successes and failures?
- What have we learnt from past TRC processes? How the lessons learnt could be applied in Somalia?
- Taking into account the decades-long, multi-level conflict and complex ecosystem of conflict parties and victims in Somalia, what should be the mandate of the Somali TRC and how can the implementation of its findings and recommendations be ensured? What is needed to ensure protection of human rights in the process? How can religious and traditional mechanisms for reconciliation contribute to the implementation?

- How can the process overcome the negative impact of clan affiliations, corruption and gender inequality in designing an inclusive and independent TRC for Somalia?
- How has war trauma affected the social fabric as well as the political efforts in Somalia, and in what ways can one address the effects of trauma through Truth and Reconciliation process and state building?

### Composition of session

- Mr Jama Egal, Consultant in the Ministry for Interior, Federal Affairs and Reconciliation, Somalia
- Ms Sadia Elmi, Delivery and Performance Management, the Ministry for Interior, Federal Affairs and Reconciliation, Somalia
- Ms Rowda Olad, Founder and clinical director of Maandeeq Mental Health without Borders, Somalia
- Mr Osman Moallim, Executive Director of Somali Youth Development Network
- *Moderator: Mr Johan Svensson, Peace & Reconciliation Advisor, Embassy of Sweden in Somalia*

### Background materials

- [Challenging the Conventional: Can Truth Commissions Effectively Contribute to Peace Processes?](https://www.ictj.org/sites/default/files/ICTJ_TruthCommPeace_English_2016.pdf), The International Center for Transitional Justice and The Kofi Annan Foundation, (2013);  
[https://www.ictj.org/sites/default/files/ICTJ\\_TruthCommPeace\\_English\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_TruthCommPeace_English_2016.pdf)

*Challenging the Conventional: Can Post-Violence Reconciliation Succeed?*, The Kofi Annan Foundation and Interpeace (2018):