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# SOMALIA: A SITUATIONAL ANALYSIS OF WOMEN'S PARTICIPATION IN PEACE PROCESSES

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# TABLE OF CONTENTS

Summary	3
Background to the Conflict	4
Women's Participation in the Peace Process	4
Women's Political Participation Before, During and After Conflict	6
Women's Economic Participation Before, During and After Conflict	8
Women's Civil Society Participation Before, During and After Conflict	8
Key References	8

## SUMMARY

Somalia has a history of extreme violence, poverty, and a complex political and military past, that involves protracted conflict, insecurity, famine and multiple humanitarian crises. There have been many attempts at consolidating peace through peace processes and subsequent failed peace agreements. Women's exclusion from peace efforts post-2000 led to Somali women coming together across the five major Somali clans to present a unified front. This self-proclaimed women's coalition called itself the 'sixth clan' to lobby for inclusion and overcome divisive clan politics. However, throughout the peace process, Somali and international elites continued to renege on promises to advance gender provisions and increase women's representation.

## STRENGTH OF GENDER PROVISIONS

### Transitional Federal Charter of the Somali Republic 2004

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights		✓				
Development			✓			
Post-Conflict Issues			✓			
Violence Against Women	✓					
Participation				✓		
General		✓				

### The Garowe Principles on the Finalization and Adoption of the Constitution and the End of Transition (Garowe I) 2011

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation				✓		
General	✓					

### Provisional Constitution of The Federal Republic of Somalia 2012

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights			✓			
Development			✓			
Post-Conflict Issues	✓					
Violence Against Women			✓			
Participation				✓		
General		✓				

## WOMEN'S PARTICIPATION: KEY CONSTRAINTS AND ENABLERS

### CONSTRAINTS

1. Patriarchal and patrilineal configuration of clan-based structures
2. Obstacles to women's participation in government and exclusion in customary decision-making
3. Discriminatory gender norms and practices (e.g. FGM/C, SGBV)

### ENABLERS

1. Women's trans-clan alliance
2. Women's participation in grassroots peace processes and peacebuilding
3. Women's ability to move between clans and overcome clan divisions (e.g. cross-clan economic opportunities, such as milk collection collectives)



## BACKGROUND TO THE CONFLICT

Somalia has been mired in authoritarian rule, recurring conflict, insecurity, famine and humanitarian crises since the reunification of the colonial British and Italian ‘Somalias’ in 1960. It has a history of extreme violence and poverty, and an extremely complex political and military past (See El-Bushra and Gardener 2004). In 1969, General Mohamed Siad Barre led a military coup overthrowing a democratically elected but corrupt post-independence civilian government and installed authoritarian rule and ‘scientific socialism’.

The 1978-1991 civil war during Siad Barre’s regime was characterised by mass violence, including massacres and indiscriminate killing, mass internal and external displacement, and widespread perpetration of sexual and gender-based violence (SGBV). The instability led to dire poverty for many Somalis and a huge flux of refugees into neighbouring Kenya and Uganda, as well as Yemen. Siad Barre’s downfall in 1991 and the collapse of the Somali state was accompanied with the rapid emergence of clan-based conflicts between warlords competing for scarce resources, particularly land and water, leading to tens of thousands of people dying from starvation and hunger-related diseases as well as violence. In 1991, the Republic of Somaliland in the former British-colonial northern area of the country, self-seceded and set up its own independent government to distance itself from factional fighting in southern Somalia. In 1998, the state of Puntland in Somalia’s north-east was also self-proclaimed and installed a semi-autonomous government and institutions. Both regions have experienced relative stability and functioning governments, unlike the capital Mogadishu and southern regions of which this situational analysis focuses upon.

International and regional efforts towards reconciliation and peace have been occurring since 1991 with many failed attempts to resolve the protracted conflict. Breakthrough came with the 2000 Somalia National Peace Conference (Arta Process) in Djibouti that produced a power sharing arrangement leading to the formation of the Transitional National Government (TNG) and Transitional Charter. The Arta Process had a degree of legitimacy due to consultations with Somalis beyond the ‘usual’ (male) clan-based elite, yet failed to

When women pressed to participate in the 2000 Arta process, they were told that only the leaders of the five clans could be present

secure peace. However, it initiated the ‘4.5 formula’ that fixed proportional representation of the four major clans and the .5 allotted to women and minorities. Due to a number of reasons including regional geopolitics and the advent of the War on Terror that perceived Somalia as a haven for Al Qaeda, diplomatic efforts led by Ethiopia continued until the Transitional Federal Government (TFG) was established in 2004. Again, this transitional authority was plagued with illegitimacy and instability due to international involvement, clan-based fighting and the emergence and ascendance of the Islamic Courts Union (ICU) and its radical militant wing—al Shabaab al Mujahidiin (‘the Mujahideen Youth Movement’)—which asserted its authority over much of southern and central Somalia. In early 2007, a small African Union force (AMISOM) was deployed. Fighting in this period caused the deaths of thousands and displacement of over 700,000 people, and by 2008 Somalia was once again experiencing a dire political and humanitarian crisis (Menkhaus et al. 2009: 17).

In 2012, the TFG mandate expired and Somalia embarked on a UN-imposed ‘roadmap’ which included a constitution-making process. Hassan Sheikh Mohamud was elected and Somalia’s National Constituent Assembly approved a provisional Constitution. The constitution-making process continued, but once again failed to meet its commitments and promises, specifically the promulgation of a new Somali constitution by 2015 and universal suffrage in the next elections (Schmidt 2017). Therefore, the 2017 elections, though relatively peacefully, resulted in 135 elders selecting 14,025 delegates who in turn elected 275 MPs and 54 senators to sit in the lower and upper houses. MPs and senators went on to elect Mohamed Abdullahi “Farmajo” Mohamed as the new President. These elections were still premised on the ‘4.5’ clan-based formula and were indirect with little involvement of women. Though these were the major peace initiatives that occurred in Somalia, grassroots and local level peacebuilding and have also peace processes occurred, such as those in post-independence violence negotiations in Somaliland between 1991 and 1994.

## WOMEN’S PARTICIPATION IN THE PEACE PROCESS

Many women participated in the struggle against Siad Barre’s dictatorship and used this participation later to become leaders within the women’s movement. However, the collapse of Siad Barre’s government led to the removal of many women’s rights gains that occurred under Barre, like the 1975 Family Law. Although women engage in peacebuilding, the patriarchal configurations of clan-based structures results in women being excluded, as male elders are traditional mediators and negotiators of peace (Jama

2010). Where women do participate, it is largely within an observation or lobbying role, with little influence on the substance of agreements. The internationalisation of the Arta Process, and two years later the Mbagathi conference in Kenya, led to women making inroads with their participation and representation as international support provided them with entry points in the externally-sponsored peace process (Jama 2010). When women pressed to participate in the 2000 Arta process, they were told that only the leaders of the five clans could be present. This would result in power being distributed along clan lines, brokered by male elders, and would essentially exclude women (Tripp 2015: 166). Therefore, 92 of the 100 female delegates present formed a joint coalition to transcend clan lines and vote as a single bloc (Paffenholz et al. 2016: 19). This self-proclaimed women's coalition called itself the 'sixth clan' to be represented. The sixth clan lobbied for inclusion resulting in their involvement on this clan basis.

Through lobbying and advocating for a 25 per cent quota in the transitional government, women were able to gain 11 per cent of the 225 seats in the TNG that ultimately translated in constitutional gains (Tripp 2016: 95). Again at Mbagathi two years later, women advocated for inclusion with some 100 women from diverse backgrounds attempting to participate in the conference. With the conference management de facto in the hands of the faction leaders and their regional supporters, women were categorised together with civil society more broadly. Only 55 women were given places: 21 as officially registered observers and 34 as official voting delegates out of 1,500 male delegates. Within this group of women, 26 took part as members of faction groups or the TNG. A woman sat on each of the Reconciliation Committees established as part of the process, and two women participated in the powerful Leaders Committee, consisting of 22 faction leaders and five members of civil society (Jama 2010: 64-65).

Women's organisations and activists' demands and debates coalesced around women's representation in peace talks, transitional governments and in the constitution-making process, specifically advocating for gender quotas (Tripp 2016: 94). Representation has been the galvanising focal point throughout the Somali peace process and women made semi-successful gains. During the TNG, each of the four major clans were represented by one of five women, with five remaining women representing minor clans. These female representatives formed the 'rainbow coalition' within the TNG (different to the sixth clan) to advocate for women's interests across clan lines. During the Kenyan-led Somali Reconciliation Conferences in 2003 and 2004, women activists with international support won the right for women to become presidents and justices, a provision that eventually made it into the 2012 Constitution (Tripp 2016: 96). In 2011, a 30 per cent quota in the Constituent Assembly and women's inclusion in the Interim Independent Electoral Commission was agreed

**At the ratification of the draft constitution in July 2012, women walked out of the meeting and hundreds of women demonstrated in the streets of Mogadishu.**

upon in the Garowe Principles, a set of agreements outlining political transition to a permanent government between the Transitional Federal Government of Somalia and other key political players. However, this quota failed to make it into the final Constitution. The Constitution was drafted by a nine-member Committee of Experts who assisted the Independent Federal Constitution Commission who conducted a series of consultations with Somali public and diaspora communities. Interestingly, these consultations were supportive of women's participation in governance, though there was tension over different interpretations of how much Islam allows for women's leadership (Tripp 2016: 98).

Despite a first constitutional draft being issued in 2010 that welcomed feedback from Somali citizens, the UN and six Somali politicians rejected the draft and secretly created a new constitution. They changed or deleted seventy articles relating to key issues of governance, signing it into law in June 2012 by UN Secretary General Ambassador Augustine Mahiga and six Somali politicians. The hijacking of the constitution essentially excluded public feedback and therefore women, and created an extremely elitist result that did not take into consideration what people of Somalia wanted, iterated through these consultations with the Somali public and diaspora.

Many of the provisions that were removed related to women's rights and the Constitution did not specify a quota for women's representation, leaving the number open to interpretation. This reflects the pattern throughout the peace process of reneging on women's promised representation. This became a point of contention where women activists felt that a large number of women had been engaged in grassroots peace processes and peacebuilding but they were ignored at the national level (Tripp 2016: 98). At the ratification of the draft constitution in July 2012, women walked out of the meeting and hundreds of women demonstrated in the streets of Mogadishu (Tripp 2016: 98). Women held a conference in July 2012 to collaborate and strategise how to advance their demands. Consequently, women gained 38 (13.8 per cent) of the 275 parliamentary seats (Tripp 2016: 99).

The ability of women to move between clans due to the patrilineal lineage, as daughters, wives, mothers and sisters, helped them assert their participation as a separate clan in the process. They were not beholden to clan politics and their objective was for the country

A key barrier is the role of clan-based power in the electoral process that traditionally opposes women's political participation and inclusion in decision-making. This is characterised by the harassment and intimidation female candidates endure from their male counterparts.

rather than clan interests. However, as El-Bushra and Gardener (2004; 17) state, it was this very transcendence of clan politics that prevented male leaders from fully accepting them into the political arena as not being loyal to clan agendas or interests. The inability to represent clans excluded them from the very divisive clan politics that fuels the violence in the first place.

The 2012 Provisional Constitution of Somalia uses gendered pronouns (i.e. he, she, his, her), though often assumes and refers to positions of authority as male (i.e. "his duties" (Article 94)). The Constitution guarantees equal rights regardless of "sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect" (Article 11.1) and non-discrimination based on, inter alia, gender (Article 11.3). Few African constitutions reference women and labour laws, thus as Tripp (2016: 1010) notes, the stipulation that "every labour law and practice shall comply with gender equality in the work place" is considerably progressive in the Somali case (Article 24.5). Moreover, it specifies the right to women's protection from sexual abuse, segregation and discrimination in the work place (Article 24.5). Due to past discrimination, the Constitution ensures that women, the elderly, disabled and minorities receive the necessary support to realise their socio-economic rights that are specified as follows: clean water, healthcare, and social security (Article 27). General rights to, among others, life, ownership of property, free primary education, access to information, and freedom of movement are also specified, but are not gendered and make no mention of women, gender, sex, etc.

The Somali Constitution is the only constitution in Africa to specifically protect women's rights in relation to their participation in the national armed forces (Article 127.2) (Tripp 2016: 101). Women can run for the Presidency (Article 88) and women must be effectively included in all national institutions, specifically elected and appointed positions across the three branches of government as well as in national independent commissions (Article 35). It sets a quota for the Parliamentary Service Commission to include three women out of six members elected from the Upper House and House of the People (lower house) (Article 111D.2 (c, d)). Marriage is only legal with consent from both the

man and woman, and illegal if 'either party has not reached the age of maturity' (Article 28.5) though age of maturity is not specified. However Article 29(8) defines a child as anybody below the age of 18 years. The Constitution also prohibits female genital circumcision (FGC), likening it to torture (Article 15.4). Abortion is banned in Somalia unless in cases of necessity such as where the mother's life is in danger (Article 15.5) and mother and child care is a legal duty of the state (Article 28.2). It specifies the right to personal security and prohibits any form of violence against women (Article 15.2). Shari'a law has precedence over the Constitution and statutory law, where no law can contravene the objectives and general principles of Shari'a (Article 2), where interpretations may not favour women's rights.

## WOMEN'S POLITICAL PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Women in Somalia face significant obstacles to their political participation including institutional and financial constraints that prevent women from running for offices as well as challenges to technical capacity. A key barrier to women's representation is the role of clan-based power in electoral processes that traditionally opposed women's political participation and inclusion in decision-making. This is characterised by the harassment and intimidation female candidates endure from their male counterparts. Women are not only discouraged but sometimes prohibited from running for office. Once elected, women find it difficult to substantively participate in political and legislative processes. The 2017 Somali elections saw the introduction of a 30 per cent quota, however this was not constitutionally mandated. Elders were urged to fulfil this goal (though seen by many as a foreign-led intervention), resulting in 67 women being elected out of 275 (24.36 per cent) members. These elections also marked a change in attitude with some religious leaders supporting women's political participation and even defending the quota as compatible with Islam (Carver 2017). For the first time, a woman, Fadumo Dayib, ran for President. However, due to the indirect electoral model, many women appointed are selected to represent clan interests and priorities, and are beholden to this (Burke 2017). Moreover, the

4.5 clan quota system is not conducive to enabling the gender quotas, where clans prioritise male candidates, not wanting to give their share of representation to women (Horst 2017: 396).

Women's exclusion from customary decision-making leaves little room to assert themselves as political candidates in a process that is rife with corruption (Carver 2017). Female candidates face threats of violence and despite the increased numbers of women in politics, women's political representation, participation and influence is limited, dictated by the combination of complex clan systems and, Islamic and patriarchal attitudes. Female representatives and gender issues are not taken seriously, with women excluded and discriminated against in the political sphere (Horst 2017: 397).

Somalia's clan system determines women's social, political and economic participation. All people of Somali ethnicity, which constitutes nearly all the population in Somalia, belong to one of six clans through patrilineal lineage. It is a complex web of clans, sub-clans, *diya*-paying groups and family units. There is an intricate system of blood compensation (*diya*) that is premised on notions of honour, where wronging an individual is considered to wrong the whole group. Women are not members of the *diya*-paying group and therefore do not pay or receive compensation. 'Elder' can be applied to all adult males at every level of the clan system, from the nuclear family to the meta-clan, and all elders, therefore all men, have the right to speak at open councils (*shir*). *Shir* can be called at every segmentation of the clan system and are generally micro and macro political structures that determine dispute resolution, relations, conflict and peace (Gardner and Wasame 2004: 155). Women are excluded from *shir* and wider decision-making from social lifestyle to matters of lineage issues, and conflict resolution (Mohammed 2015: 462). Exogamous marriage is encouraged, where young people are encouraged to foster new relations with new lineages. Marriage is also used to resolve conflict between groups where a woman or a group of women are given away as peace offerings, though these women are often married to the warriors of the receiving clan as a sign of respect (Ahmed 2004: 52-54).

Women have dual clan identity from birth and marital relatives and this duality is a major barrier to women's full participation in a patriarchal clan-based system (Gardner and Wasame 2004: 153). The lines between maternal, paternal and marital clans can be blurred, bringing into question women's clan loyalties especially within the context of clan-fuelled violence. This heightens women's vulnerability and insecurity. However, the ability to move between clans affords women greater mobility to encourage dialogue and peace, and overcome clan divisions. Despite this, the patriarchal nature of the clan system has ramifications for women's rights, empowerment and participation.

Somalia has the highest incidence of FGC, with around 98 per cent of women and girls having undergone the practice (generally without consent), with 25 per cent having been cut with genitalia flesh removed and 63 per cent having their genitalia sewn closed. Only 33 per cent of women and girls think the practice should end (UNICEF 2013). FGC is so widely practiced as most communities believe that undergoing the custom is integral to achievement of maturity and motherhood, increases dowry wealth, and protects girls' chastity bringing honour to family, clan and society. Similarly to Kenya, wife inheritance is also customary whereby widows are married off to her deceased husband's male relatives, and a man can marry his deceased wife's sister (Mohammed 2015: 466). Women's rights under customary law are severely limited as their main power-base is their network, family relatives and sub-clan. Under Siad Barre's regime, women's public roles widened with the controversial Family Law passing in 1975, which made discrimination against women illegal and guaranteed women's rights in marriage, divorce and inheritance (Horst 2017: 393). However, the re-emergence of *xeer* (customary/traditional law) and the re-Islamisation of society based upon Shari'a law has circumscribed women's rights.

The maternal mortality rates are some of the highest in the world: one out of 12 women die due to pregnancy-related causes (732 deaths per 100,000 live births – down from 1210 in 1990). Access to maternal health services is low with only 44 and 38 per cent of births in Somaliland and Puntland respectively being attended by a skilled birth attendant (UNICEF 2017). Education remains out of reach for many women and girls and sexual and reproductive health is essentially non-existent. This is amplified for the 1.5 million internally displaced people (IDPs) and 900,000 refugees, displaced by insecurity, poor governance, famine, poor infrastructure, lack of basic services such as health and education, limited livelihood opportunities, and low levels of investment in early recovery and development (UNHCR 2017: 6). It is estimated that 70-80 per cent of IDPs are women, generally widows and/or female heads of households. Sexual and gender-based violence is endemic for Somalis, and especially IDPs and returnees (300,000 Somali refugees returned from Kenya) (UNSC 2017: 54). However fear of stigma and reprisals results in many cases being under reported where survivors are frequently forced to marry their rapists as a form of 'restitution' and pay police officers just to open a case (UNSC 2015: 55-56). Furthermore, conflict-related sexual violence by state and non-state armed actors is prevalent, characterised by gang rapes, forced marriage with Al-Shababb militants, and sexual violence perpetrated against detainees in Mogadishu (UNSC 2015). These factors greatly constrain women's participation in politics and gender equality activities.

## WOMEN'S ECONOMIC PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Somalia's population is predominantly rural, with over 50 per cent being traditionally linked to the nomadic pastoral food economy, of which half are with sedentary agro-pastoral/riverine livelihoods (UNDP 2012: 8). Somalia is primarily an informal economy based around livestock, which accounts for 40 per cent of GDP and more than 50 per cent of export earnings. Livestock is integral to perceptions of family wealth. Women are vital within the pastoral economy, playing key roles in animal husbandry in addition to household chores, childcare and food preparation. Ownership of livestock is traditionally held by men; however, women manage the sale and exchange of livestock products (e.g. milk, ghee) and spend these earnings on household needs. Through the use of Information Communication Technologies (ICT), women have established cross-clan economic opportunities, such as milk collection collectives, which has the added benefit of encouraging a more peaceful coexistence (Firestone 2015). Women's participation in wage employment in the non-agricultural sector is the highest in Puntland at 40 per cent, followed by Somaliland at 36 per cent, and 33 per cent in south central Somalia.

Women are mostly excluded from decision-making and asset ownership, especially property and land. Due to cultural restrictions on movement and ownership, women generally suffer first when natural resource access and attainment is under pressure, for example in times of drought when men migrate with camels to find water, and women and children are required to take care of other livestock at home.

Somalia has one of the highest youth unemployment rates in the world, at 67 per cent. Remittances make up a large proportion of the economy estimated at \$1.3 billion in 2015. Remittances not only help the economy but also are a lifeline to many segments of the population, cushioning household economies, creating a buffer against shocks and helping to reduce poverty. Poverty is acute in Somalia, with half of the population living below the poverty line (51.6 per cent) where one in three people receiving remittances is poor (35.4 per cent) (World Bank 2016). Families may adopt splitting strategies, migrating separately in search for economic opportunities.

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## WOMEN'S CIVIL SOCIETY PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Excluded from the all-male arena of clan-based politics, women have directed their collective political acumen and agency into the civil society space that opened up after state collapse. Within the somewhat inchoate definitions and boundaries of civil society, Somali women have operated as key players and shown keen leadership. Indeed some women would argue that Somali civil society organisations' engagement in peace work did not start until women took a dedicated leadership role.

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