The Somalia Phenomenon: Peacemaking Theory, Asymmetric Policy, Restorative Justice, and Paradigm Paralysis when Combating Lawlessness in a Fragmented Nation

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Abstract

A state of chaos and conflict has traditionally plagued the nation of Somalia. Most methods of conflict resolution have had little positive impact on the nation's sense of stability. Because of this, asymmetrical policy formulation is suggested as a potential approach. Asymmetrical policies entail those that are unconventional or irregular from commonly accepted methods of conflict resolution. As a means of overcoming paradigm paralysis, the use of Fuller's peacemaking pyramid paradigm, derived from peacemaking criminological literature, is presented as a viable option. While peacemaking theory is presented as a general paradigm of approach, the use of restorative justice processes are presented as specific techniques by which this paradigm should be implemented. The infusion of both peacemaking theory and restorative justice techniques are, therefore, presented as an effective means of developing asymmetrical conflict resolution policy and putting that policy into action within the nation of Somalia.

Keywords

Somalia, Peacemaking Theory, Restorative Justice, Rule of Law

Introduction

In order to enhance the discussion, it is important to clarify the use of four key terms that will be presented. The first term to be defined is *peacemaking theory*, which is a criminological theory that contends that aberrant behavior occurs in regions where suffering is prevalent and, this therefore means that aberrant behavior can be reduced in these regions if one were to first reduce the amount of human suffering that occurs in that area. The second term is *asymmetric*, which simply means that an object or concept is not symmetrical, is disproportionate, unconventional, or irregular in nature. The third term is *restorative justice*, which refers to a set of techniques that are used after a wrong or a conflict has ensued. These techniques bring together the offending party, the victimized party, and the surrounding community with the goal being to restore parties in conflict to the state that they were in prior to the conflict. Lastly, the fourth term is *paradigm* which, for our purposes, refers to an example that serves as a model or pattern. Each of these four terms will be important and be repeatedly raised in the discussion below.

One common contention is that an asymmetric approach is necessary to solving issues of internal strife, conflict, and corruption that are inherent to Somalia. This will require a paradigm shift, which will involve two key components: peacemaking theory and restorative justice techniques. It should be pointed out that these two components each seek to achieve the same objective but do so from different vantage points (Hanser, 2009). Where peacemaking theory attempts to make communities stable and compassionate, thereby reducing the likelihood of additional violence, restorative justice techniques, on the other hand, are used after a crime has been committed, as an attempt to repair the harm (or at least some of the harm) that has been caused by a conflict or victimization.

It is with this basic overview of the proposed hybrid model of conflict resolution and peacekeeping that will provide a glimpse into the nature of the issues for what can be referred to as the *Somalia phenomenon* and, correspondingly, a solution to this problem via the introduction of a paradigm shift in favor of a hybrid model that entails peacemaking theory and restorative justice techniques will be recommended. The combination of these two approaches as a coherent and bona fide scheme for conflict resolution was first presented by Hanser (2009) in an article entitled *Conflicts and Geographical Flashpoints Around the World: The Effective Application of Restorative Justice and Peacemaking Criminological Perspectives*. This model will now be presented as a viable asymmetric option for peacekeeping efforts in Somalia. This hybrid model is considered asymmetric in orientation, being quite different from prior means of conflict resolution used in Somalia.

In terms of asymmetry, the phrase "asymmetric policy formulation" refers to unconventional or irregular foreign policy creation in lieu of established or accepted methods; this is precisely what the proposed hybrid model entails. The current methods of conflict resolution and/or peacekeeping are comfortable, easy, and "symmetrical," as they fit into the mold of how the United States and other western nations tend to conduct conflict resolution efforts. However, Somalia poses a unique dilemma when cast against currently accepted methods of creating conflict resolution policy and, it can be concluded that this policy has not worked.

United States foreign policy in Somalia has suffered from paradigm paralysis, which refers to the inability or refusal to overcome conventional modes of thinking. This can be likened to actors who are trapped in a "policy box" that has an escape door that no one is willing to use. Albert Einstein was quoted as saying "insanity is doing the same thing over and over again and expecting a different result." If this is true, then the current and past policy used by the United States toward Somalia has indeed been "insane." The hybrid model that is offered below is presented as being unique because it is, in actuality, a more rational option of response to Somalia than prior means of intervention. It should further be noted that the approach used to

solve the Somalia problem is integral to the method by which it is solved. That is, the approach, being a specific mindset, and the method being the means chosen to solve the problem. With that, either a scholarly or practitioner approach can be taken. Our hybrid model combines both, with the scholarly component consisting of peacemaking theory and the practitioner approach consisting of restorative justice techniques that have been used among numerous active practitioners in a number of nations and for a variety of issues.

Conflict Resolution in Somalia: Which Approach?

Conflicts occur every day around the world; some are more violent than others. Bercovitch, Clements, and Druckman (2005) put it in perspective asserting that conflict is fundamental to all social processes and is woven into the very fabric of all social interaction; in fact, Bercovitch et al (2005) posit that it is potentially the most destructive of all the social processes. Given the nature of conflict as destructive (violent or otherwise), the correct approach is paramount to solving the problem, that is, an incorrect approach not only leads to the problem remaining unsolved, but can potentially make the problem worse. Bercovitch et al (2005) draw broad distinctions between the scholarly and practitioner approaches. According to Bercovitch et al (2005), practitioners draw on personal experience and lessons learned when approaching conflict resolution. Attempts to meet the needs of a particular conflict are tailored from those experiences to the conflict. Practitioners give very little thought (if any) to theories and models regarding a particular conflict. Conversely, Bercovitch et al (2005) postulate that scholars tend to be overly academic, creating esoteric theories and models wherein they further complicate and convolute the issues, never arriving at a true solution, and end only with theories on how to develop them. Bercovitch et al (2005) place the two schools of approach squarely at odds with each other. It is for this reason that we propose our hybrid model that combines both an academic theoretical approach (peacemaking theory) and a tried-and-true application-based approach (restorative justice techniques) as a solution that bridges the gap between these two approaches.

In support of the proposed hybrid approach, consider that Bercovitch et al (2005) state that whatever approach is taken, it is difficult to imagine how those that create policy can do so without grounding those policy decisions in applicable theory. According to Bercovitch et al (2005), a broad set of ideas that imply particular relationships and levels of connectedness between social problems must be leaned upon for guidance in policy formulation. And it appears that the United States is not alone; apparently the European Union (EU hereafter) suffers from similar conceptual conflict resolution problems with respect to policy formulation. According to Youngs (2004), the EU suffers from the same routine institutional

disconnects that impede coherence during policy-making in the US. Youngs (2004) asserts that the EU has struggled to develop political constructs to meet the needs of the multifarious conflicts of today as well.

With that, it could be argued that a third approach be taken, a combined approach, an approach that combines the straightforwardness of the practitioner with scholarly theory-based forethought. A combined approach could assist in developing a solid strategy that, while not necessarily "symmetrical," will work nonetheless. In the end, for whatever approach taken, the strategy must conform to the needs of the problem, and not the comfort zone of the policy maker. Haytay (2001) agrees, citing that not even the characteristic of the conflict is as important to the outcome as the intervention strategy. In order to develop a strategy, it is important to understand the nature of the problem, and that entails extensive empirical research at a minimum. Yoh (2003) agrees noting a keen understanding of the origins and causes of a given conflict as a prerequisite for success.

Glimpse into the Past

There are many view points on Somalia's situation. Koko (2008) stated that Somalia has become the epitome par excellence of a collapsed state. In fact, according to Koko (2008), many states are unwilling to intervene due to a fear of being wrangled into a quagmire of religious based warfare (jihad). A lack of governmental structure and strong Islamist ties have given most nations on the continent pause to intervene. Some feel the situation in Somalia has progressed to a state of fourth generation warfare (Jackson, 2007). In simplest terms, fourth generation warfare is any war in which at least one of the major participants is not a state but a violent non state actor. Fourth generation warfare uses classical tactics that are unacceptable by today's standards, to weaken the advantaged opponent's will to win. Reports of amputations, beheadings, rape, and torture all but confirm Jackson's (2007) theory. The situation in Somalia is in fact so bad that in 1997, even Osama bin Laden himself felt the situation was too unstable and hostile to outsiders to support his operations and provide security in an otherwise ungoverned country (Stevenson, 2007).

Despite thoughts of what Somalia is today, Somalia, rich in Islamic history, once served as a protectorate for fleeing persecuted Muslims in the 7th century. In fact, Mogadishu eventually established itself as the Islamic epicenter on the east African coast. For a period of time, Somalia saw itself subject to political systems under various flags including Britain, France, Italy, Egypt, and Ethiopia (Library of Congress Country Studies, n.d.). Strategically placed on the Gulf of Aden and a portal to the Red Sea, Somalia has long been considered an important naval asset as both the British and the French sought to capitalize on this geographic benefit.

Having fallen to colonialism by the European establishment (primarily Britain and Italy) as well as neighboring Ethiopia, Somalia would soon seek to break free and return to its Islamic roots in the form of an organized, religious-based rebellion led by Mahammed Abdille Hasau. Hasau was the mullah of a puritanical Salihiyah tariqa which loosely means religious order or brotherhood (Library of Congress Country Studies, n.d.). His charisma and oratory enabled him to amass an army and eventually (via armed conflict) establish a separate state composed of lands taken from Somali Sultans. This state became known as the Dervish State. In a series of military campaigns, the Dervishes managed to stave off the British and Italian forces until they were defeated by way of British airpower in 1920 (Bradbury, 2008; Elmi, 2010).

Protracted military operations against the Dervish did not motivate the British to establish a true administrative authority in Somalia. Italy, developed an administrative plan that simply consisted of relieving population pressure, the offering of "civilizing Roman missions" to Somalis (Italians largely considered the Somalis uncivilized), and increasing Italian prestige through overseas colonization. This was obviously not a plan designed to benefit the Somali people. From that point, British Somaliland remained a "backwater" compared to the Italian South largely due to the British reducing Somalia to nothing more than a supplier of meat and meat products to Aden. This led to the South establishing an intra-country sense of hegemony, an existence that would have far reaching second and third order effects on the future of Somalia.

Britain revised its policy in Somaliland post WWII and began to invest in both political and economic growth, but the south and north would remain estranged until 1960 following its first elections and independence from British rule. A decade of democratic existence eventually erupted in violence as disgruntled military officers and cooperating police officers effected a coup d'état. The results of which saw General Mahammad Siad Barre as the emerging leader (and eventual president) of what was called "the Supreme Revolutionary Council" (SRC). The SRC's goals prima fascia seemed honest enough: an end to nepotism, tribalism, and corruption in general. According to Bradbury (2008), the SRC honored existing treaties but the rule of the day was reunification. The country was renamed: the Somali Democratic Republic. The SDR quickly instituted a Marxist type governmental ideology with roots in the Koran. The SDR ejected all civilians who would not or could not assume the Muslim faith.

Under Barre, the SDR's hard-line regime began to falter in its efforts to make political reforms (ironically due to nepotism), this, coupled with a terror campaign launched against the citizenry caused a rift along clan lines, thus ending the decade long truce / mutual agreements in place that supported the reunification. In 1991,

clan-based insurgent groups took the capital of Mogadishu and the SRC/SDR collapsed thereby ushering in a new era of warring factions (Bradbury, 2008; Elmi, 2010). Barre fled the country and sought refuge in Nigeria. What followed next was an unfortunate series of events that exacerbated an already bad situation. Warring clans, the worst drought to affect the African continent in one hundred years, coupled with massive famine (conservative estimates place the death toll at 300,000) plunged Somalia into a state of political and economic disparity (Bradbury, 2008; Elmi, 2010).

UN relief efforts began in 1993 with the assistance of the US military. However, Somali warlord Mohamed Farah Aidid consistently ambushed UN relief supplies causing the US to launch a military operation that resulted in the deaths of 19 US service members and countless Somalis. Despite the military success of the operation, television footage of deceased American service members being dragged through the streets of Somalia caused the US to withdraw leaving behind just under 20,000 UN troops to continue relief efforts (Bradbury, 2008).

By the end of the decade several breakaway factions emerged (Bradbury, 2008; Elmi, 2010). Although none of these groups were officially recognized by the international community, stability and uneasy peace emerged. By 2000, parliament convened in Djibouti and elected the first government in over ten years. This political effort was short lived and eventually expired due to an inability to effectively regain control of the country (Bradbury, 2008; Elmi, 2010). Further efforts were undertaken by 2003 and a new president, Abdullah Yusuf Ahmed, was elected as a part of what has become known as the Transitional Federal Government (TFG hereafter). With his strong clannish ties to Puntland (Somali breakaway republic), and the persistent dangerous conditions throughout the remainder of the country, the TFG was forced to operate from a forward location in neighboring Kenya.

In 2006, the country again erupted into the worst violence the nation had seen in over a decade. A neo-Islamic militia, referring to itself as the Somali Islamic Courts Council (SICC), began attacking established warlords vying for control of the country (Bradbury, 2008; Elmi, 2010). The SICC efforts eventually saw them take control of Mogadishu. Simultaneously, Ethiopia (considering the SICC a security threat) began to mass troops on its border with Somalia. Despite an uneasy history (Ethiopia and Somalia are historic enemies), a fragile partnership allowed TFG troops and Ethiopian forces to push SICC militants out of Somalia (Bradbury, 2008; Elmi, 2010).

In an effort to assist the TFG and secure its own borders, Ethiopia announced it would remain in Somalia in a security posture until the TFG could gain a political foothold. Ethiopia's presence saw order returned to a nation that had seen nothing

but complete anarchy for the previous 15 years. After a brief period to regroup, the militant wing of the SICC (Al-Shabaab) began launching insurgent attacks against Ethiopian troops in Somalia. With increasing pressure from the Ethiopian government for Somalia to establish a stable governing body, the TFG tried desperately to negotiate peace with the SICC and Al-Shabaab. In 2007, Al-Shabaab officially aligned itself with Al Qaeda (Elmi, 2010). This allegiance was followed by suicide bombing attacks, and the implementation of Sharia Law, the strictest form of law as interpreted from the Koran by Al-Shabaab. These actions garnered support from many of the southern warlords further decreasing the security of Ethiopian troops in Somalia. Eventually, Ethiopia began to withdraw its troops and leave Somalia and the TFG to fend for itself. With the Ethiopians went the TFG's security (Elmi, 2010; Stevenson, 2007), and as a result, there began a sharp increase in insurgent activity. It seemed our reliance on Ethiopia to secure Somalia for the long term, was not a solid basis for US policy (Stevenson, 2007).

This is further evidenced by the fact that the region now is divided into three self-proclaimed nations; Somalia, Puntland, and Somaliland. Though Puntland and Somaliland are not officially recognized by the United Nations, Somaliland is considered more stable than Somalia. Lastly, the African Union (AU), which is a conglomerate membership of all the nations in Africa sans Morocco, does not recognize these splinter-nations that have separated from Somalia. However, we propose that, given the poor track record maintained by the United States and the European Union, the African Union should be encouraged to take the role as governance moderator for any further peacekeeping efforts in Somalia. In other words, it is our own contention that the Africa Union is perhaps better suited due to cultural, logistic, and historical reasons, to oversee future efforts to establish peace and stability in Somalia. This is not to say that the United States and the European Union should be excluded from this process, but instead they could consider placing the African Union in a leadership role among the three governing bodies. This would form a sort of triumvirate among these bodies, with the AU being the lead partner in the process. Incidentally, this would also have the benefit of reducing the material resources that the United States and European Union would need to devote to this project by placing some of this expense with the governance body that is, by its own mandate, charged with representing the nation of Somalia.

Current US Policy: Where to Go From Here?

With such a complicated quagmire of historical events, it may seem unclear as to how the United States or the western world should proceed when dealing with Somalia. Is there any value, from the perspective of United States' interests, about Somalia that necessitates further involvement beyond an occasional unilateral strike against known terrorists? The second and third order affects of doing nothing can be

devastating. According to Stevenson (2007), Somalia poses a threat, (albeit moderate) to the interests of the United States. Stevenson (2007) feels this threat lies in Somalia's potential as an inspiration for transnational jihadist terrorism and future site of regional warfare. Stevenson (2007) feels the time is right for successful application of soft power (diplomacy), according to Stevenson (2007), successful applications of soft power are more likely to have a positive effect on Muslim perceptions of the United States, than exercises of hard power (arms). In the end, Stevenson (2007) feels that a renewed, committed diplomatic approach would send a signal to the Islamic community that would assist in leveraging reconciliation and promote negotiation.

Comparatively, the conflict resolution policies to date applied in Somalia differ greatly from those utilized in other nations. Granted, most other nations fit the "conflict resolution mold," that is, they have a stable central government to negotiate with, and have differences that can be overcome through diplomatic means with minimal participants. This was the case in Southwest Asia during the regional Kashmir dispute between India and Pakistan, where the conflict resolution policy has endured. However, it is important to note that both parties were allies of the United States (Shaffer, 2001).

On the other hand, some experts have concluded that the United States has almost irrevocably missed an opportunity at effectively establishing peace and stability in Somalia (Perito, 2008). According to Perito (2008), the United States consistently failed to deal with the breakdown of public order that invariably confronted peace in the internal conflicts in Somalia. But some argue intervention is not about the "quick fix," which is what Perito (2008) is ultimately referring to. Some feel the United States still has an opportunity to save Somalia and inevitably secure ourselves, unilaterally if necessary. But that the methods used will have to be unconventional and take into account the totality of the situation in Somalia, that is, the culture (political), the past, and the current economic situation on the ground, and that means all of these issues will have to be addressed at the clan level, in short, a type of power sharing.

This postulate is not a new one, and not all scholars agree. In 2000, Spears questioned the effectiveness of power sharing stating that while it has been cited as a necessary direction for Somalia, it remains unproven as a means of conflict resolution. Spears (2000) went so far as to provide several reasons why this type of policy would not work. The first challenge according to Spears (2000) is that power sharing interferes with the option of total power offered by competitive elections. While this observation has ostensible merit, that merit only extends to those countries that actually have or have the potential to enjoy the electoral process, of which Somalia is not one.

Spears (2000) asserts that the second obstacle is that parties and movements only prefer to share power as a part of a strategy to augment their own military and political power in order to defeat adversaries rather than make peace with them. In this particular instance, Spears (2000) is off the mark again. The fact remains that Somalia's enemies come from within, that is, the rivalries are at the clan/sub-clan level. Visman (1998) concurs stating that clans were central to the socio-political lives of Somalis well before European colonialism took effect. However, Visman (1998) notes that even Somalis acknowledge how ephemeral agreements between clans can be and therefore make for an even further unstable existence.

Spears' (2000) third challenge to power sharing (specifically in African nations) is an unwillingness or inability to cooperate. Spears (2000) states that power sharing by definition requires frequently demagogic and mutually hostile leaders to collaborate on an ongoing basis. Spears' viewpoint holds water. However, once again, the general laws of social interaction do not apply to Somalia, because of the clan system in place. The clan system currently in use does not require each clan to collaborate with each other, only within themselves, or "intra-clan" if you will. Somali clans follow a general separatist ideology, and therefore only desire to take care of themselves and the land they inhabit. Additionally, power sharing in this instance does not mean each clan would have a piece of the proverbial pie; it instead refers to each clan being dealt with as an individual entity.

This is what Kaplan (2010) had in mind when he postulated that Somalia is crying out for a new approach to conflict resolution policy. This new approach is asymmetrical and could serve as a paradigm for future efforts of this nature. Kaplan (2010) asserts that a new strategy must take into account the country's indigenous social fabric and clannish institutions. Kaplan (2010) feels that future attempts to stabilize Somalia must include a "bottom up" strategy that integrates communal methods of working together into state structure. Kaplan (2010) points to the success of Somaliland as an example. According to Kaplan (2010), Somaliland's success as a self governing body can be traced to its traditional roots in widely accepted Somali norms and values. Kaplan is not alone. Tripodi and Belyeu echoed the same sentiments in 2005, citing that in order to be effective, US foreign policy must support local initiatives (at the clan level) that strengthen Somali society. Kaplan (2010) feels that the international community at large should deal one on one with the clans and subclans. It is with this in mind that moves attention to peacemaking theory, particularly as presented by Fuller (1998). As will be revealed, one of Fuller's propositions mirror the claims of Kaplan where all parties should be included in the negotiation process, regardless of whether they do, or do not, have a material interest in the outcome of such talks.

A New Paradigm: The Peacemaking and Restorative Justice Hybrid Model

Peacemaking criminological theory holds, as its primary tenet, that crime and, by extension, conflict is suffering and… the ending of such conflict is only possible with the ending of suffering (Quinney, 1991, p. 11). It should be made clear that in this context, the state of suffering can considered one that is as much psychological, sociological, and spiritual in nature as much as it might entail literal physical suffering. In other words, when groups of people live in chaos, instability, and areas that are war-torn and riddled with poverty, they are presumed to be in a state of suffering. With this in mind, the social circumstances encountered in Somalia, what with widespread malnutrition, unsanitary living conditions, warring factions, ocean going pirating, and pestilence prevailing throughout the region, it is clear that Somalia's people are in a state of suffering. Thus, Somalia meets the underlying qualifying factors proposed by Quinney (1991) when determining whether peacemaking theory might meet the goodness-of-fit test.

Going further, peacemaking theory challenges the global community to end suffering of any type with a message that conflict will be substantially reduced if suffering can be ended. Quinney further notes that if social and global suffering is to be alleviated, one must first deal with the personal sufferings related to personal existence. Thus, peacemaking theory is a process that would be implemented before a conflict has occurred. It is, in essence, a proactive and preventative approach rather than one that occurs in reaction to the point of conflict. This is a different vantage point from restorative justice, which will be presented momentarily. Further, peacemaking theory seeks to eliminate the suffering that can generate conflict, violence, and/or criminal activity. It is rooted in alleviating the circumstances that breed aberrant and/or violent behavior.

Restorative justice, on the other hand, responds to conflict by addressing losses or injustices suffered by victims, holding the offending party accountable for the damage they have inflicted, and bringing peace to communities. Thus, restorative justice is a process that is implemented after a conflict ensues, not before. In addition, restorative justice principles are primarily rooted in the realm of victim rights rather than a crime prevention perspective. Although restorative principles can indeed aid in offender reintegration, their priority first and foremost lies with the victimized party. Given the rampant state of victimization that has been experienced among many people in Somalia, particularly due to the extensive fourth generation warfare that has butchered thousands of people in the region, restorative justice processes that focus on victims could prove to be appropriate.

While it is clear that peacemaking theory and restorative justice may have relevant applications to ameliorating the various issues inherent to the Somalia problem, understanding the distinctions between these two concepts, both being part-and-parcel to our proposed hybrid model, is important as the process of developing a paradigm for resolving conflict in Somalia is discussed. Nevertheless, it should be noted that while these two perspectives have some differences, they share several similarities. Each approach seeks to bring a sense of balance to the social landscape. Each approach is also grounded in methods of achieving agreement between differing parties. In addition, both peacemaking theory and restorative justice have strong spiritual and/or religious foundations. This last point makes these approaches well suited for various forms of conflict resolution in a variety of hotspots around the world, including the nation of Somalia. It is the ability of these two approaches to integrate spiritual dimensions that separates them from more legalistic approaches that are customarily used as default approaches in many alternative dispute resolution processes. While this is not to say that alternative dispute resolution approaches are not practical in religious or spiritual conflicts in the multinational setting, this point is meant to show a more broad approach, such as that associated with peacemaking theory, can subsume alternative dispute resolution techniques while, at the same time, integrating these techniques with restorative justice techniques, to create a hybrid system whose overarching goal is one of addressing the immediate conflict, providing an emotional and psychological salve for the aggrieved party, and establishing the groundwork for a preventative mentality through an emphasis on peace and co-existence.

Thus, peacemaking theory and restorative justice, as an integrated paradigm, are presented as making exclusive yet complimentary contributions to achieving agreement between conflicting parties. Each of these paradigms is ideally suited to integrating spiritual belief systems, such as with the Islamic faith that is represented in Somalia. When using this approach to resolve conflicts in various areas of the world, three important factors must be kept in mind. First, peacemaking theory's proactive approach, when combined with restorative justice's intervention-based approach, provides an ideal approach to developing an outcome that actually mitigates the wrongs committed and provides a means for long-term change in the region. Second, the spiritual elements of each approach means that they are complimentary in philosophical orientation. Third, the integration of spiritual perspectives is broad enough to allow for a variety of religious and cultural orientations, this makes this approach suitable for a variety of flashpoints throughout the world, and makes this particularly well suited for the *Somalia phenomenon*.

Turning Peacemaking Theory into Peacemaking Practice: Fuller's Six-Step Process

While peacemaking theory provides a good paradigm from which to operate, its concepts are broad and can sometimes be vague in approach. Because of this, one should consider Fuller's (1998) six-step process because the propositions of this process provide parameters that allow practitioners to apply specific elements of the theory in a more concrete manner to issues related to peacekeeping. Fuller's six-step process consists of: 1) nonviolence, 2) social justice, 3) inclusion, 4) correct means, 5) ascertainable criteria, and 6) the categorical imperative. While Fuller contends that these six steps are inherent to any peacemaking mission, one can narrow these concepts down to addressing issues of violence and conflict in the international community. While each of these steps is fairly basic in scope, they lay the fundamental groundwork upon which peacemaking initiatives can be built. Indeed, it has been found that there are a number of organizations that utilize these basic principles in efforts to facilitate peace in unstable regions throughout the world (Kesselman, Krieger, & Joseph, 2004; Hanser, 2009). A brief description of each of the six steps outlined by Fuller (1998) will follow.

The first step, *nonviolence*, is an easy-to-understand and uncomplicated requirement. This simply mandates that all parties involved in peace negotiations refrain – at least temporarily – from aggressive actions so that effect negotiations can be held. If it should turn out that one group has no intention of disengaging from violence, then peacemaking will not be an option in this case. In these circumstances, self-defense is the only viable option. Obviously, it is presumed that at least this much concession is made before peacekeeping efforts occur, regardless of the mode or paradigm that is employed.

Second, the pursuit of *social justice* is purported as the next logical step, according to Fuller (1998). Regardless of whether conflicting groups are the Hutus and Tutsis in Rwanda, the Hausa-Fulani Muslims and Yoruba and Igbo Christians of Nigeria, the multiple parties involved in the Second Congo War that ended in 2003, or conflict between the Somali government and the Hizbul Islam and the al-Shabab Muslim groups, issues of inequality must be squarely addressed. In all of these African conflicts, human rights violations have been found to occur in a variety of capacities. Issues of racism, sexism, abuses against women and children, and inequality of all types are part-and-parcel to the social justice platform.

The third step is *inclusion*, and this requires that all parties involved in the conflict be given a voice. All parties who are identified as stakeholders must be privy to the discussion and should also be given a clear medium for providing input. It should be pointed out that this can be a very complicated issue because agreement among various feuding clans to even meet in unison can, in and of itself, be a very

difficult process. This would likely prove true in current day Somalia, but Fuller's desire for inclusion is completely consistent with Kaplan's (2010) contention that a 'bottom-up' approach should be adopted so as to ensure that the various clans are given input into the resolution process.

If there is even a single party who is excluded from the negotiations, peacekeepers open the door for creating martyrs who will use this emotional slight as justification for some type of retribution. This would be particularly true for groups who are prone to use terroristic actions. However, it may well be that there is no choice but to press forward amidst the absence (with such absence being nothing more than a display of passive aggression) of a given clan or party. If this does occur, the intent to gain full inclusion must be made expressly clear and peacekeepers should remain persistent in their efforts. Such an approach reduces the likelihood that their efforts can be socially undermined by negative propaganda generated by resistant groups. This means that peacekeepers will need to have representatives of Somalia, Puntland, and Somaliland, all present, despite the fact that the United Nations and the African Union do not officially recognize Puntland or Somaliland.

The fourth step involves *correct means* of implementing the negotiation process. This step simply means that all parties must follow established protocols and agreed-upon methods of discourse; there should be no manipulation or deceit involved in the process. If parties introduce unforeseen elements into the discussion, this can easily be interpreted as trickery or some type of underhanded ploy and this will likely destroy any rapport that could be established between these parties. Likewise, it is very important for those groups who facilitate these peacekeeping initiatives develop a reputation for being consistent, honest, unbiased, and trustworthy because many interested actors will be observing the process, both within the involved nations as well as other nations around the world. The means by which incidents are handled in the present will impact the likelihood of conflicting parties agreeing to similar negotiations in the future.

The fifth step is *ascertainable criteria*, and this simply means that parties should be informed about the process and the outcome that is realized. This includes citizens of an involved nation who must be given truthful information and, country leaders should ensure that citizens understand why it is a matter of civil integrity to maintain their behavior within the bounds of the agreements that are formed. Further, police and legal agents within participating countries must clearly disseminate relevant knowledge to their citizenry and they must be willing to apprehend those individuals who violate conditions that bind parties. In many cases, countries that are known to harbor terrorists, drug warlords, or organized criminal groups may fail to enforce these binding agreements, relying on some weak sense of plausible deniability as to the existence of these criminal elements. This type of

scenario has existed in Somalia and will need to be addressed before any true long-lasting peace can be realized by the common citizenry. The need to get formal religious leaders (i.e. caliph, imam, and mullahs) to support this process is crucial if long-term results are to be obtained.

The sixth and last step is known as the *categorical imperative*. The categorical imperative is based on the work of Immanuel Kant and holds that people act only in accordance with a given maxim if they are also, simultaneously, willing to place their own welfare under the banner of this maxim. This maxim, in order to be accepted by most people, would have to, at least on the face of it, be capable of being applied as a far-reaching and universal maxim. Therefore, this last step is intended to create a common or universal set of principles or accepted beliefs when implementing peacemaking theory. In fact, this already occurs among many operating organizations of the United Nations and is no different that the agreed-upon maxims established in the Code of Conduct during wartime as set forth by the Geneva Convention, standards of human rights established by the European Instrument for Democracy and Human Rights (EIDHAR), or another other standard of behavior that is applied to the entire international community (Hanser, 2009).

These six steps that have just been outlined are all intended to be implemented prior to effective peace negotiations. In reality and in practice, this sometimes cannot be achieved. However, when various organizations work in nations around the world to carry messages of nonviolence, tolerance, social justice, and fundamental fairness as beliefs that should be accepted by the global community, they are essentially engaged in proactive peacemaking. This is important because it demonstrates that a global culture of universal beliefs is indeed forming. As globalization continues, ethnocentric and self-centered perspectives will be a liability to countries that wish to advance themselves economically and politically and will limit their ability to engage in commerce or other activities that will benefit the ruling classes of those countries and, more importantly, aid their constituent populations.

Restorative Justice and Concepts of Justice among Indigenous African Cultures

Going beyond the specific peacemaking theoretical paradigm established by Fuller (1998), it should be pointed out that restorative justice makes for a good combination with our proposed hybrid model because restorative justice orientations are consistent with indigenous cultures of Africa, as well. Indeed, in many West African nations, original tribal laws and social customs held a restorative justice approach that included community participants and sought to keep harmony within and among various groups (Hanser, 2009). Traditional African thought on

conflict resolution and justice administration is nearly identical to the restorative justice philosophies utilized by the industrialized nations that tend to coordinate peacekeeping efforts in various areas of the world. Elichi (2006) provides a detailed but excellent explanation of this point by stating that:

"Ideally, African indigenous justice systems provide opportunities for dialogue amongst the victim the offender, their families and friends, and the community. Conflict provides opportunities for primary stake-holders to examine and bring about changes to the society's social, institutional and economic structure. [The] African indigenous justice system is also victim-centered, with victims, offenders, their families and the general community involved in defining harm and repair. As an inclusive system, it seeks to address the interests of all parties to the conflict. The social solidarity and humane emphasis of the system is reflected in the treatment of offenders. Offenders are encouraged to understand and accept responsibility for their actions. Accountability may result in some discomfort to the offender, but not so harsh as to degenerate into further antagonism and animosity, thereby further alienating the offender. Strenuous efforts follow chastisement to reintegrate the offender back into the community."

This example obviously refers to issues involving a single actor or small group of actors upon one or several victims. This concept, though geared toward general criminal conflict resolutions, still is applicable to regions where human rights violations occur, particularly when individual actors who have committed such violations are being addressed. Further, this is also relevant because it addresses cultures in Africa, a continent that includes a large number of the world's more prominent geographical flashpoints and, of course, happens to be the continent where Somalia is located.

As a means of demonstrating that restorative justice principles have been implemented at both a macro level (i.e. entire communities) as well as a micro level (individual offender and victim dialogues) form of intervention, consider the case of Rwanda (Hanser, 2009). As is known by many, the 1990's in Rwanda witnessed genocide that entailed one of the most horrific examples of mass human rights violations in world history. In reaction to the atrocities, a variety of national and international trials were arranged but these provide to be inefficient in processing the large number of suspects who awaited trial. As a means of addressing this problem, the nation of Rwanda implemented an innovative form of participative justice that is known as *Gacaca* by indigenous Rwandans (Riddell, 2005). Contemporary *Gacaca* is based on a traditional form of Rwandan restorative justice, with roots that go far back in the history of the Rwandan people. As a result, this form

armed peacekeepers to ensure that the indigenous programs are allowed to take root. This does create some bit of a paradox (i.e. armed soldiers enforcing the pursuit of peace to emphasize peacemaking theory), but it is necessary if macro levels of change are to be institutionalized. Such types of broad and sweeping change will need to be implemented in the splintered and fragmented nation of Somalia if it is to gain any sense of stability and legitimacy within the international community.

Conclusion

It may prove difficult to change the paradigm of operation for the United States and the European Union as both can be ethnocentric in their approach and both are seemingly set in their current modes of intervention. Alternately, the African Union might be a better organizing party to implement the hybrid model that has been presented. If not the African Union alone, then perhaps it might work in tandem with the United States and the European Union; as indicated earlier, it is important to place an African face on any rehabilitative effort in Somalia. Regardless of the organizational body that ultimately implements further peacekeeping initiatives in Somalia, it is clear that something must be done and it is clear that what has been done so far is simply not producing effective results. Perhaps Kaplan (2010, p. 1) said it best when he stated:

"The Somali pirates who prey on international shipping and the terrorists who find havens in the country's anarchy should give pause to anyone who argues that neglect of a failed and fragile state is an acceptable policy for the United States."

Failures in this respect should be looked upon as an opportunity to engage the country in a different and more productive fashion (Kaplan, 2010). With the breakaway of Somaliland and Puntland Province, and their demonstrated ability to both hold peaceful elections as well as execute a peaceful transition of power, Somalia may be ripe for change. To facilitate this potential ripeness for change, we propose that our hybrid paradigm that includes peacemaking theory and restorative justice techniques should be utilized, this being an appropriate and asymmetric model of potential change and possible stability in the region. Indeed, it is hard to see where, if this model were indeed implemented, such an application could actually make matters any worse. In short, it would appear that there is only room for improvement, at this point and, given that our techniques are consistent with African cultural perspectives and also considering that they fill the gap between the role of the practitioner and the scholar, it is reasonable to conclude that this approach may be a viable option to resolving the *Somalia phenomenon*.

What is certain is that if nothing is done, Al Shabaab will continue its encroachment northward, which increases the likelihood of conflict with Puntland Province. Puntland Province lacks the military infrastructure to defend itself against a war hardened Al Shabaab. This would potentially place the current piracy situation in the hands of Muslim extremists, officially radicalizing what is now primarily a criminal element. This scenario is unacceptable for any nation desiring to use the Suez Canal since Puntland Province strategically lays at the mouth of the Gulf of Aden and the Indian Ocean. It is with these economic and military realities in mind that the international community cannot afford to wait indefinitely for a resolution. It is also due to these real-world concerns that the above hybrid paradigm that combines both practitioner and scholarly elements is presented as a pragmatic approach toward achieving long-lasting results to solving what has been referred to as the *Somalia phenomenon*.

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