

The Challenge of Good Governance for Somalia's TFG: The Case of Open State Public Records ©

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"God will never change the condition of a people until they change it themselves (with their own souls)"

The Holy Quran, 13:11

Background

An equitable resolution for the Somali conflict, which savaged this society for almost two decades, can only come through the use of radical national institutions that are able to sustain sharp breaks with past paradigms of governance. Efforts of finding permanent solutions for Somalia's problems are, therefore, guaranteed to be a steep hill, and would repeatedly run into slippery slopes. During the last two and half years, conflict leaders and self-appointed representatives of Somali clans were engaged in a national reconciliation conference sponsored by the international community in Kenya. A transitional charter and the executive and legislative branches of government and a myriad of weak, nonbonding, committees compose the final products of the conference. It is not expected an independent judicial branch would be created anytime soon. The mutable clan-based framework upon which the products were founded is a major concern. Government members represent not *concrete constituents*, but rather *abstract clans*. With a high probability, the new system is guaranteed to be dysfunctional if it ever becomes operational in the land, leading at best to multiple returns to reconciliation's ground zero, or, at worst, to entrenched bad governance. On arrival, as expected of any system constructed around personalities and abstract ideas, the government immediately began constant opposition to itself. Nations have overcome problems associated with community-based systems of governments with the use of political parties. Because of the absence of mature political parties in Somalia, the prototypical government is a necessary condition for the construction of a modern state. However, to progress into a permanent stage of government, the current government must take a multitude of steps that address critical factors.

Critical factors for the establishment of a modern government comprise those that causally contribute to the process of building a national government capable of executing public policies under the guidance of good governance. The most important aspects of good governance traverse the economic, political, and the administrative environments of society and government. A state public record falls within the administrative aspect of good governance. With open state records, the public is able to express its opinions on any matter independently. It also provides for a transparent government model, which is a fundamental characteristic of modern administration. Societal and governmental processes and institutions can not be sustained with a closed bureaucratic system that is accountable to the few. A secretive public matter either gets spoiled or is lost and, in the process therefore, creates mistrust and suspicion among stakeholders. No government will be able to make the laws of the land and enforce them if it ignores openness.

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The Challenge of Good Governance for Somalia's TFG:

The Case of Open State Public Records ©

This essay is the beginning of a series of works documenting and disseminating critical factors that the Somalia government needs to address. The essay focuses on the significance of open state records in bringing about good governance.

Introduction

A state record is any information, documented in any format, pertaining to the plans, actions and operations results of government. Good governance is dependent on accurate creation of, and free access of citizens to, state records. Industrialized nations have implemented elaborate laws concerning state records that range from the conduct of a public official entrusted with the production and management of records to the public's right for the inspection and access to such records. However, in most African states, there are minimal activities and efforts to maintain, manage, preserve and make state records accessible to the general public. Lack of reliable state records have contributed to the intractable positions of African governments and the ever-present conditions for civil wars. With clear state policy on open records, government and society collaborate on, and forge partnership in, the creation and preservation of the principles of democracy. For example, the average citizen would get an opportunity to cast individual opinions on national issues based on merit if he or she has access to government information. As a result, government would be more responsive to societal needs. Furthermore, society can understand the complexity of government institutions better only when there exist open public records. Greater public understanding of government increases the likelihood of collaboration between society and government. A state recording system encompasses government plans, actions and operations results.

Government plans are records that document and describe how authority intends to conduct people's business within a set time interval and address strategies and tactics for achieving clearly defined objectives. These types of state records include, among many others, budget, educational, health, economic, trade, and industrial government plans and international treaties the government wants to enter into in the future. In modern politics, the budgetary process, the method in which a budget plan is produced, is one of the most important pillars of a democratic society. It empowers the citizenry to positively contribute to future government works while restraining politicians to compete for power on the basis of real issues. During a budget process, for instance, a politician will have no choice but to fight for inclusion into the national yearly budget expenditures that truly benefit *the constituent* he or she represents. Previous products of a budget process are useful indicators of past government performances. A budget process is also an important collaboration between the executive and the legislative branches of government. Likewise, other records, and the processes that produce them, such as the education, health, economic, and industrial plans foster growth of public intelligence. The linchpin of all government activities can be gleaned out of an open budget process and its consequent products. Government plans are important tools for the administration of public policy.

Government actions, in contrast to government plans which record future government intentions, register government activities as they occur. These include, among many others, the arrests and convictions it makes, the jobs it creates, and the treaties it enters into. Actions also describe decisions made by the government at any given moment. The survival of a nation and the maintenance of good governance is dependent on accurate repositories that describe public events.

Government operations results are records of the execution of government plans and include products created and services provided. Results also document the expenses it incurs and the revenues it generates. While both operations results and actions carefully record activities of the government, the former is

The Challenge of Good Governance for Somalia's TFG:

The Case of Open State Public Records ©

structured more formally and produces more comprehensive collection of documents. Actions merely describe disparate accounts of public behavior.

With the current government design, the Somali people do not have access to records to verify the argument of its government or of a powerful politician claiming to be a representative of the abstract clan concept. Somalia's former governments and the newly installed one have easily evaded accountability and have, therefore, habitually made pronouncements from thin air. The leaders of the rebel organizations that toppled Somalia's former government used unsubstantiated information as fodder for perpetuating wars that resulted in massive human destructions. People died for false causes, false because none have developed into a real constituent or national cause that can be verified with literal facts. Indeed, the lack of facts has its roots in the lack of policies pertaining to state records.

Since its creation, the Transitional Federal Government exhibited no interest in investing in open public records. There are no policies nor are there any laws governing the management and production of government records for public consumption. The government has been handling its plans and actions, and the documentations associated with them, as private affairs. It is not, therefore, expected to even consider to share operations results in the administration of public policy. The little information that is currently in the public domain is delivered not through a systematic government policy, but via a selective leakage by estranged members of government. The strength of parliamentary signals for requiring the highest officials of the government to either device state record policies or follow existing ones is currently weak. The nature of open records as an administrative requirement of good governance may be poorly understood both by the leaders and the members of parliament. But more importantly, the society is not adequately prepared to demand government implementation of open public records. This negligence derives mainly from the dominant desire of the politician to put personal interests ahead of the public one.

Competing Interests

Somali politicians have invented, and continue to mold, the views of the Somali commoner to their liking, and for the worse, and that is, that a large number of people must think alike. Assertive, but unprincipled, politicians punish any deviations from artificial group norms with impunity. An unscrupulous leader has no interest in optimizing the potentialities of people to contribute to the advancement of the human race, and to their own kind, in their own ways. The commoner seems to be helpless.

The goal of the African politician is to retain power for life and over the many and he achieves this by depriving information from citizens. He is well aware that information is power. If a government's plans, actions and operations results are transparent to the public, the power of the politician becomes competitive, for, a politician will no longer be able to evade accountability and get away with inconsistent ideas. The goal of the Somali individual is to live as a member of a society that shares a common destiny whose affairs are determined peacefully and in an organized manner under just systems of government and laws. The individual hopes to achieve this goal rationally knowing that the sure result of a national idea that is not vetted comprehensively is an excruciating societal, political and economic pain.

The Somali society understands the importance of public discourses on ideas. Real debates on real issues spur competition, but these are essential so long resulting encounters can put responsibilities on the shoulder of the public to choose the most competitive politician. Clashes, by their very nature, are, in the most transcendent outlook, healthy provided participants clearly know what it is that forces them to clash and that all activities resulting from the encounters derive from public records and will be publicly recorded. In the end, competitive clashes based on national debates that are supported by state records

The Challenge of Good Governance for Somalia's TFG:

The Case of Open State Public Records ©

will be settled in an open, democratic contest for authority. African politicians vigorously prevent this to happen.

From the perspective of the Somali affairs, the collapse of the Somali civil society unleashed a genie - *the oral culture of the Somali people* - out of a bottle. Uncompetitive politicians, in so many sinister ways, called upon the genie to their advantage:

Politicians perpetuated undesirable societal dictatorship by making people's individualistic thoughts subservient to their mission of promoting clan loyalty at the expense of individual and national interest. They achieved this, for the most part, through the barrel of the gun. In cases where force was not possible, conflict leaders exploited their vast skills in the oral traditions in manipulating public thought. In essence, the gun of the politician was aimed concurrently at all members of other clans and at the rationale and capable members of their clans. This essentially suppressed competition for leadership. To seal any competitive leadership process, members of the two products of the Somalia reconciliation conference have *legislated* that no other member of society can participate in government, believing that they are indeed the best representatives of Somalia's society. This is false. A nation's best leaders are best produced through competition (*built up from the constituent level*), freethinking and self-criticism, a prerequisite for renewal, progress, and cultural development.

Even though Somali women are capable of speaking for themselves and for their causes, female contributions to the Somalia debate were subdued with the *political language and patronage* of the powerful. This language derives from the oral culture of the Somali people. The views of traditionally marginalized, but important, sectors of the society were discarded with the invention of abstract and useless clan formula for power sharing. The oral culture of the Somali people continuously produced uncompetitive leadership selection process that benefits a minority of the society – a recipe for unstable government.

The Somali people's survival will be in jeopardy or optimized depending on which of two views, that of the politician, which is based on the abstract notion of collective rights, or that of the public, which is based on the concrete notion of collective rights built on individual rights, gets the upper hand. The public view is an underdog in this competition because society is slow in dismantling the cultural impediments that block its progress towards the production of credible leaders.

Cultural Impediments

Somali politicians adhere to the more inhumane, less desirable, aspect of the Somali culture. Historically, greatest catalysts for Somali regressions to widespread lawlessness can be directly attributed to resurrections of ancient enmity through the oral culture. Politicians hungry for power exploit consequential processes to generate signals that incite core followers to dip *oral pens* into pots full of blood, of evil, and of inconsistent social, economic and political thoughts. The persistent Somali oral culture is also an impediment to modernity and perpetuates stagnation. Its use must, therefore, be phased out before it again wreaks havoc and unleashes anarchy into the psyche of future Somali generations.

Progress is characterized by a stage in which writing technologies and records keeping take precedence over oral cultures. Contents of orally based government plans, actions, and operations results are lost at about the same time they are transacted. In addition to stagnation, in the twenty first century, others will absorb people who ignore writing cultures. Corruption, colonialism, racism, domination, imperial looting of people's resources, dictatorship and oppression, all breeders of feelings of powerlessness, grow in the fertile lands of a society's refusal to embrace writing and recording technologies. Instability within

The Challenge of Good Governance for Somalia's TFG:

The Case of Open State Public Records ©

African political systems is, more often than not, brought about by intractable positions of government and people. With government openness, each and every aspect of the government and its leaders would be tractable and, would therefore, invite positive collaboration from the citizenry in so many ways.

People consider open governments as more credible and would not, therefore, join in toppling it illegally. Thus, both the ruler and the ruled would take the rationale route in the process of changing a government. Rulers will lose interest in retaining power for life and respect the law more if the uncompetitive government plans, actions and operations results with which they are associated with are available in the public domain. Instead of using as their own pawn shops, senior and middle administrators will manage their respective agencies in more efficient and customer-oriented ways when agency record is out there for the public to inspect and scrutinize. Government openness creates more jobs and helps the economy grow.

Only through the medium of written culture can society communicate meaningfully and implement critical national ideas. It is the moral responsibility of, and the challenge for, the current prototypical Somalia transitional federal government to encourage and embrace the promotion of open state recording and the advancement of a writing culture. It should also be the mission of the nascent Somali press to be nosy and to demand that government strife to make available reliable information about its actions and policies, in writing. But more importantly, without the consistent input of the educated members of society of *writings* that address *critical factors* for good governance, neither an aspiration that the government would act openly and invest in openness nor an expectation that Somalia's news media would behave nationally is going to materialize. The educated class must provide *objective, actionable, nationally oriented* commentary on the behavior of both government and the media for the sacred purpose of threading the difficult good governance needle.

The use of writing technologies does not eliminate human clash altogether. Conflicts are not also necessarily bad since consequences of a conflict may contribute to a better understanding of some human problem, a desirable outcome. A resultant human death, in political power squabbles and in societal discourse is, however, antipathetic to a civil society concept. Universal acceptance of writing cultures (recording) in public discourses among disputants is a good tool for resolving conflicts. The nation's destiny should be determined by the mature, balanced, and detached considerations of the opinions of the Somali society's silent majority through exhaustive methods based on writing and *not* by the decisions of evasive self-styled politicians who employ opaque methods based on oral mechanisms. The role of the majority of the society cannot continue to be inconsequential. Collaborative societal and governmental writing and recording cultures coupled with appropriate investments and policies is the only possible route for abolishing the insignificance of the majority and, therefore, of the establishment of good governance.

Culture is a force which organizes and breaks down people at varying degrees -- dynamism, written culture, accountability, and modern institution building contribute to optimal societal organization, while oral culture leads to vicious circles of anarchy, of superficiality, and of ever present norms of clouds of civil strife. However, a cultural break with the oral culture, with the status quo, and with the unprecedented Somali collective low self-steam can only come about via individual responsibilities, and liberal volunteerism and advocacy, and via transparent interactions and accountability. The Somali society must explore other methods, other possibilities to solve their problems, because as Albert Einstein said, correctly in my opinion, "*A significant portion of the problems we face today can not be solved at the same level of thinking we were at when we created them.*" The Somalia reconciliation conference produced a prototypical government. Its main task must be to develop itself into a modern state. The

The Challenge of Good Governance for Somalia's TFG:

The Case of Open State Public Records ©

necessary and sufficient condition for this to happen is the transformation of its current modus operandi from one based on the oral Somali culture into one based on an open state records policy. The public would no doubt have more confidence in a government that empowers its citizens to be full partners.

Conclusion

The silent Somali majority entertains itself day in day out that only leaders are responsible of the current disintegration of civil society. Somali leaders have been in deed a reflection of society's collective unconscious approval of the lack of accountability. A conscious societal correction is, accordingly, a necessary and a sufficient condition for compacting destiny, for administering a preemptive strike on another bloody governmental and militia dictatorship, and for laying grounds for a prosperous future, no doubt an uphill battle that can easily exact emotional, physical and financial depletion of resources. However, the time is now, and it is worth it! The alternative is powerlessness, increased disenchantment, exodus and brain drain of Somalia's skilled people and the absolute continued rule of uncompetitive leaders -- an undesirable status quo.

An intricate whirlwind conceived in the writhing minds of politicians have laid concrete wedges among ordinary Somalis. As a result, society has lost its power to determine its destiny. The world of the Somali politician is to rough out and rock Somali affairs *orally*, again and again, and into an all-too-familiar chain of events: any counter-arguments right-thinking people make, regardless of how sound and complete, motivates them to inject into the process of resolving the Somali conflict new problems that aggravate original ones. A convergence on any one problem is unattainable, as it were, or so it appears! The success of Somali leaders in their intrigues is deeply immersed in the primordial Somali social psychology. The oral culture is the main and the most important repository for this entrenched psychology. Writing culture and a societal demand for open state record policy energized with a "*blue revolution*", so to speak, is the only possible paradigm in which the Somali people can break out of previous depressing vicious circles. This will lead to modernization and into modern institution building, necessary and sufficient conditions for good governance. But this can not happen overnight, for, as Machiavelli knew: "*It must be remembered that there is nothing more difficult to plan, more doubtful of success, nor more dangerous to manage, than the creation of a new system. For the initiator has the enmity of all who would profit by the preservation of the old institutions and merely lukewarm defenders in those who would gain by the new ones.*" Any Somali can imagine the difficulties associated with any efforts encompassing Somali social, cultural, political, and economic modernization. This is not an easy task because the Somali politician assertively prevents it to happen. As long as the individual wants the construction and the sustenance of a just society led by a good government, hope can not be lost. The challenge of good governance for Somalia's TFG is to lead its members to curtail their persistent disregard for the hopes of the masses.