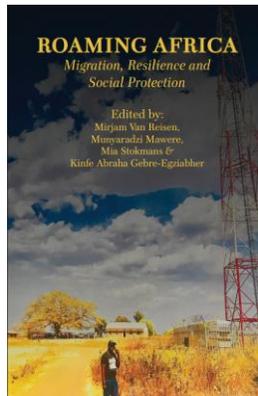


Where are the Youth? The Missing Agenda in Somalia's Constitution

Istar Ahmed

Chapter in: Roaming Africa: Migration, Resilience and Social Protection

From the book Series:
Connected and Mobile: Migration and Human Trafficking in
Africa



Cite as: Ahmed, I. (2019). Where are the youth? The missing agenda in Somalia's constitution. In: Van Reisen, M., Mawere, M., Stokmans, M., & Gebre-Egziabher, K. A. (eds), *Roaming Africa: Migration, Resilience and Social Protection*. Bamenda, Cameroon: Langaa Research & Publishing CIG, pp. 577–600. Book URL: https://www.researchgate.net/publication/336956357_Roaming_Africa_Migration_Resilience_and_Social_Protection

ISBN: 9789956551019

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Chapter 21

Where are the Youth? The Missing Agenda in Somalia's Constitution

Istar Ahmed

Introduction

A constitution enjoys a special place in the life of any nation. It is the supreme law upon which all other laws are based. It sets out the state's basic structure, including the exercise of political power and the relationship between political entities, and between the state and the people. It has been referred to as a 'social contract' between the rulers and the ruled (Lermack, 2007). It is also a consensus among the people themselves. A constitution is, therefore, more than just a document: it embodies the wishes and aspirations of a country.

A constitution embodies the wishes and aspirations of a country. But where are Somalia's youth in its constitution-making process? And what are their wishes and aspirations? This chapter investigates the youth agenda in Somalia's constitution-making process and finds that it is glaringly lacking. With 67% of youth unemployed, their exclusion from economic and political participation could cause many to find alternatives elsewhere. If the voices of youth are excluded from the constitution it will not only impact on the legitimacy of this most important statute, it could also affect the future stability of Somalia.

As the former Chief Justice of South Africa, Justice Ismail Mohamed, observed:

...a constitution is not simply a statute which mechanically defines the structures of the government and the relations between the government and the governed, but it is a mirror that reflects the national soul, the identification of the ideals and aspiration

of a nation; the articulation of the values binding its people and disciplining its government. (Hatchard, Ndulo & Slinn, 2004, p. 12)

Okoth-Ogendo (1991) argues that a constitution is a power map upon which the framers may delineate a whole set of concerns, ranging from application of the Hobbesian concept of ‘a covenant’, to an authoritative affirmation on the basis of social, moral, political or cultural ideals, including the ideals towards which the constitution strives. This implies that constitution making is a process that involves making choices regarding which concerns should appear on the ‘map’. How these choices are made can affect some positively and others negatively, depending on how they are involved in making the choices. Hart (2003) asserts that, unlike traditional constitution making, which considers the constitution as an act of ‘completion’, modern constitution making focuses on a participatory process and conversational ‘new constitutionalism’. Today, there is a broad consensus that a constitution should be made democratically and that a constitution-making process is only democratic if it is participatory and all-inclusive at all stages leading up to the final document.

The United States Institute of Peace asserts that constitution making, if properly organised and given adequate attention and resources, can transform a society from worse to better or, if it fails to do this, can result in continued unrest (Kaariye, 2017; Chapter 9, *Countering Radicalisation in Communities: The Case of Pumwani, Nairobi*, by Reginald Nalugala). Somalia, having lacked an effective national government since 1991 (when the government collapsed following the ousting of President Mohamed Siyad Barre), requires a national framework to ensure lasting peace (Nur, 2011). The road to lasting peace in Somalia requires the re-establishment of the rule of law through an effective government (Kaariye, 2017).

The adoption of the Provisional Constitution by the National Constitution Assembly on 1 August 2012 is a milestone. The Provisional Constitution is a progressive document based on Islamic principles; it contains key elements of the rule of law and lays out a vision of democratic governance. It also establishes federalism with a

parliamentary system of government. The constitution attempts to respond to historic injustices and appreciates that where security and justice are not available to all equally, grievances may develop that can cause or aggravate conflict. However, missing from the constitution of Somalia are the voices of youth, who have been absent from the whole constitution-making process.

Objectives

This research was undertaken to ask questions about the role of youth in the constitution-making process towards ensuring that a section of society is not left behind in the development of the country.

This study has the following specific objectives:

- To determine the role of youth in the constitution-making process in Somalia
- To determine the importance of addressing youth issues through an article in the constitution
- To recommend strategies to draw attention to the role of youth in the constitution-making process and to address constitutional gaps

Research methodology

In order to meet these objectives, the study conducted both theoretical and practical analyses. For the theoretical analysis, a literature review (of books, journals and articles) was conducted focusing on the legitimacy of a constitution-making process and how the Somali constitution was formed. This literature review focused on youth in Somalia and interventions for their inclusion in decision making and policymaking. For the review, data was collected from government publications, technical documents, and annual reports on the youth upsurge in Somalia. Valuable insights were also gained from research conducted by various United Nations bodies driving development and humanitarian projects and interventions in Somalia, including the United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA) and United Nations

Operation in Somalia (UNOSOM). Analysis was carried out by grouping the research literature into themes in line with the objectives of the study.

Primary data were also gathered over a period of six months in face-to-face interviews with federal and regional governments, in particular, the Federal Minister of Constitutional Affairs, international development partners, university students, youth-led organisations, civil society and national youth networks across all regions in Somalia. The key informants who participated in this study were selected through non-probability purposive sampling processes, including a combination of expert and snowball sampling methods. The qualitative data from the interviews were coded thematically and then analysed statistically. The data was analysed using conceptual content analysis, which is the best method of analysis for this type of study (Mugenda & Mugenda, 2013).

Democracy and a constitution

Saunders (2010) contends that democracy, as a form of majoritarian rule, can lead to tyranny of the majority over the minority; however, if we seek a more stable and all-inclusive polity, democracy should be more than simply majoritarian rule. In this sense, scholars have often pointed to the limitations of a simple interpretation of democracy. Peczenik (2002), argues for a broader definition of democracy: political representation of the interests of citizens, majority rule, the participation of citizens in politics, freedom of opinion, the protection of human and political rights, legal certainty, and the division of power and responsibility among those in power. Saunders (2010) points to certain criteria – voting equality at a decisive stage, effective participation, enlightened understanding, final control of the agenda, and inclusiveness – as essential for a democracy not to end up a majority tyranny. Despite the differences in the criteria presented by different scholars, there is a common understanding that for rights to be protected in a democracy the majority should act only within prescribed rules, there should be legal certainty and there should be an all-inclusive political environment (Saunders, 2010). A constitution

can prescribe such rules and provide such legal certainty, which is why a constitution and democracy are often considered inseparable.

A legitimate constitution

According to Bannon (2010), constitutional legitimacy depends on the legal, moral and social tolerability of the document by all who are ruled by it. A constitution enjoys legitimacy when the public regards it as justified, appropriate, or otherwise deserving support for reasons beyond fear of sanctions or hope of personal rewards (Bannon, 2010). Bilkin (2004) adds that the legitimacy of a constitution requires genuine social acceptance, whereby the public reveres and honours both the political intention, expression behind the constitution, and legal forms and foundational institutions established by the constitution. It is that which, Bilkin argues, creates a sense of ownership or a feeling in the people that the document should be obeyed or is 'respect-worthy'.

Legitimacy, in general, requires the acceptability of the process-content analysis (Bilkin, 2004). Not only does the process need to be participatory, but the values, principles, rules and institutions adopted must command the respect and loyalty of the public. Yet, it is also valid to argue that the acceptability of the process should be capable of justifying the substance (Bilkin, 2004). Because, if the text is the product of the genuine deliberation by all groups, there should not be any legitimate reason to question the validity of the content.

Public participation

Constitution making is not like the formulation of a league or a treaty, which only involves the legislature. Constitution making is founded on the people; one of the main differences between the law and the constitution is that in a constitution there is peoples' involvement. While a treaty lacks direct people's involvement, constitution making depends on public involvement (Bannon, 2010).

Neil (1996) notes that different rationales have been used for public involvement in constitution making. Popular sovereignty is the notion behind many nations' struggle for democracy. In fact, it is the

most common ideal underpinning constitutions and, therefore, has been construed as a universal value of constitutions and modern democracy (Neil, 1996). Most constitutions also declare the primacy of popular sovereignty and that ultimate power resides with 'the people'. More importantly, modern constitutions usually regard the people not only as the place sovereignty resides, but also as the source of the constitution itself. Hence, if sovereignty is vested in, and flows from, the people, they should also be able to determine how it is delegated and exercised.

Until people are given the power to choose the government and the society that they prefer to live in, it is meaningless to talk about the sovereignty of people. The concept of sovereignty and participatory democracy are, therefore, interlinked with one another. In fact, participatory democracy has now been accepted as a condition for genuine democracy (Pateman, 1970).

Therefore, public participation in modern constitution making is important, because it enhances the legitimacy of the constitution (Pateman, 1970). The question of legitimacy is concerned with how to make a constitution that commands the loyalty and confidence of the people. In order for this, a constitution should be generally understood by the people and acceptable to them (Cohen, 2003). To achieve public engagement in constitution making, certain requirements have to be satisfied. In countries where democracy is a novel concept, educating the populace must precede other tasks (Christiano, 2003). This usually involves two elements: First, the population must be educated about the role that they will play in creating the new constitution. Then, they must be informed about how democracy and constitutional supremacy works and, more specifically, about the possible considerations they need to take into account in forming the constitution (Christiano, 2003).

In addition, public consultation as part of the constitution-making process must be all-inclusive and extensive to overcome the power gap. Consultation must not be limited to the elite or main power holders; all classes of society must be afforded the opportunity to

participate. Ordinary people must be empowered to make effective contributions to the debate and they must be provided with the necessary channels through which to participate (Samuel, 2006).

So the legitimacy of the constitution-making process is affected by the ability to overcome the information and power gap between the common people and the ruling elite. At the political level this means that common people should have access to knowledge about democracy as well as facilities to participate in (public) debate as part of the constitution-making process. However, knowledge and facilities are only prerequisites so that people can take part in the public debate, the ruling elite must also respect their voices.

Theoretical framework

In this section, the social process to overcome the information and power gap is framed within Kingdon's (1995) multiple streams framework. This framework is applied in the context of the developing democracy of Somalia, and used as a tool for analysing public policy making at the agenda setting stage. Kingdon's multiple streams framework argues that policy decisions flow from the coupling of problems, policies, and politics. In the Somalia constitution-making process, the problem stream is the power and knowledge gap between the ruling elite and the common people, which hinders the common people from participating in the constitution-making process. The policy stream encompasses the provisional constitution as well as current and new policies to facilitate the participation of common people in the constitution-making process, and regards the social and decision-making processes of the ruling elite in the constitution-making process.

Kingdon's (1995) discussion of the three streams has significance for identifying problems arising from the youth bulge in Somalia, highlighting the importance of having youth policies in order to include youth and of attracting political goodwill to include youth issues in the constitution. The three streams are driven by different forces and are independent of each other, so none can single-

handedly decide the overall outcome of the policy-making process. At some critical points, policy entrepreneurs are able to bring the streams together in what Kingdon calls 'coupling', which leads to the opening of a policy window, which creates opportunities for policy proposals and the alternatives to be specified. Kingdon contends that the coupling of the streams is sustainable only when an issue is linked to all three streams: an identified problem is matched with a possible solution in a politically favourable environment. The distinction between the streams is noteworthy because it offers an understanding of how the dynamic characteristics of each stream contribute to the agenda-setting process (Kingdon, 1995).

It is important to note that, in Somalia, there is currently a situation in which a policy window may open due to the promulgation of the Provisional Constitution in 2019. The Provisional Constitution, in Article 3 (4), guarantees, among other things, human rights, rule of law, justice, participatory, consultative and inclusive government, and efficiency and responsiveness to the interests of the people. These (policy) provisions provide avenues for the inclusion of youth in the new constitution, which is currently being drafted. These provisions also allow policymakers to address concerns about the lack of involvement of youth in the constitution-making process and the lack of an article that specifically addresses youth issues (by redefining the problem in accordance with the policy stream). The aim is to accomplish partial coupling between the problem and policy stream, so a policy window opens to generate the necessary official attention and action.

Kingdon (1995) highlights the role of policy entrepreneurs in the partial coupling of the problem and policy stream. He describes policy entrepreneurs as individuals who invest their time, energy and resources to ensure that an idea or proposal (an alternative solution to a problem at hand) becomes part of the agenda that will receive attention and political support from the governing elite. So, policy entrepreneurs are able to couple a particular problem with plausible solutions, while working to focus the attention of political actors on certain issues. The qualities described by Kingdon include: expertise

or authority that serve as a source of influence and the ability to speak for others; political connections or negotiating skills; and persistence. Having worked as a National Youth Policy Advisor appointed by the Federal Government of Somalia between 2014 and 2015, the author of this paper fits Kingdon's description of a policy entrepreneur.

The plight of youth in Somalia

Somalia has been in the throes of an affliction, which predominantly affects young Somalis. Simply stated, this can be summed up as a powerful, almost uncontrollable urge to emigrate in search of better opportunities. The Somalis have dubbed it '*dhoof*', which roughly translates as 'migration syndrome'. Another term often used is '*buufis*', which means 'delusional obsession'. Of course, this is not specific only to Somalia and Somali youth. Recent events in the Middle East and across Europe have proven the global nature of this crisis in the most graphic way.

However, the situation has older and deeper roots in Somalia, initially starting in the 1970s. In those days, the Arabian Peninsula, especially the oil rich Gulf countries, were the preferred destination. The Gulf was geographically close, safe and easy to travel to. Opportunities for work were bountiful, and the pay was good. Somali youth and men went to these countries in droves, and often came back with considerable wealth. In the 1980s a significant number of Somalis, including families and children, began going to Europe and beyond as migrants and refugees. The civil war that broke out during that time accelerated migration and by the 1990s, one of the consequences of the Somali civil war was the unprecedented large-scale displacement of Somalis across the world, making Somalia a household name worldwide as a nation of refugees and migrants.

In more recent times, Somali youth have looked to Europe, seeking employment opportunities and a better life. Unfortunately, many

end up victims of smugglers and traffickers, who extort their families for ransom. One of the participants in this study shared the following:

The main driver of illegal migration from Somali is the lack of employment opportunities for the youth. My daughter was 18 years of age; she went via Yemen with her friends who had siblings who migrated to Italy safely. The smugglers promised safe and false hope to my daughter. I paid the USD 5,000, thinking that she could lead a better future elsewhere and support her siblings in the future... After four weeks, my daughter called at 4 am in the morning crying with a weak voice: "I am in need of USD 7,000; they won't take me to the promised destination unless I pay this within two day. Next morning, my daughter called me from unknown number again, this time a man with a scary voice said: "She will die if you don't send the money by tomorrow", and disconnected the phone call. I sold my house for USD 15,000 and sent USD 7,000 to save my daughter. Within two days of the smugglers receiving the money, I was told my daughter had died from sexual abuse and a broken back. (A., interview, Mogadishu, September 2018)

Another respondent, Amina, explained how she was now living in an internally displaced persons (IDP) camp in Puntland after having lost everything to smugglers (Amina, interview, face-to-face, Garoe, Puntland, 15 April 2018).

Somali youth migrants face enormous risks and challenges during the migration process including, detention, torture, sexual abuse and even death, at the hands of smugglers and traffickers. Moreover, youth migrants do not usually attain the high expectations they had had before they migrated and many face a difficult life in their destination country. Families have to choose between two difficult situations: to protect their sons/daughters from the recruiters of violent, extremist groups (such as Al-Shabaab), or support them to take a risky journey in search of a better future and employment opportunities to support their families. A 21-year-old respondent shared this:

We are against two dangerous factors here in Somalia and we have a tough choice to make. In my case, I am the first-born of six children. I have three younger brothers and two sisters. I have finished university, yet cannot secure employment and support my mother or help raise my siblings. We are running away from unemployment,

forced recruitment, radicalisation and daily attacks by Al-Shabaab. (Mohamed, interview, face-to-face, Mogadishu, 2017)

Somalia is a youthful nation. According to the UNFPA, 81.5% of the population are below the age of 30, of which 67% are unemployed. In addition, those between the age of 14 and 29 constitute 42% of the population, making it one of the youngest nations in the world with one of the highest unemployment rates (UNFPA, 2014). These young people grew up during the conflict, which spanned two and half decades, from 1991 to 2019 (Federal Government of Somalia, 2018). This means that many did not have the opportunity to access public services such as education. According to civil society activist Abdi, youth, particularly female youth, are marginalised in social aspects, education and wellbeing, which contributes to the knowledge and power gap described earlier. He argues that:

The prolonged strife in Somalia has meant that youth, and especially female youth, have limited access to the care and comfort of their parents and immediate families, communal peace and societal cohesion, their basic human rights and dignity, legal protection and basic social services provided by the state. (Abdi, interview, face-to-face in Mogadishu, 15 July 2018)

The youth upsurge in Somalia presents both challenges and opportunities. According to the Jubbaland Regional Minister for Youth, Honourable Osman Hagi:

Challenges come from the failure of educational institutions and unemployment, resulting in social exclusion and economic marginalisation. Dealing with such a large section of society means a large portion of national resources should focus on frameworks and avenues for the development of youth, something that is hard to come by. However, it presents an opportunity for us as the government to make efforts towards ensuring that youth issues are addressed to strike a balance. (Minister for Youth, Osman Hagi, interview, face-to-face, Nairobi, Kenya, 3 November 2018)

The conflict in Somalia has generated extreme poverty, vulnerability and a complex set of political and social grievances, which remain a threat to the country's stability. The conflict has been largely attributed to the youth bulge. Al-Shabaab, an Islamist insurgent group that is posing a major security problem in the country, has its roots in youth dissatisfaction with the current state of affairs in Somalia. In this sense, Somali youth are trapped in a seemingly endless cycle of violence, both as participants and victims. Despite the fact that the conflict has ended, avenues for youth to obtain an education and gain full employment are still limited, and opportunities to engage politically, economically or socially remain weak or non-existent. Opportunities are even further limited for girls and young women. These information and power gaps will hinder the inclusion of youth in the constitution-making process, as it will be a hard task to overcome both gaps due to education poverty.

Somalia's youth

- Youth in Somalia face extreme education poverty: 61% of those aged 17–22 and 67% of the 23–27 age group have less than two years of schooling. In addition, 90% of the 7–16 year olds have never been to school.
- The literacy rate in Somalia is about 48% in the age group 14 to 29.
- Youth unemployment in Somalia is at 67%, one of the highest rates worldwide, and for young women this figure rises to 74%.

Source: UNDP, 2012

The conflict and the continued poverty and lack of opportunities in Somalia have driven large numbers of youth to flee the country. It is estimated that there are 1.02 million Somali refugees in neighbouring countries such as Kenya, of which children and youth constitute a considerable proportion (MoHD&PS, 2013). Their return, voluntarily or through mandatory repatriation, seems increasingly likely, following the recent decision by the Government of Kenya to repatriate Somali refugees. In fact, many have already left Kenya and returned to Somalia. How their educational and other needs will be

addressed in Somalia is not entirely clear. The Regional Minister for Youth explained:

Our current headache is now exacerbated by the fact that more Somali refugees are being repatriated from Kenya. A large proportion of these refugees are youth and children. While at the refugee camps, these youth were getting access to quality education. While Somalia also has education frameworks they can fit into, problems arise as to how to immediately assimilate this large group into the education system at once. Any failure to provide appropriate opportunities for this large segment of the population could have enormous economic, political, cultural, and social consequences. Engaging the youth population fully is, therefore, no longer a choice, but an imperative in the development process that is also recognised by the government of Somalia. (Minister for Youth, Osman Hagi, interview, face-to-face, Kismayo, Jubbaland, March 2018)

As Minister Hagi warns, failure to provide opportunities for youth could have serious consequences, also in the context of the constitution-making process. Although there is no doubt that the Government of Somalia and its international development partners are attempting to address youth challenges, Somali youth are still a missing agenda in the constitution. The draft bill of rights on youth, as a stand-alone article, has been ignored, despite the country's youth upsurge being one of the largest in the world (UNDP, 2012). So the problem of the information gap, which can only be overcome by education (policy), is recognised, but the information gap is not framed as a problem to be addressed in the provisional constitution (policy). According to Kingdon's multiple stream models, a policy entrepreneur is needed to make this happen.

The role of youth in the constitution-making

In 2012, Somalia endorsed a provisional constitution that set in place a national and central legal framework to guide the country towards the process of rebuilding itself according to the rule of law and separation of powers (UNDP, 2012). This constitution-making process has the potential to empower youth and strengthen their role in state and peace building. However, it requires promoting the inclusion of the country's youth, both male and female (Samuels,

2010). With such a large youth population, empowerment is critical, as youth exclusion, grievances, and perceptions of inequity have resulted in youth making up the majority of militias like Al-Shabaab (Kaariye, 2017). Hammond (2013) found that the omission of the youth agenda from constitution making in Somalia has frustrated and demoralised youth, leading many to join terrorist groups or emigrate. Some try risky border crossings in search of better lives. The young people who stay behind are vulnerable to crime, drugs, radicalism and piracy, and there are no policies in place to help overcome these issues (Hammond, 2013). In a recent study by UNDP, over 60% of the youth in Somalia expressed interest in leaving the country in search of better livelihood opportunities. However, if provided with the tools to thrive and succeed, Somalia's youth population could be its greatest asset (UNDP, 2016).

Societies emerging from conflict face the difficulty of channelling future political contestation through institutional pathways. Rebuilding often takes place in the context of collapsed state institutions, weak political will for reconciliation, and distrust. An unprecedented constitution building boom followed the end of the Cold War in 1989. During this boom seven countries in South America started constitution-building processes: Brazil, Columbia, Argentina, Peru, Chile, Ecuador and Bolivia. In Africa, 23 out of 52 states had experienced internal conflict by 1994. In all of these countries, constitution building followed peace building. Somalia can be considered part of this boom.

The African Union, declared 2009–2018 as the African Youth Decade. As in many war-torn countries, youth in Somalia have suffered through a societal breakdown that has left them feeling victimised. At the same time, they are a source of conflict, which affects society at large. These two dimensions have combined to create a 'youth crisis', which has become a fundamental barrier to breaking the cycle of intergenerational poverty and conflict, and promoting sustainable peace and security.

However, there are also opportunities; with the vast youth population in Somalia who have lived, studied and worked in developed countries slowly coming back, a good portion of them may be suitable to become policy entrepreneurs. While there have been minimal efforts to leverage it, the government of Somalia is looking to making use of youth who have had an opportunity to get an education from developed nations. In an interview with the author, the Federal Minister of Constitutional Affairs, Honourable Abdirahman Abdi Hoosh, pointed out the following:

With the vast population of youth who have lived, studied and worked in developed countries slowly coming back to the state, it is apparent that a good portion of them might be trained in leadership concepts. Such individuals should be at the forefront of campaigning and taking up political and social leadership positions. Once they have acquired these positions, they can use the opportunity to disperse their knowledge and opinions on how the constitution should appear or amendments that must be fulfilled. Moreover, the leaders can take up the chance to bring the respective communities together and possibly consider ending the conflict, which has raged through the country for several decades. (Federal Minister of Constitutional Affairs, Abdirahman Abdi Hoosh, interview, face-to-face, Mogadishu, 3 November 2018)

In this quote the Federal Minister acknowledges the role of highly educated returning youth as policy entrepreneurs to overcome the information and power gap. In addition to this, civil society activist Abdi pointed out that:

Civic education is one of the activities conducted to ensure that the public understands and appreciates the various sections of the legal document. However, with Somalia's youthful population, this can prove to be difficult. Young people can take up the mantle and actively become part of the solution by sacrificing their time and effort to educate others. It will be a form of empowerment that vindicates their contribution towards creating a self-sufficient and reliant Somalia. (Abdi, interview, face-to-face, Kismayu, Jubbaland, 15 July 2018)

The United Nations recognises youth as partners for peace and development, and promotes youth inclusion in political participation and decision making. Somali youth can play a critical role in decision making and constitution making. Psychologically, the active participation and involvement of young people in the constitution-making process enhances national pride and the development spirit, thus promoting social inclusion. In recent times, there has been an increased level of recognition of the need for participation as a tool to stabilise the post-conflict situation in Somalia. The engagement of youth in the constitution-making process and other political processes has been proposed as an effective approach to enhance peace building and economic development (International Crisis Group, 2003). Honourable Abdi Hoosh, the Federal Minister of Constitutional Affairs argues that:

An important element in empowering the youth in Somalia is to guarantee the inclusion of their rights and interests in their country's constitution as a legal document. This will enable the country to achieve lasting peace as the youth will feel represented politically, socially and economically in the affairs of the state. It is essential that youth perspectives be included in the constitution and decision-making in order to advance their socio-economic rights. (Abdi Hoosh, interview, face-to-face, Mogadishu, 26 July 2018)

The lack of youth involvement in the constitution-making process creates youth exclusion, particularly in relation to female youth (Feldman, 2011). When young people contribute to the constitutional review process, it provides them with a sense of ownership, as well as bringing about a paradigmatic shift in the concept of youth to transform them from being victims or agents of violence to being active agents of peace-building, democracy, socio-economic development and positive social change (Elazar, 1985).

Feldman (2011) notes that empowerment is deemed to be the provision of power to citizens to perform civic duties and, consequently, create change. Youth should always be empowered with a positive mindset by teaching them about their potential and capacity, both in their lives and as members of society (UNDP, 2016).

The empowerment of youth can occur in several ways during constitution making, including when promoting the constitution-making process. Young people can be influenced by values that support consistent behaviour and attitudes towards constitution making, and youth who have embraced these values can empower other youth to possess the same mentality.

The importance of a youth article in the constitution

It is of great importance for Somalia to consider a youth bill of rights as a stand-alone article in the Somalia constitution. This is because youth have the ability to raise genuine concerns about issues affecting society and offer workable options and solutions to existing challenges. The process of adding youth rights to the constitution as a stand-alone article should go beyond giving views in formal consultations and dialogues that can guide decisions and genuinely represent a body of opinion. The inclusion of an article must form part of an engagement process whereby youth are actively involved in the planning, review and implementation of the constitution to include their rights (Al-Ali, 2011). Such engagement is likely to lead to a greater connection between the government and youth.

Youth in Somalia have remained at the periphery of the country's affairs for decades and their needs and aspirations have not been accorded due recognition. Youth have not been participating in developing the policies that affect them, and, as a result, their knowledge, skills and energy have been underutilised. While governments around the world are increasingly supporting youth empowerment, youth policies and youth programmes, there seems to be a lack of appreciation that young people are the future of Somalia's development. As Samuels (2010) notes, Somalia, like many other war-torn countries, still has a long way to go in realising the potential of its youth. Youth in Somalia are a major asset for socio-economic development and political prosperity. They can contribute immensely to good governance at both local and national levels. However, the challenge is for the authorities, international organisations and other stakeholders to ensure that youth rights are included in the constitution.

Setting the youth agenda in the constitution will drive the attention of the general public to the role of youth in the development process and in building a cohesive and peaceful community in Somalia. On this, the Federal Minister of Constitutional Affairs, Honourable Abdi Hoosh, stated that:

As professionals and individuals charged with the responsibility of guiding the country in the right direction, we are all aware of the role youth play in our society. But that is just at the level of a few elites in society. How about the whole country! Do our institutions recognise the role youth play in society? If you go to the lowest level of administration, or the lowest unit in our society – our families, do they appreciate the role of youth? This is why we are of the opinion that including this as part of the constitution will go a long way in instilling a culture that supports youth issues and agendas. (Abdi Hoosh, interview, face-to-face, Nairobi, 26 July 2018)

This quote illustrates that the information gap in the constitution-making process is recognised. However, the acceptance of the inclusion of (highly educated) youth as policy entrepreneurs in the constitution-making process (as an alternative solution) is not recognised. One could also say that the ruling elite should set a good example for lower governments and the general public by actively engaging with highly educated youth as policy entrepreneurs in the constitution-making process. As proposed by Kingdon (1995), setting the agenda for nationwide policies on the plight of youth in Somalia will need policy entrepreneurs that push forward an article in the constitution addressing the plight of youth. A constitution sets the values that guide society. If youth issues are addressed in the constitution, leaders at both local and national levels can ensure young people's inclusion in development and decision making. Inclusion of a comprehensive article that addresses youth rights in the constitution can enhance positive development initiatives by youth, who are significant agents in community and national development (Chesterman, 2011). As a result, youth will be increasingly engaged in development initiatives that can re-shape political processes in Somalia, mainly through youth organisations. This can also lead to

the emergence of an aggressive youth discourse as a result of addressing the issues affecting youth in the constitution.

Conclusion

This chapter examines the critical role of youth in Somalia's provisional constitution-making and review process. It points out the missing agenda in Somalia's Constitution: a youth bill of rights as a stand-alone article. The process of creating a formal constitution is daunting, as it requires the government and several stakeholders to be involved, as well as an active youth population. Although youth make up the majority Somalia's population, they are excluded from political decision making, even though these very decisions determine their future.

Youth in Somalia are confronted with multiple challenges, with violent extremism and unemployment featuring prominently. Unemployment among youth in Somalia is unacceptably high, at 67% overall and rising to 74% for young women (Federal Government of Somalia, 2018). With some of the worst indicators in the world, the health of young people in Somalia is also in a critical state (Federal Government of Somalia, 2018).

Youth participation in reconstructing Somalia, particularly their inclusive participation in constitution making, is crucial to the implementation of policies that can advance the socio-economic empowerment of youth, as well as the general economic development of the country. The lack of mechanisms for youth and youth-led organisations to engage with stakeholders excludes them from participation. Immediate steps must, therefore, be taken to create opportunities for the participation of youth in decision-making processes, both at local and national levels. The need to prepare young people to become responsible adults and to harness their creative energies for national development cannot be over-emphasised.

The Government of Somalia and other stakeholders must, therefore, work together to effectively support young people and implement holistic policies that mainstream youth into the overall peace and state-building processes of the country (Peczenik, 2002). It is crucial that the new constitution includes issues that affect youth and ensures that youth are fully engaged in making development decisions, as this will ensure that the policies formulated and services provided respond to their needs. According to the analyses provided in this paper an alternative solution is to overcome the information and power gap by giving highly educated Somali youth the opportunity to engage in the constitution making and review process as policy entrepreneurs. The failure to give a voice to this large segment of the population could have enormous economic, political, cultural, and social consequences. Engaging youth in decision and constitution making is, therefore, no longer a choice, but an imperative in the development process, which is also recognised by the government. There is no doubt that the Government of Somalia and its international development partners have made a number of efforts to address youth challenges. However, Somali youth are still the missing agenda in the constitution. A bill of rights on youth as a stand-alone article has been ignored, despite the fact that Somalia has one of the largest youth demographics in the world (Federal Government of Somalia, 2018). Such a bill could signal that youth are important social partners, that the problems they are facing are on the political agenda and that youth are invited to take part in the policy-making process.

Recommendations

While the efforts currently underway to bring Somalia back to its feet through constitutional review are commendable, it is the belief of the author that more can be done to realise this dream. The following recommendations are made:

- **Introduce a bill of rights:** First and foremost, a bill of rights on youth should be introduced in the constitution. This should be a stand-alone article that:

- Provides for the recognition, protection and enjoyment of the human rights and fundamental freedoms of both young men and women in Somalia
 - Ensures that youth have access to relevant education, training and employment
 - Provides opportunities for youth to be represented and participate in political, social and economic spheres of life
 - Provides protection from harmful cultural practices, such as female genital mutilation
 - Provides protection for girls and women against gender-based violence and sexual exploitation and abuse
 - Takes into account the contribution of youth in designing, implementing and evaluating national policies and plans affecting their concerns
- **Make policy proposals to open a policy window:** The prolonged youth crisis in Somalia has the potential to turn into a bigger calamity with far-reaching consequences for Somalia, the Horn of Africa, and the world at large. This calls for urgent and decisive action. The Federal Republic of Somalia, the United Nations and Somalia's development partners are urged to pay more attention to the rights of youth in the constitution and their participation in the constitution-making process. Whilst youth participation is already a problem in the constitution-making process, it will only reach the policy-making agenda if it is combined with political will and policy proposals (solutions) from all the relevant stakeholders, to allow for the opening of a policy window.

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