

*Ulf Johansson Dahre (ed.)*

# The Role of Democratic Governance *versus* Sectarian Politics in Somalia

Proceedings of the 9th Annual Conference  
on the Horn of Africa  
Lund, Sweden, June 4-6, 2010

SOMALIA INTERNATIONAL  
REHABILITATION CENTRE (SIRC)  
AND  
LUND HORN OF AFRICA FORUM (LUHAF)  
DEPARTMENT OF ECONOMIC HISTORY, LUND UNIVERSITY



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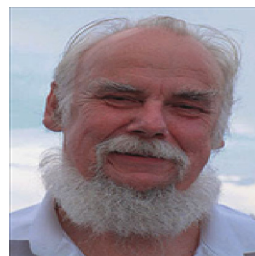
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We want to express our warmest condolences to all members of Prof. Håkan Wiberg's family wherever they live. He inspired us with his enthusiasm and experience of the Horn of Africa and tried his best to promote peace in the region.

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Abdillahi Jama

Lund Horn of Africa Conferences Coordinator





# Introduction

*Ulf Johansson Dahre*

The 9th annual SIRC/LuHAF conference on the Horn of Africa focused on Somalia and mainly on issues of reconstruction of democracy in a context of sectarian politics. The conference was held in Lund, Sweden, June 4-6, 2010. The conference was attended by more than 40 speakers and more than a hundred observers each day. The content of this report reflects some of the views presented at the conference.

The general purpose of the SIRC/LuHAF conference was to enhance the capacity of stakeholders in Somalia with new ideas and tools to enable them to act effectively in the processes of peace-building, development of democracy and good governance, rule of law, economic and social development and to build capacity among stakeholders to anticipate and respond to potentially violent conflicts. The goal is to initiate long-term change and reconstruction that correlate to the needs of the Somali society at large. The following objectives of the conference were defined:

- Identify and develop policy options to initiate and strengthen democratic governance, peace and security in Somalia, avoiding sectarian politics;
- Encourage and facilitate dialogue between stakeholders in order to stimulate community-driven solutions to the problems of sectarian politics; and
- Enable networking among stakeholders in the civil society and political leaders on developing democratic governance in Somalia.

For a better understanding of the many attempted and failed peace talks in Somalia during the last two decades it may be useful to recapture some of specific aspects of the Somali social context which lay at the bottom of the attempts to reconstruct the state. The Somali people have often been referred to as one people, in terms of shared language, culture, religion and culture. Therefore Somalia has supposedly been seen as more homogenous than most other countries in Africa. It was therefore that David Laitin and Said S. Samatar in 1987 could entitle their book “Somalia: Nation in Search of a State”. In the light of what has happened since then it is of course tempting to argue that their perspective on the social and cultural context of Somalia was misapprehended. It may, however, suffice to say that Somalia may not be a nation trying to evolve into a nation-state, but as Martin Doornbos (2002: 99) argued a few years ago, when reminding us that Somalia more looked like a kind of political arena, a contested state in the making, without being one nation, but with many peoples. Alternative solutions to the nation-state model have been proposed at length. If there will be a long-term solution is currently not possible to see, even

though many declarations and recommendations tend to favour a future unified state of Somalia.

The following shortlisted timeline for the Somali governance crisis and reconstruction efforts since 1991 gives an overview of the troublesome efforts to stabilize political, social and economic development during the last two decades.

1991 The federal government collapses under the break-out of civil war.

1992-95 is generally known as the period of United Nations intervention. The US had a leading role in these efforts, but the external intervention for reconstruction of the state failed.

In 1997 the Inter-Governmental Authority of Development (IGAD) attempted to organize nationally broad reconciliation efforts. Since then there have been several attempts to establish reconciliation processes. None of these processes has really taken off.

In 2000 the Transitional National Government (TNG) was established by the Arta Conference. The process was initiated by Somalis committed to the restoration of a unified country and a series of meetings was held in Djibouti. The TNG was therefore generally acknowledged as a Somali-owned initiative, which excluded warlords. However, the warlords controlled most of the Somali territory. The TNG also met strong resistance from neighbouring countries and the international community, which made the TNG process rather blunt and it soon became apparent that another process was needed to kick-start the peace and development talks.

In 2004 the Transitional Federal Government (TFG) was established out of the Embagathi Conference in Kenya. The conference is also known as the conference of the warlords. It excluded clan leaders and civil society and the agenda of the TFG was largely driven by foreign actors. It has some international recognition. The current term of the TFG ends in august 2011.

In 2006 the Islamic Courts Union (ICU) assumed control of the south part of Somalia. The TFG, with the assistance of Ethiopian and African Union troops, later resumed control of the region.

In 2008 the Al-Shabaab, an Islamic organization that grew out of the ICU, regrouped and continued insurgency against the TFG.

Also in 2008, the Djibouti Peace Talk convened with representatives of the TFG and the Alliance for the Re-liberation of Somalia (ARS), a group of moderate Islamist rebels. The talks called for a withdrawal of Ethiopian troops from Somalia.

The Somali Constitution Making Support Project (SCMSP) is currently one of the main contested issues as the end of the TFG approaches. This process is led by the United Nations Development Programme (UNDP) and the purpose is to support necessary steps for producing a legitimate constitution with broad popular support with a common vision of the future Somalia state, incorporating, among many political instruments and institutions, human rights.

Obviously, the collapse of the Somali state has led to many state-reconstruction efforts. In the wake of many analyses of collapsed or failed states there is now much focus on how to rebuild those same states. The determination to restore collapsed states is in historical perspective a recent phenomenon, argues Marina Ottaway

(2002:1001). In the past great powers annexed or dismembered dysfunctional states. Today collapsed states are expected to be reconstructed as soon as possible, with or without international support. In the early period after the collapse of the Somalia government in 1991 the international community attempted to restore a unified government and state, which in the end led to the abandonment of Somalia by the international community, leaving the reconstruction efforts basically to the Somalis themselves.

The 1990s saw a wide array of attempts to restore collapsed states in many parts of the world. Experiences evolved rapidly due to the high demand for workable restoration models. The World Bank, for instance, focused on demobilization and resettlement of former combatants as a basis for undertaking social development projects (Colletta et al, 1996). The main area of primary state reconstruction has been on rebuilding security by reintegrating combatants in civilian life. The political aspects tried to halt violence in favour of negotiations, such as rewriting constitutions, building new institutions, new election laws and developing infrastructure. The economic aspects included relief measures to war-affected populations, internally-displaced persons, and returning refugees. By this it is clear that reconstruction of failed or collapsed states is enormously complex, which several of the articles in this volume acknowledge.

The alternative to international external involvement in the reconstruction process is the internal reconstruction process. After the demise of UN/US attempts in the beginning of the 1990s, the Somalia population was basically left on its own to reconstruct some kind of political organization. Somalia has since 1991 remained a *de jure* state, that is an internationally recognized state. Attempts to also rebuild Somalia as a *de facto* state have, as we know, failed. It is sometimes argued that Somaliland has emerged as a *de facto* state, but it has received no international recognition to become a *de jure* state.

Recent discussions on the reconstruction show that the international community, more or less, wants to ensure the maintenance of a *de jure* state in Somalia, which should be re-turned into a *de facto* state. If the process is given sufficient resources and a political will it probably can be done. The political will, however, is and has been elusive in the case of Somalia. And often the resources allocated are not enough, which in the end may uphold a state that is still vulnerable to collapse. In the internal reconstruction efforts the will to rebuild Somalia, as a *de facto* state, has been prevalent among many actors, but they have no resources to do so.

External and internal attempts at state reconstruction differ in at least two significant ways. The first is the cost. Internal attempts are generally cheaper than externally directed attempts, where a very large part of the resources goes to the services of international peacekeepers and administrators. The second way it differs is in the process itself. While internal attempts often focus on re-establishing political power, the external attempts focus on re-building institutions. There are of course pros and cons with both these processes. The institutional re-building, which external actors seem to prefer, appears to be a better way to establish some kind of political, economic and social stability, because in countries with strong institutions the exercise

of power and the rule of law is better regulated. The problem with this approach is, as has been pointed out earlier, that what is good in the long-run does not necessarily work out in the short-term, as issues on power relations seems to be prevailing at institutions. Newly re-established institutions seem to have difficulties in gaining popular support in the short-run, which make them vulnerable to the strategies of political power relations. There must be sufficient power in the institutions to break the power of existing power groups, argues Ottaway (2002:1014-1015). In internal processes power is usually based on superior force on the part of one or more of the power groups. The external process may allocate enough resources to resist internal sectarian politics, but the international community on the other hand, is rarely willing to deploy overwhelming force, because such deployment has high financial and political costs. And if the intervention is only-half-hearted the result will be as in the UN/US intervention in Somalia in the early 1990s.

Looking at the papers presented in this volume one can conclude that reconstruction is likely to be a complex and slow process. And there is no consensus on the best way to reconstruct Somalia. However, one can find a few interesting proposals of a more general kind on the process of reconstruction.

First, the reconstruction of Somalia has to start with the building of institutions including a new constitution. As it is unlikely that any international actor will get deeply engaged in the rebuilding process of institutions in Somalia, at least not in the long-run, the institution building process will likely depend on how the distribution of political power will be structured in the short-term.

Second, the aim of institution-building has to be set at a moderate level to avoid a new collapse. It is argued that the process should be selective and clear about what problems should be solved and when.

Third, the re-building of institutions has to focus on problem-solving. Instead of looking at best-practices in other situations, the argument favoured seems to be that one should look at the specific problems in Somalia. Strong institutions will likely come as a result of the possibility of problem-solving of real problems. And as said under point two, to start with, the aims should be moderate and the steps should be small.

Finally, the dilemmas of the Horn of Africa are slowly gaining a greater international political and academic interest. During 2010 we saw several international conferences being held to address the urgent situation in many parts of the Horn. We can mention the following conferences, where SIRC/LuHAF was represented: The Consultative Conference on Peace and Stability in Somalia, organised by Somali academics, former army officers, civil society representatives and politicians. The conference was held in Kampala, Uganda in October; the Horn of Africa Peace Conference in Atlanta, Georgia, USA in December, and also, the Somali Intellectual Conference in Djibouti in December. Encouraged by this international development, the annual Lund conference will continue to bring together policy makers, academics and civil society and cooperate with other organizations and international conferences all around the world in our efforts to further develop the knowledge and understanding of the issues and problems of the Horn of Africa.

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PART I

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# Rebuilding Somalia: Political Statements





# Restoration of Democratic Governance in Somalia

*Jama Ali Jama*

## 1. Introduction

Mr/Madam Chairman, Your Excellencies, distinguished delegates, esteemed participants, guests and observers, I thank you for giving me the honour of presenting this keynote paper to open the Ninth Annual Horn of Africa Conference here in Lund. It is a great honour for me to contribute to the proceedings of this very important Conference and I hope that together we shall make a valuable contribution to the understanding of Somalia's continuing problems and especially the means to restore democratic governance which forms our special focus over the next three days.

On behalf of all Somalis, I am profoundly grateful to the Somalia International Rehabilitation Centre who have organised this conference with the support of the Kingdom of Sweden and her people, and for their resolute commitment and dedicated effort to help find a permanent solution to the problems that beset Somalia and continue to stand in the way of peace, stability and prosperity and, most importantly, the restoration of democratic governance which many of us see as the cornerstone to long term political stability for the country.

Somalia's situation is truly unique. There have been many examples of anarchy and civil war around the world, but generally speaking the institutions, infrastructure and civil service have survived largely intact, with the result that reconstruction is a relatively simple albeit costly exercise. However, in the case of Somalia the entire government machinery has been destroyed on a scale never witnessed before, not even during two World Wars. An entire generation of educated Somalis, who would normally have provided the new recruits to the civil service, has been lost. Moreover, the majority of Somalis who have the necessary education, experience and capability to fill the void, have fled the country with their families and taken refuge in neighbouring countries, Europe and North America, creating in the process a widely dispersed diaspora.

In this keynote paper I will try to identify the fundamental issues that continue to frustrate: the formation of a democratically elected parliament; the establishment of effective, transparent and accountable institutions; the participation of the diaspora in the reconstruction of the country, and the training of a new civil service.

Having highlighted those factors which to date have prevented the restoration of democratic governance, I will present what I believe represents a new and workable

outline strategy for integrated change through the active engagement and participation of all political and religious groups, civil society and other stakeholders to bring about the orderly return of democratic governance to the people of Somalia as was the aim of the Eldoret-Mbagathi Somali National Reconciliation Conference of 2002-2004 and clearly set out in the Transitional Federal Charter which, whilst imperfect, remains the only surviving and positive legacy of the Conference.

I have attempted to dwell on the positive, but given the scale of destruction during the last 19 years, it is not possible to disregard entirely the underlying causes of the present situation and the mistakes which have been made to date. I hope you will therefore forgive me by starting with a short history of colonial and post colonial Somalia in order to provide a context for our deliberations during the next three days.

## 2. Colonial Perspectives

### 2.1 Colonial era & pre-independence (1884-1960)

Somalis throughout the world have every reason to feel bitter at the hands of their former colonial masters and supposed protectors. The Somali flag with its white five-pointed star against an azure background provides a constant reminder of the ruthless and senseless division of the Somali people. The five points represent the five main Somali-speaking areas occupied by ethnic Somalis today:

- Somaliland (formerly the British Protectorate of Somaliland);
- The Italian colony of Somalia (the remainder of the Republic of Somalia);
- The Ogaden, Haud and reserved regions (now part of Ethiopia);
- The Northern Frontier District (now part of Kenya); and
- Djibouti (formerly French Somaliland).

The vast majority of Somalis belong to a single homogeneous tribe, which helps to explain why the clan system is so important and central to Somali culture. Somalis have traditionally enjoyed an oral culture based on familial ancestries, the origin of the Somali clan system, which are passed down by word of mouth from one generation to the next. However, it also provides the key to understanding why resentment and bitterness continue to lurk just beneath the surface amongst many Somalis.

European colonialists came to East Africa in the 19th century and carved up the land without respect for natural ethnic boundaries and in the absence of formal land ownership associated with nomadic peoples. Related tribes were forced to live together, whilst those sharing the same origin and culture were forcibly separated. Ownership of land is not the issue, but access to land amongst nomadic people is

vitaly important especially in an arid environment when migration to access traditional grazing grounds and wells to water livestock follows a seasonal pattern dictated by the weather.

In 1884, 1885 and 1896, Britain signed several nearly identical treaties with various Somali clans living in areas that are now form part of Ethiopia, Djibouti and Somaliland. France signed similar treaties with the Isa clan and Afar ethnic group living in Djibouti, whilst Italy signed treaties with the major clans living in southern Somalia and also across the current borders with Ethiopia and Kenya. In 1896, Britain signed a further treaty with the Ogadeni people, promising to protect the sovereignty of the Ogaden region, particularly from Ethiopia. In a further secret treaty only one year later (1897), Britain ceded the Ogaden to Ethiopia. Several decades passed before this treachery was discovered by the Ogadeni people.

On 4 June 1946 the British Foreign Secretary, Ernest Bevin, proposed that British Somaliland, Italian Somalia, the Northern Frontier District, and the Ogaden and Haud regions should all be placed under a single trust territory. This would have been a simple exercise, since all these territories were under British administration at the time. Although the plan was fundamentally sound, it was bitterly opposed by the USSR, USA and France and consequently abandoned. On 29 November 1954 under the Anglo-Ethiopian Agreements of 1942 and 1944, Britain finally completed the relinquishment of Western Somaliland (including the Ogaden region, the Haud and reserved area adjacent to British Somaliland) to Ethiopia. These were Somali speaking regions populated by ethnic Somalis who had previously been under British Military Administration after being liberated from Italian occupation in 1935.

Britain's betrayal was met with universal Somali indignation and condemnation, since Ethiopia had had no prior claim to the regions transferred. Moreover, the decision created artificial borders in the middle of traditional nomadic grazing areas for many Somali clans where none had previously existed. It also violated Britain's solemn undertaking to protect the sovereignty of this Somali territory on behalf of the indigenous Somalis.

The former British Protectorate of Somaliland and the Italian colony of Somalia became independent on 26 June and 1 July 1960 respectively and were united to form the Somali Republic on 1 July 1960 with Adan Abdulle Osman as its first President. In November 1961, the Somali Government passed a resolution welcoming the union of the Northern Frontier District (another area populated by ethnic Somalis) with Somalia.

Prior to granting independence to Kenya, Britain conducted a referendum in October 1962 amongst the people living in the Northern Frontier District - mainly 250,000 Somalis together with a smaller Oromo minority. In spite of the overwhelming majority of the population voting to join Somalia, Britain declared on 11 March 1963 that the Northern Frontier District would become the North Eastern Province of Kenya in violation of the expressed wishes of the predominantly Somali inhabitants. Somalia broke off diplomatic relations with Britain in protest. There has been political unrest in the North Eastern Province of Kenya ever since, with the result that Kenya only inherited problems with this so-called '*giff*' and no tan-

gible benefits whatsoever. It also resulted in political antagonism and deep mistrust between Somalia and Kenya as neighbours. In December 1965 Tanzanian President, Julius Nyerere, unsuccessfully attempted to broker a settlement between Kenya and Somalia over the Northern Frontier District.

When France finally granted independence to French Somaliland on 27 June 1977, the Government of Djibouti decided to retain its independence and not to join the Republic of Somalia. One important factor was that only 60% of the population were Somalis. The remaining 40% were Afars, who occupy two-thirds of Djibouti as well as the Danakil Desert in what is now north-eastern Ethiopia, and southern Eritrea. In this way Britain, Italy, France, the USA and the USSR determined the future of the Somali people and in particular the division of the loosely-organised area inhabited by the nomadic Somali people in the Horn of Africa into the five Somali territories that exist today, namely:

- Djibouti (60% Somali and 40% Afar);
- Self-declared Republic of Somaliland (virtually 100% Somali);
- Ethiopia's Zone 5 (almost 100% Somali);
- North-eastern, central and southern Somalia (virtually 100% Somali), and
- North Eastern Province of Kenya (predominantly Somali).

It is something of an enigma that these five areas are still represented by the five points of the white star on the Somali flag, even though only two of them, the British Protectorate of Somaliland and the Italian colony of Somalia, united on 1 July 1960 to form the Republic of Somalia. Although this partitioning of the Somali people against their will and, in the case of the Ogaden, secretly for several decades, may have served the short-term political interests of Britain and other western countries, it has unfortunately become the underlying cause of much of the resentment and conflict in the Horn of Africa during the post-colonial period, which affects not just Somalia, but also the neighbouring states of Djibouti, Ethiopia and Kenya.

The people living in the Northern Frontier District, the Ogaden, the Haud region and the majority of Somalis living in French Somaliland expressed their overwhelming desire to be part of the future Republic of Somalia, but were ignored.

I cannot over-emphasise that fact that it is for this very reason, Somalia's past and future stability and prosperity are intimately entangled with those of her immediate neighbours and are likely to remain so unless the political leaders of the region are prepared to take radical and courageous steps backed by the International Community to eliminate the fundamental causes of dissent. I will return to this important issue later on in this address.

## **2.2 Democratic credentials post independence (1960-1969)**

Even before Somalia gained independence as a sovereign nation, the introduction of democratic governance had already begun. It was first introduced in local and

municipal administration. National elections were held in 1956 and 1959 under the UN Trust Administration and again in 1964 and 1969 following independence.

These historic events record the fact that for nine years after independence Somalia enjoyed stable democratic governance, including the peaceful transfer of power to a newly elected president. This was a truly remarkable achievement within a continent with a history of political turbulence. I should like to emphasize the fact that Adan Abdulle Osman, the first president of the Somali Republic, was also the first African president who respected the peaceful transfer of power to his successor after his parliamentary defeat in 1967. At the time, Somalia represented a shining example to and beacon of hope for the future of the many newly-created democracies of post colonial Africa.

### 2.3 End of democracy & military takeover (1969-1991)

The smooth and peaceful transfer of power from President Adan Abdulle Osman to Dr Abdirashid Ali Sharmarke on 10 June 1967 was sadly very short lived. On 15 October 1969, President Abdirashid Ali Sharmarke was assassinated in Las Anod by a member of his own police force. Within hours of his burial on 21 October 1969, General Mohamed Siyad Barre took advantage of the power vacuum, launched a bloodless military coup and declared himself President. The military junta rounded up the former President, two former Prime Ministers and the Police Commander and imprisoned them without trial.

The Constitution and Supreme Court, Political parties, Trade Unions and civil societies were suspended and the National Assembly replaced by a Supreme Revolutionary Council.

On 26 January 1991, President Barre was overthrown by the militia of the United Somali Congress with the support and encouragement of Ethiopia. Due to the mistrust between the clans that President Barre had created as a result of his '*divide and rule*' policies, Somalia rapidly fragmented into loose areas controlled by traditional leaders, but sadly more often by warlords supported financially and militarily by Ethiopia.

On 18 May 1991, Somaliland (representing the major part of the former British Protectorate of Somaliland) declared independence from the rest of Somalia and on 21 December 1991, the regions of Bari and Nugaal and parts of Mudug and Galguduud agreed to form a regional administration in NE Somalia under the leadership of General Mohamed Abshir Musse (former Police commander under President Aden Abdulle Osman), who had in the meantime been elected the Chairman of the SSDF.

Between 1991 and 2009 there have been no less than 17 international conferences and initiatives to restore democratic governance to Somalia. The most successful of these by far, in spite of its many defects, has been the SNRC held in Eldoret and Mbagathi between 2002 and 2004. Its most enduring legacy is the Transitional Federal Charter which came into force on 4 September 2004. Between June and

August 2004, 275 MPs were ‘*appointed*’ and on 10 October 2004 Col Abdullahi Yusuf Ahmed was ‘*elected*’ as the Transitional President of the Federal Republic of Somalia for a term of four years.

Not content with their attempt to control the destiny of Somalia by installing a Transitional President of their choice and appointing the majority of the MPs, at least 5,000 Ethiopian troops entered Somalia on 30 December 2004, during the Christmas-New Year festivities when most governments are in recess and whilst the attention of the International Community had been turned towards the devastating tsunami which had been generated off the coast of Sumatra on 26 December 2004.

The Ethiopian military occupation of Somalia continued until January 2009, although Ethiopian military advisors and intelligence officers still remain in the country to this day.

### 3. Who Is to Blame?

We Somalis must accept ultimate responsibility for the problems that currently beset our country. The reasons are self-evident, however, this has been compounded by opportunistic neighbouring countries seeking political or economic advantage to Somalia’s detriment. However, the heaviest responsibility undoubtedly lies with the International Community who, in their attempts to bring about reconciliation and restore peace, stability and democratic governance to the country, have repeatedly made the same mistakes and miscalculations in judging the response of the Somali people towards their policies, assumptions and actions.

Unfortunately criticism, even constructive criticism, of the International Community’s policies, assumptions, actions and inactions, has been generally resented and opposition politicians and informal associations more often than not have been labelled as ‘*spoilers*’. I myself have been on the receiving end of such accusations, although it has never deterred me from being a political campaigner and reformer. Many of the International Community’s envoys for Somalia will accept no criticism and doggedly insist on trying to build on the mistakes of the past. A new approach is needed urgently, but before real progress can be achieved the International Community needs to understand and accept why previous attempts at reconciliation and reconstruction have not only failed, but have created a much larger over-arching problem, which will inevitably be even harder to resolve.

### 4. Where Are We Now?

It is my personal belief that the collapse of the Barre administration and the failure of the International Community to support the creation of a stable and effective

replacement has resulted directly and indirectly in a whole raft of problems, all of which need to be addressed. They include:

- The creation of a power vacuum, which has allowed neighbouring countries (Djibouti, Eritrea, Ethiopia, Kenya and Yemen), warlords, and religious extremists and foreigners in the name of jihad, to seek advantage through manipulation or through military control of parts of Somalia.
- The creation of a Somali diaspora scattered all over the world, many of whom together with their families have now settled into new lives and are unlikely to return to Somalia in order to contribute to the reconstruction of their homeland.
- The creation of huge numbers of refugees who are either internally displaced or have taken up temporary or semi-permanent residence in refugee camps in neighbouring countries, most notably Kenya.
- The total loss of the institutions and the civil service required to run the country. Whatever they might think, politicians do not run countries: it is the civil service that does so.
- The wanton destruction of basic infrastructure and/or its decay through lack of maintenance.
- Massive production and distribution of counterfeit banknotes and associated rampant inflation.
- Destruction of the environment especially through the production of charcoal for local consumption and also export.
- Polarisation of clan allegiances to the point where disputes are settled with violence instead of through dialogue as has always been the tradition in Somalia.
- Armed conflict, extra-judicial killing (murder), physical abuse (torture, rape, flogging and the severing of hands and feet) of innocent civilians or at least those who have not been given the opportunity of a fair trial.
- The rise of Wahabism in the place of the much more moderate Sufism which has been traditionally practiced throughout most of Somalia, and the destruction and/or desecration of Sufi and Catholic graves and graveyards.
- Political, social and religious conflict within Somalia has awakened foreign extremists who now actively meddle in Somali affairs.

## 5. Misconceptions

Having been a political campaigner for more than 20 years, it is clear to me that the International Community has generally failed to understand Somali values, beliefs, customs, traditions and perhaps most importantly the profound impact of colonial history. This has been and continues to be a major impediment in the search for a lasting solution to Somalia's problems and the restoration of democratic govern-



ance. The International Community also labours under some crucial misconceptions, some of which are of worldwide relevance in terms of conflict resolution. They include:

- In spite of the problems that continue to plague Somalia, there are two regions of the country where relative peace has been maintained, namely Puntland and Somaliland. These areas prove that Somalis are capable of rebuilding the country themselves utilising very limited resources, provided that the International Community does not undermine their activities. What has been achieved in Puntland and Somaliland can also be achieved in Southern Somalia. Contrary to popular opinion, peace, security, democratic governance, reconstruction and economic prosperity can all be achieved on a sustainable basis with the help of the International Community provided that Somali sovereignty and culture, including traditional values and religious beliefs, are respected.
- The Ethiopian invasion and occupation of Somalia four years was illegal and an act of war against the Somali Republic and its people. It was a gross violation of Article 2.4 of the 1945 Charter of the United Nations and article 30 of the 1948 Universal Declaration of Human Rights. The fact that the USA supported or even encouraged the invasion is wholly irrelevant. Ethiopia's action required the prior authorisation of the UN Security Council (in accordance with Articles 39, 41 and 42 of the UN Charter). Authorisation was neither sought nor granted.
- The International Community in general and the USA in particular have failed to predict or understand the level of resentment and bitterness that Somalis feel towards Meles Zenawi and his Government and which became even more polarised following the invasion and occupation of Somalia by Ethiopia. This may be traced back to the duplicity of colonial powers, especially Britain, when land occupied by Somalis, and therefore considered Somali territory in the absence of national boundaries at the time, was ceded to Abyssinia whose empire did not extend beyond the Abyssinian or Ethiopian highlands and was far from the Haud and Ogaden regions.
- Somalis who have protested against the Ethiopian invasion and occupation of Somalia are not terrorists, even if they have taken up arms and fought against Ethiopian troops. They are freedom fighters trying to liberate their country from an aggressor and are absolutely entitled to do so under Article 51 of the UN Charter. The USA and many other western countries, have repeatedly failed to recognise the often subtle difference between a terrorist and a freedom fighter. The distinction is not just a matter of perspective, it is based on the most fundamental human rights encapsulated in the 1948 Universal Declaration of Human Rights which every sovereign state is required to uphold upon becoming a member of the United Nations.
- Protective, selfish and discriminatory foreign policy by western nations and particularly the USA, is by far the most important cause of the rise and proliferation of militant political or religious groups around the world since the end of World War II. In many cases, they have started peacefully, but have resorted to violence



out of frustration when their legitimate demands have not been met. There are of course many instances when extremist groups have taken advantage of instability or conflict to pursue wholly unjustifiable causes. However, since the bombings of the US Embassies in Kenya and Tanzania and the destruction of the World Trade Centre on the 11<sup>th</sup> of September 2001, there has been an increasing tendency to label all such groups as terrorists regardless of the legitimacy of their demands.

- The so-called '*War on Terror*' in many cases represents a witch hunt for those militants that western nations originally created. The legality and legitimacy of the US and British invasion of Iraq is in doubt especially as no so-called '*weapons of mass destruction*' were ever found. Equally spurious grounds have been used to justify and defend US military action against targets inside Somalia, which have never been authorised by the UN Security Council and were consequently illegal.
- Somalia has an oral culture and it is widely recognised by those who know Somalia and its people that the majority of Somalis derive great pleasure from being the first to spread news. It should not be confused with duplicity, but Somalis by and large have difficulty in maintaining secrets and for Al-Qaeda cells to exist and operate inside Somalia undetected for months or years would be very difficult. The International Community should therefore be careful to collect hard evidence before accusing Somalia of harbouring terrorists, especially as Col Abdullahi Yusuf Ahmed has repeatedly (as both the President of Puntland and subsequently as the Transitional President of Somalia) '*cried wolf*' and sought US and western assistance in combating unsubstantiated claims of terrorist cells operating within Somalia. He used the same false argument in a futile attempt to justify the Ethiopian invasion.
- There is no evidence to suggest a link between extremist or terrorist groups and the '*Somali pirates*'. The '*pirates*' had justice on their side when they were targeting vessels fishing illegally in Somalia's territorial waters and EEZ and those suspected of involvement in the dumping of toxic waste along the Somali coast. The dumping of toxic waste along the Somali coast has been repeatedly denied by certain western nations, especially those suspected of being involved in this activity, but UNEP now has hard evidence that this illegal practice has indeed been going on. In the absence of condemnation by the International Community, let alone the implementation of preventative measures, coastal communities felt that they had no option but to protect their fish and shellfish resources themselves. Unfortunately, this developed into a lucrative money making activity and some of those involved, aided and abetted by financiers outside Somalia, could not resist the temptation to widen their sights and target innocent international merchant shipping.
- Eritrea has been repeatedly accused by the USA of interfering in Somali affairs. This begs the question as to why Ethiopia has not been the target of similar, but much more serious and prolonged accusations. Neither Eritrea nor Ethiopia should be permitted or encouraged to interfere in Somali affairs except when authorised to do so by the UN Security Council. The one-sided accusations against

Eritrea are nothing more than political propaganda or spin on the part of the USA in support of its ally Ethiopia.

- It has been claimed that the establishment of Islamic Courts in Somalia is a direct response to the political situation in the country. This is untrue - Somalia has always had Islamic Courts and its legal system based on the principles of Sharia law. However, the formation of the Union of Islamic Courts in Mogadishu, decried by the USA and certain other members of the International Community, was a direct response to the US recruitment of warlords to locate and hand over 'terrorist' suspects, especially those who may have been linked to the bombings of the US Embassies in Dar es Salaam and Nairobi. The fact remains, the US administration should not have been meddling inside Somalia except with the explicit consent of the Transitional Federal Parliament (TFP) and primary involvement of the Transitional Federal Government (TFG) established with the help of the International Community (including the USA) in 2004.

## 6. Root Causes of Past Failures

Flawed though it was from the outset, the SNRC which took place in Eldoret and Mbagathi between 2002 and 2004 was, without question, the most successful national conference to date and it had the potential of fulfilling its overall objective of delivering peace, democratic governance, security, stability and prosperity to Somalia and her people.

There are a multitude of factors why it failed, the majority of which were entirely predictable for those with experience and a real understanding of Somalia. Relatively few of the errors were sufficiently serious on their own to derail the process of reconciliation and reconstruction that had been started, but their cumulative impact has proved catastrophic.

The International Community has been repeatedly advised that the policies and decisions that were being pursued would create new conflicts where none had previously existed. In the end it has totally undermined the progress made during the SNRC in 2004 and has created a situation that is worse in many ways than it has been at any time since January 1991 when the Barre administration was ousted. If future efforts aimed at reversing the damage are to succeed, the mistakes of the past must be avoided. In order to avoid repeating them they must first be identified. They include the following:

- The injustices of Barre's administration and in particular the '*divide and rule*' policy which destroyed co-operation and trust between clans and in particular between the Darod and the Hawiye. It should not be forgotten that more than 90% of Somalis belong to a single Cushitic tribe! Consequently tribalism should never have become an issue within Somalia.

- The International Community has wilfully failed to condemn or take action against the large number of foreign fishing vessels that continue to fish illegally in Somalia's territorial waters and EEZ.
- The International Community has failed to condemn or take action against foreign companies dumping toxic waste along the coast of Somalia.
- Had the International Community taken steps to prevent or at least curb illegal fishing and dumping in Somali waters, it is likely that the coastal communities would never have resorted to piracy.
- During the preparatory stage prior to the start of the SNRC itself, Ethiopia was permitted to manipulate the planning and conduct of the Conference, including deciding who should and who should not be included. For example, I was initially invited to attend with my delegation as the elected President of Puntland, but was then blocked for 15 months by Kenya (on behalf of Ethiopia) from joining the Leaders Committee and participating fully in the Conference.
- The International Community failed to ensure that the most fundamental of the Transitional Federal Institutions<sup>1</sup> (TFIs), namely the Transitional Federal Charter, was strictly adhered to at all times. Compliance with the Charter could have been easily ensured by blocking all financial aid and support to the TFP and TFG when they failed to adhere to the provisions of the Charter.
- There was widespread manipulation by Ethiopia in the selection of MPs. Some of the appointees were not even of the correct clan or sub-clan in accordance with the 4.5 formula which had been agreed during the SNRC. This was repeatedly reported to the organisers of the SNRC, who chose to do nothing to correct the injustices.
- Ethiopia ensured that Col Abdullahi Yusuf Ahmed would be elected by coercing, threatening, bribing and, in some cases, beating up MPs. Large bundles of US\$100 bills were still being handed out in the toilets at the Kasarani Stadium on the day of the presidential election. HE Ambassador Winston Tubman, the Special Representative of the Secretary General (SRSG), witnessed this himself at the time, but the International Community failed to intervene.
- Kenya allowed the Ethiopian intelligence service to operate freely within the country before, during and after the Somali presidential election in 2004.
- The Transitional Federal Charter continues to be violated by the Transitional President, the Prime Minister and Speaker, but the International Community has done little to discourage such transgressions.
- A large part of the money provided by the International Community has ended up in the pockets of senior politicians and not used for the purpose for which it was intended. In spite of this, aid money has continued to flow to the TFIs.
- When the TFP and TFG got into difficulty, instead of helping to strengthen them by insisting on strict adherence to the Transitional Federal Charter, the International Community undermined the TFIs. This and the tacit support for

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1 Strictly speaking none of the TFIs are 'federal' at this time. They will only become so, when different regions of Somalia agree to join together to form a genuine Federal Republic of Somalia.

the Ethiopian invasion and occupation have contributed to and indirectly encouraged the rise of Al-Shabab and Hisbul Islam.

- The International Community has engaged in McCarthyism by following the US stance towards so-called extremism and terrorism and in the process undermined the right to legitimate protest. If all else fails, violent protest becomes the only option available to political activists and freedom fighters: *vide* the ANC and apartheid, or direct action against the Ethiopian invasion and occupation. However, such action cannot and should not be equated with international terrorism.
- The formation of the Alliance for the Re-liberation of Somalia (ARS) was the direct result of the expulsion of a group of opposition MPs (including myself) from the TFP and the Ethiopian response on behalf of the US to the increasing power and influence of the Union of Islamic Courts. One unfortunate outcome of the negotiations leading up to the Djibouti Agreement has been the deliberately orchestrated rift in the ARS with the result that some opposition groups, most notably Al-Shabab and Hisbul Islam, are still excluded from the reconciliation process. It should not be forgotten that decades of military intervention failed to bring to peace to Northern Ireland and that reconciliation was only achieved through the inclusion of all the armed political groups in the peace process and the cessation of external interference.
- Certain members of the International Community have chosen to support their own national interests ahead of the interests and needs of the Somali people.
- In short, the International Community has intervened when it should not have done, and has failed to intervene when it should have done.

## 7. The Way Forward

Given the enormous financial commitment made by the International Community to the restoration of peace, democratic governance, stability and prosperity for the Somali people and the absence of tangible progress during 19+ years of anarchy, we should be asking: “*Where on earth do we go from here?*” It appears that failure to achieve real and lasting progress is not through lack of resources, but rather the result of interference by parties with vested interests both inside and outside Somalia.

The relative tranquillity and stability of Somaliland and Puntland, with precious little outside help, clearly demonstrates that the Somali people have the capacity to solve their own problems. Whilst neither of these regional administrations is entirely free from external interference, their efforts to restore a large degree of democratic governance in their respective regions deserve praise and encouragement.

The original purpose of the SNRC was to prepare a transitional Charter and then establish a Parliament and Government with the limited, transitional mandate to:

1. Create a stable environment that allowed and facilitated full reconciliation, disarmament and reconstruction.
2. Draft a federal constitution based on research which reflected the needs of the Somali people, by conducting a census of the entire country, which would lead to the completion and approval of the constitution after the Government had completed the establishment of regional states based on a federal system.
3. Create a fully transparent and accountable system of government.

In order to achieve this, it was necessary for the International Community to act and speak with one voice on all issues without any suggestion of division or dissent which could be taken advantage of by unscrupulous political leaders. Sadly this has not happened in practice. Whilst the Transitional President, the Prime Minister and the Cabinet must collectively accept ultimate responsibility on our behalf for the current mess in which Somalia finds itself, the International Community must also share the blame by failing to act when it should have and for interfering when it should not have done so.

A new approach is clearly needed to revitalise the reconciliation, disarmament and reconstruction initiative in order to meet the expectations of the International Community and, much more importantly, those of the Somali people who have suffered for so long and have only seen the situation become progressively worse during the last 19 years. I propose the following steps as a starting point for discussion during this Conference. They are intended to build on what has already been achieved through the Djibouti Agreement and ensure that peace, democratic governance, stability and prosperity are finally restored to the Somali people.

## **I. The International Community**

Before sustainable progress can be made, the International Community needs to make some fundamental changes in the way it interacts with Somalia:

- It needs to set up a small and effective International Secretariat for Somalia to lead the reconciliation and reconstruction process and oversee the disbursement of all development aid for Somalia. It needs to be small to be effective and should be headed by someone who truly understands Somalia and the Somali people and preferably by a Somali. Former politicians, diplomats and senior international civil servants, lacking the requisite understanding of Somali affairs, will simply perpetrate the same mistakes that have dogged previous national conferences and initiatives.
- The Secretariat should have a governing Board of Trustees chaired perhaps by the SRSG and a small, but effective executive team. The day-to-day running of the Secretariat would be the responsibility of its Director General (DG) who would in effect be the chief executive of the Secretariat.

- The Board of Trustees would comprise the SRSG, the DG and a representative of all past and future potential donors of development aid for Somalia (EU, USA, Arab League, Libya, Qatar, Saudi Arabia etc). Meetings would be held monthly or as otherwise deemed necessary.
- In order to gain the confidence and trust of all parties, the Board of Trustees should not include representatives of those countries that have in the past shown themselves to have their own nationalistic agendas in respect of Somalia and the Horn of Africa in general. This includes: Djibouti, Eritrea, Ethiopia, Kenya and Yemen.
- The Secretariat must recognise that all opposition groups, and especially those that are currently classified by some as having extremist, 'Islamist' or terrorist agendas, have to be engaged in the reconciliation, disarmament and reconstruction process, and ensure that this is fully implemented (*cf* Northern Ireland). There can be no exceptions, if genuine and sustainable progress is to be achieved.
- The Secretariat must be given absolute control over all development funds intended for Somalia and be fully accountable for those funds at all times. The disbursement of money must be co-ordinated effectively, so that one donor cannot undermine the efforts of the others. This means that the Secretariat must be given the authority to disburse, suspend or block development funds depending on the level of compliance and co-operation demonstrated by the TFIs at the time.
- The Secretariat should be based in a neutral country until such time that it can be safely moved to Somalia.
- Unilateral interference by individual members of the International Community must cease. Robust diplomatic initiatives may be required to achieve this. This is seen as one of the most important rôles of the SRSG.
- The International Community and the Secretariat must at all times guard against encouraging opposition groups to become more belligerent or bellicose than they already are and to avoid where possible the creation of new ones.

## II. The Transitional Federal Institutions

Once the Secretariat has been established and lines of communication established with opposition groups currently outside the Djibouti Agreement, plans should be made to hold a new reconciliation '*conference*' in order to bring all opposition groups and stakeholders into a new slimmed down TFP. Ideally this should take place within Somalia. In order to ensure that it will be effective, some fundamental changes are required:

- The TFP needs to be small, effective and all inclusive whilst retaining as far as possible an equitable representation of different clans and sub-clans. A parliament of

550 undisciplined and, in some cases uneducated, MPs is a recipe for disaster. The TFP should be no larger than the 275<sup>2</sup> members appointed during the SNRC and preferably very much smaller.

- A new Cabinet should comprise no more than 27 Ministers.
- Power sharing between clans and sub-clans, all political groups and civil society both within Parliament and the Cabinet must be fully transparent and genuine in order to ensure universal '*ownership*' of the reconciliation, disarmament and reconstruction process.
- The selection of all appointees should, however, be based on each individual's ability to make a positive contribution to the reconciliation, disarmament and reconstruction process and not because of personal connections, loyalties or future expectations. Those who are best qualified to contribute should not be deliberately excluded, as has often occurred in the past.
- Hostile, divisive and prejudicial propaganda must cease forthwith.
- All Ethiopian military and intelligence personnel must leave Somalia immediately and unconditionally. Only peacekeeping forces approved under the Djibouti Agreement may be allowed to stay.
- Securing a ceasefire between Government security personnel (military and police) and opposition factions and/or groups must be given the highest possible priority.
- Development programmes and projects must be selected and designed in response to identified needs and implemented on the basis of priority. The TFIs must be fully transparent and accountable for all development funds disbursed by the Secretariat.
- Members of the Somali diaspora should be actively encouraged to come forward and contribute to the reconstruction of Somalia.

### III. Implementation

#### *Phase 1*

It is proposed that the International Secretariat for Somalia be formed as a matter of urgency in order to commence proactive reconciliation with those opposition groups still excluded from the Djibouti Agreement in order to break the current impasse and ensure that the TFIs can deliver what was expected of them under their limited and transitional mandate<sup>3</sup>, namely:

- The creation of a stable environment conducive to genuine and sustainable reconciliation, disarmament, and reconstruction.

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2 This figure has its origins in the SNRC of 2004 and, whilst I am not advocating strict adherence to the 4.5 formula, it can easily accommodate a distribution of seats between the clans in accordance with their relative numbers.

3 Taken from Articles 11 and 8 of the 2004 Transitional Federal Charter respectively.

- The restoration of democratic governance that is fully transparent and accountable to the Somali people.
- The drafting of a Federal Constitution which, through participative consultation, reflects the needs and aspirations of the Somali people and paves the way for national legislation based on Islamic Sharia law<sup>3</sup>.
- The completion of a census which, following a referendum seeking its approval, leads to the adoption of the Federal Constitution providing for the recognition and/or establishment of regional states within a Federal Republic of Somalia.

Subject to the provision of adequate security, the new ‘*Conference*’ should take place within Somalia and preferably in Mogadishu. It should initially concentrate on southern Somalia.

The ‘*Conference*’ should take place in an atmosphere of conciliation and compromise in order to re-establish trust and co-operation for mutual benefit. It is envisaged that this will involve a major and voluntary restructuring of the existing TFP and a sharing of power on a scale never contemplated in previous national conferences and initiatives. The primary goal of the conference will be to secure the participation and commitment of all parties to work towards the four objectives set out above.

## *Phase 2*

Having formed a smaller and more effective Parliament that is truly inclusive of all opposition parties and stakeholders and adopted a new Federal Constitution, practical steps can then be taken to complete the process of restoring democratic governance to the Somali people, by repealing repressive legislation and drafting, debating and ultimately passing new laws to meet the needs of the future Federal Republic of Somalia in the areas of:

- Electoral reform.
- Federal and state legislatures.
- Local government.
- Governmental institutions and parastatal organisations.
- Civil service.
- Good governance, including public accountability and transparency.
- Finance, taxation and fiscal policy.
- Judicial reform.
- Awqaf and religious affairs.
- Political reform and freedom to establish political parties.
- Human rights, including the rights of women and children.
- Education.
- Public health and safety.
- Postal service, communications and transportation.
- Banking and insurance.
- Public services and infrastructure.



- Land ownership and title.
- Commerce and industry.
- Employment.
- Foreign affairs and international co-operation.
- Police and military.
- Exploitation of natural resources.
- Environment and pollution.
- Maritime affairs.

Whilst new legislation should be based on the principles of Islamic Sharia law, they will also need to accommodate international conventions and treaties to which Somali is a signatory, not least of which is the 1948 Universal Declaration of Human Rights.

### *Phase 3*

Following the successful completion of Phase 1 and the re-establishment of a smaller, more effective and all inclusive TFP based in Mogadishu under Phase 2, it is proposed that the Secretariat would open a dialogue with Puntland to find amicable ways and means to lay the foundation for a genuine Federal Republic of Somalia and, in so doing, set an example for other member states within a future federation. Mutual recognition of regional autonomy will form a crucial part of the negotiations. It is, however, envisaged that foreign policy, national security, defence and marine resources would remain shared federal responsibilities.

It is suggested that the constitution adopted by the Trucial States or Trucial Oman when they formed the United Arab Emirates (UAE) might provide a useful source document for a new federal constitution for the Federal Republic of Somalia. Curiously, the constitution of the UAE is still in its original draft form and is still officially referred to as such, but this has never been an impediment to the successful ‘marriage’ of the seven individual emirates that make up the UAE.

The Somali situation is very similar to that of the UAE in that both relate to a nomadic people whose link with the land was originally based not so much on modern concepts of land ownership, but rights of access to traditional grazing grounds and wells for watering their livestock.

As Michael J “Crocodile” Dundee said of Australian nomads regarding the ownership of land in the popular movie “**Crocodile Dundee**”:

*“Well, you see, Aborigines don’t own the land. They belong to it. It’s like their mother. See those rocks? Been standing there for 600 million years. Still be there when you and I are gone. So arguing over who owns them is like two fleas arguing over who owns the dog they live on.”*

Access is ultimately more important than ownership. The principle extends not just to rights of access to land within Somalia, but ultimately to traditional grazing grounds that are no longer part of Somalia. As advocated by the African Union, allowing freedom of movement in order to exercise traditional rights is preferable to

trying to change by force or political means the national boundaries established by colonial powers regardless of the underlying and often enduring injustices that they have created.

#### *Phase 4*

Before embarking on opening a dialogue with Somaliland, it is first necessary to bring about reconciliation between Puntland and Somaliland over the disputed regions of Sool and Saanag. Only when this has been achieved, is it proposed that dialogue be opened with Somaliland with the objective of creating a Federal Republic encompassing the whole of Somalia and comprising three or more regional states. Mutual recognition of regional autonomy and shared federal responsibility for foreign policy, security, defence and marine resources are likely to remain crucial factors in the outcome of this phase.

## Concluding Remarks

Before I wrap up this keynote address I should like to speak briefly on the subject of piracy. There are three reasons for this. First, pirates have not only stolen merchant ships during the last few years, but they have also stolen the limelight to such an extent that the plight of the Somali people currently receives precious little attention by the media. Secondly, there is no evidence that Somali piracy is associated with Al-Shabab, Hisbul Islam or indeed any other extremist or terrorist group. It appears to be a purely commercial enterprise, albeit an illegal one. Thirdly, in spite of the International Community's efforts to combat this problem through the deployment of a large number of warships in the Gulf of Aden and north-western Indian Ocean at enormous expense, their impact to date has been disappointing to say the least.

Since pirates are forced sooner or later to return to the coastal communities from whence they came, the problem can and should be tackled at source. I therefore propose that the pirates are offered alternative employment (and training) to become an effective coastguard service. The courage and seamanship of the pirates are not in doubt. Consequently, the 'poacher turned gamekeeper' approach would seem to be a very attractive and cost-effective solution.

Since the homes of the pirates lie in both Puntland and southern Somalia, it is inappropriate to include this in Phase 1 of the new initiative. Instead it is proposed that this should be pursued as a separate exercise in parallel to the main reconciliation, disarmament and reconstruction activities. Addressing this problem within Southern Somalia should, however, be included within the mandate of the International Secretariat for Somalia. Assuming that it is successful, this exercise can help to pave the way towards greater co-operation between Puntland and southern Somalia.

I will now return to the main theme of this Conference, namely the restoration of democratic governance in Somalia.

Rather than attempt to present detailed suggestions as to how peace, security, democratic governance and prosperity can be restored to our country, it has been my aim to: raise questions; challenge pre-conceived concepts and ideas; highlight the impediments that face us in bringing about a permanent change within Somalia, and provide a starting point for the deliberations of this Conference. It is my sincere wish that we collectively formulate a new strategy which can in turn be adopted by the International Community and which ultimately gives the Somali people control of their own destiny without the imposition of vested interests which have unfortunately been the pattern since 1969 and have had such a destructive influence on our lives and culture.

Let us try to produce by the end of this Conference, a working document based as far as is possible on consensus, whilst recognising that we will not always agree with each other (such is the democratic process), but at least we should be able to agree to disagree and still work together for the common good. Given the abject failure of the last 19 years, including 17 national conferences and initiatives, each of us bears a solemn duty to do so for our fellow Somalis, both men and women, and especially for our children and our children's children.

It seems to me that such a document should spell out what we should not be doing just as much as it should set out what we should be doing in terms of a new initiative. For the avoidance of doubt, I am not advocating the rejection of the Djibouti accord of 2008-2009 in spite of its obvious defects. Good or bad, we need to build on what has gone before, instead of destroying it as has happened too many times in the past. Let us make this Conference a turning point for Somalia and the introduction of a new initiative for the restoration of democratic governance on a sustainable basis. Let us together seek inspiration and strength through Islam to achieve the peace, stability and prosperity that our people desperately deserve after so many years of hardship and deprivation.



# Statement on Somalia

*Ali Abdi Farah*

It is a great honour to attend this Horn of Africa Conference, which focuses on peace-building and democratic governance in Somalia.

My presence here as a Djibouti minister, underlines Djibouti's strong commitment to the search for a lasting solution to the conflict in Somalia.

I would like to acknowledge that this annual conference in Lund, on the Horn of Africa, makes a good contribution to the debate on the crucial issues in our region. And choosing Somalia as the focus of this year is a welcome idea. That is why we are all here. There is no doubt that this is a relevant initiative.

Of course we all know that the Problems of the Horn of Africa are countless, unfortunately. But the crisis in Somalia represents the main challenge. This is because the dangerous impact of the conflict in Somalia, which continues for 20 years, does not only affect Somalia, it affects the whole region and beyond.

Moreover, in this age of globalisation, issues of security and stability are interdependent throughout the world. We are all aware that extremism and terrorism are the main challenge, or the major threat to peace and security everywhere in the world.

When international terrorists felt that they are losing ground in countries like Iraq, they started to shift their main attention to Somalia, taking advantage of the absence of a central Government, a government that functions effectively.

In past years, we repeatedly warned the international community that if the required support is not genuinely provided for the reconstruction of an effective national government in Somalia, this country will become a safe haven for the world's terrorists, who will use it as their base for training their militants and engineering their attacks against other countries in the region and the world. No one took this warning seriously. The result is what we see today before our eyes.

What seemed an assumption at that time, is now a reality. As a matter of fact, Somalia has now been taken over by international terrorists, Al-Qaeda and others, represented by Al-Shabab and other Somali extremists, reinforced by foreign fighters and experts from many countries, as they themselves always admit.

The only rival that is trying to challenge them, in the capital Mogadishu and the South, is the feeble Transitional Federal Government – the TFG. Unfortunately, this TFG is losing ground day after day, because of the lack of resources and the capacity necessary for its survival in the face of the advancing insurgencies, who are solidly backed externally.

The international community failed to honour their commitment to provide tangible support for the TFG when it was formed in Djibouti. The embryonic Somalia national army and police have been struggling very hard to defend the areas control-

led by the TFG, with the help of the forces of AMISON. But they will not be able to go far if the current situation continues, if they are not provided with the necessary funds, if the international community continues its current position of wait and see.

As our president, his Excellency Ismail Omar Guelleh, warned the United Nations Security Council in New York last month, Somalia's Transitional Federal Government will not survive its conflict with the extremists, if the international community does not take immediate action. And if the TFG collapses, Somalia will totally disintegrate. The whole country will be taken hostage by the extremists and international terrorists, who will then start to expand to the North, to Somaliland and Puntland, then to the neighbouring countries and beyond. The situation will become hopeless.

For the last ten years, Somalia had a resemblance of national institutions, such as a parliament and government, since they were reconstructed as the outcome of the Arta conference in 2000. If the TFG collapses and the extremists succeed in taking over every- where, this will be the end of these embryonic national institutions that have been in place for ten years. In this case, the fruits of all the efforts previously made by IGAD, the UN and the rest of the international community will be lost. That is why it is important for the international community to honour its commitment and take action before it is too late.

It is crucial to defend and empower the existence of national institutions in Somalia, building upon the existing TFG. This is the only effective way to combat terrorism and piracy in Somalia and the region.

We in the Djibouti Government have been trying our best to do our part of the job, to meet the great challenges in our region, to actively contribute to the regional and international efforts towards resolving the crisis in Somalia. You all remember the huge efforts we made to sponsor and host the Arta Conference. Although Djibouti is a small country with limited resources, we left no stone unturned.

However, I believe that the situation in Somalia can only be reversed by collective efforts. Collective efforts made by IGAD member states, the international community and the Somali people.

The problem of piracy, which has attracted a lot of international attention, came as the result of this kind of situation, the result of the anarchy and the lack of effective national government, capable of preventing this kind of unlawful activities. The solution for the problem of piracy in Somalia is not to mobilise huge international marine forces. A more effective and less costly alternative would be to empower and build the capacity of Somali institutions, who then would be able to tackle the problem from its roots. The piracy problem in Somalia would have been solved if a fraction of the resources spent on the international marine forces was allocated for building the necessary capacity within Somalia, with national and local institutions.

I would like to conclude with a remark addressed to the members of the Somali Diaspora in general and the intellectuals in particular. It is an opportunity to have such a big gathering of Somali intellectuals from around the world. Generally speaking, intellectuals have an important role to play. There is a Somali proverb that goes: "*Dunidu maskaxday magan u tahay*", (the world relies on the mind").

However, when it comes to the Somali intellectuals, their role in saving their country, seems to be missing. It is not constructive to keep criticising, and blaming others. Try to play more constructive role. Your country relies on your **minds**. Try not to fail it!





# IGAD's Perspectives of Rebuilding Somalia

*Mahboub Maalim*

It is a great privilege and honour for me to come here at the University City of Lund, one of the oldest universities in Europe to discuss IGAD's Perspectives of Rebuilding Somalia with several other world renowned personalities shaping Somalia. I hope this conference will finding ways and means of resolving the pervasive human sufferings the Somali nation had endured over the last twenty years or so.

## Executive Summary

With the disintegration of Said Barre's regime in 1991, there was wholesale destruction of institutions of governance in Somalia. The region of terror and anarchy became supreme. The general population was left at the mercy of armed groups and militiamen. The activity of governments to collect taxes, maintain peace and order and provide essential social services to the population disappeared altogether. Equally, the rule of law, human rights and maintenance of peace and security became the private property of clan based sectarian politicians who took the population to ransom.

The notion of rebuilding Somalia came into being for the first time in 2004 after IGAD led a peace and reconciliation conference to set up the Somalia's Transitional Federal Government (TFG) to restore peace and order. Transitional Federal Institutions of Governance consisting of Transitional Parliament, Transitional Federal Assembly, A Transitional President, Prime Minister and a cabinet known as Council of Ministers were established.

However, in many respects the TFG has been unable to establish some semblance of peace and security in Somali over the last six years. It was engulfed by sectarian threats from within, parliamentary business was paralyzed with many legislators living in Kenya, Europe and North America because of security fears in war-driven Somalia and most of all Al-Shabaab and Hizzbul Islam, two Islamic militants united by their singular goal of undermining the legitimacy of the TFG made economic reconstruction and recovery difficult if not impossible.

However, IGAD is committed to assisting Somalia achieve a lasting peace and security. IGAD intends to play a vanguard role in the rebuilding of Somalia's institutions of governance, training of its human resources and rehabilitation of its infrastructure. IGAD shall contribute to accelerating the pace of economic cooperation and integration of Somalia with other IGAD member States.

## IGA's Context of Rebuilding Somalia

### 1. Stabilization Perspective

#### *1.1 Political Capital*

IGAD has and is vested with Political Capital. IGAD represents one of the building blocks of the African Union. Representing seven member states of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda, it is a key political player in the Horn of Africa and beyond. It is a premier organization promoting peace, property and regional integration among member states. Since 1986, it has accumulated a wealth of knowledge and expertise that are of great relevance to the rebuilding of Somalia. Therefore IGAD should continue working to mobilize the goodwill of member states to strengthen the political process in Somalia.

Specifically in the areas of:

#### *1.2 Peace Building*

With its track record in crafting Sudan's CPA, and in consortia with its development partners and primarily leveraging IGAD member states, IGAD can play an important interlocking role to help advance the course of enhanced dialogue and reconciliation among political protagonists in Somalia, the missing factor in rebuilding Somalia.

#### *1.3 Peace and Security*

With the combined powers of two of its programs – IGAD Security Sector Programme (ISSP) and Conflict Early Warning and Response Mechanism (CEWARN), IGAD should focus in providing technical and institutional support to help rebuild Somalia's Security Institutions to meet contemporary security threats as follows:

- i. Anti-terrorism
- ii. Marine Security
- iii. Organized Crime
  - a. Trafficking of Small arms and light weapons
  - b. Narcotic Trade

- c. Human Trafficking
- d. Money laundering
- e. Cyber Crime
- iv. Maintenance of Peace and Security of Agro-pastoral Communities between Somalia and Kenya and Somalia and Ethiopia.

#### *4.4 Housing and Property Directorate and Claims Commission*

As part of IGAD's overall objective of establishing lasting peace in Somalia, and in close cooperation with UN specialized agencies and with EU support, IGAD should develop a roadmap for the establishment of a Housing and Property Directorate and Claims Commission to help resolve housing and property disputes by urban and rural population, either through Mediation or arbitration. As much of the Municipal Administration in Mogadishu and other major towns has been destroyed, Municipal Capacity Building and Development of the land cadastre system should be part and parcel of this undertaking.

## **2. Development Perspectives**

### *2.1. Agriculture*

With 90% of Somalia's GDP derived from livestock production, focus should be on technical and institutional support to the Ministry of Agriculture to develop its livestock development strategy with a view to improving food security and livelihood of agro-pastoral communities and alleviating poverty.

### *2.2 Water, Energy and Natural Resources*

This is an important area and an initial 5 years strategic plan should be developed immediately for the rehabilitation of irrigated agriculture in the Juba and Shebelle river basins and promotion of bio-fuel.

### *2.3 Economic Cooperation and Integration*

Through the Minimum Integration Plan (MIP) developed by the IGAD Secretariat and yet to be fully adopted by our member states, special tailor-made support to Ministries of Foreign Affairs and Trade could trigger involvement of Somalia in the regional trade regimes.



# International Community Perspective on Somalia

*Ahmedou Ould-Abdallah*

## I. Total stability will not come overnight

Somalia is a long running crisis, and at a crucial juncture. The key is to go beyond the present, national and international legacy of two decades of conflict, and equally important is to remain focused on a way out. Overall, a continued and responsible commitment is an obligation. Overcoming the current hardships and insecurity requires a determined, long-term effort to promote political cooperation and build strong government institutions, while in the short term counter the pervasive influence of foreign fighters and other elements of extremism must be countered, but also that of those profiting from the conflict. Finally, there is a need for a coherent approach by all external actors (UN, IC, NGOs etc.), including professional meddlers and informal mediators.

After 20 years of armed confrontation, stability will not come overnight, but is to be promoted, nurtured and defended against all sorts of internal and external spoilers. The signing of a peace agreement in all conflicts – and this applies to the Djibouti Agreement (DA) – is only the beginning of a long and sometimes tortuous implementation process. In this connection, it should be noted that the DA is an exception in the series of past agreements on Somalia. Not the result of one country's diplomatic effort, it is endorsed and witnessed by important states and organizations representing the international community, contrary to previous agreements.

It is important that the Djibouti Peace Process and transition are kept on track. The successful implementation of the DA demands the rejection of violence and extremism, and continued outreach and political reconciliation with those outside the peace process who accept dialogue. It also discourages the multiplicity and interference of external actors mentioned above.

It is essential to have a renewed emphasis on Somalia's economic recovery and development. Somalia's reconstruction and development will be successful when governmental institutions, the business sector, civil society work together in a coherent manner. Recovery activities can make a greater contribution to social, economic and cultural development in Somalia, through further investment, continued employment-creation and vocational training.

## II. The way forward for Somalis and the International Community: simultaneous action in political, security, humanitarian assistance and human rights

The priority turns primarily around support to the government, and its effective management of the various dimensions of the crisis, and on a credible response of the international community. Hence, the essential objective is to have a stronger and more responsible government, which can be the effective representative of the population and at the same time the credible partner of the international community. Being a partner of the IC means also for the TFG to decide in consultancy with the international community on major decisions. This government – whatever its limitations – is legitimate and legal, and should be helped to be that partner. The objective is for the government to be a more representative, cohesive, effective and able international partner. There is a French saying “The best is the enemy of the good” – in other words, let us be modest in our ambitious demands.

With regards to the TFG, there is also a need to manage the transition smoothly – which is to end in August 2011 to avoid the rise of hundreds of ambitious presidential candidates, and subsequent potential paralysis and violence.

Somalia needs to establish loyal and professional security forces with a strong and unified command and control structure and reintegrate those armed groups that have joined the TFG. The re-establishment, training, equipping, payment and retention of Somali security forces are vital for the long-term stability of Somalia. Without such stability, piracy will continue to have a devastating effect, and so will the illegal fishing and dumping of chemicals and other waste. The cohesion of a political leadership is an important ingredient for the efficiency of security forces.

The TFG, in partnership with the international community, has a major responsibility to respond to the human suffering. It must assume its responsibilities to assure safe access to vulnerable populations, deliver basic services, manage public resources wisely and ensure their just distribution; introduce anti-corruption measures, develop and support the private sector; and build the capacity of its financial institutions.

The strength of the extremists is connected to the weakness of the TFIs and their lack of priorities and activities. Moreover, it should not be forgotten that extremism breeds extremism. Still, these extremists are welcome to the process if they wish by renouncing armed violence.

Also, the international community needs to take its responsibility. Its role is to help protect the people, the region and the world from Somalia's continued instability and anarchy. The priority of priorities is to continue ensuring practical efforts to reinforce the government, and enabling it to strengthen security. In this regard, the IC should drastically change its approach in allocating and specially in disbursing pledged resources in emergency situations; one million dollar today is worth five in three months. And: Somalia is not a case study for expertise or for the Somali elite for continued bickering.

The international community also needs to take collective action to support and work closely with IGAD and AU/AMISOM: IGAD has the knowledge, expertise and interest needed to help Somalia, a fellow member state. My office has signed an MOU with AU and AMSOM to help the common approach. Since the AU has a unique presence in the field, it is a major peace partner, thus, there is a requirement to mobilize and deliver additional resources to AU/AMISOM. AMISOM is important not only as a peace keeping mission, protecting the institution, but also as a protocol agent for visiting dignitaries, financial agent for international payments, etc. It is a future model of 21st century peace keeping operations. Both IGAD and the AU need immediate and tangible support from the IC, organizations and member states to carry out successfully their obligations in Somalia.

The International Community should also address internal and external spoilers and the illegal business activities including through sanctions targeting national individuals, entities or states. Joint action by IGAD, AU and UN in identifying and taking measures directed at them would be most productive. In Somalia, sanctions of the UN SC are at two levels: one linked to Al Qaida/Taliban (based on UNSC resolution 1267 [1999]), and the second linked to the delivery of humanitarian assistance and the respect of the Djibouti Agreement (UNSC resolution 1844 [2008]). However, those who want their name to be taken off the list of Al Qaida/Taliban should make their intention for peace clear. I have reiterated a number of times my availability to advocate for taking off the list of sanctions those Somali leaders who publicly really commit themselves to peace and renounce violence.

Last, but not least: an international presence in Mogadishu has become indispensable. The international community needs to move into Mogadishu and other parts of Somalia. The risk associated with this presence should be overcome with the adequate response. In this regard, the IC including the UN has to go beyond the way it presently works in Somalia – to start moving staff into Somalia, after having monitored the crisis from Nairobi over the last 15 years.





# Remarks for the Horn of Africa Conference

*Fred Ngoga Gateretse*

It is an honor to have an opportunity to address you here at the 9<sup>th</sup> Annual Horn of Africa Conference, where your focus on Somalia is deeply appreciated by those of us working hard to help the country achieve its potential. The vital importance of democratic governance in Somalia is undoubtedly clear to those of you who have joined us here in Lund. And I would like to take this opportunity to highlight some of the progress AMISOM has made in partnership with the Transitional Federal Government of Somali toward a day when democratic governance prevails across the country.

Contrary to popular perceptions, the government of Somalia and AMISOM forces are making gains in spreading peace and the rule of law throughout the country. Approximately 6,000 AMISOM peacekeepers are currently on the ground in Somalia, and more than 14,000 brave AMISOM soldiers have served in Somalia since the mission began more than three years ago. Nearly 6,500 Somali recruits have undergone AMISOM military training, and another 2,000 Somali recruits will receive training by the European Union during a yearlong initiative that began in May in Uganda. Security is of course the basis of democratic governance, and this emerging force of Somali soldiers and African Union peacekeepers is the basis for the security Somali needs.

Governance is spreading in Somalia even as the security forces are building up, however. In Mogadishu, the Somali government and AU peacekeepers hold key ground where a better future for Somalis is already taking root. Recently AMISOM launched a pilot school project very near one of its training facilities in the village of Jazeera. The presence of AMISOM and government forces in the area created a zone of relative security for residents, and Somalis from other parts of Mogadishu had settled there. The AMISOM pilot school in Jazeera, situated in a former sweets factory, opened with just nine students enrolled. Within 30 days, the school roster had 97 names as word spread, and now more than 200 students are enrolled, including a number of adult learners attending afternoon classes when the school day for children ends.

Somalia's only two real hospitals sit inside AMISOM bases in Mogadishu, where some 2,000 patients per week get badly needed medical care. These same bases provide up to 60,000 litres of clean drinking water per day to Somalis living in surrounding areas like Jazeera. Meanwhile, AMISOM and Somali government forces

safeguard Mogadishu's main airport and harbor, where planes and ships come and go carrying goods, people and vital aid.

Security. Clean water. Health care. Education. Economic activity. All of these things are fundamental to any country hoping to enjoy the benefits of democratic governance, and all of them can be seen now in areas of Mogadishu where AMISOM and the Somali government are working together with help from the international community. In other words, the difficult work AMISOM and the Somali government has done in recent years toward democratic governance is paying off. You can literally see the dividends on the ground in Somalia now if you go. Because of the efforts and sacrifices of many over the past three years, we have in hand today the beginnings of a better future for Somalia, a day now in the seeable distance where sectarian conflict and strife give way to hope and prosperity.

None of this is meant to sound Pollyannaish. Somalia's widely known problems are becoming deeper and more complex even as progress toward democratic governance moves forward. Lawlessness throughout much of the country has given rise to rampant piracy off Somalia's shores, where the ongoing presence of a flotilla of warships from the navies of more than two dozen nations offers a daily reminder of how Somalia's internal problems represent a pressing international issue.

On the ground, an influx of foreign fighters to Somalia is swelling the ranks of militant oppositionists openly aligned with al-Qaeda. Hundreds of foreign militants are currently in Somalia ostensibly to fight the Somali government and AMISOM alongside al-Shabab and Hizbul Islam, extremist groups who draw inspiration from the Taliban. Indeed, a recent report by Human Rights Watch looking at life for Somalis in al-Shabab territory could have come from the organization's old file on Taliban Afghanistan. Extremists desecrate the graves of Somalis seen as somehow un-Islamic under a warped interpretation of Islam. Al-Shabab authorities regularly issue bizarre edicts banning everything from music and school bells to using tractors for farming. Al-Shabab enforcers flog women for failing to wear head-to-toe garments, even though many families simply cannot afford them. And these same extremists are undoubtedly responsible for the five headless corpses found in April in Mogadishu, where the victims had been working to build a new Somali parliament.

The world has seen this kind of savagery before, when the Taliban destroyed the Buddhist statues in Afghanistan and when militants in Iraq similarly aligned with Osama bin Laden systematically bombed holy sites around that country. As the history of the past decade shows, the extremists in Somalia now will begin exporting violence in the region and around the world if we do not confront them with force. AMISOM and the Somali government are together taking the lead in this battle. The hard fight on the ground is ours to win, but we need international support from afar to remain strong if we hope to succeed.

# Somalia: The Role of Democratic Governance versus Sectarian Politics

*Jeremy Lester*

## Introduction

I'm honoured to speak in this session. Pleased to have heard H.E. Ould Abdallah who has worked for so long with determination and understanding for Somalia. I thank him for referring so clearly to Human Rights. Pleased too to be with Engineer Mahboub Maalim. Engineer Maalim can speak for himself, but I would like to suggest that, as a Somali speaker from the region and with a regional approach, he is part of the solution we should be looking for. And I am obviously pleased to be again with Somalis from the United States and the UK, from Scandinavia and Africa. Somalia's identity is held together by language and poetry, by the internet, by meetings such as this one in Lund, rather than held together by enclosure in a border.

I'm here, representing the European Union, to give our perspective on how Somalia can resolve the crisis and rebuild the country. I'm glad the question is put in this way – it is too common for Somalia to be the scene of others trying to resolve other problems in or through Somalia. Conflicts between Italians and British. Conflict between Capitalist West and Communist East. Conflict between neighbouring states. Instrumentalised by Wahhabite foreigners in their pursuit of jihad.

Somalia has a crisis which Somalis have a right and responsibility to resolve: let not anybody, international community or whoever try to solve problems in or through Somalia. And we all know Somalia has a uniquely complex crisis even without internationally added embellishments! The European Union has no solutions, and it intends not to pretend otherwise. It has no desire to add problems either.

What it has tried to do, and what I have tried to contribute to, is to understand what on earth is going on, and to understand what we can do to help Somalis reach solutions. I will try now to share with you what we see as the crisis, the way Somalis may get out of it as a first part of my intervention and secondly to share with you what the European Union is doing, and intends to do, to support Somalis to end the crisis.

For Somalia, The European Union seeks to mobilise all instruments:

- Political – with UN-AU-IGAD

- Developmental
- Humanitarian
- Security

With Somalia as a whole, with all parts rather than making a detailed inventory, I refer you to a brochure, coming in this afternoon from Nairobi, which sets out in detail what we are doing.

Now instead I am going to come back to how Somalis can address this crisis. Overall, in the coming days, we shall be looking at the role of Democratic Governance versus Sectarian Politics in Somalia? It's a good title. I guess as we all speak we will be expected to say a Democratic Government is "good"; Sectarian Politics is "bad", and I will not be an exception. But what I will add is that I suspect for many in Somalia this is not the choice put before them. For some the choice is survival. To find food for their child for today, in Mogadishu or by leaving. To have a chance of something different in Yemen or on the high seas, across the Sudanese desert, or by finding survival strategies in Somalia itself. As a woman, to choose to remain in the house, or to cover herself, head to toe, to go into the street. What we are looking for in our discussion is not the choice between sectarian politics and democratic governance, but to find spaces where Somalis can make choices. Opening up the space for choosing alternative futures. That is actually what I believe we are doing when we talk of development. It is giving people a space to choose their futures.

## 1. Transitional, Federal, Government

The Djibouti Agreement was indeed a breakthrough towards an inclusive peace process. It now needs fresh momentum, and that should come from the TFG recognising more explicitly its nature as a transitional institution, a federal institution, and one whose functions as government must be, because of the present situation, limited in terms of government.

To regain momentum, there needs first of all to be a resolution of the deadlock in Mogadishu between the transitional federal institutions. The lack for many weeks of a Cabinet is not sustainable and a new cabinet should be appointed. The new government should not simply be an enlargement to bring in yet more ministers to represent new allies. The new government should be selected to be efficient and effective at the limited number of things it should seek to do: it should not be a further manifestation of 4.5 balance at the cost of being bloated.

Once the initial hurdle of establishing a cabinet is sorted, the government should offer extension to all prepared to work together. Inclusiveness is a key feature of a government which is part of the solution and not part of the problem. Extension to Al Suma Wa Jamma but also to all those who can accept the idea of a state which in

its laws and justice recognises Somali and Muslim traditions. A coalition of all those whose interests are for Somalis and Somalia; a coalition of all whose value system respects tolerance and conviviality. The way to heaven; to a good life on this earth, is in self-improvement, in helping others, not in imposing on others or exploiting others. Sorry to use this desk as a pulpit, but that is what I believe.

How more can the TFG be a solution? By preparing a transition. It is not itself an elected government. The Djibouti Process and the Transitional Federal Charter give it the mandate to manage the transition. A transitional government recognises that it has got a heavy responsibility to pave the way for a future government. It is not itself that government. The transition will pass in the end through adoption of a constitution; it will culminate in an election. As a transition it has got major tasks – but it does not have to pretend to be a government.

How more can the TFG be a solution? By being Federal. Somalia's long history of splits and separate governance would make a strong centralised state impossible even if it had once existed. In fact, Somalia can be proud of having had, over centuries, a high degree of decentralisation and having recognised mechanisms for groups to resolve conflicts and live together.

Somalia needs to renew this for the 21<sup>st</sup> Century. It needs to take account of the different histories, colonial and otherwise, of different parts of Somalia. De facto there is already a high degree of disaggregation but there is also competition, overlap, aggression.

Somalia needs to find an identity which allows for Somaliland to work on in its way, which recognises Puntland's specificities, which recognises the Somali identity of Somalis in Kenya, in Ethiopia, in Djibouti – and in Malmo and Minnesota, without threatening other states and their paths.

A Somali solution for Somalia will recognise a federal, decentralised, plural vision. It will not seek to establish the over centralised control environments of Addis and Asmara. A Somali solution for Somalia will celebrate Somali conflict resolution mechanisms. A lot of talking, leading to understanding others, and solutions in which everyone can find their place. The EU has long supported local peace building, and found Somalis succeed in building peace when they are in the driving seats.

It is perhaps not surprising that the TFG struggles to be a government. After two decades of conflict, it is harder than in Sweden or in Norway. Others have managed – Rwanda after genocide, South Africa after apartheid, Germany after the Second World War. But it is not easy! Integrity is an important quality in short supply. Somali Ministers, not elected, not directly exposed to being voted out, must show that they are working for Somalia not just for themselves.

## What is the European Union doing?

The European Union wants to help Somalis find an end to the crisis, and wants to help rebuild the country. It wants to help because Somalia in itself deserves it. It also wants to help because so long as Somalis do not find an end to their problem, Somalia is a problem for the world. The world, including the European Union, needs Somalia to find a solution, a solution to piracy, to uncontrolled migration and trafficking, to militant jihad, to destabilising the region. Neither Somalia nor the world deserve another two decades of violence and destruction. The European Union wants Somalia to find a solution and is prepared to help it do so.

Let me say more what we are doing to help Somalia resolve Somalia's problem. We support the TFG. We pay the Ministers; we pay trained police, we cover the costs of an embassy. We are ready to pay Parliamentarians, to pay some civil servants. We do not give budget support but we do support the budget.

I have explained our vision of the TFG – we want it to work and we are prepared to finance it. If it worked better we would be prepared to support it still more. To help diaspora members help to make it work. To build capacity, to get minimum functions working, like an ability to raise revenue and manage a budget.

We work with the United Nations and with the African Union. We have given support to IGAD's efforts, for instance to make effective the alliance between TFG and Al Suma Wa Jama, to improve Somaliland-Puntland dialogue. With the United Nations, a major programme is the rule of law programme. Effective justice, trained police, a functioning penitentiary system. All these are part of Somalia's solution to the crisis, and we try to support them – not only in South Central, but also in Somaliland and in Puntland.

We believe the TFG needs a chance, and to have a chance, it must not be over-run. That is why we finance the daily allowances of AMISOM, and will fund their mentoring of TFG forces. That is why the first ever military training mission of the EU is to train Somali soldiers, 2000 of them, in Uganda.

We believe that all Somalis should live, even if displaced and dispossessed. That is why our humanitarian office works to feed and shelter, both in Somalia and in camps outside. Somalis have, so many of them, exhausted their own survival strategies, and need our help. Incidentally, wherever possible we buy food locally, to support the local economy.

We believe in education. We think Somalis too see it as key, and are proud to fund education wherever we can. We would like to do more, and lament that it is not easy. Somalis have made real strides, and despite the war, education levels seem to be rising – education is a key to ending the crisis.

The international community should not be supporting Somalia with 'funny money'. Money through rents siphoned off from aid, through piracy receipts. We believe Somalia should depend on the real economy. That is part of the real solution. On livestock, on agriculture, on fisheries, on trade. Somalia is good at trade, strong as private sector. So the EU supports agriculture, supports livestock. Through animal

health programmes it has reopened exports to Saudi Arabia. Through irrigation support, even in Shebaab controlled areas.

We believe the solution to Somalia's crisis should be part of a regional approach to regional problems. That's why I work with Engineer Maalim, why the Berbera Corridor is on our priority investment list. Somalia will be post crisis when Somalia is working towards its own prosperity as part of a prosperous region!

We believe Somalia needs civil society. Civil Society is part of the solution. We, the EU, deliver a lot of our support through civil society. Civil Society which represents women, the media, which daily is under threat, but which represents Somali values. We, the EU, believe in civil society.

We believe Somalia is not constrained by national boundaries; this meeting in Sweden is part of the Somali process to find Somali solutions to the crisis. We support Diaspeace in Finland, we are looking at how to work more with the diaspora for them, for you, to be part of the solution, not part of the problem? For the health of our own – European – society we need a diaspora which embraces not rejects the plurality which is at the core of Europe.

Recently I cried on looking at YouTube – at a Somali-Danish bus driver in Copenhagen being greeted on his birthday by his Danish passengers. Look it up, and cry with me!

I've spoken about what Europe is doing to support a Somali solution to the Somali crisis. There is more. The most visible intervention is Atalanta, the EU Navies fight against piracy. Catherine Ashton made her first visit to Africa as Vice President and High Representative by going to Tanzania and Kenya and the Seychelles, as part of the regional fight against piracy.

We are learning that the solution to piracy is on land. We are slowly appreciating that without jobs and hope, Puntland youth will forever be tempted to risk their lives for the bonanza of pirate ransoms. So we intend to work more with all parts of Somalia to create alternatives. To be honest, the weaknesses of Puntland and Mogadishu hold us back, but we want to create employment, to build the alternatives to piracy.

Let me stop now. I was asked to say what the international community thought Somalis should do to end the crisis. I have sketched some points, I have said what the EU is trying to do to support that process. You can see more in a brochure which I hope has arrived in sufficient numbers from Nairobi.

I do not have a magic bullet, a magic solution. I do believe in Somalis, and I do believe they have the solution. It is not to do with armies, not to do with clever 4.5 alliances. It is to do with Somali traditions, Somali values, and it is to do with integrity. When Somalis appear who are dedicated to Somalia and not their personal gain, then Somalis, with Somali values, will find Somali solutions to a Somali Crisis. All the EU can do, all the EU will do, and that I promise, is be with Somalia to help it to find and implement those Somali solutions.





# Culture as a Victim of the Somali Crisis and a Key to Resolving it

*Maxamed Daahir Afrax*

Before I start I'd like to thank the organisers of this conference for inviting me to come and to speak on this particular subject: *culture*. I **do** appreciate their initiative to include culture in the program.

This is a subject that has long been neglected or overlooked. That is why it is an innovative initiative to consider the role of culture in a conference in which the political future of Somalia is in focus.

The organisers of our conference have taken this welcome initiative at a time when international conferences on Somalia suffer from the lack of any kind of innovation, or any attempt to consider new approaches or come up with new ideas. Like the Somalia transitional governments, international meetings on Somalia seem to be repeating over and over again the same approaches that keep leading to the same failures.

In my view, for anyone with a genuine intention of contributing to an effective response to the Somalia challenge, it is crucial to be more creative, to come up with new ideas, to consider using more effective means; and culture is potentially at the forefront of such potential means.

Culture is a key to achieving progress in all other sectors, be they political, security, economic or other. It is important to understand the Somali problem from a cultural perspective, to examine this culture and how it has been used in the creation and continuation of this endless conflict in Somalia. It is also crucial to consider how Somali culture and the artistic medium can be successfully used as tools for *constructive* rather than *destructive* purposes – namely, for promoting peace, democracy, rule of law and good governance in Somalia.

With all these in mind, the core of what I would like to share with you today is to give you a quick picture of the Somali cultural scene in the context of the theme of our conference. Particularly, as the title suggests, I would like to highlight how Somali culture and national heritage have fallen victims of Somalia's disastrous conflict. More profoundly, I would like to underscore how cultural and artistic communication can be used as effective means to rebuild a peaceful and democratic Somalia.

Obviously, time does not permit the presentation of all the details contained in the fuller version of this paper. I will therefore limit myself to giving you a quick background picture, followed by the main challenges and main opportunities; and finally I will conclude with a number of practical recommendations.

However, before getting into this main body of my paper, it is relevant to say a few words about the global context of the subject-matter.

In earlier decades, development planners and political decision makers tended to consider culture as last priority. In recent years, however, things have changed. There is a growing recognition of the importance of culture and its role as a development resource, as an essential ingredient in any development programme, and as an agent of peace and democracy.

Many countries and organisations are doubling their attention to culture, because they have realised that culture and development are interdependent, that the goals of sustainable development cannot be achieved unless cultural factors are taken into account. From this perspective, an increasing number of financial institutions, including the World Bank, have begun to show readiness to support cultural development, by supporting projects that treat culture as an economic resource.

This new awareness came largely as the result of many years of tireless advocacy and awareness-raising, led by UNESCO, as the world's lead organisation in the field of culture. A historic turning point in this quest was the World Conference on Cultural Policies held in Mexico City in 1982. It was this innovative World Conference that set the foundation for the definition of culture that has guided the international community ever since the early 1980s. That conference also led to the United Nations World Decade for Culture from 1988 to '97.

As part of this growing attention to culture worldwide, the African Union on its part has been making remarkable efforts throughout this decade towards cultural development or what has been referred to as cultural renaissance in Africa.

However, in spite of all these efforts, African countries were not among those who benefited from the initiatives of the World Decade for Culture. This has been pointed out in a number of specialist reports including the report of the decade itself. On the contrary, the cultural situation in many African countries has been suffering from setbacks and continuing deterioration since the early 1990s.

Obviously, Somalia is an extreme example in this connection. It is ironic that the World Decade for Culture coincided with the most disastrous decade as far as Somali culture is concerned, a period in which Somali cultural resources were undergoing the worst devastation in Somali history ever, as the result of the continuing conflict and anarchy.

The Somali case provides a living example attesting to the well-known perception that whenever war breaks out in a country, culture falls as the first victim. The entire cultural life in this country has fallen victim of the violent conflict. It has fallen victim on a scale unseen anywhere else in the world, as we shall see shortly.

It should be noted first, that before these civil war destructions, Somalia used to enjoy a vibrant cultural life resting on a wealth of cultural heritage. The dominant feature of this rich cultural tradition was verbal art due to the oral nature of Somali

society. Leading forms of Somali verbal art include poetry, story-telling, proverbs, and oratorical eloquence. Other important aspects were traditional wisdom, indigenous knowledge, popular rituals and performing arts such as traditional music, folklore dance and orally produced drama. All of these were an integral part of the people's day-to-day livelihood activities. No single productive activity was performed without being accompanied by a specific form of verbal art. This can be observed from the unusual abundance of work songs in the Somali oral tradition.

Time and again, foreign observers of Somali culture expressed their amazement at the richness of this cultural tradition. One of these observers who is repeatedly cited, is the 19<sup>th</sup> century English explorer, Sir Richard Burton, who described the Somalis as a 'nation of poets'.

Actually, it would be more accurate to describe the Somalis as a nation of art lovers. Obviously it is not just poetry, but different forms of art and literature are so popular among the Somalis, past and present. In the past, proverbs, story-telling and work songs were not less important than poetry. It is true that in olden days poetry used to be the leading form of oral literature in Somali society.

In modern times, however, things have changed. The popularity of poetry was gradually going out of fashion. In the four decades that preceded the civil war, drama was taking over. The theatre, which incorporates drama, music, dance, visual arts and short-lined, modern poetry, became the most popular form of cultural expression in Somali urban life.

After independence, the cultural life of the country was greatly revitalised and remarkably modernized. Cultural infrastructure rapidly developed. Cultural industries boomed. Facilities such as cinemas, theatres, libraries, museums and cultural centres became prominent features of the country's cultural life. Somali became a written language, following the introduction of an official orthography.

The outbreak of the civil war and the collapse of the state and the society by the beginning of 1991 changed the face of Somalia as we knew it. All the said developments were aborted. Everything has been destroyed by war-mongers competing for power. The country's entire infrastructure was devastated, including, of course, all aspects of cultural infrastructure.

A UNESCO Cultural Needs Assessment mission carried out in 2007 by the author of this paper as a UNECO consultant, found an alarming situation; a situation where crucial aspects of a nation's cultural heritage were disappearing; where all cultural institutions were totally destroyed, human resources disabled, cultural identity lost, national language undermined, cultural practices forgotten, cultural life paralysed, cultural initiatives internally frustrated by religious extremists and externally abandoned, the Somali language and its literature excluded from schools where it once used to be the medium of instruction. This is partly because of the virtual absence of state schools but largely because the vast majority of the functioning educational institutions are run by pro-Arabic groups with fundamentalist ideology, who systematically undermine the Somali language and its literature.

The main challenges faced in the field of culture can be summed up in the following points:

1. The absence of national institutions with the necessary capacity to develop cultural programmes and protect the national heritage at risk;
2. The lack of security and the prevalence of an environment hostile to cultural practice, particularly in the capital Mogadishu and the South;
3. The lack of cultural infrastructure;
4. The national heritage accumulated over the centuries has been destroyed, as I said, and what is left is disappearing very fast;
5. The total lack of the financial resources necessary for cultural reconstruction;
6. The lack of qualified human resources; most experienced and skilled people in the field of culture had to flee the civil war and disperse all over the globe, as is the case with the rest of Somali professionals in other fields;
7. The lack of awareness of the importance of culture, especially among politicians and decision makers; such awareness is lacking at both the political and community levels;
8. The absence of any ongoing cultural reconstruction programmes or cultural activities of substance inside the country, with the exception of some undertakings carried out by civil society organisations with very limited capacity;
9. A serious brain drain, as the vast majority of the skilled and experienced people left the war-torn country and sought refuge elsewhere;
10. The eradication of vital aspects of Somali culture by groups with a rigid and distorted interpretation of Islam, who keep on imposing alien cultural features, in the name of Islam, replacing Somali national culture and language, which they brand as *jaahiliyah* or un-Islamic;

All these are examples of the great challenges we are faced with in Somalia in the field of culture.

But, that said, one has to look at the other side of the coin. The picture is not entirely gloomy. Some bright spots or opportunities are not absent either. There are certain positive aspects which offer important opportunities to build upon. These opportunities include the following:

1. The Somali cultural heritage is a dynamic living force – people are still so attached to their cultural heritage, which continues to have great influence in the shaping of their opinions. This offers the opportunity to use certain elements of this heritage to mobilise popular support for peace building and reconstruction initiatives.
2. In sharp contrast to politics, culture, with its unity in diversity, is a unifying factor in Somali society. It is the only factor that makes the Somalis maintain a sense of communal identity. And thus, various types of cultural expression have great potential that can be utilised to achieve the objectives set out in the documents of this conference.

3. Somali artists and cultural practitioners inside and outside the country are still doing their best as peace promoters through their art, despite their lack of resources and the massive problems and obstacles they are faced with. They are readily available to serve as the human resources required for any initiative with a cultural dimension.
4. All Somalis speak the same language and the writing system of the Somali language introduced in 1972 has luckily survived the destructions of the civil war, though not without setbacks in many aspects. This facilitates a successful communication with and within the Somali people everywhere.
5. The existence of peaceful regions with fully functioning administrations in areas such as Somaliland and Puntland offer the opportunity to initiate or support culture and media reconstruction programmes in these peaceful areas; programmes that would also serve as catalysts to an overall reconstruction and peace building in Somalia.
6. The existence of civil society organisations throughout the country offers the opportunity to find local partners to any reconstruction initiatives using cultural resources. Some of these civil society organisations specialise in the field of culture and the media which are closely related to culture. Examples include two literary and cultural organisations actively engaged in responding to the challenges I have enlisted. The main focus of these two initiatives is the protection and development of the Somali language and its literature, and to use culture and art for peace and reconstruction. The names of the two civil society organisations I am talking about as examples, are the Somali-speaking Writers' Club of International PEN and Halabuur Centre for Culture and Communication in the Horn of Africa, both of which I founded in London in the last decade and then moved their headquarters to Djibouti. An example of the activities of Halabuur Centre is a periodical magazine also called HAALABUUR, Journal of Somali Literature and Culture. A learned and literary publication in English and Somali.
7. The fast growing Somali Diaspora is pregnant with a great potential when it comes to the rehabilitation of Somali culture and utilising it for reconstruction. An early sign of Somali cultural revival in the Diaspora is already on the horizon, particularly in Europe and North America. Sweden is indeed a shining example. Thanks to the support provided by the Swedish Government, Sweden is increasingly becoming an important location for Somali cultural activities. While inside Somalia fundamentalists ban the Somali language and deny Somali students to study their mother tongue in schools and universities, Sweden and other Scandinavian countries such as Norway and Finland have allocated generous funds for the inclusion of the Somali language in schools where there are Somali pupils.
8. A great opportunity is represented in the role of Djibouti. Over the last ten years, the Republic of Djibouti, which shares with Somalia the same language and culture, has been making great efforts in cultural development. This includes cultural festivals, continuing media programmes, promoting mother tongue (both Somali and Afar), sponsoring book fairs in the Somali language, providing continuing

writer's residence for writers in the Somali language, financing the publication and promotion of a big number of books in Somali, and in Afar as well. All these programmes are implemented thanks to the support and the unusual dedication shown by the current President of Djibouti, Ismail Omar Guelleh, who is renowned for his love of literature and culture.

Here, there is the opportunity to count on Djibouti as a potential partner in any reconstruction initiatives involving Somali culture, given the readily available resources there, and given the fact that Djibouti itself is a major stakeholder.

Now, having seen the overall situation, let us ask and answer just *one central question*, a question derived from the title of this paper:

Is it true that culture and art can help a lot as effective tools to resolve the persistent Somali crisis, which has been eluding solution for two long decades? The answer is YES.

Experience has shown that the use of leading aspects of Somali cultural expression, such as poetry, drama, music and oratorical eloquence has been a major factor in the success of all important political movements and significant events in Somali history. Examples are the nationalist movement that led to Somali independence in 1960; the early years of the military revolution of 1969; the overthrow of that military regime; the Peace and Reconciliation Conferences such as the Arta Conference in Djibouti in 2000, and the peace and reconciliation meetings that ended the hostilities in Somaliland in the 1990s.

The success of all these historic moves is chiefly attributed to their effective use of these influential elements of Somali culture through which massive popular support was gained.

For example, the Arta Conference in Djibouti, which was unique in the scale of the popular support it attracted, is believed to have secured this success through the systematic use of culture combined with the media. Many poets and performing artists were mobilized. During the six months of the conference they engaged in weekly artistic productions that promoted peace and reconciliation, which were broadcast on different, Somali-speaking media channels in Somalia and around the world.

In addition, useful elements of Somali cultural tradition were used effectively. Let me give you just one interesting example showing how oratory and the use of certain traditional elements in crucial moments saved the Arta Conference from imminent collapse more than once. Some of you here, who attended the Arta Conference, will remember this incident.

At one point, the talks in Arta were endangered when the representatives of two major clans refused to reconcile their differences and threatened to withdraw from the process.

A wise elder by the name of Sultan Axmed, Sultan of the Yebro clan, delivered a moving and humorous speech laden with poetic quotes, proverbs and allusion to known narratives.

In the end, he directly addressed members of the two rival groups, threatening to unleash *Xanfaley*, a curse in the form of an imagined hurricane that the Yebro are renowned for. Traditionally everyone had to avoid annoying the Yebro for fear of their smashing Xanfaley.

Now, Sultan Axmed threatened to hurl a Xanfaley to sweep away anyone who dared to withdraw from the talks or become an obstacle to peace. This changed the whole atmosphere. The entire hall burst into laughter and Sultan Axmed received a standing ovation. Tension was diffused and the representatives of the two defiant groups withdrew their threats and immediately reconciled. This shows how powerful Somali cultural tradition is if cleverly used for constructive purposes.

Finally, I'd like to end with a few recommendations:

1. Consider culture and the media as essential components of any initiative aimed at peace-building and reconstruction in Somalia;
2. Come to the rescue of the Somali cultural heritage in danger of extinction; save this treasure, which is part and parcel of the world heritage that deserves to be preserved;
3. Organize an international festival of Somali culture and art for peace and reconstruction;
4. And finally, assist and build the capacity of the ongoing Somali cultural and media initiatives.





PART II

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# Somalian Dilemmas: Research Reports



# Somalia and the International Community: Facing Reality

*David H. Shinn*

## Background

The international community collectively has been wringing its hands about Somalia since the national government in Mogadishu collapsed at the beginning of 1991. By the end of 1992, it began a herculean effort to help Somalia return to nation state status. The United States organized a military coalition called UNITAF; a few months later the first ever UN chapter 7 peacekeeping operation replaced it. Although these two missions did end the Somali famine, the reason they initially went into Somalia and a fact that has seldom been acknowledged since, they failed miserably at reconstructing the Somali state. During this period, I devoted most of my time in the State Department in Washington to the international intervention in Somalia. I know the history well and have some appreciation for the mistakes made by the international community.

Arguably, one of the biggest mistakes was the virtual abandonment of Somalia by the international community when it became apparent that the UN operation had become obsessively entangled in the hunt to capture Mohammed Farah Aideed. Following the 3 October 1993 so-called “Blackhawk Down” battle, all American troops left Somalia by March 1994. The remainder of the UN force departed about a year later. From that point on, the international community, although it continued to provide emergency food aid, did everything it could to avoid involvement in Somalia. The international community mostly wrung its hands until it increased its engagement two or three years ago. In the case of the United States, the unhappy involvement in Somalia even resulted in a decision in 1994 not to send troops into Rwanda to help prevent a horrific genocide. In fact, since its experience in Somalia the United States has never, with one exception, put significant numbers of U.S. forces on the ground in Africa.

The only issue that revived international and especially American interest in Somalia was the growing terrorism problem. Several al-Qaeda operatives, none of whom was a Somali, responsible for the destruction in 1998 of the American embassies in Nairobi and Dar es Salaam took refuge in Somalia. The 9/11 attacks on the United States and the subsequent U.S. attack on Afghanistan heightened American concern about a possible link between Somalia and terrorism. Some analysts in Washington inaccurately thought the attack on Afghanistan would drive al-Qaeda

and the Taliban to Somalia. While this did not happen, there was a slow radicalization taking place among some elements of Somali society. It began with al-Ittihad al-Islami, now defunct or at least dormant, and more recently al-Shabaab, which publicly emphasizes its links to al-Qaeda.

The growth of the Islamic Courts in Somalia and threatening statements by some of its leaders caused neighboring Ethiopia, at the request of the Somali Transitional Federal Government (TFG) leadership at the time, to invade Somalia at the end of 2006. I opposed this policy from the beginning. I believe the invasion contributed to the further radicalization of elements of the Somali population. Contrary to popular belief, the United States did not encourage Ethiopia to invade Somalia, but once Ethiopia occupied Mogadishu, the U.S. clearly urged it to stay there to support the weak TFG. Ethiopia has largely been out of Somalia since the beginning of 2009 and no longer serves as the rallying cry for Somali nationalism. Nevertheless, groups such as al-Shabaab, although weakened by factionalism, pose a major threat to the TFG. As the TFG became more vulnerable to attack from al-Shabaab and other groups, the African Union agreed to send a force to Mogadishu at the beginning of 2007 to replace the Ethiopians. Today more than 5,000 troops from Uganda and Rwanda are largely responsible for keeping the TFG in power in the capital. This brings us to the current role for the international community.

## Time for another Major International Military Presence in Somalia?

There are some who now call for a massive UN intervention in Somalia with a mandate that would allow it to occupy the country. Let me remind supporters of such a proposal that this approach did not work in the early and mid-1990s and it certainly is not the answer today. A multinational coalition with little understanding of the situation on the ground would immediately find itself engaged militarily with a host of radicalized Somali groups. While the larger international force would probably win most of its military engagements, it could not possibly occupy all of Somalia and its very presence would further radicalize additional Somalis.

The United Nations currently has more than 100,000 troops, police and experts assigned to its peacekeeping operations around the world. It is stretched thin. So far, the UN Security Council has refused to even send UN forces to supplement those troops with the African Union mission in Somalia. It is clearly not prepared to authorize a huge UN peacekeeping operation in the country.

Nor is a coalition of the willing such as the United States organized late in 1992 a realistic possibility. As I noted earlier, the United States has not sent troops back to Africa since it intervened in Somalia during 1992-1994 with the exception of establishing a static counterterrorism support base in Djibouti in 2002. There are about 1,700 military and civilian personnel assigned to the Combined Joint Task

Force-Horn of Africa (CJTF-HOA). It is my understanding, however, that any U.S. military actions inside Somalia in recent years did not emanate from CJTF-HOA but usually from ships offshore under other commands.

The international community simply does not have the stomach or the discretionary funding to launch a major military campaign in Somalia. The international financial crisis, relatively low foreign policy priority of Somalia and the fact that a few European countries are nearly on fiscal life support underscores my belief that this is just not a realistic possibility. Frankly, this is a good thing as I believe it would be a mistake anyway. In fact, the sooner the TFG can stand on its own and the African Union forces can leave the country, the better it will be for Somalia, the African Union and the international community.

## So What Can the International Community Do?

For all of the criticism aimed at the international community since the failure of the international intervention in Somalia during the early and mid-1990s, it is important to acknowledge the growing international commitment to Somalia in the past several years. There have been a series of high level conferences on Somalia. One took place in Brussels just over a year ago. The International Contact Group on Somalia also assembles regularly; it met most recently about a month ago in Cairo. The most important recent event occurred in Istanbul from 21-23 May 2010 when the United Nations and Turkey co-hosted representatives of fifty-five nations and twelve international organizations to review the steps the international community should take to support the TFG. In the past, governments and organizations attending these conferences often did not follow through with their pledges, but there is increasing evidence over the past year that the urgency of the situation in Somalia has focused their attention.

The Istanbul Declaration reaffirmed the Djibouti peace process and urged the TFG to address the numerous political, economic and security challenges that face it. This is not very helpful guidance for a government that is dependent on outside assistance. The Declaration recognized the importance of training, equipping and paying the TFG security forces. To its credit, the international community over the past year has significantly increased its training effort. Djibouti, Kenya, Uganda, Sudan and Ethiopia have all trained TFG security personnel, sometimes funded by the United States and other parties. France has trained TFG forces in Djibouti. The European Union has started training, under Spanish command, of TFG forces in Uganda. The German Armed Forces also recently began to train Somali security forces in Uganda. Turkey announced at the Istanbul conference that its military would join the training of TFG personnel. This is an important step, but success also depends on recruiting Somalis loyal to the TFG and ensuring that they regularly receive pay competitive with that offered by al-Shabaab and other organizations that oppose the TFG.

The Istanbul Declaration emphasized the need to move forward with Somalia's economic recovery and development. While this can only happen in a meaningful way after there is an improvement in the security situation, it is a task for the international community. The TFG does not have the money for such an effort. The European Union is the most important development assistance donor in Somalia. It is currently supporting eighty-seven projects costing 180 million Euros. The projects are in three sectors: governance and security, including institution building; primary and secondary education and adult literacy; and agriculture, livestock and food security. The European Union also provides about 45 million Euros annually for humanitarian assistance and it has committed since 2007 about 100 million Euros to cover the costs of the African Union Mission to Somalia.

For its part, the United States has committed \$185 million since 2007 to the African Union force in Somalia. It also provided \$12 million of in-kind support and \$2 million in cash support to the TFG. In June 2009, this included 94 tons of ammunition, small arms, uniforms, communications equipment and night vision equipment to the African Union troops to be transferred to TFG security forces. In addition, the United States provides about \$150 million annually in emergency food aid, most of which goes through the World Food Program. Washington has not so far been a significant source of development assistance but must become a major donor once the security situation permits.

TFG President Sheikh Sharif Sheikh Ahmed called the Istanbul conference a "window of opportunity for Somalia." He welcomed support promised for the TFG and the reinforcement of the African Union forces. He said that participating countries made firm pledges to assist the TFG in rebuilding both governmental institutions and Somali infrastructure. This is all well and good, but windows of opportunity can also slam shut unexpectedly and without demonstrable progress in Somalia this is likely to happen.

UN Secretary-General Ban Ki-moon stated in Istanbul that the TFG "represents Somalia's best chance in years to escape from the endless cycle of war and humanitarian disaster". While this may also be true, it is only because the international community sees no acceptable alternative to the TFG in Somalia today. The international community supports the TFG but remains skeptical about its ability to bring security and stability to Somalia. Ban Ki-moon did appropriately acknowledge the important role that the Somali business community, including those in the diaspora, can play in the reconstruction phase of the peace process.

The president of Djibouti warned in New York last month that he "cannot see how we can avert the possibility of Somalia's plunge into an avoidable disintegration." He went on to describe the TFG as "irrelevant and inconsequential." This is a harsh but perhaps realistic analysis. Nevertheless, the international community has concluded that it must do what it can to help the TFG succeed. If the TFG is to survive, however, it needs to make some improvements of its own that are not dependent on resources from the international community.

## Steps the TFG Needs to Take

Recent divisions within the TFG have hurt its image and its ability to function. The resignation and replacement of the speaker of parliament and the sacking and then re-instating of the prime minister do not instill confidence among the international community. These internal power struggles have also undermined the ability of the TFG to move forward expeditiously with the drafting of a new constitution, a step that is critical to resolving key disagreements and building its political base in Somalia.

The former state minister of defense alleged in May that several TFG militia defected to the insurgents with 4,000 U.S.-supplied weapons after the government failed to pay their salaries. It was not clear if the international community had provided sufficient funds or existing salary money had been misappropriated by the government. There are numerous reports of desertion of TFG troops trained by the international community. Usually, those who leave have not been paid or receive lower pay than what is offered by al-Shabaab. Most return to their clan militias or civilian life. Some analysts believe that corruption within the TFG security forces is contributing to the problem. In addition, the TFG military lacks sufficient mission and purpose. It is not clear if the TFG forces are fighting for Somalia or a government that may disappear, leaving the troops to fend for themselves. Finally, it has been difficult to convince TFG recruits to overcome clan loyalty and to fight for a larger cause, especially if it requires confronting clan interests. This is a situation that will almost ensure failure unless it is corrected quickly.

To its credit, the TFG reached an agreement in March 2010 with the Sufi movement known as Ahlu Sunna wal-Jama'a (ASWJ). This agreement resulted, however, in a split within the ASWJ and the agreement has not been implemented. ASWJ announced late in May that it would not integrate its militias into the TFG's security forces. This is the kind of challenge that is outside the capability of the international community to resolve. Somalis, in this case the TFG and ASWJ, must resolve this disagreement. The TFG can only prevail by convincing a wide range of Somali groups and organizations that it best represents the future of the country.

## The Somali Diaspora and Remittances

Between one and two million Somalis live in the diaspora, including those in neighboring countries. In proportion to the size of the Somali population, its diaspora is one of the largest in the world. It is widely dispersed in the Gulf States, Europe, North America, Africa and Australia. The Somali diaspora sends an estimated \$1 billion to Somalia each year, far exceeding total foreign assistance from the rest of the world. Most of the funds go to family members, but some is invested in business and community-based education and health projects. Most of the money moves through Somali remittance companies, better known as hawalas. These remittances are ef-

fectively the backbone of the economy and have served as a social safety net since the outbreak of conflict in Somalia. The remittance companies are also a conduit for trade and investment. An estimated 80 percent of the start-up capital for small and medium-sized enterprises in Somalia originates with the diaspora.

Almost all of the remittance organizations operating outside Somalia are owned and operated by nationals of the countries where the company is located. The companies charge commissions that vary from 1 percent to 5 percent, depending on the size of the transaction. There are only about fifteen Somali nationals who are owners/operators of these companies, which are legally registered in their country of operation and subject to inspection by bank regulators. Although the perception persists that Somali remittance operations are conducted secretly only between Somalis, a 2008 study prepared by the Sandi Consulting Group shows that this is not the case. The study adds that the Somali diaspora is well positioned to aid the development of Somalia, noting that a professional and formal remittance sector is the key to sustainable stability and governance.

## The Somali Diaspora and Recruitment by Extremist Groups

One of the issues of greatest concern to the international community and especially the United States has been the recruitment of small numbers of young Somalis by al-Shabaab, which is on the U.S. terrorist list. Several dozen Somalis from the U.S. diaspora have joined al-Shabaab. Most of them came from the Minneapolis-St. Paul area, the location of the largest Somali community in the United States. The situation resulted in FBI investigations in other communities where there are significant Somali communities such as San Diego, Boston, Seattle, Portland (Maine) and Columbus (Ohio). The *New York Times* and the Minneapolis *Star-Tribune* documented how al-Shabaab convinced them to leave the United States and join an extremist organization. Some of them had bright futures; others had fallen in with unsavory elements in the United States.

The majority joined al-Shabaab late in 2007 and during 2008, probably in reaction to Ethiopian forces moving into Somalia. One of them became the first known American suicide bomber. Jihadi websites and recruiters played on a theme that urged these Somalis to “liberate Somalia from tyranny” and to end the foreign occupation of the country. Some of them saw the Ethiopian invasion as an attack on Islam and took the matter personally. In some cases, western responses to terrorism may have further encouraged young Somalis to feel disenfranchised. Al-Shabaab propaganda played on the nationalist sentiments of these disaffected young Somalis, who constituted a very tiny percentage of the Somali community in the United States.

A small number of Somalis in other countries have also joined al-Shabaab. There are well-documented cases where Somalis from Canada, Norway, Sweden and the



United Kingdom went to Somalia for the purpose of aiding al-Shabaab. The Swedish State Security Police estimated that about twenty Somalis have joined al-Shabaab. A Somali from Denmark is believed to have carried out the December 2009 suicide bombing in Mogadishu that killed graduating medical students and several TFG ministers.

From an international perspective, the issue rises to a new level when it threatens to result in attacks on the country that provided refuge to the Somali community. Several Somalis in Australia reportedly concocted a plot to attack an Australian military base. Two of them had trained with al-Shabaab in Somalia, although al-Shabaab denied any connection with the plot. As a result of this incident, Australia joined the growing list of countries that has declared al-Shabaab a terrorist organization.

The *Associated Press* carried a wire service story at the end of May reporting that U.S. Homeland Security officials had asked authorities in Houston, Texas, to watch for a member of al-Shabaab who may be entering Texas through Mexico. Homeland Security issued the alert after federal prosecutors in San Antonio added new charges against a young Somali who had been picked up in Brownsville in 2008.

As you can imagine, these reports, whether exaggerated or not, create an enormous amount of fear and give a bad name to Somali communities in spite of the fact that they involve a very small number of people. Somali communities in the diaspora are in the best position to monitor the activities of their own members and ensure that their children are not recruited by groups such as al-Shabaab. I can not stress too strongly the damage that such reports have on the image of the Somali community in the countries that have given refuge to Somalis.

## And Finally There Is Piracy

In the past two years, the international media have spilled more ink on Somali piracy than any other subject dealing with Somalia. This is unfortunate but perhaps understandable since it is primarily international shipping that is adversely affected. Anyone who has studied the Somali piracy issue agrees that it will not end until there is an effective Somali national government that also controls offshore waters. In the meantime, the pirates can operate from coastal towns largely as they please except in Somaliland, where government authorities have prevented their activities.

While the number of pirate attacks increased significantly in 2009 over 2008, the number of successful attacks was about the same for both years. As a result the success rate dropped sharply, especially in the Gulf of Aden. Increased international naval force engagement in the region and improved counter-piracy measures by captains of commercial vessels plying the affected waters account for the lower piracy success rate. These changes also forced the pirates to operate farther from Somali shores, as far away as Oman, the Seychelles and Madagascar.

For its part, the international community was once complicit in the problem by allowing illegal fishing in the 200 mile Somali economic zone. This practice continued after the fall of the Siad Barre government in 1991, although local Somali warlords sometimes signed meaningless agreements with the owners of foreign fishing vessels that “allowed” them upon payment of fees to fish in the Somali economic zone. Over the years, trawlers owned by companies in Italy, France, Spain, Greece, Russia, United Kingdom, Ukraine, Japan, South Korea, Taiwan, India, Yemen and Egypt fished illegally off Somalia. Because Somalia is not able to patrol these waters, it is imperative that the international community ensure there is no illegal fishing in Somalia’s 200 mile economic zone.

It is important, however, to clarify one point. In the past two years or so, because of piracy, it has been too dangerous to fish inside this 200 mile zone. The vast majority of the vessels seized by Somali pirates are bulk containers, cargo carriers and oil tankers. The few fishing vessels that continue to be captured by Somali pirates were fishing legally well outside Somalia’s 200 mile economic zone.

For their part, the pirates would like you to believe that they are just protecting their fishing grounds. Let’s be clear. The pirates are common criminals whose only goal is to capture ships so that they can ransom the ship and its crew for multi-million dollar profits. This is an illegal business that is interrupting international commerce in the Gulf of Aden and Indian Ocean. It is even making it difficult to transport emergency food aid to the port in Mogadishu for needy Somalis. Piracy today has nothing to do with protecting Somali fishing. Virtually none of the pirates is a former fisherman and, in fact, most of the towns from which they operate are not even former fishing villages. The pirates are in league with some land-based local officials and a small number of persons, both Somalis and other nationals outside the country, who are benefitting financially from this criminal activity. Somali pirates are giving all Somalis a bad name.

The UN Security Council recently discussed a proposal that would require foreign fishing vessels to pay fees to the TFG for the right to fish in Somalia’s 200 mile economic zone. The idea has merit but is destined to go nowhere until foreign fishing vessels conclude that it is safe to return to these waters. In addition, it would be necessary to work out some kind of agreement with Puntland authorities, who would almost certainly demand some of the compensation.

## Conclusion

I have covered a wide range of controversial topics with an effort to focus on the interests of the international community and its role in returning Somalia to the community of nations. I hope my remarks have stimulated some discussion and I look forward to your questions at the conclusion of this panel.

# Political Economy of State Failure: The Case of Somalia<sup>1</sup>

*Abdirashid A. Ismail*

## Introduction

In 1960, the Somali Republic gained its independence with, perhaps, unrealistic expectations at both the elite and grass-roots level. At that time Somalia was described as a model for democracy in Africa. However, within a decade, Somalia abandoned its democracy and adopted an authoritarian form of governance with similar expectations. Both were bold if not sacred goals: to gain the Greater Somalia<sup>2</sup> and Self-Reliance<sup>3</sup>.

Three decades later on from its independence the republic was a country on the verge of mass starvation. The civil war, which started in 1990, exacted a heavy toll in both human and material terms, causing the destruction and the collapse of the statehood of Somalia and fundamental changes in the economy. The economy suffered from destruction of infrastructure and industrial facilities, and the flows of goods and factors of production were disrupted as a result of the fragmentation of the country, (Samatar, 1994)

A range of different answers has been suggested for the causes of the Somali agony. Clanism, psychopathology, militaristic despotism, nomadism vs. sedentariness, and super power strategic competition, has been mentioned (Samatar, 2001). Two dominant interpretations for the Somali problem are traditionalists and instrumentalist views (Kivimaki, 2001). The first and oldest view, the traditionalist view, is fronted by I. M. Lewis of the LSE. The traditionalists' "thesis is that the segmented clan system remains the foundation of pastoral Somali society, and that 'clannishness' – the primacy of clan interests – is its natural divisive reflection on the political level (Doornbos and Markakis, 1994). The other school of thought, the instrumentalist view, is fronted by Ahmed I. Samatar, and argues that the Somali problem is not the clan reality and its culture, but the elite manipulation of the ruling class is the real virus of the Somali case. This paper, while not rejecting the relevance of these explanations, concentrates on finding and analysing economic functions behind the state failure and state collapse, and as such tries to answer the following question: Why Somalia failed and collapsed?

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1 This is a summary of my doctoral thesis "Somali State Failure: Players, Incentives, and Institutions.

2 Uniting the Somali nation at the horn of Africa under a single jurisdiction,

3 At least basic needs level

## Theoretical Argument

The state is needed by many. Citizens of a given polity need it because it is expected to deliver political and public goods, i.e., security, law and order, social and economic infrastructure. The political elite of a given society needs the state because it generates for them economic and political opportunities. Other countries, poor regional neighbours and distant sole superpowers alike, need the state of a given society because the state is the main vehicle for other countries to secure their security, and political and economic interests in the country in question.

When the state of a given country collapses the consequences for the citizens, leaders, and international community could be very severe. Insecurity and hunger are obvious consequences for citizens of the collapsed state. Leaders of the collapsed state not only lose their economic and political opportunities but may also end up in misfortune. Mental disorder and public humiliation is a common problem for many Somali leaders who escaped to the West. In today's increasingly interconnected world, a collapsed state does not threaten the security and interests of its neighbours alone but may pose an acute risk to geographically distant and powerful nations. The U.S. National Security Strategy of 2002 concluded that "America is now threatened less by conquering states than we are by failing ones".

Since the fall of the Berlin Wall the world has witnessed an unprecedented frequency of the phenomenon of state failure and chaos that has resulted from the disappearance of state institutions. Africa has accounted for an unfair share of the failed states and this has led to some, such as Robert Bates (2008), to conclude that "in late-century Africa, things fell apart". The five top countries in the State Failure Index this year (2009) were from Africa and Somalia claimed "the No. 1 slot" on the index for a second year in a row (Foreign Policy, July/Aug 2009).

Somalia is commonly viewed as a symbol of the failed state because in this unfortunate country the political mayhem coupled with the post-colonial state in Africa has been exceptionally and deeply entrenched. Somalia has been characterised as a unique case for complete collapse (Rothberg, 2002). A recent report, after bringing up the problems associated with state failure and that it needed to be addressed, noted that "no place seems to accentuate these worries and validate the solution more than Somalia, the epitome of the failed state and the insecurity that state failure brings" (Haldén, 2008). Conceivably, Somali would have been viewed a particular cause for concern for all those interested in the issue of state failure. However, the case of Somalia never attracted the attention it deserved from the relevant actor and much less attention has been paid to the case in academic debates and research.

This research departs from the assumption that the presence of the structural factors, economic i.e. poverty and inequality, and (other) non-economic factors, do not automatically drive violent clashes among the groups in a given polity. Human motivation is assumed to play a central role in any conflict situation. Previous studies that dealt with the human motives of civil war and state failure could be grouped into two main categories: stateless approaches and predation theories. The influential analyses

of Collier and Hoeffler, cited in Chapter 1, belong to the first group. The essence of statehood is missing from these analyses. In the theory of economics, the state is either considered as a social contract where the state is understood as an agent of the society as citizens or as an instrument of exploitation for the elite where the state is viewed as an agent of particular groups in the society. Neither society as citizens nor the state as a political entity is given any meaningful consideration in these analyses. Collier through his greed theory concentrated his attention on rebellion from some small groups in the society that tend to gain from the lawlessness and social disorder, "although societies as a whole suffer economically from civil war, some small identifiable groups do well out of it. They thus have an interest in the initiation, perpetuation, and renewal of conflict" (Collier, 2000). Therefore, the presence of certain economic conditions in society – large natural resources, high proportion of young men, and little education – generate a risk of civil war and state failure. The role of the state as a provider of public goods such as security or as a predator that generates violence or security for its own interest is often missing from the analyses.

The shadow state theory initiated by William Reno is the leading version of the predation theories in conflict and state failure analyses, particularly in Africa. This line of analysis departs from the assumption that the state in Africa is predatory by nature. In other words, based on the „Quasi States’ notion of Robert Jackson, these theories assume that post-colonial states in Africa where failed in nature and its leaders were like racketeers rather than state leaders. Therefore, there are no analyses on the patterns that made the state predatory. Furthermore, here the role of society as citizens is missing. Political leaders are sole players of a one-sided game where there is no bargaining power and retaliation from society. In other words, the country and its resources are like a teashop owned by the political leaders. My argument here is not to deny that political leaders, as far as national interests of their countries are concerned, behaved like owners of a teashop. On the contrary, these analyses make us understand to a great extent the essence of post-colonial governance problems in Africa. My point is that it is useful to consider the circumstances that provide these leaders such gigantic opportunities for transforming the whole ownership of society into something like that owned by a single person or group of individuals, before one considers the way they behaved after they assumed power. The throne was not in their hands when they born. Many of them were born and grew up in humbling circumstances. The political power they assumed is in one way or another delegated to them by their societies. Mohammed Siyad Barre, like Mobutu Sese Seko of the Congo, did not make himself the Army Chief of Staff before he had overthrown the elected regime. It was mainly through the established formal institutions in society that in one way or another, made the delegation of such power legitimate. Through these institutions Barre was appointed the Army Chief of Staff. As the highest ranking officer in the national army the main purpose of the delegation was to provide national security and prevent external aggressions. But in order to fulfill such a huge task the most able institution of violence in the society was brought under his command. The great danger of delegation in any situation is that those to whom power is delegated may abuse the power they receive and it is up to those who delegated their

power to make sure that their agents are effectively checked. The predation theories of conflict put their emphasis on the way political leaders behave after they assume power. Missing from the analysis, is that the process of assuming power is taken as given and as such this is why society as delegator did not effectively control those to which it delegated.

In his Cairo speech, of June 2009, President Barak Obama stated that “in the middle of the Cold War, the United States played a role in the overthrow of a democratically-elected Iranian government.” Many instances of the great powers’ involvement in the regime change in Africa’s failed states are well-known. President Eisenhower’s authorisation of the assassination of the democratically elected prime minister of the Congo, Patrice Lumumba, in 1960 and the supporting of his subordinate, Mobutu, to assume and maintain power is now well documented.

Futhermore, In the literature on state failure, the superpowers’ suspension of their support playing a major factor in this failure, and foreign aid and its effect of letting incumbent leaders enrich themselves and further ignore people’s demands are also noted. However, the role of foreign powers in conflict and state failure deserves deeper attention. As the above passage reveals, foreign countries, superpowers during the Cold War for instance, played a direct role in the process of power appropriation in these societies. Furthermore, foreign powers not only supported their allies to maintain power but also were asking the regimes in question to perform certain tasks that might be detrimental to the interests of their societies. Sometimes these tasks have strong implications on state failure. Therefore, foreign powers’ involvement in the conflict needs to be genuinely addressed. Rothberg (2002) rightly noted that “destructive decisions by individual leaders have almost always paved the way to state failure” but it is equally true that some of the deadliest and most destructive decisions originated in Washington, Moscow, and other big capitals of the world.

This research, unlike the existing literature on the political economy of conflict, departs from the social contract approach. Therefore, the state-society relationship is analysed from the so-called principal-agent perspective. The main argument here is that, people delegate their power to make political decisions to state authorities. However, by manipulating the informational advantage the state, as agent, possesses over the ordinary citizens, a given state leader may turn the whole process to his advantage at the expense of the society at large. To mitigate this problem, that of agency loss, citizens should be prepared to incur further cost, agency cost. James Madison long ago recognised the problem stating that “ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary” (Madison, 1788). Therefore, people as principals are required to be able to make sure that their leaders are doing the right job. In other words they must keep their political leaders accountable. In the democratic system formal political institutions, i.e. election, separation, are

mainly devised to do the job. In a non-democratic format too there are some means for constraining the behaviour of the leaders, such as revolutionary threats. The main argument here is that if society fails to keep their leaders under effective check there is no guarantee that their leaders are in offices for the advancement of the peace and prosperity of society. Thus, the role and ability of the society is fundamental for the direction the conflict over state control leads the country in general and the economy in particular.

In a situation where citizens are unable to control their leaders the political leaders will choose actions that are beneficial to them even if these actions undermine the welfare of the citizens. In incidents where leaders pursue actions that are detrimental to the interest of the society in question the leaders are predators rather than agents of their citizens. There might be situations where citizens of a given polity are unable to keep their state leaders under control but the leaders still behave in accordance with the interests of the society. However, here other factors are replacing society to provide the required incentives for the state to behave properly. Therefore, this research utilises predation theory, as well as the social contract approach.

A fundamental query for development economics as a discipline is to find an answer to why some countries achieve notable economic success while others are relatively unsuccessful. One approach emphasises that the conflict over control of the state is the critical factor that is responsible for the success and strong economic performance of some countries and the relative failure or even absolute decline of others. The argument is that the relative bargaining power of rulers and society is essential in these results. The critical point here is who determines the process of power appropriation and political survival: Is it the society as citizens or sub-groups in the society who have the final say in this respect? Therefore, the social contract approach of state failure is in line with the wider subject matter of development economics. Factors that hinder or enhance relative bargaining power of the citizens in its relation with the rulers are mainly responsible for why some countries are rich while others remain poor and why some states are strong while others failed or even collapsed.

Another advantage of this approach is that the roles of both the society and foreign power could be brought into the analyses. A primary question in this context is: Why do societies fail to keep their leaders under control? To answer that question, the incentives available for each of the actors in the process needed to be investigated. However, it is vital to pay careful attention to the institutions that determine incentives and constrain the behaviours of these actors. It is so, simply because actors respond to the incentives provided for them and incentives are determined by the existing institutions.

This research considered three main informal institutions that determined the behaviour of the actors that took part in the decay of the post-colonial state in Somalia. These institutions were bad because they created incentives for predators. These institutions rendered society in a very weak position in the state-society relationship, where society became unable to mobilise any mechanism, legal and extralegal, to control its leaders. The first of these informal institutions is political tribalism that Somalia experienced throughout its history as a modern state. The politicisation of



the clan factor took its final and mature form during the colonial period. Since then Somalis suffered a severe collective action problem, and became a deeply divided society.

The Cold War is another informal institution in this analysis. During the Cold War, African and Asian countries witnessed fierce competition for influence by the United States and the Soviet Union. Based on how friendly or hostile local political actors were to its own interests, each superpower developed its own criteria for the Third World governments and movements. Undesired regimes and groups were considered minority groups illegitimately imposing or intending to impose its will on the majority, while friendly regimes and groups were by default the legitimate forces representing the will of the majority of the people in the concerned country. The attitude of the political leadership was considered the main determinant of a nation's way of life in Africa. Given the state-society relationship the superpowers realised that the best strategy to bring African nations on board was to help sympathetic political leaders. So leadership change and survival became an important issue in the superpowers' involvement in these countries. Both sides were deeply involved in the internal affairs of these nations by influencing leadership changes and survival, and policy making-processes. By creating state dependence on foreign power, the Cold War generated or encouraged conditions which were unfavourable to the political and economic developments in these countries i.e. *personal rule*, *neo-patrimonial leadership*, and *divide-and-rule system*. This weakened society's bargaining power and, thus, its ability to control the behaviour of the elite. Furthermore, each of the Cold War contenders encouraged policies and actions which might be seen as strategic in its struggle, but had locally disastrous impacts. Due to its geopolitical attraction, post-colonial Somalia became a major hotspot of conflict between the Soviet Union and The United States. To win this geopolitical struggle, both the US and the Soviet Union not only poured substantial amounts of financial and military aid into Somalia, which became another source of survival for political leaders, but participated in regime changes and encouraged nationally disastrous policies and actions, such as the formation of the SRSP and the Ogaden War.

Rather than strengthening formal political institutions, Somali political leaders, as elsewhere in Africa, employed informal methods for power appropriation and political survival. They employed a patrimonial system of leadership and, if necessary, coercion. Together these two instruments form a divide-and-rule strategy which enables leaders to maintain power while at the same time pursuing policies costly to their societies. To remove an incompetent ruler from power, people need to cooperate and overcome their collective action problems. General Mohamed Siyad Barre, to remain in power, bribed segments of society and selectively punished potential opponents and related groups. However, social fragility was a precondition for this strategy to succeed. In Somalia the politicised clan differences provided the opportunity for ambitious, political entrepreneurs.

However, for leaders to carry out their divide-and-rule strategy an enormous amount of resources are required; financial and military, for which the tax revenues from the impoverished citizens is not sufficient. Alternatively, African leaders ex-



ploited the natural resources of their countries and in addition cultivated strategic alliances with the Cold War rivals, the superpowers. For leaders of countries with limited resource endowment, such as Somalia, foreign assistance was extremely important. Unpopular leaders established strategic relationships with the US or USSR to defend their rule. In short, the road to influence and power on the one hand depended upon the ability of the elite to mobilise mass support where tribalism was a ready instrument to capitalise on and the availability of a superpower patron for political, economic and military support was in some cases easily available among the „cold warriors’.

A word of caution is in order. My argument is not that this particular set of informal institutions, tribalism or ethnicity, patrimonial style of leadership and the Cold War, were responsible for the misery of all nations. On the contrary, every society has its specific factors that limit its bargaining power against its rulers. My point is that in every society there is an “institutional matrix that defines the incentive structure of the society” and in societies that failed the dominant institutions are bad. A special feature of these bad institutions is that they weaken the society and make it unable to keep its leaders under effective check. Institutions with this quality are to some extent responsible for states to fail and collapse. Furthermore, the same institutions may have different attributes in different societies/times. Policies generated by the Cold War struggle, for instance, positively influenced socioeconomic achievements of the military government of Somalia in the early 1970s.

Therefore, before we look at the destructive policies and action of leaders and other players in the failed states, it is very useful to understand the existing institutions in the society in question and the incentive structure these institutions generate.

## Post-Colonial State in Somalia

The post-colonial Somali state, since its inception in 1960, was to achieve two main goals: the socio-political unification of Somali peoples inhabiting the Horn of Africa and socio-economic development. But neither of these goals were secured by the civilian regimes that ruled Somalia between 1960-69. Post-colonial Somali leaders rather than encouraging the formal institutions formulated other strategies for survival. Scores of corruption and economic mismanagement, and tribal manipulation by the political leaders were common during the civilian rule. This unwise power struggle undermined the government’s performance in all sectors since the formation of the republic.

Somali society, although a democratic system of governance is formally structured in Somalia, failed to utilise the basic instrumental objective of the institutions of accountability, i.e. elections. Therefore, since there is no effective system of accountability, the Somali electorate was unable to control their leaders. Far worse, due to ethnic cleavages among the Somalis, they simply became victims for political

manipulations by the political elites. Prior to 1967, in Somalia, the political struggle was mainly between Somali groups and coalitions. However, since 1967, the super-powers played a crucial role in determining the winning coalition among Somali groups. Washington, with the intention of reversing the Somalia's increasing tendencies towards Moscow, involved itself in the Somalia's election and policy making processes in 1967. This involvement in the internal politics and leadership change worsened the situation by contributing to the total erosion of Somali democracy, and enabled a small group to monopolise political power and to install patrimonial rule in the country. Consequently, the institutions of accountability were brought under the Prime Minister's control. The ruling party was the first victim of the subordination, the parliament lost its role as an instrument of accountability, and the Supreme Court was put under the control of an ally advocate. As political institutions of democratic check and balances were undermined by the state leaders, a system of personal rule established itself in Somalia, where almost every state institution was abused.

After losing the election in June 1967 President Osman accepted the defeat and gave up power in accordance with the formal political institution and became the first African head of state to hand over power to a democratically elected successor. But sadly in that election democracy was just on the surface, and beneath it Washington's long arm was influencing the emerging winning coalition. Although there were many deficiencies in the governance system in Somalia, institutions were not completely toothless and there were some reformers, including Osman himself, in the political process. After the 1967 election, and America's intervention, reformers were undermined and formal institutions vanished. The Somali state was at the verge of collapse in 1969, and for most of the Somalis and many well informed non-Somalis the military intervention, no matter what the intention was of those involved, was perceived as an act of salvaging the nation.

In October 1969, through a military coup d'état, Barre overthrew the elected government. By assuming power, the military regime abrogated Somalia's formal democratic rule, nullified the parliamentary system of governance, and undermined civil liberties. For its survival the regime successfully brought Moscow to its side, eliminated political opponents and established authoritarian rule. The Soviets, on the other hand, to build a socialist society decided to help reform Somali society and thus supported the development aspects of the country. In that respect Moscow's objectives coincided with the interest of the Somalis as citizens. Therefore the regime was mainly to pursue a single task which was socio-economic development. In addition, the regime sought to improve the welfare of society. Furthermore, the regime mobilised the society to rally behind it through the vision of restoring people's dignity, guiding them to their true Somali characteristics and creating a nationalism of oneness. As a response to the failure of the civilian governments, Somalis welcomed the military coup and the vast majority of the society voluntarily supported the regime.

As a result, significant socio-economic development was accomplished during the first five years of the regime's rule. Many sectors of the economy significantly im-

proved. In the livestock sector, the most important sector in the Somali economy, the export earning of the sector increased dramatically. The manufacturing sector was negligible in 1969, but by the early 1970s about 20 percent of the country's exports were manufactured goods. In the communications and transportation sector significant work was carried out. In the social sector, two main targets of the regime were to liquidate illiteracy and to create a written form of the Somali language. The latter was achieved in 1972 and in the same year Somali became the sole official language in the country. In the following year, a successful literacy campaign was undertaken in the urban centers. Furthermore, total school enrolment dramatically increased from less than 50 thousand in 1971 to about 220 thousand pupils in 1975. Other notable developmental programmes were also carried out during this period. In light of this, the military rule, in its first phase, could be characterised *as an agent of its citizens*. To a great extent the coincidence of interests between the Soviet Union and Somali society and the society's support for the regime was responsible for these achievements.

In the 1970s the Soviets, unhappy with the regime's performance on the reform process, took two measures that alienated its interests from that of the Somalis. Firstly, Moscow put great pressure on the regime to establish a vanguard socialist party. That made Barre worry for his future because his power base would be weakened if an ideal Marxist party was established and in response he started several countermeasures in order to survive. In short, rather than establishing a vanguard Marxist-Leninist party he formed a party of his own.

Secondly, Moscow decided to dramatically increase its presence in Somalia and to do so it shifted its focus from social reform to the Greater Somalia issue and therefore encouraged the war between Somalia and Ethiopia. However, it soon ceased supporting the war between Somalia and Ethiopia because a pro-Soviet military junta took the power in Ethiopia. This further aggravated its relations with the military leadership in Somalia. The United States took the opportunity and started wooing Barre's regime from the Soviet camp. To do so Washington replaced Moscow by encouraging war between Somalia and Ethiopia. Somali leaders believed that Washington was offering a more rewarding alternative, expelled the Soviets from Somalia and abrogated the relationship treaty with the Soviet Union. Consequently Somalia and Ethiopia clashed in a battle, with Somalia being badly defeated.

The regime's abandonment of socio-economic development and the defeat in the war marked the end of the social contract between the regime and society. Somalis as citizens realised that the government failed to achieve either of the two main goals: socio-economic development and unification. Soon after the Ogaden War and the Soviet departure, longtime dormant contenders started to challenge the regime. Unsuccessful military coupes were staged and armed opposition groups were setup. Barre, on the other hand, decided to survive at any cost and formed a patrimonial network for control. He employed the well-known divide-and-rule policy based on clan manipulation. By doing so Barre abandoned his interest with Somalis as citizens and relied on particular client groups and in short, the military regime became an instrument of a ruling elite. To maintain his power and carry out his policies Barre

sought to bring Washington to his side. Economic predation and social antagonism was the order of the day.

The American administration, unlike the Soviets, was not concerned about the socioeconomic wellbeing of the societies. It limited its task, by using the strategic bases in Somalia, and preventing the regime from falling. Using its good offices it also facilitated a friendly relationship between the regime and the other Western countries and international organisations such as the United Nations, World Bank and IMF. Until 1986, the United States and its allies provided military and economic assistance that enabled the regime to survive and the regime provided the US military bases it needed to safeguard its interest in the region.

The rise of Gorbachev and the introduction of *glasnost* and *perestroika* marked the beginning of the end of the Cold War with decreased tension between the two super-powers. Consequently, Somalia started to lose its geopolitical value. Washington, like its allies, withdrew its assistance from the regime. Coincidentally, Barre was severely injured in a car accident in 1986 and this raised the issue of who would succeed the ailing dictator, and created mounting tension and wiped out the cohesion among loyal groups of Barre. In addition, opposition factions intensified their struggle. The role of Somali society, as principal, broke down after the Ogaden defeat and never recovered. Washington's abandonment marked, like the previous departure by the Soviets, the failure of the principalship of the US to Barre. However, unlike the departure of the Soviet Union, in this period there was no superpower interested in salvaging the regime. The military regime collapsed and the post-colonial state in Somalia collapsed as well.

## Conclusion

In short, due to the incentive structure generated by the informal institutions, the formal state institutions fell apart. The formal economy and its institutions were among those that collapsed rapidly. Here the way the players acted, in interaction with the prevailing institutions, led to the deterioration of the economy and the income bases of the players. This unfortunate outcome led players to further their economic predation, which again weakened the income opportunities available to all, and led the players to further intensify their predation, and so on. Hence, a kind of vicious circle emerged; for instance, state leaders pursued bad economic policies. In order to enrich themselves, Somali leaders provided economic opportunities for their clients, and/or financed the war against opposition groups by employing destructive strategies that led to the deterioration of the economy. This in turn weakened the income bases for both the elite and the ordinary citizens as state employers, farmers, entrepreneurs, etc. The state leaders then had to find new objects and strategies for predation. On their part, the ordinary employers, soldiers, farmers, etc. followed suit by delving deeper into corruption and other economic mismanagement or by

leaving their professional occupations. These further weakened the economy and consequently generated more predation, and so on. This process persisted until the formal economy collapsed completely.

Political tribalism or ethnic politics extends the tenure of the incumbent if employed by the incumbent leaders and increases the probability of gaining office if used by the opposition. In this sense clan politics rewards pro-failure/antidevelopment policies and actions, but gives no reward for pro-development behaviour. However, it increases the probability of conflict if simultaneously used by the incumbent and opposition. In this sense clan politics provides incentives for state collapse. However, presence of ethnic/clan fragility in the societies made ethnic/clan politics attractive for ambitious political entrepreneurs. Informal rules or norms of struggle during the Cold War led the superpowers to reward pro-failure/antidevelopment policies and actions in Africa and Asia. *States fail and collapse because of the destructive policies and actions of their leaders. Leaders pursue destructive decisions simply because they are responding to pro-failure incentives and constraints offered by a set of dominant (in)formal institutions. These institutions are pro-failure/antidevelopment institutions because they provide the highest payoffs to the destructive policies and actions by political leaders.*

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# Internal Crisis and External Actors in Somalia

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## 1. Abstract

The aims of this paper and its recommendations are to give comprehensive information to the policymakers and practitioners in Somalia and the international organizations/partners, including donors. It is a very crucial to take concerted efforts by all the stakeholders to ensure a real difference in human security.

The sole and the spirit of understanding the essence meaning of security indicates that human security (protecting, giving rights to the people and empowering them, at the personal and community levels) is essential to both national and international security. Various factors shape the meaning and content of security, including: political unrest, interclan conflicts, regional instability, terrorist attacks, proliferation of deadly weapons, poverty and diseases and external actors as well.

Factors that affect the endless human tragedy are not limited to the political conflict among different groups craving for power. There are other different factors, like hidden objectives of neighboring countries that also contribute to the insecurity. Assassinations, planned killings, tribal revenge killings, sectarianism and unrest war clearly pose a threat to human, state, and social security in whole Somalia. This paper explores this intriguing security puzzle and would try to answer the question whether Somali security dilemmas can be linked to tribal war, sectarianism, Warlords, and misleading political manipulations of the international community.



## 2. Preface

Somalia has been without a functioning government since the Said Barre' regime was overthrown in 1991; the country faces great challenges and bitter humanitarian crisis. Afterwards the civil war broke out, and fierce attacks and fighting began among the different rival groups or clans; as a result, the country lacks properly functioning government until today.

There are many factors that contribute to the prolongation of Somalia's instability, and it is hard to say that there is only one factor that causes the insecurity. However, there are complex issues and interrelated factors that escalate the warfare and conflict in Somalia, and this paper will try to highlight the major ones.

The waning confidence that the interclan conflicts have caused is one of the key factors that destabilize the country and refuse every transitional government to properly function and stand on its legs. Every tribe wants to become superior, every political figure tries to consolidate more power and the competition goes on. This lack of confidence gives every external agent a door to enter and interfere about Somalia's affairs.

The long absence of the government made the young generations tend to do offensive actions because they have grown up in this chaotic condition whereby disciplinary institutions are almost in no existence. They did not get proper education and trainings to pursue a good career and profession that helps them live in a better life. Therefore, this generation is prone to contribute to the insecurity of the country.

Warlords and factional leaders used to play an active role in the Somalia's confused political issues and now religious groups have emerged and joined the loop. The involvement of the religious groups did not make significant changes, rather it complicated the situation in Somalia. At first, they showed a system of unity and solidarity, but they had later shown contradicted political ideologies that ultimately led them to undergo a great conflict and fierce army confrontations.

The various political interests of the foreign countries have a great impact in the internal crisis of the country. Every nation stretches its arm and wants to involve actively in the Somalia's disclosed issues. Neighboring countries, with different regional strategies, compete to have a deeprooted influence on Somalia. They know the weak points and possible ways they can enter or penetrate looking their vested interests. The misleading political manipulations of the international community has contributed to the insecurity and deteriorated the delicate situation as it is hard to harmonize their different political interests in Somalia.

Piracy, which evolved in a very simple way and later grew up into enormous problem also contributed to the insecurity of the country. The country's strategic location next to the Red Sea and Indian Ocean diverted the attention of the foreign countries and international companies and made the competition all the more intense. Somalia's sea that has a great potential sea food and other valuable natural resources became a base for the marines of the powerful nations, claiming that they are safeguarding the cargo ships which are crossing along the sea against piracy.



They are engaged in a number of other international issues like counter terrorist activities. Yet, their hidden agendas and policies remain illusive. Illegal fishing is also another factor that pose threat to the indigenous people; particularly, the fishermen because it affects them as far as their life depends on fishing.

### 3. Somali Political Landscape

Somalia in post colonial period between the years 1960 to 1991 has two successive political governments. From 1960 to 1969 a parliamentary government was ruling with stable political atmosphere. In late 1969 the military has overthrown the civilian regime and setup a dictatorial system in the next 21 years. The government was removed from power by armed militiamen belonging to clanbased and antigovernment forces backed by Ethiopian regime in 1991.

Since 1991, Somalia has been without properly functioning government after the former president was ousted by armed militia created by warring tribal factions.<sup>1</sup> Most analyses of the prolonged collapse of the state in Somalia highlight on faulty political leadership as the cause of Somalia's despair. Blame falls on the divisive tactics of the military leadership, who left a legacy of deep clan animosity.<sup>2</sup>

During the military dictatorship, the government killed many civilians who posed threats to the government's plans or political power, used coercive intimidation to create artificial support for its activities, and forcibly relocated others to further the political or economic ends. According to Leeson "Both the urban population and nomads living in the countryside [were] subjected to summary killings, arbitrary arrest, detention in squalid conditions, torture, restrictions on freedom of movement and expression and a pattern of psychological intimidation" (Africa Watch Committee 1990: 9).<sup>3</sup>

However, current factional leaders in Somalia, who, in their quest to replace Barre from the period of 1991-1992, fuel clan animosities that created humanitarian crisis and who also are seen as the main obstacle to national reconciliation;<sup>4</sup> none of them has achieved complete control. In addition, diplomats in the international community, particularly the United Nations, United States and western allies, for pursuing inappropriate diplomatic strategies in premature efforts to revive a Somali state has not achieved any positive development. The international interventions including United States and United Nations, as well as many reconciliation meetings in the neighbouring countries, has been counter productive. Instead they have deteriorated already delicate political crises in the country.<sup>5</sup>

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1 DIIS Report 2009

2 Menkhaus and Prendergast: Political economy of postintervention Somalia

3 Peter T. Leeson: Better Off Stateless: 4 Mekhaus: April 1995 5 DIIS Report 2009

4 Mekhaus: April 1995

5 DIIS Report 2009

Following the crisis in Somalia, the UN in 1992 deployed its first mission (UNISOMI) to Somalia. The other mission was US unilateral decision to send its marines to Somalia on the name of United Task Force for Somalia (UNITAF). This was overlapped by UN second mission UNISOMII.<sup>6</sup> Many Somalis opposed the foreign presence. The UN withdrew on March 3, 1995, having suffered more significant casualties. Order in Somalia still has not been restored.<sup>7</sup>

After peace keepers left Somalia, the situation was much worse than when they arrived. Most Somali people remember that time and they are still suspicious and mistrust both US and UN. In 1995 Somalia was left alone but contrary to the situation before, there formed a degree of order. The traditional structures reshaped again using customary laws incorporated with Islamic Sharia law. That paved the way for Mogadishu businessmen to use the services of militiamen and assigned to Sharia courts. This was the basis for the formation of Union of Islamic Courts (UIC) and the result of this action is known to everybody.<sup>8</sup> According to Peter leeson, “though largely unrecognized by economists, the widespread violence that ravaged Somalia in its first years without government vanished considerably by 1994. By the mid1990s peace prevailed over most of the country (Menkhaus 1998, 2004)”.<sup>9</sup>

In the year 2000, international community organized Somali reconciliation meeting convened in Arta, Djibouti and formed the TNG headed by Abdiqasim Salad Hassan, the former long time Interior Minister of Siad Barre government. Since most TNG members were attached to cartel of businessmen in Mogadishu and unable to achieve western support, they have not attained sufficient authority to create a degree of public order<sup>10</sup>. In 2002 a second reconciliation conference was held in Eldoret, Kenya on the auspices of subregional Intergovernmental Authority on Development (IGAD). In February 2004 the federal charter was adopted, federal parliament was setup and Transitional Federal Government (TFG) was created. TFG Parliament elected Abdullahi Yusuf Ahmed as a President. Due to delicate security situation, the TFG requested both AU and UN for assisting with multinational forces to facilitate the federal institution to be relocated in the country.

Due to the rise of the Union of Islamic Courts (UIC) in 2006 that achieved public support by wiping out Mogadishu warlords, who were working closely with USA in their counterterrorist activities, they had beleaguered the TFG. Then, the Ethiopian military intervention started that has been justified to answer Ethiopian security concerns. The Ethiopian army wiped out the UIC but created severe humanitarian crisis and its soldiers committed war crimes. After the UIC was defeated and TFG moved to the capital (Mogadishu), a reconciliation agreement was held in Djibouti, producing a national unity government comprised of the Alliance for the Reliberation of Somalia (ARS) and the Transitional Federal Government (TFG).

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6 DIIS Report

7 [http://en.wikipedia.org/wiki/History\\_of\\_Somalia](http://en.wikipedia.org/wiki/History_of_Somalia)

8 DIIS report

9 Peter T. Leeson: Better Off Stateless: Somalia before and after collapse

10 Global security: Somalia

The most likely situation is that Somalia finds itself right now, in the aftermath of the Ethiopian withdrawal and Yusuf's resignation, is a bloody stalemate in which the country remains divided into fiefdoms held by warring Islamists, clans, warlords, and self-declared national and local administrations, and weak transitional federal institutions incapable of achieving any tangible progress.<sup>11</sup> However, *al-Shabab* and *Hizb-al-Islam* (formerly members of UIC and ARS) are fighting the new government headed by the former chairman of UIC and ARS President Sheikh Sharif.<sup>12</sup>

## Regional Administrations

Many people assume that Somalia's current situation is anarchy, killing and continued humanitarian crisis. Although that is true to some extent, but there are also some positive developments. Two regional administrations exist in northern Somalia: the self-declared "Republic of Somaliland" in the northwest and the semiautonomous region of Puntland in the northeast. Somaliland was declared in 1991 as a separate state from the rest of Somalia and is made up of the former regions in British protectorate. Puntland was declared itself as an autonomous (although not independent) in 1998 with its capital at Garowe and believes as part of federal setup in Somalia. Both states have their parliaments and other administrative structures but Puntland would remain autonomous until a federated Somalia state will be established.<sup>13</sup>

## Religious Groups

Religious groups have been active since the last days of Siyad Barre regime. After the civil war broke out, many of them have openly declared as a political party; Al Itihad Al Islamic, Tadamun Al Islami, etc. These religious groups believed that they are an alternative to Somali clan politics that divides the country into fiefdoms. But soon in 1992, Ethiopia assisted SSDF in Somalia's Northeast zone to quell them. It has also fought, face to face, in the Somali zone of Ethiopia. For this reason, Islamists in Somalia have seen Ethiopia, a long adversary of Somali people, as a constant threat. In addition, in the aftermath of September 11, US foreign policy was mainly focused on antiterrorism, particularly in the Muslim world. The constant repression from the neighboring states and unyielding pressure from western nations compelled parts of these religious groups to turn into extremism. A recent good example is the heavy fighting that broke out in Mogadishu in 2006 between the Islamic Courts Union (ICU) and TFG warlords (Alliance for the Restoration of Peace and Counter-Terrorism – ARPCT) backed by United States in fighting against what they supposed as terrorist supporters. As of July 2006, Yusuf's TFG government, with the backing

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11 Enough Project: Somalia after the Ethiopian occupation

12 Abdirahman Abdullahi Political Islam in Somalia

13 [http://en.wikipedia.org/wiki/History\\_of\\_Somalia](http://en.wikipedia.org/wiki/History_of_Somalia)

of Ethiopia drove Islamists out of Mogadishu.<sup>14</sup> As Pete Johnson put it, Ethiopian military intervention in Somalia in December 2006 succeeded in ousting an increasingly radical Islamist movement but provoked a brutal cycle of insurgency and counterinsurgency that plunged the country into new depths of misery. As conflict raged and humanitarian conditions spiraled downward, flawed U.S. policies only strengthened the Islamist movement.<sup>15</sup>

## 4. External Actors and Regional influence

Somali lies in the eastern corner of horn of Africa. Its geographical position next to the Indian Ocean and Red Sea gives geopolitical importance. It creates envy to neighboring countries with no sea outlets and that belief they are more populous and enjoy better strategic alliances.

During the infamous scramble for Africa, the European colonial powers grabbing lands were closely participated by Abyssinia (present now Ethiopia) and has achieved its share. Ethiopia expanded into the Somali territories particularly the Ogaden region and later added Haud and Reserved Area (the present Somali zone of Ethiopia) with British agreements.<sup>16</sup> Since that date, Somalia has been under international intervention and was not given chance to forge its future.

The first panSomali effort against colonial occupation and for unification of all areas populated by Somalis into one country was spearheaded by the Somali Darawish resistance movement. From 1899 to 1920, the Darawish resistance conducted a war of resistance against the Ethiopians and British, a struggle that resulted in the death of an estimated onethird of northern Somalia's population and the near destruction of its economy. It was one of the longest and bloodiest conflicts in the annals of subSaharan resistance to alien encroachment. The Darawish resistance was quelled in 1921 after deploying a Royal Air Force squadron that delivered the decisive blow with a devastating aerial bombardment of the Darawish capital at Taleex in northern Somalia.<sup>17</sup>

The second political movement was led by Somali Youth league (SYL), a more political resistance group formed in 1943 in Mogadishu. SYL with all Somalia unification agenda paved the way for political independence that was achieved in 1960 and unification of British and Italian Somali lands. Although SYL has opened branches in all Somali territories and has won popular support, the Somali National League (SNL) associated with the United Somali Party (USP) were the main parties in the political setup in British Somaliland. The efforts of the nationalist parties were achieved in 1960 when the British Somaliland protectorate became independent on

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<sup>14</sup> [http://en.wikipedia.org/wiki/History\\_of\\_Somalia](http://en.wikipedia.org/wiki/History_of_Somalia)

<sup>15</sup> Pete Johnson: Somalia After the Ethiopian Occupation

<sup>16</sup> <http://www.mongabay.com/Somalia/History>

<sup>17</sup> <http://www.mongabay.com/Somalia/History>

June 26, 1960 and within five days later, on July 1, it joined with Italian Somaliland to form the Somali Republic.<sup>18</sup>

During the cold war, Somali was previously linked to western powers in the 1960s during parliamentary governments. In 1964 Ethiopia invaded the newly born Somali State and western powers inclined to support Somalia to create deterrent army. In early 1970s, the military dictatorship turned to the east and mainly the Soviet Union for building up its military while accepting the socialist system and suppressed the population. Later losing the Ogaden war in 1977/78, the military dictatorship shifted once again to the west for securing the needed assistance. In 1982, the Ethiopian forces invaded Somalia along the central border, and the United States supported Somalia defend its territorial integrity by offering needed military supplies and training senior military officers. After the Ogaden war, antigovernment movements started in late 1970s and continued until 1980s with the assistance of Ethiopia including SSDF, SNM, USC, SPM, etc that dismantled already beleaguered state central administration in 1991.<sup>19</sup>

Currently, Ethiopia has an influential impact on Somalia's sustained violence on overt military role to achieve regional dominance. Its government tries to destabilize by making military presence in the border regions and periodically entering inside Somali border. The government of Ethiopia has become major source of direct military support to Somali factional leaders and supplies arms, ammunitions and training since 1970s.<sup>20</sup>

The rise of the Union Islamic Courts (UIC) in Mogadishu was the primary reason for Ethiopia's military intervention in Somalia in late 2006. Many analysts characterized the decision to intervene as disastrous and illconceived although Ethiopia had genuine security concerns. Particularly, the Ethiopian invasion in December 2006 to January 2009 resulted acute humanitarian crisis including massive civilian deaths. Ethiopia and Somalia have a long history of mutual enmity and the two countries fought a costly war in 1964, 1977 and 1982. But irrespective of Ethiopia's motives for intervention in Somalia, there is no justification for the numerous violations of the laws of war and human rights abuses committed by Ethiopian forces in the country. As commonly agreed, Ethiopia diplomatically has also by and large failed to play a constructive role.<sup>21</sup>

The other issue of regional influence is played by Eritrea. The Eritrean government has made Somalia a convenient theater of proxy war against Ethiopia. It provided training, arms, and other support to military factions of the Union Islamic Courts prior to 2006 and initially played host to the opposition Alliance for the ReLiberation of Somalia.<sup>22</sup>

According to Pete Johnson "the new US [Obama] administration has inherited a dangerous and fastmoving crisis in Somalia, one with profound implications for regional and international security. While some within the new administration will

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18 US State Department, Bureau of African Affairs

19 US State Department, Bureau of African Affairs

20 The external actors of stateless Somalia

21 The role of international actors strongly criticized

22 The role of international actors strongly criticized

be tempted to continue to place shortterm counterterrorism goals ahead of a more comprehensive strategy approach as was done during the Bush administration, the shortcomings of this approach are abundantly clear: violent extremism and anti-Americanism”.<sup>23</sup>

## 5. Inter-clan Conflicts

### 5. 1 Clan structure

Somali people have a clan based social structure and clan is the backbone of their social integration. They use clan system to help one other as to support every clan member is an absolute subject. Apart from social integration of the clan, every clan must defend its members and give some sort of human protection and sometimes it takes revenge over the other tribes that harm some of its members. There are sub-clans or divisions among every tribe – just like branches of a tree.

The unyielding and persistent competition among the different clans in various ways affects their relationship. Every clan struggles for wealth, power and status and wants to become superior over the rivaling tribes. Clan plays a central role in Somali politics. It happens sometimes that a clan member in the politics supports either directly or indirectly to the other members of his clan to get more access than other Somali clans. Although Islamic principles oppose all the forms of racism and discrimination, yet culture and custom has a great impact in the Somali natives in this regard.

### 5.2 Lack of confidence

Normally, there are disputes and differences among the tribes, and that leads them to undergo fierce clashes and confrontations. Great losses of both human and material occur during the attacks as every tribe struggles to preserve its dignity and win over its rival. The wrestling goes on, and the bloodshed continues. Notably, Somali people used to have traditional values known as “Xeer” which they used to solve some of their disagreements, and that was stored in the mind of the traditional elders. It was not in a written form rather they used to inherit from generation to another. However, a fighting may stop involuntarily, but it is likely to erupt again at any time since there is no proper mediation. This is the nature of a tribe system here in Somalia and elsewhere.

Tribal issues are one of the key instruments that pose obstacle on Somalia’s restoration of peace and stability. Since almost all the tribes had bitter clashes due to animosity created by military dictatorship and subsequent civil unrest ensuing since 1991, the confidence faded away and it is impossible for the tribe to become the follower of his rival. Somalia gained a united government in the post colonial era, and

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23 Pete Johnson: Somalia after the Ethiopian occupation

tribes were there, but the matured conflict and confrontations spoiled the relationship and impaired the confidence again.

However, this will endure the conflict in Somalia, and lack of self-assurance among the Somali clans gives every agent to have access and interfere in the Somalia's affairs. Every tribe wants to get external political alliance to become the leading and outstanding figure in Somalia. Nonetheless, the external involvement with having invested interest and lacking enough knowledge of local disputes will ultimately escalate the conflict and prolong the endless war.

### 5.3 Controversial issues

Historically, Somali people used to fight over the water and pasture because there is a substantial number of nomads in the country. They have the main domestic animals or livestock: Sheep's, Goats, Camels and Cattle. When the shepherds come together, they usually start in quarrelling one another over the pasture and water, particularly when there is scarcity of grazing land. As they cannot manage and share their limited resources, they tend to use force for solution, and then, only powerful clans exploit the resources and suppress the weaker and helpless tribes.

In this modern era, things have quite changed. The current scenario of the Somali people tends that they dispute over the cities and towns to govern and influence. There are some disputed areas, cities and towns, and almost tribes play like a tug of war. However, this controversial issue nurtures the ongoing conflict in Somalia, and until the disputed areas have been resolved, there would be no peace in Somalia. The insecurity will prolong, and fighting and confrontation may provoke at any time.

## 6. Illegal Fishing

After the government collapsed in 1991, most the institutions of the state that were responsible to protect national resources became out hand. Somali naval forces vanished and Somali territorial waters open to international exploitation of more developed nations. The country's 3,330 km (2,000 miles) of coastline – the longest in continental Africa – has been pillaged by foreign vessels. A United Nations report in 2006 said that, in the absence of the country's at one time serviceable coastguard, Somali waters have become the site of an international "free for all," with fishing fleets from around the world illegally plundering Somali stocks and freezing out the country's own rudimentarily equipped fishermen. According to another U.N. report, an estimated \$300 million worth of seafood is stolen from the country's coastline each year. "In any context," says Gustavo Carvalho, a London-based researcher with Global Witness, an environmental NGO, "that is a staggering sum."<sup>24</sup>

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24 <http://www.time.com/time/world/article/0,8599,1892376,00.html>



It has been proven that foreign trawlers with motherships have been excessively over fishing the Somalia seas. The UN envoy for Somalia, Ahmedou OuldAbdallah, has stated that "because there is no (effective) government, there is ... much irregular fishing from European and Asian countries,"<sup>25</sup> and that the UN has "reliable information". However, he stresses that "no government has endorsed this act, and that private companies and individuals acting alone are responsible."<sup>26</sup>

The great concern that Somali people are worrying about is how foreign fishing trawlers are aggressively using such equipments which are prohibited to use for fishing. To lure fish to their traps, foreign trawlers reportedly also use fishing equipment under prohibition such as nets with very small mesh sizes and sophisticated underwater lighting systems.<sup>27</sup> These trawling companies are also destroying fishing habitats and using dynamites and taking out the coral reefs.

This illegal fishing off the Somali coastline will affect not only the current population of the country, but also the upcoming generations. According to Roger Middleton of Chatham House, "The problem of over fishing and illegal fishing in Somali waters, is a very serious one, and does affect the livelihoods of people inside Somalia only."<sup>28</sup>

In the face of this, impoverished Somalis living by the sea have been forced over the years to defend their own fishing expeditions out of ports such as Eyl, Kismayo and Harardhere – all now considered to be pirate dens. Somali fishermen, whose industry was always smallscale, lacked the advanced boats and technologies of their interloping competitors, and also complained of being shot at by foreign fishermen with water cannons and firearms. "The first pirate gangs emerged in the '90s to protect against foreign trawlers," says Peter Lehr, lecturer in terrorism studies at Scotland's University of St. Andrews and editor of *Violence at Sea: Piracy in the Age of Global Terrorism*.<sup>29</sup>

Well equipped foreign companies send their fishing vessels to the Somali water, looting the natural resources of the country and spoiling the environment. Highseas trawlers from countries as far flung as South Korea, Japan and Spain have operated down the Somali coast, often illegally and without licenses, for the better part of two decades, the U.N. says. They often fly flags of convenience from seafaring friendly nations like Belize and Bahrain, which further helps the ships skirt international regulations and evade censure from their home countries. Tsuma Charo of the Nairobi-based East African Seafarers Assistance Programme, which monitors Somali pirate attacks and liaises with the hostage takers and the captured crews, says "illegal trawling has fed the piracy problem." In the early days of Somali piracy, those who seized trawlers without licenses could count on a quick ransom payment, since the boat owners and companies backing those vessels didn't want to draw attention to their

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25 UN envoy decries waste dumping off Somalia

26 Abdullahi, Najad (11 October 2008). "Toxic waste' behind Somali piracy". English.aljazeera.net. <http://english.aljazeera.net/news/africa/2008/10/2008109174223218644.html>. Retrieved 20090327.

27 UN envoy decries waste dumping off Somalia

28 [http://www.rfi.fr/actuen/articles/112/article\\_3481.asp](http://www.rfi.fr/actuen/articles/112/article_3481.asp)

29 <http://www.time.com/time/world/article/0,8599,1892376,00.html>



violation of international maritime law. This, Charo reckons, allowed the pirates to build up their tactical networks and whetted their appetite for bigger spoils.<sup>30</sup>

As long as illegal fishing prevails in Somalia's sea, there will be a good justification for the Somali pirates, those who claim to be protecting the country from foreign trawlers. In the case of Somalia's stability, these companies invest the insurgents, support factional leaders and also individuals of the elite families either directly or indirectly. The instability of the country grants them more access to continue their illegal fishing in Somalia. Therefore, illegal fishing contributes to the insecurity of the country. Besides, it lengthens the brutal activities that damage the Somalia's environment and threaten people's life.

### 6.1. Effects of illegal fishing

1. External companies fishing illegally on Somali waters with more equipment and skills damaged the local artisan fishing and affected the life of the coastal communities in particular, and also the whole Somali community at large. Artisan fishermen in the fishing areas have been disturbed or disintegrated because they can not pursue their profession as they are afraid of the fishing trawlers using water cannons and firearms against them.
2. The foreign trawlers also destroyed the simple fishing equipments of the local communities by damaging local traps and taking nets. Similarly, they kill some of the local fishermen and threaten others while also detaining and capturing some others as hostage.
3. This is the turning point – Pirates have emerged. The local fishermen started acts of piracy directed to external trawlers. The situation became out of hand when investors brought money, weapons and speed boats. Now, illegal fishing and piracy are inseparable and as long as illegal fishing continuous in Somalia pirates will spur their activities and the number will increase.
4. This diverted the sight of the international community and caused the involvement of external actors with different strategies. Combined Task Forces came as a result the Somali pirates, and illegal fishing will create many problems in the future which can not be predicted.

## 7. Piracy

Piracy is the act of highjacking and attacking the ships on the sea. Pirates in Somalia do not have a fixed place but they merely move on the sea, hunting cargo ships and tourists to get a large amount of ransom for freeing the ships and captives. Pirates evolved in the early 1990s, immediately after the fall of Said Barre's regime in 1991.

30 <http://www.time.com/time/world/article/0,8599,1892376,00.html>

Haradhere, which is in the southcentral, is the nerve centre that was operating in 1990s and later Eyl after 2000 (100 miles to Garowe). The two main areas they bring the ships for safety while negotiating with the ships owners. However, pirates are increasing very fast as it became a lucrative and a shortest way of becoming rich enough. The acts of piracy became these days a new phenomenon to hear from the media. Newspapers make broad headlines in their writing, reporting incidents that have occurred on the high seas.

Piracy is an observable fact and international issue although a wave of incidents of piracy overwhelmed Somalia in the recent years. This complete disorder created so many problems and privateers are one of the problems resulted in this messy state. The absence of the rules and regulations motivated and encouraged the pirates who are mainly aged 1937 to indulge such activities. Since all the educational institutions eroded over the last two decades, many young generations did not receive proper education. Nevertheless, this bred the growth of piracy. They consider themselves as heroes and claim to be protecting the country from the fishing trawlers and those who are illegitimately benefiting from natural resource of their country.

Somalia is a very rich country with full of untapped natural resources, yet the country faces so many challenges: absence of an active government, civil conflicts and natural calamities like floods and droughts. All these hampered the process of development. Consequently, the people remained in dismal living conditions as they are unable to benefit from the unique resources that their country belongs. Precise data on the current economic situation in Somalia is scarce, but with an estimated per capita GDP of \$600 per year, it remains one of the world's poorest countries.<sup>31</sup>

## 7.1 Whom do they work for?

Pirates mainly work for themselves. Sizable numbers of pirates now operate off Somalia's coast although there are no accurate numbers on exactly how many they are. There is growing evidence that pirates get feeding information from some source outside Somalia. These sources, report to them and provide very minute details about the ships that have docked from the harbors around the world and may be heading toward the Gulf of Aden and other areas where pirates can easily access and capture.

## 7.2 Funding

Following the profitability of acts of piracy, many people sought to take the opportunity to fund the operation. Whosoever invest some money in the operations, will receive nearly a tenfold of profit. The rise in ransom opportunities meant that those who were engaging piracy operations enjoyed a bonanza. That is the driving force which accelerates the operations and lures the funding agencies to invest more money.

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31 "CIA World Factbook: Somalia". Cia.gov.

Pirates say ransom money is paid in large denomination US dollar bills. To authenticate the banknotes, pirates use currency counting machines, the same technology used at foreign exchange bureaus worldwide. According to one pirate, these machines are, in turn, purchased from business connections in Dubai, Djibouti, and other areas.<sup>32</sup>

Pirates are the most generous people around the world. It is common habit among all the pirates to distribute money to their families, friends and clan members; they don't make any business, but they squander all the money they receive as a ransom because they think they will capture another ship and gain more money.

According to a BBC report, the pirates can be divided into three main categories:<sup>33</sup>

- Local Somali fishermen, considered the brains of the pirates' operations due to their skill and knowledge of the sea. Most think that foreign boats have no rights to cruise next to the shore and destroy their boats.
- Exmilitiamen who used to fight for the local clan warlords, used as the muscle.
- Technical experts who operate equipment such as GPS devices.<sup>34</sup>

The pioneers of the acts of piracy in Somalia are former fishermen, whose livelihoods were hurt by foreign ships illegally fishing in Somali waters. After seeing the profitability of piracy and being successful in a number of attacks, each of them gained a considerable ransom, they sought the opportunity to customarily carry out more attacks on the ships that are crossing the Gulf of Aden. They have also some sort of patriotism and national defense of the country's territorial waters. In addition, the greedy pirates pursue to go beyond off the Somalia's coast and attack so many ships.

### 7.3 Anti-piracy Initiatives

There have been initiatives to tackle piracy off Somalia. Military counter piracy operations are conducted by naval ships from the Combined Task Force 150 (CTF150), Russia, China and India. Countries of the CTF150 share information during the monthly Shared Awareness and Deconfliction (SHADE) meetings, a mechanism established in December 2008.<sup>35</sup>

Following the evergrowing acts of piracy, the issue needed to be addressed and brought into an end. On December 17, 2008, the UN Security Council unanimously adopted a tougher resolution, allowing for the first time international land and sea occupations in the pursuit of pirates.<sup>36</sup>

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32 Somali pirates transform villages into boom towns AP

33 Rice, Xan; Glendinning, Lee (20081118). "Pirates anchor hijacked supertanker off Somalia coast". Guardian. <http://www.guardian.co.uk/world/2008/nov/18/somaliaoil>. Retrieved 20081119.

34 Hunter, Robyn (October 28, 2008). "Somali pirates living the high life". BBC. <http://news.bbc.co.uk/1/hi/world/africa/7650415.stm>. Retrieved 20081120.

35 "UN empowers land operations against Somali pirates". Reuters. 20081217.

36 [http://www.google.com/hostednews/afp/article/ALeqM5jI1KyGToDT7msGB7GG\\_wAbOsHyaA](http://www.google.com/hostednews/afp/article/ALeqM5jI1KyGToDT7msGB7GG_wAbOsHyaA). Retrieved 20081217.

Nonetheless, the Combined Task Force 150 (CTF150), Russia, China, India and others like Japan are engaged the so-called counter piracy operations off the Somalia coast, yet this operation created uneasiness and great tension in the society. Some of the people are of the opinion that piracy became a lame excuse from benefiting the Somalia's sea; it's likely to say that every country wants to take a piece of cake as long as there is no reliability of a functional government that protects the nation and its resources.

The country's strategic location next to the Red Sea and Indian Ocean lured the attention of the foreign countries or companies and made the competition all the more intense. Somalia's sea that has a great potential sea food and other valuable natural resources became the base for marines of the powerful nations, claiming that they are safeguarding the cargo ships and tourists which are crossing the sea and also engaging in a number of international issues like antipiracy campaign and counter terrorist activities, yet their hidden agendas and policies remain illusive.

However, the government of Puntland has made more progress in combating piracy, evident in recent interventions.<sup>37</sup> The government has adopted a new antipiracy strategy; it reinforced the overall security measures and put in prison for a sizable numbers of pirates. Consequently, pirates have slowed down their speed, and the rate of attack has deeply decreased.

Some of the prominent religious leaders of Puntland have played a vital role to properly sensitize and influence pirates. Sheikh Abdulqadir Nuur Faarah (eminent scholar) had led group of religious leaders and reached Eyl in July 2009. During their campaign they have achieved a remarkable outcome and motivated considerable number of pirates. The sensitized pirates have been convinced and committed to quit the acts of piracy and repented from the evil practices they used to engage. From the religious point of view, the acts of piracy are forbidden and considered illegitimate. The religious leaders made known to the pirates that Islam ignores the acts of piracy.

In an interview, Sheikh Abdulqadir Nuur Faarah, one of the religious leaders explained *"we have conducted this campaign and used proper mechanisms. First we have carried out public awareness activities in the mosques, public gathering places, religious ceremonies, Schools and other important social events. Secondly, we have started another initiative and met some of the pirates in Garowe; we have achieved to take three meetings with them. Following the variety of lectures and religious teachings that covered a wide range of topics, the majority of the pirates have welcomed the agenda; all the meetings were somehow successful ones because the convinced pirates have agreed to join the idea of eradicating piracy off the coast of Somalia. Thirdly, we have led group of religious leaders and other important stakeholders including traditional elders to Eyl which pirates made a hideout in July 2009. We have also invited the media; BBC had reported the event. Booyaah, one of the key leaders of the pirates who fully repented from the acts of piracy had taken a lion's share in coordinating and facilitating the activities; he openly declared his views towards piracy and vowed to advocate for antipiracy initiatives"*.

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37 Hassan, Abdiqani (20080423). "Crew say lucky to be alive after Somali hijack". Reuters Africa. <http://africa.reuters.com/wire/news/usnL2361753.html>. Retrieved 20080425.

In an interview, Yasin Abdalla, one of the religious leaders highlighted *“we have achieved some fruitful results in our campaign. First, people had a wrong perception about the pirates that it’s impossible to meet with them and discuss matters concerning about the acts of piracy which is their lucrative profession. Secondly, we have studied the causes of piracy in Somalia and came into a conclusion that piracy evolved in a very simple way, and Local Somali fishermen started the activities. As there was no coast guard to protect against fishing trawlers from other countries illegally fishing and big companies dumping waste which killed fish in Somali waters, they voluntarily filled the gap (absence of government) and later on made the acts of piracy as a profession. Thirdly, western companies, ships owners and other powerful nations are encouraging the piracy by giving millions of US dollars; however this will prolong piracy in Somalia and contribute to the insecurity”*.

The overall anti piracy campaign that Puntland government, religious leaders and community leaders have waged to tackle the piracy off the Somalia’s sea, particularly in Puntland or at least weaken their accessibility to exercise the acts of piracy have significantly made a new progress. Pirates have shifted from Eyl and left to the south central areas like Haradhere and other coastal villages where they can get free access and less restrictions/resistances. Evidently, this counter piracy initiatives have lessened pirates in Puntland.

#### 7.4 Effects of piracy

1. Ultimately, piracy brought so many effects on the life of every person. It disturbed the international community and in particular, the neighboring countries. The serious concerns it caused on the international community on one hand and Somali natives on the other made the issue to be dealt with as an international subject. In this connection, SecretaryGeneral of the United Nations Ban Kimoon told delegates at a donors’ conference sponsored by the U.N. that “Piracy is a symptom of anarchy and insecurity on the ground,” and that “More security on the ground will make less piracy on the seas.”<sup>38</sup>
2. In addition to that, it hampered the business sector and trading. Foreign Ships and boats that used to bring shipments to Somalia have refused to sail to Somalia or they have double the price for sailing to Somalia. This affected the life of individuals where price of every item has doubled and sometimes tripled as compare to the previous years that is when the piracy was inactive than as it is today.
3. Pirates also spoiled the social life. They tempted the young generation and influenced them by giving money and offering Khat, Alcohol and other narcotics. However, it’s hard to bring back these young men to normal life after being addicted with drugs. Obviously, you can see very young boys chewing Khat and became chainsmokers. Similarly, they have abused the virgin girls who are verily

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38 Constant Brand (20090423). “Donors Pledge Over \$250 Million for Somalia”. CNN. <http://abcnews.go.com/International/wireStory?id=7407956>. Retrieved 20090423.

immature. All these evil deeds have agitated the society and irritated every sensible person. Also, they have attracted the keen interest of the foreign countries or companies to pursue opportunities in Somalia's sea.

4. One of the key factors that threaten Somali people is the weapons that pirates have brought into the country. Pirates are armed robbery and they cannot pursue their profession without having enough weapons for attacks as well as in defensive situations. However, this excessive weapons have opened a new page for fighting and conflict; the availability of weapons will simplify that fighting might erupt at any time on trivial issues that could be solved with talks and negotiations. Furthermore, every tribe craves to have more weapons to show superiority over his rival. Piracy nurtures the ongoing fighting and conflict and contributes to the prolongation of instability and lack security in Somalia.
5. The local fishermen, whose livelihoods mainly depend on fishing and sea food, are the greatest victim of all. They have been continuously experiencing the burden and the mistakenly attacks of the Combined Task Forces and other naval forces that patrol the sea, and also the aggression of the illegal fishing trawlers. They are unable to undertake take their profession; as a result, piracy affected their life and limited their income.

## 8. Poverty

Poverty in Somalia has become a prominent and continuing affair. People in Somalia, have acclimatized to the consequences of poverty. Approximately, 43% of Somalia's population lives below the poverty line. Poverty in Somalia is more pronounced in the rural areas than in the urban regions. Poverty in Somalia can be attributed to a number of factors.<sup>39</sup>

Poverty is about not having enough money to meet basic needs including food, clothing and shelter. However, poverty is more, much more than just not having enough money.<sup>40</sup> Poverty in Somalia has become a constant issue. People have experienced great difficulties in dealing with their life. Everyone can assume the level of poverty in a war ravaged country for two decades like Somalia, and the hard socio-economic conditions that people face.

Somalia is usually seen one of the poorest countries in the world. Although the country is very rich naturally, yet people are incapable of tapping these natural resources. It is unfortunate to die of hunger and malnutrition while all the opportunities of life are prevalent here in Somalia. Poverty has inevitably increased since the early 1990s and the collapse of the government and onset of civil war. Nearly half of the population lives in extreme poverty, or on less than US\$1 per day. This figure rises to 53 per cent in rural areas, where extreme poverty is more prevalent.<sup>41</sup>

39 Maps of World Finance

40 <http://www.gnb.ca/0017/promos/0001/whatispoverty.asp>

41 <http://www.ruralpovertyportal.org/web/guest/country/home/tags/somalia>

Two specific regions of Somalia; Somaliland, located in the northwest and Puntland, located in the northeast, experience more stability with regard to socio-economic conditions. Stability in the two areas may be attributed to the fact that, Somaliland and Puntland have independent governing bodies.<sup>42</sup>

All the government institutions including multinational companies that used to employ the labor forces have ceased to function. There are no job opportunities in the country. Only small privately owned companies have emerged, and that can not fill the gap and quench the utterly thirsty unemployed labor forces that are great in number.

Nonetheless, unemployment has forced some of the people to undertake such wrong actions: installing roadblocks, robbing the weak and people who cannot resist and creating warfare to get some income for their families. Lack of employment or poverty is one of the main causes of insecurity.

### 8.1. Causes of poverty in Somalia

the factors of poverty here in Somalia can be linked to the absence of the government, civil war, natural calamity like floods and droughts that severely impaired agricultural and livestock production. This resulted numerous internally displaced persons and refugees that sought a better life and moved away to the neighboring countries. There is severe shortage of food as people die of hunger. In addition, there is scarcity of medical services, and people die of malnutrition and curable diseases, especially, in the southern areas where violence or fighting is in tense.

## 9. Proliferation of Weapons

It is obvious that Somalia has been imposed on a complete embargo of weapons and ammunition; immediately, after the collapse of the government. Hence, UN Security Council adopted resolution 733 tightening the security in Somalia and deciding “that all states shall, for the purpose of establishing peace and stability to Somalia, immediately implement a general and complete embargo on all deliveries of weapon and military equipment to Somalia until the council decides otherwise”<sup>43</sup>

In spite of this resolution, weapons are pouring into Somalia and contributing to the destabilization of the country as they are both tools of war and business. Arms and ammunition are excessively sold in the markets. Weapons are profitable, particularly, when there is a clash between any two of the competing groups in the country. Weapons have become stable goods, and this attracted some of the businessmen to invest more money and bring arms from anywhere they can import.

42 Maps of World Finance

43 United Nation. 1992. “resolution 733 of 23 January 1992” available at <http://www.un.or/documents/sc/res/1992/scress 92.htm> (accessed 18.11.2003)



With the resolution 1407 of May 1992, the UNSecurity Council set up a group of experts which was to observe any violation of the embargo. The report of the Panel Experts on Somalia presented to the Security Council in March 2003 shows in detail who the external donors involved are and what tools of war they contribute to Somalia. Ethiopian and Eritrean military support are described as being the largest, with the two countries fighting on a proxy war on Somali territory. Yemen and Djiboutian officials are supposed to have contributed to the armament of TNG's military and police forces.<sup>44</sup>

All in all, the complete embargo of weapons is relatively weak, and it has not been tightened or practiced as it should be. Therefore, we see weapons are pouring into the country and letting every new group or faction to easily equip themselves and join in the corrupted Somali politics. Armament and continuous military support to the various Somali groups rivaling for power and publicity deteriorates the situation in Somalia. Since weapons are the fuels of war, fighting, instability, lack of government that restores the glory of the nation and the evil actions will prevail and continue in Somalia.

## 10. Conclusion

To sum up, this paper highlights the major internal crisis and the involvement of external actors. There are numerous factors that destabilize or lame the country, but it has been discussed in this paper the key areas: clan conflicts, poverty, illegal fishing, piracy, external actors and regional influence.

### 10.1. Clan Conflict

Clan conflict poses the greatest impediment to achieve any positive development in Somalia; creating strong and properly functioning government institutions. The waning confidence among the Somali clans is the central element that creates the continued disagreements hindering to achieve consensus in nation building. It is the most effective instruments that politicians exploit to achieve strong position than their rivals. In addition, clan is the main channel used by all parts trying to make involvement in Somalia's internal matters. Particularly, neighboring states use one clan against the other to achieve their vested interests. Accordingly, they support the other clan later to continue the animosity among Somalis that will enable them to maintain their influences.

Therefore, to mitigate the negative impacts of the clan conflict in Somalia it is necessary to continue peacebuilding and reconciliation initiatives among the clans and subclans to restore the lost confidence in order to harmonize clan differences

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<sup>44</sup> External Actors in Stateless Somalia A War Economy and its Promoters



and achieve more peaceful environment for future progress. It is a good step forward to train the police force, with continued absorption of informal and formal police; as well as former militia; ensure inclusion of a certain percentage of women. The increased confidence among the clans will deter the exploitation politicians and the influence of the external actors. Further more; it is essential to foster regional administrations that will reduce endless number of warlords competing in reconciliations and later become building blocks for government structure.

## **10.2. Poverty**

Poverty is a state in which a person lives below minimum acceptable level of live standard for a human being. UN agencies indicated in many reports that more than half of Somali population lives below poverty line. Poverty is seen as one of the root causes of insecurity as some people turn into violence to achieve income. A good example is road blocks made at road junctions by different warlords and their militiamen. Therefore, to create an acceptable security system, a reduction of poverty among the population is essential. Poverty reduction strategies include education, sources of income generation, vocational training, utilization of the natural resources and employment creation, enhancing infrastructure to increase mobility and easily market local produce, reduction of the country from foreign intrusions and increasing local community awareness. It is very important to give equal opportunity and fiscal transfer to the community at large, without marginalizing or discriminating individuals/some groups of the society. This will maintain fraternity and equality among all the individuals of the Somali citizens.

## **10.3. Illegal fishing and piracy**

These two interrelated topics need to be dealt with diligence. Proper steps should be taken in eliminating them from Somalia and elsewhere. First, there must be a proper government structures that protects the nation from both the local greedy citizens and the aggression of the external actors. It is necessary to undertake a comprehensive security sector review and to form the basis of restructuring and reorganizing the security setup. It is crucial to tighten the security on the ground and also form coastal guards comprising the former Somali naval forces and new ones with the close coordination of the UN. Furthermore, capacity building programs is necessary to give to the people dwelling coastal areas including fishing equipments, and constructing or repairing roads to the coastal towns or villages. A proper sensitization should be initiated to promote the social awareness of the Somali community at large, with especial consideration to the people living in coastal areas. Similarly, it is important to improve the social services such as education, health, electricity and telecommunication and extended to local coastal and fishing communities.

The antipiracy initiatives that Combined Task Forces are engaged in is quite a costly one and it had better to equip the Somalis particularly the self governing bodies like Somaliland and Puntland. The formation of transitional Somali naval forces that patrol the sea will make significant change. They will fight pirates not only on the sea, but also on the ground because pirates organize themselves on the ground and later they come on the sea. However, this will cost less money and will prove tangible security progress. By taking the abovementioned steps, we could achieve something in the near future. The UN should reinforce the international law on the seas and deal with an iron hand whosoever violates or transgresses the national sovereignty of the Somali nation. Any violation from external parties should be subjected to compensate to Somalia.

#### **10.4. External actors and regional influence**

Internal crisis depend on the foreign involvement, and without external hand it cannot prolong and sustain. However, it is necessary to reduce influences of the external actors, particularly, the neighboring states. In addition to that, the active participation of the Arab and other Muslim countries in the Somalia's reconciliation initiatives is very important, because most of them do not have regional strategies and the majority of Somali people have confidence in them.

Similarly, the powerful nations should not focus their policies towards Somalia only on antiterrorist activities. But they should adopt some new strategies that they can help in the positive initiatives to revive this failed state. Pursuing their national interests only in Somalia, they should initiate positive diplomats that understand the close interrelationship between local and global security.

#### **10.5. Religious groups**

The influence of religious groups has a great impact in Somali communities' world outlook. The western perception towards all religious groups as extremists and subsequent policies of suppression and constant fighting to clear them out is helping the situation. Rather, it is essential that neighboring countries and western powers review their policies towards Somali religious groups. It is appropriate at this stage to establish links with prominent Muslim scholars in Somalia. This will eventually lead towards reducing extremism. It is crucial to accommodate prominent religious scholars in Somalia to participate in the reconciliation processes.

# Faith, Politics, and Governance in Somalia: The Straight Path

*Abdi Ismail Samatar*

## The Meaning of Faith<sup>1</sup>

Mohamed Suleiman's beautiful song for the Eid is not only suggestive of the joys of the past but reminisces about the great values which the Somali people shared and which served them so well during testing times of yester years. Here is a line from the song:

*Hadba kii arrin keena Ka kalee aqbalaaya Ilaahii ina siiyay isagaa ku abaal leh*

Simply put, this line and the spirit of the song echo Somali's traditional knack of generating timely ideas and the competence to listen and heed productive compromises. These qualities which nurtured their collective interest have been in wane for three decades and are now in peril of perishing for eternity. As a result, much despair is visible in the Somali landscape. But it is worth remembering that there is no room for despondency as long as civic-minded Somalis are resolute and remain wedded to the people's wellbeing and faith.

The concept of faith has triple meanings in the context of this brief essay (Figure 1). First, it means devotion to Allah and the straight path of Islam. As such, there is no room for wavering and the faithful are required to adhere to the core principles of Islam (*not as defined by any sectarian ideology but by the Quran and the Haddith*), one of which is imaan. Second, faith entails trust in one's competence to pull oneself up by one's bootstraps as well as attending to the needs of her/his family, conscious of the creator's will. Third, faith means confidence in your community's (neighborhood or nation) commitment to justice and fairness for all its members. These three dimensions do not exhaust the richness of the concept, but they provide enough scaffolding for this brief. The essay's focus is particularly on the first and the last notations although the second element is also implicated in the process. Implicit in the essay is the assumption that there was a time in Somali history when leaders and the general population were true to the edicts of imaan in public and family spheres. As the discussion will show, these two have been battered for the past 40 years. The genealogy of Somalia's betrayal had four phases and the pathways to our rejuvenation will minimally require a return to the faith.

# Faith and Freedom

## Faith Under Colonialism

The struggle against British and Italian colonialism was initiated by the twin forces of Islam and Somali's sense of being at the turn of the previous century. Sayyid Mohamed Abdulle Hassan charged by the demands of the colonial officers to abstain from calling for morning prayers in Berbera and infuriated by the Christianization of orphans took the lead to rid the country of the colonial scourge.<sup>2</sup> Despite the existence of common values and heritage it was extraordinarily difficult to mobilize the population for an anti-colonial resistance. In addition, the scarcity of military and material resources, and non-existent communications infrastructure was a major barrier to a unified and collective action. Sayyid Mohamed's only instruments which gained the attention of Somali people were Islam and the power of Somali poetry.<sup>3</sup> The dearth of deep knowledge of Islam was compensated for by Somalis' strong attachment to the faith and it was to this cord that Sayyid Mohamed hitched his message of liberation. Most Somalis rallied to his side except for a few colonial lackeys or tribal chauvinists. Britain's overwhelming power was so deeply frustrated by the Daraawiish's skills that Somalia became the first colonial conflagration war in which war planes were used to subjugate freedom fighters. The guerilla tactics of the Daraawissh were so effective that they almost succeeded in driving the colonists out of the country in 1910. However, hubris got the best of the leadership which led them to fighting a conventional war that ultimately led to the extinction of Somalia's maiden liberation war. This was a glorious war which inspired modern Somali nationalism and which ultimately gave birth to the Somali Youth League. What made the Sayyid and his movement endure for more than two decades in spite of the overwhelming odds against them was the steadfast loyalty to the faith and the population's common destiny. Disaster followed on the few occasions when the leadership deviated from these principles.

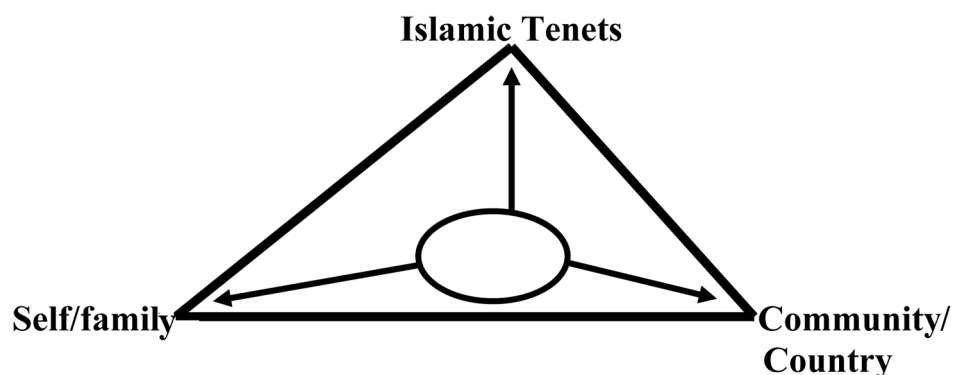


Figure 1. Dimensions of Faith

Once the major Somali/Islamic resistance was contained, British and Italian authorities in their respective Somali colonies had the challenge of manufacturing consent from the population and thus sought to bring on board some religious leaders. Such efforts mollified some of the antipathy towards colonial rule while deliberately heightening tribal identity as the principal *political* signifier of the native population. This set a process in place the dynamic of which continues to undermine national solidarity. It was during this period of *Islamic hibernation* that anti-colonial movements led by the Somali Youth League/Somali National League (SYL/SNL) emerged.<sup>4</sup> These parties tapped Islamic sentiments to rally the public for independence, but the political establishment never entertained a major role for Islam. Instead, they simply assumed the importance of the faith for Somalis' common destiny. In the South, SYL came to dominate the political landscape after a brief period of existence. Word spread to all Somali territories and subsequently the spirit of Somalinimo which lay dormant for a quarter of a century was resuscitated and Mogadishu became the nationalist hub. The Italian Trusteeship authorities meted out utter cruelty to the party and its followers, often using what nationalist came to dub as "Pro-Italian" elements. Despite being outgunned and out-resourced SYL maintained its steel and the population heeded its message of national unity, common civic belonging, and freedom.<sup>5</sup>

Italy's agenda of turning cultural genealogy into the principle political Somali identity got its first thrashing in the municipal elections of 1954 and its fate was sealed by the overwhelming SYL victory in 1956 election for the territorial assembly.<sup>6</sup> What gave the Somali people confidence in SYL's inclusive political program was the way in which all were treated equally. Second, the leadership exuded trust and self-sacrifice for the collective good. A most germane example was the resistance of key leaders of the party to take up ministerial portfolios in 1956.<sup>7</sup> Nearly all the individuals which premier designate Abdullahi Isa approached declined to accept his offer, noting that "they did not want to shame themselves given that they did not have commensurate skills or the experience to adequately tackle the demands of such onerous responsibility." Faith in SYL's principles and fear of public shame were the reasons for their reasonable behavior (contrast this to today's TFG and other aspirants).

## Democracy & Faith

Political divisions between civic nationalist and sectarian entrepreneurs re-emerged in the north and the south during the dying days of colonialism, but the nationalists remained dominant. After independence Somalia's new leaders anchored the liberal national constitution to Islam as articles 30 and 50 made clear. Article 30 declared that "The personal status of Moslems is governed by the general principles of the Islamic Sharia" while article 50 stated that "The doctrine of Islam is the main source of Laws of the State."<sup>8</sup> Despite these pronouncements the state's political character was democratic and senior democratic leaders were not concerned about political

Islam.<sup>9</sup> However, they were aware of the potential influence which Islamic leaders could command and attempted to channel it towards reinforcing the population's commitment to the faith while watching against sectarian use of the faith for *particularistic political* ends.

The principle concern of the democratic leadership and those who remained faithful to the fundamental principals of SYL and other civic oriented parties was the gradual re-grouping of sectarian elements in parliament and some senior civil servants whose core values were self-enrichment by exploiting the very authority which the public *entrusted* them with. The first major signal of this current came during the 1961 constitutional plebiscite when two disgruntled leaders, because they or their friends did not garner the highest offices in the land, tried to undermine the referendum by tacitly mobilizing their genealogical groups to vote no. These two individuals were less concerned in de-stabilizing the young republic and more committed to immediately exacting political revenge in the hope that the defeat of the charter would humiliate the nation's leaders and thus afford them unimpeded rise to power. The two individuals failed to appreciate the value of supporting the charter on its merits and then competing for political office in the presidential election that immediately followed the plebiscite. What made this behavior bewildering was the fact that these two men were among the architects of the constitution who had every opportunity to shape it and did so, and were senior ministers in the government. Happily the majority of the Somali people thought differently and endorsed the charter. One of the two men took the challenge and competed for the presidency. His effort almost paid off but the founding president of the republic went on to win by three votes and the challenger's camp refused to accept the verdict even after the Supreme Court verified the result.<sup>10</sup> From here on expediency became the guiding principle of the opposition and the democratic government was constantly confronted by an opportunistic opposition whose only manifesto was "bring down the government so we can take over." Loyalty to the nation and the constitution and accountable government that served the public was not their priority. Such *modus operandi* was essentially at odds with Islamic principles and democratic traditions of liberation and Somali culture, and it set a noxious political precedent for the country. Henceforth, most parliamentarians used their posts as a personal instrument for accumulating wealth and gaining favors rather than serving their constituencies and the country. It is this odious behavior that inspired the Somalia poet laureate's (Timacade) incisive:

"Members of parliament when we assembled them in one place,  
Presidents and ministers when they were elected,  
Healthy minds and people we were facing the same direction,  
Then came those who confused us only to milk everything for their sole benefit,  
Never to lose an electoral seat whose only intention it was,  
In our rural areas they put a knife in every hand,  
Those hacks who bombarded us with fake wailings of sectarian solidarity,  
The poison they injected in us killed nobility of character,  
Lies and lies they festoon us with, Beware."<sup>11</sup>

Such sectarian behavior desecrated all three meanings of faith and subsequently de-railed Somali democracy and the rule of law.<sup>12</sup> Figure 2 illustrates the nature of this order rooted in faithlessness. This practice induced a gradual erosion of the common values Somalis share. But the regime that came to power in 1967 turned things inside out. Thereafter, shame became an accolade while faithfulness was considered the hallmark of idiocy.

## Dictatorships of Mistrust

Just about when the population was on the verge of despair the national army intervened and removed the regime from power with outpouring endorsement from the population. The military's honeymoon lasted for several years when a number of popular programs, such as the script for the Somali language, literacy campaigns, establishment of the national university, and investments in infrastructure were undertaken. While the regime enjoyed popular legitimacy during this period its governance paradigm was shifting quietly in troubling ways. True to its nature the military regime slowly destroyed the public service establishment's professional autonomy by first putting military officers at the head of every institution and then summarily appointing loyalists to posts for which they did not have qualifications. Fear rather than respect replaced the relationship between military political appointees and the professional cadre. Second, by the mid-1970s, recruitment and promotion in the

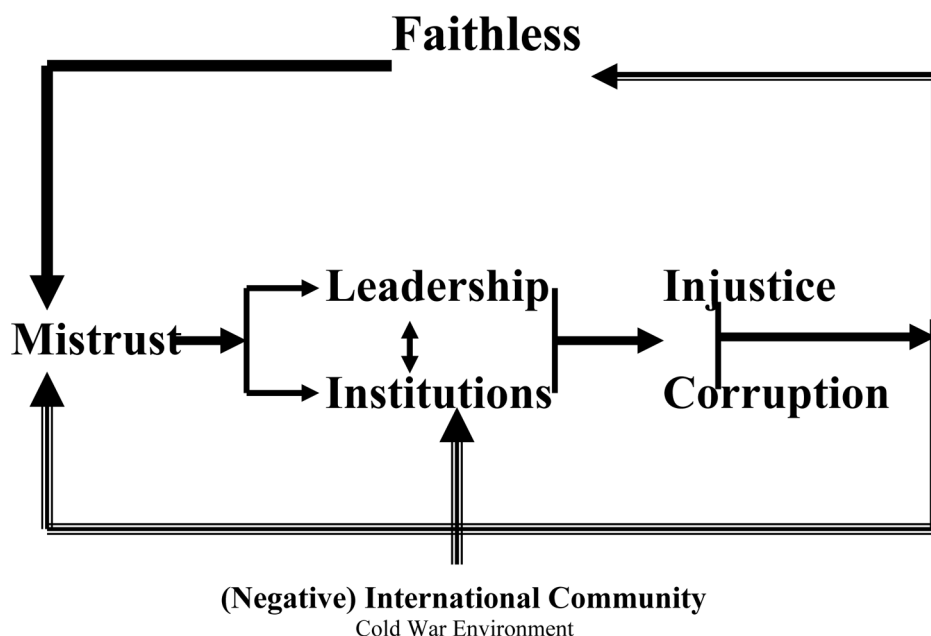


Figure 2. Faithless Order

turn in ways never witnessed before in Somali public service.<sup>13</sup> In sharp contrast to the democratic constitution, the military sidestepped the Sharia and secularized family law. Once this was announced on the national radio it generated heated discussions about the religious character of the military leaders. This proclamation reinforced the suspicion many Somalis had about “Godless communism.” Thereafter, a number of major religious imams began to preach in Mogadishu’s mosques and defied the regime’s authority to change such an elemental law. Conscious of the explosive potential of the challenge the military rounded up ten imams and took them to a hastily arranged national security court which sentenced them to death. The sentence was carried out immediately and this broke the most cherished feature of post-colonial Somali politics: open political debate without state coercion and violence.

Such a sectarian use of public power and the murder of these religious leaders quickly shattered whatever little integrity the system had and the citizenry’s faith in the regime and collective projects. Having lost the popular mandate the regime turned to every un-Islamic and un-Somali tool to prolong its hold on power and mayhem reined for another 15 years. Faithless rule led to the destruction of Hargeisa and Burao, and slowly corroded the nation’s shared values alienating communities from one another. Here is how the author described that order in 1989:

Peripheral-capitalist tribal politics came to prominence in the early 1960s as a means through which certain groups within [ruling elite] gained access to the state apparatus and its resources under the pressures of the competitive political marketplace. The employment of ethnicity as a political ideology ...in Somalia unleashed destructive forces which razed the parliamentary electoral process, fractured the governing class, led to unprecedented emergence of a repressive and authoritarian regime, alienated communities from each other in ways previously unknown in Somali history, undermined the basis of state legitimacy, and, finally, threaten the very existence of Somalia as a country by swiftly and fatally maiming Somali nationalist ideology...<sup>14</sup>

Similarly, the political and military opposition adopted the regime’s tactics of dividing the nation into genealogical-political groups and thus substantially contributed to the devaluation of common belonging. For 12 long years these two actors bereft of faith in any sense of the word dominated the landscape and created conditions uncongenial to good governance, healthy communities, and the promise of a better Somalia.

## Gargoylia

Any sense of imaan vanished from the ethos of those competing for public power as the nation descended into an abyss. Civic-minded and faithful Somalis kept a low profile and failed to mobilize the population. By the time the fascist dictator was chased out of the capital, warlords and sectarian political entrepreneurs carved the county into fiefdoms and the faithful spirit seemed comatose. Bloodletting in Mogadishu in 1991 and the killing fields of the Bay region in the early 1991-2 with warlords using food as a weapon against hapless people was the ultimate verdict



of a faithless power. The UN and the United States came to the assistance of the starving population, cleared the roads of the criminal gangs and fed the indigent. Unfortunately, the humanitarian effort was not matched by a serious political effort to help the population rebuild their state institutions. Bad advice marooned on archaic world views wasted this fleeting opportunity and misdirected the effort which led to the withdrawal of the forces. The precipitous decay of politics mushroomed into warlord and sectarian rule and the so-called international community tap-danced with these monstrosities. The Somali people's ordeal failed to attract sympathetic attention from powerful states, but the possibility of three criminals hiding in Somalia was sufficient enough for the world superpower to provide more resources to warlords and charge them to hunt down these elements and the religious people in Mogadishu who were accused of giving these folks refuge. Tested by their prolonged agony the population rallied around religious leaders and within three months the warlords were routed and Mogadishu was peaceful for the first time in seventeen years. The Union of the Islamic Courts (UICs) was formed and soon much of South-Central Somalia became liberated.

## Hope of Imaan's Return

What made such a speedy success possible? Loyalty to the Faith was the central piston of the emerging energy. Sentiments in the old capital were mobilized when the population realized that the warlords and their financial backers who had no sympathy for their plight were now willing to wipe them out in order to capture three alleged terrorists. The confluence of these sentiments and the feeling of common destiny anchored on their belief were reminiscent of 1949<sup>15</sup> when the world sided with the return of the Italian fascists and SYL led the charge to confront this challenge. Faithful bonds can overcome towering menaces and so did the people's revolt in 1949 and 2006.

The UICs led the way and restored peace to the capital. Inspired by Islam the movement spread quickly and much of south-central Somalia came under their sway. Even the renegade regions of the north and northeast felt the heat which quickly led to their leaders declaring that they would adopt the Sharia as the law of the land. These swift successes concealed the systematic weakness of the UICs and their incoherence in managing the regions that were under their control. First, the Courts' incoherence was a product of the recency of their founding as well as their quick rise to power. They had to organize their assembly and the executive committee after the movement's success became apparent. This meant that they did not have an organized institutional infrastructure in place. Second, although they established an executive organ, the line of command, particularly in military affairs, was not clear and this led to some un-strategic campaigns. Third, the UICs' leadership and assembly lacked diplomatic and political experience to understand the dangers of a world dominated by the war on terror mentality and the group failed to heed advice that might have mollified those risks.<sup>16</sup> Fourth, given the absence of tight organiza-

tional discipline much time was devoted to endless meetings which were partly used to build cohesion among the group's diverse membership. Inevitably this meant that relatively minor issues and details took center-stage and precious time was lost. Finally, the UICs' lack of a coherent and workable governance strategy beyond the call for the use of the Sharia as the basic law of the land added to their incapacity and meant that no other administrative competence existed. Additionally, there was no negotiating plan to bring on board skeptical but sympathetic Somalis, and to seriously engage a hostile international community, the TFG, or others. This created opportunities for the enemies of the movement to demonize the UICs which provided a political cover for the invaders. Despite all of these weaknesses, the spirit of Muslimimo and Somalinimo prevailed for six wonderful months and boosted the confidence of the Somali people that they can restore peace to their land and begin governing themselves with dignity.

## **Struggling for Freedom & Faith**

Unfortunately, a ferociously hostile international climate and a determined Ethiopian enemy took advantage of the incapacity of the UICs and de-railed the movement. Many commentators wrote off the UICs and the nationalist movement as the Ethiopian military committed heinous crimes against the population and destroyed life-sustaining systems the people had established during the previous 15 years. Over 20,000 people have been killed and 1.5 million have been displaced. The latter group and others face famine.<sup>17</sup>

Despite the war crimes the Ethiopian invaders committed tough minded young Somalis rose to the occasion and mounted a fierce nationalist resistance that has defied the agenda of the invaders and their international backers. Consequently, the inept TFG which was holed in Baidoa and a neighborhood in Mogadishu guarded by Ethiopian and AU forces seemed irrelevant, and Ethiopia tried to put the best face on its defeat by claiming to be withdrawing "victoriously."<sup>18</sup> What these developments make clear is that the cruelties of an invading force can never hold free people in bondage without paying a heavy price, and that invasion is not sustainable or can never bolster an illegitimate regime.

Somalia's freedom fighters energized the population inside and outside the country and their sacrifices created the possibility for a negotiated peace and genuine reconciliation. Harnessing the opportunity and the opening created has been the responsibility of the leadership of the so-called Alliance for the Re-liberation of Somalia (ARS). Although this outfit was supposed to be an alliance between the UICs, a handful of former members of the TFI parliament, and the so-called Diaspora, the UICs were the core unit despite the pretensions of others. Unfortunately, the ARS or the UICs failed to develop a political strategy for re-liberation that honored and supported the resistance operations in the country. Moreover, the organizational incapacity of the UICs was compounded by the ineptitude of the so-called parliamentarians and collectively they botched the effort. Having low capacity is not a crime in itself and one

must honor genuine effort that does not succeed due to incapacity, but incompetence is not the only thing that bedeviled the alliance. It has been apparent from the day the ARS was established that most of the so-called parliamentarians were lusting for a way to parachute back to the TFG and that their senior leaders were driven by the repulsive tribal formula. In addition, they had neither the commitment nor the capacity to engage in tough-minded chess games with hostile international forces. They thought that nice platitudes on the airwaves and a weak backbone against the pressure of the hostile forces were the perfect strategy to deliver them to power and introduce false peace and reconciliation. What has become clear in the last few months of the negotiations in Djibouti was the fact that the ARS leadership has been less than candid and less than strategic, and may have engaged in activities and behavior that were fraudulent. Such conduct and deeds are best illustrated by concrete examples. First, when the ARS leadership initiated its moves and went to Khartoum and Nairobi in March and April 2008, troubling signs appeared which indicated their reluctance to consult with key members, including the executive committee, by unilaterally signing agreements. When they were called on this breach of trust, they skipped town and moved to Djibouti, and began a unilateral project of dealing with the TFG under the supervision of a devious UN outfit. Simultaneously, they accused Eritrea of instrumentally using the resistance for its own ends.<sup>19</sup> Despite the goodwill efforts of some members to resolve the problem and restore confidence, the leadership ignored their work which led to the split of the group. Further attempts failed to bear fruit and the “negotiations” in Djibouti moved forward. Second, despite the support of the people of Djibouti, the ARS wing in Djibouti fell apart as a cohesive unit since its two leaders unilaterally decided whatever the position of ARS was going to be in the negotiations. In addition, incompetency marred the operations and management of the process as the entire affair lacked planning and deliberation. For example, there was an ARS delegation that went to visit UN headquarters, but no preparation was made for them to partake in the discussions and the delegation sat as observers rather than participants in the Security Council chambers amply demonstrating the organization’s ineptitude. Third, another manifestation of the drift from the straight path was clear as the “negotiations” reached a high point when joint committees composed of the TFG and ARS were to be formed. One such committee was to consist of seven members from the TFG and seven from ARS, but the head of the ARS Council asked the executive that he be allowed to add six extra members of his choosing to the committee. He added that he would make the request to the UN representative. This was allowed and the rest is history. Fourth, the final act of the negotiation was the agreement which stipulated that 275 new ARS representative would be added to the TFG parliament. This was not only offensive to the Somali people, but also demonstrated the absence of coherence as the former parliamentary chief told the rest that he will “select 30% of the new MPs while the Hawiye tribe” can share the remainder.” Fifth, the head of the Djibouti wing met with tribal groups in Mogadishu to try and work out a political deal, thus reneging on the UICs’ original motto of avoiding tribal politics. This particular affair was bizarre as he tried to replicate the very process that he and his comrades rejected when Ali Mahdi Mohamed

tried the same shame in 2007. Lastly, the ARS Djibouti wing finally exposed its true colors by accepting the foul 4.5 formula as the basis of re-establishing Somali national institutions which makes the ARS political agenda identical to those of the TFG. In the end, the leaders of the Djibouti wing appointed 200 new MPs who in turn voted to select their nominator as presidents of the TFG. Subsequently, a Prime Minister was appointed, but he was deprived of selecting his cabinets, thus creating a farce. In effect, the ARS Djibouti-wing became the dominant force in the TFG and has effectively traded the original faith-based agenda for their political ambitions by breaching the ARS charter as well as the anchor values of the UICs. In other words, they do not seem to cherish any principles and agreements but subscribe to political expediency and as such endorse faithless politics of the past – Leadership without *imaan* and thus *no amaano*! Then, one must ask the tough questions: was the population uprooted on a 4.5 basis or did those who sacrificed their lives for the liberation do so on 4.5 basis? If deception had moral persuasion the old politicians would still be reigning.

In addition to these diversions from the straight path of imaan, significant elements of the “Shabaab” and members of the Courts have confused their personal obligations to the Creator to mean that they and they alone have the wisdom and the authority to interpret the tenets of the faith and demand that all others must live by these interpretations or must be eliminated. In other words, their personal interpretation is deemed more sacred than the generous ways of Islam. Both of these elements have forgotten the last Quranic verse revealed to our Prophet (SCW) “Al yowma atmumtu ...”. Second, they turn Islam into the most rigid and authoritarian enterprise when it is exactly the converse. Third, they fail to realize that physical coercion can never make a person faithful and that teaching, nurturing, and engaging people are the most effective ways to convince Somalis to live by the spirit and word of the faith. If coercion was sustainable and effective, the old dictatorship and warlord gargoyles would still be dominant. Such a strategy has no future and will vanquish a meaningful life and a future for the Somali people and their Islamic faith.

## Faithful Politics as an Alternative Future

Neither the machinations of ARS/TFG as we know them now nor a sectarian, authoritarian, and perverted Islamicist rule will create the social and political climate required to restore imaan and rebuild the faithfully legitimate institutions the country so desperately needs.<sup>20</sup> What might be a formula that can build on the faith and the democratic traditions of Somalis, and the spirit of the resistance? In the first instance, a regime founded on the odious 4.5 formula headed by an Islamicist is now in place, but it is unlikely to deliver the promise of peace and genuine reconciliation as it attempts to cling to power without a national agenda.<sup>21</sup> This is not an option

for the Somali people, who have defeated the Ethiopian occupation and thwarted the so-called international community's malicious intent to impose incompetent and tribal-based political dispensation. I remember quite well when some civic Somalis called upon the international community not to sanction the Ethiopian agenda of a warlord/tribal government for Somalia. Their response was that the warlords were the necessary evil needed to restore the peace and that this was the only option available. They added that Abdullahi Yusuf was the tough guy that must be the head of state, and his obstinate character would be enough to ensure that the Ethiopian regime would not have its way. Some people warned them about the fallacy of their assumptions but their insistence demonstrated that they were either inept at understanding what they were saying or had malicious intent of imposing a warlord outfit beholden to Ethiopia on the Somali people or both. It is ironic that the same folks have been clamoring to condemn Abdullahi Yusuf as the main obstacle to peace and the invader's departure as creating a security vacuum - vacuum for the millions of people they displaced! More recently, they have been praising the new TFG head as a moderate and legitimate leader. Ironically this man and the UICs were cast as extremists who were bedfellows of Al-Qaida two years earlier. Unfortunately, there is nothing moderate about the leadership and the sectarian cabal around him as they try to defraud the population.

## From faithless Power to Faithful Authority

Since 1967 nearly all regimes and their leaders have been marred by the absence of faith and the dearth of counter-balancing institutions that could provide a sense of national orientation. Advocates of the tribalist thesis of Somali politics maintain that one of two scenarios can provide the basis of political stability in the country. First, they allege that a political regime based on the 4.5 formula will solve the problem of representation among Somalia's "competing" clans. Second, they posit that a combination of 4.5 and a national assembly consisting of two houses, with one chamber dedicated to traditional "leaders," will secure the tribal balance. We have detailed elsewhere the fairy tale of the tribalist thesis and why such propositions cannot and will not usher in a new era of faithful government and justice.<sup>22</sup>

Thus, I posit that ideas based on Islam and civic identity will and can provide an alternative moral framework for a desirable future. Such grounding will not transpire through amalgamating the resistance with a defunct TFG, characterized by faithless power, as that has degraded the valor of the former. The power struggles between the two camps who claim to champion Islam have gutted the faith the population had in what used to be the UICs. Instead thoughtful religious leaders and civic nationalists must call for a national conference inside the country that will last for a month and that shall produce a blue print for the road ahead. I think one of the principle tasks of this conference should be to draw up the mandate of two parallel, non-competing, and counter-balancing institutions for the country. These will consist of a moral authority (MA) and a political authority (PA) (Figure 3). A detailed presentation of

the roles, responsibilities, and the operations of the two authorities will have to wait for another time, but this brief note should suffice as a prelude.

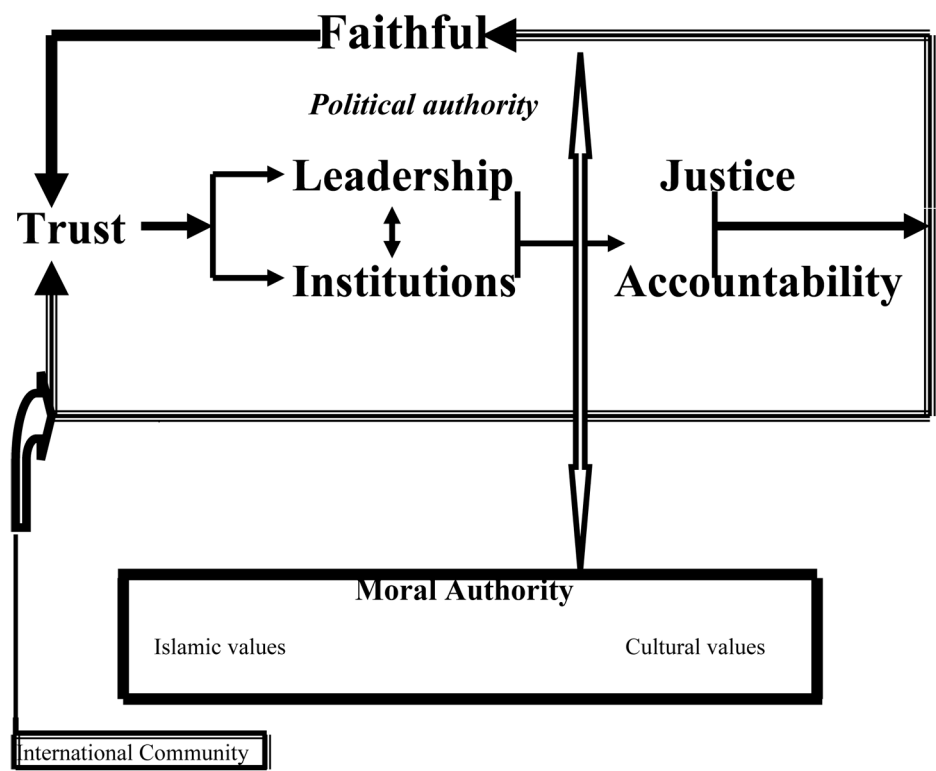


Figure 3. Faithful Order

MA will have four functions. First, it will be responsible for ensuring that Islamic and Somali cultural education is carried out across the country as well as monitor the new government’s education program to make certain that this is done. Second, it will establish three major centers of Islamic and cultural learning in the country. Such centers will provide for a *generous* interpretation of Islam and Somali traditions and shall not be dominated by any sectarian interpretations of the faith and culture. Third and most critically, it will create another three regional centers where communal conflagrations are resolved fairly and justly so that such conflicts are not transformed into political mêlée. In addition, these centers will become platforms for communal cooperation. Fourth, MA will be a non-partisan national anchor for providing direction when and if PA diverges from the spirit and word of the constitution or if it becomes dysfunctional or collapses. Finally, the authority’s annual report will address the moral state of the nation, the country’s civic challenges, as well as an assessment of the government’s performance of its basic duties. The report will be circulated through the airwaves as well as community centers around the country.

Given the centrality of the moral authority for the nation's collective wellbeing and its non-partisan nature it is vital that those who will serve as leaders and members of the MA have exceptional credibility, an unblemished record of faithful/civic life, and superb training in Islam and Somali cultural studies. Such members must not be affiliated with and shall not be involved in political or sectarian organizations. The authority will have 11 members appointed for a period of seven years and will conduct their affairs on a consensual basis. An independently managed endowment will be established to provide the necessary resources for the operations of the authority, and MA will have a weekly radio and TV program that will discuss major concerns of the country in order to educate the public. An independent board of trustees will be created whose only job is to vet, appoint, and dismiss members. The Board of Trustees will have a reserve list of at least 11 people at all times.

The MA will not have legislative and coercive power, but will use education and moral persuasion as its instruments. MA will have access to private and state media and shall have the authority to mobilize the population against injustice and bad governance, and for a faithful and progressive change. Such an ethical establishment is intended to demonstrate to the population the importance of high Islamic/ethical/Somali standards of public and communal life. Thus, MA will not have the authority to dismiss governments but can inform the population of its good and ill deeds and how might the problems be tackled.

Likewise, the political authority will consist of political parties and government (local, regional and national). To ensure that the country is not re-victimized by sectarian political parties and entrepreneurs, there can only be two national political parties. Each party will be required to have a national base through its membership. Neither party nor its leadership will be allowed to use Islam or tribal belonging as the basis of its membership or program. Second, the two parties will be monitored by a national inspectorate associated with MA that will use the highest ethical and moral standards. Any party found to engage in unethical practices will be held responsible and the public will be informed about such practices. Third, there shall be established an independent electoral commission whose responsibility is to organize and conduct national and local elections in the country.

Deliberately separating the role and responsibilities of the MA and PA is vital and is meant to warrant that the population's principal shared values – Islam & culture - are not used by political and sectarian entrepreneurs of any hue for nefarious ends. Further, it will affirm that the nation's institutional apparatus will maximize the use of and valorize the value of such assets. Simply put, it is not Somali faith or culture that has caused the catastrophe but the detachment of public power from such moral moorings. Refusing those principles as institutional anchors of public affairs will enhance stability and restore justice to the land. Put bluntly, regimes and aspirant political actors will never again be allowed to soil Somali faith and culture by deploying sycophants to try to legitimate their ill-deeds or ambitions.

Finally, the need for such institutionalization of faith and culture is paramount as it creates an independent authority that is not driven by the lust for political power but one motivated by the nation's collective wellbeing. I would venture that



if the country had had a legitimate moral authority when the crisis of governance began, the people would have had a trusted authority to turn to for guidance. Such an authority would have had the credibility to call on the people to maintain the peace and order until a legitimate political authority was restored. Further, and more importantly, Somalis would have been sufficiently informed and educated about developments such that they would have stopped the abusive regimes long before the catastrophe. Only through such or similar ways of returning to faithful authority can the country emerge from the calamity of faithless power in the guise of pseudo-Islamic politics and parodies.

## Notes

- 1 An earlier version of this essay was published in Bildhaan: International Journal of Somali Studies (2009).
- 2 Samatar, Abdi. *The State and Rural Transformation in Northern Somalia*. Madison: University of Wisconsin Press. 1989
- 3 Samatar, Said (1982). *Oral Poetry and Somali Nationalism: The Case of Sayyid Mohamed Abdille Hassan*. New York: Cambridge University Press. 1982. See also Shiekh Abdi, Abdi. *Devine Madness: Mohamed Abdulle Hassan*. London: Zed Books, 1991
- 4 Appendix. All-Somali Conference on the Unification of Somali (Mogadishu, February 1947). The signatures include elders of all major Somali groups. One of the most extensive petitions was drafted by the leader of the Somali National League, Mohamoud Jama Urdoh (Burao, October 18<sup>th</sup> 1948). FO371/53526. This petition for a United Somalia was signed on August 17, 1956 while the one opposed to the Bevin Plan was signed on September 11, 1946. Among the signatures of the first petition is Haji Ibrahim Egal, the father of the future political leader of the Somali National League. Michael Mariano became one of the leading nationalists in British Somaliland Protectorate and later in the Somali Republic. Lewis Salool, who had a Somali father and an Indian mother was “a native of British Somaliland and of a missionary catholic family. Educated in Bombay where he graduated M.A., LL.B. Practiced as a lawyer in Addis Ababa under the Italian regime, later in British Somaliland. He came to Mogadishu in 1945 as the Legal Advisor to SYL.” FO 1015/51.
- 5 United Nations Trusteeship Council, Official Record, Eleventh Session, 415<sup>th</sup> meeting, June 9, 1952, p.18. New York, 1951.
- 6 United Nations Trusteeship Council Eighteenth Session, Official Records, 703 Meeting, June 1956, p. 11. New York, 1956.
- 7 Huessen, Abdirazak. Interview, March, 2002. Minneapolis.
- 8 Somali Republic. *The Constitution of the Somali Republic* (Mogadishu: 1961: 11&16).
- 9 Samatar, Abdi and Samatar, Ahmed. *Africa's First Democrats*. Unpublished manuscript. Chapter 3.
- 10 Ibid. page 22
- 11 Abdillahi Sultan Timacade. Poem, 1968.
- 12 Contrast this behavior with that of the key national leaders prior to the change of administration in 1967 as the most critical Somali journalist of the time, Dhuxul, admitted. “One thing is indisputably certain. It had never even occurred to the Aden/Abdirazak team to look into the possibilities of applying the norms of Somali tribalism to the state, or its institutions and functions. One reason for such disregard of any such thought is that the applying of tribal norms and criteria to the state and its institutions would have been then a flagrant violation of the Somali constitution. ... Paradoxically, the principal targets of the *Dalka's* verbal violence were the governmental team of the first president of the Somali Republic, Aden Abdulle Osman, and his choice of Prime Minister, Abdirazak Haj Hussein - whose government is now accepted by all to have been the best Somalis ever had. *Dalka* itself was not oblivious, even then, of that fact. Stating it openly, however, would



have been seen as despicable and venal. ... *Dalka* then noted ... The basic distinguishing feature of the ... team was the fundamental factor underlying the political framework ... consensual ... One of the results of such consensual approach was the removal of the need to resort to political violence. Hence, neither the government nor its opponents considered intimidation as an instrument to use in the political arena. ... The advantage of this system of mutual tolerance ... included ... freedom from physical intimidation and from the resulting worry about their personal safety. Consequently, one of the common sights [in Mogadishu] of the period was to see Prime Minister Abdirazak Haj Hussein sitting in Juba hotel, sipping a cup of tea while dueling verbally with the critics of his government. He would, at the end, calmly walk, usually alone, to his house, situated a few hundred metres up the hill to the then Monopolio. An equally familiar sight of the period was to find the President of the Republic, Aden Abdulle Osman, performing his Maqreb prayers, beside his small Fiat, alone or with an ad hoc prayers gathering on the road side. There just were no reasons then for either of them to worry about his personal safety." "The Dalka Days. (London, Unpublished paper 1996). Pp 2-4.

- 13 Mohamed Ali Samatar, Interview, St. Paul 2004.
- 14 Samatar, *The State and Rural transformation*, p. 161.
- 15 Public Records Office, F.O.371/69417. Findings of Court which Assembled in Mogadishu in 22 January 1948 to investigate Disturbances that Began in MogadFO371/53526. Mogadishu on 11 January 1948. Court of inquiry. Page 2. See also Four Power Commission, Vol. 2, Report on Somalia, London, 1948.
- 16 Personal Correspondence with the UICs, June 2006.
- 17 United Nations, Humanitarian Situation in Somalia, Monthly Analysis. Nairobi, April 2007. Jeffrey Gettleman, "Humanitarian Crisis in Somalia is Worse than Darfur" International Herald Tribune, <http://www.iht.com/articles/2007/11/20/africa/somalia.php>.
- 18 Although Ethiopia has withdrawn most of its troops from Somalia, it is unlikely to change its hostility toward the country by providing support for warlords and other clients.
- 19 I was shocked to hear this on the airwaves as I heard nothing like this when I asked them a question about this matter in Asmara. All I heard from them was awe and respect for the government and the people of Eritrea. There is no mistake that Eritrea has an interest in seeing Ethiopia's defeat in Somalia, beyond that these leaders should have dealt with the matter strategically rather than locking themselves and the movement into a tight corner.
- 20 For a discussion of different types of political-Islam see Samatar, Ahmed. Ahmed Samatar – The Porcupine Dilemma: Governance and Transition in Somalia. *Bildhaan: International Journal of Somali Studies* 7 (2007): 39-90.
- 21 The head of the TFG has already declared that he would like to impose the Sharia on the country in order to appease the "radical" opposition. Ironically the TFG also wants to maintain the 4.5 tribal formula which is anti-Islamic. Such attempts to meld together contradictory principals seem to reinforce the claims of many civic Somalis that the head of the TFG and the cohort that surround him are a throwback to faithless politics of the past.
- 22 See our essay in *Bildhaan* 2004.



# Nationalism, Decolonization and “New Humanism”

Somalia – a nation in waiting, a state in the making

*Faowsia Warsame*

## Introduction

In modern history, nationalism has become a movement in which recognition as a nation-state is regarded as paramount for the realization of a people's economic and cultural aspirations. Nationalism is characterized principally by a feeling of community based on common descent, language and/or religion (Smith 1995). Prior to the eighteenth century, when nationalism emerged as a distinct movement, states were usually based on religious or dynastic ties – citizens owed their loyalty to their church or ruling family. In the formation of the modern nation-state, as a political substitute for traditional feudal systems, the nation is brought decisively into the equation of the sovereign, territorial state, thereby constructing a new source of legitimacy. The nation has become the body of citizens whose collective sovereignty constitutes them as a state. Since these elements are not ready-made ingredients of a nation, and since states have had to prove their legitimacy with reference to heterogeneous groups, nationalism has become the ideological tool used both by the states to create nations and by the citizens that composed them.

The contemporary global community exists at a historical crossroads, however, where the interaction between nations has a significant impact on how nationalism operates. Recent decades have witnessed two emerging developments: on the one hand, a trend towards more globalism, multilateralism, and internationalism – largely supporting interdependence, solidarity, and rule of law, and on the other hand, a tendency towards growing instability and insecurity. Recognizing the implications of shifting global arrangements, Jones (2005) notes that “World order, over recent decades has developed spaces for a range of concerns – human rights, gender, ethnic relations, peace, refugee” (4) – yet no concern is more perplexing than the issue of “failed states.”

The calamities of instability and insecurity have particularly stalked the African continent, mostly in the form of intrastate wars. Africa has “suffer[ed] by far the largest number of major conflicts during the 1990s, with more than 40% of the [world] total” (Novelli and Robertson 2007, 2): genocide in Rwanda; “ethnic cleansing” in Sudan; diamond wars in Sierra Leone and Liberia; and rebel-anarchy in Congo and

Uganda, to name a few. But the poster child of twentieth-century intrastate conflict is the former Republic of Somalia – what has been called “the planet’s foremost ‘failed state,’” (Bay 2008).

A discussion of the dynamics of the Somali “failed state” must include an examination of notions of nationalism, decolonization, and nation building. I consider these concepts in light of the implication that violence affects social transformation, as prefigured in the new humanism of the influential writer Frantz Fanon. As much blood as has been spilled in Somalia’s twenty-year civil war, much more ink has been spilled by academic and policy discourses to pathologize and dehumanize the Somali people: Yesterday we were “warlords,” today we are “pirates,” and tomorrow for sure we will be demonized in a new way; as Fanon wryly noted, “the European seldom has a problem with figure of speech” (1963, 7).

Consequently, I aim to trouble the reductionist narrative on Somalia and its people that is mired with cultural essentialism, social anomaly, and perplexity. This narrative, fraught with assumptions that have been constructed, conceptualized, and imbued with various meanings though historical circumstances, demarcates both society and its cultural heritage. The Somali ‘failed state’, with its extension of violence, has been used to shape a belief system about the social and political organization of its people. The collapse of the state has not only challenged the Somali people’s identification with their nation-state, but has also negated their humanity among and equality with other peoples of the world.

## Fanon’s significance in contemporary Somalia

Fanon’s contemporary urgency is thoroughly bound up with the way his memory – precisely in its menaced and even contested character – represents for us the state of specifically cultural emergency in which we find ourselves. (Mowitt, as cited in Pinar 2008, 40)

Somalia, once heralded as the only true nation-state in Africa, is now nothing more than a “crude, empty shell.”<sup>1</sup> Once envied for its ethnic homogeneity, Somalia is now condemned for its ethnic differences. Once portrayed as a nation bound by primordial ties, it is now exposed for the primacy of its divisive disposition. This drama of human life, replete with strife, that transpires in Somalia – from Baydhabo to Boosaaso, from Marka to Mogadishu<sup>2</sup> – is the curse of the African nation-state, the land is referred to as hostile, lawless, and brutish, and the people are mere gangs, warlords, and militia.<sup>3</sup> Therefore, any acts of violence are ascribed to inherent nature and

1 Fanon uses the term “crude, empty shell” in the chapter “Trails and Tribulations of National Consciousness” of *Wretched of the Earth* to describe national consciousness at the time of the independent movements in Africa.

2 Some of the cities and towns in Southern Somalia where most of the devastation and atrocities of the civil war had taken place.

3 These references appear everywhere in Western media’s popular imagery and sentiments of Africa, in general, and Somalia in particular.

proclaim neither historical circumstances nor impelling necessity (Makura 2005). The profound crisis, engendered by arrested decolonization in post-independent Africa, underlies our enduring fascination with Frantz Fanon's prophetic writings about the trajectory of colonization.

With hindsight informed by fifty years of "trials and tribulations," observers witness African nations' failure to resolve the conflict between state and nation and see such failure as the condition of decolonization that is the result of the retardation of national consciousness and the inadequacy of nation building. The curse of the African nation-state can be explained by examining the historical misalignment between *state* and *nation*, whereby "the post-colonial state has [either] failed to make the nation, or nations have descended into 'tribalism' in the process of carving out a state," as succinctly explained by Groves (2008). In present-day Africa, this conflict between nations and states has converged into what Mazrui, in a 1995 issue of *World Policy Journal*, calls an "institutional implosion and humanitarian crisis" (30). Mazrui's article draws on Fanon's theoretical framework of decolonization, with its extension of violence, to analyze the profound crisis of the present-day African nation-state, exemplified by Somalia. Homi Bhabha, however, reminds us that invoking Fanon allows us to use "the dismembered past to make sense of trauma of the present" (cited in Pinar 2008, 41). Bhabha says that Fanon's engagement with the colonial world of violence becomes, for us who try to understand the violence of such worlds as Somalia, "a process of intense discovery and disorientation." The premise and the contributing analysis of my essay, therefore, are the pedagogical possibilities that Fanon's theories offer to the nation-state of Somalia, and especially to the struggle of pursuing true decolonization.

Moreover, dialoguing with Fanon not only helps us "face the present in its moment of danger" (Pinar 2008, 40), but more important, it opens up different philosophical possibilities. For Pinar and countless others in the diaspora, that "moment of danger" is of course explicably tied to the present crisis of a beloved homeland – in this case, Somalia. The perplexing phenomenon that is Somalia has generated extensive discourse since the early 1990s. Central to this discourse is contestation over why, how, and who is accountable for state failure. This failure, as propagated by dominant discourses, precludes external structures of domination and exploitation both in the past and in contemporary times. In his discussion of the myth making of the African "failed state," Dolek affirms that state failure has hence been discursively conceived and subsequently perceived as the result of natural and internal problems or even of characteristics inherent in the African nation; thus the notion that "Africa is underdeveloped because it is already underdeveloped and because it is Africa." Being of Somali descent, such rhetoric naturally implicates me – either implicitly or explicitly, or both. I am the problem, and so must be responsible, due to what Dolek identifies in the modern myth as my "brutish, irrational, uncivilized and backward" tendencies (2008, 3).

Akin to previous hegemonic paradigms, this discourse functions first and foremost to legitimize imperialistic agendas through which Somalia is subjugated, exploited, and dehumanized time and again. It does this by fragmenting and redefining the

entire social fabric of the Somali nation – land, language, culture, faith, and history. One of the outcomes of dominant discourses is that persons and their communities are ascribed identities that embody universalized inferior status. Somali identities have thus been deconstructed, re-worked, and re-produced to emphasize what Gibson describes as “a *Manichean* personality split between rage and stupor” (2003, 103). Consequently, the lived experiences of the Somali nation can be summed up whereby those Somalis in Somalia constitute warlords and a frenzied mob, while those in the diaspora subsist between the trance and the trauma of perpetual statelessness.

Although identity is neither fixed nor innate, Abdi (1999) asserts, it is for all intents and purposes constructed from the subject identity. In other words, once identified, the subject becomes the source of that identity. As a Somali-Canadian, although born and raised in Somalia, my identity has been inexplicably linked to the “failed state,” as if I only came to “be” after 1991, when the state collapsed.<sup>4</sup> My history and cultural heritage and my membership in humanity were essentially nullified by the collapse of the political state apparatus. I was no more than the political arrangements that legitimized me as a citizen and as an individual, that is, I am (or was) a Somali as long as there is a Somali government. Today, while my acquired hyphenated identity relegates me to invisible space, I nevertheless cannot escape the “gaze” of dominant discourse. This gaze locates me either as an inherently dysfunctional being incapable of autonomy, or as a starving refugee needing ‘humanitarian’ intervention. As part and parcel of hegemonic practices, ascribed and deformed identities are products of a “cultural situation”<sup>5</sup> of sheer violence that permeates the mind and amputates the sense of selfhood, resulting in dehumanization. Understanding the prescription of hegemony, however, “does not lighten the oppression, nor seek to hide the domination; [it] shows them up and puts them into practice” (Fanon 1963, 38).

Yet the distinction of the violence in Somalia as the worst humanitarian crisis in Africa and the world’s uttermost failed state is real, and Fanon urges us to attend to this calamity in search of immanent outcomes and to understand what it might address. Could this violence be a painful re-conceptualization of what constitutes decolonization? Is this violence predicted on Fanon’s conception of absolute decolonization? Is this violence dismantling the fallacy of “pseudo-independence” – the changing of guard on Independence Day, the raising of flags, and the singing of national anthems? Has Somalia finally embarked on a collective and conscious eradication of the lingering and protracted colonial institutions and structures represented by both the ideology of nationalism and the polity of the state?

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4 Although the civil unrest in Somalia has been in process for several years and many Somalis fled the country and sought asylum to other countries, near and far, the world only became cognizant of the ‘crisis’ in 1991 when the Western media started broadcasting the darkest moments of the history of the Somali people.

5 The discussion draws upon N. Gibson’s interpretation of Fanon’s understanding and description of hegemony in *Black Skin* and *The Wretched of the Earth*

## Nationalism (national consciousness) and Decolonization

With a large number of present-day African countries perceived, from Western standards of statehood, to be at a precipice of state failure, the implications of Fanon's ideas for contemporary African politics and the myriad and contentious processes of decolonization are as relevant today as they were in 1963 when his seminal book *The Wretched of the Earth* was published. Half a century ago "decolonization" was misguidedly equated with national liberation. It was widely believed that independence from colonial rule would usher in a period of vibrant and viable self-governing nation-states in Africa. Yet as early as 1961, Fanon's had been a dissenting voice in the chorus of optimism following "flag independence" and was one of the earliest to decipher the limits of such independence. With critical insight Fanon anticipated the fallacy of what he called "pseudo-independence" and was severely skeptical that national independence would lead to the genuine decolonization of the new African states. In a sense, as Taiwo remarks, "it was an independence that left the colonized with many superficial manifestations of self-rule – their own flag, national anthem, law making bodies – but without any real control over the land and its people" (1996, 257).

Moreover, in *The Wretched of the Earth* Fanon wrote that the independence movement of the 1960s was nothing more than "the substitution of one species of mankind by another" (1), a simple changing of the guard. Just before his death in 1961, Fanon concluded that there had been no effective liberation because there had been no authentic decolonization. The struggles for liberation, he lamented, have not made their impact sufficiently felt to achieve true decolonization. A distinction must be made between liberation, "the departure of the colonizer," and decolonization, "which sets out to change the order of the world," resulting in the complex transformation of both colonizer and colonized (Fanon 1963, 2). It is a distinction between Fanon's conception of absolute liberty and the reality of post-colonial Africa. It is the difference between the granting of independence and gaining new humanism; between partial liberty and total. Decolonization is not the antithesis, opposition, or reaction to colonialism, but rather the total and absolute destruction of colonialism that in turn eradicates both colonizer and colonized.

Decolonization as a revolutionary praxis must be concerned with both the need of individuals to attain a consciousness of freedom as well as the removal of the material constraints on their actions. Of the relationship between national consciousness and political struggle in the process of decolonization, Fanon concluded that the test of successful decolonization would lie in the degree of "people's perception and consciousness of nationalism" (Gibson 2003, 178).

National consciousness is thus required to further the anti-colonial struggle, which requires a common identity, a national identity that would enable the colonized to reject the colonizer's efforts to dehumanize them. Nevertheless, in an anti-colonial struggle, nationalism is not only a political doctrine; nationalism also has to translate itself to political, economic, and social consciousness. The pitfalls of national

consciousness, Fanon noted, lie in not being translated into social and economic realization; that is, nationalism has to be a collective social movement against poverty, dehumanization, oppression, and injustice. As Fanon has prescribed, the mobilization of the masses, born in the anti-colonial struggle, must induce into the nation's consciousness the ideas of a common cause, of a national destiny, and of a collective history, whereby the minimum demand is that "the last shall be the first" (1963, 2).

## Monopoly on violence: colonial and the post-colonial state

Political analysts of the African nation-state once assumed that Somalia was unique on the continent, since the nation and the state nearly overlapped. The state had legitimacy and was sure to be viable given that the nation virtually shared such common social and cultural traits as language, mode of economic production, and religion. Thus it was quite a revelation when in the 1990s the state disintegrated and the entire nation was overcome by a civil war of all against all. Contrary to popular belief, however, the "ethnic" strife that ensued did not begin with the collapse of the state. The present-day Somali predicament has its origins farther back, in the arrival of European settlers and the creation of the "colonial-state." I argue that the imposition of the state – the colonial as well as the post-colonial variety – has irrevocably undermined and distorted Somalia's "shared cultural and social values" (Samatar 2001, 641).

Prior to colonialism, Somalia was an "acephalous society," to use Hashim's term for the Somali indigenous society (Hashim 1997), whose peoples formed tight bonds based on extended family, kinship, and clan. The traditional and egalitarian nature of the pastoral life was well suited to provide the foundation for a vibrant political society of the twentieth century and beyond. What has happened instead, as Abdi observes, is that now "Somalia, in today's interdependent, technologically advanced and selectively post-industrial world, is no longer a state, no longer a nation, no longer a nation-state" (1997, 34). This contemporary calamity is primarily the result of the imposition of colonial rule and, later on, the maladaptation of successive governments to the Western state model and their inability to nurture this social resource.

## The Colonial-state(s)

If we had been interested enough... (and if the world had been sensible enough), all the Somalis... might have remained under our administration. But the world was not sensible enough, and we were not interested enough, and so the only part of Africa which is radically homogenous has been split into such parts as made Caesar's Gaul the problem and cockpit of Europe for the last



two thousand years. And Somaliland will probably become a cockpit of East Africa. (Lord Renell Rodd, cited by Laitin and Samatar 1987, 54)

The crisis facing the contemporary Somali nation was set in motion by the peculiar character of colonial occupation in Somalia and by the nature of the resistance that the occupation provoked. The colonial state and its institutions have been the most significant interruption to Somalia's way of life and social organization. By 1900 the Somali peninsula<sup>6</sup> was divided five ways, "into British Somaliland, French Somaliland, Italian Somaliland, Ethiopian Somaliland (the Ogaden), and, for good measure, what came to be known as the Northern Frontier District of British Kenya" (Laitin and Samatar 1987, 53). Consequently, the entire map of the Somali peninsula was redrawn and redefined to constitute new political structures, and "Somaliness become a hyphenated identity: British Somaliland; Italian Somaliland; French Somaliland, Ethiopian Somaliland" (Nuraddin Farah, cited in Abdi 1997, 40).

The sheer force of colonialism shattered the social, economic, and political organization that had sustained the Somalia people for a millennium, irrecoverably damaging the entire social fabric of the Somali people. Socially and culturally, the Somali nation was divided for administrative purposes in a way that "mutilated kinship units into bewildering fragments ... [and] cut off entire clans from their traditional sources of water and/or pasture for their herds" (Hashim 1997, 49). Political exploitation came in the form of centralizing what was otherwise a decentralized, traditional political structure by vesting all effective power in the hands of colonial administrators and appointed local chiefs. This process emasculated indigenous political organization, based on family ties and kinship relations, by weakening traditional obligations and responsibilities. Economic ascendancy was administered by commercializing the subsistence economy, particularly livestock that had been the material backbone of the traditional way of life:

The imposition of colonial capitalism ushered the Somali economy into relations of production based on commodification and monetarization of livestock. The relations inherent in the process of production and distribution changed radically in the new environment of world capitalism. This process gradually weakened Somali society as there was increased exploitation of the pastoral producer by a powerful mercantile class of traders. (Hashim 1997, xiii)

All in all, the pervasive nature of the colonial conquest was not lost on the average Somali. The ferocity of land-grabbing and vigor of exploitation not only perplexed the Somalis, but they perceived it "in apocalyptic terms," as conveyed by these words of the Somali poet Faarah Nuur:

The British, the Ethiopians, and the Italians are squabbling. / The country is snatched and divided by whosoever is stronger. / The country is sold piece by piece without our knowledge. / And for me, all this is the Teeth of the Last Days! (cited in Laitin and Samatar 1987, 54)

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6 The peninsula is a semi-arid land of 400,000 plus square miles extending from the Gulf of Aden and the Indian Ocean westward into the Ogaden in present-day Ethiopia, northward into what is now Djibouti, and southward into northeast Kenya – the Northern Frontier District.

## Post-colonial State

The post-colonial Somali state was in effect not the supplanter but the successor to colonial regimes. Rather than restoring traditional social and political structures, the newly independent state preserved state structures that the colonizer had founded. This adherence to the colonial blueprint, Abdi (1997) explains, resulted in the material and social disparities between regions, ethnic groups, and social classes, further undermining national unity and de-legitimizing state authority. After the unification in the 1960s of the former colonies of Italian Somalia and British Somaliland, post-independent Somalia had a promising start to 'modern' statehood. However, the euphoria of national independence was short-lived, as the new Somali civilian state was deposed in 1969 by military coup d'état, beginning a twenty-year reign of a repressive dictatorial regime.

The state, with its ruthless use of power and tactics of sheer force, imposed a strong central authority that did not take into account the needs of its pastoral society. The harsh brutality of state policies and the callous manipulation of clan politics to divide and rule "created an environment in which unrestrained violence flourished" (Hashim 1997, 13). In addition, the self-serving state politics did not foster citizens but only further alienated and disenfranchised the people. In reaction, the populace engaged in violence that not only matched the state's sheer force but surpassed it, as was demonstrated after the total collapse of the Somali nation-state in 1991.

The contemporary Somali region – for it can no longer be called a nation or a state – is afflicted by insecurity, violence, disease, and famine. While conflicts and war have been invariable occurrences of the Somali state from its inception, the civil war that broke out in 1991 is the longest and might very well be the darkest chapter of the Somali nation's history. The civil unrest, which ultimately threw the nation into a state of anarchy, began in the late 1800s, peaked in the mid- to late 1900s, and continues in the twenty-first century. As Bryden and Steiner note, what "began as a liberation struggle" against colonial domination and later against "the dictatorial rule and corruption of the military regime degenerated first into a murderous pattern of internecine aggression and reprisals, and later into a seemingly aimless stalemate between clan-based militia groups, punctuated only by irregular and unconvincing claims to supremacy by one leader or another" (1997, 2). The descent into a "failed state" began long before the nation disintegrated into rival domestic factions and the state lost authoritative legitimacy. The violent overthrow of the military regime in 1991 was only the culmination of a long term breakdown of law and order and the total collapse of state institutions.

It would be an understatement to say that the Somali nation has been shaped and affected by colonial and post-colonial states. Somalia was never truly a state to its pastoral-based and egalitarian nation but simply a relic of colonialism and pawn between Cold War superpowers. For the majority of the Somali nation, the state only represented violence, alienation, and subjugation. Thus, the dynamics of the Somali 'failed state' and the consequent humanitarian crises can only be contextualized by

analyzing the historic and developmental misalignment of nation and state within the Somali peninsula.

## Violence: In search of immanent outcomes

In *The Wretched of the Earth*, Fanon stresses that the struggle for power in colonized states can only be resolved through violent struggle because colonial states were created and maintained by power relations that utilized violence and the threat of violence. Thus, violence has an indispensable utility in reversing these power relations. Yet it is more than a simple shifting of power or a taking of a position of responsibility, for the process of colonization has been more than one of simple physical domination. Instead, as Fanon notes, this physical domination has been accompanied by a well-executed psychological offensive on the history, culture, and sense of being of the colonized. Fanon prescribes that the multifaceted nature of violence on the colonized can only be countered through the process of decolonization – which is always “a violent phenomenon.”

Decolonization, Fanon theorizes, is a “cleansing force” that “frees the native from his inferiority complex and from his despair and inaction,” leaving him fearless while restoring his humanity (Fanon 1963, 94). Fanon provides us with an understanding of violence based on the specificities of the colonial encounter, stressing that the process of colonialism was realized by violence and that the colonial world was a “*Manichean*” one in which the colonized is reduced to permanent inferior status. Paraphrasing Fanon, Gendzier expresses his notion of the cathartic effect of violence that “decolonization could only occur successfully where the colonized not only seized their freedom through the liberation struggle, but participated in violent action to individually expunge themselves of the colonial heritage of inferiority and submission” (1974, 198).

Violence, according to Fanon, is not intended to provide some sort of irrational catharsis; on the contrary, it is precisely this violence that brings to light the full meaning intended in Fanon’s idea of the “creative necessity” of violence to cleanse and detoxify the colonized. This violence, he says, signifies the struggle against “all forms of exploitation and alienation of man” (Gibson 2003, 107). What this violence does for the colonized is to cleanse their minds, spirits, and bodies of the vestiges of colonialism – its “terrible and obdurate effects” (Makura 2005, 2). This detoxification produces “the kind of tabula rasa which from the outset defines decolonization” (Fanon 1963, 1). In this traumatic process the oppressed regain their dignity and humanity, since it infuses a new rhythm, specific to a new generation of men, with a new language and a new humanity. Decolonization is truly the creation of new men. But such a creation cannot be attributed to a supernatural power: The “thing” colonized becomes a man through the very process of *violent struggle*. (2)

Violence, as an organized force, is the absolute form of praxis for oppressed peoples; on an individual level, it is the indispensable means by which revolution is experienced. The individual violent act is part of one's transformation, for it implies the participation of the natural struggle for freedom (Mostern 1994, 264). Thus, communal violence is a strategy for not only engaging people in their own freedom, but more importantly, in reconstructing human relations and so producing a new society:

The violence which governed the ordering of the colonial world, which tirelessly punctuated the destruction of indigenous social fabric, and demolished unchecked the system of reference of country's economic, lifestyles, and modes of dress, this same violence will be vindicated and appropriated when, taking history into their own hands, the colonized swarm into the forbidden cities. To blow the colonial world into smithereens is henceforth a clear image within the grasp and imagination of every colonized subject. (Fanon 1963, 6)

Yet Fanon appreciated the inherent contradiction of violence. On the one hand, violence is an essential step in the search for a humanized world. On the other hand, it is *not* violence that would establish a world free of exploitation, since for such a world violence must be discarded when decolonization occurs, for violence is dehumanizing. Moreover, Fanon saw that violence exploits. Gibson, exploring Fanon's views on the effects of violence, finds that colonialism was (and still is) a condition that encourages the internalization of violence and assures the internal redirection of frustration and aggression of the colonized populations: "Part of the political project of creating the native is to channel the violent reaction to colonial violence inward, to areas where this disruptive energy can be 'released' without affecting the colonial set-up or status quo [and] the native's energy is directed or rather deflected toward the self" (2003, 103). That is why the hegemonic discourse of 'failed state' is so effective in mystifying the nature and root causes of violence within societies. The 'containment' policy notwithstanding, this narrative is staged around the African state and nation, "Africanizing" the crisis, and so deflects responsibility and thus accountability.

## Problematizing (anti-colonial) Nationalism

Theories that attempt to explain African nationalism are preoccupied with what Asha Sen calls "Euro-centric privileging of modular socialism" (1996, 3). Accordingly, African civilization began with European contact<sup>7</sup> and African philosophies and modes of thought are byproducts of European culture, from which they extrapolate the European underpinning of African nationalism. Moreover, such philosophies and ways of thinking pay particular attention to the role of the colonial state

7 Colonial conquest, powerfully expressed by Fanon's *Manicheanism*, is atemporal. History is the history of colonization: "This land was created by us says the colonizer, who sees themselves as the unceasing cause."

in creating and cementing African nationalities. Scholars of African nationalism, however, refute the assumption that African nationalism and nation-formation is a distorted reflection of European precedent. They instead emphasize the unique quality of the African context and the incomparability of this ideology in Europe and Africa. Markakis, for example, accepts the existence of a dichotomy that differentiates European and African nationalism (1999). African nationalism, Markakis says, is concerned with decolonization, independence, and development, whereas European nationalism aspires to power and prestige. In addition, European ideas regarding the nation-state have little or no basis in African social and cultural conditions or political traditions (Neuberger 2000).

The process of state-formation in Europe has long been based on the acknowledgement by ethnic communities of their common history and cultural identities. In Africa, however, this process was inverted and essentially diachronic. As Chatterjee (1993) points out, colonial states were created within artificial borders that hardly coincided with the limits of traditional politics. Social affinities or long-standing feuds and various communities whose cultures, traditions, and languages differ considerably were brought together, irrespective of their historical past, for the purposes of facilitating colonial administration. Often such colonial 'curving' led to situations where boundaries divided homogenous ethnic communities. The colonial state became the 'proto state' within whose limits African peoples had to forge a new sense of belonging and solidarity, creating a complex problem of national integration that today is the most serious political challenge to the survival of African nations.

In *Nationalism and the State* (1982), John Breuilly writes that "nationalism is, above all else, about politics [and] politics is about power. Power in the modern world is about the control of the state, the central task, therefore, is to relate nationalism to the objective of obtaining and using state power" (1). There are states in Africa and there is nationalism, and an established historical relationship exists between the two. Markakis (1999) claims that there is nothing obscure or mystifying in this relationship, as proposed when Smith (1995) asks "[d]oes nationalism create nations or do nations form the matrix and seedbed of nationalism?" (3).

The modern state appeared in Africa first in its colonial guise, when it became the incubator of a nationalism whose aim was to obtain and use the power of state created by colonialism. Nation building became a priority for the African nationalist, thus confirming Gellner's view that "nationalism invents nations where they do not exist" (1983, 169). The aim of this nationalism, Gendizier contends, has since been defined variously and contradictorily "as a wholesale return to the 'organic' values and assumptions of pre-colonial Africa; the progress of Africa out of the dark ages of traditionalism into the era of modern technology; the hegemony of an ethnic group over the others; or the transcendence of these very ethnic differences as a way of countering the imperialist depredations of Europe in Africa" (1974, 198). The general characterization of nationalism in Africa as a reaction of the colonial situation, however, is misleading because it exaggerates the scope of the nationalist movement and draws attention from its social composition to the character and the nature of the post-colonial state.

In the process of decolonization, the objectives of the nationalistic fervor were limited and concrete. Far from seeking to dismantle the 'colonial state', nationalists aimed to safeguard it. This explains the preservation of the economic structures created by colonialism, as well as the endurance of the state structures that the colonizer founded. Adherence to the colonial blueprint meant that the material and social disparities between regions, ethnic groups, and social classes (such disparities had appeared during the colonial period) subsequently widened and became a source of political conflict that undermined all nationalist regimes in Africa, leading to the collapse of such states as Somalia. Fanon had anticipated the co-opting of the rhetoric of national consciousness by the nationalist elite that today is attributed to unfinished nature of decolonization. He wrote,

Instead of being the coordinated crystallization of the people's innermost aspirations, instead of being the most tangible, immediate product of popular mobilization, national consciousness is nothing but a crude, empty, fragile shell.... As we shall see, such shortcomings and dangers derive historically from the incapacity of the national bourgeoisie [and its] apathy, its mediocrity, and its deeply cosmopolitan mentality. (Fanon 1963: 97-98)

The emptiness and superficiality of such nationalism has resulted in comatose consciousness and dormant decolonization.

## (mis)Appropriating *Soomalinimo*<sup>8</sup>

In July 1960, the northern and southern parts of the area merged to form the independent Somali Republic. Independence, in the words of an anonymous Somali poet, has proved a "bitter harvest" for the Somali people (Laitin and Samatar 1987, 67). The newly independent republic faced a broad agenda of problems that required immediate attention. Chief among them was the repatriation of Somalis living in the three regions of Ethiopia, Kenya, and Djibouti. The creation of the new state excluded those Somali nationals living in the other three mini-lands under foreign rule. The situation thus confronting the newly formed Somali state in 1960 is best described in the Prime Minister Abdirashid's inaugural speech:

Our misfortune is that our neighboring countries, with whom, like the rest of Africa, we seek to promote constructive and harmonious relations, are not our neighbors. Our neighbors are our Somali kinsmen whose citizenship has been falsified by indiscriminate boundary "arrangements". They have to move across artificial frontiers to their pasturelands. They occupy the same terrain and pursue the same pastoral economy as ourselves. We speak the same language. We share the same creed, the same culture, and the same traditions. How can we regard our brothers as foreigners? Of course we all have a strong and very natural desire to be united. The first step was taken in 1960 when the Somali Protectorate was united with Somalia. This act was not an act of "colonialism" or "expansionism" or "annexation". It was a positive contribution to peace and unity in Africa. (cited by Lewis 1980: 178-179)

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8 *Soomalinimo* is a term that constitutes Somali people's sense of nationalism and/or national consciousness.

Thus, in addition to the formidable task of nation building common to African states in the wake of independence, the Somalis have inherited what they see as a dismembered nation; three of the essential constituent parts are missing: Ogaden, NFD, and Djibouti. One of the features of Somali society that strikes the eye of even the most casual observer is the homogeneity of Somali culture. In contrast to the vast majority of independent African states whose challenge has been to forge out of a plethora of ethnic groups a common national consciousness within boundaries set by departed colonials, the Somalis essentially constitute a one-nationality state (Laitin and Samatar 1987). As such, one of the nation's major post-independence predicaments has been, ironically, to create a larger state whose boundaries embrace those of the entire nation.

What imbues Somalis with a sense of common national identity, notwithstanding a history of nearly one hundred years of colonial partition, is their long-term occupation of nearly 400,000 square miles of arid semi-desert in the eastern Horn of Africa: a common language; a way of life that is predominantly pastoral; a shared poetic corpus; a common political culture; a profound Islamic heritage; and a deeply held belief that nearly all Somalis descend from the same source and are therefore drawn together by emotive bonds of kinship and genealogical ties (Lewis 2004). This fervent sense of belonging to a distinct national community with a common heritage and common destiny is rooted in a widespread Somali belief that all Somalis descend from a common founding father, the mythical *Samaale* to whom the overwhelming majority of Somalis trace their genealogical origin.

According to Sheik-Abdi (1977), Somali nationalism inculcates in Somali consciousness a sense of distinct community with a common past and a common destiny. That sense of national self-awareness fuels Somali patriotism and the yearning for national political unification. Furthermore, Hashim (1997) maintains that reinforcing the powerful appeal of Somali nationalism is the reality of economic necessity. The Somalis live in a desert environment where centuries of experimentation and social adaptation have established a fragile balance between people and their natural environment. Any disruption of that balance can trigger economic, political, and social instability and set off a crisis. The fragile interdependence fostered by both Somalia's ecology and Somali ethnic/nationalistic particularism compels Somalis into an almost obsessive concern with the fate of their "lost brethren." This concern underlies the central fact of the Somali society; although organized on the basis of clanship and kinship ties, the Somalis nevertheless are drawn together by highly "emotive supratribal bonds" of nationhood (Laitin and Samatar 1987, 68).

Early proponents of Somali nationalism, led by such prominent figures as Sayyid Mohammed Abdille Hassan,<sup>9</sup> showed acute sensitivity to this social cohesion, recognizing the need for cultural sovereignty and the preservation of human dignity. Those early nationalists galvanized the Somalis by appealing to their common culture and creed, demonstrating a sophisticated understanding of the pitfalls of foreign

9 Sayyid Mohammed Abdille Hassan (April 7, 1856–December 21, 1920) was Somalia's religious and nationalist leader during the height of colonialism (he was called the "Mad Mullah" by the British). For 20 years he led armed resistance against the British, Italian, and Ethiopian forces in Somalia. Some regard Mohammed Abdullah Hassan as a pioneer of Somali nationalism.



rule. Sayyid, commenting in verse on the path taken by Somali leaders, wrote that had they followed his lead,

They would not have consented to babble in a beastly tongue / They would not have carried back-breaking loads for the Hindus in Berbera / Nor would their shoulders be marked by running sores from the burdensome load / Nor would they have envied those who husband only worthless coins / Or coveted what belongs to the Hell-bound infidels. (translated by Sheik-Abdi 1977, 660)

In his famous letter to the colonial powers, he strips their motivation for rule in Africa to one of greed:

I have no forts, no houses. / I have no cultivated fields, no silver or gold for you to take. / You gained no benefit by killing my men and my country is of no good to you. / The country is jungle. / If you want wood and stone, you can get them in plenty. / There are also many ant-heaps. / The sun is very hot. / All you get from me is war. / If you wish peace, go away from my country to your own. (cited in Laitin and Samatar 1987, 58)

Such poetry, as the medium of national consciousness, was not only a formidable weapon of resistance and propaganda against colonialists, but it also had such strong cultural and religious dimensions that it transcended existing tribal rivalries among the Somali. Accordingly, in the late nineteenth century, the Somalis, though not under a single political system, were culturally and religiously united.

While the concept of Somali ‘national consciousness’, based on an awareness of homogeneity, preceded the development of modern nationalism, Lewis (2004) nevertheless argues that there was no tradition of political unity, no statehood based on Somali culture. Thus nationalism formed from nation to state rather than from state to nation, as happened in most African nations. What modern nationalism did was to politicize an existing cultural phenomenon where, as Lewis observes, “cultural nationalism became political nationalism” (493).

The “ethno-cultural” nationalism or traditionalism that sought a vision of national grandeur in the mind of the Somali peoples, as Mahadallah notes, was limited “in terms of source and inspiration as anti-colonialism” (1998, 29). Characterizing both “isms” as “counter” movements, Mahadallah, however, articulates the distinction between traditionalism and anti-colonialism:

By traditionalism we mean popular attachment to ancient institutions and social ideals, whose perpetuation people feel necessary for their survival. [On the other hand,] anti-colonial nationalism refers to a popular reaction to the destructive effects of colonialism – i.e. political oppression, economic exploitation, and cultural domination. (29-30, footnote)

Cultural homogeneity might have inspired Somali nationalists to pursue aspirations of “Greater Somalia,” however, as Deng (1996) has observed, colonialism, as it did elsewhere in Africa, was the fundamental framework from which modern Somali nationalism developed.

The Somali nationalism of recent times, Lewis says, “tends to be segmentary in character, as the clan divisions of the nation tend to unify reactively in response to external pressures, and to disassociate when these disappear” (2004, 493). This ten-



dency to segmentation was exemplified first during the struggle for independence and later, after the collapse of the state, where diaspora communities are vested in sentiments of nationalism and the idea of *Somaliness*. Yet the segmentary lineage system is where self-identification is constructed and a sense of belonging is cultivated, but has been misappropriated and has become a “divisive deadly undertow” that has hindered national unity and nation building. As Lewis describes elsewhere:

Genealogy therefore constitutes the heart of the Somali social system and is the basis of the Somali collective predilection to internal fissions and internecine sectionary conflicts as well as of the unity of thought and action among Somalis.... The result is a society so integrated that its members regard one another as siblings, cousins, and kin, but also so riven with clannish fission and factionalism that political instability is the society’s normative characteristics. (1980, 30-31)

This system of the Somali genealogy which organizes Somali society on the basis of clans, lineages, and families and regulated by traditional norms, is on one hand the basis of personal and social identity. On the other hand, such a system is the source of the unity of thought and action among Somalis. That idea of a central genealogy has been reproduced and manipulated first to facilitate colonial control on a divide and rule basis and later “exploited conflictually by [the post-independent state] and subsequently by the warlords in the current conflict” (Deng 1996, 53). Such proclamations assume that there is an absence of traditional political institution or that Somali political culture is solely marked by conflict.

Categorically refuting the fundamentality of segmentary clannism as the Somali way of life, Samatar (1992) was one of the earliest scholars to challenge “the centrality of kinship in understanding contemporary politics and its tendency towards fragmentation and anarchy” (626). In the haste to pathologize the Somali cultural basis, the essentialist thesis stressed by Lewis (among others) does not account for why the very system that has sustained Somalis for millennia has not lead to “nihilistic fratricide” until now (629). In addition, Samatar believes that the logic of that misguided thesis underscores the dynamics of political and economic colonial imposition while negating the fabric of Somali society, or *Xeer*:

In pre-colonial Somali tradition a set of rules and norms, known as *Xeer*, was socially constructed to safeguard security and social justice within and among Somali communities.... [Since] pre-colonial Somalia was an egalitarian society...[w]hat gave this *Xeer* staying power in the absence of centralized coercive machinery was the voluntarism associated with the absolute necessity of relying on one’s labour/livestock rather than exploiting others. Such an ethic prevented and restrained centrifugal tendencies in the lineage system. This means that lineage in/of itself does not have any inherent causal power, and that its effects on community relations are contingent rather than necessary. (Samatar 1992, 630-631)

Over the last century, colonial and post-colonial state impositions have mutated this organized indigenous agency with far-reaching implications for the past, present, and future progress of Somali society and its nation-building efforts. This misappropriation of *Soomalinimo* in recent history has materialized into Fanon’s prophecy of young nations “switching back from nation to ethnicity and from state to tribe” (Fanon 1963, 97). Nevertheless, the ideology of a common descent will continue

to make it agonizingly hard for the Somalis that cut off large segments of Somali-inhabited territories from future Somali nation-state. The idea that some kin must live, against their will, outside of the national fold simply goes against the very grain of the Somalis' ethnic and corporate world view. The sense of loss and calamity occasioned by the fracturing of the Somali collective existence is cogently expressed in the continuity of lamentation by Somalis everywhere for a united Somalia.

## Somalia: A nation in waiting, a state in the making

As the nation drifts in perpetual statelessness, as it awaits the promises of a state to be fulfilled, the vital concern at the forefront of consciousness is not what is (or was) Somali nationalism, but rather who are the Somali nationalists today: the 'Clan demagogues' whose dogma is clan supremacy or the 'modern intellectuals', who champion Western hegemony; 'the ideologues' who want to fabricate a new social order or the 'nihilists' determined to expunge traditional heritages from our consciousness; the 'Arabized patriots' who spill domestic blood for global culture wars or the diasporic 'reactionaries', whispering *Somalinimo* from afar? In the years since the collapse of the state, that the supposedly homogenous Somali identity has been shown to be a spurious national identity, based on what one scholar has called the "pastoralist ideology" (Simon, cited in Hashim 1997, 56). Nearly twenty years after the collapse of the state, Somalia remains the only country in the world without a state. Somalia is still in dire need of national leaders who can build a state that is aligned with the needs of its nation. At this juncture, and for the future, who among them espouses the possibility of a nationalism that will bring Somalia out of its wretchedness? No matter who, the nation deserves the realization of a nationalism that decolonizes and restores its humanity.

Fanon's conception of absolute decolonization is a process derived from the understanding that colonialism, as an inherently violent encounter, can only be defeated with "greater violence." Fanon's thesis of "authentic decolonization" towards "new humanism," as expressed in his conceptualization of catharsis, is envisaged in this violence. For Somalia, this violence is a painful redefinition of what constitutes true decolonization; can this violence provide insight into the process of Somalia's detoxification from exploitation, oppression and dehumanization?

The epic of anti-colonial struggle in post-independent Somalia is fading. The colonial-state is dying with a torrent of blood and tears. The era of nationalism, with its promises of modernity, nation building, and progress, has ended, its promises sadly unfulfilled. The battle against oppression and exploitation run along the tracks of nationalism, however; as Taiwo observes, "true decolonization is less about creating new nations than it is about creating new modes of being human" (1996, 259). We now know the "pitfalls" of anti-colonial nationalism: it lacked any humanistic ideology that "infuses a new rhythm, specific to a new generation of men, with a new

language and a new humanity” (Fanon 1963, 2). Independence that is “granted,” Fanon bemoaned, does not constitute decolonization, for “in its bare reality, decolonization reeks of red-hot cannonballs and bloody knives” (3). True decolonization is a complete and decisive victory over exploitation, oppression, and dehumanization.

Despite Fanon’s evocation of the “creative necessity” of violence, Gibson stresses that violence is not an ahistoric act, and as such it can neither be allowed to speak for itself nor to have its own meaning. In order to give meaning to the current “crisis,” violence has to be contextualized and its significance articulated. What the seemingly senseless violence in Somalia signifies is a paroxysm attending the process of authentic decolonization of both Somalia and Africa. It expresses decolonization as a total rupture from the vestiges of colonial oppression. We must understand this violence to mean that, at long last, Somalia is at the cusp of Fanon’s vision of a new humanism, prefigured on a world free of exploitation.

## Conclusion: The Pedagogy of Reclamation

The well-scripted and internationally staged narrative of the Somali ‘failed state’ has *de facto* constituted a new type of colonialism, one re-organized along lines of psychological oppression and domination. For more than two decades the Somali nation has solely been defined and judged by the absence of a centralized political state apparatus, rather than by the historical existence of people in the Horn of Africa. The collapse of the state has nullified the Somali people’s membership as a nation in a universe of self-determining nation-states. Despite the attempt to equate state-failure with the death of the nation, the Somali people’s strength and resilience to survive and thrive has perplexed the international community.

With their consequence of dehumanization, colonialism and re-organized colonialism have been conquests that imposed such wretchedness upon the Somali people that a pedagogy of re-humanization is now required. Fortunately, Fanon has left us with the hope that “the crisis-prone and oppressed population will achieve a social consciousness” (1963, 12). However, to achieve such a consciousness necessitates the whole work of pedagogy, because pedagogy is ultimately about the reclamation of being human. The most significant achievement for this re-acquaintance, Mostern proposes, requires the restoration of a people’s dignity by a re-evaluation of their history and cultural legacy, which has thus far been exposed to a systemic misinterpretation and debasement (1994). Revisiting history in no way, however, constitutes a regression to a past world of tribal villagers, but rather generates a dynamic society of the present and of the future through the very struggle for humanity. The recovery of one’s negated history and devalued cultural heritages, Fanon would urge, should only be concerned with present and future social transformation.

This dynamic interaction between past, present, and future must, of course, entail what Jeyifo describes as “an embrace of the past and the future: a moving outward

and forward toward *the possibilities of tomorrow* as well as a moving inward and backward in time to repossess *inherent wisdoms of yesterday*” (2007, 138, emphasis added). Envisaging the past is the way forward to self-definition and self-recovery. Now, more than ever, it is imperative to remember Fanon, to invoke his premonitions in order to inaugurate our own philosophical possibilities, to construct our own theories and narratives.

Perhaps the most significant legacy Fanon has left us is that “each generation must discover its mission, fulfill it or betray it, in relative opacity” (1963, 145). Our destiny is decolonization; it is all but inevitable. The betrayal lies in not being cognizant of the process and not deciding on a course of action. Beyond survival, we must be concerned with the praxis that will lead to societal transformation to new humanism. Nevertheless, this praxis is not divorced from *Soomalinimo* – the principle that binds us, our way of life and our philosophy of being. And so in this moment of history, for a “nation in turmoil” and the “failed state” of Somalia – at this time that Fanon would call a “moment of emergence” – what should be our guiding principle out of this wretchedness staged around our land, our culture and our history? How do we resume our interrupted humanity and fulfill our destiny? If we are mindful of the “trials and tribulations” of our recent history, then we must endeavor to resist the revival of a nationalism devoid of ideology but which assumes pseudo-power “under the watchful eye” of imperialism, and we must also resist the empty rhetoric of a nationalism that “unites one tribe against another.” Instead, *Soomalinimo* that evokes the truth about who we were, who we are and who are becoming. And so “*the last shall be first.*”

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# Promoting Rule of Law in an Era of ‘Re-Islamization’ in Somalia

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## Introduction

During the last few decades, the Rule of Law movement has continued to gain traction in international relations and foreign policy circles. Focal points for many modern rule of law initiatives include majority Muslim states in Asia and Africa. Perhaps the most obvious examples are Iraq, where the United States and other (primarily Western) nations have focused military, civil, and political efforts on building new legal institutions and promoting rule of law reform in the wake of displaced authoritarian regimes. In many cases, constitutional systems in majority Muslim states rely in whole or part upon Islamic law, or Sharia, as either the sole source, or a source, of legislative authority and governmental legitimacy.

Somalia is in the midst of a security crisis. Instability rendered by a dictatorship, total civil war, Islamist rule and an absence of rule of law have left the country with a “patchwork” of laws, untrained practitioners and little physical infrastructure. For decades, Somalis’ interaction with their legal system was marred by delay, corruption, and human rights abuses. Somalia’s current rule of law vacuum is the result of such violent history.

Today, nearly most of the southern Somalia territory is in the hands of an Islamist insurgent group called al-Shabab. The group has declared Sharia law and begun enforcing new laws in the areas they control that are challenging the views of many traditionally moderate Muslims in the country. Furthermore, on April 8, 2009, Somalia’s transitional federal parliament has unanimously backed the introduction of Islamic Sharia law in the country after a vote over the issue was brought to parliamentarians. Therefore, addressing the nature and implications of Islamic Sharia law is central to any discussion about the rule of law in Somalia.

As national and international actors orchestrate Somalia’s transition from a nation under “rule of the gun” to one where the rule of law prevails, they face innumerable challenges including ongoing conflict and a lack of human resources, physical capacity, funding and coordination. Reconstruction tasks include training of police, judges and lawyers, law reform, bolstering corrections and establishing mechanisms for the administration of justice.



In this short paper, I will examine in detail, whether the tenets of Islamic Sharia law are reconcilable with international human rights norms and standards. I will then attempt to discuss in greater detail the rule of law in Somalia.

## I. What is the “Rule of Law”?

The term Rule of Law has come to embody a corpus of principles relating to just governance and respect for human dignity. Although popular usage of the phrase Rule of Law has only emerged within the last few decades, the principles it has come to represent are derived from a rich theological, philosophical, and legal tradition spanning over two millennia. Political philosopher Friedrich Hayek attributed to Aristotle the origin of the phrase “government by laws and not by men”.<sup>1</sup> The Roman philosopher Cicero, writing nearly three hundred years after Aristotle advocated restrictions on judicial discretion, asserting that men should be mere mouth pieces for the law to express itself.<sup>2</sup> Sir Edward Coke, writing in early seventeenth century England, was an ardent supporter of an independent judiciary, the notion that the law should be a separate entity, with its own votaries, and independent of current government policy.<sup>3</sup> Sir William Blackstone’s writings emphasized both the importance of a separation of powers and an independent judiciary in order for judges to base decisions on fundamental principles of law.<sup>4</sup> David Hume’s assessment of England’s achievements underscored the notion that a government of law is better than a government of will.<sup>5</sup> Natural law legal philosopher John Locke’s contribution to rule of law principles included the notion that laws should be general, known, predictable, and applicable equally to everyone.<sup>6</sup> Other contributors to the rule of law tradition include French Enlightenment philosophers such as Motesquieu.<sup>7</sup> and Voltaire.<sup>8</sup> as well as American founders James Madison and Thomas Jefferson.

One of the foremost nineteenth century proponents of the rule of law was the British jurist and constitutional theorist A.V. Dicey whose work informs much of the modern rule of law movement.<sup>9</sup> Contemporary proponents of the rule of law include the United Kingdom’s former senior law lord, Lord Thomas Bingham as well as prominent American jurists such as former and current United States Supreme Court Justices.

Building upon this rich philosophical tradition, the modern rule of law movement has incorporated developments in the legal field of international human rights. Although most contemporary international human rights instruments only came into existence in the aftermath of the twentieth century’s two world wars, the religious and philosophical underpinnings can be traced back millennia to many of the values shared by the world’s great religions, including Islam. The international community’s interest in promoting rule of law has become a cornerstone of collective values and actions. According to the United Nations, promoting the rule of law at the national and international levels is at the heart of the United Nations’ mission.



Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development. The principle that everyone – from the individual right up to the State itself – is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, is a fundamental concept which drives much of the United Nations work.<sup>10</sup>

For our purposes, the definition of rule of law provided by the United Nations embodies many of the key principles articulated by the foremost contributors to the Rule of Law tradition: For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.<sup>11</sup>

## II. Elements of the Rule of Law & Their Compatibility with Islamic Law

As a religion, Islam prescribes certain principles that its adherents must obey absolutely.<sup>12</sup> But, Islam should be understood not merely as a theological system, but also as a way of life that contains a number of ethical and moral standards as well as legal norms implemented in life in society and state.<sup>13</sup> Edward Mortimer says, Islam, we are told, is not mere religion: it is a way of life, a model of society, a culture, a civilization.<sup>14</sup>

Muslim scholars maintain that the prophet Muhammad was not merely a prophet, but also a head of state, a judge, and a military commander, so that Muslims believe that Islam does not separate religion and state. From the constitutional-law point of view, however, its different schools of law and its interpretations of governmental issues make it less of a faith and more of an ideology that mainly or partially serves to control the constitutional law of a state. Thus, according to many researchers, Islam is transmuted into a constitutional principle that is not merely formal in nature but actually exerts a substantive influence on constitutional law.

Historically, Islam achieved its status as a world civilization by implementing Islamic doctrines and culture over long periods of time throughout a large part of three continents. So then, what is an Islamic state or Muslim country and how are we to understand Sharia? By definition, countries with an Islamic character are those in which the reality of constitutional law in some way either reflects Islam as a ho-

listic concept or the principles of the Islamic faith in general or, alternatively, in the interpretation of one of the Islamic schools of law. In short, Sharia constitutes Islam's jurisprudence. Harvard Law Professor Noah Feldman observes that one reason for the divergence between Western and Muslim views of Sharia is that we are not all using the word to mean the same thing.<sup>15</sup> Although it is commonplace to use the phrase Islamic law interchangeably with the word Sharia, this prosaic English translation does not capture the full set of associations that the term Sharia conjures for the Muslim believer. Properly understood, Sharia is not just a set of legal rules. To believing Muslims, it is something deeper and higher, infused with moral and metaphysical purpose. At its core, Sharia represents the idea that all human beings – and all human governments – are subject to justice under the law.<sup>16</sup>

The law, in Islam, serves as the intersection of faith and practice in Muslim life. This necessarily carries strong implications for public as well as private spheres. Masykuri Abdillah notes that most religious scholars and Muslim intellectual argue that Islam obliges its adherents to implement Islamic teachings in the life of the state. The Prophet himself established the Madinah state in 627 by issuing the Madinah Constitution (*mithaq al-madinah*, considered by observers to be the first written constitution in the world.) He was entrusted with a mandate from God to guide his people (*ummah*) in their life, so that he is not only an executive of God's orders but also a legislator (*al-shari*). The people's loyalty to him is absolute, yet he conducted mutual consultation (*Shura*) with them in making public policy and treated them justly and humanely. Thus, Muslims should first obey God, then the Prophet, and then those who have authority (*ulu al-amr*), to the degree that their decisions and policies are in accordance with God's injunction (the Koran) and His Prophet's tradition (*hadith*) as stipulated in Koran (4:59).<sup>17</sup>

Many policy-makers (not to mention lay people) in Muslim and non-Muslim countries casually use these terms. Anything related to rule of law makes a great applause line these days. Here are just a few examples. For example, President Obama recently stated, Ours is a nation of laws guided by principles that reflect the essential goodness of the American people. Many of these values – adherence to the rule of law, equality before the law, and the applicability of due process – are as well known as they are timeless.<sup>18</sup> In a statement released by the President for Ramadan, he said, America will always stand for the universal rights of all people to speak their mind, practice their religion, contribute fully to society and have confidence in the rule of law. In the wake of Iran's 2009 presidential elections, President Mahmoud Ahmadinejad said, Iranian people successfully thwarted the plots hatched by their enemies during the country's presidential elections and hoisted the flag of genuine Islam and advised all people and groups to observe the rule of law in the country and underlined that all were equal before the law.<sup>19</sup> According to President Ahmadinejad, the Iranian nation is interested in a world based on logic, justice, respect and constructive dialogue. We are ready for any circumstances, but we are interested in peace, friendship, justice and rule of law for all world nations, the Iranian president said.<sup>20</sup>

According to its publications, the European Union is based on the rule of law. This means that everything that it does is derived from treaties, which are agreed

on voluntarily and democratically by all Member States. Previously signed treaties have been changed and updated to keep up with developments in society.<sup>21</sup> In Saudi Arabia, the phrase “law practice shall” also mean rendering consultancy services based on the principles of Sharia and the rule of law.<sup>22</sup>

Upon closer examination, Islamic governance appears to be consistent with most elements of the United Nations’ definition of Rule of Law. At their core, both Islamic Law and the Rule of Law are systems of governance informed by legal and moral principles. While the primary textual source for Islamic Law is the Koran, Islamic scholars acknowledge the important role of *sunna*, a body of legal and moral principles, based on Prophet Muhamed’s tradition, as the basic source of legislation. Hence, the degree to which these legal and moral principles correspond defines the relationship between Islamic law and Rule of Law.

In Muslim legal theory, the divine law preceded both society and state; the latter existed for the very purpose of enforcing the law. Hence, the law as divinely revealed to the Prophet Mohammed and interpreted by Islamic scholars (or *mujtahids*) poses obligations on all Muslims, regardless of social or political status. Unlike many Jewish or Canonical laws, which are by their nature religious laws applicable to Jewish or Christian adherents, Islamic law is (or strives to be) just to Muslims and non-Muslims alike, at least in countries where Sharia constitutes the formal legal system.<sup>23</sup>

Governance under the rule of law requires that laws be *publicly promulgated, equally enforced and independently adjudicated*. Given the nature of Islamic society, there seems to be little question that the requirements of Sharia are publicly promulgated. But are the laws equally enforced and independently adjudicated? In traditional Islamic governance, rulers (or caliphs) acting as the executive head of state shared power with Islamic scholars, acting in legislative and often judicial capacities. Professor Feldman observes that, In exchange for their conferral of legitimacy, the scholars asked just one thing of the ruler: a commitment to the rule of law.... The scholars’ commitment to the law derived from their understanding of it as God’s law, greater certainly than the ruler, but also greater than themselves. The ruler’s promise to back up the legal decisions of the scholars with force recognized the formal elevation of law over the arbitrary whims of any one individual. This constitutional arrangement made the law supreme. It established, we might even say, the rule of law.<sup>24</sup>

Feldman also notes, however, that the classical Islamic constitutional arrangement between the ruling executive and scholars has been largely displaced. In some modern Islamic states, such as Saudi Arabia, the scholars’ capacity to protect the rule of law is much weaker because of shifts in relative distribution of economic and political power. – The Sharia provided a theory of what the state was for; and also, by implication, what the state was not designed to do. Its disappearance from the discourse of political legitimacy devastated the capacity of Arab countries to resist unchecked autocratic authority. This helps to explain why there has been so little in the way of energized rule-of-law or democracy movements in most Arab state.<sup>25</sup>

At the time of its founding by the Prophet Mohammed in the seventh century C.E., Islam introduced substantial legal reforms improving the position of women from their condition in pre-Islamic Arabia. Understanding and applying the Koran, like any other theological or legal document, is based largely one's Hermeneutical approach. Yet, if state practice is any indication, tensions exist between traditional Islam and international human rights, norms and practices.

According to Professor Feldman, The Islamist movement, like other modern ideologies, seeks to capture the existing state and then transform society through the tools of modern government. Its vision for bringing Sharia to bear therefore incorporates two common features of modern government: the legislature and the constitution.

Although Sharia often brings to mind the image of a restrictive society, where residents are forced to comply with rules and obligations they would otherwise eschew, a recent Gallup Poll survey shows that the majority of those who favor Sharia as a source of law associate it with many positive attributes.<sup>26</sup> Results from this poll demonstrate the following views held by a sampling of adult Muslims living in Iran, Egypt, and Turkey.

### III. Reconciliation; Can Rule of Law Co-Exist with Islamic Law?

There are modern examples of majority Islamic states which have attempted to reconcile, at least as a matter of practice, if not theology or legal doctrine, the disparities between traditional Islamic law and modern international human rights norms and standards.<sup>48</sup> Many Islamic countries have constitutionally enshrined fundamental civic rights, although their implementation in real life often leaves much to be desired because independent institutions are lacking.<sup>49</sup> These institutional symptoms may indicate a deeper cultural resistance to reforming and adapting Islamic Law to comport with modern international law.

According to Werner Ende, the process of re-Islamization that has been taking place for some decades in a number of countries has considerably hampered and sometimes totally perverted attempts to adapt the Sharia and render it more flexible. He claims that radical Islamic fundamentalists accord little or no value to instruments like the U.N. Human Rights Charter which are widely recognized (although not always consistently observed) on the international level. To their minds, says Ende, the introduction of legal regimes and constructions that began to be imported from Western culture in the 19th century is nothing but a consequence of European colonialism and since the latter was entirely pernicious, being unjust in the eyes of Islam, all traces of it in legislation and jurisdiction have to be obliterated. Yet, beginning in the middle of the twentieth century and continuing to the present day,

Islamic legal literature has manifested several trends bearing on the current debate. Relating either directly or at least rhetorically to concepts of Islamic law, they include, first, a fundamental debate on democracy and the rule of law; second, explicit support for legal reforms and gender justice; and third, demands for social justice and an Islamic economic order. Sharia is a central concern in the private and public life of a majority of contemporary Muslims. It has a paramount role in the public life of Islamic societies, due to the fact that it provides the main reference for shaping and developing ethical norms and values that are the basis of public law and public policy in many Muslim countries, such as Saudi Arabia, Pakistan and Malaysia.<sup>27</sup> Yet, one cannot exclude Islam from the formulation of public policy, legislation or even public law in general, bearing in mind that legislation and public policy do need and should reflect the beliefs and values of citizens, including their religious values, notes Norani Othman, provided this is not done in the name of any specific religion since that will necessarily favor the views of those who control the state and exclude the religious and other beliefs of other citizens.<sup>28</sup>

Hence, there is a critical need for inquiry into what the various conceptions of the rule of law that are so virulent in the West can teach Islamic states, assuming that they want to learn from them in the first place and in humble recognition that not all the items on the shopping lists of Western political institutions are readily compatible with the globally established systems of Islamic law. Specifically in relation to notions of justice in Islamic legal thought, Western observers should avoid thinking solely in terms of relating anything and everything directly to the Koran and using it as the sole source for understanding or refuting developments in Islamic (legal) thought. There exists an immense pluralism within Islam that is always engaged in a lively exchange with the current environment. Because the focal points of the debate have shifted markedly since pre-modern times, each and every debate should be analyzed not in ideological or abstract terms but, wherever possible, with reference to its concrete details and, most importantly, its context, taking into account the environment prevailing in the respective Islamic regional society.

If in fact pre-modern and contemporary history supports the proposition that generations of Muslims and Sharia scholars followed the example set by the Koran and Muhammad without, however, confining themselves to these two sources of law in practice, then perhaps the best chance for reconciling Islam and the rule of law lies with modern Sharia scholars who are willing to adapt ancient principles to comport with contemporary human rights values. Arguing against purely formal obedience to details in the law of God, quite a number of reputable pre-modern scholars spoke out against simple scriptural literalism and the related practice of legal dodges (*hiyal*). Authorities like Ghazali (d. 1111) and al-Shatibi (d. 1388) emphasized the elementary nature of certain basic assets (*maqasid al-shariah*) that, permeating the entire Islamic legal order consistently, should be respectfully considered and tip the scale in each individual case. Approximately since the end of the 19th century, more and more modern Muslim jurists, human-rights theorists and even philosophers have been using this idea of an entelechy inherent in Islamic law to ensure public accept-

ance for their concepts of fundamental values, human freedom and – later on – human rights and gender justice.

Islamic law, considered both as an actual set of historical practices and as a contemporary ideology, can provide the necessary resources for rethinking textual application in modern contexts. Feldman notes that, though the constitutional structure that historically was developed to implement the Shari afforded the flexibility necessary for practical innovation and effective government, that structure also maintained the ideal of legality. While not all contemporary discussions regarding legal reforms in Muslim-majority states are occurring under the purview of Islam, there are at least some reformers at present who consider it necessary to drape an Islamic mantle around their ideas and proposals, although these might be quite secular in nature.

In this vein, Feldman observes that Islamists continue to promise justice and the rule of law via the Shari. In respect to promoting efforts to reform from within, Feldman warns that while it may be tempting to block the Islamists by denying them institutional power, this strategy is likely to backfire, since the public will see it for what it is, and it will reconfirm the view that the Islamist aspiration to justice is opposed by the West and the local autocrats.

He further argues that rule of law ideals are not and cannot be implemented in a vacuum, but rely on human institutions reinforced by regular practice and the recognition of the actors within the system that they have more to gain by remaining faithful to its dictates than by deviating from them. Thus, while searching for ways to support institutional reform and advocate state practice consistent with international human rights norms, proponents of the rule of law should be cognizant that the means to these goals involve human interests and behavior. Working from this rubric, proponents of improving rule of law in majority Muslim states are more likely to achieve meaningful reform, rather than simply forcing cosmetic changes, if they take an incremental approach conducive to open communication and partnership. To this end, Feldman articulates the following recommendations: Our best efforts must be devoted to building institutions that perceive themselves and are perceived by the public as committed to the rule of law. Aid can be made contingent on respect for the roles of courts and legislatures. Executives can be pressured to adhere to the laws and judgments of coordinate branches of government, even (or especially) when no direct foreign interest is at stake. One common approach for majority Muslim states is to include a repugnancy clause (also called a religious clause) in the state's constitution. These typically acknowledge Islam as either a source or the source of legislation and prohibit the enacting of any law which contradicts the established provisions of Islam.<sup>29</sup>

Thus, the religious tenets of Islam are reinterpreted as concrete constitutional restrictions on fundamental rights, the result being that there can be no question of a clearly-defined substantive concept for these rights, although they are formally embodied in the constitution. There is no denying that, in countries with a constitution that includes a religious clause as one of its principles, the authorities and especially the judiciary will regard fundamental rights as second-class constitutional provisions

wherever one of the Islamic principles – such as that regarding apostasy – is involved. Thus, the knotty legal problem of a lengthy recital of fundamental rights existing side by side with a religious clause in a constitution often leads to decisions that favor the principles of Islam at the expense of the fundamental rights of the individual. As far as this goes, the opinion is not unwarranted that a state whose constitution makes reference to Islam denies its citizens a number of fundamental rights by virtue of that instrument. At the same time, this makes the branches of government not guardians of fundamental rights, but guardians of Islamic tenets that take precedence under constitutional law.

## IV. Promoting Rule of Law in Somalia

The existence and effective operation of a national justice system and upholding the Rule of Law is an indispensable feature of an appropriately organized and operating society. The absence of an effective justice system signals the onset of social disorganization and, almost always, economic decline. In post-conflict environments, it foretells low to no economic development and high insecurity amongst ordinary people. Parts of Somalia are evolving post-conflict environments.

During the last nearly two decades, Somalia has been in a state of tremendous internal strife. The prolonged anarchic statelessness of the Somali peninsula, save for the autonomous Somaliland in the northwest area of Somalia, has emerged as a vortex of wider regional instability in the northeast core of the Horn of Africa and unfortunately, a notorious terrorist and piracy haven too. As a result of this conflict, total collapse of law and order has been experienced, a notable casualty of which is the breakdown of any vestiges of the rule of law.

A legitimate, functioning and coherent justice system is urgently needed to establish peace and stability in post-civil war Somalia. After three decades of war, continued insecurity, endemic corruption, and lack of resources hobble the formal justice system. Informal, community-based dispute resolution mechanisms – which are more readily accessible and understood than formal courts by most Somalis, particularly outside urban areas – are widely used to resolve both civil and criminal matters. These mechanisms are critical to maintaining stability within communities, and at present handle over 80 percent of disputes in Somalia.

In the last few years, there has been a dramatic shift toward an understanding that the rule of law is critical to social, economic and political development as well as the establishment and maintenance of security throughout Somalia. This shift was underscored by the implementation of numerous Rule of Law programs throughout Somalia as well as the commitment of the international organizations and donors to provide significant support to the relevant Somali institutions.



## The Challenges of Formal and Informal Justice

Three key areas are significant for the promotion of the Rule of Law in Somalia;

- Development and status of Somalia's formal justice institutions;
- Informal dispute resolution mechanisms through which an estimated 80 percent of legal claims are handled;
- A hybrid model which would ensure that alternative dispute resolution mechanisms remain important in providing justice, while acting within certain legal parameters.

### *(A) The Formal Justice System*

Efforts by international donors to reestablish the formal state justice system in post-civil war Somalia have faced serious difficulties, including a profound lack of professional capacity and resources for judges, lawyers, police and prison officers; physical infrastructure devastated by years of war; institutionalized corruption, and low levels of confidence in state justice institutions. Current research indicates that less than half of the judges in Somalia have the relevant formal higher education and have completed the requisite one-year period of judicial training. The remaining judges are graduates of traditional Islamic education or faculties other than law, with 20 percent having no university education at all. In addition, 45 percent of judges have no access to statutes, 54 percent have no access to legal textbooks, and 82 percent have no access to decisions of superior courts. In addition to these drawbacks, most Somalis see little benefit in turning to the courts. In recent surveys, less than 20 percent of Somalis say they would turn to the formal system to resolve their problems.

Modest progress on justice sector development has been made since 2000 through professional training and capacity building programs, the distribution of legal textbooks and materials, rebuilding of damaged buildings such as prisons, and the adoption of new laws by the executive and legislative branches. However, the lack of a coherent, strategic vision for rebuilding the justice system and the lack of effective coordination among donors and Somali justice institutions has complicated reform efforts. Moreover, technical reform programs are necessary, but not sufficient, until there is a core of officials and state institutions that regard themselves as bound to uphold the rule of law.<sup>30</sup>

### *(B) Informal Dispute Resolution Mechanisms*

Community-based mechanisms, known as *Xeer*, which have always played a strong role in Somali society, have further filled the vacuum left by the formal justice system. These informal processes generally involve an ad hoc council of village elders and disputants coming together to find solutions that are acceptable to all parties, including the community. Although customary norms applied by local mechanisms differ somewhat throughout Somalia, the goals of restitution, reconciliation, and restoring community harmony are the defining feature of the system. In this sense,



practice in Somalia also resembles a recent trend towards restorative justice practices. As the informal system depends almost exclusively on consensus of the parties involved, punishment is rare and decisions are self-enforcing. Generally a reconciliation process will include an admission of responsibility by parties, and an agreement on compensation to the victim(s) in the form of money or other property.

Community-based practices are generally favored because they are undertaken locally, at limited expense, and according to understood and accepted principles. In a rural agrarian society with limited literacy, the formal legal system can be alien and forbidding. However, the informal system has serious shortcomings as well. In some circumstances, this may include the marriage of a woman from the offender's family to a close relative of the victim, or the habitual denial of women's legal rights to inheritance. The *Xeer* might also adopt more extreme methods of requiring the offender to abide by the decision, such as exclusion of the offender from the community but such incidences are reportedly relatively rare today.

Critics of the informal system generally compare the actual informal system with the idealized formal one. For instance, although on paper the formal system guarantees legal representation for criminal defendants, in reality few receive any form of aid. The situation of women is similar. While women are rarely present at a *Xeer* proceeding, they are also a rare presence in rural courts despite legal guarantees of their equality. Finally, it was noted that at present in Somalia, only decisions made by consensus, as opposed to an adversarial process, are generally enforceable.

### *(C) Hybrid Model of Formal and Informal Justice*

Given the respective strengths and weaknesses of the formal and informal justice systems in Somalia, I would propose an innovative hybrid model that aims at harnessing the positive aspects of the informal system, while ensuring that their decisions are supervised for consistency with the Somali Constitution, Somali legal norms and international human rights standards.

The hybrid model would involve the creation of two new units within the state justice institutions: an Alternative Dispute Resolution (ADR) Unit and a Human Rights Unit. The ADR Unit would identify appropriate mechanisms to settle disputes outside of the courts, including referral of appropriate cases to *Xeer*. While the ADR Unit could address minor criminal matters and all types of civil disputes, disputants would have the choice to process these cases through dispute resolution or through the courts. Serious criminal cases (including serious crimes committed in the past) would be dealt with by the formal justice system. The second element of the proposal is a Human Rights Unit (perhaps located within Somalia's Independent Human Rights Commission) mandated to monitor decisions made by ADR institutions (for example, *Xeer*) to ensure their consistency with human rights principles and Somalia law. Once approved, the decisions could be made legally binding by the courts or other institutions of the formal justice sector.

It is important to note, however, that this hybrid model does not suggest the integration of informal dispute resolution into the formal justice sector. Instead, it

proposes the establishment of institutional links between the formal and informal sectors so that the outcomes of informal processes are monitored and recorded, and so that justice is more widely accessible, efficient, cost-effective and humane. The proposal to share authority, while still operating under the broad Somali legal framework, provides each sector with an incentive for cooperation.

## Rationale for Transitional Justice in Somalia

Insecurity, violence, continuous fights, lack of formal institutions, the failure of more than a dozen peace and reconciliation conferences since 1995 and the weakness of the African Union forces suggest that achieving peace is not realistic in the near future. However, some evidence indicates that an effort to address justice will itself contribute to reestablishing order and the rule of law. It will build confidence in the institutions and systems of the Somali state and will seek to transform the impunity that is pervasive in Somalia today. These elements are fundamental to obtaining a durable peace. The mechanisms of transitional justice, therefore, can and should be implemented without waiting for a peace agreement to be signed. Transitional justice mechanisms should be implemented as soon as a minimum level of security is attained. Unfortunately, these minimal standards of security are still not in place, especially in the areas of Mogadishu, Baidoa, and Kismayo. Among other necessary measures to stabilize the region, humanitarian relief must continue to be distributed and democratic elections have to take place. Democratically electing a government and the professionalization of the police force are also essential to creating the necessary conditions to pursue justice in Somalia.

Only when these conditions are met and justice is perceived and accepted as legitimate, can justice contribute to the achievement of sustainable peace. Otherwise, the pursuit of justice is destined to be perceived as victor's justice, a situation likely to fuel tensions and hatred which could serve to weaken efforts to bring social healing and sustainable peace.

## A Hybrid of Retributive and Restorative Justice Mechanisms

Based on the conditions governing Somalia and the theoretical and practical analysis of the relationship between peace and justice detailed above, an *ad hoc* hybrid model that pursues both retributive and restorative justice is the best possible solution for Somalia. The first mechanism considered for this model is the informal justice system led by the clan elders; the second one is an *ad hoc* tribunal. The former – the *Xeer* system – will serve mainly restorative purposes with some retributive components related to compensation. The *ad hoc* tribunal will serve mainly retributive goals, holding the main perpetrators of the atrocities accountable for the violations they committed. As much has already been written about *ad hoc* tribunals and other formal, prosecutorial justice models, this article will concentrate mainly on the *Xeer*

system. Beyond these two mechanisms, the creation of a truth commission to facilitate truth telling, collective memory and the acknowledgement of past crimes is recommended.

This combination of mechanisms would constitute a best effort to employ justice as a way to support reconciliation among the Somali people.

## **An *ad hoc* tribunal**

The second mechanism that holds potential to bring justice in Somalia is an *ad hoc* tribunal (either international or hybrid). Staffed with both international and national employees, an *ad hoc* hybrid tribunal would be ideal given that it would be located in Somalia. This would keep justice proceedings close to the victims and increase the sense of Somali ownership over the transitional justice process. At the same time, creating a hybrid tribunal requires important preconditions. It necessitates a certain level of security in order to protect witnesses and it requires a government that is perceived to be legitimate. Given the volatile situation in Somalia today, these conditions are not guaranteed. In the case that they are not viable, an *ad hoc* international criminal held outside of, yet in close proximity to, Somalia could be established.

The first goal of the *ad hoc* tribunal would have to be accountability: to hold perpetrators responsible for their conduct, through public acknowledgement of the criminal responsibility for violations of human rights and humanitarian law.

The hearings will be unable to attend to the extensive number of victims and potential claimants. A second goal is deterrence, both in Somalia and internationally. Deterrence inhibits other people from committing a certain crime because of the punishment inflicted by perpetrators for the same crime. The effect of deterrence is connected to accountability and impunity; when accountability and impunity are weak, it is difficult for a justice system to have a strong deterrent effect.

Regardless of the type of *ad hoc* tribunal, an important issue to resolve early on is that of temporal jurisdiction, the period of time within which crimes were committed over which a court has jurisdiction. In the case of the *ad hoc* tribunal for Somalia, the temporal jurisdiction of the tribunal should cover the entire duration of the war. Previous examples show that limiting the jurisdiction of an *ad hoc* tribunal to a specific time of the conflict increases the potential that the tribunal could be perceived as biased. This would compromise the legitimacy and popular acceptance of the proceedings and eventual decisions.

## **Conclusion**

The following summarizes the recommendations particularly targeting the Rule of Law sector:

- 1) Strengthen the basic capacity of criminal justice institutions (incl. judicial institutions, legal professionals, legal education institutions) with the provision of basic, continued and specialized training in connection with international norms and standards and the development of case management and performance evaluation/monitoring mechanisms.
- 2) Promote a broad-based dialogue to reach consensus between Somali political leaders and the Somali public on the need for harmonization of Somalia's formal and informal legal codes, in accord with basic international human rights standards, and support to the drafting of new legislation.
- 3) Empower the Somali public legally through Legal clinics, legal aid, translation and dissemination of laws and judicial procedures, and coordination with community-based justice initiatives.
- 4) Promote the establishment of a stable political environment for justice through a plan of action to address priority transitional justice issues.
- 5) Devote further efforts to mobilizing prerequisite political and financial support for these efforts.

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# Somalia's Governance Glitch: Islam versus Democracy

*Abdullahi Jama Hussein*

## Introduction

Somalia has been synonymous with state failure for almost two decades, with more than 14 attempts of reconstituting the nation-state ending in failure. Currently, the Transitional Federal Government (TFG) is confronting waves of political dissent and active insurgency. Hence, serious obstacles remain in the way of restoring effective governance and an equitable society that implements the rule of law.

Ideally, democratic governance guarantees political representation, freedom of expression, freedom of belief and the universal right of suffrage. This concept is widely regarded as a panacea to political problems of countries across the globe. However, Sharia law which Somalia's current parliament adopted as a "law of the land" poses a serious challenge to the fundamentals of democracy in its Western essence.

Arguably, Islam is compatible with democracy as more than half of the Muslim population around the world live under democratically elected institutions albeit fragile. However, sharp contention arises as the democracy takes into account "the will of the people" as opposed to Sharia law which upholds the "will of Allah" and, according to basic tenets of Islam, Sharia supremacy over man-made law is paramount, rendering unacceptable any law that conflicts with Sharia. Somalia lacks a unifying central authority since 1991, and the future does not look promising mainly because of foreign interference. Part One briefly describes Somalia's troubled history as well as its democratic credentials in post-independence years (1960-69).

Part Two, however, examines some of the causes and consequences of state failure that underpin the current state of affairs of Somalia in a globalised world, particularly the Islamic resurgence, the "war on terror", the vested interest of some foreign actors and the global concern on piracy. Finally, Part Three explores the compatibility of Islam and democracy both in theoretical framework and practical application in the Muslim world and the underlying factors that may hinder democratic achievement whilst pursuing political Islam as official state policy. At the end, this paper suggests policy changes from the part of the international community and makes recommendations aimed at tackling the governance difficulties facing Somalia at this particular juncture.

## Part I: Historical Perspectives: Pre-independence Period and Colonial Partition (1884-1960)

The Horn of Africa, shaped like a rhinoceros's horn on the north-eastern edge of the African continent, facing the Gulf of Aden and the Arabian Peninsula, is almost entirely populated by ethnic Somalis, whether they live inside the Somali Republic or in the neighbouring countries of Djibouti, Ethiopia and Kenya. Thus, the ethnic Somalis are synonymous with the Horn, although scholars include Djibouti, Ethiopia, Eritrea, Kenya and Sudan when they talk about the greater Horn of Africa<sup>1</sup>. Somalia has 3300 kilometres of coastal area, an area of 640000 km and about 10 million people (according to the last official census in 1975<sup>2</sup>). Its population is almost entirely made up of devoted followers of Islam on a prima facie basis, and by and large, has a *modus vivendi* of pastoralism. The geopolitics of the Horn suggest that its location is somehow implicated with the Arab-Israeli conflict; it is also an important route for world trade through the Suez Canal and the Red Sea running along the coast of Somalia en route to the Indian Ocean carrying approximately 7.5 per cent of global trade<sup>3</sup>. Its people have a history of adapting and surviving in a harsh environment that leads to competition for scarce resources which generate persistent conflict, drought and famine<sup>4</sup>. These factors generate the political problems of refugees and piracy linked with terrorism, according to the US<sup>5</sup>.

Somalia has defied the world powers since colonial times, and during détente and the subsequent cold war era. It is also the place the new world order initiated by President Bush senior and the humanitarian intervention "Restore Hope" has failed<sup>6</sup>.

After roughly 19 years of civil strife and foreign interventions, 14 failed reconciliation conferences, hundreds of millions of investment, persistent international and regional interventions, Somalia remains a black hole in the international system, where all sorts of criminality such as piracy, banditry, criminals, insurgency, hostage-taking, toxic waste dumping, illegal fishing and even terror are of daily occurrence. Despite all the interventions mentioned earlier, the international community is still unable to succeed.

Much has to do with Somalia's troubled distant as well as its recent history. For five centuries, Somalis were engaged in intermittent conflict with their neighbours, the Christian highlanders of Ethiopia<sup>7</sup>.

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The discord between the Somali nation<sup>8</sup> and the Abyssinian Empire (Ethiopia) entered a new phase during the European scramble for Africa in the 1880s. As a result, the Somali nation was finally carved up in five portions divided between the European colonialists and the Abyssinian Empire. The British held two colonial outposts, namely British Somaliland and Northern Frontier District (NFD), and Italy and France one each, southern-central Somalia and the northern strip at the mouth of the Red Sea (Djibouti) respectively.

Political favours and horse-trading between European colonialists and the Emperor of Abyssinian Menelik II allotted, on different occasions, large portions of Somali inhabited territory to Ethiopia<sup>9</sup>. Moreover, direct land grabbing and consistent encroachment from the Abyssinia emperor, without European consent, was also running in parallel with his cosy relationship with the West. All of these deals between the Emperor and the European powers regarding the Somali territory were happening in the absence of consent from or consultation with the Somali people<sup>10</sup>.

The British decided to incorporate NFD, a predominantly Somali province, with Kenya just before the Kenyan independence in 1963. That amounted to an act of betrayal for the Somali cause<sup>11</sup>; ignoring an earlier promise made by the British Labour party to take into account the wishes of Somali inhabitants in NFD, who were keen to join their brethren in Somalia<sup>12</sup>. The imposition of artificial frontiers by foreign powers preoccupied only with their narrow colonial interests had a negative impact on the feelings of the Somali people. The consequence of which, it is argued, has ignited the embers of Somali irredentism, which is an integral part of the roots of the current conflict<sup>13</sup>.

The Somali Republic was born on 1<sup>st</sup> of July, 1960 from a union of the former Italian Somaliland (in the south) and the former British Somaliland (in the north). However, that was only a partial victory. The newly born republic committed itself to a broader policy to unify the five stars of the Somali flag (symbol of five Somali entities) under an independent polity. This polity, which has been epitomised by irredentism, is the epicentre of Somalia's disputes with its African neighbours. The last French colony on Somali soil gained independence in 1975 and became the Republic of Djibouti. The expected unity with Somalia did not occur due to political pressures exerted on them by the world powers. After independence in 1960, Somalia's overall performance was no mean achievement. Initially, it adopted a dem-

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8 Although Somalis have never been under an organised political institution, they are culturally homogenous, sharing the same language, rich in oral literature, unique traditions and undisputed devotion to Islam. They live in an area that stretches from Tana River at the edge of Rift Valley in the south to Djibouti in the north to the easternmost tip of the African continent at Cape Guardafui facing the Arabian Peninsula. They differentiate themselves from both their Bantu neighbours and their Hamitic kinsmen in the Ethiopian plateau.

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ocratic trend with a fairly functional multiparty system that lasted nine years, placing itself well ahead of most of Sub-Sahara Africa (SSA)<sup>14</sup>, as we see later in this part.

## **Somalia's Democratic Credentials in the Post-independence Period (1960-69)**

Somalia's government chose the path of democratic governance immediately after its independence from European colonialists in 1960.

The new leadership was mostly educated in Britain and Italy prior to independence. However, adopting Western democracy in a pastoralist society was the main challenge the new authorities faced. The foundations of a vigorous democracy were missing; there were no strong institutions or a vibrant civil society. Accountability in government departments was hardly discernable.

Nonetheless, the new leadership, equipped with the spirit of nationalism, put in place functioning democratic institutions that did well compared to many nation-states in Africa.

Somalia became the first African state that has seen a leadership change in a constitutional manner. The first African president ever removed by parliamentary vote was H.E Aden Abdulle Osman of Somalia (1960-1967)<sup>15</sup>. The trend, however, precipitated into a plethora of political parties that mocked the very notion of democratic participation. The failure demonstrates that democracy was introduced as an alien system, copied from European colonizers. Thus, mixed with an age-old pastoral tradition based on clan affiliation, it became a source of contention rather than creating stability. This is believed to be one of the principal motives that triggered the coup d'état by the military Junta on 21<sup>st</sup> October, 1969, that ended the democratic system in Somalia.

## **Part II: Causes and Consequences of State Failure**

Some of the causes and consequences of state failure are mentioned below.

### **The Military Takeover and the End of Democracy (1969-91)**

The beginning of dictatorship in 1969 has been characterised by some scholars as one of the causes of state collapse<sup>16</sup>. Shortly after independence in 1960, Somalia's nascent government had no alternative but to seek Soviet assistance for their security

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14 Ibid.p.56

15 [www.encyclopedia.com/doc/1P2-7462869.html](http://www.encyclopedia.com/doc/1P2-7462869.html) -accessed 01/01/2010

16 Souare et al (2007). p.48-52

needs<sup>17</sup>. Bowing to Ethiopian pressure, the West refused to help Somalia in matters concerning security. Instead they offered to provide technical assistance for a token police force as a matter of compromise.

The Soviets, who had since 1962 undertaken the task of building a 14,000 strong military force in Somalia with over \$52 million assistance, were probably behind the 21<sup>st</sup> October Revolution which brought Gen Mohamed Siyad Barre to power.<sup>18</sup> Likewise, the timing of the month of October to match the Bolshevik Revolution of 1917 may also not have been a pure coincidence.

However, the military junta showed some positive achievements and until 1974, their policy was generally “inward looking” concentrating primarily on economic development<sup>19</sup> by encouraging more participation in public works and social programs, which was a wonderful domestic achievement<sup>20</sup>. On the foreign policy front, Somalia played an active role in the conflict mediation between Tanzania and Uganda in 1973 which earned it respect and appreciation from African leaders<sup>21</sup>.

Nevertheless, the adoption of “scientific socialism” in a Muslim pastoralist society was a stunning failure of judgement, caused by the influence of Soviet planning policies which did not work in Somalia. Furthermore, the revolutionary myth coupled with nationalist fervour pushed President Siyad Barre’s regime to confront Ethiopia against the treatment of its Somali population in the Ogaden province. The Somali government, in preparation for possible confrontation with Ethiopia, never hesitated to help the Western Somali Liberation Front (WSLF) and recognised them as the true representatives of the Somali region of Ethiopia. The simmering tensions between Somalia and Ethiopia reached breaking point in 1977, and the Ogaden debacle erupted.

## The Ogaden Debacle (1977-78)

Somalia’s current woes are often said to have begun with its war with Ethiopia over a territory known by Somalis as *Somali Galbeed* (western Somalia) or Ogaden province according to colonial archives.

Since the nation’s independence in 1960, successive Somali governments have followed an irredentist policy to revive the ideals of pan-Somalism and Gen Siyad Barre was no exception. Gen Barre became a dominant figure in Somali politics for most of the post-independence years. He remained in power for over 22 years and his legacy was primarily based on the introduction of “Scientific Socialism”, the adoption of the first ever Somali script, and the pursuit of vigorous political irredentism.

The border tension between Somalia and Ethiopia led to war in 1964 and 1977 though the latter coincided with a period of military advantage for the Somalis with more superior military force than Ethiopia could master in terms of military train-

17 Makinda, Samuel. (1987), Part 2

18 Laitin and Samatar(1987).p.78

19 Lewis, I.M (2002). P.226

20 Farer,T.op.cit.p.100

21 Ibid, see also Lewis,IM(2002).op.cit.p.226

ing and hardware<sup>22</sup>. The Ogaden war was perhaps the biggest inter-state war on the African continent with serious ramifications that reached far beyond the region<sup>23</sup>.

The U.S, concerned by Ethiopia's shift to the Soviet camp, sent an emissary to Mogadishu in August 1977. In the same month, the USSR suspended arms supplies to Somalia. The U.S emissary informed the Somali authorities that the U.S was ready to supply military hardware but only for defensive purposes. However, he underlined that whilst the US had no objection to Somalia helping their brethren in Ethiopia, the arms "were on no account to be used against Kenya and Djibouti"<sup>24</sup>. The Somali government understood that statement as a "nod of approval". Subsequently, the Western Somali Liberation Front (WSL) campaign against Ethiopia intensified, and the war evolved into a full scale inter-state war.

Initially, Somalia's formidable and relatively modern army equipped with Soviet hardware and inspired by patriotic belligerence was able to seize most of the disputed territory of the Ogaden region in the first wave of its military campaign<sup>25</sup>. As a result, such advances precipitated a rare superpower policy alignment against Somalia. The Carter administration retracted its promise to supply arms<sup>26</sup>, and turned a blind eye to the Soviet Union's efforts to build a coalition of communist satellites such as South Yemen, Libya and Cuba while the Ethiopian military increased strength. With the help of the Soviets the Ethiopians swelled their numbers and were reinvigorated with Marxist-Leninist peasantry slogans on the one hand and Ethiopia's imperial jingoism on the other which made their counteroffensive successful in defeating the Somali army and forcing them to pull back to its borders in disarray<sup>27</sup>.

The intervention from a coalition of Soviet allies with Soviet military hardware and the political back-up of the United Nations not only brought Somalia's military machine to its knees<sup>28</sup> but provoked a series of other problems such as an influx of refugees and internally displaced peoples which further strained the weak economy. In order to win over key military officers and civilian functionaries, the government had to rely on political patronage, with corruption peaking. While state malpractices were rampant, the government misused foreign aid to enrich key members of the regime, thereby losing the trust of its people<sup>29</sup>.

The final result of the war precipitated the collapse of the Somali state in the early 1990s, fragmenting the country into three main units: South-Central, synonymous with the Transitional Federal Government (TFG), Puntland State, an autonomous administration loosely attached to TFG<sup>30</sup> and the break-away republic of Somaliland

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22 Gebru Tareke (2000), p. 635-667, see also Farer, T. (1987) op.cit.96-98.

23 Ibid.

24 Fitzgibbon, L (1982).p.54-55

25 Ibid.

26 Ibid.p.55

27 Gebru Tareke (2000).op.cit. pp. 635-667.

28 Ibid.

29 Ayittey, G. (1994) in Souare et al. Op.cit. p.102

30 Between 2004 and 2008, the government of Somalia was called Transitional Federal Government (TFG), culminating in the third Djibouti Peace Process in December 2008, after which the government was renamed as Transitional Federal Unity Government (TFUG) but the Charter remains the same.

which unilaterally declared its independence from the rest of Somalia in May, 1991. The Ogaden war is remembered for the fact that it effectively ended the *détente* between the two superpowers and ignited “Cold War II”. In effect, “*Détente*, it was said, was buried in the sands of the Ogaden Desert”<sup>31</sup>.

## Global Security Concern

Somalia lies at a strategic juncture connecting Africa, the Arabian Peninsula and the Indian Ocean through the gate of Bab-el-Mandeb, one of the worlds most important transit routes for commodities, particularly oil.

It is also the place where the first confrontation between Jihadi Islamists and the U.S took place in 1993, in which the U.S led Operation Restore Hope ended in failure, killing 18 US Marines<sup>32</sup>.

In addition to that, the U.S Embassies of Nairobi and Dar es Salaam were simultaneously attacked in 1998 where 224 people lost their lives including 13 Americans. The U.S blamed Osama Bin Laden, who was stationed in neighbouring Sudan before he moved to Afghanistan in 1999, for being behind the attack<sup>33</sup>. Moreover, Somalia is currently one of the international hotspots of the so called “war on terror” with violent confrontation going on between the African contingent (AMISOM) and their Transitional Federal Government (TFG) troops on the one hand and the Harakat Al-Shabaab, better known as Al-Shabaab (Mujahidin Youth Movement) / and Hisbul-Islam (Party of Islam) resistance groups on the other. The resistance consists of the remnants of the Islamic Courts Union whose leader Sheikh Sharif Ahmed is the current TFG president. However, the authorities and media label them as a fifth column, a bunch of Islamic militants or terrorists, for political advantages aimed at accessing the financial and political support of the West<sup>34</sup>.

## Pervasive Piracy in the 21st Century

The crisis in Somalia has serious implications in the greater Horn of Africa in terms of insecurity, underdevelopment and continuing humanitarian disaster. Recently, the spill over effects have reached the international maritime routes along the strategically important coast of Somalia and even beyond the 200 nautical miles, with rampant piracy seizing more than 13 ships and more than \$150 million ransom paid to the Somali pirates<sup>35</sup> and still going on.

However detrimental the piracy on the high seas may be, it has successfully curbed the illegal fishing trawlers and toxic dumping, not only on Somali shores but far

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31 Menkhaus(2002).

32 Kepel,Giles (1993) pp.317

33 Ibid.pp.320

34 Crisis Group: Africa Report No.100.December,2005.pp.25 at<[www.icg.org/Somalia](http://www.icg.org/Somalia)

35 Chatham House (2008).

beyond to the waters of Tanzania, boosting the chances of local fishermen to catch more fish. Speaking in Tanzania, the Director of the world famous School of Ocean Sciences at University of Wales, Bangor, Dr John Turner, was quoted as saying “illegal fishing trawlers which operated with impunity within the region’s EEZ are now kept at bay, thanks to the presence of Somali pirates and Western military vessels”<sup>36</sup>

## Foreign Interventions

Somalia fell over a cliff in the early 1990s when state institutions collapsed due to a disorganised tribal affiliated insurgency that took over the capital, Mogadishu, pushing the country into a state of chaos and insecurity with grave humanitarian consequences.

Professor Menkhaus rightfully observes that “Somalia and the U.S are apparently doomed by fate to collide at critical moments in global politics. The collision has never brought anything but trouble to both parties”<sup>37</sup>.

The real drama started with operation “Restore Hope” ordered by President Bush senior in his last days in office whose aim was to pioneer the steps of the “new world order” with intent to implement “principles of humanitarian interventionism”. As a result, the intervention which later became United Nations Operation for Somalia (UNOSOM) ended in failure in 1993, thus making Somalia the “graveyard of the new world order”<sup>38</sup> The failure of this intervention was later summarized in the war film *Black Hawk Down*. What was initially meant as a peacekeeping operation ended in a manhunt for Gen. Mohammed Farah Aideed; one of the most powerful warlords in Somalia. More than 14 reconciliation conferences were held in the neighbouring Inter-Governmental Authority on Development (IGAD) consisting of Ethiopia, Kenya and Djibouti with the exception of one conference that was held in Cairo, Egypt<sup>39</sup>. The peace efforts were not coordinated and some have openly manifested a competing conflict of interest.

Ethiopia is singled out in this paper as an overriding external actor dominating the major events in Somalia. The Ethiopian position was reinforced in December 2006, after it militarily occupied Mogadishu and most of the southern part of Somalia with political and logistical support from the U.S, in the name of the so called “war on terror”<sup>40</sup>.

The intervention of thousands of Ethiopian troops in December 2006, which removed the Islamic Courts Union (ICU) from power and the thousands of African Union troops which joined later, presently stationed in Mogadishu, have created the worst humanitarian nightmare in Somalia, which according to the United Nations has forced over one million Mogadishu inhabitants to flee their homes, killing scores

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36 <http://dailynews.co.tz/home/?n=8530&cat=home> accessed 30/03/2010.

37 Menkhaus, Ken (2002).

38 Ibid.28 January, 2002.

39 Journal of conflict studies.availble at. <http://www.lib.unb.ca/Texts/JCS/SPR95/contents.htm> accessed 01/04/2010.

40 ICG Africa Briefing no.45, January 2007. [www.icg.org/Somalia](http://www.icg.org/Somalia)

of civilians and committing war crimes<sup>41</sup>. The failure of TFG has something to do with its legitimacy, and it is viewed by many Somalis as a cat's paw of the Ethiopian invaders and their allies.

The ICU operated in the south-central part of Somalia. However, the semi-autonomous region of Puntland and the break-away republic of Somaliland were outside their reach. The removal of the ICU was a turning point in Somali politics, from which much of the current debacle between AU forces and the armed opposition groups stemmed.

Although the ICU leader and some of his supporters joined the newly extended TFG, the move has only exacerbated the conflict rather than solving it. Critics point out that the deal was hastily arranged by a coalition of states who supported the Ethiopian invasion, targeting the sheriffs<sup>42</sup> which represented the weakest link in the chain of the Somali resistance. The interventions so far helped create a breeding ground for extremism and became a “battle cry” for groups of all sorts including some with a transnationalist agenda.

## Part III: Islam and Democracy

The debate about the compatibility of Islam and democracy intensified in academic circles by the turn of the 20th century, during which newly independent Arab states sprang up in the Middle East. Likewise, many lately emancipated Muslim nation-states joined the world community right after **World War II**.

Muslims faced a stark choice of either emulating their colonizers or adopting a state model that reflects the medieval form of government. Whilst Kemal Ataturk chose the former, some Arab states adopted a form of government based on the latter.

With the independence of Pakistan in 1947, the discourse about the compatibility of democracy and Islam moved into a higher gear. As a result, some Islamic movements became part of the political process in countries like Pakistan and Malaysia. However, other countries ruled by secular nationalists or socialists have chosen the path of confrontation.

Both proponents and opponents of Islamic democracy present pertinent arguments when contributing to the debate. Yet one thing both camps agree on is the supremacy of Quran and Sunnah as an infallible source of divinity. Nevertheless, differences arise about the interpretation of the Quran, the Sunnah and the corpus of jurisprudence known as *Fiqh*. Proponents of Islamic democracy cite that Islam promotes “religious tolerance and equal rights under Islamic pluralism”. To underscore

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41 (Human Rights Watch (2007).

42 The Sheriffs, as they are commonly known by the Somali public, are the current TFG president and deputy prime minister and minister of finance who were the top leaders of the resistance, The Alliance for Liberation of Somalia (ARS).



the supremacy of the Quran and point to the relativity of its meaning, they quote Qur'anic verses such as:

It is He who has sent down to you (Muhammad SAW<sup>43</sup>) the Book (this Qur'an)". In it are Verses that are entirely clear, they are the foundations of the Book [the Verses of Al-Ahkâm (commandments), Al-Farâ'id (obligatory duties) and Al-Hudud (legal laws for the punishment of thieves, adulterers)]; and others that are not entirely clear. So as for those in whose hearts there is a deviation (from the truth) they follow that which is not entirely clear thereof, seeking Al-Fitnah (polytheism and trials), and seeking for its hidden meanings, but none knows its hidden meanings, save Allâh. And those who are firmly grounded in knowledge say: "We believe in it; the whole of it (clear and unclear Verses) are from our Lord. And none receive admonition except men of understanding"<sup>44</sup>.

The central contention between Islamic political scholars and commentators, however, is focused on mutual consultation or *Shura*<sup>45</sup> and some examples of *Mas-haf Medina*<sup>46</sup> from which the first Islamic state emerged roughly six centuries before Magna Carta. Nevertheless, it is hard to imagine how a "democratic theory can emerge from a verse of Quran" or how the *Shura* can be equated to democratic governance. Whilst the former is initiated by the ruler, the latter is defined by the constitution.

Western scholars such as John Esposito and John Voll are among the proponents of Islamic democracy. In their recent book "Islam and Democracy", they argue that even in the West, democracy does not have an agreed definition. They entertain the notion that different cultures can develop different forms of democracies including an Islamic democracy<sup>47</sup>.

Although there is no proven theory of democracy in Islam, they commonly quote Muslim scholars such as Abu al-A'la Al-Maududi who coined the doctrine of "theo-democracy" in which three principles such as: *tawhid* (unity of God), *risala* (prophethood) and *khilafa* (caliphate) are entertained<sup>48</sup>. However, Maududi does not accept liberal democracy instead he suggests that democracy must be subordinate to the Quran and the Sunnah.

The advocates of Islamic democracy put emphasis on democratic relativism in the Islamic world in which Quranic verses are open to interpretation, a view contested by many in academia.

43 SAW(Arabic) literally means peace upon him.

44 Sura 3:7Tafsir AtTabarî, Vol. 4, Page 58) available online at ><http://muttaqun.com/quran/ae/nobae003.htm> accessed 29/03/2010.

45 Literally means consultation. It is a decision making process practised by prophet Muhammed and his companions in the early days of Islam. It is supported by quotations of the Quran such as: "They respond to their Lord by observing the Contact Prayers (Salat). Their affairs are decided after due consultation among themselves, and from our provisions to them they give (to charity)". Sura (42:38)

46 The first Islamic polity was born in Medina when Prophet Muhammad (puh) and his companions reached there after their migration from Mecca. The Charter of Medina was signed by the prophet to establish a constitutional rule for the inhabitants of Medina consisting of Muslims, Jews and pagans.

47 <http://www.meforum.org/1680/can-there-be-an-islamic-democracy> accessed 12/04/2010

48 Abu al-A'la al-Mawdudi, "Political Theory of Islam," in Khurshid Ahmad, ed., *Islam: Its Meaning and Message* (London: Islamic Council of Europe, 1976), pp. 159-61.



On the other hand, the opponents of Islamic democracy bring up a plethora of examples and quotations from theological point of view such as “the concept of Al-Hakimiyah” (sovereignty lies with Allah and the Sharia is the law of Allah).

For example, they quote Quran verses such as:

“You do not worship besides Him but only names which you have named (forged) you and your fathers, for whom Allāh has sent down no authority. The command (or the judgement) is for none but Allāh. He has commanded that you worship none but Him (i.e. His Monotheism), that is the (true) straight religion, but most men know not” (Sura 12:40).

This paper maintains that Sharia law (in its strict interpretation) and democracy (in its Western form) are diametrically opposed. Theoretically and ideologically, the pair can be described as “contradictory and competitive” at best<sup>49</sup>.

Sharia law is regarded as a corpus of jurisprudence, or *fiqh*, referring to a sacred source of Islam “the Quran and the Sunnah”, developed by Islamic jurists’ *fuqaha* on the basis of interpretations of their *Madhab*. It is based on commands of Allah with verses of the Quran explicitly stating the supremacy of God over the will of the people.

For instance, the Quran states:

“It is not fitting for a Believer, man or woman, when a matter has been decided by God and His Apostle to have any option about their decision: if any one disobeys God and His Apostle, he is indeed on a clearly wrong Path” (Sura 33:36).

Therefore, the contrast between Islam and democracy is evident. Whilst Islam upholds the will of Allah, democracy espouses the will of the people.

Even Tocqueville who argued for the cohabitation of religion and democracy in America rejects Islam’s compatibility with democratic institutions. In his words:

“Muhammad professed to derive from Heaven, and he has inserted in the Koran, not only a body of religious doctrines, but political maxims, civil and criminal laws, and theories of science. The gospel, on the contrary, only speaks of the general relations of men to God and to each other - beyond which it inculcates and imposes no point of faith. This alone, besides a thousand other reasons, would suffice to prove that the former of these religions will never long predominate in a cultivated and democratic age, whilst the latter is destined to retain its sway at these as at all other periods”<sup>50</sup>.

There are, however, elements of democracy which can be compatible with Islam. For example Noah Feldman acknowledges that Islam’s treatment of minorities “as equals may be perfectly compatible with democracy.”<sup>51</sup>

On the other hand, democracy is based on the will of the people who have the right to chose their own governments and replace them by exercising the right to vote.

According to the Universal Declaration of Human Rights (UDHR), “The will of the people shall be the basis of the authority of the government; this free will shall be expressed in periodic and genuine elections which shall be by universal and equal suf-

49 M. A.KHAN (2010).

50 Tocqueville, Alexis de (2000) p. 420

51 David Bukay, Middle East Quarterly, Spring 2007, pp. 71-79

frage and shall be held by secret vote or by equivalent free voting procedures.”(Article 21, paragraph 3, UDHR).

Democracy is known to be an outgrowth of Western culture, thus many in the Muslim world view it as a Western product and promoting it is akin to accepting “cultural imperialism”. Yet, people agree that greater participation in the political process creates a just and egalitarian society without endangering their faith.

An acute observation made by Muslim scholar Al Farabi (d.950) made sense of why democracy may be convenient for Muslims as the lesser evil. He said:

“Because democracies are free societies and are also non-homogenous, they will contain people who excel in good as well as people who excel in evil. But since one can find the pursuit of perfection present within a democracy, a democracy has the best chance of all ignorant cities of becoming a virtuous city”<sup>52</sup>.

History reveals that throughout the 14 centuries of Islamic civilisation, democracy has never been brought up as alternative form of governance. Autocratic (not necessarily despotic) governments dominated the Islamic world for centuries.

Despite long years of colonisation (or because of it), the Western democracies have been in cahoots with autocrats in the Muslim world. This is confessed by former Secretary of State Condoleezza Rice while addressing an audience at Cairo’s American University in 2005. Rice said:

“For sixty years, my country, the United States, pursued stability at the expense of democracy in this region here in the Middle East, and we achieved neither. Now we are taking a different course. We are supporting the democratic aspirations of all people”<sup>53</sup>.

Rice also noted that the absence of democracy in different Middle Eastern countries was responsible for the outgrowth of radicalism and extremism.

The same may be true for Somalia, after long years of neglect; the U.S supported the Ethiopian intervention in Somalia in 2006, which became a rallying cry for insurgent support and nourished extreme ideals that many Somalis are grappling with today.

## Contemporary Muslim Democracy

At present major Muslim countries, mostly of non-Arab ethnicity, have functioning democracies with the electoral systems, multi-party politics and even allowing women’s leadership. These democratic forces “reject or at least discount the classical Islamist claim that Islam commands the pursuit of Sharia state”<sup>54</sup>. Since 1990s democratic exercises in Malaysia, Indonesia, Bangladesh, Pakistan and Turkey have developed into political parties competing for votes, some even invoking religious

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52 KHAN.op.cit..

53 Khalid al-Anani. The Myth of Excluding Moderate Islamists in the Arab World. P.4 >[www.brookings.edu/-/.../rc/.../201003\\_moderate\\_islamists\\_alanani.pdf](http://www.brookings.edu/-/.../rc/.../201003_moderate_islamists_alanani.pdf). Accessed 01/04/2010.

54 Nasr, Vali (2005) p.13

slogans for political purposes<sup>55</sup>. Even Iran, which is a theocratic state with a sort of episcopate (Imam) as head of state, has a political system based on competition.

The democracy exercised by these countries (except Iran) has won applause in the West. Surprisingly President Bush became one of the advocates of the compatibility of Islam and Democracy.

Addressing the 20th anniversary of the National Endowment for Democracy in 2005, the U.S president said:

“More than half of all the Muslims in the world live in freedom under democratically constituted governments. They succeed in democratic societies, not in spite of their faith, but because of it. A religion that demands individual moral accountability, and encourages the encounter of the individual with God, is fully compatible with the rights and responsibilities of self-government. There are governments that still fear and repress independent thought and creativity, and private enterprise -- the human qualities that make for strong and successful societies. Even when these nations have vast natural resources, they do not respect or develop their greatest resources”<sup>56</sup>.

## **Democracy without Democrats: The Track Record of Break-away Somaliland and the Region Since 1991**

Somaliland has made serious strides to democratic governance ever since it declared its independence from the rest of Somalia in 1991.

There has been the presidential election in 2003, in which president Rayale retained his power. Although the opposition labelled that election as marred with fraud, it was nevertheless accepted by the international observers. There have also been “competitive and credible national elections” in 2005, which brought opposition groups to a parliamentary majority with a margin of 49 seats in an 82 seat parliament<sup>57</sup>.

In a sense, Somaliland seems to have achieved much more than its neighbours, Djibouti, Ethiopia, Eritrea and Kenya. According to Human Rights Watch, the administration of president Rayale is more transparent and less repressive than its neighbours in the Horn<sup>58</sup>.

Despite being unrecognized by any state, they have shown commitment to the cause of democratic governance, although its critics believe such stamina has come as a sacrifice to win recognition and not a wholehearted devotion to democratic principles.

However, the road to democracy is closing for Somalilanders, as president Rayale’s government seems to be forfeiting democratic principles over power, a dominant ethic in this part of the world. So far the president has extended his control two

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55 Ibid.

56 [www.ned.org/.../remarks-by-president-george-w-bush-at-the-20th-anniversary](http://www.ned.org/.../remarks-by-president-george-w-bush-at-the-20th-anniversary) accessed 29/03/2010.

57 Hostage to peace, available at > <http://www.hrw.org/node/84298> accessed 01/04/2010

58 Ibid.

years from his original mandate which ended in April 2008 using unconstitutional practices, and will probably cling to power as long as he can<sup>59</sup>.

The same is expected to happen in Ethiopia and Sudan in the first half of this year, where the current rulers are expected to retain their power, using repressive measures and outright rigging of elections. There have never been fair and free elections in this part of Africa. The Horn has the worst track record of democratic change. The leaders in this region have been in power for a long time. Sudan's Omar Al Bashir (21 years), Ethiopia's Meles Zenawi and Eritrea's Afewerki (19 years), Djibouti's Ismail Omar Gelle (11 years). Yet some argue for African exceptionalism and the priority of stability over democracy.

According to the World Bank, the countries in the Horn perform poorly in six governance indicators such as; "regulatory quality, rule of law, control of corruption, voice and accountability, political stability, government effectiveness". In 2008, Somalia ranks the highest in corruption and the worst in stability and freedom<sup>60</sup>.

## Putting the Cart before the Horse

The Horn of Africa conference this year in Lund is meant to explore how democratic governance can be restored in Somalia. However, such a scenario seems unlikely if 'law and order' does not return to Somalia under a recognised national authority.

In order to think about democratic governance, the civil conflict has to end, and that comes only if the nation's main stakeholders agree on a form of government and a power sharing formula. At present, all main warring factions advocate the application of Sharia law including the TFG, Al Shabab, Hisbul-Islam and the newly reinvigorated militia of Ahlu-Sunna Wal-Jamaa, the largest Sufi order in Somalia.

No one, however, is advocating democratic governance, thus the political discourse is focused on which version of Sharia law the different factions intend to apply. Whichever version we chose, none will be compatible with kind of political pluralism revered by democratic governments.

## Conclusion and Recommendations

The Somali civil conflict that began in the 1990s has entered uncharted territories. Factionalism is no longer centred in tribal feuds; it has taken a sharp turn for the worse. It is Islamic factionalism that has replaced the traditional tribal feuds. Some of these movements are led by narrow minded bigots and transnational jihadists that have shown religious intolerance within a predominantly Muslim society. It is hard to imagine how democracy can flourish in such an environment. Moreover, the situ-

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<sup>59</sup> Ibid.

<sup>60</sup> [http://info.worldbank.org/governance/wgi/sc\\_country.asp](http://info.worldbank.org/governance/wgi/sc_country.asp) accessed 01/04/2010

ation is worsened by the statebuilding efforts led by the international community and the operations conducted under the rubric of the so called 'war on terror'. It is counterproductive to invest so much in statebuilding when political leaders are inept and unable to rally the Somali population behind them. First, the government should attempt to defeat their opponents on the political front before they try to defeat them on the battle front. So far, the TFG has failed to achieve tangible results on both fronts. Yet it is fallacious to describe Somalia as a Hobbesian society in which "every man is against every man".

Indeed Somali conflict is misunderstood by many in the world community. There is no lawlessness in most parts of Somalia. In addition to Somaliland and Puntland, there are local authorities or de facto governments such as the TFG (Mogadishu), Galmudug state, Al Sunnah Wal Jama'a and Al-Shabab and Hisbul Islam emirates in large swathes of the South. Even areas controlled by Al Shabab and Hisbul Islam, away from the fault lines, are peaceful despite their harsh treatment of the populace<sup>61</sup>. Human Rights Watch argues that "Al-Shabab's forces have brought greater stability to many areas in southern Somalia, but at a high cost for the local population – especially women"<sup>62</sup>.

The nature of Somali internal conflict is centred on a power struggle, driven not only by political motives but also by economic incentives<sup>63</sup>. To date the following political forces are vying for supremacy in the fragmented Somali nation.

- Al Shabab and Hisbul Islam aim at constructing a kind of Islamic emirate or Caliphate outside the fold of the World Order. Such a state will not be bound to international law nor will it respect the conventions and treaties signed by previous Somali governments. The legal principle *Pacta Sunt Servanda* which holds that international treaties made in good faith are binding is not in their vocabulary. In the case of Al Shabab, they openly pledged allegiance to Osama Bin Laden, although that might be rhetoric rather than reality.
- Transitional Federal Government (TFG) and its junior partner Al Sunnah Wal Jama are committed, at least in theory, to reconstitute the Somali state, but they lack leadership and clarity on the way forward. They are largely driven by petty opportunistic motives.
- Puntland, in theory, is loosely connected with TFG. However, some of its recent policies such as a separate anthem and flag cast doubts on its commitment to reconstitute the state of Somalia. Critics believe that these policies are one step short of secession.
- Somaliland has never concealed its intention to secede from the rest of Somalia. It has a functioning government which lacks recognition from the rest of the world, although the underlying problems may undo all their achievements in the long run even if they are recognized as a sovereign state.

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61 <http://www.hrw.org/en/reports/2010/04/19/harsh-war-harsh-peace> accessed 20/04/2010

62 Ibid.

63 Roy Love, Economic Drivers of Conflict and Cooperation in the Horn of Africa>. <http://www.chathamhouse.org.uk/publications/papers/view/-/id/816/> accessed 02/04/2010.

This paper maintains that there is no ‘quick fix’ solution for Somalia’s political despair; however, the best way to tackle Somalia’s multifaceted problems is to put the ball back in Somalia’s court. That means ‘constructive disengagement’ on the part of the international community, thereby empowering Somalis to solve their own problems in a traditional way under ‘the shade of a tree’ (*Geed hooskiis*).

The world powers should accept the outcome of a Somali owned initiative, even if that is an ‘Islamic state’ but one that can manage its domestic and international affairs quite responsibly.

Although Muslim democracy is possible, it can only happen without strict adherence of Islamic teachings such as the application of Shari’a law, which can never be reconciled with democratic rule. Even if democratic tools are used as is the case in Somaliland, no party would be allowed to campaign for issues abhorrent to Islam such as equality of gender, sexual orientation and freedom of religion. This paper argues that democratic governance is unthinkable for Somalia in the near future for obvious reasons mentioned in previous parts, particularly when the society is emerging from a civil war and political Islam has reached its height.

Despite the waning popularity of Islamic militants, Shari’a law will most likely dominate Somali politics for many years to come as secularism and democracy are being increasingly repudiated by powerful religious groups and the Somali populace at large.

In order to reunite such a fractured nation, both religious and patriotic imperatives are indispensable including a reversal of widely tolerated foreign interference, particularly by Somalia’s neighbours. The situation has been worsened by the attempts of foreign powers, i.e. global jihadists, the West and the IGAD, to use Somalia as a ‘litmus test’. The so called “war on terror” has shaped Somali politics since 9/11, in which foreign interference thrives.

Somalia’s future leaders can only emerge from a genuine national reconciliation conference such as the ones held in Borame (1991) and Garowe (1996)<sup>64</sup>, or a unifying national movement similar to Garibaldi’s *Camice Rosso* (“red shirts”), or Bismark’s *Kulturkampf* (“culture struggle”), but nothing like the preposterous conferences concocted in foreign capitals.

Since the collapse of the state of Somalia in 1991, or perhaps even earlier, a rotten core of warlords and clannish networks, bereft of a national agenda, have dominated Somali politics. Therefore, it is not surprising to see a youth revolt (such as Al-Shabaab) against such a dishonest ruling class. Perhaps Al-Shabab and Hisbul Islam (to a lesser extent), devoid of transnational agenda, could provide a sensible and native bulwark against the disintegration of Somalia.

Rightly or wrongly, powerful foreign actors have long dominated Somali politics; however, their involvement has brought nothing but disaster. If Somalia is to become a sovereign state again, it should produce its own patriotic leaders capable of putting Somalia’s national interests first. Such leaders should reclaim Somalia’s lost

<sup>64</sup> Borame Peace Conference held in (1991-93) has reconciled the inter-clan differences of the Northerners whilst Garowe Peace Conference (1998) led to the formation of an autonomous Puntland state within federal Somalia. Both enclaves have enjoyed relative peace for decades with local polity in place.

sovereignty from the foreign meddlers and their local allies who have balkanized the country for so long. “Eternal vigilance is the price of liberty” says Thomas Jefferson.

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# The Militarization of Somalia and the Geopolitics of War on Sea Piracy

*Amina Mire*

## Abstract

In this paper, I trace the interlocking developments of the rise of the criminal phenomenon of sea piracy; United States led hyper-militarization of the Horn of Africa, and ecological war crimes of illegal fishing and nuclear waste dumping off and around the Indian Ocean coast of Somalia. It will be argued that these interlocking piracies and the concomitant United States/NATO war on Somali pirates register the democratisation of violence and privatization of international law in the service of both the illegal procurement of resources and the United States/NATO geopolitical objective of the militarization of the Horn of Africa and the Gulf of Aden. It will be argued that the geopolitics of war in piracy has tacitly recuperated and converged with the discredited United States war on terror. The paper concludes by suggesting that the militarization of war on sea piracy will accelerate the United States/NATO militarization of security and this militarization will increase instability, undermining the current peace building initiative of dialogue and development to rebuild the shattered economy, and social and political infrastructure of Somalia.

## Interlocking Piracies: Dumping of Toxic Nuclear and Industrial Waste in Somalia

One of the objectives of this paper is to show that while sea piracy has been an ongoing menace since the 1991 collapse of the state in Somalia, the recent media frenzy on the war on Somali pirates is driven by the geopolitical objective of the United States led militarization of the Horn of Africa. The militarization of the Indian Ocean coast of Somalia and Gulf of Aden has exacerbated already chronic instability and lack of security in Somalia. While military intervention alone will not restore

normal resumption of smooth commercial seafaring off the Indian Ocean coast of Somalia, it will most certainly complicate peaceful initiatives that have a greater potential to restore peace and security to the people of Somalia (which is the best way to ensure safe seafaring off the Indian Ocean waters of Somalia). This is because the militarization agenda is a misguided enterprise that has failed to acknowledge the interlocking piracies of nuclear toxic dumping, illegal fishing, and the hijacking of commercial vessels, luxury yachts and fishing trawlers. Because of its narrow geopolitical agenda, the current war on piracy will not deter the menace of sea piracy in the long run. On the surface, it appears that the heavy military presence in and around the Indian Ocean coast of Somalia and the Gulf of Aden waters bordering Somalia has significantly reduced daily incidents of attempted and/or successful hijackings of cargo ships, luxury boats and fishing trawlers.<sup>1</sup> In actuality, militarization alone will not ensure the long term security of safe commercial seafaring off the Indian Ocean coast of Somalia.<sup>2</sup>

A comprehensive peace building initiative, in which local communities' genuine concerns with toxic waste dumping and illegal fishing are taken into account, is the most logical way to begin building the foundation of lasting peace in Somalia and the restoration of the smooth transit of legitimate commercial seafaring off the Indian Ocean coast of Somalia and the Gulf of Aden. This will require that we examine the interlocking crises of the hijacking of foreign vessels by criminal gangs for the procurement of money, illegal fishing, the dumping of nuclear waste from Western Europe in Somalia, and the geopolitics of hegemonic global militarism. The current dominant Western media representation of sea piracy in Somalia often obfuscates these insidious interlocking problems.<sup>3</sup> However, not all Western media outlets have been silent about the ecological crimes of nuclear waste dumping and the illegal trafficking of nuclear waste from Western Europe to Somalia and other parts of Africa.<sup>4</sup> For example, in 2007, the British newspaper, the Guardian reported that members of the Italian mafia clan, the 'Ndrangheta' were trafficking nuclear waste from Germany, France, the United States and other European countries and smuggling these radioactive toxic material to Somalia.<sup>5</sup>

Authorities in Italy are investigating a mafia clan accused of trafficking nuclear waste and trying to make plutonium. The 'Ndrangheta' mafia, which gained notoriety in August for its blood feud killings of six men in Germany, is alleged to have made illegal shipments of radioactive waste to Somalia, as well as seeking the "clandestine production" of other nuclear material. Two of the Calabrian clan's members are being investigated, along with eight former employees of the state energy research agency, Enea. The eight are suspected of paying the mobsters to take waste off their hands in the 1980s and 1990s<sup>6</sup>

The Guardian is not the first to make links between the illegal trafficking of nuclear waste to Italian mafia and key European corporations and state stakeholders. Between 1992 and 1994, an Italian investigative journalist named Ilaria Alpi conducted research about allegations of systemic smuggling of nuclear waste materials from Italy to Somalia using an aide agency as a front.<sup>7</sup> For a period of two years, Ilaria Alpi and her cameraman, Miran Hrovatin, had traveled to different parts of Somalia along the Indian Ocean coast including the Southern Indian Ocean coastal commu-

nities and the Eastern coastal province of Puntland. In 1994, Alpi and Hrovatin were murdered in cold blood in northern Mogadishu. Many believe that their murders had something to do with their research on illegal dumping of nuclear waste and arms trafficking from Western Europe to Somalia. In 1998, the Italian newspaper *Famiglia Cristiana* in conjunction with the Italian branch of Greenpeace conducted a joint investigation on the allegations of illegal toxic waste dumping and arms trafficking in Somalia. Their research has discovered new evidence that nuclear waste dumping has been taking place in Somalia since 1991. In their report, they name the main culprits of this ecological war crime; a Swiss based firm, Achair Partners and an Italian waste broker, Progresso. The report shows evidence that supports claims that these firms, in conjunction with the Italian mafia, had transferred nuclear and industrial waste from Europe to Somalia.<sup>8</sup>

In 1998, *Famiglia Cristiana* presented its findings to a sitting session of the European Parliament in Strasbourg. This report contained copies of contracts between Achair Partners, Progresso and the Somali warlord President Ali Mahdi Mohamed. These documents showed that Mahdi had accepted the transfer of 10 million tons of toxic waste from Europe to be secretly buried in Somalia in exchange for \$US 80 million. This translates into \$8 per ton of toxic waste in comparison to the up to \$1,000 per ton it would have cost these companies to follow the European Union guideline for proper disposal of nuclear toxic wastes inside Europe. The European Parliament and the United Nations Environmental Programme (UNEP) have not acted on this reported evidence nor have they called for a thorough investigation of the short and long term human health and ecological implications of nuclear waste dumping and illegal fishing in Somalia. To the best of my knowledge, the United Nations General Assembly, the United Nations Security Council and the European Union have not enacted official policy designed to intervene with or halt smuggling and dumping of nuclear waste and rampant illegal fishing in Somalia.<sup>9</sup>

## Illegal Fishing/Nuclear Waste Dumping: Ecological War Crime against the People of Somalia.

As evidenced, 1991 marked the beginning of a fragmentation of the once proud and strong sovereign nation of Somalia bringing about widespread violence, hunger, mass starvation and misery to the people of Somalia. It also marked the beginning of systematic environmental vandalism including massive unrestricted and unreported illegal fishing and the dumping of nuclear waste along Somalia's 3,300 km Indian Ocean coastline. This environmental terrorism has been carried out by predatory corporations from the European Union, Asia and the Middle East.<sup>10</sup> In addition to the massive theft of precious marine resources (even as the people of Somalia faced certain starvation and misery), Somalia had become an ideal dumping ground for

nuclear waste from Western Europe.<sup>11</sup> Somalia's coastline waters are home to highly diverse and abundant marine resources, including seabirds, whales, whale sharks, and several types of dolphin and turtle species and high quality tuna.<sup>12</sup> Immediately following the collapse of the central authority, Somalia's coastal waters became a free-for-all with open access to nuclear waste dumping and aggressive illegal fishing including fishing trawlers with their own processing factories. In Somalia, illegal fishing and waste dumping were and are still operated by transnational corporations.<sup>13</sup> In the absence of a national coast guard force, various local groups including former fishermen and community leaders responded to the dual crises of illegal fishing and industrial toxic dumping through various means including forming unofficial coast-guards.<sup>14</sup>

In some cases, local initiatives designed to prevent toxic waste dumping and illegal fishing were subverted by enterprising warlords, who began issuing fraudulent fishing licenses to foreign fishing trawlers in exchange for cash and weapons.<sup>15</sup> These fraudulent fishing licenses were often issued to multi-national fishing companies.<sup>16</sup> Warlords used funds they procured through fishing licenses to purchase weapons and strengthen their economic clout in the new struggle for power and political influence. In this way, the illegal fishing and the rise of widespread sea piracy in Somalia are closely linked to the rise of the politics of warlordism. In the initial stage, the primary targets for Somali pirates were fishing trawlers inside Somalia's 200 nautical mile Exclusive Economic Zone (EEZ).<sup>17</sup> These early pirates were mainly former fishermen and their main targets for hijackings were fishing boats. If an owner failed to pay the asking ransom, the trawler was taken and repainted and used as a pirate 'mother' boat. Fearing negative media exposure and or international legal repercussions, owners of these fishing trawlers often quietly paid huge sums to Somali pirates rather than alerting maritime authorities about missing or captured fishing vessels inside the EEZ.

Published literature shows that the United Nations authorities were closely following the collapse of the central authority. Somalia's coastal waters had truly become an 'open access' to illegal fishing trawlers and nuclear waste dumping. As a 1998 UN sponsored report shows, the United Nations were made aware that Somali warlords were issuing fraudulent fishing licenses to fishing trawlers from Europe and Asia.<sup>18</sup> But the United Nations did nothing to confront the scourge of illegal fishing and nuclear waste dumping in the unprotected Indian Ocean waters of Somalia.<sup>19</sup> Therefore, it is not surprising that initially, Somali pirates started hijacking foreign fishing trawlers inside Somalia's 200 nautical mile zone. Despite Western media's attempt to deflect the genesis of the current crisis of sea piracy, initially it was an organic, spontaneous and collective response to rampant illegal fishing and nuclear waste dumping inside Somalia's legal waters.<sup>20</sup>

Foreign stakeholders with vested interests and complex local dynamics continue to fuel the politics of piracy in Somalia. The complex dynamics of the geopolitics of the war on terror is now a new complicating factor in the interlocking problems of sea piracy, nuclear waste dumping and illegal fishing in the Indian Ocean coastal communities in Somalia. While Somali pirates are not 'eco warriors' as some media

pundits suggest, their activities, nevertheless have halted the rampant hoarding of resources in the Indian Ocean waters off Somalia. In 2008, The Voice of America reported a sharp increase in fish stocks all along the Indian Ocean coast of East Africa.<sup>21</sup> Consequently, Somali pirates pose an economic threat to the European control of the \$6 billion tuna industry that provides roughly a quarter of the world's supply of tuna.<sup>22</sup> Some European countries' eagerness to spearhead the militarization of the Indian Ocean waters off Somalia and the Gulf of Aden must be read in the context of their vested interest in the illegal lucrative tuna industry in the same waters.<sup>23</sup> Some pundits in the Western corporate world have countered the suggestion that Somali pirates may be 'eco warriors' by pointing out that the 2009 audacious hijacking of the Saudi oil tanker, *Sirius Star*, by Somali pirates, took place 450 nautical miles outside Somalia's 200 mile EEZ.<sup>24</sup>

## Geopolitics of War on Piracy and Terror

The Western led militarization of the Horn of Africa, which has the backing of the United Nations Security Council, focuses primarily on combating Somali sea pirates. As a result, the sole objective of the UNSC sanctioned militarization of the Indian Ocean coast of Somalia and Gulf of Aden was designed to make these waters safe for the smooth passage of legitimate seafaring.<sup>25</sup> However, this policy may be enabling the continued and potential increase of the menace of illegal fishing and nuclear toxic dumping in and off the Indian Ocean coast of Somalia.<sup>26</sup> Despite repeated pleas from local communities and environmental groups of the catastrophic implications of unreported/underreported illegal fishing and waste dumping in Somalia, the UNSC has never issued a single resolution designed to tackle illegal fishing and/or nuclear waste dumping in the coastal waters of Somalia. Yet, in 2008 alone, the UNSC passed eight resolutions designed to combat the problem of sea piracy in Somalia. It is not insignificant that all of the eight UNSC resolutions on Somali sea piracy have been sponsored by the United States and its European allies, mainly Great Britain and France.<sup>27</sup>

Acting under Chapter VII through the unanimous adoption of United States-led resolution 1851 (2008), the Council called on those states and organizations able to do so to actively participate in defeating piracy and armed robbery off Somalia coast by deploying naval vessels and military aircraft, and through seizure and disposition of boats and arms used in the commission of those crimes...<sup>28</sup>

It is not particularly concerning that all eight 2008 UNSC resolutions on Somalia were sponsored by the United States, however, it is pertinent to note that these resolutions gave a convenient green light to the acceleration of the United States militarization of the Indian Ocean coast of Somalia and the Gulf of Aden. Also, it is significant that the United States/NATO militarization of the Horn of Africa has

been facilitated by the narrow and yet ambiguous language with which the UNSC mandate international military intervention of Somali piracy. These UNSC resolutions focused on exclusively capturing and convicting Somali pirates. As a result, the UNSC resolutions offer no legal basis to check suspected fishing trawlers or cargo ships which might be carrying nuclear and industrial waste inside Somalia's 200 miles of legal waters. More importantly, the war on Somali pirates has tacitly recuperated and restored the United States rhetoric of the discredited 'war on terror.' In this way, the United States war on terror and the international narrative of war on Somali pirates converged through the UNSC sanctioned militarization of the Horn of Africa and the Gulf of Aden.<sup>29</sup>

As a result, despite the build up of battleships from the United States, NATO and other countries, including China, Russia, and India around the Indian Ocean coast of Somalia and the Gulf of Aden, illegal fishing and toxic waste dumping remain unchecked. When read in relation to the unchecked nuclear waste dumping and illegal fishing faced by local communities, it becomes clear that these anti-piracy UNSC resolutions in reality undermine the national sovereignty of Somalia. Indeed, there is a stark difference between the UNSC attitude of "benign neglect" toward massive nuclear waste dumping and illegal fishing inside Somalia's legal waters since 1991, and the urgency with which the UNSC invoked Chapter VII of the UN Charter to confront Somali pirates even as Somalia's precious and dwindling marine resources are plundered, its ecosystem poisoned with nuclear waste from Europe, North America and other parts of the world. It is ironic that Chapter VII of the UN chapter has provided a tacit cover for both the US geopolitical objective of militarizing of the Horn of Africa and for criminal groups and corporate predators, who are committing heinous ecological war crimes against the people of Somalia. In other words, the heinous crimes of systematically poisoning the people of Somalia and the destruction of their environment were not considered to pose a serious threat to international security.<sup>30</sup>

In fact, the only Somali government capable of halting both the illegal fishing, nuclear waste dumping and hijacking of commercial vessels in Somalia, the Union of Islamic Courts, which took power in 2006 in the southern part of the country, was quickly overthrown by the United States with the blessing of the UNSC. Ironically, the Western media reported the chaos which immediately followed the United States sponsored overthrow. Despite these reports, the UN General Assembly, the UNSC and the African Union stood by as the country spiralled into the abyss.<sup>31</sup> Some Western media pundits and policymakers have tried to spin the immediate return of utter chaos, including a sharp increase in the daily incidence of sea piracy following the overthrow of the Union of Islamic Courts, by trying to link the United States war on terror to the need to declare a new war on Somali pirates.<sup>32</sup> Yet, the same Western pundits conceded the return of the dual menace of the pirates and warlords was the outcome of the United States sponsored overthrow of the Union of Islamic Courts.<sup>33</sup>

Piracy off the coast of Somalia has more than doubled in 2008; so far over 60 ships have been attacked. Pirates are regularly demanding and receiving million dollar ransom payments and

are becoming more aggressive and assertive. The international community must be aware of the danger that Somali pirates could become agents of international terror networks. Already money from ransoms is helping to pay for the war in Somalia, including funds to the US terror-list Al-Shabaab.<sup>34</sup>

In this report, Roger Middleton inconveniently omitted that sea piracy returned to Somalia immediately following the return of the United States backed warlords and foreign mercenaries. He also omitted the 2006 United States sponsored Ethiopian invasion and occupation of Southern Somalia which brought about the greatest humanitarian catastrophe in the world between the years of 2007 and 2009.<sup>35</sup> In 2007, in a strongly worded editorial piece, the British newspaper the Guardian reflected on the humanitarian catastrophe faced by the civilian population in Southern Somalia, brought about by the 2006 United States/Ethiopian invasion.

The UN estimates that 173,000 people have fled Mogadishu, the war-torn capital of Somalia, in the last three weeks alone. Add that to the 330,000 people who have already fled the capital this year and it amounts to a humanitarian disaster that rivals or exceeds Darfur. Somalia's transitional president, Abdullahi Yusuf, a British- and US-backed warlord, wants the city to empty. He said in Nairobi that Mogadishu's civilians can either choose to fight the Islamist insurgents or consider themselves targets in his war on terror. Eleven months after inviting the Ethiopian army into Somalia, the Transitional Federal Government (which is neither transitional nor federal, nor a government) is wreaking savage revenge on a population whether or not it shelters insurgents.<sup>36</sup>

Yet, despite all the spins and obfuscations, the author of the Chatham report in question, made a passing remark that during the brief rule of the Union of Islamic Courts sea piracy almost disappeared in the Indian Ocean coast off Somalia.

The only period during which piracy virtually vanished around Somalia was during the six months of rule by the Islamic Courts Union in the second half of 2006. This indicates that a functioning government in Somalia is capable of controlling piracy. After the removal of the courts piracy re-emerged. With little functioning government, long, isolated, sandy beaches and a population that is both desperate and used to war, Somalia is a perfect environment for piracy to thrive.<sup>37</sup>

It is pertinent to note that in addition to sponsoring all eight UNSC resolutions sanctioning military intervention to combat Somali sea piracy, the United States had also sponsored the 2006 illegal Ethiopian invasion of Somalia that removed the stable government southern Somalia had after sixteen years of chaos and instability. Today, the United States is working with the EU and UNSC to shift the blame of the humanitarian catastrophe brought by the United States backed Ethiopian invasion of Somalia by blaming the only "credibly enemy" it can find: "Al-Shaab." The United States/EU/UN backed nominal government of Sheikh Sharif controls only a few buildings in the capital city of Mogadishu under the protection of United States paid troops from Uganda. It can be said that the United States has achieved its strategic objective in bringing chaos to Somalia through its capacity to tacitly converge the rhetoric of 'war on terror' with the rhetoric of the 'war on Somali pirates'.<sup>38</sup>

In short the officially discarded but in fact revived and expanded "global war on terrorism" is now to be fought in a single theater of war that extends from the Red Sea to Pakistan. A



joint endeavor by the Pentagon's Central and Africa Commands and the North Atlantic Treaty Organization to build upon the consolidation of almost the entire European continent under NATO and Pentagon control and the ceding of the African continent to the new U.S. Africa Command (AFRICOM). (Except for Egypt, an individual Pentagon asset and NATO Mediterranean Dialogue partner.)<sup>39</sup>

## Conclusion

The current hyper-militarization of the Horn of Africa reinforces twenty years of chronic instability and misery in Somalia. The United States/NATO led war on Somali pirates will fail because it is following the same attempts at heavy-handed military interventions that have failed in the past and continue to fail. In this way, heavy-handed military intervention in the name of the 'war on the Somali pirates' will breed widespread resentment and radicalization in the local population. In fact, research shows that it already happening.<sup>40</sup> As long as the United States, NATO, the EU and the UN continue to ignore the nuclear waste dumping and massive unreported/underreported illegal fishing in and off the Indian Ocean coast of Somalia and use local conflicts to achieve geopolitical objectives, Somali pirates will be tacitly celebrated as 'heroes'. The United States/NATO led war on Somali pirates will reinforce chronic political instability, ecological destruction and the culture of lawlessness and warlordism. It is infantilizing to accuse the Somali people of 'sectarian strife' or to reduce the conflict in Somalia to being 'sectarian' or clan based in nature when overwhelming evidence shows that foreign stakeholders have vested interests in the militarization of the Horn of Africa and continued political instability in Somalia.

In contrast to the repeatedly failed United States centric meddling in the internal politics of Somalia, I propose a new framework that incorporates the restoration of the territorial integrity of Somalia and the return of safe commercial seafaring off the Indian Ocean coast. In place of the current United States/NAATO led militarization of the Horn of Africa, I propose a multi-polar comprehensive approach to solving ecological, political and security crises in Somalia. My framework is predicated on the cooperation between the international community and the people of Somalia. This multi-polar framework seeks to find cooperative multi-sited strategies that can address the interlocking piracies of illegal fishing, dumping of nuclear waste and sea piracy. This new framework insists that the only viable means of ensuring long term peaceful commercial seafaring off the Indian Ocean coast of Somalia and the Gulf of Aden is the restoration of a functioning government to Somalia. I suggest that the facilitating political reconciliation among various factions in the country will require the support of the international community without imposing a specific geopolitical agenda on the people of Somalia. The process of reconciliation requires transcending the discourse of clanism by inviting members of civil society, Somali Diaspora, community leaders, young people, women and business people. Most of all, adopting a multi-polar multi-sited reconciliation framework is designed to overcome the re-



peated failed United States habits of arbitrarily labeling different stakeholders within Somalia as “enemies” or “friends” of the United States. This divide and conquer policy is colonial at its core; it is destructive, anti-democratic and anti-peace building.

## Notes

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- 40 Special report: The rise of ' the African Taliban'. More than 500,000 displaced people live along the 20-mile Afgoye corridor, west of Mogadishu. Many have lost everything, including their families, in the flight from the Shabaab-Somalia's terrifying Islamist militia. The Observer. Sunday, 31 January 2010. <http://www.guardian.co.uk/world/2010/jan/31/shabaab-somalia-islamic-militia-refugees>

# The Role of Democratic Governance versus Sectarian Politics in Somalia

*Ali Hashi Dorre*

## Introduction

Somalia is situated on the Horn of Africa with a coastline of more than 3,300 km along the Red Sea and the Indian Ocean with an estimated population of 10 million. Around 50% of the population is nomadic agro-pastoralist while a substantial number is fishermen and the rest are urbanized people leaving tertiary activities.

The Somali state collapsed in 1991. Since the civil strife in 1991, Somalia has been plagued by instability for more than 20 years. It has experienced a period of intense civil war that displaced thousands of Somali citizens internally and forced millions to seek refuge abroad. The series of conflicts that followed disrupted the social fabric of Somalia and caused serious political, economical and social disruption.

The political situation in Somalia is slowly being regularized so that peace, security and the rule of law can prevail. Such action has to be guided along a strategic path, which in itself must take into account national developments together with the ability of government and the Somali people, to engage themselves in the renaissance of formal, effective national institutions.



## Traditional values versus tribal politics

The conflict in Somalia started in late 1980 from clan based anti-military regime movements and developed into a total clash between groups of clans competing with different political and ideological agendas. The conflict has produced a clan dynamics that have shaped the Somali civil war for the past 20 years.

Recent fighting in the country has eroded an Ahlu Sunna Wal Jama'a alliance supported by some clans and other militias drawn mainly from other clans in conflict with the Al Qaida linked extremist group, Al- Shabab. This has been in many respects a continuation of the multidimensional struggle between the Somali traditional way of Islam and the jihadist groups and that has destabilized the country further and opened new nature of conflict.

Analysis of these superimposed conflict dynamics is essential to an understanding of Somalia's security environment, in particular to the composition of various armed groups, their leadership, organization, capabilities and alliances. This is generally defined as a combination of conventional capabilities, irregular tactics and formations, and terrorist acts as well as indiscriminate violence, coercion, and criminal disorder

In southern Somalia, the Transitional Federal Government failed to control a complex insurgency involving extremists, political opportunists and clan-based militias, while Somaliland and Puntland are struggling to overcome the intimidations coming from Jihadists and/or clan based movements threatening the relative security they are enjoying.

## Corrupt politics and the politics of corruption

The study of corruption as a discipline is a recent one and this subject has continued to elicit a great deal of interest and inquiry. The public, government, scholars, researchers and many others are increasingly discussing corruption as a public interest topic. Corruption greatly impedes the realization of durable development at many levels thereby increasing poverty and fuelling inequities and vulnerabilities in society. Corruption is not only a complex governance problem that transcends national boundaries, but also a criminal phenomenon that requires a coalition of global efforts to tackle.

There are many definitions of corruption. They generally approach corruption as dishonest behavior where individuals or groups of people abuse public office for private profit.

The United Nations Convention Against Corruption (UNCAC) in chapter 3 article 15 to 24 lists circumstances or situations that could constitute corruption and these include, bribery, embezzlement, misappropriation or other diversion of property by a public official, trading in influence, abuse of functions, illicit enrichment, laundering of the proceeds of crime, obstruction of justice, and concealment.

There are many causes of corruption, like:

- Bad governance
- Lack of political will
- Political patronage
- Breakdown or erosion of societal values and norms

- Weak or absent management systems, procedures and practices
- Misuse of discretionary power vested in individuals or offices
- Weak civil society and general apathy
- Lack of professional integrity
- Lack of transparency and accountability
- Tribalism, favoritism, nepotism and cronyism
- Inefficient public sector
- Greed
- Non-enforcement of the law etc.

Corruption is harmful to the economy and causes much destruction to the societies. It affects every one but harms more those in society who are already vulnerable.

Efforts to restore peace and security to Somalia are critically undermined by a corrosive war economy that corrupts and enfeebles state institutions.

The limited ability of the Transitional Federal Government to pay its officials and security forces is handicapped by entrenched corruption at all levels: commanders and troops alike sell their arms and ammunition – sometimes even to their enemies. Revenues from Mogadishu port and airport are siphoned off. Some government ministers and members of parliament abuse their official privileges to engage in large-scale visa fraud, smuggling illegal migrants to Europe and other destinations, in exchange for hefty payments.<sup>1</sup>

## Formation of collective values: needs, rights and duties

Somalis should do their best in this crucial moment of our history with our limited resources, in a spirit of abnegation and without hesitation to be free from corruption and operate with integrity and professionalism; recognizing the culture and traditions of all parts of our community; treating everyone fairly, regardless of ethnic origin, political or religious belief, gender, (sexual orientation, disability, age or social background), encouraging measures to support a transition to a peaceful society; ensuring our officers ever enjoy greater responsibility, resilience and sustainability, delivering effectiveness and best value; reflecting local priorities through consultations that are acceptable to local communities and partners, delivered through local needs governance; devolving power, responsibility, authority with accountability to our people; constantly development of our people, their capacity, capability and competencies; ensuring that the right people, with the right skills are in the right place at the right time.

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1 The report of the Monitoring Group on Somalia of Security Council resolution 1853 (2008).

We should build upon the positive steps to develop institutional confidence in Somalia, to create local centres of excellence in the application of good governance and instil a human rights culture into all governance activities. Activity will be concentrated at community level on district, regional entities, and we should demonstrate this commitment in the different fields and look forward in order to gain the respect and confidence of our people and consequently of the regional and international community. Placing human rights at the centre of all government activities and the involvement of the civil society in this process are essential.

## Islam, education and collective identity

Within Islam, establishing and maintaining dialogue is a necessity in order to increase the interests we have in common with other people. In fact, even if people we talk with are believers of other faiths, this approach should still be adopted and issues that can separate us should be avoided altogether. The Qur'an calls the people of the book, saying, "O people of the book! Come to a word (that is) common between us and you.

Those who believe: let them forgive those who have no hope for the afterlife." What is being said here is let that we should let those who do not believe in the afterlife and resurrection after death be forgiven, because "God only rewards or punishes a people with what they have earned," (Al jathiya 45:14) i.e., if someone is going to be punished, then God will punish them and this matter does not concern anyone else.

Using a very gentle and slightly oblique style, the Qur'an calls people to accept the former prophets and their books. The fact that such a condition has been placed at the very beginning of the Qur'an seems to be very significant, when it comes to talking about the establishment of a dialogue with others. In another verse God commands us not to argue with the people of the book unless it in (a way) is better. (Al-Ankabuut 29:46).

In this verse, the Qur'an describes the method and approach we should use and the behavior we should display. Bediuzzaman said some extremely significant words in order to clarify this: "those who are happy about their opponent's defeat in debate have no mercy". He explains the reason for this:

"You gain nothing by defeating someone. If you are defeated and the other person is victorious, then you would have corrected one of your mistakes."

To stay in touch and communicate with people's minds, hearts, and feelings, one should try to establish a new power balance of justice, love, respect, and equality among people, and never discriminate on grounds of color or race.

On the other hand, Islam commends that we humans must learn everything when we come into this world, for we are ignorant of the rules of life. We are sent here in very weak and helpless form. For example, we can stand on our feet only after one

year. In addition it takes us almost our whole life to learn what things are really in our interest and what are not. Only with the help of a social life can we turn toward our interests and avoid danger.

The reasons why we are able to observe the indulgence in vice in today's generation, as well the reasons for the incompetence of some administrators and similar world-wide troubles, can be found in the prevailing conditions and ruling elite of our days.<sup>2</sup>

Likewise, those who are charged with the education of the young people of today will be responsible for the vices and the virtues that will appear in the future. Those who wish to predict a nation's future can do so accurately by taking full account of the education and the upbringing given to its young people. "Real" life is possible only through knowledge. A nation that fails its youth jeopardizes their identity and is subject to cultural and political weakness.

Thus, those who neglect learning and teaching should be counted as being "dead", even though they are living; we are created to learn and communicate to others what we have learned.

Making correct decisions is dependent on possessing a sound mind and being capable of sound thought. Science and knowledge illuminate and develop the mind. For this reason, a mind deprived of science and knowledge cannot make the right decisions, it is always exposed to deception, and is subject to being misled.

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2 M. Fetullah Gulen: Love and Tolerance





# The Anatomy of al-Shabaab

*Abdirahman “Aynte” Ali*

This paper seeks to retrace the evolution, the formation and the trajectory of al-Shabaab, the extremist militant group in Somalia. The paper contextualizes the group’s military success vis-à-vis the Somali government and other moderate Islamist groups. Moreover, the paper identifies the ideological underpinnings that inform al-Shabaab’s strict interpretation and application of Sharia, or Islamic Law. Finally, the paper analyzes the prevailing factors – both internal and external – that led to al-Shabaab’s decision to adopt global Jihad as a *modus operandi* and as a guiding principle.

## Introduction

Al-Shabaab is a Somalia-based radical militant group with ties to al-Qaeda. Among other things, its declared objective is to overthrow the Western-backed moderate Islamist government in Somalia, and replace it with an Islamic state ruled in accordance with the strict, Wahhabi interpretation of Islam. The ultimate goal of al-Shabaab is to help other global jihadists materialize the grand vision of resurrecting the global Islamic caliphate. Before May 2008, al-Shabaab was a little known ragtag militia in Somalia. But the largely obscure entity became familiar to the rest of the world on the first day of May, when at least four

Tomahawk cruise missiles, fired by US warships, flattened al-Shabaab’s compound in central Somalia, killing Aden Hashi Ayro, the reclusive military leader of the group, and his top deputies<sup>1</sup>. The attack came only two months after the US government designated the group as a terrorist organization<sup>2</sup>. Other Western countries, such as Britain, Canada and Australia, to name a few, have since followed the footsteps of the US by classifying the organization a terrorist entity. On April 13, 2010, the White House issued a strongly worded statement directing the Treasury Department to freeze the assets of more Shabaab figures. President Barack Obama said that he “declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by

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1 Schmitt, E., Gettleman, J. 2008. Qaida Leader Reported Killed in Somalia. *The NY Times*, May 2.

2 *US Dept. of State Website*. 2008. Designation of al-Shabaab as a specially Designated Global Terrorist. [accessed on March 1, 2008]

[the conflict in Somalia.”<sup>3</sup> The attack as well as the designation lifted al-Shabaab’s domestic and global stature among Salafi-jihadist groups. A senior Shabaab leader, Mukhtaar Roobow Abu-Mansoor, welcomed the designation as a “badge of honor.”<sup>4</sup> In a subsequent interview with al-Jazeera, he mockingly said that ,our only regret is that we’re number 41 on that list, not number one!<sup>5</sup>

Viewed by many global jihadists as an effective Jihadist organization with great potential, al-Shabaab attracted hundreds of foreign fighters into Somalia, aggressively expanded its territorial ambitions and, perhaps more importantly, made lasting inroads with the al-Qaida network<sup>6</sup>. Al-Shabaab now controls more territory in Somalia than any other entity, including the nascent Government of National Unity (GNU), the semi-autonomous Puntland in the Northeast, and the self-declared Republic of Somaliland in the North<sup>7</sup>. Its strict Wahhabi rule stretches from the barren heartland regions in Central Somalia, all the way to the lush farms in the South. Al-Shabaab’s battle-hardened forces control significant portions of the capital Mogadishu, and even attack the basis of the African Union peacekeepers (AMISOM)<sup>8</sup>. More menacingly, the group has ratcheted up its suicide operations across the country, all the while sharpening its global Jihadist rhetoric. On December 3<sup>rd</sup> 2009, the Shabaab is thought to have carried out the most devastating suicide attack in Somalia to date, killing three cabinet ministers, several doctors and medical school graduates, as well as two dozen students, parents and professors. The attack, at graduation ceremony for Benadir University, marked a watershed moment in the Somali conflict: for the first time, the Shabaab, though it didn’t claim the attack because it would have constituted a political suicide, was not sparing “soft targets”. More frighteningly, the Danish Security and Intelligence Agency, known by its acronym PET, confirmed that the suicide bomber lived in Denmark for more than 20 years.<sup>9</sup> As the American government zooms its focus on Yemen, following the Christmas Day attempt to blow-up a jetliner over Detroit, al-Shabaab wasted no time to pledge to dispatch its fighters in support of the al-Qaida in the Arabian Peninsula<sup>10</sup>, or AQAP, which trained and armed the 23-year-old Nigerian suspect with explosives. In fact, al-Shabaab has admitted to “swapping” fighters and resources with the AQAP.<sup>11</sup> As Medhane Tadesse, an Ethiopian scholar correctly observed, al-Shabaab drives so much of its power from “three F’s: fear, foreign money and foreign fighters.”<sup>12</sup> On February 1, 2010, al-Shabaab has, for the first time, declared that it would ally itself directly with the al-Qaeda Network. The group’s reclusive leader, together with a top Jihadist who is on the US and UN terror list, said that the Shabaab would adjoin

3 *White House statement*. 2010. Message to Congress Concerning Somalia. [accessed April 14, 2010]

4 *BBC Somali*: interview on May 2, 2008

5 *Al-Jazeera TV*: Interview with Roobow in Marka. [accessed on Youtube on November 2008]

6 Sanders, E. 2008. Conditions may be ripe for al-Qaeda in Somalia. *LA Times*, August 25

7 See excellent map by Long War Journal: [http://www.longwarjournal.org/maps/somalia/Somalia\\_redmap-02022009-norm.jpg](http://www.longwarjournal.org/maps/somalia/Somalia_redmap-02022009-norm.jpg)

8 Mohamed, I. 2009. Insurgents Kill 11 Peacekeepers in Somalia. *Reuters*, Feb. 22

9 *The Copenhagen Post*: 2009. Somalia Suicide Bomber from Denmark. December 9

10 Mohamed, I. 2010. Al Shabaab Urges Muslims to Support Yemeni Qaeda. *Reuters*, Jan. 01

11 Plaut, M. 2010. Somalia and Yemen ‘Swap Rebels’. *BBCNew.com*, Jan. 17

12 Tadesse, M. 2009. Somalia: Bailing Out the TFG,” *InterAfrica Group Briefing*. P. 9-15

“the Horn of Africa Jihad to the one led by al-Qaeda and its leader Sheikh Osama bin Laden.”<sup>13</sup> The statement was historic in that it marks the first admission that the Shabaab is making an effort to become part of al-Qaeda network. Still, it falls short of a full-fledged membership to the coveted network.

Al-Shabaab was able to register this momentous military and organizational success, because it deftly played to the irredentist and the anti-occupation psyche of the Somali public during the brutal two-year invasion of Ethiopia – one that it deliberately provoked in the first place to undermine its moderate brethren and use as cause célèbre for its ultimate global Jihadist agenda. Moreover, al-Shabaab cleverly steered clear of Somalia’s salient clan intricacies – a crucial strategic decision that lent credence to its otherwise doctrinaire and bellicose approach to governance and politicking.

Notwithstanding its success, however, al-Shabaab is virtually isolated. With the exception of negligible elements within the larger Islamic Awakening Movement (IAM) of Somalia, a non-monolithic, big-tent type of a loosely affiliated Islamist movement that gave birth to al-Shabaab, the vast majority of Somalia’s IAMs, as well as secular nationalists and the public in general, have unequivocally rejected the group’s Jihadist orientation and its kowtowing to al-Qaida<sup>14</sup>. In the latter part of 2009, schisms with its main ally, Hizbul-Islam, has morphed into violent clashes over the control of the strategic port town of Kismaayo. Though the conflict further isolated the Shabaab, it did help the group widen its territorial control, after it successfully ejected Hizbul-Islam fighters from Kismaayo, and all the way to the Somali-Kenyan border. As a result, the Shabaab is, by some estimates, the undisputed ruler of more than fifty percent of the Somali soil, which is roughly the size of Texas.

Under that backdrop, this paper seeks to analyze the factors that led to al-Shabaab’s military success. I will begin by retracing al-Shabaab’s short history, which in essence is the history of the heterogeneous Islamic Awakening Movement of Somalia and its offshoots. Al-Shabaab was founded out of the ashes of one of IAM’s Salafi faction, al-Ittihad al-Islamiya, or AIAI. Its seminal success is anchored in two crucial stages:

a) **Irredentism:** The Shabaab traces its roots back to the erstwhile irredentist Islamist movement, which for years aimed at recovering the Somali-inhabited regions of Ethiopia and Kenya. It continues to use a hybrid of irredentism and global Jihad.

b) **Salafi-Jihadism:** Upon the falter of the irredentist Islamist movement after the withdrawal of Ethiopia from Somalia at the end of 2008, al-Shabaab began to rapidly mutate into global Jihadist movement. Unlike the Taliban, al-Shabaab hasn’t internalized the concept of citizenship and international borders. It admitted of aiming at the restoration of the worldwide Islamic caliphate. And although it’s not part of it, the top echelon of the Shabaab and its vision is decidedly a byproduct of al-Qaeda. Perhaps more frightening for the West, the Shabaab has successfully recruited dozens – some say hundreds – of Somalis with Western passports. These young and

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13 Childress, S. 2010. Somalia’s Al Shabaab to Ally with Al Qaeda. *Wall Street Journal*, Feb. 2

14 *BBCNews.com*. 2009. Somalis Reject Bin Laden Threats. [accessed on March 20, 2009]

impressionable recruits have the nimbleness to move around the world undetected, posing serious threat to the national security of the US and other Western countries should they return with militant ideology. In fact, one of them has returned to Denmark and on New Year's Day 2010<sup>15</sup> attempted to kill the controversial cartoonist, Kurt Westergaard, whose 2005 depictions of the Prophet Muhammad outraged the Muslim world. In the US, more than 14 people were indicted for helping at least two dozen Somali-Americans to return to Somalia and fight for al-Shabaab. In the summer of 2009, Australian authorities foiled what they billed as potentially the "most serious terrorist attack on Australian soil." Authorities alleged that the men who planned to attack a military base near Sydney belonged to a Shabaab cell that included two men who were trained by the group<sup>16</sup>. But like the Taliban, the continued expansion of the Shabaab is driven by similar circumstances, (chronic insecurity and naked foreign intervention). Still, the Somali group is far more prone to global Jihadist ideology, and will thereby require sharply different approach.

Tactically, al-Shabaab has instrumentalized some of the military methods articulated by Abu Bakr Naji, the so-called al-Qaeda military tactician, whose poignant ideas are articulated in his book, "The Management of Savagery," in which he calls Jihadist organizations to compel the enemy to attack Muslim lands<sup>17</sup>. The idea is that the enemy, frustrated by mobile urban insurgency, will falter in the face of sustained quagmire. The Shabaab, acting on that strategy, provoked Ethiopia to attack Somalia in 2006, so that, as Naji's grand strategy articulates, it can "overstretch" the enemy's military resources, expose its weaknesses, harness the popular anger that results from the invasion, and in the end create brutal savagery that will force people to yearn for someone to manage it. Clearly, the Shabaab is positioning itself to be the one that manages that state of savagery. Its sustained violence in Mogadishu, the only major town not under its full domain, is a clear manifestation of this strategy. While the regions under its control enjoy a reliable modicum of stability, the Shabaab terrorizes the capital with daily assassinations, mortar shells and attacks against foreign peacekeepers. Hence the state of savagery that prevails in Mogadishu.

Finally, I will conclude with the apocalyptic scenario: the strategic implications of an al-Shabaab takeover of entire Somalia, particularly Mogadishu. How will such scenario upend the domestic and global dynamics? Will al-Qaeda set up a permanent shop in Somalia after it had failed to do so in the past? And if it does, what would that mean for the United States, its Western allies and Somalia's non-Muslim neighbors? But before answering these important questions, we need to fully understand the evolution of al-Shabaab from a little known ragtag militia to a world class Jihadist organization.

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15 Dawar, A. 2010. Intruder Shot at Home of Danish Cartoonist. *The Guardian*, Jan. 2

16 Wilson, L., Stewart, C. 2009. Melbourne terror attack 'could have claimed many lives'. *The Australian* August 16

17 Naji, A. [undated] *The Management of Savagery*. As translated by Will McCants for Combating Terrorism Center at West Point. P. 16-54

# The Evolution of al-Shabaab

Literally, the Arabic word “Shabaab” means “the youth”. Like all Islamist groups in Somalia, al-Shabaab is the byproduct of the larger Islamic Awakening Movement (IAM) of Somalia, “the non-Sufi Islamic phenomenon that began to trickle into Somalia since the early 1960s, shortly after Southern and Northern Somali territories declared their separate independences from the Italian and British colonies, respectively, and formed the modern-day Somali state. Prior to that, the salient Islamic orientation in Somalia was decidedly Sufi.<sup>18</sup>” The IAM can be divided into two major orientations (itijah): the Salafi and the Ikhwani orientations.<sup>19</sup> Members of the latter orientation can largely be lumped into what Dr. Quintan Wiktorowicz describes as “politicos.” They’re nonviolent political Islamists who internalized “that protecting the purity of Islam is essential, but...that real protection requires addressing political issues as well.”<sup>20</sup> The Salafis, on the other hand, especially the most prominent group al-Ittihad al-Islamiya, or AIAI, mesh well into Wiktorowicz’s description of Jihadist groups: Those who support “the use of violence to establish Islamic states.”<sup>21</sup> Al-Shabaab, though it’s still transforming, is a direct descendant of AIAI. Many analysts rightfully believe that it’s a non-monolithic organization<sup>22</sup>. Others believe that the group is divided into three main geographical units: Bay and Bakool, South Central (including Mogadishu) and North Somalia (including Somaliland and Puntland).<sup>23</sup> Each unit has had links to the AIAI – the foremost and the best known Salafi-jihadist organization in Somalia. Following the terrorist attacks of 9/11, the Bush Administration branded AIAI a terrorist organization. However, most experts correctly note that AIAI effectively ceased to exist – or at least disintegrated – in 1997, when it was crushed by neighboring Ethiopia in the southwest region of Gedo, where AIAI controlled for years<sup>24</sup>. During its twilight years in the mid 1990s, AIAI was dominated by irredentist Islamists whose primary agenda was to annex territories of “Greater Somalia”, an expansive term that includes the Somali-inhabited regions in Ethiopia and Kenya, and the tiny Republic of Djibouti<sup>25</sup>. Practically, though, AIAI’s main struggle was aimed at the Somali region in Ethiopia, sometimes known as “Ogaden”.

Various accounts claim that al-Shabaab was officially established around late 1990s or early 2000s<sup>26</sup>. But the most authoritative account---a former member of

18 Aynte, Yusuf. A. 2009. *Somalia: the root cause of the tragedy*. Cairo: Cairo Printing Press

19 Elmi, A. 2008. *Making sense of Islam and Islamic Awakening in Somalia*. Unpublished PhD dissertation

20 Wiktorowicz, Q. 2006. The anatomy of the Salafi Movement. *Studies in Conflict & Terrorism*. 29 (3): P. 207-239

21 Ibid

22 Middleton, R. 2008. Ethiopia’s Somalia Dilemma. *BBCNews.com*. Dec. 2

23 Hanson, S. 2009. Al-Shabaab. CFR.org (Council on Foreign Relations Website [accessed Feb. 27, 2009])

24 Menkhaus, K. 2004. Somalia: State of collapse and the threat of terrorism. *Paper for IISS Adelphi*. P. 63

25 *Crisis Group*. 2005. Somalia’s Islamists. Africa Report 100. P.7-10

26 *Crisis Group*. 2008. Somalia: To Move Beyond the Failed State. Africa Report No. 147. P. 10-17

AIAI---asserts that it was formally incorporated in 2003 at an AIAI alumni conference in Laasa'aanood, a town in northern Somalia<sup>27</sup>. According to this account, former senior members of AIAI, including Sheikh Hassan Dahir Aweys (who's on the US terrorism list), and Sheikh Ali Warsame, his brother-in-law and onetime chairman of AIAI, among hundreds of Salafis, held what was billed as a strategic conference aimed at "de-militarizing" the Salafi movement, and forging a post-911 strategy for the organization. This source claims that Sheikh Warsame advocated for a non-armed, unified Salafi political front in Somalia, "in tandem with the global realities of today."<sup>28</sup> Reportedly, Aweys was reluctant to this notion, but nonetheless affirmed it out of deference to his senior brother-in-law. But, according to the source, a group of battle-hardened, Afghan-trained pious young men rejected the elders' call as "a capitulation to the US and its Christian infidels." The group's leaders were, Ahmed Abdi Aw-Mohamed Godane, a native of Hargeysa, Somaliland, and Aden Hashi Ayrow. Together with about a dozen men in their late 30s or early 40s angrily stormed out of the conference after publicly blasting Sheikh Warsame as a Western apologist. Within few days, Godane and Ayrow held a parallel conference in the same town and officially launched Harakat al-Shabaab al-Mujaahideen. In addition to Godane and Ayrow, all key players of al-Shabaab were present at the very first incorporation meeting. According to this source who was present at this meeting, the few dozen men who gathered at an old primary school were furious that the ,Salafi elders abandoned the cause of jihad.<sup>29</sup>

The final communiqué of the meeting harshly indicted the "apologist elders" for disowning the cause of jihad, especially with respect to the Somali-inhabited region of Ethiopia, at a time when the Ethiopian government "is encroaching on Muslim territories – from Somaliland, to Puntland and even Mogadishu<sup>30</sup>." The passionate discussion was reportedly led by the more articulate figures, such as Godane, and his close associate, Ibrahim Haji Jama Mi'ad, who earned the nom de guerre ,al-Afghani for his years of Jihad in Afghanistan. Ayrow and others interjected with both tactical and strategic notes. By the end of a three-day meeting, al-Shabaab was formally established. Ayrow, then in his late 20s, was installed as the "Amir" and Godane, al-Afghani, Roobow and the late Abdullahi Ma'alín Abu 'Uteyba as top deputies, each charged with a specific task and/or region.

Despite the inordinate secrecy inherent in the organization (typically, the group jealously guards its internal deliberations), it's publicly stated objective was unequivocally irredentist: "To reclaim Muslim territories from the Ethiopian infidels and establish an Islamic state in the Somali-inhabited regions of East Africa, to be governed by Sharia and Sunnah as interpreted by the Salaf al-Saalih [the rightful first generation.]"<sup>31</sup>

27 A telephone interview with former AIAI member, Sheikh Saeed, A. April, 2009

28 Ibid

29 Ibid

30 Ibid

31 Mukhtar, A. 2007. 'al-Shabaab waa urur caynkee ah?' translation: "Who's al-Shabaab." Qaadisiya.com [accessed on March 22, 2008]



## Ideology and Creed

Like most global Jihadist organizations around the world, al-Shabaab, by ideology, is a Salafi-Jihadist movement. In their words, Ashley Elliot and G-S Holzer define the Shabaab as “a populist group with a Salafist orientatin...”<sup>32</sup> The term Salafi, according to Quitan Wiktorowicz, “is used to denote those who follow the example of the companions (*salaf*) of the Prophet Mohammed.”<sup>33</sup> Although not all Salafis are Jihadists, most are Wahhabis in their creed, or ‘Aqidah. In its teachings, the Wahhabi creed overemphasizes on the unity of God (Allah), or Tawheed, above all else. It applies a strict literal interpretation of the Qur’an – a document they view as immutable and timeless, contrary to mainstream Muslims<sup>34</sup>. In Somalia, the Salafi ideology and its Wahhabi creed was first introduced by Sheikh Nur Ali ‘Olow in the 1950s<sup>35</sup>. Upon returning from Egypt and Saudi Arabia – the bastion of the Salafi movement –, where he was schooled, he began preaching at one of Mogadishu’s biggest mosques<sup>36</sup>. He quickly gained traction by challenging the mystical practices that long cast doubts on the authenticity of the Sufi scholars. In few years, ‘Olow has attracted immense following in Mogadishu and elsewhere, but more importantly, he laid the foundation for the first non-Sufi movement in Mogadishu. In the following decade, many more young scholars returned from Saudi Arabia as full-time preachers of the Saudi Ministry of Endowment and Islamic Affairs. By the 1980s, the Salafi movement took a hold in Somalia. But by the collapse of the central government in Somalia, the AIAI was in full gear, and the Jihadist wing of the Salafi movement prevailed.

## Post-Incorporation

According to former members and Somali intelligence officials, the Shabaab is currently structured in a pyramidal, three-layered superstructure: the Qiyadah (the top leadership), the Muhaajiruun (the foreign fighters and Somalis with foreign passports) and the Ansar (the local Somali fighters). The Ansar constitute the vast majority of foot soldiers, but they are almost entirely excluded from the Qiyadah, which is dominated by the Muhaajiruun, and Somalis who fought in places like Afghanistan, Kashmir and Chechnya. The Qiyadah consists of as many as hundred field commanders spread across the country, but a Shura Council (a consultative body) of

32 Elliot, A., Holzer, G-S. 2009. The invention of ‘terrorism’ in Somalia: paradigms and policy in US foreign relations. *South African Journal of International Affairs*. 16 (2): 231

33 Wiktorowicz, Q. 2005. A Genealogy of Radical Islam. *Studies in Conflict & Terrorism*, 28(2):75-98

34 Ibid

35 Mayow, A. 2010. The Salafi Creed in Somalia. [in Arabic] *Alshahid.com*, [accessed on Jan. 27, 2010]

36 A VOA Somali Service interview with Sheikh Mohamed Garyare, a founding IAM member, July 2009

about seven-to-ten men form the ultimate decision-making authority. Members of this exceptionally secretive body are, by some accounts, more than seventy percent non-Somali. Except in battles, the Muhaajirtuun, who are estimated to number around four-to-six hundred, are camped and trained separately in an effort to contain their activity, as their defection can expose the inner workings of the organization<sup>37</sup>. A 17-year-old Somali-American member of the Muhaajiruun named Burhan Hassan, was shot dead when he attempted to flee and apparently return to his family in Minnesota<sup>38</sup>. The number of Shabaab fighters is the subject of intense guess-work. But estimates put it as many as 6,000 fighters, and as little as half of that.

## Clan and Identity

Clan loyalty is a salient problem in Somalia. The Somali society is primarily organized through the logic of lineage. Alliances are mostly forged through the proximity with which one's lineage or ancestry is traceable to the other. Even the Islamic Awakening Movement, which to a certain degree curtailed the influence of clan loyalty among its rank and file, has often succumbed to this transcendent problem, because it abided by the unwritten rule of subordinating to the clan hierarchy. This rule stipulates that Islamic identity should compliment, not challenge, the primacy of clannism.<sup>39</sup>

For all practical purposes, al-Shabaab has broken this cycle. And it achieved this astronomical success in two fundamental ways: First, it exploited the people's collective yearn for unity. Remarkably, the founding fathers of al-Shabaab represent a clan diversity of surprising proportions in the standards of Somalia, where the accepted mode of power division has been a proportion known as "4.5", which is based on the unscientific assumption that Somalis are divided into four equal clans (units), and a consortium of clans lumped into a half unit. Al-Shabaab has ignored this rule, and in fact has empowered minority clans by allowing them to take senior positions within al-Shabaab, and, in some cases, even telling them to use their newfound power against "traditionally oppressive clans", according to a former commander<sup>40</sup>. This has enabled the group to do well in most parts of the country. One expert noted that al-Shabaab has "issued strong and convincing signals of its rejection of clan loyalty."<sup>41</sup>

37 Author interviews with Sheikh Mohamed Pakistani, Asad Sharif and Somali intelligence officials. 2009

38 Levine, M. 2009. Group Linked to al Qaeda May Have Killed Minnesota Man Recruited in Somalia. *FOXNews.com*, [accessed on June 09, 2009: <http://www.foxnews.com/story/0,2933,525339,00.html>]

39 *CTC.USMA.edu*. [undated declassified report.] al-Qaida's (mis)adventures in the Horn of Africa. \*accessed Oct. 6, 2008]

40 Interview with former Shabaab commander Sheikh Mohamed Sheikh Ali "Pakistani," December 2009

41 Bruton, B. 2008. Self Induced Stalemate in Somalia: An Assessment of U.S. Policy of Options. *Policy paper at the Center for Strategic and International Studies*. [accessed on Nov. 2008]



In the Somali context, this is crucial to winning the hearts and minds of a deeply clannish society. Secondly, the group has aggressively recruited very young fighters who were yet to be thrust into their deeply rooted clan dogma. These fighters, often barely pupils, have easily been indoctrinated into the global Jihadist ideology. Ashley Elliot and Georg-Sebastian Holzer note that the Shabaab “comprises part of a generational struggle, seeking to overturn the generation that led Somalia to ruin.”<sup>42</sup>

A rundown of the group’s top Somali leadership reflects all four major clans in Somalia. Ahmed Abdi Aw-Mohamed Godane, and his close associate, Ibrahim Haji Jama al-Afghani, the Amir and his deputy, hail from the Dir/Isaaq clan, which dominates the Northwestern regions of the self-declared Republic of Somaliland. Aden Hashi Ayrow, the former Amir, and Abdullahi Ma’alin Ali Nahar Abu ‘Uteyba, a former security chief who was killed by a separate US air strike in 2006, as well as the current political chief, Sheikh Hussein Ali Fidow, hail from the Hawiye clan. Mogadishu is the bastion of the Hawiye clan. Together with South-Central Somalia, the Hawiye dominates the nerve center of the country. Mukhtar Roobow Ali Abu Mansoor, the former spokesman and a top commander, hails from the Rahanweyn clan, which dominates South-Western Somalia, including Baidoa, the strategic city that used to be the seat of the government before al-Shabaab took it over in January 2009. Fuad Mohamed Khalaf Shangole, a Swedish citizen, hails from the Daarood clan, which dominates the North-Eastern regions of Puntland.

The death of the two Hawiye figures has somewhat dented the “clan-blind” mantra that al-Shabaab long prided itself. But the group quickly elevated another Hawiye figure in the clan’s stronghold in and around Mogadishu to fill the gap. Sheikh Ali Mohamed Hussein, a previously unknown figure, is promoted to be the governor of Banadir region, which includes Mogadishu. Another Hawiye, Sheikh Ali Mohamud Rage (Ali Dheere) is also promoted as the new spokesman of the Shabaab. Clearly, al-Shabaab has weathered the intricate clan storms better than any other entity in Somalia. Perhaps it has learned from al-Qaida’s misadventures in the country, which in the past was entangled and stymied by a web of complex clan system as it tried to gain a foothold in Somalia<sup>43</sup>.

Notwithstanding its intra-clan success, however, al-Shabaab has grappled to identify with the Somali public. In fact, it consistently uses non-Somali, Jihadist symbols and identities that unnerve many Somalis and cast aspersions on its purported goal of liberating Somalia. For instance, it refrained from using the Somali flag during the insurgency against Ethiopia<sup>44</sup>. Instead, its fighters carried aloft a black flag with the Shahaada (the declaration of the faith) emblazoned across it, using white text. This description is a slight variation from al-Qaida’s flag, which has a yellow text on it. In a speech at a graduation ceremony, Roobow outlawed the Somali flag, claiming that it became a God-like symbol worshipped by many<sup>45</sup>. Moreover, many Somalis

42 Elliot, A., Holzer, G-S. 2009. The invention of ‘terrorism’ in Somalia: paradigms and policy in US foreign relations. *South African Journal of International Affairs*. 16 (2): 231

43 CTC.USMA.edu. [undated declassified report.] al-Qaida’s (mis)adventures in the Horn of Africa. [accessed Oct. 6, 2008] Op. Cit

44 Mukhtar, A. 2007. ‘al-Shabaab waa urur caynkee ah?’ Translated to “Who’s al-Shabaab?” Op. Cit.

45 Hassan, M. 2010. Al-Shabaab bans Somali flag. [translated from Somali] Hiiraan.com [accessed Jan. 2]

are alarmed by the Arabisation of the Shabaab. In addition to holding official press conferences in Arabic, the group's leaders invariably go by the nickname of "Abu someone", to denote the names of their children---usually the eldest child. This practice is innately Arabic, but has been widely used by Arab jihadists, sometimes to conceal their real identity. The Arabisation practice is also detected in al-Shabaab's propaganda machine. In a number of propaganda videos, al-Shabaab's militia is seen singing to Arabic Anaasheed (songs) that glorify suicide bombings, and extol the leadership of Osama bin Laden<sup>46</sup>.

Perhaps al-Shabaab's scariest and best known identity is its gun-toting militia, who are known among the public as "the masked men", for they obscure their faces with red scarves<sup>47</sup>. This practice is consistent with the group's secretive nature. To this day, the faces of the top echelon of al-Shabaab are not known to the world, including apparently the US intelligence community<sup>48</sup>. With the exception of Sheikh Roobow (and now spokesman Sheikh Ali Dheere), the top tier is characteristically reclusive and never speaks to the news media. Ayrow's face was unknown to the outside world, but upon his death, the group released videos and pictures casting him in a heroic light.

The concept of citizenship is entirely a Western-fabricated notion to the Shabaab. Unlike the Taliban, which recognized international borders as part of its identity and actually maintained diplomatic relations with Pakistan, Saudi Arabia and the United Arab Emirates, the leaders of al-Shabaab even cast doubts on the legitimacy of nation states as we know them. In an interview with the BBC, Roobow called "all Muslims" to join them in their jihad. Challenged on how his foreigners would be different from the Ethiopians, he asserted that he doesn't recognize Muslims as foreigners. "These are Western-fabricated nationalities. Muslims are one ummah", he said<sup>49</sup>. Like other international political Islamists, most other groups within the IAM of Somalia have abandoned religion as citizenship and internalized the concept of citizenship through territorial nation-states<sup>50</sup>. This assertion was subsequently repeated over and over by the Shabaab leaders.

## Al-Shabaab and the Irredentist Movement

Irredentism denotes the notion of annexing a territory administered by another state. In the erstwhile irredentist Islamist movement of Somalia, this notion called for re-

46 *Youtube video*: Undated: <http://www.youtube.com/watch?v=2-i6sMYkEVE> – [accessed on Dec. 2008]

47 McGregor, A. 2007. The Leading Factions Behind the Somali Insurgency JamestownFoundation.com, [accessed on April 30, 2007]

48 The US Treasury Department and the State Department don't have the pictures of Godane, al-Afghani and other top leaders on their websites. They also didn't have Ayrow's photo until after his death, when some Somali websites published his image. They do, however, have images of Roobow, al-Turki & Aweys

49 *BBC Somali*: Interview. May 2, 2008. Op. Cit.

50 For extended treatment, see: Ayoob, M. 2008. The Many Faces of Political Islam. Op. Cit. P.16-17

covering the Somali-inhabited regions of Ethiopia and Kenya. Somali Islamists first espoused this notion in the early 1960s, mainly to compete with the more popular dogma of Pan-Somalism<sup>51</sup> – which essentially adopted the same irredentist mantra of “Greater Somalia”, but was a clever way of spinning it. The Pan-Somalism dogma was the mantra of then powerful secular politicians. With collapse of the Somali state in 1991, Somali Islamists, namely AIAI, not only embraced the irredentist message of “Greater Somalia”, but took it to a whole new level. It found an AIAI arm in the Somali region of Ethiopia and consistently attacked Ethiopia from its basis in the border regions of Gedo and Lower Jubba<sup>52</sup>. When Ethiopia finally retaliated in 1997 and crushed the AIAI in Gedo, many of its most qualified fighters were sent to Afghanistan. This cell included Ayrow, Godane, Roobow and Abu ‘Uteyba<sup>53</sup>.

Following the palpable months of 9/11, all of them returned to Somalia, and eventually coalesced around two camps: one in Mogadishu, led by Ayrow, and protected by Sheikh Aweys. The other camp was in the deep jungles of the Lower Jubba region, under the auspices of a reclusive, powerful former AIAI senior leader, Sheikh Hassan Abdillahi Hirsi Al-Turki<sup>54</sup>. (The latter is also on the US terrorism list. He was born in the Somali inhabited region of Ethiopia, and is probably the most influential irredentist of all Islamists. He has deep connections to his clan, the Ogaden, which is one of the major Somali clans in the Somali region of Ethiopia. In February 2010, he formally joined al-Shabaab, putting an end to long held suspicion that he hid his loyalty to them out of deference to his brother in-law, Sheikh Ahmed Madoobe, a top Hizbul-Islam officer who was ejected from the strategic town of Kismaayo by Shabaab fighters.)

With their newfound safe heavens, al-Shabaab vigorously tried to revive the irredentist Islamist movement to no avail. Hence its plan b: a spade of headline-grabbing assassinations and cemetery desecrations in Mogadishu and other regions. In 2005, men who masked their faces desecrated a century-old Italian graveyard in Mogadishu. Few months later, a BBC producer, Kate Payton, and the country’s best known peace activist, Abdulqadir Yahye, were assassinated in Mogadishu. In addition, more than hundred people, mostly former military generals, professors, businessmen, journalists and activists were quietly assassinated over the next few years. No group has claimed these assassinations, but the victims had one thing in common: they all criticized the Shabaab, or their activities. Former Shabaab field commander said the objectives of the assassinations were twofold: First, it was a deliberate, preemptive attempt to eliminate dissent and potential roadblocks. Second, it was designed to inject fear and terror in the hearts of the elite class in Mogadishu, who at the time wielded significant influence by their sheer domination of the business, media and academia<sup>55</sup>. Meanwhile, two Italian nuns were killed in Somaliland.

51 Mahadallah, H. 2008. Islamic Courts, Ethiopian Intervention and Its Implications for the Security of the Horn of Africa. *Horn of Africa Journal*. 4(11): 33-45

52 *Crisis Group Report*. 2005. Somalia’s Islamists. Op. Cit. p. 7-10

53 *Crisis Group Report*. 2007. Somalia: To move beyond...” Op. Cit. p. 10-17

54 *Wadanka.com*. 2007-2010. The History of Islamist Organizations in Somalia. [translated] Series 6. <http://wadanka.com/General/2563.html> - [accessed on Sept. 30, 2008]

55 Interview with Sheikh Mohamed Sheikh Ali “Pakistani,” December 2009, Op. Cit

Top al-Shabaab leaders were either indicted for these crimes, or are strongly believed to have orchestrated them<sup>56</sup>.

Around this time, the US intelligence agencies launched an aggressive surveillance campaign on key al-Shabaab operatives, who, in addition to these heinous acts, were alleged to be harboring the three men who perpetrated the 1998 embassy bombings. Unbeknown to the CIA until this time was the group's formal name, so it conveniently called it the "special group."<sup>57</sup> In Mogadishu, the group conducted its training operations and preaching lectures at the Salahuddin Center, a renovated Italian-era compound that housed the Italian graveyards until the Shabaab desecrated them. According to a former Shabaab commander who was first recruited and trained at the Salahuddin Center, the building was heavily guarded by about a dozen battlewagons mounted with anti-aircraft guns, known in the Somali lingo as "technicals". The commander of the camp was Ayrow, although Godane, al-Afghani, Abu 'Uteyba and Roobow all made infrequent appearances and provided some training. But a major attraction at the camp were the Jihadist videos sent from places like Afghanistan, Iraq and Chechnya, which Osama bin Laden made guest appearances<sup>58</sup>.

In 2006, al-Shabaab finally got something to be riled up: word got out that the CIA "deputized" the most reviled Somali warlords in the capital to hunt down suspected terrorists. The warlords attacked Ayrow's house, planning to rendition him and potentially other Islamist figures to the Americans<sup>59</sup>. But the warlords were selling innocent local imams to the highest bidder. Their vicious actions instigated a public uprising, but more importantly, unified members of the once-disunited Islamic Awakening Movement, for they became rendition targets. As a result, they coalesced around a new umbrella, the Union of Islamic Courts, or UIC, which was a coalition of mostly apolitical clan courts. It was a turning point in Somalia. Moderate Islamists, who until now were timid about challenging the warlords, have now been thrust into the conflict. Devoid of their own strong militia, the moderates relied heavily on the well-armed, highly disciplined militant group in Mogadishu, personified in al-Shabaab. Still, the Shabaab were all too aware that their extreme ideology was out of bounds for the average Somali, so it cut a deal with the moderate Islamists: the Shabaab would become the military wing of the new UIC umbrella, but the moderates will be the public face. The UIC elected Sheikh Sharif Sheikh Ahmed, then 40, as the new public face. Within the Islamic Awakening Movement, Sheikh Sharif is a member of the "Tajamu'u Al-Islami", a moderate group that branches off of the Ikhwani orientation. The Tajamu'u, also known as the "Aala-Sheikh", was never armed, but was politically inclined.

The warlords were ejected in no time, and the UIC, under the leadership of the current Somali president Sheikh Sharif, did the unimaginable: pacified Mogadishu and the South-Central Somalia under one administration for the first time in 16 years. The Somali public and editorial pages welcomed the change with unqualified support<sup>60</sup>.

56 *Crisis Group Report*. 2005. Somalia's Islamists. Op. Cit. P. 21

57 Ibid, P. 21-26

58 Interview with Sheikh Mohamed Sheikh Ali "Pakistani," December 2009, Opt. Cit

59 Gettleman, Jeffrey. February 2009. The most dangerous place in the world. *Foreign Policy*

60 *Hiiraan Online editorial*. 2006. Sheikh Sharif: 2006 HOL person of the year. (accessed Jan. 30, 2007)

Despite the near unanimous fanfare in support of the change, Al-Shabaab was unsettled by the moderate leadership of the UIC, particularly its chairman, Sheikh Sharif since the early days of their 2006 marriage of convenience under the UIC. They perceived him of being disloyal to the irredentist, Jihadist agenda they espoused. Sheikh Sharif's non-Salafi, non-Wahhabi orientation was another source of mutual suspicion between him, al-Shabaab, and their Salafi protégés, namely Sheikh Aweys and Sheikh al-Turki.

However, a number of successive events sealed the deal for al-Shabaab to finally distance itself from the UIC, unveil its true agenda<sup>61</sup>, and eventually declare President Sheikh Sharif an apostate. First, Sheikh Sharif began to mend fences with the United States, the European Union and the United Nations, soon after the UIC came to power. He sent a conciliatory letter to all of them, essentially distancing the UIC from al-Qaeda and global Jihad, and ensuring a deeply uncomfortable West that his movement, albeit its Islamist creed, is purely domestic in its agenda and traditionalist in its orientation<sup>62</sup>. Secondly, al-Shabaab was offended by Sheikh Sharif's decision to join the Khartoum peace talks with the Transitional Federal Government (TFG).<sup>63</sup> Thirdly, they were incensed by the "moderate" label associated with Sheikh Sharif by the Western media. To them, that was an affront to their purist interpretation of Islam. Fourthly, the Shabaab was enraged by Sheikh Sharif's decision to surrender to Kenyan authorities at the Somali-Kenyan border, following the Ethiopian invasion during the waning days of 2006. Sheikh Sharif was quickly transferred to a hotel in Nairobi, where he met with American diplomats, who were 'instrumental...in his safe passage', as reported by the New York Times<sup>64</sup>. Few months after that, most anti-Ethiopian groups – Islamists, secular politicians, Diaspora groups, clan elders and civil society members gathered in Eritrea and established a broad-based coalition aimed at dislodging Ethiopia from Somalia. The Shabaab was the only anti-Ethiopian group that boycotted this coalition, citing its incompatibility with secular groups. This marked the first round of political isolation that al-Shabaab sowed for itself. Fifthly and most importantly, al-Shabaab declared Sheikh Sharif an "apostate"<sup>65</sup> when he joined Djibouti peace talks with the TFG – a process that led to his election as the president of the Government of National Unity (GNU). Ahmed Abdi Godane, the reclusive leader of al-Shabaab told congregants at a mosque in the port city of Kismaayo, that Sheikh Sharif was always the 'infidels' favorite puppet.<sup>66</sup>

The elation for UIC's victory short-lived, thanks to the divergent views held by the non-monolithic leadership of the UIC. The moderate leadership of the UIC wanted nothing more than ending the chronic insecurity and providing a modicum of stability. They cracked down on piracy, re-commissioned the airport and the sea-

61 Norell, M. 2008. Islamist Networks in Somalia. *Swedish Defense Research Agency*

62 *BBC News*. 2006. Somalia: Who Supports Who? Dec., 28

63 Marchal, R. 2007. Somalia: A New Front Against Terrorism. *Crisis in the Horn of Africa*. [accessed Oct. 2009]

64 Gettleman, J. 2007. Somali Islamists' No. 2 Leader Surrenders in Kenyan Capital. *NY Times*. Jan. 23

65 Youtube video by Fuad Shangole. Undated. <http://www.youtube.com/watch?v=5JFmQmQTCDg>

66 Godane made the remarks during a Friday sermon attended by al-Shabaab fighters only after the election of Sheikh Sharif as the president of Somalia.

port in the capital, and removed countless extortion roadblocks<sup>67</sup>. Al-Shabaab, on the other hand, wanted to morph this domestic victory into global jihad. Its battle-hardened militia and their Afghan-trained commanders felt extremely underutilized. To them, the jihad was just commencing, and therefore the underused energy of the Mujaahideen ought to be redirected to alleviate the suffering of other Muslims across the Somalia and potentially the Horn of Africa. Sheikh al-Turki, al-Shabaab's unwavering ally, declared that the UIC forces will continue their "liberation" efforts until they reach Somaliland, the northmost region of the country<sup>68</sup>. Somaliland authorities, who until then thought that they're insulated from the chaotic south, were jolted by al-Turki's remarks. So was Puntland, the Northeast region that enjoyed relative stability. Facing the threat of being overrun by the powerful UIC militia, which was inching toward its border, Puntland declared that it will adopt Sharia as its constitution<sup>69</sup>.

Clearly, al-Shabaab militia was asking the same questions that Arab-Afghans asked themselves after defeating the Soviet in Union in 1989: what to do next<sup>70</sup>? Al-Shabaab's position was buttressed by the hard-line cleric, Sheikh Aweys, who by this time created "Majlis As-Shura" (the consultative body) within the UIC body. The body was widely seen as eclipsing the powers of the moderate Sheikh Sharif, who headed the UIC's Executive Committee<sup>71</sup>. In the end, al-Shabaab prevailed. On December 13, 2006, a senior member of al-Shabaab declared jihad on neighboring Ethiopia, which already maintained an unknown number of troops in Baidoa – the South-Central city that used to be government's seat. In doing so, al-Shabaab entered the next phase of its short history: global jihad.

## Global Jihad as a Modus Operandi

Global Jihad – the notion that the entire world is an open, perpetual battlefield between Muslims and non-Muslims for the sake of resurrecting the erstwhile Islamic caliphate – is a proposition internalized and institutionalized by the founding fathers of the Shabaab during their stint in Afghanistan. To them, it was only a matter of time before Jihad was launched in Somalia. But they desperately needed a cause célèbre to instigate that moment. The 2006 conflict between the American and Ethiopian-backed secular warlords was a fortuitous happenstance. It afforded the Jihadist minority within the larger IAM a crucial organizing moment without stoking suspicion. The public was squarely behind the effort to oust the warlords.

67 Gettleman, Jeffrey. February 2009. The most dangerous place in the world. *Foreign Policy*

68 *RadioSomaliland.com*. 2006. Sheikh Turki declared aimed at Hargeysa. [accessed on Sept. 26, 2006]

69 Hassan, M. O. 2006. Head of region in Somalia says he will rule according to Islamic law. *Associated Press*, Nov. 2006

70 Huckabey, J., Stout, M. [undated] Al Qaida's Views of Authoritarian Intelligence Services in the Middle East. *Institute for Defense Analysis*. P. 4-5

71 Milas, S. 2007. Flawed Sheikhs and Failed Strategies: Lessons of the Jihadist Debacle in Somalia. *Crisis in the Horn of Africa*. [accessed February 2009]



Still, that conflict was insufficient to spark global Jihad. The moderate leadership of the UIC was uninterested – and probably even opposed – in global Jihad. Amid the uncertainty that resulted following the defeat of the warlords in the summer of 2006, al-Shabaab, with the help of al-Qaeda operatives under their auspice, moved to provoke Ethiopia, the region's Christian powerhouse, to attack Somalia. It was a calculated, controlled provocation: the Shabaab declared that it would invade Addis Ababa, the capital of Ethiopia, should the latter not withdraw its troops from Baidoa, then the seat of the Transitional Federal Government.

To be fair, it would be inaccurate to blame al-Shabaab alone for provoking Ethiopia to enter Somalia, as Ethiopia already maintained an unknown number of troops inside Somalia for some time.<sup>72</sup> But the full-fledged invasion that resulted from Ethiopia's push deep to the Somali capital was by in large the sole making of al-Shabaab, which declared unilateral Jihad on Ethiopia. As the Combating Terrorism Center at West Point correctly observes, „situations marked by heightened external threats play to the interests of hardliners, while conditions favoring negotiations, compromise and normalization play into the hands of moderates. Not surprisingly, Islamist hardliners have sought to manufacture conditions of jihad with Ethiopia as a means of consolidating power and marginalizing moderate rivals<sup>73</sup>.”

By provoking Ethiopia to attack directly, al-Shabaab was deftly operationalizing a well-known tactic by the eminent al-Qaeda theoretician, Abu Bakr Naji, who urged Jihadists to compel the enemy to attack directly<sup>74</sup>. Al-Shabaab was fully aware that its poorly trained and lightly armed ragtag militia wouldn't be able to withstand an unsparing onslaught by the professional military of Ethiopia--the largest and the most powerful in sub-Saharan Africa. Instead, al-Shabaab's main objective was threefold: first, as Naji articulated, to “vex and exhaust” the Ethiopian army by overstretching it beyond its capacity. Second, to harness and capitalize on the anger that results from the Christian invasion of a Muslim, arch enemy nation, and transform that anger into a positive energy. Third, al-Shabaab wanted to expose Ethiopia's inherent weakness and its eternal inability to permanently hold on to Muslim land.

By all accounts, this textbook strategy by Naji<sup>75</sup> yielded the desired results for al-Shabaab. The Ethiopian invasion supplied al-Shabaab the credence it yearned for among the Somali people, so that it can be seen as a freedom-fighting force<sup>76</sup>. As they projected effectiveness and profound discipline, their membership skyrocketed and their financial contributions swelled.

By the time Ethiopia withdrew its troops from Somalia in December 2008, al-Shabaab emerged far more popular and powerful than ever, exposed Ethiopia's weakness to Eritrea – its principal adversary – and more importantly, transformed its domestic, irredentist struggle into a global Jihadist dictum. Hundreds of foreign fighters

72 *Associated Press*: 2006. Ethiopia enters central Somalia. [accessed on July 20, 2006]

73 *CTC.USMA.edu*. [undated declassified report.] al-Qaida's (mis)adventures in the Horn of Africa. [accessed Oct. 6, 2008]

74 Naji, A. [undated] *The Management of Savagery*. As translated by Will McCants for Combating Terrorism Center at West Point. P. 16-54

75 *Ibid*

76 Mahammed, A. 2009. Al-Shabaab: This Emerging Terror Group is Impediment to Peace and Stability. *Hiiraan.com* [accessed on April 30, 2009]

trickled into Somalia<sup>77</sup>, and the al-Qaeda chief, Osama Bin Laden, issued his first video message dedicated entirely to Somalia<sup>78</sup>. In it, he calls for the overthrow of President Sheikh Sharif, whom he compares to Arab "apostate" presidents. Bin Laden's message was widely repudiated by Somalis across the board, including by the hard-line cleric Sh. Aweys<sup>79</sup>. But the message galvanized global Jihadists and markedly catapulted al-Shabaab's stature among them. As expected, al-Shabaab did not only welcome the call, but it responded with an oath of allegiance to bin Laden. The significance of this announcement is underscored by the person who made the announcement for the Shabaab, and the timing: Godane, the Amir, issued his own audio on Eid al-Fitr, Islam's holiest holiday<sup>80</sup>. This further isolated the Shabaab politically.

Bin Laden's message, however, marks a turning point for al-Shabaab's global Jihadist adventures. In an interview with al-Jazeera, spokesman Roobow said that once "we free Somalia from Christian involvement and turn it to a Salafi-Islamic state, we will move in the quest for the resurrection of a worldwide caliphate<sup>81</sup>." Weeks after bin Laden's message, al-Shabaab's propaganda arm issued a sophisticated video, featuring a Caucasian American named Omar Hammami. This 25-year-old whose nom de guerre is Abu Mansoor al-Amriki, commands an-all English speaking unit of young Somali men, recruited from Diaspora communities, including the United States<sup>82</sup>. The only logical interpretation of the video, besides being a tool of recruitment, was that al-Shabaab has officially embraced global Jihad as its primary agenda. Al-Amriki is a former University of Alabama student who spent years in Toronto as a businessman with the Somali community there, and was once married to a Somali-Canadian<sup>83</sup>. A Somali intelligence official and a former member of the Qiyadah said he's a member of the Shura Council, the organization's highest authority<sup>84</sup>.

Even though al-Shabaab has not waged a known terrorist attack outside Somalia, (except the attack on the Danish cartoonist, carried out by a member and the foiled attack in Australia) it's rapidly mutating into a global Jihadist organization. Its recent declaration that it would align its Jihad in the Horn of Africa with bin Laden's global struggle, is thus far the clearest indication of its trajectory. Now that more than half of Somalia is under its domain, the Shabaab is rapidly morphing into al-Qaeda's outfit in the region, as the latter bolsters its presence in the region, with the Yemen branch gaining infamy. Ibrahim al-Maqdisi, a senior Shabaab official told a crowd in Kismaayo that his organization's ambitions are far beyond Somalia. "We will establish Islamic rule from Alaska to Chile to South Africa, Japan, Russian, Australia, Solomon Islands and all the way to Iceland. Be warned: we're coming."<sup>85</sup> An American

77 Baldor, L. 2009. Terrorists Filter in Africa. *Associated Press*. [accessed on April 29, 2009]

78 *Youtube audio*: 2009. Fight on, Champions, by Osama bin Laden. [accessed on March 19, 2009]

79 BBCNews.com. 2009. Somalis Reject Bin Laden Threats. [accessed on March 20, 2009]

80 Youtube video. 2009. Al Shabaab: Labaik Ya Usama. [accessed on Sept. 22, 2009]

81 Al-Jazeera TV. 2008. interview with Roobow in Somalia. Accessed via Youtube. Op. Cit.

82 Aynte, A. 2009. Missing Youth's Story Rattles Local Somali Community. *Minnesota Independent*. [accessed on April 29, 2009]

83 Elliott, A. and Aynte, A. 2010. The Jihadist Next Door. *The New York Times Magazine*. [accessed on Jan. 30, 2010]

84 Interviews with Sh. Mohamed Pakistani and a Somali intelligence official. 2009/2010

85 *Al Jazeera TV*. [Undated]. Accessed via Youtube <http://www.youtube.com/watch?v=W5fl43gnPlk>



counter-terrorism official told the Washington Post that, though there's no credible body of reporting that the Shabaab is planning to attack the United States, the US is not discounting the threat of an attack in the US or Europe<sup>86</sup>. But the official said that the US was more concerned about an attack on Western interests in the region. On April 27, 2009, al-Shabaab issued a public threat to annex the Somali-inhabited region of Kenya and implement Sharia<sup>87</sup>. Two weeks prior to that, the group claimed the responsibility of mortar attacks at the plane of a US Congressman who was on a rare visit to Mogadishu<sup>88</sup>.

Notwithstanding the repeated affirmation by the Shabaab of its global Jihadist objectives, and despite its continued overtures to al-Qaeda, some experts seem to be convinced that the Shabaab is utilizing the Jihadist language only to garner the recognition of the al-Qaeda Network and its affiliates. Elliot and Holzer wrote that "the Shabaab deploys the language of jihad both to attract international assistance and to provide a structure to govern. The strategy is purposive, not merely ideological."<sup>89</sup> This argument is flawed in two fundamental ways. Firstly, that the Shabaab is a domestic, pan-Somali movement is being disproved by the hundreds of foreign fighters, including key al-Qaeda figures, who are wrecking havoc on Somalia at the behest of both the Shabaab and al-Qaeda. The globe-trotting, Jihad-loving, multi-ethnic fighters who swing to action as soon as an area is declared a Jihad land is a staple of global Jihad. Secondly, al-Shabaab's declaration of adjoining its Horn of Africa operations to the global Jihad led by Osama bin Laden all but erodes the possibility that the group retains a domestic Somali agenda. In fact, Elliot and Holzer concede that the Shabaab failed to make the case for the so-called "just war" since Ethiopia withdrew its troops from Somalia. They write that "following the Ethiopian withdrawal and introduction of sharia law [by the Somali government], it has become increasingly hard for the Shabaab to make the 'just war case. Somalis are simply less convinced by the casting of former Islamic Courts leader President Ahmed and the AMISOM forces as 'infidels."<sup>90</sup>

## 'State of Savagery'

While the areas under its control are remarkably peaceful by the standards of Somalia, the capital is subjected to the wrath of the Shabaab deliberately, because it's the only major town in the South that's not under its domain. Targeted assassinations are rampant. Mortar attacks terrorize the public. The goal is simple: create a state of

86 Jaffe, G., DeYoung, K. 2009. Obama Team Mulls Aims of Somali Extremists. *WashingtonPost.com*. [Accessed on April 11, 2009]

87 Clotty, P. 2009. Somali Government Condemns Insurgent Moves to Annex Parts of Kenya. *VOAnews.com*. [accessed on April 28, 2009]

88 *Reuters*. 2009. Al-Shabaab says behind U.S. Congressman Attack. April 13.

89 Elliot, A., Holzer, G-S. 2009. The invention of 'terrorism' in Somalia: paradigms and policy in US foreign relations. *South African Journal of International Affairs*. 16 (2): 231

90 *Ibid*, p. 230

savagery as articulated by Naji. Once the “law of the jungle” ensues, the public will yearn for someone – anyone, irrespective of creed or competence – to manage savagery<sup>91</sup>. The Shabaab would like to manage the savagery, and Mogadishu stands its way of achieving this momentous dream.

## The Apocalyptic Scenario

If al-Shabaab dares to put Mogadishu under its domain – an uphill battle –, it will upend a combustible situation into an apocalyptic scenario. As Jeffrey Gettleman rightfully notes, that would inevitably mean a re-invasion by Ethiopia, and maybe an involvement by the United States<sup>92</sup>. Even Kenya maybe tempted to join the invasion granted that it was threatened by al-Shabaab. More menacingly, al-Qaeda may finally be able to set up permanent basis in the country, cognizant that al-Shabaab is bereft of its hitherto deterrent – the nasty clan feud. For al-Qaeda, this would be a new lease on life – one that’s probably more lasting than the first one with the Taliban. There are three key reasons for this. First, the Taliban was primarily a domestic movement aimed at ruling Afghanistan based on its Wahhabi interpretation of Islam. It did recognize international borders, internalized the concept of citizenship, and never pursued a global Jihadist agenda. Al-Shabaab is the polar opposite of that. Secondly, the Taliban is – or at least was – principally a Pashto movement. Therefore, its influence was largely confined to Pashto areas in Afghanistan and Pakistan. Al-Shabaab is a clan-blind movement that successfully transcended the prohibitive clan lines of Somalia, and has penetrated the Diaspora Somalis by recruiting hundreds of young, mobile men who, thrust in militant ideology, can wreck havoc in the West. Thirdly, the leadership of the Taliban was not a product of al-Qaeda, whereas the leadership of al-Shabaab is.

## Conclusion

In its short history, the radical Somali group al-Shabaab evolved from a little-known extremist group to a global Jihadist offshoot with links to al-Qaeda. It cleverly exploited the irredentist Islamist movement of Somalia to provoke Ethiopia to attack directly, so that it can activate its ultimate global Jihadist agenda, marginalize its moderate allies within the Union of Islamic Courts, and expand the territory under its domain. Key to the group’s seminal success is its unusual ability to avoid the

91 Naji, A. [undated] *The Management of Savagery*. As translated by Will McCants for Combating Terrorism Center at West Point. P. 16-54

92 Gettleman, Jeffrey. February 2009. The most dangerous place in the world. *Foreign Policy*

prohibitive clan complexities of Somalia. All four major clans are represented in the leadership of the Shabaab. But instead of using this newfound skill to reach out to the rest of the Islamic Awakening Movement (IAM) – the very umbrella that gave birth to it –, the Shabaab isolated itself by kowtowing to al-Qaeda, rapidly mutating to a global Jihadist offshoot, threatening to annex parts of Kenya and popularizing suicide attacks against civilian targets. As a result, the IAMs are largely behind President Sheikh Sharif's Government of National Unity (GNU).

Tactically, al-Shabaab has taken a page from Abu Bakr Naji's "The Management of Savagery." The group successfully implemented the first phase of Naji's theory, which was to compel the enemy to attack directly, "overstretch" him, expose his weakness, all the while capitalizing on the anger that ensues from the enemy's invasion. Now it seems that the Shabaab is implementing the second phase of Naji's theory: subjecting the areas not under its domain, namely Mogadishu, to "the law of the jungle in its primitive form, whose good people, and even the wise among the evildoers yearn for someone to manage this savagery. They even accept any organization, regardless of whether it is made up of good or evil people."<sup>93</sup> Al-Shabaab clearly wants to be that organization.

But allowing the Shabaab to take over the capital, unlikely as that maybe, will inevitably widen the scope of the conflict. Ethiopia is likely to re-invade for it knows that it will be the next target of al-Shabaab. Kenya, which was also threatened by the Shabaab, may even join. More impotently, the United States maybe involved in such a scenario, cognizant that the Shabaab is in many ways scarier than the Taliban, and its increasingly close ties to al-Qaeda.

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# Beyond Federalism: Which Concept of Decentralization Reflects Best the Needs of Somalia?

Markus Böckenförde<sup>1</sup>

## I. Introduction

For almost two decades, various initiatives have been undertaken to find a peaceful solution for the war-torn country of Somalia. All previous initiatives have failed and Somalia's statehood has failed along with those attempts. According to tallies by many analysts, the Transitional Federal Government is undertaking the 14<sup>th</sup> attempt to reconcile Somalis within Somalia. Whether or not it will be more successful than the previous undertakings will depend on various factors, including the identification of, and consensus on, an appropriate state structure. The appropriate form of decentralization and the means how to establish it are one incremental step in the search for peace.

The title of this paper may sound very familiar to those involved in the Somali peace processes of the last few years. In 1995, Ion Lewis and others published "A menu of Options: A Study of Decentralised Political Structures for Somalia",<sup>2</sup> identifying various forms of decentralization. With the promulgation of the Transitional Federal Charter (TFC)<sup>3</sup> in 2004, as the name already indicates, a commitment to a specific form of decentralization, the federal system, was manifested. Throughout the next years, relevant Somali institutions within the Transitional Federal Government discussed options and constitutional models of federal states. At the end of 2008, upon the request of Prime Minister Nur Hassan Hussein, UNDP Somalia organized a conference on federal options for a Somali Constitution.<sup>4</sup> At that conference, some Somali participants felt uncomfortable with "federalism" for various reasons: Quite a few stressed that, unlike Ethiopia, Somalia is a homogenous society with one religion and one language, not a multi-ethnic society that needs federalism; some

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2 I M Lewis, and J Mayall, *A Menu of Options: A Study of Decentralised Political Structures for Somalia*, London School of Economics/EC Somalia Unit, 1995.

3 Transitional Federal Charter of the Somali Republic, February 2004. Available at [http://www.chrup.ac.za/hr\\_docs/countries/docs/charterfeb04.pdf](http://www.chrup.ac.za/hr_docs/countries/docs/charterfeb04.pdf) (accessed 22 May 2010).

4 See UNDP Somalia, *Federalism and Decentralization: Options for Somalia*, 2008 (on file with the author).



even argued that the federal idea was imposed by Ethiopia to weaken Somalia, since it allows for secession; others didn't contest federalism as such, but disagreed with the application of the 4.5 formula<sup>5</sup> as a reflection of the federal structure.<sup>6</sup> To many participants federalism was more than a specific form of decentralization, it rather became a metaphor for aspirations as well as anxiety and was heavily politicised. This is not a phenomenon unique to Somalia, but has been observed in other countries as well.<sup>7</sup>

This paper advocates against predetermination through the use of a specific technical term that only covers some of the options available. Instead, it suggests the need to search for an adequate system of decentralization that best fits the Somali context and contributes to a more open debate in the search for a Somali solution. Or, as the late John Garang, former leader of the Sudanese People's Liberation Movement / Army (SPLM/A), stated at a conference in 2005:

"We have not used any formal word in the entire CPA [Comprehensive Peace Agreement] to describe the type of governance that we have negotiated and agreed on. Perhaps we were guided by the African sign not to name a child before it is born. In the IGAD peace process, [...] SPLM and GOS sat down to [...] negotiate and solve the serious problem of war and peace, instead of being bogged down in whether we should have a federation, a confederation or true federalism. Now that the child has been born researchers can give the name that they believe best depicts the arrangements the Sudanese have agreed in the Sudan Comprehensive Peace Agreement."<sup>8</sup>

Section 2 of this paper briefly maps the relevant aspects of decentralization divided into formal and substantive elements. Examples from different countries illustrate the vast variety of options with respect to both elements. Section 3 introduces the specifics of a federal system in order to underscore what kind of governmental structures are considered "federal" and which structures do not meet those requirements. The paper does not intend to discourage the examination of the federal option in the search for an appropriate model, it rather emphasizes the importance of not limiting one's options right from the outset by exclusively relying on federal models. Section 4 focuses on the specific and additional challenge that Somalia faces with regard to Somaliland in the search for an appropriate territorial structure.

5 The so-called '4.5 formula' was designed to balance and share representation and power in Somalia between the four main clan families (Dir, Darod, Hawiye and Rahanweyn), as well as five minority constituencies. The formula originally emerged from a previous reconciliation conference held in Djibouti in 2000 which resulted in the creation of the ineffectual Transitional National Government (TNG) that lasted from 2000-2004.

6 In part those views are reflected in the recommendations of the three Somali working groups at the conference. See *UNDP Somalia, Federalism and Decentralization: Options for Somalia*, 2008, p. 22-24.

7 See the federo campaign in Uganda ([http://www.federo.com/downloads/conference\\_booklet.pdf](http://www.federo.com/downloads/conference_booklet.pdf)), the persistent avoidance of using the term federalism in the constitutions of South Africa and Sudan, and the recent constitution building process in Nepal.

8 SPLM Chairman's Address on the Occasion of the Third Conference on Federalism, Brussels, Belgium. In: Sudan Vision, 12 March 2005. Available at: <http://www.sudanvisiondaily.com/modules.php?name=News&file=article&sid=5800> (accessed: 22 May 2010).



## II. Mapping Aspects of Decentralization

Various aspects of decentralization might be considered while setting up or revising the form and structure of a government. In the course of such an exercise, two different elements are worth distinguishing: the formal and the substantive.

### 1. Configuration of a Decentralized System of Government

The formal element addresses the territorial configuration of decentralization. It provides the structural framework and determines the levels of administration/government as well as the number and demarcation of sub-units within one level of government, including some asymmetric structural settings. Often, a country's territorial structure is preset by previous arrangements and historical events. However, especially after a violent conflict or internal crisis, structures are reconfigured in order to reflect new substantive deals or reforms.

When deciding the formal structure of Somalia, various issues might be worth considering: How many levels of administration/government should operate in the country? Should all levels of administration / government be established throughout the territory or only in some parts of the country as a response to recent challenges and dynamics? Do the 18 regions take into account the development of new regional entities? For instance, how the southern border of Puntland has divided the Mudug region? In this context, it is also worth mentioning that Art. 11 of the Transitional Federal Charter (TFC), which addresses the establishment of "states" in Somalia, would not allow geographically to establish the state of Puntland.<sup>9</sup>

Another ongoing debate discussed in the Somali context refers to the criteria of setting up the sub-units: Should they be established along clan-based lines or according to topographic and/or economic criteria? If a clan-based approach is considered, further questions arise: Are clans territorially concentrated or are some too scattered to be easily comprised in a territory? How does one ensure that members of small clans do not feel "homeless", if those clans are too small for their own sub-units? The lengthy discussion in Nepal on the criteria for the creation of sub-units as described in Table 1 might be worth considering.

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9 Art. 11 (2) of the TFC stipulates: "The Somali Republic shall comprise of: (a) The Transitional Federal Government; (b) State Governments (two or more regions federate, based on their free will); Regional Administrations." However, the southern border of Puntland divides what was previously the region Mudug.

Table 1

Discussion on the Configuration of a Decentralized System of Government in Nepal<sup>10</sup>

In Nepal, the Committee on State Restructuring and Distribution of State Power has debated the number, names and boundaries of states under the future decentralized/federal structure. The delineation of subunits on the basis of identity, economic and administrative viability, resource distribution and other factors has been discussed. Two alternative maps were prepared under these parameters – one with 14 provinces, the other with six provinces (see below).



Sources: CA Secretariat, *Republica*, 15 January 2010

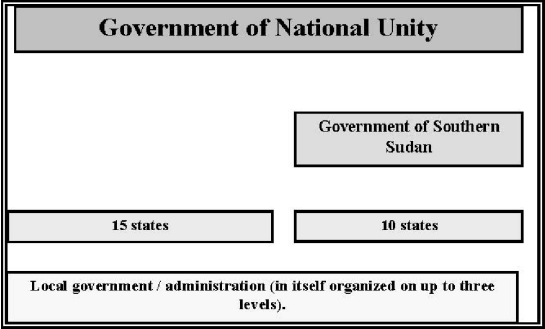
Furthermore, should there be an option to alter internal boundaries once a constitution is in place and if so, who might be involved in such a process? The more internal borders create self-governing entities rather than administrative districts, the more one should consider the view of the affected people.<sup>11</sup>

Often, levels of administration/government exists symmetrically throughout the country. Occasionally, however, some countries have opted for an asymmetric formal structure, thereby creating more levels of government in some parts of the country than in others. The following examples might be inspiring for future discussions on drafting a formal structure for Somalia.

10 See Centre for Constitutional Dialogue Nepal (CCD), Update on the the Constitutional Process and the CCD, 18 January 2010.

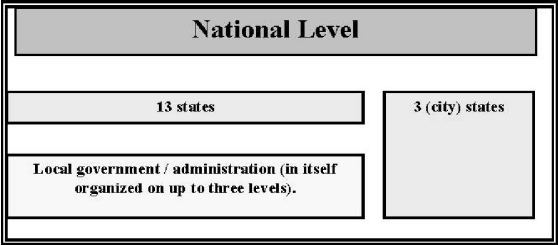
11 Some constitutions require the people living in the affected territorial entities to confirm the alteration of the boundaries in a referendum as part of a process involving several other actors (Art. 29 of the German Constitution; Art. 5 of the Constitution of Ghana). In other countries, the elected representatives of the affected territorial entities need to approve the change of boundaries (Art. 5 of the Belgium Constitution requires that the pertinent law not only gains a majority in the legislature, but is also passed by a 2/3 majority of those members of Parliament belonging to the specific group concerned through a change of boundaries. Art. 2 of the Constitution of Malaysia requires a legal act by the legislature of the territorial entity concerned. Art. 57 (3) of the Constitution of Mongolia requires that a revision of an administrative and territorial unit needs to be initiated by the respective entity and the peoples living in it, before a decision is made by the national legislature (State Great Hural)). In other countries, alteration of internal boundaries is done by an ordinary legislative act (Art. 150 of the Constitution of Benin stipulates that “territorial units will be established by laws”).

Table 2 Configuration of levels of Government in Sudan



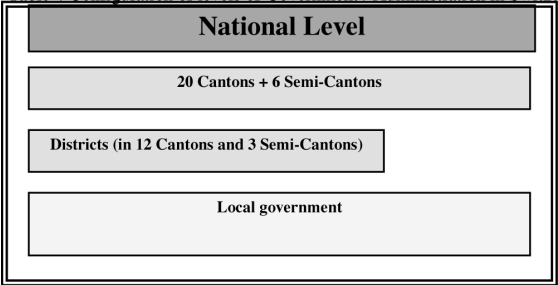
In some countries, the level of government immediately below the national level only covers some areas.<sup>12</sup> In Sudan, for instance, the constitution provides for an additional level of government in the south of Sudan not found elsewhere in the country. In the peace negotiations that led to the new constitution in Sudan, the southern rebels demanded this additional layer of government in order to create one common region for the people of Southern Sudan after decades of war.

Table 3 Configuration of levels of Government/Administration in Germany



In other countries, some metropolitan areas are sub-units directly beneath the national level without any level of government below. In Germany, three cities are both municipalities and states, thereby dropping the third level of government (e.g., the prime minister/governor of the city-state of Hamburg is also the mayor of the city of Hamburg) as compared to other areas in Germany.

Table 4 Configuration of levels of Government/Administration in Switzerland



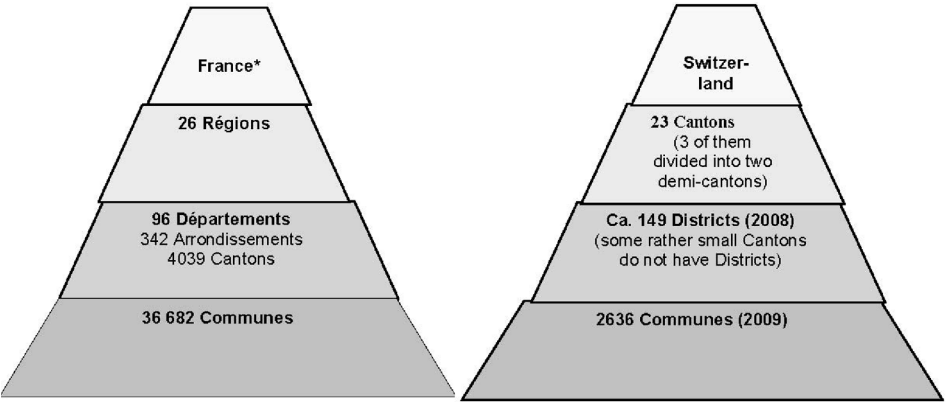
12 See Art. 2 of the Constitution of Tanzania; Art. 24 of the Interim Constitution of Sudan (2005).

In other countries, an additional level of administration is only inserted in larger territorial sub-units. In Switzerland, smaller Cantons (states) do not have administrative districts.<sup>13</sup>

## 2. Depth of decentralization

Aside from to the formal structure, decisions have to be made with regard to the depth of decentralization. What kind of powers are to be assigned to which level of administration/government? The pyramids below reflect the structure of decentralisation in France and Switzerland. Although both look quite similar, France is deemed to be a “centralised” and rather unitary system of government, whereas Switzerland is considered to be strongly “decentralised” and federal. The pyramids underscore that it is not the formal structure that informs the centralized, decentralized or federal system of government, but rather the powers and resources allocated to the different levels of administration/government within a given system. For instance, the Cantons in Switzerland have considerably more authorities and autonomous powers than the Régions in France. Additionally, the Cantons have significantly more authority to raise their own revenues. Furthermore, although districts in Switzerland are also purely administrative units in support of the implementation of the Cantons’ tasks, their heads are elected, whereas “prefects” are appointed by the French-central government as its agents in the Départements to implement the central government’s decisions.

Table 5



\*Communes France d’outre-mer are not considered

The substantive part of decentralization is the assignment relevant powers and authorities to the respective levels within a skeletal structure. The amount or degree of decentralization ranges in a continuum across systems, from those characterized as

13 Since the administrative / governmental structure of the Cantons is regulated in the respective Canton’s constitution, the Swiss constitution is silent about the establishment of administrative levels.

strongly centralized to those heavily decentralized. In order to identify various grades of decentralization, it might help to consider three aspects of functional decentralization that are relevant for setting up a constitutional framework: Administrative decentralisation, political decentralisation, and fiscal decentralisation. Drawing distinctions between these three aspects is useful for highlighting the need for coordination among them. Transferring administrative, political, and fiscal functions from higher to lower levels of government can take different forms depending on the degree of autonomy assigned to lower levels of authority.

#### *(a) Administrative decentralization*

Administrative decentralization is generally categorized by using three terms, most commonly labelled “deconcentration,” “delegation,” and “devolution”, that should be regarded as points along a continuum of administrative autonomy.

Deconcentration is a geographic concept. It occurs when the central government disperses/transfers responsibilities for certain services to its regional branch offices. This however does not involve any transfer of authority to lower levels of governments. For deconcentrated functions, central government has full responsibility and administration is handled by national civil servants working in regional or district offices. Example: The Bureau of Statistics is based in the capital. In order to facilitate the task of getting the relevant information, several branches of the bureau are established throughout the country.

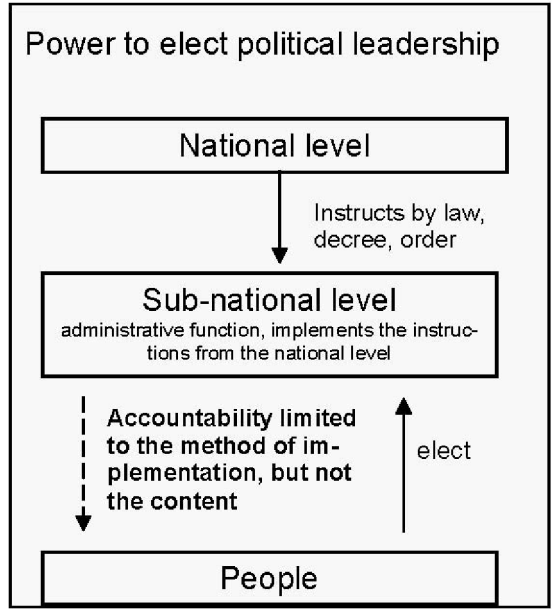
Delegation is a more extensive form of administrative decentralization. It refers to a situation in which the central government transfers responsibility for decision-making and administration of public functions to a semi-autonomous institution at a lower level (which might already be part of a regional/local government). It is best described as a principal-agent relationship, with the central government as principal and the local institution as agent. Example: The Bureau of Statistics is based in the capital. It sets up the annual plan of the specific data to be collected, but delegates its implementation to local institutions in the country. Although the local institutions have some discretion in how to collect the data, general supervision and authority to interfere in specific situations remain with the central government.

Devolution, a strong form of decentralization, involves the transfer of specific decision-making powers (including elements of finance, management, and investment decisions) to units of regional/local government. Depending on the degree of devolution, the central government’s option to interfere is limited or even non-existent. This type of administrative decentralisation is very much linked to political decentralization. Example: The tasks of higher education (universities) are transferred to the sub-units. They have to decide on the number of faculties, construction of buildings, procurement of personal, annual budget etc. Depending on the amount of devolution, supervision is very restricted and might only be possible by revoking the act of the transfer (e.g. by revising the law). In its strongest form, the initial act cannot be revoked without the consent of the sub-unit.

*(b) Political Decentralization*

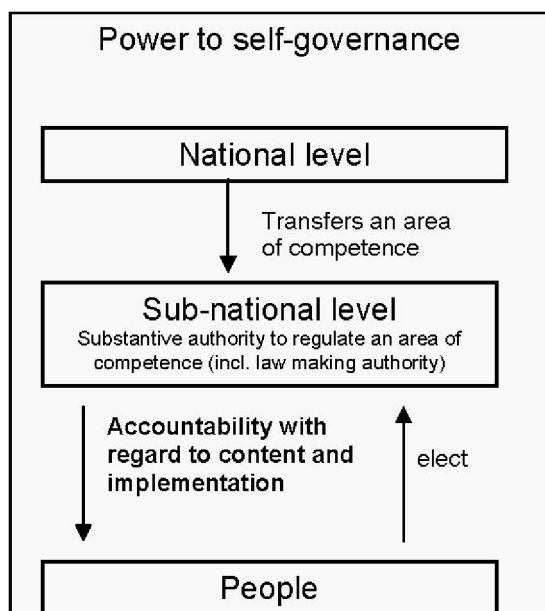
Political decentralization includes two elements: (i) Transferring the power to select political leadership and representatives from central governments to local governments, and (ii) transferring the power and authority to create a structure of self-governance.

Table 6



The first element might be described as electoral decentralization and permits people to exercise their voting power with limited intervention from central government. For it alone, it does not yet allow people at the local level per se to influence politics and participate in decision making processes. E.g., the head of a district in Switzerland is directly elected but his/her only task is to implement administrative directives from the Cantons. Hence, his/her accountability to those who elected him/her is limited to the method of implementation, but not to the predetermined content. Thus, he/she is accountable to the higher level of government insofar (see Table 6). Promoting political decentralization in the second sense additionally requires putting in place structural arrangements and practices that would empower and facilitate regional/local governments and communities to exercise not only the voting power in the choice of their regional/local leadership and representatives but also to have strong influence in the making, implementation, monitoring, and evaluation of decisions with regard to the issue transferred. This requires a high degree of autonomy (insofar overlapping with administrative devolution) and relies on the establishment of elected legislative or quasi-legislative bodies that allow active participation in the elaboration of rules on how the transferred issue is to be addressed and designed (Table 7).

Table 7



*(c) Fiscal Decentralisation*

If the regional/local levels are to carry out decentralized functions effectively, sufficient financial means need to be allocated to them. Depending on the degree of decentralization, expenditures for services delivered are either covered by the centre or the respective level that is fulfilling the function. In the latter case, the regional/local government must have an adequate level of revenue. Fiscal decentralization allocates revenue-raising powers to the various levels of government. This can take various forms, such as the power to raise revenue by direct or indirect taxes, income from national resources, intergovernmental transfers or cost recovery through user charges. Such a devolution might also include the power to control and audit revenue. Indeed, the actual regional/local government's status of autonomy is partly reflected in its authority to secure sufficient funds for implementing the tasks assigned to it.

*(d) Symmetric and Asymmetric Decentralization*

As demonstrated above, the formal structure of a governmental setting might be asymmetric. The same holds true for the substantive assignment of powers to the sub-units. Even in countries with a symmetric formal structure, powers and resources might be asymmetrically assigned to the sub-units. One region might get more autonomous powers than others. Often this is done in order to offer a linguistic or religious minority some autonomy to regulate their own cultural affairs. Occasionally, elements of formal and informal asymmetry go together. The following two examples (UK and Tanzania) will highlight the rich diversity of options that are available for identifying the appropriate form of asymmetric decentralization within a country.



## (1) United Kingdom<sup>14</sup>

The first example is the UK-decentralization scheme and the relevant arrangements with regard to Scotland, Wales and Northern Ireland. In England itself, laws are passed by the British Parliament and implemented by the national administration, however, the situation in the other three regions differs, depending on how much power the British Parliament delegated by law.

Table 8

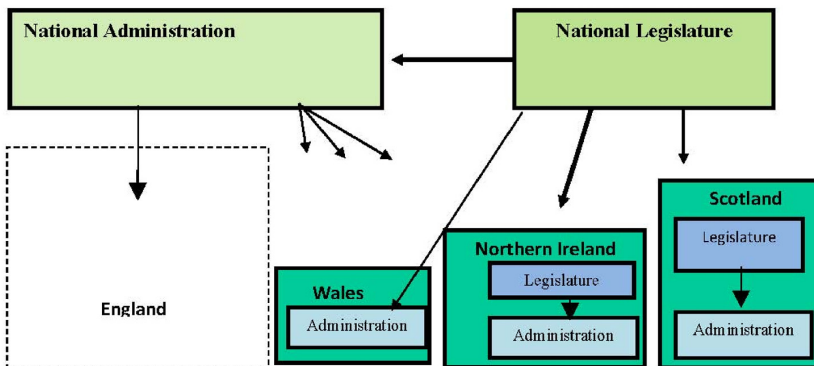


Scotland has its own legislature and executive. Under the Scotland Act 1998, the Scottish legislature passes acts<sup>15</sup> and the executive releases administrative regulations (often called secondary legislation) in areas other than those which are reserved for the British Parliament.

Although the British Parliament can also legislate concurrently in the devolved areas, it will only do so if asked by the Scottish legislature (Sewel Convention). The Government of Wales Act 1998 delegated administrative and executive powers in some areas which used to be exercised by UK ministers. Primary legislation for Wales even in the delegated areas is still passed by the British Parliament, but its implementation falls under the authority of the “National Assembly for Wales” which is limited to pass administrative orders and regulations as part of the execution of British laws.

Table 9<sup>16</sup>

Structure of Decentralization in the UK



<sup>14</sup> Funding for the devolved institutions is mainly provided by a block grant calculated under the Barnett formula. See M Böckenförde, J Schmidt, V Wiesner, Max Planck Manual on Different Forms of Decentralization, 3rd edition 2009, p. 47.

<sup>15</sup> In addition, the Scottish Parliament has the power to vary the standard rate of income tax by up to 3 percentage points from the UK level (although it has not yet used this power). See M. Böckenförde, J. Schmidt, V. Wiesner, Max Planck Manual on Different Forms of Decentralization, 3rd edition 2009, p. 46.

<sup>16</sup> Table 9 refers to the structure of decentralization after according to the Scotland Act 1998, Government of Wales Act 1998, Northern Ireland Act 1998. It does not consider the Government of Wales Act 2006.



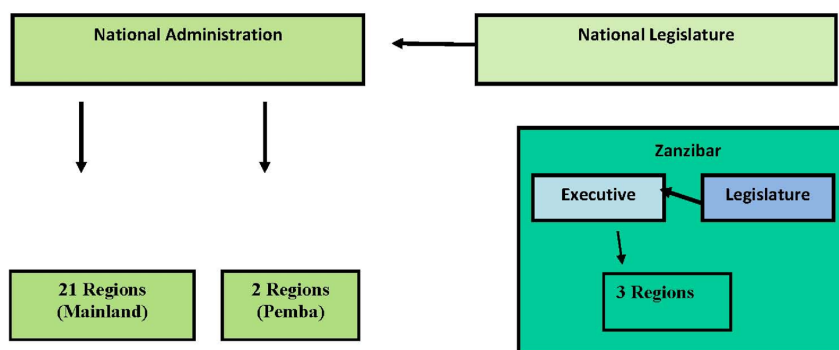
The progress of devolution in Northern Ireland is inextricably bound up in the peace process, and problems with this have led to the legislature and executive being suspended four times, most recently in October 2002. When functioning, the Northern Ireland Assembly can make primary and delegated legislation in those areas which are transferred. The UK Parliament legislates in “excepted” and “reserved” areas. “Excepted” subjects will remain with the UK unless the *Northern Ireland Act 1998* is amended. “Reserved” subjects could be transferred by order at a later date if there is cross-community consent. This triple division of areas is unique to devolution in Northern Ireland.

## (2) Tanzania

Tanzania is administratively divided into 26 regions, 21 on the mainland, three on Zanzibar Island, and two on Pemba Island. Zanzibar Island has its own level of government with far reaching autonomous powers, sandwiched between the national level and the regional levels. The autonomous status of Zanzibar with its own executive, legislative, and judicial institutions is constitutionally guaranteed and – in contrast to the UK – not delegated by the national legislature. A constitutional amendment affecting the autonomous status of Zanzibar requires the consent of the pertinent Zanzibari institutions.

Table 10

Structure of Decentralization in Tanzania



## IV. The Specifics of a Federal Structure

The options of decentralization as implemented in the UK and Tanzania are just two among many others. Neither of them are not considered federal options. Hence, if Somalia sticks to federal solutions only, these models could not be considered. Although federal models vary considerably, all of them are based on the following parameters<sup>17</sup>:

17 See *UNDP Somalia, Federalism and Decentralization: Options for Somalia*, 2008, p. 10.

- At least two levels of government that rule the same land and the same people.
- Both, central government (the national level) and regional government (the sub-unit level) possess a range of powers that the other cannot encroach upon. These include a measure of legislative and executive authority and the capacity to raise revenue and thus enjoy a degree of fiscal independence.<sup>18</sup>
- The responsibilities and powers of each level of government are defined in a codified or written constitution/act that neither level can alter unilaterally.
- The sub-unit level is represented within federal decision-making institutions, usually guaranteed by the specific structure of a second chamber in the national legislature.
- An arbitration mechanism, often in the form of a supreme or constitutional court or a referendum, is provided to resolve disputes between the federal level and the sub-unit level.

According to these parameters, the UK does not qualify as a federal structure since, i.a., the autonomous rights granted to Scotland and Northern Ireland can be unilaterally revoked by the British Parliament. With respect to Tanzania, two levels of government are in place only in Zanzibar and not elsewhere in Tanzania, which prevents Tanzania from being considered federal.

Pursuant to the above parameters, a federal structure is a phenomenon between the national level and the next lower level of government, but not between the national level and the local levels of government. None of the federal countries secures the rights and powers assigned to local government in an act or the constitution in a manner that prevents the national government for unilaterally changing that setting. However, and as stated above, one core principle of federalism is that the responsibilities and powers of each level of government are defined and codified in such a manner that neither level can alter them unilaterally. Local governments so far are not yet included in such a pact.<sup>19</sup>

Again, this paper does not advocate against a federal system. Federal systems have helped to overcome tensions and conflicts in some situations. They are a valid option in some scenarios, but maybe not in all. While it is important to consider federal systems going forward, the search for a solution for Somalia should not end with them.

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18 *A Heywood*, *Key Concepts in Politics*, New York 2000, p. 141.

19 See also the definition of Nancy Bermeo in her Position Paper for the Working Group on Federalism, Conflict Prevention and Settlement 2005: "Federalism is an institutionalized division of power between a central government and a set of constituent governments, variously denominated as States, Regions, Provinces, Länder or Cantons, in which each level of government has the power to make final decisions in some policy areas but cannot unilaterally modify the federal structure of the state".

## VI. The Somali Challenge: Where to start?

Formal and substantive elements of decentralization, as introduced in the previous chapters, focused on decentralization within one country. It has been assumed that the constitutional structure of decentralization is the result of a consensus between all relevant stakeholders, backed by a commitment to implement it. When considering Somalia, it is necessary to be transparent about the territory one is talking about. Both the TFC<sup>20</sup> and the various Security Council Resolutions relating to the TFG refer to the territory that became Somalia shortly after the decolonialization of the former British protectorate and Italian colony. One might wonder, whether this perspective still reflects the realities on the ground. It is likely that a territory (Somaliland) that was not and does not want to be involved in the process of drawing a constitutional setting will then implement the constitution and its decentralized structure. Any attempt to implement such a document in Somaliland will most likely lead to another violent war. Might it be worthwhile to consider models of “decentralization” beyond the national structure?<sup>21</sup> Is the TFG ready to dialogue with Somaliland and discuss the realities on the ground, even considering two independent countries, be it under one confederal roof or not? Various examples exist in which independent and sovereign states agree to share common interests under one institutional roof, be it as regional organisation, confederation, or supranational organisation. Indeed, the USA and Switzerland started as confederations before growing closer together. Recent examples are the United Arab Emirates and –still in the process of growing steadily together– the European Union.<sup>22</sup>

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20 See Art. 2 [The Territory of Somalia]

1. The Territorial Integrity and Sovereignty of the Somali Republic shall be inviolable and indivisible.

2. The territorial sovereignty of the Somali Republic shall extend to the land, the islands, territorial sea, the subsoil, the air space and the continental shelf.

3. The Somali Republic shall have the following boundaries. (a) North; Gulf of Aden. (b) North West; Djibouti. (c) West; Ethiopia. (d) South south-west; Kenya. (e) East; Indian Ocean.

21 Similar to regional organisations, confederations, or supranational organisations, two independent states are coming together under one common roof. The USA and Switzerland started as confederations before growing closer and closer together. Recent examples are the United Arab Emirates and the European Union.

22 There are also other examples where the attempt to grow together failed, such as the United Arab Republic between Egypt and Syria (1958-1961) or the Mali Federation between Senegal and Mali (1960).

Table 11

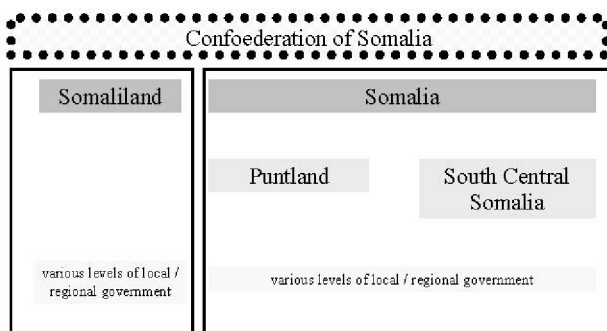
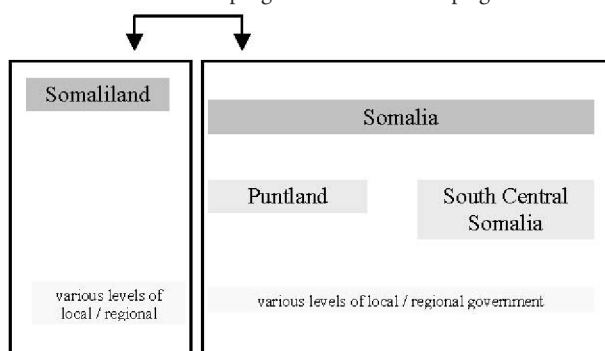


Table 12

Coordination programmes / Friendship agreements



Because history is a narrative of specific contexts and events, it is hard to draw conclusions from one part of the world that can be applied in another. With that in mind, one nevertheless might consider two issues from the German experience that might prove helpful in the Somali context: First, for more than 30 years Germany was divided, the unification of two German States came at times when it was not expected. Unification was possible after – and some might argue, only due to the fact that – the reality of two actual states was accepted and a treaty about common interests and strategies was concluded in the early 70s. Why should that not work for Somalia and Somaliland?

Second, German unification was only possible because relevant neighbours trusted Germans, despite previous negative experiences. Trust must be gained and one important part of regaining trust in the German context was the clear and unconditional statement that the two Germanies would respect and acknowledge the borders that emerged after WW II, regardless of the size of German territory as it was some 100 years ago.

# Human Security, Informal Rules and Empowerment Towards Developing/Enabling Institutions

*Souraya H. Houssein*

## Introduction

The aim of this article is to underline the importance of taking into consideration the informal constraints or institutions which shape the behaviour of individuals when establishing new institutional arrangements with regard to economic and social life. This institutional approach provides relevant elements that enable us to apprehend the human security of the Somali society at large.

From the perspective of the old institutional economics (OIE) of T. Veblen (1898), J.R. Commons (1899, 1931), Ayres, New Institutional Economics (NIE) coupled with the inputs from Human development literature and from K. Polanyi and M. Granovetter, the main idea developed in this article is to show the very deep link between empowerment of individuals and communities, which implies a “bottom-up” approach, and the social order (versus chaos, exclusion).

In other words, the overall purpose of the article is to advocate building on people strengths (the traditional ways of doing business for example) and aspirations as developing strategies to achieve the survival, the livelihood and the dignity of the population. We will take as a case study the Somali private sector. We will also try to underline the fact that rebuilding Somalia must learn from the implementation of externally driven strategies particularly in the economic area.

## I. Brief review of the concept of Human Security

In the intervention at the International Symposium on Human Security in Tokyo (2000), « Why Human Security? »<sup>1</sup>, Sen defined the human security approach from some specific aspects<sup>2</sup> which are «*survival, daily life, and dignity of human beings*».

1 Text presented at the “International Symposium on Human Security” in Tokyo, 28 July, 2000.

2 Introduction by the Prime Minister Obuchi Keizo to « International Symposium on Human Security » in Tokyo, 28 July, 2000.

These concepts trace elements at risk of endangering humanity in its entirety because of two major reasons:

- The security of survival is posed in the current context of growing threats (conflicts, economic crisis, etc.) despite the fact that currently there are increased possibilities and opportunities to address them;
- The daily life and quality of life, new paradigm, focusing on the guaranty in terms of daily life despite the danger of recession or crisis, but also instability that could affect thousands of people;

In other words, human security also implies in these circumstances “economic safety nets” and effective political participation, *especially by the weak and the vulnerable, since their voice is vitally important*<sup>3</sup>.

This analysis underlines the fact that daily insecurity can arise from “**persistent neglect of social and economic institutions** (such as schools, hospitals, etc.) (Sen 2000: 4). On this basis, the human security approach tries to understand and analyze the real reasons for failure of governance.

In this perspective, the daily insecurity derives from the fact that the existing rules of the game are inadequate to the society’s needs and to its own way of thinking or doing business. This means that the nature of institutions in a given country explains the situation of human security. Thus, we need to understand and to analyze the real reasons for the failure of economic and political institutions.

This conceptual approach illustrates the importance of a « bottom-up » strategy that would require understanding the people’s perceptions. In this sense, the approach of human security gives a central and vital role to the individual.

Human security “*means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.*” (CHS: 2003: 4)

Such an approach requires a deep knowledge of the concerned society, its culture and customs particularly in terms of economic activities. Thus the bottom-up strategy requires a lot of time to crystallize the habits and preferences of people. It has the advantage of being inclusive and contributing to social stability.

The purpose of the following section is to introduce the problematic of institutional change as a theoretical framework for understanding the nature of challenges in the process of the reconstruction of Somalia. Such a framework based on the major contributions of Veblen, Commons and North underlines the crucial role of informal constraints or institutions which shape the behaviour of individuals when establishing institutional arrangements.

This institutional approach presents a lot of similarities with human security analysis. The third part of this paper will try to show how major outcomes of institutionalism may suggest key orientations in terms of guaranteeing the human security of the Somali society at large.

3 “*This requires the establishment and efficient working of democracies with regular elections and the tolerance of opposition, but also the cultivation of a culture of open public discussion*”(Sen 2000: 3).

## II. Institutional Economics (Old, New) and Human Security

The institutional economics (old and new versions) gave a theoretical framework that emphasises the importance of taking into account the people's way of thinking or dealing with everyday life. In this section, we will first review briefly the inputs of J.R. Commons and T. Veblen who presented a vision of institutional change/evolution in which reflection on human action is central to the debate. Thus, we can say that institutional economists adopted *de facto* human security philosophy. In other words, taking into consideration the individual's desires in a society while conceiving institutions is to work for human security.

The issue of the evolution of institutions (or institutional change) is directly related to social development. The OIE (Old Institutional Economics) as well as the NIE (New Institutional Economics) consider institutions as fundamentally necessary for maintaining order in society. Institutions are sometimes presented as a process facilitating the smooth conduct of human activities (economic and social), sometimes defined as constraints necessary to prevent the chaos that would result from the pursuit of personal interest.

In his attempt to construct a theory of social evolution, Veblen argues that human behavior is dominated by habits of thought. The habits of thought come from instincts that represent evolutionary adaptations to changing conditions in the environment. The definition of institutions is directly linked to the concept of habits of thought. Thus, institutions are "*established habits of thought common to the generality of men*" (Veblen: 1919: 239). They include usages, customs and ways of seeing the various elements of everyday life. The idea that the habits of thought are shaped by culture, practice or technology is a recurring theme in his analysis.

Instead of an individual passive and inert, he sees in the instincts and habits, the dynamic bases of intent and action. Therefore, he proposes a conception of man who "*is not simply a bundle of desires that must be saturated by being placed in the path of the forces of environment, but rather a coherent structure of propensities and habits which seeks realization and expression in the course of an unfolding activity*" (Veblen: 1898, 1998: 411).

In the thesis, human activity is the process of material fact. From this perspective, "*the economic life history of the individual is a cumulative process of adaptation of means to ends that cumulatively change as the process goes on, both the agent and his environment being at any point the outcome of the past process*" (Veblen: 1898: 1998: 411).

Therefore, to put the matter in other words and from an economic development perspective, the contributions of Veblen can be used as follows:

- First, the concept of man proposed by T. Veblen is likely to inspire the theory of economic development. This must be based on the idea of a more active man, master of his destiny, a member of a community that influences him at the same time as it acts on the latter. Far from the bright calculator of neo-classical economists and unable to cope with different information from the environment, man

relies on habits or customs. Therefore, since the habits of thought or institutions are rooted in a particular culture, social change does not follow one single path and each country must find its own. Following this pragmatic approach, positive economic evolution of a society such as Somalia in the reconstruction process, depends on its capacity or willingness to create institutions that are productive, stable, fair and compliant with its habits or norms;

- Veblen's theory reveals accurately the difficulty of changing the thinking of individuals (attitudes are changing slowly). Changing institutional environment is not an easy task because of the opposition between the present holders of power (businessmen or politicians), for example, in developing countries and the rest of society. The government (a sort of guardian of "vested interests"), of course, acting on behalf of the interests of the ruling class and in this, is another source of blocking the process of institutional change. The network of corruption and maintenance of favors (JF Bayart) is illustrative and severely hampers any institutional change.

As for Commons<sup>4</sup> the institutions correspond to «*customs and laws which prescribe the accepted modes of exchange with each other. In ancient societies, customs, habits, conventions, ceremonies, guide each person in his relationships with others. In advanced societies, statutory laws dictate certain general rules of conduct [...]*» (Commons: 1899: 61)<sup>5</sup>. Under this vision, the main institutions are the state, businesses, political parties, the family.

The institution is also presented as collective action. This idea of collective action is related to the central question of the order provided by the collective constraint that delimits the fields of action of individual wills. In this perspective, "*an institution is defined as collective action in control, liberation and expansion of individual action*" (JR Commons: 1931: 648). Doing so, an institution regulates conflicts of interest and ensures a relative stability of expectations. In fact, without these expectations, decision making cannot take place.

For our argument, we must keep in mind that the institutionalism of Commons led to an approach of economic development based on the process of artificial selection of working rules. This approach articulates the strengths of organizations, laws and customs in a voluntary vision of change (human will). The artificial selection is referring to the role of Courts when solving problems. Commons' analysis gives a huge importance to the Courts in the resolution of economic conflicts; they must integrate predominant customs, practices or patterns of beliefs. The institutional development is the result of judicial decisions that favor the emergence of new working rules. In this way, a custom may be accompanied by legal sanction and "*a local practice becomes a common law to the whole nation*" (JR Commons: 1934: 1961: 712). Therefore, institutional change is a process that is voluntary/intentional and con-

4 In his article « *A sociological view of sovereignty* » (1899-1900).

5 «*In all human societies individual caprice is bounded by definite limits. These are the usages and laws which prescribe accepted modes of dealing with another. In early society customs, usages, conventions, ceremonies, guide each person rigidly in his dealings with others. In advanced societies statutory law lays down certain general rules of conduct [...]*» (J. R. Commons: 1899: 61).



fictual. One might then wonder if this calculated order would balance the private interests and the collective will. Similarly the relevance of these new regulations is dependent on the values selected by the judges.

Consequently, it is vital to deeply understand the reality of the current situation in terms of development of economic activities when elaborating institutions. What set of institutions to choose to manage conflicts that may emerge during the current transactions between economic actors? The new rules will no doubt induce conflicts with the interests of certain parties. For this purpose, the leaders of the institutional change must practice an inclusive dialogue with various parts of the society, all stakeholders and learn from the grass roots (Asefa, Isse: 2009: 11).

The foregoing analysis shows that it is precisely the mediating role of the courts that can reconcile the interests of opposing parties. Such a process could be ensured if qualified human resources are present. The Somali Diaspora can fill this need with the support of the international community.

However, most of the societies particularly in the developing world are still trapped in an ineffective institutional matrix (or path dependence in Douglass North terms). This may persist because of the network of externalities and complementarities maintained by some institutional matrix. In other terms, the system of rules is perpetuated by individuals and organizations holding bargaining power. Escaping to this negative path dependence is possible, but it remains a difficult process: experiences in the countries of Central and Eastern Europe are illustrative cases.

We therefore believe that institutional change is a voluntary and difficult process. This does not exclude the possibility of a change driven by exogenous forces (violent overthrow of the international status quo, economic crisis, war in neighboring countries etc.). The long evolution of the western world is quite remarkable (D.C. North: 1995: 22) and is a successful example of institutional change to the failures of the rest of the world.

### Key points from institutional economics (old and new versions)?

- Institutional approach is flexible enough to recognize the institutional structures specific to each country instead of insisting on a single scheme;
- The informal rules count in human action and we believe they give legitimacy to formal written rules.
- Customs in Commons' analysis (broadly defined) as an element of the dynamics and not as outdated, as is too often presented in the common places of development analysis,
- The state has a central role in the project of institutional change proposed by Commons, North. For North, the institutional approach is the cognitive theoretical tool to address economic development policies. But he admits at the same time that *«we know very little about how to create such policies because the new political economy (the new institutional economics applied to politics) has been largely focused*

*on the United States and developed polities»* (D.C.North:1994:366). The state is the organization par excellence that ensures the application of legal rules and allows the initiation of change as it holds the monopoly of violence.

Limitations of the analysis of the situation in Somalia and the construction of institutional arrangements for collective decision making with the integration of values shared by society:

- Courts of Justice, essential in resolving conflicts
- Difficult to imagine a development plan without state, central institution, the state is poorly perceived by the Somali society;
- Although the analysis of North takes into account differences in context, it promotes the model of Western societies as an example to follow;

This theoretical approach and experience drawn from development strategies applied during the past decades provide some lessons for the project of economic reconstruction of Somalia. According to this view, it is worth building on the people's strengths in the economic field. The present dynamics of the private sector that grew in the period after the fall of Siad Barre and its tendencies must be considered. Each of the three regions of Somalia<sup>6</sup> now had a different trajectory but with the dynamism of the private sector as a common point. The development of a private sector must be part of the building process and seen as a principal partner at the same level of civil society.

More precisely, achieving this goal requires in the specific case of Somalia as for developing countries (now more than ever because of the international financial crisis) building capable/enabling institutions that will help to protect their citizens and sustain economic growth. Thus there is an urgent need to transform government institutions by investing in people's capabilities and in providing innovative solutions and incentives that enable the delivery of effective services.

In brief, the institutional economics brings a pragmatic approach to the development of institutional arrangements that govern the economic and social life. This approach derives its strength from assumptions about human behavior and underlines the importance of informal institutions in the conduct of economic affairs; the institutions decided should comply with the customs, norms, and common values of individuals inside a given society.

### III. Towards a Development Strategy Focusing on People's Strengths

This last section is an attempt to provide some elements of reconstruction strategy for Somalia. The central proposition here is to be careful about the methods of inter-

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<sup>6</sup> Puntland, Somaliland, South –Central Somalia

vention that have proved successful elsewhere. The other core proposition is to think of other methods that integrate local peculiarities so as to guarantee the human security. For this, a major obstacle will avoid “ideals” templates of development and reconstruction of institutions of donors who themselves are struggling to do without.

These models are based on a standard formula that was applied throughout and the results are very mixed. These models<sup>7</sup> address the design of the state but also the functioning of the economy.

Another obstacle is the fact that for donors “*to do without a state apparatus as a recipient of funding and owners of projects, is the difficulty of so-called donors, when they are focusing on the institutional field to make the balance between the reconstruction of a central state in the Weberian sense, and to support other means of exercising government functions, whether in the field of security, the issue of services to the people or support activities*”<sup>8</sup> (Véron: 2010).

This difficulty is enhanced by the projection on the reality in Somalia of the nation concept related to a single, unified country. Indeed, the local situation corresponds to three main regions with a specific evolution.

The paper discusses the existence of other categories of institutional arrangements and/or actors. Therefore it becomes more realistic from the human security perspective to consider and build on these achievements. These actors are varied. Their achievements are especially palpable in the field of business and dynamic private sector.

In this context, without claiming to be exhaustive in covering the complexities of Somalia society particularly the private sector case, we will nevertheless try to provide some recommendations

## Private Sector and Enterprises’ development

The private sector study brings us back to the business world, its role in job creation and the fight against poverty. According to the economic development process, the enterprise has been recognized for its crucial role. As an organized unit, the enterprise depends for its existence on the participants’ continued commitment to contribute to the collective effort and commitment based on the expected profit from the ongoing relationship of members of the organization.

Thus, businesses play a key function in the dynamics of institutional change in interaction with existing institutions (rules). To resume North, institutional evolution is the product of interactions between organizations (i.e companies, associations, political parties) and institutions. Organizations like enterprises influence the category of rules that is likely to emerge as per context.

7 “Hence their propensity to export to the countries receiving their aid, a format too often based on pluralist parliamentary democracy, “good governance” of public affairs actual way of thinking in developed countries and a functional and reasonably strong central government” text translated from (Véron : 2010).

8 Text translated from French in Véron J-B. (2010: 15)

Business growth requires the existence of a defined structure of rules, both internal and external (submission to Law). Therefore, the process of reconstruction of new institutional arrangements in Somalia must be based on the search for consensus on the strengths of current players/actors in the economic field.

The experiences drawn from the transition to market economy of countries of Eastern Europe and from the structural adjustment strategy underlined the fact that institutions, enterprises are also “local constructions”. This is the importance of the embeddedness problematic of economic activities in society that should be remembered here (K. Polanyi: 1944: 1972; M. Granovetter: 1994: 2000). As a social construction, the harmonious development of the firm within its own environment is conditioned by the inclusion or not of this social dimension. In other terms, the institutional arrangements necessary for business development must comply with norms, business customs existing in a given territory. That is the question of the legitimacy of the institutions that we must integrate. This brings us to think to the role of the state and its function as producer of regulations. But before this, let us make a brief review of the Somali private sector development.

## The private sector in Somalia

Since 1995<sup>9</sup>, the three regions (South-central Somalia, Somaliland and Puntland) of the present Somalia are experiencing very positive developments of the private sector. This development of this sector has relied on the willingness of Somalis, local residents and Diaspora, in improving the daily lives and rebuilding of their country. Remittances from the Diaspora have contributed a lot to private sector activities, particularly telecommunications, *hawala* money transfer, international trade transit. “As a result, Somalia has inexpensive, high-quality mobile phone services, supposedly the cheapest in Africa”<sup>10</sup>.

Remittances from Diaspora could be considered as a source of support of relatives and investment. The 2002 Somalia Socio-Economic Survey shows that “*the Somalia Diaspora is estimated to provide about U.S. \$360 million annually into the three regions of Somalia, and the estimated total transfer of remittances handled by Somali remittance companies is about U.S. \$700-80 million each year*”<sup>11</sup>. It is also underlined that remittances may be utilized to support conflict and warlords in clan protection logic<sup>12</sup>.

But let us keep in mind here the crucial role of remittances in providing great support to the private sector and particularly to construction activities, money transfer companies, airlines etc. In this perspective, it is considered that this source of finance also allows cross-clan business to take root.

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9 World Bank, Conflict in Somalia : Drivers and Dynamics », January 2005

10 Choices: Human Development Magazine, UNDP, 2003

11 Socio-Economic Survey 2002 Somalia, Report No. 1, Somalia Watching Brief, United Nations Development Program/World Bank, 2003.

12 World Bank, Conflict in Somalia : Drivers and Dynamics », January 2005

The real estate sector is also experiencing an unprecedented upturn thanks to the climate of stability in certain areas allowing the fight against poverty (Hargeisa, Borrama, etc.).

Benefiting from the virtual absence of local taxes or regulations<sup>13</sup> in general, the dynamism of the Somalia private sector is felt in neighboring countries such as Djibouti. For example, markets in Somaliland offer all types of goods at very competitive prices. It has become very common in recent years in Djibouti, for traders and individuals to go and buy various goods in Somaliland. The most purchased products range from household appliances to construction materials.

The free business climate, no binding laws and cheap/competitive conditions of production, have attracted and seduced Djibouti and Ethiopian businessmen to open factories or companies in Somaliland especially in Hargeisa. Trade between the two countries, although not estimated is increasing regularly thanks to low tariffs (customs). This promotes the fight against poverty and helps rebuild the country.

In addition, it is evident that *“Somali merchants have also taken advantage of the lax border controls in Kenya to transport consumer goods such as fuel, light electronics, and sugar. On the positive side, Somali entrepreneurs have engaged in production of light goods such as pasta, soap, electricity, and bottled water to meet local demand”* (World Bank: 2005: 26). They also export those commodities to the neighboring countries like Djibouti. Consequently, the economy modernizes and depends less on the traditional sector of the livestock trade, which used to contribute to about 80% of GDP before 1991<sup>14</sup>.

Therefore, the increase of private sector activities in the past few years is made possible due to the local contractors' willingness and we can say thanks to the stability of the local environment. Another factor explaining this situation is the lack of constraints in terms of institutional arrangements. Indeed, limited regulations associated with a weak state also positively enabled the development of entrepreneurs engaged in the production of light goods and services. This situation also allows people to set up several small scale businesses in order to ensure their *livelihood and dignity*.

In short, the dynamics of private sector activities can also contribute to peace and reconstruction programs. If encouraged business people irrespective of the size of their activities can become a potential factor for conflict de-escalation. Consequently, the private sector must be considered a key partner of governance.

What kind of institutional arrangements need to be set up to ensure human security? In terms of institutional rules, it is important to avoid falling into the trap of economic policies that have been applied to other developing countries and based on full liberalization. One could also quote from Marchal that:

*“One may say, not without irony, that the civil war has been a radical structural adjustment program. Foreign trade has been liberalized and freed the exchange rate have recommended for years by the Breton Woods institutions. National deregulated markets*

13 *“Regulations occur in limited ways by weak state institutions in Somaliland and Puntland, along with customary and Sharia law, which is the only regulatory force in South-central Somalia”* World Bank, 2005.

14 World Bank, “Conflict in Somalia : Drivers and Dynamics », January 2005

*have been and consumer subsidies have been eliminated. Last but not least, the civil war has created a so-called enabling environment to support the development of the private sector in general and the small-scale/informal sector in particular* <sup>15</sup>. Although this way of seeing things is too limited, one can recognize that for the time being this situation employed a lot of actors (in terms of ensuring daily needs).

This permissive environment not only helped Somalis entrepreneurs and merchants having funds to undertake many activities, but has also allowed small players to start small business to survive and earn a living with dignity. For instance, the observation of the Borramma and Hargeisa markets shows the dynamism of small players who are buying and selling consumer goods often at the same prices as a Dubai market.

**Small is beautiful.** The development of new institutional arrangements should just avoid discouraging the traditional entrepreneurial spirit. Instead, in a context of struggle against unemployment especially for young men and women, we must build on strengths and help create small businesses.

The new rules should be based on how people behave, mainstream their norms of behavior and beliefs. This reminds us that *“man acts, in a manner not to protect his individual interest in owning property, but to ensure its social position, his social rights, social benefits”* (K. Polanyi:1944 :1972: 75).

Therefore, it is important to take into account the background values of Somali society and to know that the economic system is managed according to non-economic goals that reflect in turn the predominance of social ties, the importance of solidarity. The relevance of institutional changes within the philosophy of international institutions (World Bank and IMF) is therefore quite limited since ultimately they are the codes of conducts or informal constraints that will give sanction (legitimacy).

Adopting such a philosophy that gives priority to personal choices and therefore the most basic rights of livelihood is a pragmatic way of building stability and prosperity. This vision meets the human security approach that focuses on empowerment.

Empowerment implies a “bottom up” approach or in other words, building on people’s strengths and will. At the same, it means developing the capabilities of individuals and communities to make informed choices and to act on their own behalf. Moreover, empowerment approach means designing arrangements that allow people *“to find ways and to participate in solutions to ensure human security for themselves and others”*<sup>16</sup>.

**The nature of the state.** The establishment of rules in postwar economy implies the reconstruction of the Somalia state. In the collective consciousness of the Somali people the state has a terrible past. This misperception is very active in the business sector where existing institutions were perceived as the state’s tools (R. Marchal: 2000: 23). *« Many Somalis see the state as “an instrument of accumulation and domination, enriching and empowering those who control it and exploiting and harassing the rest of the population” »*<sup>17</sup>.

15 UNDP, The Somali Private sector, Roland Marchal, 2000

16 Handbook for Human security (2009: 8)

17 World Bank, Conflict in Somalia : Drivers and Dynamics », January 2005

The disappearance of the state has given a new impetus to private actors as well as civil society in general to perform activities according to their own way of doing things. The development of these new actors<sup>18</sup> would have facilitated the decline of tribalism and the importance of politics. The religious group condemned under Siad Barre resurfaced.

So in a context where the legacy of the old regime is always present, what role could the state play in the governance of economic affairs?

In this regard and in line with previously presented approaches, the state must be connected to its citizens rather than foreign powers<sup>19</sup>. This is required if one wants to avoid the negative opposition between top institutions (formal) and low institutions (informal or traditional).

An urgent shift of the way of designing new institutional arrangements is needed to address this recurrent problem common to all African countries.

The project of building a state in Somalia must operate on the basis of internal/traditional institutions so as to empower its citizens. This is particularly true in the economic arena as well as the political.

## Concluding Remarks

Success in the efforts of building Somalia must be based on stable, fair, and broadly accepted institutional foundations. These institutional arrangements should also be sufficiently flexible to be changed or replaced in response to individuals' needs and to political and economic feedback. In this perspective, integrating traditional ways of doing business (hagba, Islamic finance, hawala,) are suitable if we want to mainstream all components of the society (private sector, civil society organizations, etc.) This strategy of setting up institutional arrangements must address the mobilization and the management of the human resources, abundant natural resources in order to ensure and strengthen the economic backbone of the country.

The future state must then adopt an inclusive and consensual building approach that helps citizens to explore and use their own capability. The new state must acknowledge that the human being is full of capacity, full of capabilities (Muhammad Yunus).

Concerning the private sector, the government could use for this purpose the power of taxation as a means of economic activities regulation/recovery. Taxes are determinant for the development of the private sector and growth of enterprises *along with its large effect on the margins for profit; they are becoming the most effective*

18 "Non-state actors provide governance: After a period of anarchy, traditional structures that cut across clans resurfaced to provide some semblance of law and order. Communities depend on Sharia courts and customary laws to address disputes and provide justice. Thus, they are a force of conflict de-escalation" in World Bank, Conflict in Somalia: Drivers and Dynamics », January 2005.

19 Kidane Mengisteab, Identity, Citizenship and Regional Integration in the Horn of Africa, Greater Horn Horizon Forum Conference, November 2009.



*exercise of the state power.* Accepting this vision means that government must take into consideration different categories of activities so as to regulate with justice and equity. After all, taxes determine “*the directions in which people may become wealthy by determining directions in which they may not become wealthy. They say to the business man: Here is profit, there is loss*” (Commons: 1934: 820).

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# The Role of Environmental Resource Scarcity in the Somali Crisis

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## Abstract

So much has been said about what went wrong in Somalia, yet we are in the dark as to how and why Somalia disintegrated so completely and so violently. What is presented in this paper is a contribution to the ongoing debate on the Somali question by looking at the issue from another important perspective i.e. scarcity (and availability) of the environmental resources that are necessary for sustaining life. In order to get a better understanding of the crisis, it is fundamentally essential to be aware of the important major causes of the crisis and the useful incentives for change. There are a number of theories governing the ongoing civil unrest in Somalia, and this article relies on the one that ultimately relates to the scarcity of resources on which human existence strongly depends.

In view of the linkage between the ongoing socio-political crisis and the scarcity of environmental resources with livelihood values, I conducted an analysis of the pronounced social and political crisis in our country and the role of environmental resource scarcity. The result reveals some truths and the study suggests some strategies for solving the crisis.

## Introduction

In general, human life is mainly influenced by two fundamental factors; (i) the way people think, and (ii) the environment in which people live. The environment also forms the way people think.

In Somalia, there is an extreme scarcity of and lack of reliable access to the environmental resources such as water and grassland, which support the fragile life system of the powerful clan-based pastoral communities, who claim they are the majority of the Somali population. Socio-economic activities in Somalia as well as

the lives of the majority are traditionally desperately dependent on rarely available natural resources, particularly grass and water, which frequently forces rural communities to migrate in search of them. In Somalia, climate, a primary factor in much of Somali life for the large nomadic population, forms and determines life. One of the most important ways of surviving in that harsh environment is to find these life-supporting resources, through adopting sustainable strategies that are relevant within the social and cultural context.

Unsustainable utilization of the common and scarce resources could result in competition between various users within the society, which can probably lead the society to a difficult situation forcing them to fight between themselves over these resources. For instance, wells are not only the source of life for rural communities but also a source of social conflict, which in most cases leads local communities to fight over the scarce resource. This natural but avoidable resource scarcity has however forced many rural people to restructure their approach to survival.

## Moving Towards the South

The modern history of the Somali Plateau reveals that there is a tendency showing Somali population movement towards the south, escaping from more arid areas of the country and seeking refuge in southern regions. The single issue that moves these people is environmental resource scarcity in terms of water scarcity and lack of productive land. Many have abandoned their life style based on pastoralism livestock raising because of the lack of water and grassland and the recurrent severe droughts killing their animals, the source of life. The hardest droughts in the last century, just to name a few, are *Xaraame-cune* in 1911, *Siiga-cadde* in 1945, *Saddex-shillinleey* 1947, *Daba-dheer* in 1974-75, *Caga-barar* in 1992. It is natural that people move from areas with little water to areas where there is too much of it in order to survive. Environmental resource scarcity-driven migrations from rural areas into urban environment, but more importantly from water-scarce areas to relatively water-abundant regions are therefore significant, as people's socio-economic activities are suffering from water scarcity creating serious inter-community conflicts or inter-regional imbalances.

## Changes of Lifestyles & Property Rights Regimes

During the last several decades, we have learned how the powerful pastoral communities, who traditionally hate cultivation and despise the people who do so, adapted new strategies of changing their livestock-based socio-economic activities to cultiva-

tion in southern Somalia. This became evident after the arrival of colonial powers in the late 19th century but has been intensified since then. The inter-river land contains not only the best agricultural areas in the whole of the Somali populated areas in the Horn of Africa, but also in comparison with the rest of the country receives the most rain. Since independence in 1960, most Somalis realized the productivity of the land between and along the two rivers.

During the civilian rule (1960-69), water was an election issue, and candidates to the National Assembly (the Parliament) used to dig wells for the rural communities to attract and secure their votes. During the military rule (1969-1991), General Mohamed Siad Barre used land registration in southern Somalia as part of his strategy to enrich his constituents to gain political support.

In the Holy Qur'an, Allah (SWJ) said that He will reward pious and righteous persons, after this life, in His Paradise which He 55 times described as *Gardens beneath which rivers flow*. This is a clear indication that life on or near the river is the best, at least in the eyes of humans in this world and having farmland under which a river is flowing is the best a person can possess and live on, as it will be a sustainable source of food and financial capital. From the dawn of civilization, people have liked to settle close to a water source. Rivers are where civilization and human development are born, and the birth and death of civilizations have always been related to the availability of water.

## Struggle Over Scarce Resources

Since the onset of the civil war in 1991, the selfish power-hunger, militia-armed warlords have also taken advantage of the livelihood resource scarcity problems experienced by the pastoral rural communities to manipulate divisions within communities segmenting along lines of clans. Powerful warlords encouraged their fellow militia to occupy the fertile land along and between the two southern rivers, the Jubba and Shabelle, which receives relatively high rainfall, seizing it by gun control of the resource base and using it to their exclusive advantage. This resource availability in the inter-river land might be the reason behind the persistence and concentration of armed conflict in southern Somalia during the last 20 years. Many different groups are now competing over the accessibility of the easily available resources in that area.

Although there are natural resources everywhere on the Earth that could sustain human life, people always prefer to occupy in areas where easily available and utilizable resources exist such as near and along the rivers. This process often produces violence and the breakdown of traditional sustainable systems of survival and institutional mechanism of the local people. It also violates traditional property rights and the sustainable utilization of the land resources.

The strong and fundamental idea of the powerful new arrivals in southern Somalia is to seize the political power through military force in order to then gain control and achieve the necessary economic resources such as land and water resources. These new communities are strongly driven by their clan-based ideologies but resource capture is their only goal. Although the basic traditional ideology of the nomadic pastoral communities is to rely on the number of men who belong to them, it is evident that this is changed somewhat so they also rely on the land available for them in terms of production, so the increasing number of people could be supplied with food.

One of the main reasons behind the Somali civil war is therefore the lack of socially acceptable systems of natural resource management and development, including water and productive land. This is to say that water, which is the major factor determining the fragile system of life in the rural communities, was not developed and managed to the required extent. As livestock raising and subsistence farming are the two major traditional socio-economic activities of the country, water plays a vital role in the existence of their life. The Somalia state collapsed, among other things, because of the way it treated these environmental resources.

As a result of drier climatic conditions, breakdown in traditional governance mechanisms, the lack of a central system of government and increasing numbers of people, conflict over water resources is now becoming a common occurrence in the rural areas. Due to unregulated resource use, overgrazing and deforestation, resulting in desertification and soil erosion, competition over water and grazing land became rampant, which in turn resulted in a loss of life and occupation.

## The War Behind the War

The struggle for land with water resources has since independence been the economic ambition of most political figures. This struggle for productive land in southern Somalia, which could be described as being the war behind the ongoing civil war, is evident as the current armed political confrontations are concentrated in the areas between or along the two rivers in southern Somalia, while the other drier areas are relatively peaceful. In the future, even when contending political factions reach political settlements, this struggle over productive land in southern Somali will continue, because such resources represent the economic opportunities for whichever regime emerges. Finding a meaningful solution for that struggle is probably one of the major determinant factors and impediments for bringing Somalia into a long-lasting peace and social co-existence. The hypothesis in this article is that the socio-political crisis has elements of resource scarcity impeding any solution.

# Unprecedented Environmental Damage

I see no difficulties if all Somalis should reside and occupy the productive land between the rivers. We are aware that there are different groups interested in those areas, but our concern is the long-term utilization of the resources which must be sustainable. I believe that the available resources in the inter-riverine land are enough for the needs of all Somalis, but NOT for everyone's greed. Apart from the human displacement caused by that violent process, the greatest damage done during the struggle for productive land in southern Somalia has been the adverse environmental effects that seem to be unmanageable and irreversible even long after a solution is found for the crisis. This damage is certain to affect the social stability of the present and future generations as well as the required development for resource exploitation.

The aforementioned analysis I made concluded that one of the major root causes of the current conflict is, among other things, strongly linked to the lack of productive land with reliable water resources. Contrary to what Dr. Abdirashid Ali Shermarke, the first Prime Minister of the independent Somalia state and its second President, believed, our misfortunes stem evidently among other things from the unproductiveness of the largest portion of our soil, located in a dry climate with extremely low rainfall. It is then safe to say that the Somali crisis is mainly caused by the avoidable poverty resulting from resource scarcity, fueled by the widespread social injustice and mismanagement since independence. In my opinion, the widely perceived tribalism cannot be the cause of the current conflict but could be defined as a traditional tool for survival and interest group identification and alliance in this harsh environment of resource scarcity.

## Conclusion

In conclusion, scarcities of environmental resources in Somalia, particularly water and grass, have a key role in the ongoing political and social crisis and its future solution, if one could be found.



# Let's Think the Impossible! Alternative Scenarios Against Human Insecurity in Somalia

*Valeria Saggiomo*

## Abstract

This paper provocatively works out the possible scenario after the question, “What would happen if all humanitarian actors pull out of Somalia in order to reverse human insecurity spiral?”

The first part of the paper deals with the contradictions between the human security approach and humanitarian principles, as applied to the Somali context. The second part of the paper will report on some direct experiences of NGOs and UN Agencies in Somalia; finally a theoretical scenario where all the international aid would be withdrawn will be presented.

Though the role of international community in fuelling the Somali conflict has been largely discussed in literature, this paper is not going to simplistically conclude that the absence of international presence would stop human insecurity in Somalia; rather, it intends to highlight the need to elaborate alternative aid policy options in order to effectively reduce human insecurity in a chronic conflict zone.

## Introduction

This paper builds upon a workshop on Somalia organized by the Refugee Studies Centre, University of Oxford, in June 2009. The workshop gathered humanitarian actors and academics with practical experience in the country and was intended to stimulate a debate on possible policy solutions to the Somali crisis.

During the workshop, many representatives of International NGOs pointed out that there was a seriously underestimated problem with regard to working in the Somali context. The problem was related to the lack of possibility for humanitarian actors to fully stick to the humanitarian principles of neutrality and independence from civil war factions. In particular this was due to the need to use armed escorts to protect goods and personnel in a dangerous and volatile environment; in Central-

Southern Somalia, security guards often “belong to” factions taking part in the conflict and “paying for security” easily translates into directly supporting, and indirectly promoting, certain factions against others.

Security budgets cannot be given up by humanitarian and development actors that rightly consider safety of staff a top priority. However, it quickly reflects into those conflict dynamics that have a local character and result in fostering human insecurity rather than the reverse.

This generates a moral dilemma for humanitarian and development actors: is it more just to continue working in Somalia dealing with the accusation of fuelling the conflict, or to pull out and fully adhere to humanitarian principles?

Presumably, all humanitarian and development actors working in conflict zones have dealt with this moral dilemma at least once in their life. Organizations have developed guidelines and best practices so as to release workers from the burden of formulating their own ethical rules. The author herself has been a humanitarian and development worker in Somalia from 2003 to 2006 and has directly experienced the mentioned dilemma.

During the workshop in Oxford, all the representatives of the participating NGOs admitted to having discussed the issue internally and some of them even elaborated guidelines for withdrawal decision-making in complex humanitarian environments (WV-Dr Edvina Thompson). According to the workshop participants, however, there is little evidence that “continued business-as-usual intervention is having a positive impact or whether it has become a part of the problem”<sup>1</sup>. So far, remote control methods are still in use and nobody has permanently left Somalia on the basis of the Humanitarian Imperative and of the Responsibility to Protect doctrine. These two doctrines are the justification for not leaving Somalia despite evidence that business-as-usual has not brought Somalia out of the emergency status for 18 years.

The fact that the UN and International aid community will never leave Somalia does not prevent academics and researchers from trying out a theoretical scenario where the “impossible” happens. This paper aims at offering this opportunity with the underlying desire to provoke a reflection among policy makers on the paradigm that lays behind the R2P theory: “the end justifies the means”; in the Somali case, after almost two decades of political turmoil in Central Southern regions, this paradigm may not hold true.

Looking at the limits of the reflections proposed in the paper, the author recognizes that there are external agendas pursued in Somalia that scarcely relate to the dynamics described above and that not all the causes of the Somali crises can be ascribed to predatory attitudes of local actors towards resources generated by the war economy; in fact, there are many other factors that influence war economy in Somalia, from Diaspora funds to proxy wars and possibly international terrorism. For this reason, speculations within this paper maintain a limited application to the conflict dynamics and to the consequent human insecurity spiral in Somalia.

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1 “Humanitarian Action in Somalia. Expanding Humanitarian Space”, Refugee Studies Centre, Oxford Department of International Development, University of Oxford, June 8-9 2009. Workshop Report, p. 6-7.



Another limit to this paper is that it remains a theoretical exercise. The scope is to generate a discussion, to spur policy makers thinking of innovative approaches to Somalia for reducing human insecurity and favoring political stability.

## Human Security Approach versus Humanitarian Principles

After the end of the cold war era and the subsequent fall of many totalitarian regimes in Africa, including the Somali one, warfare usually takes place within rather than between states. New war models have prevailed, involving more civilians than regular armies and causing huge numbers of casualties and mass displacements<sup>2</sup>. The renewed need to protect civilians gave rise to new theories in support of human rights protection in conflict zones. The Human Security Approach is one of these theories. It has its origins in the Human Development concept that places the human being at the center of every theoretical paradigm and subsequent policy frameworks and development strategies. Though a shared definition of the HSA is still under process, the 2003 Report<sup>3</sup> by the HS Commission agrees that the Human Security Approach has its **focus on the protection of the individuals in conflict environments, through peace building and conflict prevention strategies** rather than through the humanitarian response; the report recognizes the security-development nexus, meaning that there is no development without security and that security is fragile without solid ongoing development processes. Therefore, states and the international community have a collective responsibility to protect civilians involved in conflicts, using force if necessary.

This theoretical framework emphasizes the importance of political measures to address conflict resolution and peace building processes and legitimates the collaboration between civic and military forces in a conflict environment: the first being engaged in development efforts or in humanitarian operations, and the latter in security enforcement.

However, it is exactly this collaboration that compromises the principles of independence and neutrality of humanitarian actors. The report by the HS commission recognizes that “the principles of neutrality, impartiality and independence that are supposed to guide humanitarian actions should not be compromised to further political goals”<sup>4</sup> but it does not give guidelines to avoid this and limits itself to hoping for a balance between humanitarian and military interventions.

This weakness in the theorization of the Human Security Approach and its strong focus on the protection of individuals at all costs, easily translates into a neglectful attitude by humanitarian actors towards the humanitarian principles of neutrality,

2 See Mary Kaldor, (1999) *New and Old Wars: Organised Violence in a Global Era*, Polity Press, Cambridge.

3 Human Security Commission. (2003). *Human Security Now: Protecting and Empowering People*. New York.

4 Ibid. p. 25.

Impartiality and ‘do not harm’ that are gradually associated with the military presence in the field and therefore with one single faction involved in the war<sup>5</sup>. The respect of humanitarian principles is however fundamental to successfully implementing the Human Security Approach. In fact, how would it ever be possible to conduct a disarmament program if the implementing agency is perceived as partisan? This is in fact what happened in Somalia where the UN Security Council, through its Resolution 1872 (26 May 2009), has mandated the Secretary-General to support the TFG in planning a national security strategy for combating illicit arms trafficking, undertaking disarmament, demobilization and reintegration of ex-combatants. However, as Amnesty International denounced in 2008, the TFG forces and their former Ethiopian allies have routinely committed human rights abuses, massive killings and torture on civilians with the justification that they were hiding terrorists<sup>6</sup>. After the shift towards a moderate Islamic Government and the subsequent degeneration of the conflict among Islamic factions in 2009, donor funding and the direct provision of training and weaponry has increased, driven by the intention of the international community to support a moderate Islamic government against more radical factions and also driven by the need to combat piracy off Somalia’s coasts.

However, due to continuing shifts in alliances between TFG security forces and their allies and armed opposition groups, there is the concrete risk that the military support, in terms of training and arms supply, is being diverted to militias and armed groups both supporting and opposing the TFG<sup>7</sup>.

Because the UN in Somalia acts simultaneously as an implementing humanitarian actor through its Agencies and as a military actor through the Security Council and as a key proponent of state-building activities by supporting the TFG, it is rightly perceived as being involved in the conflict rather than as a neutral actor. This has severely compromised the security of its humanitarian staff and of all the humanitarian agencies that are associated with them, as we will see in the next paragraph.

This highlights an inner contradiction between on one side the application of the HAS that implies the use of force and “political” peace-building measures, and on the other side the humanitarian principles of neutrality, impartiality and ‘do not harm’ of the humanitarian interventions. In the Somali case, this contradiction generates a vicious circle that has the effect of escalating rather than decreasing the use of violence. The vicious circle works like this: 1) The HSA in Somalia generates a policy approach that sustains the TFG both politically and military – 2) this implies the use of force, both in the mandate of the AMISOM mission and in the provision of military training and arms supply to the allied TFG – 3) the partisan use of force subsequently leads to the loss of neutrality by the actors that use the HAS, notably the UN, the wider international community and humanitarian NGOs – 4) the loss

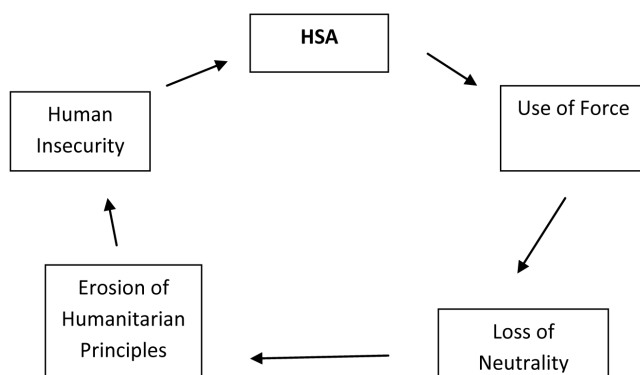
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5 This observation is not new in the humanitarian aid literature. It relates with the research school initiated in the early 1990s by Mary Anderson who first explored how emergency projects can feed a conflict and create dependency. See Mary B. Anderson (1996), *Do not Harm. How Aid can Support Peace or War*.

6 Amnesty International, 2008, *Routinely Targeted: attacks on civilians in Somalia*.

7 Amnesty International, 2010, *Somalia: International Military and Policing Assistance should be Reviewed*.

of neutrality leads to a rapid erosion of the humanitarian principles – 5) that exposes civilians and humanitarian personnel to an increased human insecurity.



From a theoretical perspective, the above diagram demonstrates how, in the Somali case, it has been technically impossible to combine the Human Security Approach with Humanitarian Principles. It also offers the cue to improve the Human Security Approach theory in its aim to ensure the protection of civilians, by working on avoiding the Humanitarian Principles erosion process.

## Evidence from NGOs in Somalia

The above reflections on the HAS in Somalia legitimately provoke the question: What role do NGOs play in the Somali conflict?

As a background to this question, it is important to recall mid 1990s' Mark Duffield's observation regarding the changing role of international NGOs from autonomous organizations that embrace a development vision to simple *Public Service Contractors*, i.e. mere implementers of donors' identified social welfare programs<sup>8</sup>. Western aid funded NGOs in Somalia make no exception to this general trend and locate themselves in the framework of non-profit organizations that execute humanitarian and development donors' strategies<sup>9</sup>.

As long as NGOs are executors of strategies that are driven by the same donors that implement political peace-building actions and that allow the use of force for protection and security of staff and civilians, their role will be heavily associated with the one of their donors. This is true in all cases, regardless of the religious background, meaning that the Islamic NGOs that are funded by Western governments

<sup>8</sup> Mark Duffield, 1997, *NGO Relief in war zones: towards an analysis of the new aid paradigm*.

<sup>9</sup> Though participation of NGOs in developing strategic approaches to emergency and development intervention is ensured by the UN cluster approach and the coordination bodies such as the Somali Support Secretariat, their weight and their capacity for proposing innovative approaches is however marginal.

are associated with donors and perceived as partisan the same way other non-Islamic NGOs are<sup>10</sup>. Their “Non Governmental” banner loses significance as well as their religious background when it comes to issues of security of staff and access<sup>11</sup>.

NGO’s experiences in Somalia confirm this: at the Oxford meeting, Mr. Ali Osman, who is the East and West Africa desk manager for Muslim Aid, pointed out that while Islamic organizations might have an advantage in accessing areas that are inhabited by a Muslim population because of religious proximity and understanding of local culture, they face the same security constraints of other agencies working in Somalia.

Mr. Osman’s claim is based on Muslim Aid’s long experience in Somalia that dates back to 1993 when the organization opened an office in Mogadishu and started activities in the health, education and relief sectors<sup>12</sup>; later during the 1990s Muslim Aid opened an office in Kisimayo with operations in some basic health facilities after the official hospital had been occupied by militia. The implementation of activities in Kisimayo was seriously challenged by security problems. The organization later expanded its interventions in Hafun (Puntland) within the Tsunami aid package and got an office in Hargeisa and in Bossaso in 2008 to coordinate a vocational training Institute. With regard to funding sources, the bulk of donations to Muslim Aid derive from the charitable sector of the Muslim community based in the UK, though recently the organization opened itself to different donors, including UN Agencies and Western governments. Reportedly, in 2003 Muslim Aid decided to adhere to the Red Crescent Society Code of Conduct and claims to avoid political associations in compliance with it. Despite the will of the organization, Muslim Aid was probably associated by local faction leaders with the UN implementing agencies and with its political engagement and this might have caused access and security constraints to the staff in Kisimayo.

Similarly, the Danish Refugee Council’s evidence in central southern Somalia confirms that at local level, the role of the NGO tends to be associated with their donor’s one and this compromises the respect of humanitarian principles and subsequent human security for both staff and victims<sup>13</sup>.

The DRC was asked by the World Food Program to conduct a food distribution operation in an IDP camp located in a Central Southern region of Somalia. The NGO organized the operation and started distributing WFP food; shortly after, the IDP host community demanded of the DRC that they should receive part of the food that was designated for the displaced population; in the case of refusal by the NGO, IDPs would be attacked. This was an official threat and the organization decided to comply with the request in order to be allowed to operate and to ensure security for the IDP population. There was no other choice but to go or to compromise, and the NGO decided to compromise on the basis of the humanitarian imperative. The moment the NGO initiated an enumeration process to assess the number of families to address

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10 The same logic is valid for those local Islamic charities or NGOs that are funded by or affiliated to political movements, like the Al Islah on one side or the neo-salafi movements on the other.

11 The author is conducting a PhD research on the Islamic Charitable Sector in Somalia.

12 Information on Muslim Aid has been collected by the author during an interview with the organization’s representative in Kenya and the Program officer in Somalia, Nairobi, 23 May 2008.

13 Frans Barnard and Catherine-Lune Grayson, June 2009, *Insecurity by Default – How compromise of Humanitarian principles jeopardises operations*. Speaking Notes, Oxford.

food aid to in the host community, serious security incidents involving the NGO staff and collaborators from the community arose, with shooting and stoning. The reason was that the NGO could not claim any control over the food distribution process, and this was made clear to the staff. The NGO compromised again and asked governmental forces to proceed with the food distribution, based on the local demand and not on eventual vulnerability criteria. However, as the distribution was taking place, governmental forces demanded food as well, on top of the agreed compensation, and the vicious circle, once activated, could not stop. In addition to this, the NGO was also perceived to be directly supportive of one faction, and this compromised the security of local staff, as well as international staff, *vis a vis* other factions in the area.

Going back to the history of humanitarian intervention in Somalia, ICRC firstly introduced the use of armed escorts in the mid-1990s to counteract restriction of humanitarian space in the Somali civil war<sup>14</sup>. By that time, this practice was being discussed among the main humanitarian actors in Somalia, criteria and methods were drafted with the aim of being able to comply with the principle of humanity in extreme situations where the access to the victims was extremely dangerous and risky for humanitarian personnel. In those cases the ICRC recommended contracting a reputable actor among local military personnel, the state police, or a private company. Today, literature on the necessity of adopting armed protection or the use of deterrent force against groups that endanger the safety of NGO staff during humanitarian operations is abundant<sup>15</sup>, and those that were called “extreme situations” are the norm.

In the stateless Somalia, the factions controlling territories are the de-facto authorities to consult with for negotiating access and permission to conduct humanitarian activities. “Private companies” owned by faction leaders are often the only contractor that it is possible to engage. This leads to a direct financing by NGOs of conflict actors that lose interest in the conflict solution.

Lastly, in order to escape blackmail, NGOs are moving towards direct cash assistance to the groups that claim to be the victims of the conflict. Oxfam is piloting direct cash assistance to the communities, through local money transfer companies, giving up even their brand visibility in the hope of not creating potential security problems for the staff<sup>16</sup>. Independent experts are suggesting moving towards direct payment of governmental forces in order to mitigate the risk of illegal arms sales by soldiers that are not paid by the government and need to earn their living<sup>17</sup>. These practices however are not associated with the necessary monitoring capacity by donors and risk nourishing the war-economy and creating a dependency syndrome from “easy humanitarian money”.

Looking at these practices and evaluating NGOs’ work and challenges in Somalia led the courageous DRC Regional Security Advisor to admit that “we might have

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14 ICRC, 1995, Report on the Use of Armed Protection for Humanitarian Assistance.

15 This discussion evolved in the Civil-Military cooperation (CIMIC) doctrine that refers to the interaction between NATO-led forces and civil actors like NGOs.

16 Simon Springett, June 2009, *Giving Aid, getting aid in the complex environment of Somalia*. Speaking Notes, Oxford.

17 “The hanging Security Situation in Somalia: Implications for Humanitarian Action”. Seminar hosted by The Brookings Institution, University of Bern, 12 January 2010, Summary Report.

been operating blindly for the last 18 years, at best by omission, at worst by convenience”<sup>18</sup>.

## What if all pull out of Somalia?

What would happen if all humanitarian and development actors<sup>19</sup> pull out of Somalia and withdraw financial resources from the conflict scene? What would be the impact on human security and on livelihoods for the local population? Would the conflict situation be better or worse?

These questions would require accurate assessments and data analysis to produce a plausible answer; some of these data is difficult to collect and some are simply not existent. This kind of assessment goes beyond the scope of this paper that instead wishes to stimulate a discussion on a legitimate question. A few arguments will be put forward in support of this discussion.

The first argument regards the lack of need for external support and the use of force to promote successful peace building operations.

In support of this argument as applied to the Somali case, two cases will be put forward: the case of Somaliland in the mid-1990s and the case of the ICU administration in 2006.

Somaliland is the North-west zone of Somalia that declared its unilateral independence from the rest of the country in 1991. At that time, indigenous political institutions played a pivotal role in restoring peace and stability. The supreme council of lineage leaders, the Guurti, organized two peace initiatives, one in Burco (1992) and the second in Boroma (1993). As the Guurti was perceived as a super-parties Institution, and therefore a neutral institution, these two conferences saw the participation of all minority clans gathered to agree on a common political agenda. This led to a climate of mutual confidence and gradually helped in achieving stability. This peace process was completely deprived of the support, both political and financial, of the international community that does not recognize secessionist States. As Mark Bradbury notes<sup>20</sup>, despite the fact that today corruption seems to be a huge problem in the development efforts of Somaliland, initial efforts by customary institutions in mediating between different groups, in re-establishing property rights and ensuring balanced political representation, were of pivotal importance for Somaliland achieved political stability. Alex De Waal has also noted the importance of establishing property rights on real estates and agricultural land in Central Southern regions of Somalia, as one key cause of the enduring crisis<sup>21</sup>.

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18 Frans Barnard and Catherine-Lune Grayson, June 2009, *Insecurity by Default – How compromise of Humanitarian principles jeopardises operations*. Speaking Notes, Oxford.

19 Including donors, NGOs, UN agencies, Governments, Islamic charities.

20 See Mark Bradbury, 2008, *Becoming Somaliland*.

21 See Alex De Waal, 2007, *Class and Power in the stateless Somalia*.

On the same note, the 2006 six-month rule of the Islamic Courts Union in Mogadishu saw an unprecedented improvement in security in all central southern Somalia. In the capital free movement was allowed for the first time since 1991 and termination of piracy action off the coast suddenly terminated. Once again, this “miracle”, as it has been called by a Somali scholar<sup>22</sup>, was not supported by the Western international community that was not politically ready to accept an Islamic government in Somalia, possibly mingled with radical elements. Despite being treated with a clear distrustfulness by outsiders, the ICU government established an embryonic public administration and demonstrated the ability to control violence in the capital.

These two cases support the perception that “if left alone”, Somalis would be able to reach an agreement and possibly find convenience in achieving stability. This perception sharply contrasts with the results of the outside-sponsored peace initiatives that so far have not produced improvements on the human security aspect.

The second argument that needs to be considered when approaching the “every-one out” scenario is the issue of livelihoods of local population that might be less dependent on international aid than as is marketed by the International Aid Community. According to the UN and humanitarian agencies, early this year some 3.7 million people in Somalia need aid. This is about half of the population. According to OECD Statistics, Total Official Development Assistance (including humanitarian aid) for Somalia rose from about \$102 million in 2000 to nearly \$760 million in 2008<sup>23</sup>. Part of this money is used for the agencies’ running costs, staff salaries and allowances, travel costs, vehicles, and so on; while it is very difficult to determine the amount of the “doing-business” costs, it is widely accepted that these costs are higher in dangerous settings. Part of this money is then diverted; a recent article by the New York Times quotes a UN report claiming that up to half of the food aid intended for Somali indigents is instead diverted to corrupt contractors and to conflict factions<sup>24</sup>. Though the 50% number has been denied by WFP officials on the ground that there is no evidence to prove it, it is undeniable that a proportion of aid is taken hostage by local factions, as the above mentioned story by the DRC clearly suggests. At the moment, it is not possible to know exactly how much of disbursed humanitarian and development aid to Somalia reaches the needy population. This number would be of significant help in assessing the “every-one out” option. On a different note, Diaspora funds that are awash in the country are estimated at \$1.6 billion to Somalia and \$700 million to Somaliland. According to a recent report funded by UNDP<sup>25</sup>, up to 40% of households receive assistance from Diaspora, which provides 80% of the start-up capital for small and medium enterprises. Diaspora is also able to rapidly mobilize cash to address emergency responses in the country and actively contributes to the country’s development by supporting basic social sectors, like health and

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22 Abdi Ismail Samatar, 2006, “The Miracle of Mogadishu”, *Review of African Political Economy*, Vol 33, No. 109, pp.581-587.

23 <http://stats.oecd.org>

24 U.N. Report: Much of Somalia’s food aid diverted. Article posted on 3 March 2010 on [http://www.usatoday.com/news/world/2010-03-10-somalia-aid\\_N.htm](http://www.usatoday.com/news/world/2010-03-10-somalia-aid_N.htm)

25 Hassan Sheik and Sally Healy (2009). *Somalia’s missing Million: The Somali Diaspora and its role in Development*. UNDP Somalia.



education and by energizing the vibrant local economic sector. These financial flows combined with an estimated Somali in-country population, that ranges from 7.4 to 9 million people only, make the Somali people's livelihood picture much better compared to other African countries.

## Conclusions and possible road map to exit the crisis

The above arguments suggest a different picture of Somalia compared to the one presented by the international community and represent excellent starting points to work on for supporting peace-building initiatives and theorize a "constructive disengagement" from the country. The "constructive disengagement" option for Somalia has been recently put forward by a US policy adviser who suggests that "giving up a bad strategy is not admitting defeat" and advances the idea that in the Somali case, where foreign interventions have routinely produced the opposite of the desired effect, doing less might be better<sup>26</sup>. This option referred to US policy against terrorism in Somalia, but can reasonably apply to the political and humanitarian strategies implemented so far in Somalia by the international community.

Constructive disengagement of the international community from Somali politics, including the direct support to one part in the conflict (the TFG) with military training and arms supply will probably benefit the Somali population in the long term. Surely, reduced arms availability in the country and reduced military training would lead to reduced violence and consequently reduced loss of human lives and reduced human insecurity. With reduced violence, south central factions may gradually start negotiations, as it happened in Somaliland in 1991 or agree on power sharing mechanisms as it happened in 2006 during the Islamic Courts Union ruling in Mogadishu.

Also, as noted during a recent seminar on the security situation in Somalia<sup>27</sup>, lessons learned from extremist groups Afghanistan and Iraq suggest that local factions have no interest in letting the population starving because this would turn the people against them; therefore, when the principles of neutrality and independence are compromised, constructive disengagement from humanitarian and development activities will probably force local factions to respect international aid activities on the field. This severity in sticking to humanitarian principles of neutrality and impartiality will possibly lead to reduced tensions upon humanitarian and development aid diversion, thus impacting positively on the "do not harm" principle.

If the most likely alternative to the mentioned option is a persisting and worsening conflict scenario among factions, being them clan or religious based, with increased human insecurity, Somalia might be the first case in history where the "humanitarian imperative" imposes not to intervene.

26 Bronwyn Bruton, 2009, *In the Quicksands of Somalia. Where doing less helps more*. Foreign Affairs Vol. 88, N. 6, pp. 79-94.

27 "The hanging Security Situation in Somalia: Implications for Humanitarian Action" Seminar hosted by The Brookings Institution, University of Bern, 12 January 2010, Summary Report.



# The Issue of Youth Engaged in Fighting Forces in Somalia

– A review of their present and future

*Lilla Schumicky*

## Abstract

The paper will analyze the involvement of youth and children in various armed groups. It will explore the past and current situations in Somalia and provide in-depth analysis on the root causes of youth engagement on individual, social and institutional levels.

In the second part of the paper the successes and failures of the Disarmament Demobilization and Reintegration (DDR) program initiated between 2001 and 2007 in Somalia will be examined and synthesis will be drawn between the causes of engagement and impact of the lack of DDR on youth and children. The paper will conclude with providing recommendations on changing the sequencing of DDR, starting with prevention and reintegration at grass root levels, followed by enhancing the empowerment of civil society organizations working on child protection and awareness-raising in conflict situations.

## Introduction

Somalia has been affected by civil war since the collapse of the government of Siad Barre in 1991. Warring fractions were not stable as in many other African civil wars where two or more parties fought against each other, such as in Angola, Mozambique, Sierra Leone, or Sudan. In Somalia former allies quickly became enemies and suddenly changed the dynamics of the war. Secondary actors such as Ethiopia, Egypt, Arab states, USA, Europe, Eritrea and Djibouti are also playing a significant role by supporting one or another party whichever serves their current best interest.

Western scholars tend to divide the entire period of 1991 and 2010 into two phases: the era of warlords and the era of Islamist insurgents. The base of this categorization is the typology and the type of the enemy. After 9/11 the word 'Islamist'

became one of the favourite catchwords of the western media as Mr. Bush launched his War on Terror.

From 1991 till 2000 powerful clan leaders who had established control over specific areas in Somalia were named 'war lords'. In 2000 with the formation of the Islamic Court Union (ICU) the Islamist insurgents became dominant. With their appearance a new challenge was set for both the Transitional National Government and its allies. The kind of war that groups such as al-Shabaab and Hizbul Islam, the two most prominent Islamist insurgent groups are playing are very different from the warlords' kind of war. Rampant terrorist attacks occur frequently and thousands of young males are urged to fight the infidels (the TFG, AMISOM and anyone else who disapprove sharia law). Attacks and human rights violations are made on the civilian population and the extreme form of Islam is forced on the Somali people, who generally used to follow a moderate version of it. Since the Ethiopian troops handed over the security to AMISOM (January 2009) the radical armed factions seem to have been reinforced and to have taken over the control of almost the entire South and Middle Somalia and major parts of Mogadishu. Both al-Shabaab and Hizbul Islam enjoyed remarkable support from the Somali diaspora who urged the groups to first fight against the Ethiopian troops who invaded Somalia in 2007 and then the Transitional Federal Government, which is perceived as illegitimate and a puppet government of the superpowers by many members of the diaspora. However terrorist attacks on civilians - such as the December 2009 attack on a graduation ceremony of medical doctors in the Shamo Hotel in Mogadishu, where 24 innocent civilians including four TFG ministers died, offset the support of the two groups from the diaspora despite the fact that none of them officially claimed responsibility for the attack. Residents of Mogadishu took over the streets and protested against al-Shabaab and burned their black flag for first time in the history. Recently a new wave of protest has occurred due to the desecration of shrines in Mogadishu, which was carried out by the Shabaabs and verbally supported by Hassan Dahir Aweys, the leader of Hizbul Islam. This act can bring a new swerve into the dynamics of supporting players on the Somali scene.

However the number of supporters and participants of these radical groups within Somalia is dramatically increasing according to intelligence reports. Both groups have announced jihad, encouraging youth and Muslims from all over the world to join them and fight. The major result of jihad is the flux of foreign fighters mainly from Afghanistan, Pakistan and the US as well as the thousands of "children" and youth who join or are forced to join the groups. The few hundred foreign fighters are mainly fighting along side al-Shabaab and have introduced new tactics such as terrorist attacks, which were not used before. In the next part of the paper I will analyze the current situation and delve into the root causes of youth's engagement in the various armed groups in Somalia.

# Root causes of children and youth joining armed forces in Somalia

Currently forty-five percent of the entire Somali population is below 14 years and the median age of the country's total population is 17.5 years.<sup>1</sup> It means that when all of these youth were born, the civil war had already started. The majority of them did not attend any formal education except the *madrasas*, which teach basic Mathematics, Arabic and the Quran. Only about 38 percent of the population can read and write.<sup>2</sup> However the madrasas are not preparing the pupils sufficiently for life and do not provide viable skills for employment; most of the youth stop attending the madrasas at the age of 12. Only thirty percent of the total population is attending some kind of primary education, however no exact empirical data is available.

Non-governmental organizations (NGOs) such as SAACID, an Australia, US and Somalia based NGO, observed that the majority of children do not attend any formal education. Therefore the only way for male youth to survive is to join one of the armed groups. Presently four major factions are operating which are generally characterized as allies and serving as an umbrella for different clan-militias and business interests.

1. The Transitional Federal Government controls several official security forces but its troops are irregular, not organized along any clan structure and branded by highly personalized command arrangements.<sup>3</sup>
2. Ahlu Sunna wal Jama'a was earlier a non-political and non-military organization protecting Sufi religious interests but gained military support from Ethiopia in late 2009 and is currently the most effective government-aligned fighting force in southern Somalia.<sup>4</sup>
3. Harakat al-Shabaab al-Mujahideen is the most powerful and organized opposition group with a relatively loose and heterogeneous structure and serves as an umbrella for self-professed "jihadists", clan-militias, business interests and foreign fighters. The Shabaabs are happily associating their ideology with al-Qaida and claiming support from them.
4. Hizbul Islam is an increasingly feeble and unreliable alliance of three armed groups (the fourth, Raas Kaambooni Forces, have recently joined the Shabaabs on 1<sup>st</sup> February 2010)<sup>5</sup> which are structured along clan lines.<sup>6</sup>

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1 CIA Factbook 2010 Somalia [http://www.theodora.com/wfbcurrent/somalia/somalia\\_people.html](http://www.theodora.com/wfbcurrent/somalia/somalia_people.html) (accessed 01/03/2010)

2 Ibid.

3 United Nations Security Council (10 March 2010) S/2010/91 Monitoring Group on Somalia Report.

4 Ibid.

5 <http://jir.janes.com/public/jir/terrorism.shtml> (accessed 01/03/2010).

6 United Nations Security Council (10 March 2010) S/2010/91 Monitoring Group on Somalia Report.

In order to understand the current situation it is crucial to delve into the root causes of why so many thousands of youth are joining mainly the Shabaabs and Hizbul Islam. Both organizations are considered to be radical by forcing the strict version of *sharia* on Somalis. A three-level analysis is provided in order to capture the possible angles of the motivations for joining on individual, social and institutional levels. These three are interlinked and it is not possible to separate one from the other; however, dominant causes can be identified on all three levels. Since not much empirical data exists this part of the article relies on interviews conducted with the Operations Manager of SAACID and other local NGO leaders, operating in Somalia and working on youth and child protection.

## Individual Level Engagement

The major motivations can be linked to a psychological status of the mind which is in interconnection with social and institutional level root causes. The war has lasted for a longer period of time than the age of most of the youth who now form the various armed groups. The conflict not only brutalized the militiamen but the whole society, which has been impacted by the war and become brutal and brutalized at the same time.

The entire population is traumatized due to the destruction of the clan-based and family centred society. Traumatization is furthermore caused by the separation of family members, torture and rape, frequent displacements, lack of financial support and adaption of a new way of life from the nomadic society to the displaced and aid dependant society. These factors lead to depression and sadness that further act on the life of youth so that they see joining armed groups as being the only solution for all problems.

The sixteen failed peace-talks, the two previous and the third currently failing government after the Arta Peace Process, does not help uplift the spirit and hope. Lack of trust in each other and on a wider level in any system is furthermore contributing to hopelessness. Informal interviews with various members of the general population enforce the notion that growing anger and bitterness towards the international community and any foreigners is heavily present and plays as a factor pushing youth to join the movements that take part in the global jihad against the West. The trauma of hopelessness and lack of any form of aid further encourages the families to support their male members to take up guns and fight.

The war caused fragmentation of the nuclear family; child abuse became rampant and this may be perceived as another push factor. However the feeling of revenge can be even more significant because of the many groups that play against each other. Traditionally the Somali society practices the customary law (xeer) which determines the suitable conditions to conduct revenge. Since the war has disrupted the order of the society many youth decide alone on who, when and where to take revenge, which

can be a further motivation for joining. It seems like a vicious circle from which is no way out.

All militia participate in the various armed groups on the basis of money, the promise of money and khaat which is a local drug. Due to distress caused by the collapse of the traditional role of the Somali man, who used to be the breadwinner earlier by grazing animals or working in the towns, khaat consumption has drastically increased in the past years. Chewing khaat is partly for killing time and partly to be able to cope with the situation. However it does not change anything but pushes the time ahead.

The desire for khaat can be a powerful motivating factor when individuals and youth join. Khaat impacts heavily on the state of mind of the consumer producing forms of stupefaction. The leaves of khaat contain cathinone, an active brain stimulant which is similar to amphetamine. It decreases appetite, and increases euphoria, intellectual efficiency and hyper alertness.<sup>7</sup> A large part of the Somali society (about 75 percent of the male population) is affected by khaat consumption, which results in negative social, economical and health affects. On a social level the chewing of khaat leads to fractured families and absentee fathers because it can take from seven to ten hours to chew it and have its effect come through. On a health level its consumption results in other ills such as the spread of tuberculosis and impotence. Khaat is not expensive; a fresh bundle of it can be bought for \$3, but still this \$3 must be earned. Furthermore warlords and businessmen who are controlling the khaat trade can have loyal private armies by providing them with substantial amounts of it.

Furthermore youth are joining because the various factions guarantee that they will have the freedom to loot, extort and rape. The looting is officially part of the salary and subsidizes the low wage which is not paid regularly. Rape is generally taboo in the society therefore very few cases are actually getting reported and perpetrators are even more rarely brought to justice. However al-Shabaab has condemned a few people for death because of raping.

## Social Level Engagement

The majority of Somali youth who are joining armed groups are possibly influenced by the surrounding environment and those who link to al-Shabaab particularly may be under the effect of some ideological sway, although the major cause of their joining is the lack of opportunities to do anything else. Hence the unemployment is quite high - about 80 percent in Mogadishu according to SAACID<sup>8</sup>; the only way is to join a private militia. If the nuclear family has enough funds then they may buy a

7 A, Dalu. The Impact of Long Term Consumption of Khat on Public Health <http://www.sidamaconcern.com/articles/abraham.htm> (accessed 01/03/2010).

8 SAACID (2008) Tracer Survey for the Demobilization, Disarmament and Reintegration Programme (DDR) implemented for 512 participants in Mogadishu in 2005-2007. [www.saacid.org](http://www.saacid.org) (accessed 01/03/2010).

gun, most frequently AK47 machine gun. The price of the gun depends on the availability of guns but it ranges between \$130 and \$400. Most families decide to dedicate one of the sons for a *security* job, where he can earn \$30 per month working as a security guard for a businessman or as part of a private security company. However if the youth decides to join an armed group or become a freelance militiaman he may earn three times as much as this amount and eventually the money is worth the risks. Thus the family, even though unintentionally, plays an extremely significant push factor in the decision of youth to join armed forces.

Previously the biggest cities such as Mogadishu and Kismayo were the main places from where youth were attracted to join and recruited due to the lack of opportunities, high unemployment, less protection of the family and the desire of survival. However recently the territory of the entire Somalia has become deployment ground, including Somaliland and Puntland, where the Shabaabs are actively building up their intelligence networks. It has resulted in a general fear among the people, who do not dare to speak loudly against the Shabaabs any more in cafes and public places.<sup>9</sup> Furthermore from the internally displaced people's camps within the country, especially around the Afgoye corridor and from the neighbouring Dadaab Refugee Camp in Kenya, reports are stating that many youth decide to return and join mainly the Shabaabs that provide more opportunities than just being in the camps and waiting for the rarely arriving aid packages.

All in all the extreme poverty that hit the country after 1991 with the absence of state regulation and law and order, has resulted in vast environmental degradation, especially due to the damage of woodland and forest, over-grazing, over-fishing and warfare. The dumping of toxic waste became common along the Somali coast and within the uncontrolled territories inside the country by the developed countries. The environmental destruction played a considerable role in the lack of unemployment and lack of opportunities that resulted in youth joining armed groups as the only means of survival.

## Institutional Level Engagement

The proliferation and the extremely easy access to small arms are contributing tremendously to the engagement of youth in the various armed factions. In spite of the resolution 751 of the UN Security Council that placed an arms embargo on the country, the market is flooded. The major centre of armed trade, the Bakara Market in Mogadishu is currently flourishing more than ever before. Arms have basically become a form a currency, besides khaat in Somalia and are available for anyone and anywhere. Funnily enough in some radio game shows, which were run by the Shabaabs in Southern Somalia, AK 47s, hand grenades and anti-tank landmines were the prizes for the winners if they could correctly answer questions related to

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9 Anonym source

the Quran. The host of the quiz show has said: "The reason the young men were rewarded with weapons is to encourage them to participate in the ongoing holy war against the enemies of Allah in Somalia," AFP news agency quoted al-Shabab's Sheikh Abdullahi Alhaq on the prize-giving ceremony.

Most of the armed groups see youth as a cheap human resource that is easy to mobilize and recruit; therefore all groups have been targeting youth between the age of 12 and 18 despite the fact that officially everyone recruits only above 18 years (SAACID). Many very young people (age 12) organize themselves into gangs and loot, rape and harass civilians.

al-Shabaab, which is the most hardcore militia group among all players is also the most organized and is composed of small units that operate separately in various parts of Middle and Southern Somalia. Regular salaries and their ideology, the Salafi-Wahabbism, which lies in line with Sayid Qutb's philosophy that emphasizes the implementation of an extremely strict version of sharia law makes them attractive in the eyes of the youth. al-Shabaab's principles are providing a stable base in the chaos even though it may not be the entire Somali nation's perception of Islam and the way of conducting everyday life. al-Shabaab becomes the family of the youth where relative security and order can be found.

Furthermore al-Shabaab, Hizbul Islam and Ahlu Sunna are more likely to pay the wages of its militiamen than the TFG, which is not set up along any basis of clan defence or ideology. Recently news agencies have reported that several TFG soldiers have deserted and joined opposition groups due to the absence of the payment of the wages. Therefore it further enforces the radicalization of youth, who feel that joining al-Shabaab is more beneficial than staying on the 'official' legal side.

Parties such as Hizbul Islam, Ahlu Sunna and the Transitional Federal Government are also recruiting youth into their armies even if they deny it (OCHA 2007). However the TFG announced on 20<sup>th</sup> November 2009 that it will ratify the global treaty on the Convention on the Rights of the Child (CRC) that ensures protection from violence, exploitation, discrimination and neglect of children below 18 years. As of March 2010 it has not yet arrived to the stage of implementation and the recruitment of youth below 18 continues. However initiatives to decrease the number of participants in various armed groups have been taken since 2001 in the form of Disarmament Demobilization and Reintegration (DDR) programmes. In the next chapters of the paper a brief analysis will be provided on the three DDR attempts that took place solely in Mogadishu between 2001 and 2007.

## First DDR in 2001

The first DDR was funded by the Italian Government through UNESCO and it has demobilized and provided four months vocational training for 225 militiamen. Earlier UNDP has conducted DDR in Somaliland and Puntland; but it has not



contained any of the elements of DDR such as disarmament, demobilization or reintegration and was in fact purely the remobilization of militiamen into the police and official military forces.

During the entire process of the 2001 DDR no arms were collected due to the desires of the donor community, which had stated that in the present security situation arms collection and destruction was not possible. DDR consisted of DR only; however it targeted the freelance militiamen from the community for the first time during the civil war.

This DR took place after an extensive survey in the Transitional National Government supported remobilization camps among 535 clan, business and court militias. The main desire of the militiamen was to find gainful employment after training in which they were ready to participate even for exchange of food. Actually more militiamen preferred to give up fighting for food than for cash according to SAACID, the implementer of the three DDR programmes in Mogadishu. The Food for Training (FFT) approach seemed like an extremely viable approach, which could have saved a lot of money and could have provided a justification of the new avenue that opposed the traditional DDR cash incentive approach. The donors rejected this and adhered to cash compensation for the time that was spent on the vocational training. Moreover the survey provided a good picture of the age of militiamen; more than forty percent of the militiamen were below 25 years and about seventy percent of them have indicated that they have never attended any formal education although the average time that they spent in the militia was more than five years. This means that most of them took up guns when they were still in their teens.

The survey also drew attention to the fact that about fifty percent of them were addicted to the consumption of khaat. Many militiamen receive payment in the form of khaat instead of cash and this encourages the consumption of the drug. However the inner circle of al-Shabaab has stayed away from the narcotic and has often inflicted public punishment on those who were found to be consuming. But the interest of any leadership is clearly not to ban the consumption of khaat, which results in the arrival of dozens of daily khaat flights from the neighboring Kenya and Ethiopia and basically serves as hard cash. According to the Kenya National Agency for the Campaign Against Drug Abuse a daily \$300 000 is paid by Somalis for the drug.

However during the first DR in Mogadishu khaat consumption was forbidden and smartly enough the training sessions were organized during the afternoon when usually men start chewing. No follow-up survey was carried out in order to measure the long term effect of the DR instead a new DR was implemented between 2003 and 2004.

## Second DDR 2003-2004

Lessons were learned from the first DR attempt and a more organized and broader concept was included in the second one. It was SAACID's position that DDR pro-



grammes can and should be implemented in Somalia – even in an ‘anarchic’ environment – as they can be a powerful tool in the healing process for divided and distrustful communities. Implemented correctly, bottom-up grassroots programming, with strong international partnership, is a sustainable process; and this process can be implemented – each programme building or interacting with the last. A bottom-up approach can be the process through which Somalia can re-build and heal to a point where genuine reintegration can take place. This methodology contrasts to the decade-long international position of attempting to implement top-down political processes that have little currency or support on the ground; this sort of process does not address “the profound psychological trauma, complete distrust and sense of utter hopelessness felt by virtually all Somalis.” – as suggested by the programme report of the organization.

Among the three hundred participants 150 were from the civil society and half of them were women. At this time every participant had to bring at least one, working automatic weapon in order to be able to participate in the training. The aim of the involvement of the women was to encourage them not to buy guns for their sons and make them understand that there are other ways of earning a living but encouraging them to join. Therefore they also had to bring one gun from their respective families. Mixing militiamen with civil society members and women doubtlessly has helped to tie up the reintegration of all parties. Hence it is not only the militiamen who have to be reintegrated into the society but also the society itself must be integrated and be prepared to accept back the returning militias. Mixing them in one programme is one of the most effective approaches. However in the third DDR, which took place between 2005 and 2006 neither civil society members nor women were involved.

## Third DDR 2005-2006

The exclusion of women and civil society from the DDR could have made the results of the programme questionable; however a new initiative was in place. 512 freelance militiamen were provided with micro-credits and vocational training. The length of the training and the amount provided was satisfactory for 96 percent of the participants, who were very satisfied with the programme. In 2008 when a Tracer survey was conducted, more than half of the beneficiaries were still happy with the quality and length of the training, sixty-five percent of them have still kept in touch with their trainer, and almost forty percent of them were still employed. Of these sixty-three percent were within the same business that they had started during the DDR programme, despite the dire circumstances and extremely bad security situation (full-blown insurgency in the capital), which had a noteworthy impact on the businesses. Despite the high unemployment more than 95 percent of the beneficiaries have confirmed that they did not and would not return to the so called ‘security’

activities. This is astonishingly high and reinforces the entire community-based and community-owned approach of the DDR programme.

Furthermore it had a long-term effect because participants were saying: “I gave up robbing people,” “I care about myself now and don’t like bad deeds,” “I have a free life and know between good and bad,” “I have character to live with people,” and “I have the confidence to create a new life.”<sup>10</sup>

## Impact of a rights-based approach DDR

The rights-based approach – which means embedding the programme into local communities – and having those local communities have as much ownership of the process as possible made the above three programmes relatively successful. It has opened up a new phase in the entire implementation history of DDR which has been previously bound to the signature of peace-agreements and the setting of election dates. This grassroots initiative programme has justified that it is possible to carry out DDR in an active combat zone without having a signed peace-agreement, which is the superpowers’ way of brokering peace and that has never worked in the case of Somalia since the war broke out in 1991 with the latest failure of the Djibouti Peace-agreement.

In spite of this success of the previous three DDR programmes, the donor community is not committed to funding further DDR programmes in Somalia; yet UNDP has further developed it into Arms Violence Reduction Project (AVRP). The main justification of AVRP is that the Somali people are prisoners of a cycle of armed violence from which is extremely hard to break out. The community is influenced by impunity and a weak justice system – the sharia courts are no longer functioning in many places or not in the form as they supposed to; by the rapid proliferation of small arms and by the ambiguous economical situation which is topped with hyperinflation. The AVRP builds on community security and intends to secure confidence, stability and security through the involvement of State actors in partnership with the community and this plays a crucial role. AVRP is set to break the cycle of violence by a two-sided approach: prevent and cure the conflict. Prevention would be realized in non-violent conflict management and cure in rehabilitation and reintegration of ex-militiamen into the society. The project would consist of three phases:

1. Security diagnosis where the type of violence, the nature of conflict and the endogenous resources will be identified.
2. The setting up of community security plans by consulting with community members on district levels.

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10 Stated in the SAACID’s Tracer Survey for the Demobilization, Disarmament and Reintegration Programme (DDR) implemented for 512 participants in Mogadishu in 2005-2007.

### 3. Execution of the activities by entrusted local NGOs <sup>11</sup>

The plan has been prepared in 2008 but funding has not yet arrived. Instead the financial support goes towards the extremely weak Transitional Federal Government. However the TFG is not in the position to implement any kind of DDR in Somalia. Furthermore surveys that were conducted earlier have indicated that the population would not accept the TFG as the controlling and coordinating body of DDR due to its illegitimacy.

Moreover the outside world sees the other solution for disarming, demobilizing and reintegrating militiamen, that of putting them into remobilization camps (which was done previously in Somaliland and Puntland) and integrating them into the police and army forces. Currently the European Union has pledged to fund the training of 2000 strong forces for the TFG in Uganda. The question is when it will begin and what kind of impact it can have because the number of insurgents is much higher and at the moment they are better trained and equipped. Furthermore the latest UN Monitoring Group report on Somalia claims that the US has sent 40 other sources are claiming 80 tons of small arms<sup>12</sup> for the embattled TFG troops who have ended up selling their new guns due to the lack of payment of salaries. The question is further raised: how could such an entity be legitimate by any means to conduct DDR?

## Synthesics between the current situation – DDR and further recommendations

AVRS is to be delivered in the major urban areas however it should be supplemented with further areas such as the Internally Displace People's and refugee camps. Intelligence reports as well as civil society leaders are claiming that many youth decide to join from the above mentioned places especially from neighboring Kenya, which hosts the largest refugee camp in the world and currently accommodates about 300 000 Somali refugees in Dadaab.

The camps are centres of boredom and chaotic social order where the youth often do not find anything to do. Most IDP camps inside Somalia are situated on the 30 km long Afgooye corridor and accommodate almost no aid, especially since the World Food Program (WFP) has suspended its operations. Apart from food aid barely any other form of aid or activity arrives at the camps, which leads to further dullness and being left with nothing to do but wait. Psychosocial support is not available for any members of the IDP population yet the need is tremendous as a consequence of long-term traumatization. The previous DDR programmes have

<sup>11</sup> Based on shared information of the UNDP Somalia website <http://www.so.undp.org/index.php/Community-Safety-and-Armed-Violence-Reduction-Project.html> (accessed 01/03/2010).

<sup>12</sup> B.E. Bruton, (2010) Somalia a New Approach. Council Special Report No. 52. Council on Foreign Relations, Centre for Preventive Action.

contained a small proportion of psychosocial support but certainly they were just a scratch on the surface. The most prominent took place in 2006 in the form of a three day post-trauma counselling workshop conducted by the International Aid Services. The major objectives embraced the following: enable participants to understand the impact of the conflict and be aware of “culture of violence” as well as help them identify and deal with problems that may arise from the war. It could have been a good start but without continuation it is just a drop in the ocean because outreach counselling is critical to engender better long term outcomes.<sup>13</sup> It could play an extremely important part in prevention as well and discourage youth from joining because they are a significant part of al-Shabaab. The majority of these types of soldiers are youth who take up their guns when they are in need of money.

Unfortunately no DDR or any other kind of programmes exist for youth under 18 years while during the 2003-2004 DDR 13 under-aged children were identified by clan elders as potential participants. After screening, SAACID has rejected their partaking due to a UNDP directive. SAACID did not have the option of considering youth under the age of 18 and requested UNICEF, which officially claims responsibility and mandate for child soldiers to disarm, demobilize and reintegrate them. Their request was declined. The only attempt to rehabilitate child soldiers on the part of UNICEF was support towards the Elmam Rehabilitation Centre in Merka and Kismayo where 120 child soldiers were rehabilitated and benefited from literacy, numeracy and vocational education in 2005.<sup>14</sup> The writer of the article could not find any more information about the existence of the centre and its activities. Furthermore, after checking all LNGOs listed as members of the Somalia NGO Consortium none of them had implemented or aimed to implement any kind of reintegration or prevention programme within the framework of child and youth engagement in armed groups. Yet surveys are showing that more than sixty percent of the youth engaged in armed forces are below 25 years. No precise data is available on the number of youth involved in armed factions below 18 but probably it is tremendously significant according to eyewitnesses and LNGO representatives. Therefore the international community should immediately commit considerable amounts of funding for the prevention and rehabilitation of youth and child soldiers and should establish reception centres where youth can come, disarm and gain support for reintegration. Special focus ought to be placed on their long-term psychological rehabilitation in order to prevent rejoining.

Moreover advocacy for prevention should target the entire community especially in internally displaced people's and refugee camps. Both UN agencies and NGOs should design and implement fitted prevention and rehabilitation programmes in a Somali context. In camps like Dadaab special attention should be given to newly arrived youth who might have been involved in any of the militias and now require particular psychological support. The international community should not close its eyes to the phenomenon of youth engagement because the future of the Somali nation is at stake.

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13 Interview with the Operations Manager of SAACID on 25 March 2010.

14 UNICEF Somalia Monthly Review March 2005 [http://www.unicef.org/somalia/SOM\\_UNICEFSomRvwMarch05FNL.pdf](http://www.unicef.org/somalia/SOM_UNICEFSomRvwMarch05FNL.pdf) (accessed 01/03/2010).

# Recommendations of the Conference

9th HORN OF AFRICA CONFERENCE FOCUS ON SOMALIA – THE  
ROLE OF DEMOCRATIC GOVERNANCE VS  
SECTARIAN POLITICS IN SOMALIA

LUND, SWEDEN, 4-6 June 2010

Organized by

Somalia International Rehabilitation Centre (SIRC)

More than 400 participants from around the world – the Mayor of the City of Lund, Rector of the University of Lund, scholars and practitioners from different universities & institutions, UN Secretary- General's Special Representative for Somalia United Nations Political Office for Somalia (UNPOS), UNDP Country Director/ Somalia, European Commission sections for Horn of Africa & for Somalia, Executive Secretary General of Inter-Governmental Authority on Development (IGAD), Swedish Foreign Ministry Special Envoy for Horn of Africa, Finland's Special Envoy for Sudan & Horn of Africa, Finland's Foreign Ministry, African Union (AMISOM), Djibouti Minister of Culture & Communications, Somali TFG Ministers for Foreign Affairs & Transport, United States Commission on International Religious Freedom, Department of International Relations and Co-operation of South Africa, Horn of Africa ambassadors representing Djibouti, Somalia, Sudan and Swedish Ambassador for Somalia, politicians, international NGOs, Somali civil society organisations, university students, international journalists from BBC, VOA, Universal TV, Hiiraan Online, New York Daily Challenge newspaper, freelance journalists, and a large audience mostly from Europe and North America participated in the Lund conference, Sweden, between 4th and 6th June 2010, which ended in a great success. Here are the recommendations from the three day conference.

## Recommendations

Twenty years on Somalia still has no viable government. The security situation inside the country, particularly Mogadishu and its surroundings is getting worse. There is no sign of the civil war abating. Somalis are more divided than ever. The international community says it is doing their best, but the results speak for themselves. AMISOM has become part of the problem in the eyes of many Somalis. Pirates are overshadowing the Somalia crisis. Issues such as environment, human rights violations, distribution of food aid, IDPs have taken the back seat.

## **1. Total stability will not come overnight**

Somalia is a long running crisis, and at a crucial juncture. The key is to go beyond the present, national and international legacy of two decades of conflict, and equally important is to remain focused on a way out. Overall, a continued and responsible commitment is an obligation. Overcoming the current hardships and insecurity requires a determined, long-term effort to promote political cooperation and build strong government institutions, while in the short term countering the pervasive influence of foreign fighters and other elements of extremism, but also those profiting from the conflict. Finally, there is a need for a coherent approach by all external actors (UN, IC, NGOs etc.), including professional meddlers and informal mediators.

## **2. Somalia needs minimum government**

Somalia needs a minimum and effective government, parliament and fight against corrupt policy. TFG should be fully supported but this support should be coupled with accountability and transparency. The Somali Diasporas must be involved to help rebuild government institutions including taxation, justice, administration, management etc. The fight against corrupted policy should give priority to such aspects as:

- Bad Governance
- Lack of political will
- Political patronage
- Breakdown or erosion of societal values and norms
- Weak or absent management systems, procedures and practices
- Misuse of discretionary power vested in individuals or offices
- Weak civil society and general apathy
- Lack of professional integrity
- Lack of transparency and accountability
- Tribalism, favouritism, nepotism and cronyism
- Inefficient public sector
- Greed
- Non-enforcement of the rule of law

### 3. TFG

The Somali Government should aim at defeating their opponents on the political front before they try to defeat them on the battle front. It should try to win the hearts and minds of the Somali people.

### 4. Job creation for the youth

High rates of unemployment among the Somali youth lead many young men to turn to radical Somali groups for help and employment. Job creation for the youth should be given a high priority. Encourage and support the ongoing projects such as disarmament, demobilization and reintegration (DDR) and arms violence reduction project (AVRP). Joining the Al-Shabab militias is currently the only and the most potential recruitment channel for the unemployed youth in the country. The United Nations and international community should give more weight to creating jobs for the youth.

### 5. Sea piracy

Sea piracy is the act of high-jacking and attacking the ships on the sea. It is an act of crime. Piracy in Somalia does not have a fixed place, but merely moves on the sea, hunting cargo ships and tourists to get a large amount of ransom for freeing the ships and captives. They claim to be protecting Somalia from illegal fishing and dumping industrial wastes.

Somali sea piracy can only be solved by setting up a functioning government in Somalia. The millions of dollars being spent on chasing the pirates should be spent on building a viable Somali government, including the creation of well-equipped and well-paid military and police forces.

In addition to this, a multi-polar framework is needed. This multi-polar framework should seek to find a cooperative multi-sided strategy that can address the interlocking piracies of illegal fishing, dumping of nuclear waste and sea piracy. This new framework would insist that the only viable means to ensure long term peaceful commercial seafaring off the Indian Ocean coast of Somalia and the Gulf of Aden is the restoration of a functioning government in Somalia. It should seek to find a cooperative multi-sided strategy that can address the interlocking piracies of illegal fishing, dumping of nuclear waste and sea piracy.

## **6. Horn of Africa conferences**

Conference organizers have to approach and include all those who are part of the conflict on the ground, so they can have a say in conferences like this one in Lund.

There is a need to increase the number of educated youth participating in the conference in order to increase their social, political and economic awareness of what is going on in the region and let them play a vital role in peace building and democratic governance in the Horn of Africa. It has become a unique forum for the Horn of Africa region. The conference is the only annual event which gathers different stakeholders of the region to discuss crucial issues affecting people and states of the region.

The forum needs more marketing and advertisement and its proceedings need to be spread among academics, universities, libraries, international organizations and institutions.

## **7. International community's involvement in Somalia**

There were two contradictory ideas on the involvement of international communities for the state building process.

The international community should be actively involved in capacity building. The Eurocentric notion of state building should be deconstructed in Somalia. Instead the pre-colonial reality should be taken into account. Security infrastructure should be lifted by giving adequate support to the security and legal institutions.

## **8. Time for another major International Military Presence in Somalia?**

There are some who now call for a massive UN intervention in Somalia with a mandate that would allow it to occupy the country. Supporters of such a proposal should remember that this approach did not work in the early and mid-1990s and it certainly is not the answer today. A multinational coalition with little understanding of the situation on the ground would immediately find itself engaged militarily with a host of radicalized Somali groups. While the larger international force would probably win most of its military engagements, it could not possibly occupy all of Somalia and its very presence would further radicalize additional Somalis.

The sooner the TFG can stand on its own and the African Union forces can leave the country, the better it will be for Somalia, the African Union and the international community.



## 9. External Actors

The internal crisis in Somalia depends to some extent on external involvement and without external involvement, it could not be prolonged and sustained. It is necessary to reduce external influence particularly from neighbouring states.

## 10. Democratic governance and respect for human rights

The existence and effective operation of a national justice system and upholding the Rule of Law is an indispensable feature of an appropriately organized and operating society. The absence of an effective justice system signals the onset of social disorganization and, almost always, economic decline. In post-conflict environments, it foretells low to no economic development and high insecurity amongst ordinary people. A legitimate, functioning and coherent justice system is urgently needed to establish peace and stability in post-civil war Somalia. It is urgently needed to:

- 1) Strengthen the basic capacity of criminal justice institutions (including judicial institutions, legal professionals, legal education institutions) with the provision of basic, continued and specialized training in connection with international norms and standards and the development of case management and performance evaluation / monitoring mechanisms.
- 2) Promote a broad-based dialogue to reach consensus between Somali political leaders and the Somali public on the need for harmonization of Somalia's formal and informal legal codes, in accord with basic international human rights standards, and support to the drafting of new legislation.
- 3) Empower the Somali public legally through legal clinics, legal aid, translation and dissemination of laws and judicial procedures, and coordination with community-based justice initiatives.
- 4) Promote the establishment of a stable political environment for justice through a plan of action to address priority transitional justice issues.
- 5) Devote further efforts to mobilize prerequisite political and financial support for these efforts.
- 6) Somalia is the most human rights violated country in the world. The Somali people need protection under the international law. All fighting forces including Al-Shabab, Hizbul-Islam, Ahlu-Sunnah, the Somali Government and AMISOM should be made accountable for their deeds. All those who have committed crimes against humanity should be taken to the International Criminal Court urgently on the basis of the UN Human Rights Commission report for Somalia as well as reports from international human rights defenders like Amnesty International, Human Rights Watch, and local Somali human rights defenders' reports.

The Tribunal would have to be accountable: to hold perpetrators responsible for their conduct, through public acknowledgement of the criminal responsibility for violations of human rights and humanitarian law.

## **11. Somali constitution**

The upcoming Somali constitution should be shared openly with the Somali people and particularly with the Somali academics and Somali Diaspora as a whole. The upcoming constitution should also respect the Somali customary laws, Islamic values and traditional practices.

## **12. Civil society**

Grass root organizations should be given a platform in state building in Somalia. They are the ones who are doing the ground work and have direct and daily contact with the community.

## **13. Internally displaced people (IDPs)**

IDPs should be entitled to protection as well as to provision of basic necessities such as water, food and shelter and they should be also be given basic educational and health services.

## **14. Environment**

The international community has ignored for too long the illegal fishing, charcoal trade and the use of Somalia coasts as dumping ground for the industrial waste from industrialised countries. The international community must take all necessary measures to investigate, document and follow-up all criminal activities both national and international regarding the destruction of Somalia's natural resources.

## **15. Crisis caused by resource scarcity**

The Somali crisis is main the result of resource scarcity fueled by widespread social injustice and mismanagement since independence. The widely perceived tribalism cannot be the only cause of the current conflict but could be defined as a traditional tool for survival and interest group identification and alliance in this harsh environ-

ment of resource scarcity. Resources available should be efficiently and effectively utilized to minimize the crisis.

## 16. A nation in identity crisis

The warlords destroyed the customary law and the traditions. The Islamic groups are destroying the faith of the Somali people and the sense of nationhood. The radicalization of the Somali youth is a dangerous and an ongoing process. Somalis are Somalis because of their culture and Somali culture has become the first victim of the conflict.

Somali culture has been under utilized in the state building. Traditional and cultural ways of resolving conflicts have played a pivotal role in the present peace and stability in both Somaliland and Puntland. The Somali way of solving conflicts is lacking in the south and central regions and it should be encouraged and supported.

## 17. Possible road map to exit the crises in Somalia

The above arguments suggest a different picture of Somalia compared to the one presented by the international community and represent starting points to work on for supporting peace-building initiatives and theorize a “constructive disengagement” from the country. The “constructive disengagement” option for Somalia has been recently put forward by a US policy adviser who suggests that “giving up a bad strategy is not admitting defeat” and advances the idea that in the Somali case, where foreign interventions have routinely produced the opposite of the desired effect, doing less might be better<sup>1</sup>. This option referred to US policy against terrorism in Somalia, but can reasonably apply to the political and humanitarian strategies implemented so far in Somalia by the International Community.

Constructive disengagement of the international community from Somali politics, including the direct support to one part in the conflict (the TFG) with military training and arms supply will probably benefit the Somali population in the long term. Surely, reduced arms availability in the country and reduced military training would lead to reduced violence and consequently reduced loss of human lives and reduced human insecurity. With reduced violence, south central factions may gradually start negotiations, as happened in Somaliland in 1991 or agree on power sharing mechanisms as happened in 2006 during the Islamic Courts Union rule in Mogadishu.

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1 Bronwyn Bruton, 2009, *In the Quicksands of Somalia. Where doing less Helps more*. Foreign Affairs Vol. 88, N. 6, pp. 79-94.

Also, as noted during a recent seminar on the security situation in Somalia<sup>2</sup>, lessons learned from extremist groups in Afghanistan and Iraq suggest that local factions have no interest in letting the population starve because this would turn the people against them; therefore, when the principles of neutrality and independence are compromised, constructive disengagement from humanitarian and development activities will probably force local factions to respect international aid activities on the field. This severity in sticking to humanitarian principles of neutrality and impartiality will possibly lead to reduced tensions around humanitarian and development aid diversion, thus impacting positively on the “do not harm” principle.

If the most likely alternative to the mentioned option is a persisting and worsening conflict scenario among factions, being they clan or religious based, with increased human insecurity, Somalia might be the first case in history where the “humanitarian imperative” imposes not to intervene.

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2 “The Hanging Security Situation in Somalia: Implications for Humanitarian Action” Seminar hosted by The Brookings Institution, University of Bern, 12 January 2010, Summary Report.

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The 9th annual SIRC/LuHAF conference on the Horn of Africa focused on Somalia and mainly on issues of reconstruction of democracy in a context of sectarian politics. The conference was held in Lund, Sweden, June 4-6, 2010. The conference was attended by more than 40 speakers and more than a hundred observers each day. The content of this report reflects some of the views presented at the conference.

The general purpose of the SIRC/LuHAF conference was to enhance the capacity of stakeholders in Somalia with new ideas and tools to enable them to act effectively in the processes of peace-building, development of democracy and good governance, rule of law, economic and social development and to build capacity among stakeholders to anticipate and respond to potentially violent conflicts. The goal is to initiate long-term change and reconstruction that correlate to the needs of the Somali society at large. The following objectives of the conference were defined:

- Identify and develop policy options to initiate and strengthen democratic governance, peace and security in Somalia, avoiding sectarian politics;
- Encourage and facilitate dialogue between stakeholders in order to stimulate community-driven solutions to the problems of sectarian politics; and
- Enable networking among stakeholders in the civil society and political leaders on developing democratic governance in Somalia.

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