

## **Reports**

**Thinking differently in an attempt  
to break the Somali impasse\***

**30 August 2010**

## **Introduction**

On the 22 July 2010, an African Union Summit in Kampala, Uganda, resolved to increase the number of troops that make up the African Union Mission in Somalia (AMISOM), in an effort militarily to defeat the Islamist Al-Shabab movement. The AU decision followed a twin bombing in Uganda's capital city on the 11 July 2010, during the final match of the Football World Cup, resulting in the deaths of scores of people. A day after the bombings, Al-Shabab had claimed responsibility. Just a few days earlier, the movement's leaders had threatened attacks in Uganda and Burundi, the two countries whose troops make up the AMISOM force.

The AU decision and the bomb blasts which precipitated it once again cast the Somali crisis forcefully into the global spotlight. It is clear that both events combine to create a Somali conjuncture that poses serious policy challenges to the African Union, the African continent as a whole and to the international community more generally.

This paper will outline some of these challenges, propose a plan that effectively can deal with the Somali situation and begin the process towards building a new Somali state and Somali democracy.

## **Background to the Somali Crisis**

For the past two decades, Somalia has been a failed state. Its last president, Muhammad Siad Barre, was removed from power in 1991 by a coalition of clan-based forces supported by Ethiopia. His removal was followed almost immediately by the outbreak of civil war, warlordism, foreign intervention, and – within months of Siad Barre's ousting – the declaration of independence by the northern part of Somalia, a territory which called itself Somaliland.

In 1992, the United Nations Security Council authorised a peacekeeping mission for Somali called the United Nations Operation in Somalia I (UNOSOM I). Because UNOSOM's mandate limited any intervention to self-defence, and because it was a small observer mission, it was ignored by the warlords and their clan-based militias. The United States then convinced the UNSC to approve an interventionist force. Created by UNSC Resolution 794, the new force, the Unified Task Force (UNITAF), was to be an interventionist force led by American personnel. It was authorised by Resolution 794 to use "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia". In December 1992, UNITAF took over from UNOSOM I, ostensibly to protect humanitarian activity in Somalia, in what was called "Operation Restore Hope". Some 37,000 troops made up the UNITAF force, about 25,000 of them being Americans. UNITAF troops were guilty of various human rights abuses against Somalis. Nevertheless, many regard its mission in Somalia as a success in terms of its mandate of securing the flow of aid into Somalia.

In March 1993, the UNSC passed Resolution 814, which would establish the United Nations Operation in Somalia II (UNOSOM II). UNOSOM II replaced UNITAF in May 1993, and had a much wider mandate than UNOSOM I. The new UNOSOM's strength was 28,000 personnel. Additionally, the US made available 1,167 troops as a "Quick Reaction Force" under US command, and based on US Navy ships off Somali's coast. UNOSOM II took a strong military approach. Many Somalis who expected the UN force to rid them of the plague of warlords became disappointed, soon regarded the UN troops as foreign invaders, and some ended up joining the warlords. In the meanwhile, the Somali diaspora was inflated by increasing numbers of refugees.

Much of the second UNOSOM's efforts were directed towards capturing the notorious warlord Muhammad Farah Aidid. In some ways, this is understandable. Warlords in Somalia had wreaked havoc since the fall of Siad Barre. The power vacuum – which could quickly have been filled by a new democratic process – allowed the rise of military men and criminals who formed their own militias and saw the possibility of power in a new state configured according to their desires. Ali Mahdi Muhammad, one of the two main warlords, declared himself President of Somalia after Siad Barre's ousting. He was immediately opposed by Aidid, his fellow warlord in the United Somali Congress.

Somali warlords were powerful men with well-armed militias and gangs which ruled sections of Somalia with iron fists, controlling access to roads, farms, food supplies, and aid. Some warlords benefited from the presence of UN and US troops; others rejected foreign intervention. Many warlord-run militias were based on clan or sub-clan lines. Clan groupings represent the only real social differentiation between people in a society where the vast majority speak the same language, adhere to the same religion and follow the same customs. Clan membership is important in the cultural, social and political lives of Somalis as a social marker.

UNOSOM's war against Aidid culminated in the famous "Battle of Mogadishu" in which hundreds of Somalis and UN troops were killed, and, in a scene that became synonymous with the battle and with foreign intervention in Somalia, a dead UN soldier was dragged through the streets of Somalia's capital city. As a result of this humiliation, the US withdrew its troops in March 1994, with other countries withdrawing soon thereafter. The mandate of UNOSOM II was formally ended in March 1995; no Somali group requested an extension.

From May 1991, when the first Somali peace conference was held in Djibouti, the approach to resolving the Somali crisis and ending the civil war has always involved external role-players, usually with such role-players holding conferences in some African country where some or other form of Somali leadership was appointed. Participants at these conferences included most of the prominent warlords, and – depending on which were considered as supporting the process – some of the other political or social groups in Somali society. Most of these processes gave far too much prominence to the warlords, and far too little to the other stakeholders – including clan elders and religious leaders, both of whom play central social, religious and even legal roles in the lives of ordinary Somalis.

The first of these conferences was convened by President Hassan Guled Aptidon of Djibouti, with six factions attending. This resulted in a number of agreements being signed between the warlords. It was an attempt for the different warlords to carve out the Somali turf between them. In June 1995, Farah Aidid declared himself "interim president". Neither that position nor the "government" formed by him were recognised by the international community, and the Organisation of African Unity refused to grant the Somali seat to the new "government". The OAU urged genuine dialogue to take place in order to resolve the crisis.

In the meanwhile, numerous confrontations and human rights abuses were occurring: Ethiopia repeatedly intervened militarily, particularly in the Gedo region, abuses were committed by militia and police (many of the latter having been trained by the UN forces which had been in Somalia earlier); and inter-clan fighting occurred in some areas.

In December 1997, most parties met at a conference in Cairo, Egypt, and signed the "Cairo Declaration", which set out a plan for a 13-person Council of Presidents, a prime

minister, and a National Assembly. Following this, a national reconciliation conference was convened in Baidoa, Somalia, for further negotiations; but this ended unproductively.

After the failure of many national reconciliation efforts, local political and traditional leaders in Puntland decided to declare that territory as an independent state in August 1998. The new Puntland administration got its legitimacy from local meetings in which the local traditional council of elders played an influential role. Unlike Somaliland, which regards itself as an independent country, Puntland does not seek independence from Somalia, but regards itself as an autonomous state within a united Somalia.

As Somalia's economy rapidly deteriorated, and food production suffered, agreements were made and broken between different warlords. There was no national judicial system, and, already by the end of 1994, the civil court system had collapsed, and security depended almost entirely on clan loyalties. The vacuum resulted in the traditional Islamic courts, the only form of judiciary still existing, expanding their mandates. These courts – which had previously dealt mainly with property matters and issues of family law such as marriage, divorce, and inheritance – increasingly began dealing with criminal matters.

In 2000, a Transitional National Government (TNG) was formed at the Somali National Peace Conference in Djibouti. Its mandate was to create a proper national government within three years. The TNG was opposed by the Somalia Reconciliation and Restoration Council led by Hussein Muhammad Aidid (Muhammad Farah Aidid's son). In Eldoret, Kenya, in 2002, supporters of the TNG participated in another conference – the Somali Reconciliation Conference (also called the Eldoret Conference). January 2004 witnessed the signing of another accord, in Nairobi, Kenya, by Somali leaders in order to chart a political future for their country. All major warlords were party to this deal. In February 2004, an agreement on a new parliament was signed, then rejected by a number of parties. In May 2004, vicious fighting erupted again in Mogadishu, leaving scores of people dead, hundreds wounded and thousands displaced.

In November 2004, at yet another conference in Kenya, delegates agreed to set up a range of “Transitional Federal Institutions”, including a Transitional Federal Government (TFG) and a Transitional Federal Parliament (TFP). The TFG is currently recognised by most of the international community as the legitimate government of Somalia. The TFG established its base in Baidoa (and was referred to as “the Baidoa government) while Mogadishu warlords – some of whom, ironically, held ministerial position in the TFG – were supported by the CIA to set up a new structure called the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT), consisting of a number of warlords and businesspeople. The ARPCT started targeting prominent religious leaders and schools, and their attacks prompted the emergence of new actor on the Somali scene called the Islamic Courts Union (ICU).

The ICU had its genesis soon after the collapse of the Siad Barre government in 1991, when a system of local Islamic courts became the main form of judicial mediation. It was funded through fees paid by litigants. As the political process sunk into deeper chaos, these courts began to provide other services, including education and health care, to compensate for the lack of government. Paid by local businesses to reduce crime, the courts also acted as local police forces, and helped reduce theft and drug-dealing. With Somalia being an almost entirely Muslim country, and with the destruction of political and judicial authority, these courts received wide public support.

The Islamic courts, initially local phenomena, banded together across the country into the Islamic Courts Union (ICU) after the attacks of the warlords (in the form of the ARPCT) on the courts. The courts movement swept across southern Somalia and eventually

defeated the warlords who had been holding the country to ransom with their weapons and militias for almost 15 years. By 2006, it was the ICU, headed by Shaikh Sharif Shaikh Ahmed, which held sway over the whole of Somalia – excluding Somaliland and Puntland. This followed the bloody Second Battle of Mogadishu, pitting the ICU against the ARPCT. The ARPCT, according to the International Crisis Group (which had good contact with many warlords) was receiving between \$100,000 and \$150,000 per month from the CIA. By most accounts, the period of the reign of the ICU was the most stable period in Somalia since 1991. This won the ICU much support among Somalis in the country and the diaspora. That support was strengthened by the fact that the ICU was pan-Somali, rather being aligned to any particular clan/s.

By August 2006, a number of TFG ministers had resigned, and the government operated in a state of chaos. The second half of 2006 saw fierce battles between TFG forces and the ICU. Furthermore, the Ethiopian army – backed by the US – invaded Somalia, pushed back the ICU and virtually destroyed the movement. The TFG, which had been on the wane since its creation in 2004, suddenly obtained a new lease of life as the Ethiopian invasion crushed the ICU, created another political vacuum, and helped solidify the TFG. After a few decisive battles between Ethiopian forces and the ICU, the TFG took control of Mogadishu at the end of December 2006, and the ICU soon lost all the territory it had controlled. This resulted in two groups splitting away from the ICU – Al-Shabab and Hizb al-Islam – with the objective of pursuing a guerilla war against the Ethiopian army and the TFG. The less militant members of the ICU went into exile in Eritrea and Djibouti, where they formed the Alliance for the Re-liberation of Somalia. With these victories behind the TFG, its prime minister, Ali Muhammad Gedi, announced in January 2007 that “the warlord era in Somalia” was over. What he did not say was that the end of this era was due, in large part, to the ICU.

Through 2007 and 2008, Al-Shabab scored significant victories and captured a number of towns in central and southern Somalia. By January 2009, Al-Shabab and other militias had succeeded in driving the Ethiopian army out of Somalia, leaving behind a weak African Union peacekeeping force. (Al-Shabab had been designated a terrorist organisation by the US government in March 2008. A similar designation was soon applied by the Australian, British and Canadian governments, the Norwegian Police Security Service and the Swedish Security Service. A number of observers believe that these decisions ruled out any meaningful attempt at genuine reconciliation.) Soon, Mogadishu too would fall into the hands of Al-Shabab, while the TFG would continue to meet in Baidoa and many of its members would maintain bases outside Somalia. In a new turn in the history of the TFG, a conference in January 2009 saw an alliance between the TFG and the Djibouti section of the former ICU. In February 2009, former head of the ICU, Shaikh Sharif Shaikh Ahmed, was elected president of the TFG.

Al-Shabab declared war on its former leader and his supporters, and pledged to continue its fight against the TFG. Al-Shabab and Hizb al-Islam have maintained their armed opposition to the TFG, with Al-Shabab emerging as the most dominant of all groups in Somalia. In January 2010, the organisation signed a formal agreement with the leadership of Al-Qaeda, agreeing that the Somali group would be an affiliate of Al-Qaeda. Many people feared that this would mean that its agenda – which had previously been restricted to a Somali national agenda – would be transformed into a regional or even global one. The bombings in Uganda in July 2010 were an indication that this fear was justified. Al-Shabab claims, however, that the Uganda attacks (and threats against Burundi) were related to their national agenda. Both these countries are targets, Al-Shabab says, because they maintain troops in Somalia as part of AMISOM.

## Role of the AU and AMISOM

AMISOM was created by the AU's Peace and Security Council in January 2007, with a six-month mandate. A month later, the UN Security Council approved AMISOM's mandate. Subsequently, the mandate has been renewed every six months by the AU's Peace and Security Council and approved by the UNSC. AMISOM replaced IGASOM, the IGAD Peace Support Mission in Somalia, after IGASOM lost legitimacy as a result of the ICU's suspicion of the force as a US-backed attempt to halt the activities of the ICU. The ICU's hostility towards IGASOM increased after the former captured the Somali capital during the Second Battle for Mogadishu. AMISOM was set up as a peacekeeping force to bring stability to Somalia, and to protect the TFG and facilitate its capacity to operate effectively.

(Even though African leaders had pledged to deploy troops to Somalia as early as 2004 when the newly formed TFG in Nairobi needed support, the AU only sent troops six months after the Ethiopian invasion. Somalis saw the Ethiopians as occupiers – partly as a result of long-standing historical enmity between the two – and blame them for the displacement of almost half of Mogadishu residents because of the fighting between their troops and ICU fighters.)

The AU, US and the European Union pledged funds for AMISOM, while Malawi, Uganda, Burundi and Nigeria pledged to contribute troops. It was expected that the force would comprise 8,000 troops. The final deployment, however, was about half of that number, with Uganda contributing 1,500 troops in February 2007, and Burundi sending 200 soldiers in December 2007, and increasing that to 1,700 by late 2008. Somali opposition to AMISOM was launched in February 2007, with a demonstration in north Mogadishu. American, Ethiopian and Ugandan flags were burnt, and threats were made against Ethiopian troops and any other troops that would make up the peacekeeping mission. By July 2010, the force consisted of about 6,000 troops, roughly half of them being Burundian and the other half Ugandan.

Al-Shabab and other militant groups used the deployment of AMISOM troops as a recruiting point, accusing the AMISOM troops of legitimising the Ethiopian occupation. But it is not only these groups who oppose the presence of AMISOM troops in Somalia. Many ordinary Somalis have dubbed AMISOM the “American Mercenaries in Somalia”.

After the twin bombings in Kampala, Uganda, the July 2010 AU Summit which took place in Kampala focussed most of its attention on Somalia. Uganda was, understandably, extremely gung-ho and wanted – together with certain other members of the AU – the size and scope of AMISOM to be expanded. AU ministers agreed at the Summit that the size of the force would be expanded, but the proposal to expand the mandate from a peacekeeping one to a peace-enforcement one was not adopted after pressure from the UN. However, pre-emptive strikes against Al-Shabab were allowed under new rules of engagement. Guinea and Djibouti subsequently pledged to also contribute troops to the mission.

The AU Summit – and especially Uganda – was keen that sufficient troops, fire-power and an extended mandate be available so that Al-Shabab might be crushed. However, even if the AU force reaches the 10,000 soldier mark, such attempts will be futile. It is unlikely that such a force will be able to suppress Al-Shabab, Hizb al-Islam and other groups that are opposed to the TFG. One needs only consider the much larger troop sizes of UNOSOM and UNITAF in the early 1990s, and the inability of those forces to bring stability to Somalia. And, in the unlikely event that Al-Shabab is crushed, the history of

Somalia over the past two decades has shown that new militia simply take the place of defeated ones.

The African Union does, however, have an important role to play in attempting to resolve the Somali crisis. It is clear that the military option has not worked and will not work, and that what is required is a new way in which the issue can be approached. By its nature, the military option will be only short-term, and the security of what many Somalis regard as an imposed government will not be guaranteed beyond the period of military intervention (if it is even guaranteed during that intervention). Too many examples can be cited as evidence for this, the most recent being the US military failure in Iraq and Afghanistan.

## Thinking differently

Among the characteristics of the Somali crisis have been conferences and military intervention – neither of which has succeeded in restoring stability and peace to the Somali people. While the Transitional Federal Government (TFG) is the structure recognised by the international community, it clearly lacks substantial support within the Somali population. Neither more conferences among elite Somali groups, nor foreign military intervention (or the escalation of AMISOM), nor stubborn support for the TFG will spell the end of the Somali crisis and provide a way in which all stakeholders can buy into a solution. The alternative to selling a political solution to all parties is to militarily defeat all opposition to the TFG. This has been tried, has not succeeded in the past, and is nowhere near succeeding in the future. Even 10,000 AMISOM troops will not be able to do what 37,000 UNITAF troops had failed to do. If the current stalemate is not broken with novel approaches, Somalia will be doomed to live in perpetual civil war, stumbling from one battle to another, and witnessing one strong opposition group after another – each being more militant than the previous. The need, clearly, is to think differently. This paper proposes a new way in which the Somali crisis can be approached.

The long-term aim of this approach is the same as all others: to build democracy and democratic institutions in Somalia, and to build a new Somali state. Its immediate objectives are as follows:

1. Decisively to starve and destroy the last remnants of warlordism;
2. To impress on Al-Shabab the need to adhere to its nationalist objectives, thereby weakening and cutting its allegiance to Al-Qaeda;
3. To establish a process which will enrol the support of all role-players – including Al-Shabab and Hizb al-Islam; and
4. To facilitate a new way in which democracy can begin seizing hold of the Somali population, and a new state-building project can begin.

Conferences among the Somali elite – even if they include newly-recruited personalities from grassroots organisations – have failed and are doomed to fail. The need is for a bottom-up process that will draw in the largest number of people at the grassroots – both within Somalia and in the diaspora. Such a process will draw on the traditional Somali mechanism called Xeer – a Somali traditional legal and social methodology which draws on grassroots' involvement in problem-solving and decision-making. Xeer has been used quite effectively in Somaliland and Puntland to build stable and peaceful societies. This process will require AU support and involvement if it is to work. However, the AU will have radically to alter its role.

**We envisage this process being divided into four phases.**

### **Phase One**

1. Widespread dissemination of this plan. This must happen at two levels: at the public level with a great deal of publicity, and at a quieter level involving direct contact with each of the major role-players.
2. All AMISOM troops must be pulled out of Somalia – without the force necessarily being completely disbanded. Such a pull-out will have the following consequences:
  - There will be an immediate escalation in violence;
  - The TFG and its armed forces will no longer be protected by external forces, and the TFG will likely temporarily have to move the base of its operations from Baidoa to a location outside Somalia;
  - Al-Shabab will renounce its previously-stated objective of launching attacks against Uganda, Burundi and whichever other states contribute troops to AMISOM; and
  - Al-Shabab will immediately claim a victory and will attempt to use this to rally support within the Somali population.

While these consequences will not all be productive in the immediate term, they are the unfortunate but necessary consequences for the process to be able to proceed to the next phase.

### **Phase Two**

The AU sets up a new (civilian) Task Team to address the Somali crisis. This Task Team will have a limited mandate to play a facilitative and mediating role only. The Task Team's main function will be to obtain the necessary buy-in from all parties in the Somali conflict for this new plan. The work of the Task Team will follow the more covert work that was already being done in Phase One. The Team will be required to treat all parties equally, and to treat the TFG as any other party in the conflict. This does not necessarily have to interfere with the recognition already granted to the TFG by the AU. A priority will be to draw Al-Shabab and Hizb al-Islam into the process.

### **Phase Three**

Once approval – even if initially reluctant – is obtained from the various role-players, the next phase will begin.

In this phase, the Task Team will set up a Facilitation Committee. The composition of this committee will be critical, as it will be the structure that will ensure that progress is made on this plan. The Facilitation Committee will be set up by the AU Task Team, but with input from and after consultation with the different role-players regarding the identities of the specific members of the Facilitation Committee. The Committee will be composed of people from the following sectors:

- Renowned ‘ulama (Islamic religious scholars) from across the world representing different schools of thought that are relevant to the various Somali role-players;
- A carefully-selected group of Somalis from the diaspora. This sector is important for two reasons: 1) one-third of the Somali population lives in the diaspora; and 2) the separation from the immediate conflict in Somalia will give them the belonging of insiders, as well as the credibility of distance. Diaspora Somalis in the Committee will include academics, writers, ‘ulama, and community leaders. Due consideration must be given to clan representation.
- A carefully-selected group of other respected African leadership figures who already command the respect of different sections of Somali society.

The Facilitation Committee will be given a three-year mandate to conduct its work. Its tasks will be as follows:

- set up staff in Somalia, preferably in Mogadishu;
- begin the process of building democracy from the bottom-up through widespread consultations at the grassroots level and with various groups, using the Xeer methodology;
- one important focus of the Facilitation Committee will be working at the local level with ordinary people, in order to rebuild confidence in a new political process;
- another major focus will be the various political role-players with whom the Committee will consult, and who it will attempt to keep in the process while building a consensus around possible futures for Somalia; and
- together with the national and local actors, as well as groups in the diaspora, the Committee will help set up new institutions that will be able to keep all role-players involved and will form the building blocks for a new democracy and a new state.

#### Phase Four

This phase will begin with the setting up – by the Facilitation Committee – of independent organs for a new democracy on the basis of the extensive consultations conducted in Phase Three. This phase will also include a new constitution-making process, elections, and the setting up of a new Somali state. In this phase, consideration will also be given to reintegrating Puntland and Somaliland into Somalia. The former will be easier because Puntland’s position is that it wants to be a state / province within a united Somalia. The latter will be more difficult, but the establishment of a stable Somalia will serve as an incentive for Somaliland to consider reintegration.

Phase Four will, of course, not be the end of AU involvement in the resolution of the Somali crisis. The AU will make itself available for further assistance, especially in terms of attracting aid for the rebuilding of Somali society.

## Conclusion

The current approach to resolving the conflict and crisis in Somalia has failed dismally. Various forms of foreign intervention have left Somalis with the feeling that they are constantly under attack by foreign invaders, and that their country has been a playground for foreigners over the past two decades. One needs only consider the morass created by the role of the Ethiopian army, and, before them, the American army, as well as the substantial support provided to Somali warlords by the CIA to realise that this Somali impression is not without justification. What is required is a completely new approach which will lay the foundations for stability and reconstruction, a plan which will be based on the mechanisms and approaches used by Somali people themselves, and not by foreigners who think they know better.

This paper has argued that a military option will not help resolve the conflict. Instead, it has proposed a plan which uses the local mechanisms which have been employed by Somalis for centuries, in order to move towards reconciliation, and to build a stable, peaceful and united Somalia. It is only such stability and peace – which obtains the buy-in of all the major role-players in Somalia – which will prevent the constant recurrence of violence, and which will encourage Somalis in the diaspora to return to their homeland and work to rebuild their country.

For such a plan to work, strong will is required by the African Union in particular, and there needs to be an acknowledgement that knee-jerk military responses have not and will not work. Indeed, a withdrawal of all foreign troops must be the first step towards peace and reconstruction in Somalia.

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